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, April 5, 2016 | **5:45 P.M.** | **Municipal Building – 4000 Main Street**

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

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

1. CALL TO ORDER

2. EXECUTIVE SESSION

2A. The City Council shall convene into executive session pursuant to the Texas Government Code, §551.074 (Personnel) to deliberate on the evaluation and duties of the City Manager. (30 minutes) (THIS ITEM WILL BE DISCUSSED FOLLOWING THE REGULAR PORTION OF THE MEETING)

3. WORK SESSION (5:45 P.M.) * Times listed are approximate.

3A. Joint Work Session of Library Advisory Board and Council. (45 minutes)

3B. Discuss results of comparative water rate analysis and water meter audit. (45 minutes)

3C. Discuss and consider conference registration, lodging, and mileage reimbursement for Councilmember Sheffield in an amount exceeding $1,000.00. (10 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 with a special presentation from the Friends of the Rowlett Public Library to long-term Rowlett residents Mike and Nancy Lancaster upon the occasion of their move out of state.

5B. Presentation of donation from Rebuild Rowlett 5K.

5C. Presentation of $1,767 donation to Rebuild Rowlett Foundation from Insight Employees.

5D. Presentation of $1,000 donation to Rebuild Rowlett Foundation from Rowlett High School Booster organization and Debbi Romeyn Photography from the proceeds of their Jazz Concert.

5E. Presentation of 2015 Achievement of Library Excellence Award from the Texas Municipal Library Directors Association.

5F. Proclamation recognizing National Library Week, April 10 – 16, 2016.

5G. Proclamation recognizing National Public Safety Telecommunicators Week as April 10-16, 2016.

5H. Hear a presentation on Rowlett Fire Rescue achieving Texas Fire Chief's Best Practices Recognition.

5I. 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 March 15, 2016 City Council Regular Meeting and the March 22, 2016 City Council Special Meeting.

7B. Consider action to approve a resolution accepting the bid of and awarding a construction contract to Estrada Concrete Company in the amount of $1,002,772.50 plus a ten percent contingency in the amount of $100,277.25 for a total project budget of $1,103,049.75 for the Alley Reconstruction and Improvement Project consisting of approximately 6,390 linear feet of alley paving replacement for three (3) alleys and authorizing the Mayor to execute the necessary documents for said services.

7C. Consider action to approve a resolution adopting the City's Investment Policy

7D. Consider action to approve a resolution exercising the first of four one-year renewal options for Section III mowing services with Carruthers Landscape Management, Incorporated in the unit amounts bid in an estimated annual amount of $122,336.25 for the Parks and Recreation Department.

7E. Consider action to approve a resolution exercising the fourth and final one-year renewal option for Section II mowing services to Carruthers Landscape Management, Incorporated in the unit amounts bid with an estimated annual amount of $113,993.65 for the Parks and Recreation Department.

7F. Consider action to approve a resolution awarding the bid option Section IV mowing services to Carruthers Landscape Management, Incorporated in the unit amounts bid with an estimated annual amount of $130,575 for the Parks and Recreation Department. This is a one-year contact with four optional one-year renewals.

7G. Consider a resolution approving and authorizing the Mayor to sign a dedication deed on behalf of the City of Rowlett and approving the final acceptance of an offsite utility easement associated with the Evergreen at Rowlett Addition. The subject easement is on a .403 + acre portion of land located within R. Arnolds Edwards Park, further described as Lot 1, Block 1 of the Rowlett City Park Addition. .

7H. Consider a resolution approving a Facilities Agreement between the City of Rowlett, Texas and Evergreen Rowlett Senior Community, L.P., for the construction of offsite waterline improvements.

7I. Consider action to approve a resolution awarding the annual contract for screening wall repair and maintenance to Waterton Construction Group in the unit amounts bid and with a total annual amount of $50,000 and authorizing the Mayor to execute the Standard Public Works Construction Contract for said service.

8. ITEMS FOR INDIVIDUAL CONSIDERATION

8A. Conduct a public hearing and consider an ordinance approving a request for a rezoning from Single Family-40 Zoning District to a Planned Development District with an underlying zoning of Single Family 5 (SF-5) for the purpose of constructing a single family neighborhood. The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road, further described as being Lots 1 – 9, Block A of the Dexham Creek Ranch Estates.

8B. Conduct a public hearing and take appropriate action on a request for a rezoning from a Form-Based New Neighborhood Zoning District to a Planned Development (PD) with underlying Single Family-5 (SF-5) and Single Family-7 (SF-7) base zoning districts. The subject properties are located at 3621, 3713, 3717, and 3937 Hickox Road, further described as 34.15 +/- acres of land situated in the Reason Crist Survey, Abstract No. 225, City of Rowlett, Dallas County, Texas.

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 1st day of April 2016, 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: 04/05/16 **AGENDA ITEM**: 2A

TITLE

The City Council shall convene into executive session pursuant to theTexas Government Code, §551.074 (Personnel) to deliberate on the evaluation and duties of the City Manager. (30 minutes) (THIS ITEM WILL BE DISCUSSED FOLLOWING THE REGULAR PORTION OF THE MEETING)

City of Rowlett

Staff Report

4000 Main Street
P.O. Box 99
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AGENDA DATE: 04/05/16 **AGENDA ITEM**: 3A

TITLE

Joint Work Session of Library Advisory Board and Council. (45 minutes)

STAFF REPRESENTATIVE

Kathy Freiheit, Director of Library Services

SUMMARY

Council has set the expectation of meeting one-on-one each year with City Boards and Commissions to discuss their respective roles and future direction. Pat Harris, Chair, and members of the Library Advisory Board will share the Board's perspective on their service in this capacity, reporting last year's accomplishments and this year's plans and goals. Members will also engage in conversation about how the Board provides advisory services to Council for the citizens of Rowlett.

BACKGROUND INFORMATION

On December 1, 2015, Chairpersons and Staff Liaisons for the City's Boards and Commissions met with Council to discuss Council's request for a review of the boards' roles and purpose as outlined in the *Boards and Commissions Handbook.* Council also asked for reports on the boards' FY15 accomplishments and FY16 plans and goals. This information, as well as discussion over how the boards interact with Council on behalf of the citizens of Rowlett would be included in a joint work session held between Council and each of the boards on an annual basis. Future budgetary needs might also be discussed at that time.

DISCUSSION

The Library Advisory Board brings proposed new verbiage which describes the Board's role in greater detail. Not surprisingly, FY2015 accomplishments centered on relocation of the former Library facility from 3900 Main Street to new quarters at 5702 Rowlett Road. A "Happy Trails" celebration showcased the remarkable partnership between the Board and Friends of the Rowlett Public Library, and allowed citizens to say farewell to a much-loved community resource. Several Library Advisory Board members were appointed to the Library Visioning Task Force; their work on design and space allocation within the Village of Rowlett leased facility continues so that recommendations can be brought to Council in the weeks ahead. Other work plan items include RFID security system considerations, renewal of the Library's five-year strategic plan, and a comprehensive policy review. Finally, over many years, the Library Advisory Board has shown their support and appreciation for the efforts of Library staff, which is much appreciated.

FINANCIAL/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

No action required. Information only.

City of Rowlett

Staff Report

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AGENDA DATE: 04/05/16 **AGENDA ITEM**: 3B

TITLE
Discuss results of comparative water rate analysis and water meter audit. (45 minutes)

STAFF REPRESENTATIVE
Brian Funderburk, City Manager

SUMMARY
Customers all across North Texas had a bit of sticker shock last summer when they began seeing the impact of outside irrigation after four years of drought and three years of water restrictions. Like many cities in North Texas, Rowlett used multiple media tools to help customers understand their water bill, read their water meter, and use good irrigation practices. The purpose of this item is to continue the dialogue about the water system focusing on additional rate structure options, the results of the water meter audit, and a survey of penalty and special fee practices.

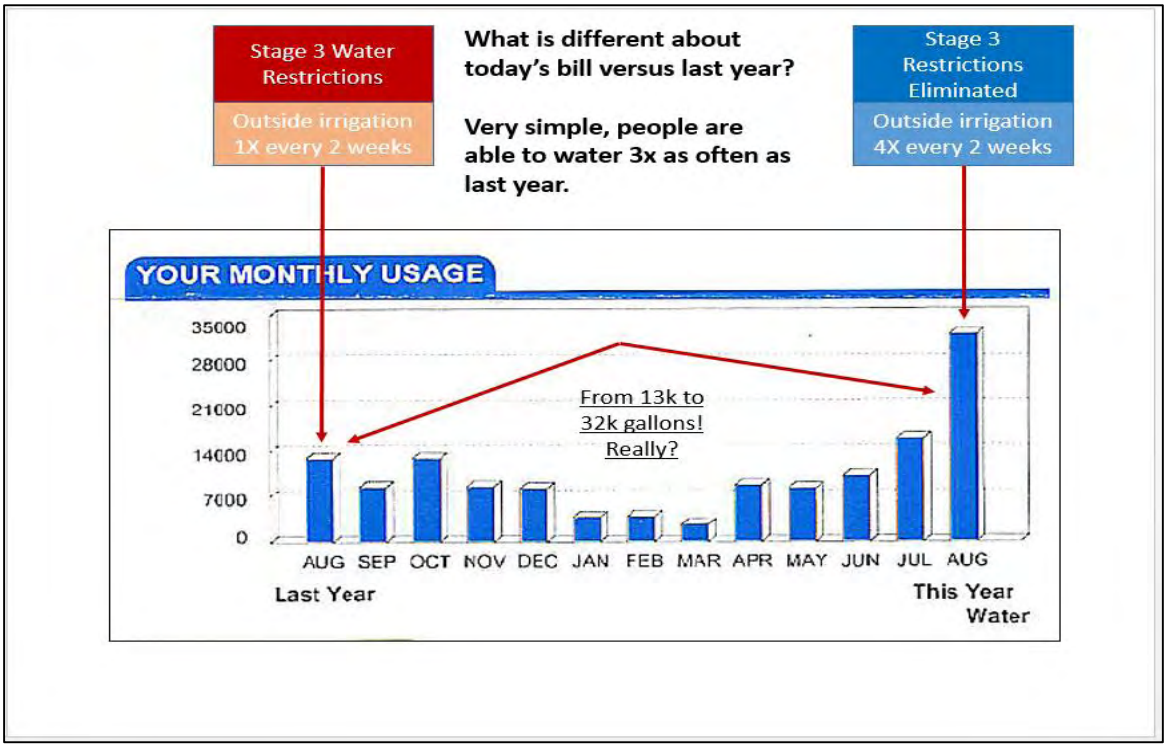
BACKGROUND INFORMATION
The City Council met on October 13, 2015, to discuss customers' concerns regarding water usage and billing practices. At that meeting, Council expressed interest in analyzing Rowlett's water rate structure compared to other NTMWD cities and to have an audit conducted on City water meters and billing processes.

On December 8, 2015, the City Council met to continue the dialogue started on October 13, 2015. Specific items discussed included the results from the survey of other NTMWD cities and how the "tiered" water rate structures compare to Rowlett's rate strategy. The water meter audit was not completed by December 8, 2015, and was not discussed at that meeting. At that time, Council expressed interest in analyzing how Rowlett's water rate structure would look if more similar to Plano's. In addition, Council asked for other fee related information such as the City of Rowlett's penalty practices compared to the other NTMWD cities.

DISCUSSION
As indicated previously, customers all across North Texas had a bit of sticker shock last summer when they began seeing the impact of outside irrigation after four years of drought and three years of water restrictions. Member and customer cities of the NTMWD met on September 17, 2015, and spent a significant amount of time addressing the problem of how to explain to people that they are using the same amount of water that they did before the drought when the cost of that water is much higher. Further complicating this issue is that customers receive a bill that has a thirteen month graph clearly showing they didn't use that much water last year (see Chart One below). The truth is that it is not an apples-to-apples comparison because customers were only allowed to water once every two weeks under Stage 3 Water Restrictions whereas now they can

water twice per week. That's three times (**3X**) more often than last year. The reaction to a higher bill with a notably higher amount of usage is the single biggest factor why this conversation is being had with our customers. Ultimately, it is about education, and truthfully, cities in North Texas were not prepared to explain the conflux of annual rate increases with the elimination of drought related water restrictions. With rare exceptions, people really are using the water; however, they are paying much more for the same usage five years later.

Chart One



On October 13, and December 8, 2015, the City Council met to discuss customers' concerns regarding water usage and billing practices. In the staff report outlining the factors impacting this issue, City staff included news coverage and social media, rate changes since FY2009, articles about bad meters in other communities, impact of leaks, irrigation systems and swimming pools, and an analysis of the amount of water delivered by NTMWD and billed by the City of Rowlett. At that meeting, Council expressed interest in analyzing Rowlett's water rate structure compared to other North Texas Municipal Water District cities and to have an audit conducted on City water meters and billing processes. As a result, those staff reports will not be repeated here but are available online. This discussion will then focus on follow-up questions regarding the comparative rate analysis, the audit, and a survey of NTMWD member city penalty and special fee practices.

Audit Results

As indicated above, the City Council expressed interest in having an audit conducted on City water meters and the billing processes. At the December 8, 2015, meeting, staff informed Council that a statistically valid sample would require 68 water meters to be tested. Staff engaged the City's independent auditor, Weaver & Tidwell, to audit the meter reading and billing system for

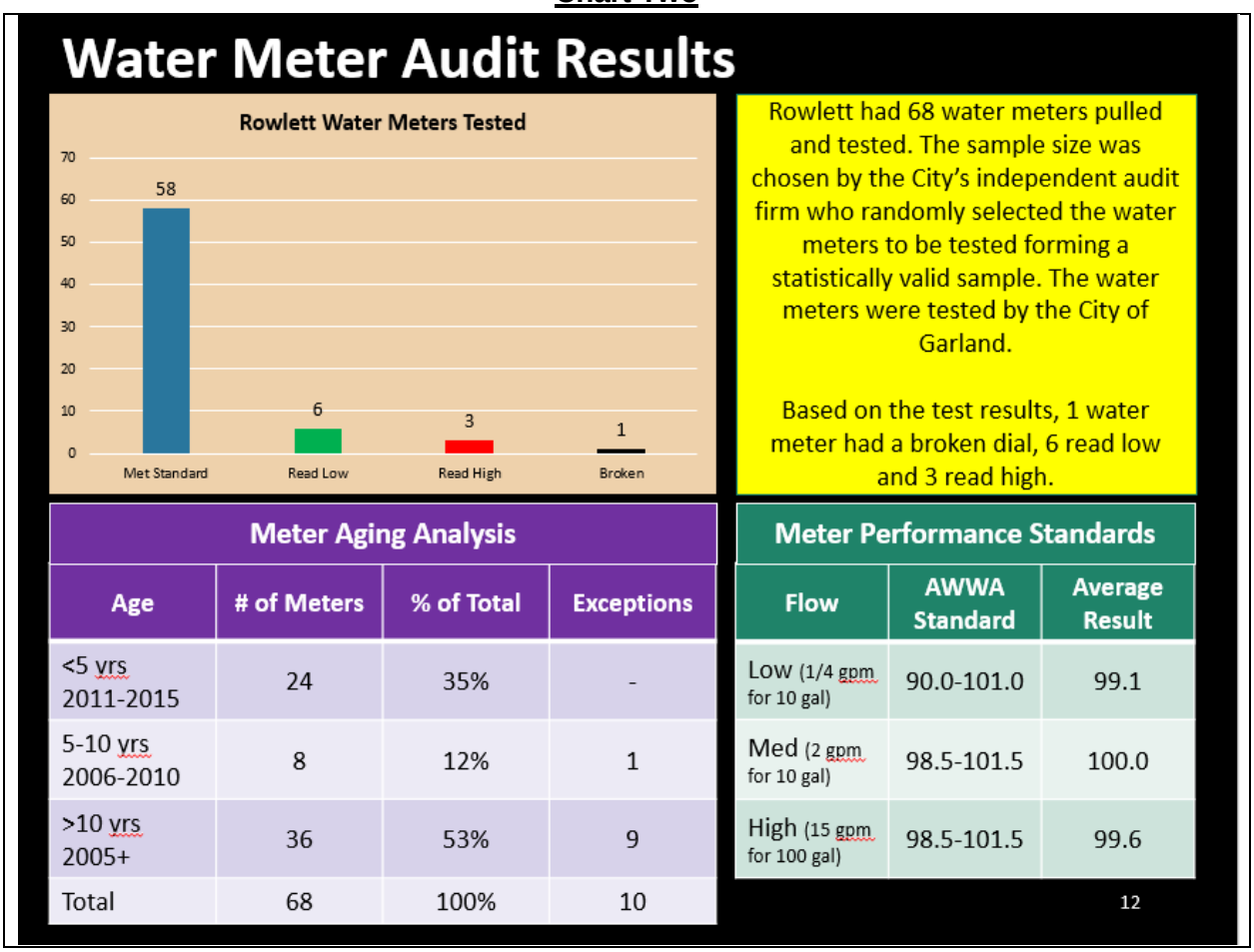
the 68 selected accounts. In addition, staff developed an agreement with the City of Garland to perform the testing. As part of the agreement, Rowlett tested 68 of Garland's water meters.

Meter Test Results

Of the 68 water meters tested (Chart Two below), 1 water meter had a broken dial, 6 read low and 3 read high. Average results ranged from 99.1 to 100.0. The lowest reading was 80.0 and the highest reading was 104.0 (see Attachment One). Water meters exceeding American Water Works Association (AWWA) performance standards will be replaced.

The water meters are tested at three different flow levels. The Low flow runs ¼ gallons per minute for 10 gallons, the Medium flow runs 2 gallons per minute for 10 gallons, and the High flow runs 15 gallons per minute for 100 gallons. These flow levels are recommended by the AWWA to test residential water meters. Typically, the Medium Flow represents normal household usage (i.e. toilet flushing, showering, etc.). Most usage happens around this level. The High flow is typical when running sprinklers or using multiple devices at the same time. The Low flow would represent very little usage or a small leak. Larger commercial water meters are tested at different flow rates.

Chart Two



Meter Aging Analysis

Age	# of Meters	% of Total	Exceptions
<5 yrs 2011-2015	24	35%	-
5-10 yrs 2006-2010	8	12%	1
>10 yrs 2005+	36	53%	9
Total	68	100%	10

Meter Performance Standards

Flow	AWWA Standard	Average Result
Low (1/4 gpm for 10 gal)	90.0-101.0	99.1
Med (2 gpm for 10 gal)	98.5-101.5	100.0
High (15 gpm for 100 gal)	98.5-101.5	99.6

As expected, exceptions that reported outside acceptable tolerances were older meters. For example, all three meters that read high were older than 10 years. All but one of the six meters that read low were older than 10 years. The broken meter was 12 years old. Water meters that read low result in lower system revenues over time which is why it is important to replace older water meters every year.

Auditor Report

As indicated, Weaver determined the sample of the 68 water meters to be tested. While the City of Garland tested the water meters, Weaver was requested to audit customer water bills from the original water meter reading to the final bill. As a result, Weaver obtained the Auto Read reports from the meter file, reviewed the file sent to the City's printing company, DataProse, and compared the meter readings in the Auto Read file to the meter readings in the final DataProse bills. No exceptions were noted by Weaver in their testing (Attachment Two). Two selections had no activity and, therefore, no bill was mailed. Five of the meters selected were unable to be read by the radio-read software and were obtained manually. Again, no exceptions were noted.

Penalty and Special Fee Practices

At the December 8, 2015, Council meeting, Council expressed a desire to survey other NTMWD cities to evaluate penalty and other special fee practices. Specifically, the goal was to evaluate the amount of late fee penalties, when the fee is applied, reconnect fees and to determine if adjustments are made if a charity pays the bill. In addition, staff surveyed other cities to determine if they had any policies related to water leaks. A summary of those results is included in Chart Three below.

Ultimately, Rowlett is consistent with NTMWD member cities in assessing a 10% penalty. Also, Rowlett does not assess the penalty until the second day after the due date which is one extra day than other NTMWD cities. With regard to reconnect fees, Rowlett charges somewhat below the other communities. Twelve of the 13 NTMWD cities charge more for after hour reconnect fees as does Rowlett. Only one city waives penalties if the bill is paid by a charity.

The survey also determined that eight of the 13 NTMWD member cities allow for some level of adjustment due to water leaks. How much, how often, and how it is figured varies greatly. In most cases, usage is adjusted to some previous level based on historical usage; however, in other cities, the usage is not adjusted but the rate is reduced. Some cities also limit the amount of times consideration is given from once every 12 months to once every 24 months. In Rowlett, water usage is not adjusted; however, if it can be determined that the leak was external to the sanitary sewer system (i.e. not treated by the Garland Treatment Plant), the City has adjusted the sewer charges. It should be noted that since the maximum residential sewer cap is 10,000 gallons, this assistance is limited.

Based on this survey, staff would recommend Council consider adopting a formal water leak policy with the following elements:

- Time limitation – not more often than 1-2 years.
- Cycle – The objective should be to discourage water wasting; therefore, the City should not adjust more than 1-2 months at a time. Adjustments for leaks continuing longer than 2 months should be capped at 1-2 months.
- Proof of a leak – could be satisfied by a plumber's repair invoice or proof.
- Adjustment – Water accounts meeting the above criteria would have usage adjusted to an average based on the previous year's actual usage or average customer usage if a customer has had the account less than twelve months.

Chart Three

Penalty and Special Fee Practices

Policy	Rowlett	NTMWD Average	Notes
Amount of penalty	10%	10%	8 of the 13 cities charge 10% of the bill. Two cities charge 5% and three others charge a fixed $10 rate.
When is penalty applied?	2 days after due date	1 day after due date	7 of the 13 cities apply the penalty 1 day after the due date. 2 = same date after 5pm, 1 = 2 days, 2 = 4 days and 1 is next business day.
Reconnect fee – during business hours	$27.50	$35.00	13 of 13 cities charge a reconnect fee. Lowest is $20.00 and the highest is $50.00.
Reconnect fee – after hours	$50.00	$54.00	13 of 13 cities charge a reconnect fee. Lowest is $25.00 and the highest is $80.00.
Waive fees if charity pays bill?	No	No	10 of the 13 cities do not waive penalties if the bill is paid by a charity. Only one city allows it.
Adjustments due to water leaks?	No*	Yes	8 of the 13 cities do allow some adjustment due to water leaks, varying from once every 12 months to 24 months. In some cases the usage is not adjusted but the rate is reduced. *In Rowlett, if the leak can be determined that it was not treated by the Garland Treatment Plant (i.e. external leak), staff has provided a sewer credit.

Comparative Rate Analysis

On December 8, 2015, staff provided Council with how Rowlett's rates compare to other NTMWD member cities. In that previoius analysis, City staff was able to isolate several factors impacting the water and sewer portion of the bill. It was surprising how little consistency there is among cities; however, that being said, there were several common themes as follows:

Water-

1. 75% or 9 of the 13 NTMWD Member Cities include 1,000-3,000 gallons in the base water rate.

2. 100% or 13 of the 13 NTMWD Cities now have “tiered” water rate structures to encourage water conservation. While this lowers the base rate, it shifts the burden of rate paying to those who use more but adds substantial risk for revenue purposes on elements out of local control (i.e. weather and/or NTMWD mandated water restrictions).
3. Other than point one and two, city rates and practices vary significantly.

Sewer-

1. Roughly half of the NTMWD Member Cities use winter averaging, which sets individual “caps” on sewer usage to represent the amount of water used when there is no outside irrigation, typically December-March although practices between NTMWD Member Cities vary.
2. Of the remaining Cities, most have caps at or around 8,000-12,000 gallons per month (Rowlett is 10,000 gallons).

Rowlett has had a two-tier water rate structure for many years. Under its current policy, Rowlett charges $4.07 for the first 25,000 gallons and $4.57 for each 1,000 gallons above that. While TCEQ does not mandate what the water rate structure must be, most NTMWD Member Cities and some Customer Cities have taken NTMWD’s lead in adopting multiple tiers with an inclining scale. Chart Four below shows how the cities of Plano, Garland, NTMWD Member Cities Average, Sachse and Rowlett have chosen to address TCEQ’s non “promotional” water rate structure in the NTMWD water conservation plan.

Chart Four

Comparative Monthly Water Only Rates for Selected Cities

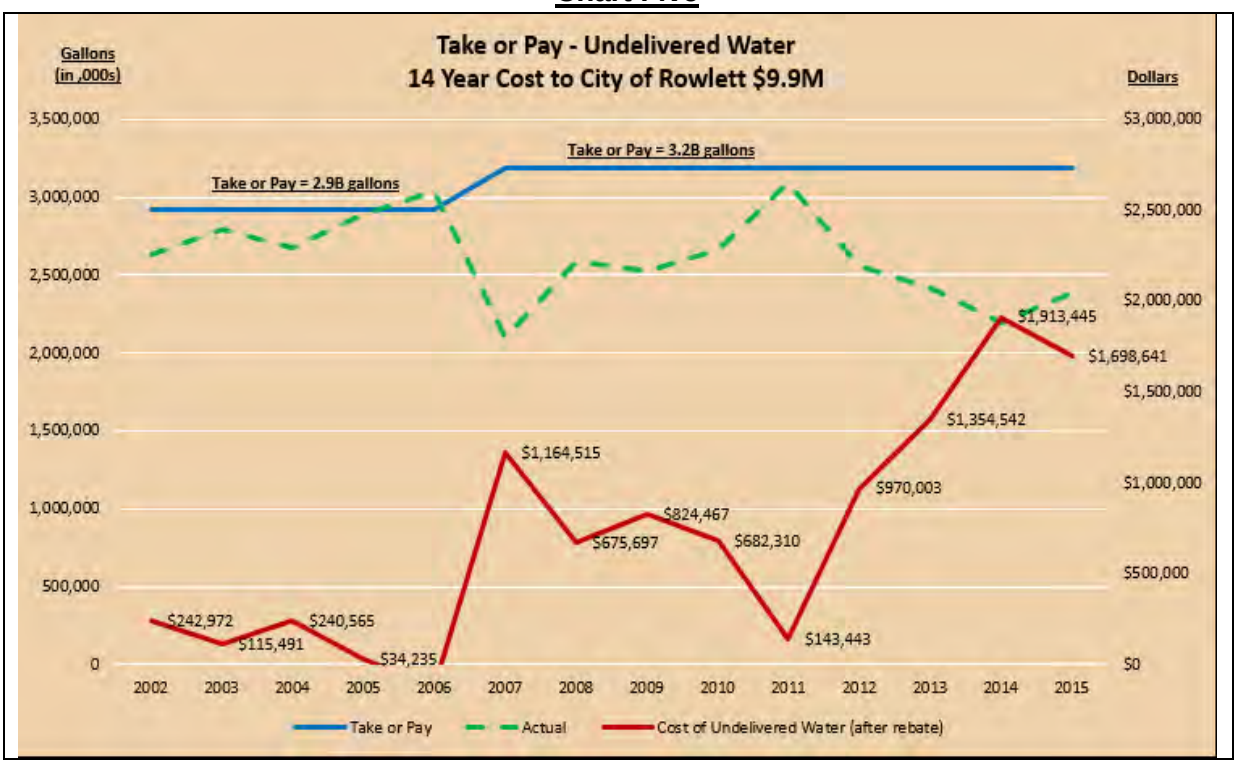
Rate Component (gallons)	Plano (Member City)	Garland (Member City)	NTMWD (Member Avg)	Sachse (Customer City)	Rowlett (Customer City)
Base Rate	1,000	0	1,000	0	0
Tier 1	1,001-5,000	0-3,000	1,001-10,000	0-10,000	0-25,000
Tier 2	5,001-20,000	3,001-15,000	10,001-18,000	10,001-15,000	25,001+
Tier 3	20,001-30,000	15,001+	18,001-27,000	15,001-20,000	
Tier 4	30,001+		27,001-35,000	20,001-30,000	
Tier 5			35,001-68,000	30,001+	
Cost @ 0k	**$20.48**	**$21.20**	**$15.87**	**$12.31**	**$31.26**
Cost @ 5k	**$22.88**	**$44.03**	**$31.79**	**$33.61**	**$51.61**
Cost @ 10k	**$38.38**	**$70.28**	**$54.01**	**$54.91**	**$71.96**
Cost @ 25k	**$100.33**	**$180.73**	**$136.09**	**$150.56**	**$133.01**
Cost @ 50k	**$281.28**	**$391.23**	**$294.20**	**$358.01**	**$247.26**

As previously indicated, Rowlett has a higher base rate when compared against the 13 NTMWD Member Cities; however, because of the "tiered" rate structure implemented by these cities, Rowlett's rate meets the NTMWD Member Cities average at 25,000 gallons and continues to move below the average as the volume continues to increase. While there are many factors that drive decisions about rates, City staff wants to address two specific issues that have contributed to the reason that Rowlett's base rate is higher.

First, and most relevant, is that Rowlett opted to pass along annual rate increases from NTMWD (water) and Garland (sewer) over the past few years in the base rate. The main reason Rowlett opted to pass along the increases in the base rate rather than the volume rate is simply due to uncertainty regarding the Stage 3 Water Restrictions. As it is, Rowlett lost money every year during the drought; however, if the City had passed on cost increases through the volume rate, the losses may have been more severe because usage was below historical levels. The bottom line is that the City no longer has adequate reserves to sustain the revenue loss from lower sales. The combination of the length of the drought, severity of the water restrictions, and above normal precipitation last year led to financial losses in the utility system for three straight years. This has also led to a reduction in the bond rating on the City's water & sewer utility bonds by S&P from AA- to A+. Moody's Investing Services did not downgrade the bond rating but opted to add a "negative outlook" to its current rating of Aa3. Rowlett needs to improve its financial position over the next two years to strengthen the system.

Second, as indicated above, there are multiple factors that influence water ratemaking. As indicated earlier in this report, with few exceptions, it is surprising how little consistency there is between NTMWD Member Cities. However, one item that influences all cities is the "take-or-pay" provision in the water contract with NTMWD. Under the contract, which includes both "member" and "customer" cities and smaller districts, retail water suppliers must pay for the highest amount of water used in a given year. For Rowlett, the drought in 2006 caused its "minimum" to increase from 2.9 billion gallons to 3.2 billion gallons. Over the past 14 years, the amount of water paid for versus actually used (i.e. undelivered water) cost Rowlett ratepayers $9.9 million (see Chart Five below).

Chart Five



As requested, staff has analyzed the rate structure adding additional tiers like Plano. Those results will be presented at this Work Session.

FINANCIAL/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

If Council is interested in re-evaluating the water rate structure, City staff will bring back several options to consider.

ATTACHMENTS

Attachment 1 – Results of Water Meter Tests
Attachment 2 – Audit Report from Weaver

Attachment One

CITY OF ROWLETT
2015/2016 WATER METER TEST RESULTS

Less than 5 yrs old
5-10 yrs old
Older than 10 yrs
Did not meet standard

MeterSerial	InstallDate	Street	High	Med	Low
74742115	11/01/2012	Grantham Dr.	100.9	99.0	100.0
74741002	06/27/2013	Woodlake Dr	100.0	100.0	100.0
75503252	03/28/2013	Westway Dr	100.7	101.0	100.0
29632552	07/13/2005	Armstrong Ln	99.2	103.0	80.0
65226421	09/29/2005	Straits DR	99.2	100.0	100.0
64134239	10/25/2005	Carson Ct	99.3	102.0	90.0
76452241	11/20/2013	Brentwood St	100.3	100.0	90.0
32737477	08/12/2005	Woodside Rd	99.0	100.0	100.0
38560743	10/17/2005	Briarwood Dr	100.0	104.0	103.0
45654968	10/15/2003	Deerwood Dr	99.3	100.0	99.2
36113541	08/17/2005	Tulane Dr	99.8	99.8	99.9
47702465	09/08/2005	Cornell Dr	99.2	99.9	99.9
72320093	12/21/2011	Tangleridge Ln	100.0	100.0	100.0
65406915	08/18/2005	Westhaven Dr	100.0	100.0	100.0
75503471	03/28/2013	Shipp Rd	100.3	99.9	99.6
75503299	04/30/2013	Pebble Beach Dr	99.9	99.8	99.9
65407114	08/25/2005	Park Ln	99.9	99.9	99.7
74742249	07/19/2012	Spinnaker Cove	99.8	99.9	99.9
74705033	07/03/2012	Jessica Way	99.5	99.9	99.9
34894296	06/14/2005	Lakeshore Dr	99.5	99.9	100.0
65627211	11/09/2005	Lily Ln	99.0	100.0	100.0
65226459	10/25/2005	Azalea Dr	100.0	100.0	99.0
65132334	08/01/2005	Palomino Dr	99.5	99.9	99.9
65132298	08/04/2005	Palomino Dr	98.8	99.9	99.9
47702461	09/26/2005	Bond St	98.0	99.9	99.9
65226043	10/25/2005	Lofland Ln	99.7	99.9	100.0
77956802	12/12/2014	Dennis St	100.0	100.0	100.0
77957393	10/02/2014	Christine St	100.0	100.0	100.0
33419557	07/19/2005	Colonial Dr	99.9	99.2	99.9
77956200	01/02/2015	Karen Cir	100.0	100.0	100.0
34028452	07/26/2005	Oxford Dr	99.9	100.0	99.9
55300476	02/03/2005	Kirby Rd	99.3	99.9	100.0
37364097	08/05/2005	Skyline Dr	99.0	100.0	100.0
72301595	12/30/2010	Skyline Dr	100.0	100.0	100.0
45654980	07/19/2005	Cedar Ln	99.0	99.1	99.3
68462969	8/11/2009	Magnolia Ln	99.9	99.9	99.9
72320612	6/19/2012	Ahnee Dr	99.7	100.0	100.0
44171948	7/29/2005	Live Oak Dr	100.0	99.1	99.9
32346337	7/29/2005	Live Oak Dr	99.4	100.0	100.0
65132393	7/27/2005	Wellesly Rd	98.3	99.1	99.9
49740101	7/27/2005	Wellesly Rd	99.3	99.9	99.1
29259870	7/18/2005	Conestoga Dr	100.0	100.0	100.0
55324693	2/12/2004	Chatsworth Ln	98.5	100.0	100.0
65132435	6/27/2005	Stamps St	98.2	99.9	99.9
72319768	2/2/2012	Indian Tr	100.0	100.0	100.0
74741255	2/7/2013	Westshore Dr	100.0	100.0	100.0
72319723	2/1/2012	Danridge Rd	101.0	100.0	100.0
72319126	2/28/2012	Hewitts Cove	99.7	100.0	100.0
46939092	3/13/2008	Handen Dr	99.3	100.0	99.9
72319658	7/17/2012	Salzburg Dr	101.0	100.0	100.0
34982828	5/11/2004	Amesbury Ln	98.0	98.0	95.0
74741617	1/28/2013	Gleneagles Ln	99.9	99.1	99.1
75502271	3/28/2013	Stonehaven Dr	98.8	100.0	100.0
74704897	1/3/2013	Waterview Pkwy	99.6	99.9	99.9
53695194	3/31/2003	Valencia Dr	98.0	100.0	99.4
77955816	4/17/2015	North Point Dr	100.0	100.0	100.0
60353053	5/6/2004	Fairway Vista Dr	Busted Dial		
47067684	3/20/2006	Huffines Dr	99.6	99.2	99.9
66868450	5/8/2008	Knight Dr	100.0	99.1	100.0
68463082	9/11/2008	Glenside Dr	99.4	99.9	99.9
48267884	4/20/2006	Glenside Dr	98.1	100.0	99.2
72319170	6/25/2012	Fairmont Ct	100.0	99.0	93.0
68462894	10/1/2009	Auburn Dr	99.0	100.0	100.0
35366473	3/15/2005	Colfax Dr	99.7	99.9	99.8
75503862	07/30/2013	Blackfin Dr	100.0	100.1	100.0
44205867	10/18/2005	Calypso Dr	99.6	99.9	99.9
47251702	7/20/2005	White Oak Dr	100.0	100.1	99.9
44205800	08/02/2005	Shelley Ln	99.7	99.9	99.8
AVERAGE RESULT			99.6	100.0	99.1
LOWEST			98.0	98.0	80.0
HIGHEST			101.0	104.0	103.0

CITY OF ROWLETT

AGREED UPON PROCEDURES

SEPTEMBER 30, 2015

INDEPENDENT ACCOUNTANT'S REPORT

To the City Council and City Manager
of the City of Rowlett, Texas

We have performed the procedures enumerated below, which were agreed to by the City Manager of the City of Rowlett, Texas (the City), solely to assist you in evaluating the utility billing cycle and the accuracy of the utility bills received by the residents of the City in the months of January and February 2016. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of the parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and findings are enumerated below:

1. We obtained a detail listing of all meters that were active in December of 2015 and randomly selected a sample of 68 residential meters. The procedures outlined below were performed to determine that the meter readings and usage being billed to residents agreed to the meter readings and usage determined at the time the meters were read.

    a. The meter reading software, Auto Vu, is used to read the meters and create a file which is imported into Auto Read. The Auto Read file is the beginning of the billing process and is imported into the Munis Billing Software. We obtained the Auto Read reports for the December 2015 and January 2016 Cycle 1 meter readings and the January 2016 and February 2016 Cycle 2 meter readings.

    b. The Munis Billing Software creates a file which is sent to DataProse, the vendor that prints the bills that are sent to residents. We obtained the DataProse January 15, 2016 bills for our sample of Cycle 1 meters and the February 15, 2016 bills for our sample of Cycle 2 meters.

    c. To determine the accuracy of the bills received by the sampled residents, we compared the meter readings in the Auto Read file to the meter readings in the DataProse bills. The Auto Read files agreed to the "previous meter reading" and "current meter reading" noted within the DataProse bills. We also recalculated the "usage" as shown on the utility bills.

2. No exceptions were noted in our testing. Two of our selections had no activity and therefore no bill was mailed. Five of the meters selected could not be read and were obtained manually through truck readings. The truck reading agreed to the DataProse bill.

We were not engaged to and did not conduct an examination, the objective of which would be the expression of an opinion on the accuracy of the utility bills. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the City Council and City Manager of the City, and is not intended to be and should not be used by anyone other than these specified parties.

Weaver and Tidwell LLP

WEAVER AND TIDWELL, L.L.P.
Dallas, Texas
March 30, 2016

City of Rowlett

Staff Report

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

AGENDA DATE: 04/05/16 **AGENDA ITEM**: 3C

TITLE

Discuss and consider conference registration, lodging, and mileage reimbursement for Councilmember Sheffield in an amount exceeding $1,000.00. (10 minutes)

STAFF REPRESENTATIVE

Councilmember Rick Sheffield
Laura Hallmark, City Secretary

SUMMARY

Councilmembers are allotted budgeted dollars for travel and training expenses. Per the City Council's Rules of Procedures, occurrences are allowed up to $1,000.00 each. Anything over $1,000.00 or involving out-of-state travel requires City Council approval.

BACKGROUND INFORMATION

Councilmember Rick Sheffield has expressed an interest in participating in the Texas Municipal League (TML) Leadership Academy. Registration is $745.00 and is limited to the first 75 participants. TML has secured a room rate.

DISCUSSION

According to the TML website, the Academy is described as follows: *The two-course, six-day Leadership Academy engages candidates in a self-examination of leadership, what that means, and how it impacts their careers. The interactive dialogue with thought leaders and peers focuses on the leadership issues currently facing Texas cities. The academy is designed for up-and-coming city staff and officials who are committed to developing a strong ethic of leadership and service.*

FINANCIAL/BUDGET IMPLICATIONS

Funds for travel and registration have been budgeted in accounts 101-0501-6540 and 101-0501-6541. TML has secured a rate of $109.95 per night at the Austin Marriott North Hotel. Registration is in the amount of $745.00 and round-trip mileage reimbursement is estimated at $213.95.

RECOMMENDED ACTION

Staff is seeking direction from Council prior to any registration or reservations being made.

ATTACHMENTS

Attachment 1 – TML Leadership Academy Information

Attachment 1

Navigation

TML Leadership Academy

Embrace the Challenges of Leadership and Change

May 18-20 • June 15-17

Welcome

The Texas Municipal League announces its third annual TML Leadership Academy – a two-course, six-day program, designed to enhance the leadership skills of officials who serve our Texas cities. The Leadership Academy features an impressive faculty of university professors, thought leaders, and governing officials who will teach you to critique your own decisions and actions, and develop the competencies needed to excel in your leadership role.

May 18-20 – Course One: Personal Leadership Effectiveness
June 15-17 – Course Two: Ethical and Influential Leadership

At the TML Leadership Academy, you will:

- Measure your leadership competencies, and identify actions to improve your effectiveness
- Examine who you are, and why you are leading
- Explore the principles and characteristics of ethical leadership
- Learn to build trust and community
- Improve team-building and communication skills
- Practice negotiation and conflict resolution for strategic influence

As a Leadership Academy participant, you will assess your personal leadership style and approach in a comfortable setting. You will meet and work with your counterparts from other Texas cities, discussing local issues in the broader leadership context. And you will discover how to apply what you learn in your public service role.

Most importantly, your city and citizens will benefit from the education and experience that you will gain.

Attachment 1

TML Leadership Fellow

Make the commitment and attend both courses (more than 30 hours of training) to be awarded the prestigious title of “TML Leadership Fellow.” All TML Leadership Fellows will be honored at the closing session on June 17.

Texas Municipal League

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Attachment 1

TML Leadership Academy

Embrace the Challenges of Leadership and Change

May 18-20 • June 15-17

Course One: Personal Leadership Effectiveness

Both courses will take place at the Austin Marriott North Hotel in Round Rock.

Click on session title for speaker biography and session description.

Wednesday, May 18, 2016	
Noon–4:30 p.m.	**Registration and Information**
1:00–2:00 p.m.	**Opening Session** **Improv for Life, Work and Play** **Andy Crouch**, Education Director, Hideout Theatre
2:00–2:15 p.m.	**Refreshment Break**
2:15–4:30 p.m.	**Leadership Challenge** **David Spivey**, Ph.D., Senior Partner, Leadership Associates Consulting Group
Thursday, May 19, 2016	
8:00–8:30 a.m.	**Continental Breakfast**

Attachment 1

8:30–11:45 a.m.	**Leadership Challenge** (continued) **David Spivey**, Ph.D.**,** Senior Partner, Leadership Associates Consulting Group
11:45 a.m.–1:00 p.m.	**Networking Lunch**
1:00–4:30 p.m.	**Leadership Challenge** (continued) **David Spivey,** Ph.D., Senior Partner, Leadership Associates Consulting Group
Friday, May 20, 2016	
7:30–8:00 a.m.	**Continental Breakfast**
8:00–11:00 a.m.	**Communicating for a Change** **Melanie Bolke**, Principal, STL Communication and Consulting

Texas Municipal League

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Attachment 1

TML Leadership Academy
Embrace the Challenges of Leadership and Change

May 18-20 • June 15-17

Course Two: Ethical and Influential Leadership

Both courses will take place at the Austin Marriott North Hotel in Round Rock.
Click on session title for speaker biography and session description.

Wednesday, June 15, 2016	
Noon–1:00 p.m.	**Registration/Check In**
1:00–4:30 p.m.	**Ethical Leadership: Helping Good People Do Good Things** **Geoffrey Tumlin**, Ph.D., President of On-Demand Leadership
Thursday, June 16, 2016	
8:00–8:30 a.m.	**Continental Breakfast**
8:30–9:45 a.m.	**Leading Your Team to Maximum Performance** **Mary Kelly**, Ph.D., CEO, Productive Leaders, Commander, U.S. Navy (Retired)
9:45–10:00 a.m.	**Refreshment Break**
10:00–11:45 a.m.	

Attachment 1

	Language Frames and Political Games: Creating a Friendly Message Environment for Your Ideas **Sharon E. Jarvis**, Ph.D., University Distinguished Teaching Professor, University of Texas at Austin
11:45–1:00 p.m.	**Networking Lunch**
1:00–4:30 p.m.	**Enhancing Your Negotiation Skills** **Gaylen Paulson**, Associate Dean and Director, Texas Executive Education at McCombs School of Business, University of Texas, Austin
Friday, June 17, 2016	
8:00–8:30 a.m.	**Continental Breakfast**
8:30–11:00 a.m.	**Your Leadership Action Plan** **David Spivey**, Ph.D., Senior Partner, Leadership Associates Consulting Group
11:00 a.m.–Noon	**Recognition of Leadership Fellows and Awards**

Texas Municipal League

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City of Rowlett

Staff Report

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

AGENDA DATE: 04/05/16 **AGENDA ITEM**: 5A

TITLE

Presentation of Proclamation with a special presentation from the Friends of the Rowlett Public Library to long-term Rowlett residents Mike and Nancy Lancaster upon the occasion of their move out of state.

STAFF REPRESENTATIVE

Laura Hallmark, City Secretary

SUMMARY

Mike and Nancy Lancaster have been residents of Rowlett for 40 years and have been longstanding engaged citizens in their community. They were both 30 year members of the Rowlett Chamber of Commerce, have both been members and officers in Keep Rowlett Beautiful, have both served on the Library Advisory Board and Friends of the Rowlett Library Board. Mike has served on the Parks Advisory Board and both were instrumental during the Kids Kingdom rebuild project.

The City of Rowlett has been truly blessed to have such involved citizens who have made such an indelible mark on our community. We will miss them, but wish them all the best as they are *On the Move*.

Mike Lancaster

WHEREAS, Mike Lancaster has been a resident of the City of Rowlett for 40 years, and is a compassionate citizen to all; and

WHEREAS, Mike has volunteered thousands of hours to make Rowlett a better place to live and work;

WHEREAS he has served on the Keep Rowlett Beautiful (KRB) Board of Directors since 2008, serving as Director, President, Web and Kid's Kingdom Committee Chairs;

WHEREAS, Mike Lancaster served on the City of Rowlett, Parks Advisory Board's Kid's Kingdom Finance Committee,

WHEREAS, Mike was instrumental in Keep Rowlett Beautiful gifting the gazebo located at Veteran's Park to the citizens of Rowlett, and in naming the ELC in honor of founder, Dan Roberts,

WHEREAS, Mike was a member of the Rowlett Chamber of Commerce for 30 years from 1982-2012, and was also instrumental in KRB gifting the memorial bench located at the Rowlett Chamber of Commerce to the business community in honor of former KRB Board member and Chamber President, Mary Alice Ethridge,

WHEREAS, Mike was instrumental in building the garden and acquiring the "Bookworm" statues and Mark Twain bench for the Library, where he served on the Rowlett Library Advisory Board, and as President of the Friends of the Rowlett Library Board,,

WHEREAS, Mike has shown his support as a patron and served on the Garland Symphony Orchestra Board of Directors,

WHEREAS he has shaped and touched many lives of all ages and his impact on the Rowlett community is still enjoyed today.

NOW, THEREFORE, I, Todd W. Gottel, Mayor of the City of Rowlett, Texas, and on behalf of the City Council, do hereby extend our thanks, gratitude and appreciation to Mike Lancaster for his dedicated and faithful service to the Rowlett community.

Nancy Lancaster

WHEREAS, Nancy Lancaster has been a resident of the City of Rowlett for 40 years, and is a compassionate citizen to all; and

WHEREAS, Nancy has volunteered thousands of hours to make Rowlett a better place to live and work;

WHEREAS she has served on the Keep Rowlett Beautiful (KRB) Board of Directors since 2008, serving as Director, Treasurer, web and graphics designer;

WHEREAS, Nancy was instrumental in Keep Rowlett Beautiful gifting the gazebo located at Veteran's Park to the citizens of Rowlett, and in naming the ELC in honor of founder, Dan Roberts,

WHEREAS, Nancy was a member of the Rowlett Chamber of Commerce for 30 years from 1982-2012, and was also instrumental in KRB gifting the memorial bench located at the Rowlett Chamber of Commerce to the business community in honor of former KRB Board member and Chamber President, Mary Alice Ethridge,

WHEREAS, Nancy has volunteered at the First Christian Church Food Pantry, giving of her time and experience to serve those in need,

WHEREAS, was instrumental in building the garden and acquiring the "Bookworm" statues and Mark Twain bench for the Library, where she served on the Rowlett Library Advisory Board and has been a member of the Friends of the Rowlett Library since 1998,

WHEREAS, Nancy has shown her support as a patron and served on the Garland Symphony Orchestra Board of Directors,

WHEREAS she has shaped and touched many lives of all ages and her impact on the Rowlett community is still enjoyed today.

NOW, THEREFORE, I, Todd W. Gottel, Mayor of the City of Rowlett, Texas, and on behalf of the City Council, do hereby extend our thanks, gratitude and appreciation to Nancy Lancaster for her dedicated and faithful service to the Rowlett community.

City of Rowlett

Staff Report

4000 Main Street
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www.rowlett.com

AGENDA DATE: 04/05/16 **AGENDA ITEM**: 5B

TITLE

Presentation of donation from Rebuild Rowlett 5K.

STAFF REPRESENTATIVE

Laura Hallmark, City Secretary

SUMMARY

On December 26, 2015, the City of Rowlett was hit by an E4 tornado. The path of destruction was three and half miles long and one half mile wide. The tornado totally destroyed hundreds of homes and damaged hundreds more homes leaving many Rowlett Citizens homeless.

One of our citizens, Alayna Clark, posted on Facebook after the tornado, “can’t we do a 5K or something to raise money?”…and with that one post the Rebuild Rowlett 5K was born. Another citizen, Steve Walker, took the question literally and “ran” with the idea, asking Chamber President Diane Lemmons how to organize a 5K and then enlisting the help of the Rockwall Running Center to help bring it to fruition. This event was truly a grass roots fundraising effort and we want to thank all of the people that had a part in bringing this event to our great City, it was a huge success!

A total of 2,228 participants signed up online with entrants from 11 states, Canada and Spain! To date, this has been the largest event of this type to happen in the City of Rowlett! There were also 150 virtual participants with approximately 1,700 runners and walkers reaching the finish line on Saturday. The event had almost 50 sponsorships that ranged from $50 to $4,000 along with others donating $3,600 above registration fees. All proceeds above costs for putting on the race will be donated to the Rebuild Rowlett Foundation administered by the Rowlett Chamber of Commerce.

The 2017 Rebuild Rowlett 5K, scheduled to be held on April 15, 2017, is already taking registrations for next year! Go to http://rebuildrowlett5k.itsyourrace.com to register for this great cause. We hope to see you next year and expect it to be even a larger event!

City of Rowlett

Staff Report

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

AGENDA DATE: 04/05/16 **AGENDA ITEM**: 5C

TITLE

Presentation of $1,767 donation to Rebuild Rowlett Foundation from Insight Employees.

STAFF REPRESENTATIVE

Laura Hallmark, City Secretary

SUMMARY

On December 26, 2015, the City of Rowlett was hit by an EF4 tornado. The path of destruction was three and half miles long and one half mile wide. The tornado totally destroyed hundreds of homes and damaged hundreds more homes leaving many Rowlett Citizens homeless.

Longtime resident Cindy Duhamel was on I-30 at Bobtown Road with her family when the tornado came across the freeway before heading to Rowlett. Cindy obtained permission from her employer, Insight, Inc., to use company time as she organized employees to volunteer in work crews during the cleanup effort. She also organized a donation drive with the Insight, Inc. employees in their Plano and Tucson offices resulting in $355 in gift cards and $1,767 in cash donations for affected residents. The cash donation is dedicated for long-term relief efforts to the Rebuild Rowlett Foundation Fund.

Cindy was affectionately known as “The Soup Lady” and spent considerable personal time and resources making homemade soups during the weeks following the tornado going door to door delivering it to individuals during the height of the cleanup efforts.

City of Rowlett

Staff Report

4000 Main Street
P.O. Box 99
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AGENDA DATE: 04/05/16 **AGENDA ITEM**: 5D

TITLE

Presentation of $1,000 donation to Rebuild Rowlett Foundation from Rowlett High School Booster organization and Debbi Romeyn Photography from the proceeds of their Jazz Concert.

STAFF REPRESENTATIVE

Laura Hallmark, City Secretary

SUMMARY

On December 26, 2015, the City of Rowlett was hit by an EF4 tornado. The path of destruction was three and half miles long and one half mile wide. The tornado totally destroyed hundreds of homes and damaged hundreds more homes leaving many Rowlett Citizens homeless.

The Rowlett High School (RHS) award winning Jazz Bands held their annual spring concert called "Jazz at the Plaza" on March 17, 2016. The RHS Band Booster Club decided to donate this year's net proceeds to the survivors of the December 2015 tornado, along with Debbi Romeyn, photographer for the RHS Band. The total donation from both is $1,000 and is presented to the Rebuild Rowlett Foundation for long-term relief efforts.

The citizens of Rowlett are extremely fortunate to have the continued support of Rowlett High School and the Rowlett High School Bands.

City of Rowlett

Staff Report

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

AGENDA DATE: 04/05/16 **AGENDA ITEM**: 5E

TITLE

Presentation of 2015 Achievement of Library Excellence Award from the Texas Municipal Library Directors Association.

STAFF REPRESENTATIVE

Kathy Freiheit, Director of Library Services

BACKGROUND INFORMATION

Each year, the Texas Municipal Library Directors Association (TMLDA) confers awards in recognition of the outstanding contributions made by public libraries. The Achievement of Library Excellence award is open to all TMLDA members and the libraries they represent.

Success in receiving the award requires submission of an application and supporting documentation in each of ten criteria that span the library services spectrum. From marketing and collaborative efforts, to demonstrated literacy support and a summer reading program, applicants must meet levels of excellence established by a panel of peer administrations to achieve this recognition.

DISCUSSION

Of the 556 public libraries and library systems in the State of Texas, Rowlett Public Library was among only 41 libraries to receive the 2015 award. This is the 11th consecutive year that Rowlett Public Library has been recognized for the quality programs and services offered, in enriching the lives of community residents.

Receiving this distinction is an honor. The award also speaks to the valuable contributions made each and every day by the entire staff of the Rowlett Public Library. Were it not for their dedication and effort, such a level of service excellence could not be realized.

ATTACHMENTS

Attachment 1 – Award letter from the Texas Municipal Library Directors Association

ATTACHMENT 1

January 20, 2016

Mr. Brian Funderburk
City Manager
City of Rowlett
4000 Main Street
Rowlett, TX 75088

Dear Mr. Funderburk,

Congratulations are in order to the Rowlett Public Library. You have been awarded the 2015 Achievement of Library Excellence Award from the Texas Municipal Library Directors Association.

Of the 556 public library systems in the State of Texas, only 41 received the 2015 award. The Rowlett Public Library has demonstrated excellence in all ten areas required to qualify.

Please accept our sincere congratulations to a library system that provides quality services and programs for the continued education and personal enrichment of its citizens.

Again, congratulations on this achievement.

Sincerely,

Cathy Ziegler

Cathy Ziegler, Plano Public Library System
Achievement of Library Excellence Award Committee
Texas Municipal Library Directors Association
An Affiliate Organization of the Texas Municipal League

City of Rowlett

Staff Report

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

AGENDA DATE: 04/05/16 **AGENDA ITEM**: 5F

TITLE

Proclamation recognizing National Library Week, April 10 – 16, 2016.

STAFF REPRESENTATIVE

Kathy Freiheit, Director of Library Services

BACKGROUND INFORMATION

Since 1958, National Library Week has been sponsored by the American Library Association and observed annually by libraries across the country. Celebrated in April, National Library Week heightens awareness of the vital contributions made by our nation's libraries, librarians, and library workers. Libraries of all types – public, school, academic and special – participate in promoting an awareness of the importance of libraries, and urging their continued use and support.

DISCUSSION

People of all ages, backgrounds, cultures and beliefs come together at the Rowlett Public Library for educational programs, recreational reading and related activities, to study, and to conduct research. On average, 529 visits – physical or virtual – are made to the Library each day! Connecting books with readers, movies with viewers, and facts with information seekers, Rowlett Public Library sparks curiosity and intellect, and brings value to the life of this community.

The Library is also a technology center for people in need of free Internet access. This service "made a difference" in the lives of citizens who lost home computer access and came to the Library as a result of the tornado disaster. In FY2015, whether taking a test, applying for a job, or improving their computer skills, citizens made 61,430 uses of the Library's public computers and free Wi-Fi. Additionally, Library staff:

- provided 60 hours of service weekly, 6 days a week,
- checked out 295,171 items to 12,286 Library cardholders,
- offered answers to 17,879 reference questions,
- introduced 4,275 children to reading, and
- educated and entertained 9,505 citizens at Library programs!

Technology has changed some of the ways people use their libraries, but libraries are not less important, nor are they going away. As centers for opportunity, education, self-help and lifelong learning, libraries are at the heart of their communities. Rowlett Public Library is here to stay! We invite you to join in celebrating National Library Week and visit your library, to see first-hand how "Libraries Transform."

ATTACHMENT

Proclamation

National Library Week Proclamation
April 10 - 16, 2016

WHEREAS, libraries have long served as trusted and treasured institutions, whose library workers and librarians fuel efforts to better their communities, campuses and schools;

WHEREAS, libraries are evolving in order to best serve their communities and to continue to fulfill their role in creating a level playing field for all who seek knowledge and access to technologies;

WHEREAS, libraries and librarians open up a world of possibilities through innovative literacy programs, digital literacy education, STEAM programs, Makerspaces, job-seeking resources, and the power of reading;

WHEREAS, libraries and librarians look beyond traditional roles, providing opportunities for community engagement and delivery of new services that connect with citizens' needs;

WHEREAS, the value of libraries is not only about what we they have for people, but also what they do for and with people; and

WHEREAS, libraries, librarians, library workers and library supporters across America are celebrating National Library Week.

NOW, THEREFORE, be it resolved that I, Todd W. Gottel, Mayor of the City of Rowlett, Texas, proclaim

National Library Week, April 10 – 16, 2016

And encourage all residents to visit the Rowlett Public Library this week, to explore what's new at your library, and to engage with your library staff. Libraries Transform Lives.

City of Rowlett

Staff Report

4000 Main Street
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www.rowlett.com

AGENDA DATE: 04/05/16 **AGENDA ITEM**: 5G

TITLE

Proclamation recognizing National Public Safety Telecommunicators Week as April 10-16, 2016.

STAFF REPRESENTATIVE

W.M. Brodnax, Chief of Police
Beth English, Director of Communications

SUMMARY

The purpose of this item is to proclaim National Public Safety Telecommunicators Week as April 10-16, 2016.

BACKGROUND INFORMATION

For the past several years, Public Safety Agencies nationwide have recognized the pivotal role played by telecommunicators, or dispatchers, who utilize telephones, radios, computers and technical skills to provide support to Law Enforcement, Fire Services, Emergency Medical Services and other governmental field personnel. Each year, the second full week of April is dedicated to the men and women who serve as public safety telecommunicators. In 1991, Congress proclaimed it as a nationally recognized week of recognition.

DISCUSSION

As in most communities across the nation, the Rowlett Police Department's Communication Officers are the voice of 9-1-1. They are the first public safety officials a citizen speaks to in a moment of crisis. Communication Officers are highly trained specialists capable of quickly and efficiently getting a citizen the necessary police, fire, or medical assistance.

Communication Officers work behind the scenes and are a critical part of the Police and Fire team. They are on duty 24-hours a day, seven days a week, 365 days a year, providing rapid access to Police and Fire services, as well as a calm, reassuring voice to citizens in distress. The Police and Fire Departments of the City of Rowlett, as well as its citizens are very fortunate to be served by such professionals. It is an honor to recognize their services to the community by declaring the week of April 10-16, 2016, as National Public Safety Telecommunicators Week.

ATTACHMENT

Proclamation

NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK

WHEREAS, emergencies can occur at anytime that require police, fire or emergency medical services; and

WHEREAS, when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and

WHEREAS, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the City of Rowlett Police and Fire Emergency communications center; and

WHEREAS, Public Safety Communication Officers are the first and most critical contact our citizens have with emergency services; and

WHEREAS, Public Safety Communication Officers are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and insuring the safety; and

WHEREAS, Public Safety Communication Officers of the City of Rowlett Police Department have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and

WHEREAS, each communication officer has exhibited compassion, understanding and professionalism during the performance of their job in the past year.

NOW, THEREFORE, I, Todd W. Gottel, Mayor of the City of Rowlett, and on behalf of the City Council, do hereby proclaim the week of April 10-16, 2016 as

NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK

in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

City of Rowlett

Staff Report

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

AGENDA DATE: 04/5/16 **AGENDA ITEM**: 5H

TITLE

Hear a presentation on Rowlett Fire Rescue achieving Texas Fire Chief's Best Practices Recognition.

STAFF REPRESENTATIVE

Neil Howard, Fire Chief
Tony Martinez, Battalion Chief

SUMMARY

The Texas Fire Chiefs Association (TFCA) has developed a best practices program to encourage fire departments to seek improvement in their service to their communities. The program allows a way for fire departments to excel in the service they provide. By achieving this designation, the citizens of Rowlett will see that Rowlett Fire Rescue is among the very best in the state.

BACKGROUND INFORMATION

The Texas Fire Chiefs association was founded in 1989. Their mission statement reads:

> "The Texas Fire Chiefs Association believes in serving the leaders of the Texas Fire Service by actively participating in the advancement of the fire service through positive leadership, active legislative involvement, and the sharing of information while maintaining the highest ethical and professional standards."

The Texas Fire Chiefs Association developed a best practices program to encourage fire departments to pursue continual improvement in their services. There are 12 chapters that define best practices in the typical fire service areas. These areas of concentration are:

- Administration and Organization
- Emergency Medical Service
- Training
- Special Operations
- Records and Information Management
- Fire Operations
- Fire Prevention, Risk Reduction, Community Outreach
- Response Analysis
- Communications
- Safety and Health
- Resources Management
- Professional Standards and Conduct

The TFCA represents the voice of Texas Fire Chiefs and works with legislatures in both houses to ensure that state laws and policies meet the needs of the local fire departments. They advocate on behalf of the fire chiefs in Texas.

DISCUSSION

The TFCA encourages fire departments to pursue this designation by completing specific performance requirements. It is a challenging but worthwhile journey for organizations pursuing best practices designation.

STEPS TO DESIGNATION

1. Review the Administrative Guide as well as the Program Manual in order to be fully informed of the responsibilities of both the candidate departments and the TFCA.
2. Officially enroll in the Best Practices Program.
3. Make plans to attend the required training for the program. There are 2 programs that must be completed. The fire department chief MUST attend a "Chiefs Familiarization Training." Additionally, the Program Manager MUST attend the “Chiefs Familiarization Training” as well as the “Program Manager/Facilitator Training.”

After completing the enrollment portion, our Best Practices team began working on compiling all documentation and policies necessary to apply. It took them a year to complete this process. After long hours, diligent work, and lots of attention to detail we finally submitted for our Best Practices designation in October 2015. A review committee came on November 23, 2015, for the final step before recognition. One month later, Chief Howard received word that we will receive a TFCA Best Practices Recognition.

Working through the TFCA Best Practices Recognition Program allowed Rowlett Fire Rescue to take a closer look at our policies, procedures, and operations. This process identified several criteria where we were quite accomplished and others where we were in compliance but had deficient policy or procedures.

Ultimately, we found the TFCA Best Practices Recognition Program is not about earning awards. It’s about emphasizing our strengths and discovering what needs to be improved. It’s the perfect way to find areas that had been overlooked in the past and make our fire department more efficient. It was a 12-month journey that allowed us to look at our past, present, and future. This ensures that the citizens of Rowlett receive the highest quality of service that they deserve.

FINANCIAL/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

No action required. Information only.

City of Rowlett

Staff Report

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

AGENDA DATE: 04/05/16 **AGENDA ITEM**: 5I

TITLE

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

STAFF REPRESENTATIVE

Brian Funderburk, City Manager

City of Rowlett

Staff Report

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

AGENDA DATE: 04/05/16 **AGENDA ITEM**: 7A

TITLE

Consider action to approve minutes from the March 15, 2016 City Council Regular Meeting and the March 22, 2016 City Council Special 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 March 15, 2016 City Council Regular Meeting and the March 22, 2016 City Council Special Meeting.

ATTACHMENTS

03-15-16 City Council Regular Meeting Minutes
03-22-16 City Council Special 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, March 15, 2016 **6:30 P.M.** **Municipal Building – 4000 Main Street**

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

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

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

Absent: Deputy Mayor Pro Tem Dana-Bashian

1. CALL TO ORDER

Mayor Gottel called the meeting to order at 6:30 p.m.

2. EXECUTIVE SESSION

2A. The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.071 (Consultation with Attorney), to receive legal advice from the City Attorney and to discuss and receive updates on pending litigation: Xerox v. City of Rowlett, and City of Rowlett v. KMS Realty. (30 minutes)

In at 6:30 p.m. Out at 7:13 p.m.

3. WORK SESSION (7:00 P.M.) * Times listed are approximate.

3A. Discuss approval of bylaws recommended by the Rowlett Long Term Recovery Committee. (30 minutes)

Brian Funderburk, City Manager, reviewed best practices and reasoning behind a long term recovery committee and then reviewed the proposed bylaws. Council discussion regarding the Executive Committee.

4. DISCUSS CONSENT AGENDA ITEMS

Council took a short break at 7:34 p.m.

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

Council reconvened at 7:42 p.m.

INVOCATION – Ann Dotson, First Christian Church

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

5. PRESENTATIONS AND PROCLAMATIONS

5A. Hear presentation of the Monthly Financial report for the period ending January 31, 2016.

Kim Galvin, Director of Financial Services, presented the report.

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

Mayor Gottel announced the following:

COUNCIL MEETINGS

- SPECIAL COUNCIL MEETING WILL BE HELD ON TUESDAY, MARCH 22ND
- NEXT REGULAR COUNCIL MEETINGS WILL BE HELD ON TUESDAY, APRIL 5TH AND 19TH

P & Z MEETINGS

- NEXT REGULAR MEETING WILL BE HELD TUESDAY, MARCH 22ND
- APRIL MEETINGS WILL BE HELD ON THE 12TH AND 26TH IN THE CITY HALL CONFERENCE ROOM AT 6:30PM

ROWLETT LIBRARY

- DID THE MAFIA KILL JFK? – JIM GATEWOOD, LOCAL AUTHOR, HISTORIAN AND PROFESSOR DELIVERS AN ACCOUNT OF WHAT HAS BEEN REPORTED TO THE REVIEW BOARD
  - SATURDAY, MARCH 19TH AT 2 P.M. AT ROWLETT COMMUNITY CENTRE
- AUTHOR BEVERLY CLEARY'S 100TH BIRTHDAY PARTY
  - SATURDAY, APRIL 9TH AT 2PM AT THE LIBRARY
- LOVE ON A LEASH
  - WEDNESDAY, APRIL 13TH AT 3:30PM AT CITY HALL, 4000 MAIN STREET

PARKS AND RECREATION

- EASTER EGG HUNT
- SATURDAY, MARCH 19TH FROM 10AM TO 12PM @ PECAN GROVE PARK
- FOR SCHEDULE OF AGE GROUPS, LOGON TO ROWLETT.COM
- EASTER PUP-A-PALOOZA
  - SUNDAY, MARCH 20TH FROM 2 – 4PM @ HERFURTH PARK, 4601 CENTENNIAL DR
  - $10 PER DOG; FOR ADDITIONAL INFORMATION AND TO REGISTER YOUR DOG, CALL 972-412-6170

SENIOR EVENTS

- ST. PATRICK'S DAY LUNCH
  - THURSDAY, MARCH 17TH AT 11:30AM @ RCC

- SENIOR TRIP – AUDIE MURPHY COTTON MUSEUM
  - WEDNESDAY, MARCH 30TH FROM 9:30AM – 3PM
- SENIOR HEALTH FAIR
  - TUESDAY, APRIL 12TH FROM 9AM – NOON @ RCC

KEEP ROWLETT BEAUTIFUL

- GREAT AMERICAN CLEANUP WILL BE HELD SATURDAY, APRIL 9TH FROM 9AM TO 1PM!
- MEET AT COMMUNITY PARK PAVILLION TO SIGN IN, LOCATED AT 8700 ST. ANDREWS
- VOLUNTEER CREWS WILL BE PICKING UP TORNADO DEBRIS AND LITTER AROUND THE CITY
- FOOD – MUSIC – PRIZES -- ALL VOLUNTEERS ARE INVITIED BACK TO THE PAVILLION FOR AN APPRECIATION LUNCH

ROWLETT HIGH SCHOOL PRESENTS

- JAZZ AT THE PLAZA – THURSDAY, MARCH 17TH @ 7:30PM
- CONCERT WILL BE AT THE PLAZA THEATER LOCATED AT 521 W. STATE ST. IN DOWNTOWN GARLAND
- THIS IS A BENEFIT CONCERT FOR *REBUILD ROWLETT TORNADO RELIEF FOUNDATION*
- FEATURING THE AWARD WINNING ROWLETT HIGH SCHOOL JAZZ BANDS
- $10 SUGGESTED DONATION AT THE DOOR

REBUILD ROWLETT 5K

- HOSTED BY ROCKWALL RUNNING CENTER TO RAISE FUNDS FOR THE *REBUILD ROWLETT TORNADO RELIEF FOUNDATION*
- SATURDAY, MARCH 26TH, STARTING AT 8AM @ ROWLETT HIGH SCHOOL
- OVER 1600 RUNNERS/WALKERS ARE SIGNED UP AT THIS TIME
- REGISTER AT WWW.ITSYOURRACE.COM/SEARCH.ASPX AND LOOK FOR THE *REBUILD ROWLETT 5K* EVENT
- ALL PROCEEDS ABOVE EXPENDITURES GO TO THE FUND

CROWDER GULF TO BEGIN SECOND AND FINAL PASS TO REMOVE TORNADO DEBRIS

- ON FEBRUARY 15TH, CROWDER GULF – A DISASTER DEBRIS REMOVAL CONTRACTOR – BEGAN THEIR FIRST PASS THROUGH THE TORNADO AREA, WHICH IS NOW COMPLETE
- THE SECOND AND FINAL PASS WILL BEGIN DURING THIS WEEK (WEEK OF MARCH 14TH) AND THE ANTICIPATED ENDING IS MARCH 31ST
- **RESIDENTS WILL BE RESPONSIBLE FOR THEIR OWN DEBRIS DISPOSAL AFTER THIS FINAL PASS IS COMPLETED**
- PLEASE MAKE SURE YOUR VEHICLE IS NOT PARKED IN FRONT OF THE DEBRIS TO KEEP THE REMOVAL PROCESS RUNNING SMOOTHLY AND ON TIME

ANIMAL SHELTER

- LOW COST VACCINE CLINIC AT ANIMAL SHELTER – SATURDAY, MARCH 19TH, 1 – 3PM
- LOCATED AT 4402 INDUSTRIAL ST.
- SHELTER IS OPEN MONDAY – SATURDAY, 10AM – 5PM

Staff members from the Animal Shelter introduced Penny, one of the dogs available for adoption.

6. CITIZENS' INPUT

There were no speakers.

7. CONSENT AGENDA

7A. Consider action to approve minutes from the March 1, 2016 City Council Regular Meeting.

This item was approved on the Consent Agenda.

7B. Consider action to approve an Ordinance amending Chapter 66, Section 53, of the Code of Ordinances to establish speed limits of twenty-five miles per hour for the following streets and portions of streets: Homestead Boulevard, Ophelia Drive, Habershaw Drive, Montgomery Drive, Long Green Street, Trafalgar Drive, Chatham Drive, Kessler Drive, Abercorn Drive, Crockett Drive, and McDonough Drive.

This item was approved as ORD-015-16 on the Consent Agenda.

7C. Consider action to approve a resolution adopting bylaws recommended by the Rowlett Long Term Recovery Committee.

This item was approved as RES-049-16 on the Consent Agenda.

Passed the Consent Agenda

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

8. ITEMS FOR INDIVIDUAL CONSIDERATION

8A. Conduct a public hearing and consider an ordinance approving text amendments to the City of Rowlett Form-Based Code as it pertains to lighting standards, as specified in FBC sections 2.3, 2.4, 2.6, 2.7, and 4: Lighting, Mechanical, and Utilities.

Daniel Acevedo, Urban Designer, presented the information for this item.

The public hearing opened and closed with no 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 approved as ORD-016-16.

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

9. ADJOURNMENT

Mayor Gottel adjourned the meeting at 8:11 p.m.

City of Rowlett

Special Meeting Minutes

City Council

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

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Tuesday, March 22, 2016 | **5:30 P.M.** | **Annex Building – 4004 Main Street**

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

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

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

Absent: Mayor Pro Tem Gallops

1. CALL TO ORDER

Mayor Gottel called the meeting to order at 5:32 p.m.

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

2A. Discuss the costs associated with the December 26, 2015 tornado and funding options. (90 minutes)

Brian Funderburk, City Manager, provided some background for this discussion and introduced Kim Galvin, Director of Financial Services, who reviewed tornado statistics, the process for FEMA reimbursement, including the breakdown of damages, which included: roads, water tower, street lighting, pump station, debris removal, response, parks, buildings and structures. This also included a review of other costs involved that have not been included in the other categories such as permitting and demolition of abandoned properties.

Representatives from CDR Maguire were present to clarify information.

Staff presented two funding options for tornado disaster response. Lengthy discussion regarding funding possibilities, including reserves and reserve requirements. It was the consensus of Council to proceed with option one and to prioritize projects that would retain funding upon reimbursement from FEMA.

3. CONSENT AGENDA

Council asked for clarification of these items and requested an Executive Session as authorized by Section 551.071 of the Texas Government Code, for the purpose of seeking confidential legal advice from the City Attorney.

In at 7:01 p.m. Out at 7:16 p.m. There was no action resulting from the Executive Session.

3A. Consider a resolution authorizing the City Manager to negotiate and execute a contract for annual comprehensive disaster recovery management services with CDR Maguire for an amount not to exceed $200,000 annually.

This item was approved as RES-050-16 on the Consent Agenda.

3B. Consider action to approve a resolution authorizing the City Manager to negotiate and execute a task order for comprehensive disaster recovery management services with CDR Maguire for an amount not to exceed $150,000.

This item was approved as RES-051-16 on the Consent Agenda.

Passed the Consent Agenda

A motion was made by Councilmember Sheffield, seconded by Councilmember Bobbitt, 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.

4. EXECUTIVE SESSION

4A. The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.071 (Consultation with Attorney), to receive legal advice from the City Attorney and to discuss settlement of pending litigation: City of Rowlett v. KMS Retail. (15 minutes)

In at 7:20 p.m. Out at 7:28

5. ADJOURNMENT

Mayor Gottel adjourned the meeting at 7:28 p.m.

City of Rowlett

Staff Report

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

AGENDA DATE: 04/05/16 **AGENDA ITEM**: 7B

TITLE

Consider action to approve a resolution accepting the bid of and awarding a construction contract to Estrada Concrete Company in the amount of $1,002,772.50 plus a ten percent contingency in the amount of $100,277.25 for a total project budget of $1,103,049.75 for the Alley Reconstruction and Improvement Project consisting of approximately 6,390 linear feet of alley paving replacement for three (3) alleys and authorizing the Mayor to execute the necessary documents for said services.

STAFF REPRESENTATIVE

Noel Thompson, Interim Director of Public Works
Walter Allison, City Engineer

SUMMARY

This project consists of reconstruction of approximately 6,390 feet (1.08 lane miles) of alley within the City of Rowlett. The three (3) alleys are identified and shown in Exhibit C – Location Map:

1. Alley 3 between Dalrock and Cornell/Garner and Navigation.
2. Alley 6 between Clay and Sunnybrook/Lake Bend and Trail Lake West.
3. Alley 7 between Sunnybrook and Highgate/Lake Bend and Trail Lake West.

BACKGROUND INFORMATION

On February 10, 2015, the City Council approved a bond referendum that included two million for the reconstruction of alleys. The 2015 bond election was held May 9, 2015, and passed with 87.8% of the vote. On September 15, 2015, City Council adopted the FY2016 budget and committed an additional .01 cent of the tax rate for alley improvements in the amount of $358,749.00.

Alley Improvement & Maintenance Programs	FY2016	FY2017	FY2018	Total Three Year
Alley Improvements (Cash CIP)	$395,000	$395,000	$395,000	$1,185,000
Alleys - $0.01 Tax (2016-2018)	358,746	375,763	390,794	1,125,303
Alleys - $0.005 Tax (2015+)	179,373	187,822	195,397	562,592
Alley Improvements (2015 Bonds)	750,000	500,000	750,000	2,000,000
Total	**$1,683,119**	**$1,458,585**	**$1,731,191**	**$4,872,895**

DISCUSSION

Notice to Bidders was published in the *Rowlett Lakeshore Times* as well as the City website on October 22 & 29, 2015. A non-mandatory Pre-Bid Meeting was held on October 28, 2015, at 2:00 PM, in the Council Chambers, 4000 Main Street, Rowlett, Texas 75088. Sealed bids were received in the Purchasing Office until 2:00 PM, on November 5, 2015, and then publicly opened and read aloud in the City Annex Conference Room, 4004 Main Street, Rowlett, Texas 75088 in accordance with Texas Local Government Code.

Two bids were received and tabulated as shown in Exhibit A – Bid Tabulation. Bids ranged from $1,002,772.50 to $1,034,600.00. The low bid was received from Estrada Concrete Company in the amount of $1,002,772.50 The engineers' construction estimate was $993,885.00.

Financials were reviewed by the Chief Financial Officer Kim Galvin. It was determined that Estrada Concrete Company is financially sound and capable of completing this project without financial difficulty. City Consultant, RJN Group, Incorporated has checked the past performance for this Contractor and recommends awarding the project to Estrada Concrete Company (Exhibit B – Recommendation of Award). Staff has determined that the Estrada Concrete Company bid proposal is in conformance with bidding requirements and specifications and is acceptable. The proposed construction time frame is 150 calendar days.

FINANCIAL/BUDGET IMPLICATIONS

Funding in the amount of $1,103,049.75 is available in the Community Investment Program budget for the Alley Reconstruction Project (ST2102).

Project Code	**Funding Source**	**Funding Allocation**			**Proposed Amount**
		FY2016 Budget	**FY2017 Budget**	**FY2018 Budget**	
ST2102 – Alley Reconstruction Improvements	Cash Capital Maintenance	$395,000.00	$395,000.00	$395,000.00	$353,049.75
ST2102 – Alley Reconstruction Improvements	2015 Bonds	750,000.00	500,000.00	750,000.00	$750,000.00
TOTAL		**$1,145,000.00**	**$895,000.00**	**$895,000.00**	**$1,103,049.75**

RECOMMENDED ACTION

Staff recommends City Council approve a resolution accepting the bid of and awarding contract to Estrada Concrete Company in the amount of $1,002,772.50 plus a contingency of $100,277.25 for a total project budget of $1,103,049.75 for the Alley Reconstruction Improvement Project consisting of approximately 6,390 linear feet of alley paving replacement for three (3) alleys and authorizing the Mayor to execute the necessary documents for said services.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, ACCEPTING THE BID OF AND AWARDING A CONSTRUCTION CONTRACT TO ESTRADA CONCRETE COMPANY IN THE AMOUNT OF $1,002,772.50 PLUS A TEN PERCENT CONTIGENCY OF $100,277.25 FOR A TOTAL PROJECT BUDGET OF $1,103,049.75 FOR THE ALLEY RECONSTRUCTION IMPROVEMENT PROJECT; AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENT FOR SAID SERVICES PURSUANT TO APRROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary to construct the Alley Reconstruction Improvement Project for the Street Department and the City of Rowlett; and

WHEREAS, the Purchasing Division has taken sealed bids as per bid #2016-02 and is recommending award to the lowest qualified bid meeting specifications; and

WHEREAS, City staff and RJN Group, Incorporated representatives recommend that the contract be awarded to Estrada Concrete Company, as the lowest responsible bidder for its total base bid; and

WHEREAS, the City Council of the City of Rowlett, Texas desires to award the contract to Estrada Concrete Company for the alley improvements

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

Section 1: That the City Council of the City of Rowlett does hereby accept the bid of and award a contract to Estrada Concrete Company for the Alley Reconstruction and Improvement Project in the amount of $1,002,772.50 plus a ten percent contingency of $100,277.25 for a total project budget of $1,103,049.75.

Section 2: That the City Council of the City of Rowlett does hereby authorize the Mayor to execute the necessary documents, and further authorizes the 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
Exhibit B – Recommendation of Award
Exhibit C – Location Maps

Bid Tabulation

Exhibit A

Item No.	Quantity	Unit	Item Description	Estrada Concrete Co. Unit Cost (in Figures)	Estrada Concrete Co. Total	Tri-Con Services, Inc. Unit Cost (in Figures)	Tri-Con Services, Inc. Total
MISCELLANEOUS							
1	1	LS	Mobilization	$ 8,000.00	$ 8,000.00	$ 53,400.00	$ 53,400.00
2	1	LS	Contingency	$ 55,000.00	$ 55,000.00	$ 55,000.00	$ 55,000.00
SUBTOTAL FOR MISCELLANEOUS (SUM OF ITEMS 1 THRU					**$63,000.00**		**$108,400.00**
BASE BID							
1	2,175	LF	Full depth saw cut	$ 2.00	$ 4,350.00	$ 3.00	$ 6,525.00
2	8,350	SY	Remove existing alley, street, & driveway pavement, including hauling & disposal	$ 10.00	$ 83,500.00	$ 10.00	$ 83,500.00
3	7,100	SY	6" reinforced concrete alley pavement	$ 72.00	$ 511,200.00	$ 62.00	$ 440,200.00
4	1,650	SY	6" reinforced concrete driveway pavement	$ 70.00	$ 115,500.00	$ 62.00	$ 102,300.00
5	1,475	LF	Monolithic Curb (Varying Height)	$ 9.00	$ 13,275.00	$ 4.50	$ 6,637.50
6	110	SY	4" concrete sidewalk	$ 81.00	$ 8,910.00	$ 70.00	$ 7,700.00
7	12	EA	Barrier Free Ramp (STD SD-7) includes any sidewalk rehab / installation required for construction	$ 1,300.00	$ 15,600.00	$ 450.00	$ 5,400.00
8	2,175	LF	Dowel into existing concrete pavement	$ 8.00	$ 17,400.00	$ 5.00	$ 10,875.00
9	1,900	SY	Bermuda or St. Augustine block sod	$ 8.50	$ 16,150.00	$ 3.00	$ 5,700.00
10	240	LF	Remove & relocate existing fence	$ 80.00	$ 19,200.00	$ 54.00	$ 12,960.00
11	7,400	SY	6" Flex Base For Alleys	$ 8.50	$ 62,900.00	$ 21.00	$ 155,400.00
12	1,575	SY	2" Flex Base For Driveways	$ 8.50	$ 13,387.50	$ 8.00	$ 12,600.00
13	400	SY	Cement treated base for alley approaches from street	$ 45.00	$ 18,000.00	$ 25.00	$ 10,000.00
14	140	LF	4' Wide Concrete Flume (including flex base, concrete reinforcements, metal plate, sidewalk rehab / installation reqired for constrcution)	$ 40.00	$ 5,600.00	$ 70.00	$ 9,800.00
15	155	LF	6' Wide Concrete Flume (including flex base, concrete reinforcements, metal plate, sidewalk rehab / installation reqired for constrcution)	$ 60.00	$ 9,300.00	$ 85.00	$ 13,175.00
16	1	EA	Alley 2 - 10' Combination Curb Grate Inlet (including all bends, tee, wyes, and pipe including existing 27" RCP and proposed 18" RCP to be replaced or	$ 5,000.00	$ 5,000.00	$ 17,000.00	$ 17,000.00
17	1	EA	Alley 3 - 10' Combination Curb Grate Inlet (including all bends, tee, wyes, and pipe including existing 39" RCP and proposed 21" RCP to be replaced or	$ 5,000.00	$ 5,000.00	$ 19,000.00	$ 19,000.00
18	2	EA	Tree Removal	$ 2,500.00	$ 5,000.00	$ 1,800.00	$ 3,600.00
19	5	EA	Sprinkler Head Removal, Replacement and Repair (includes any sprinkler pipe material, backfill, installation work required to construct each item)	$ 500.00	$ 2,500.00	$ 275.00	$ 1,375.00
20	1	LS	Traffic Control Plan & Implementation	$ 8,000.00	$ 8,000.00	$ 1,852.50	$ 1,852.50
SUBTOTAL FOR BASE BID (SUM OF ITEMS 1 THRU 20)					**$939,772.50**		**$925,600.00**
TOTAL BASE BID CONTRACT					**$1,002,772.50**		**$1,034,000.00**

Exhibit B

www.rjn.com

rjngroup

The Choice for Collection System Solutions

Mr. Walter Allison, P.E.
City of Rowlett
4310 Industrial Street
Rowlett, TX 75030

December 3, 2015

Re: **Construction Contract Award Recommendation**
2016 Alley Reconstruction Project
CIP No. 2016-02

Dear Mr. Walter Allison,

RJN Group, Inc. has reviewed the bid tabulation of the above referenced project received April 10, 2014. There were two (2) bids on the project ranging from $1,002,772.50 to $1,034,000.00.

In order to recommend Estrada Concrete Company for construction of this project, the following references were contacted for several jobs they performed in the surrounding area.

- Mr. Tom Grier, (972) 466-4230, City of Carrolton – Estrada Concrete Company has worked in the City of Carrolton on various project for the past 10+ years. The latest project that they work with Mr. Grier was street replacement and reconstruction. Mr. Grier stated that Estrada Concrete performed satisfactorily for the work that was performed and completed the job on-time and under budget. Mr. Grier would not hesitate to use Estrada Concrete in the future.

- Mr. Abel Saldana, (214) 653-6240, Dallas County – Estrada Concrete Company has recently completed various Lancaster Street Improvement projects for Dallas County, the projects were paving rehabilitation jobs that also included the construction of utility and storm sewer lines. Mr. Saldana stated that Estrada completed the work in a timely and satisfactory manner. He stated that there are no issues with Estrada Concrete Company and would not hesitate to hire them again for a project in the Dallas County.

- Mr. Chris Hayes, (214) 532-0367, City of Richardson – Estrada Concrete recently finished the Old Campbell Road project which included the removal and construction of paving, storm drainage lines and drainage inlets. Mr. Hayes stated that Estrada Concrete performed satisfactorily on the work required and would not hesitate to use them again on future projects.

The overall responses given by references were favorable regarding Estrada Concrete Company's past work experience. All the references stated that Estrada Concrete performs good work and would not hesitate to use them in the future.

12160 Abrams Road, Suite 400 • Dallas, TX 75243 • 972.437.4300 • fax 972.437.2707

Exhibit B

rjngroup

The Choice for Collection System Solutions

Based upon this information, we recommend award of the 2016 Alley Reconstruction Project CIP No. 2016-02 to Estrada Concrete Company in the amount of $1,002,722.50.

If additional information is required, please do not hesitate to contact me.

Respectfully Submitted,

Joseph Cotton, P.E.
Project Manager
RJN Group, Inc.

Exhibit C

ALLEY 3 - BETWEEN NAVIGATION AND GARNER

rjngroup
Texas Registered Engineering Firm F-3260

RJN GROUP, INC.
12160 ABRAMS ROAD, SUITE 400
DALLAS TX 75243
972-437-4300

Exhibit C

ALLEY 6 - BETWEEN LAKE BEND AND TRAIL LAKE WEST

rjngroup
Texas Registered Engineering Firm F-3260

RJN GROUP, INC.
12160 ABRAMS ROAD, SUITE 400
DALLAS TX 75243
972-437-4300

Exhibit C

ALLEY 7 - BETWEEN LAKE BEND AND TRAIL LAKE WEST

rjngroup
Texas Registered Engineering Firm F-3260

RJN GROUP, INC.
12160 ABRAMS ROAD, SUITE 400
DALLAS TX 75243
972-437-4300

City of Rowlett

Staff Report

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

AGENDA DATE: 04/05/16 **AGENDA ITEM**: 7C

TITLE

Consider action to approve a resolution amending and adopting the City's Investment Policy.

STAFF REPRESENTATIVE

Kim Galvin, CFO, Director of Financial Services

SUMMARY

The City is required to complete an annual review and adoption of the City's Investment Policy under the Texas Public Funds Investment Act (PFIA). This action keeps us in compliance with those requirements.

BACKGROUND INFORMATION

On December 12, 2013, the City adopted and approved the last revision of the Investment Policy.

DISCUSSION

The following amendments to the policy are being suggested. Cumulatively, the amendments represent updates to best practices, rewording and minor policy changes, and all adhere to the criteria established with the Public Funds Investment Act. Each of the changes is listed below and each is referenced to the Red Line Version PDF page number:

- Page 2: Formatting changes
- Page 2 & Page 36: Deleted Government Code, PFIA. A reference to the live document was included on page three.
- Page 2 & Attachment D: Add an Investment Pool/Fund questionnaire. This is a best practice of the Public Treasurers of the United States and Canada.
- Page 3 & 4: Amended investment objectives to reflect current management of the City's portfolios
- Page 3: Add the website address for the PFIA.
- Page 3: Delete reference to the Deferred Compensation Agency Fund as the City does not control these funds, nor does the City have an ownership interest in these funds.
- Page 7: Training must meet the standards set forth by the PFIA and the auditor ensures compliance.
- Page 7 & 8: Updated reference to Primary Dealers, removed Investment Advisor from first paragraph to make it consistent with the second paragraph, and updated the reference to FINR which replaced the NASD.
- Page 8: Amended wording.

- Page 10: Updated the short term fund benchmark to an industry standard benchmark, and noted the updated reference to the Bank of America Merrill Lynch index.
- Page 11: Updated Telerate to TradeWeb
- Page 12, 15, 20: Updated time of allocation requirement calculation, and added the 80% limit of Federal Instrumentalities and Mortgage Backed Securities (MBS) limitation.
- Page 13: Added a reference to the new investment pool questionnaire.
- Page 16: Added savings account
- Page 19: Added or equivalent by two Nationally Recognized Statistical Rating Organizations (NRSROs)
- Page 20: Deleted CFR language that may be found in the live document
- Page 21: Added reference to a section within the Investment Policy
- Throughout document: amended date of purchase to date of settlement
- Glossary of Terms: Updated the entire glossary. Most of the terms remained the same, however for ease all were copied and pasted from best practices.

FINANCIAL/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

City staff recommends approval of amendments and adoption of the Investment Policy as presented.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, AMENDING AND ADOPTING THE CITY'S INVESTMENT POLICY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council is required by the Texas Public Funds Investment Act to adopt an Investment Policy at least annually; and

WHEREAS, it is the desire of the City Council to assure consistent management of public funds; and

WHEREAS, the City Council finds it is in the best interest of the public to approve the Investment Policy.

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 adopts the City of Rowlett Investment Policy, which is attached hereto and incorporated herein as Exhibit A.

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

ATTACHMENTS

Attachment 1 – Invest Policy Red Line Version
Exhibit A – Investment Policy

Proposed
Investment Policy

Approved on:_ ~~December 1, 2015~~April 5, 2016

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ATTACHMENTS:
A. Glossary of Cash and Investment Management Terms
~~B. Government Code~~
~~C.~~B. Master Repurchase Agreement
C. Broker/Dealer Certification
D. Investment Pool/Fund Questionnaire

Investment Policy
City of Rowlett, Texas

I. PURPOSE

The purpose of this Investment Policy (hereinafter "Policy") is to set forth the investment objectives and parameters for the management of public funds of the City of Rowlett, Texas (hereinafter "City"). This Policy is designed to safeguard the City's funds, the availability of operating and capital funds when needed, and an investment return competitive with comparable funds and financial market indices. In order to execute this framework this Policy contains an Investment Strategy Statement.

II. SCOPE

This Policy is authorized by the City Council of the City in accordance with Chapter 2256, Texas Government Code, the Public Funds Investment Act which may be reviewed on the Texas Constitution and Statutes website at http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2256.htm. The Policy addresses the methods, procedures and practices which must be exercised to insure effective and judicious fiscal management of City funds. All City funds will be managed within the guidelines of this Policy~~ with the exception of the Deferred Compensation Agency Fund~~. Bond funds, in addition to this Policy, shall be managed in accordance with their issuing documentation and all applicable State and Federal Law.

In addition to the Policy, the Investment Strategy Statement, also approved by the City Council, provides a separate written investment strategy for each of the City's funds. Each investment strategy describes the investment objectives for each particular fund. Cash and investment balances as defined in this Section are entirely known as "Available Fund".

III. INVESTMENT OBJECTIVES

Safety of Principal

The foremost objective of this investment program is the safety of the principal of those funds within the portfolios. Investment transactions shall seek to keep capital losses at a minimum, whether they are from securities defaults or erosion of market value. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

~~From time to time, securities may be traded for other similar securities to improve yield, maturity or credit risk. For these transactions, a loss may be incurred for accounting purposes, provided any of the following occurs with respect to the replacement security:~~

~~A. Yield has been increased, or~~
~~B. Maturity has been adjusted in anticipation of interest rate changes~~
~~C. Quality of the investment has been improved.~~

Maintenance of Liquidity

The portfolios shall be managed in such a manner that funds are available to meet reasonably anticipated cash flow requirements in an orderly manner. Periodic~~al~~ cash flow analyses will be completed in order to ensure that the portfolios are positioned to provide sufficient liquidity.

Return on Investment

Investment portfolios shall be designed with the objective of attaining a market rate within an acceptable range of the rate of return of the established benchmarks taking into account the investment risk constraints and liquidity needs. Return on investment is of least importance compared to the safety and liquidity objectives described above. However, return is attempted through active management where the investment advisor utilizes a total return strategy (which includes both realized and unrealized gains and losses in the portfolio). This total return strategy seeks to increase the value of the portfolio through reinvestment of income and capital gains. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Despite this, an investment advisor may trade to recognize a loss from time to time to achieve a perceived relative value based on its potential to enhance the total return of the portfolios.

IV. DELEGATION OF AUTHORITY

As designated by the City Council, management responsibility for the investment program is assigned to the Director of Financial Services and Assistant Director of Financial Services. The Director of Financial Services and Assistant Director of Financial Services and other persons granted investment authority shall be considered and referred to as "Investment Officers" for the purpose of this Policy. As such, the Investment Officers are authorized to deposit, withdraw, invest, transfer, execute documentation, and otherwise manage City funds according to this Policy. The Investment Officers may grant, in writing, investment authority to other persons within the Finance Division. Any limitations placed on this authority will be specifically stated. No person may engage in an investment transaction or the management of funds except as provided under the terms of the Investment Policy, Investment Strategy Statement and other operational procedures established by the Investment Officers. The Investment Officers shall establish written procedures for the operation of the investment portfolio and a system of internal accounting and administrative controls to regulate the activities of employees. Any new requirements from policy will be in compliance within one year of this adoption.

V. INVESTMENT ADVISORS AND PROVIDERS

The City Council may appoint an investment advisor to assist the City's financial staff with the management of its funds and other responsibilities including but not limited to competitive bidding, reporting requirements and security documentation. The investment advisor must be registered with the Securities and Exchange Commission (SEC) under the Investment Advis~~o~~er's Act of 1940 as well as with the Texas State Securities Board. The term of contract shall be limited under the Texas Public Funds Investment Act to a two-year period. A renewal or extension of the contract must be made by the City Council by order, ordinance or resolution.

Investment Advisors shall adhere to the spirit, philosophy and specific term of this Policy and shall invest within the standard of "Prudent Expert ".

Investment Providers shall adhere to the spirit and philosophy of this Policy and shall avoid recommending or suggesting transactions outside the standard of "Prudent Expert."

The following criteria will be established in the selection of Investment Advisors and Investment Providers, including:

1) Adherence to the City's policies and strategies

2) Investment performance and transaction pricing within accepted risk constraints,

3) Responsiveness to the City's request for services, information and open communication,

4) Understanding of the inherent fiduciary responsibility of investing public funds,

5) Similarity in philosophy and strategy with the City's objectives.

Selected Investment Advisors and Investment Providers shall provide timely transaction confirmations and monthly activity reports.

Businesses eligible to transact investment business with the City shall be presented a written copy of this Policy. Additionally, the qualified representative of the business seeking to transact investment business shall execute a written instrument stating substantially to the effect that the registered principal has:

1) Received and thoroughly reviewed this Policy

2) Acknowledged that the organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities with the City, except to the extent that this authorization is dependent on an analysis of the makeup of the City’s entire portfolio or requires an interpretation of subjective investment standards.

The City will not enter into an investment transaction with a financial institution prior to receiving the written instrument described above.

If brokerage services are utilized, the Investment Officer will present annually to the governing body a list of qualified brokers. The governing body must review and approve qualified brokers authorized to engage in investment transactions with the City.

VI. STANDARDS OF PRUDENCE

The standard of prudence to be used by Investment Officers shall be the “Prudent Person” standard and shall be applied in the context of managing the overall investment

program. Investment officers acting in accordance with written procedures and this Policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectation are reported to the City Council in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this Policy. The "Prudent Person" rule states the following:

> Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived from the investment.

While the standard of prudence to be used by investment officials who are officers or employees is the Prudent Person standard, any person or firm hired or retained to invest, monitor, or advise concerning these assets shall be held to the higher standard of "Prudent Expert". The standard shall be that in investing and reinvesting moneys and in acquiring, retaining, managing, and disposing of investments of these funds, the contractor shall exercise: the judgment, care, skill, prudence, and diligence under the circumstances then prevailing, which persons of prudence, discretion, and intelligence, acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims by diversifying the investments of the funds, so as to minimize the risk, considering the probable income as well as the probable safety of their capital.

VII. ETHICS AND CONFLICTS OF INTEREST

Investment Officers shall act as custodians of the public trust avoiding any transaction which might involve a conflict of interest, the appearance of a conflict of interest, or any activity which might otherwise discourage public confidence. Investment Officers shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Additionally, all Investment Officers shall file with the Texas Ethics Commission and the City a statement disclosing any *personal business relationship* with an entity seeking to sell investments to the City or any relationship within the second degree by affinity or consanguinity to an individual seeking to sell investments to the City.

An officer or employee involved in the investment process has a *personal business relationship* with a business organization if:

1) The Investment Officer or employee owns 10 percent or more of the voting stock or shares of the business organization or owns $5,000 or more of the fair market value of the business organization;

2) Funds received by the Investment Officer or employee from the business organization exceed 10 percent of his/her gross income for the previous year; or

3) The Investment Officer or employee has acquired from the business organization during the previous year investments with a book value of $2,500 or more for his/her personal account.

VIII. INTERNAL CONTROLS AND INVESTMENT PROCEDURES

The Investment Officers shall establish a system of internal controls and operational procedures that are in writing and made a part of the City's financial operational procedures. The internal controls should be designed to prevent losses of funds, which might arise from fraud, employee error, and misrepresentation by third parties, or imprudent actions by employees. The written procedures should include reference to safekeeping, repurchase agreements, separation of transaction authority from accounting and recordkeeping, wire transfer agreements, banking service contracts, collateral/depository agreements, and "delivery-vs-payment" procedures. No person may engage in an investment transaction except as authorized under the terms of this Policy.

Independent auditors, as a normal part of the annual financial audit to the City, shall conduct a review of the system of internal controls to ensure compliance with policies and procedures.

IX. CONTINUING EDUCATION

Within 12 months after taking office or assuming duties, each Investment Officer shall attend a training session relating to their investment responsibilities and receive not less than 10 hours of instruction. On an ongoing basis, all Investment Officers shall receive not less than 10 hours of instruction not less than once in a two year period that begins on the first day of the City of Rowlett's fiscal year (October 1) and consists of the two consecutive fiscal years after that date. Training must include education in investment controls, security risks, strategy risks, market risks and compliance with the Public Funds Investment Act. Training must be provided by an independent source~~ approved by the City Council~~. Possible training sources include Government ~~Treasurer's~~Treasurers of Texas, TML (Texas Municipal League), PFM Asset Management LLC, TexPool (on-line) and First Public.

X. AUTHORIZED INVESTMENT INSTITUTIONS AND DEALERS

The Investment Officers or designee ~~and/or the City's Investment Advisor/s~~ shall only purchase securities from Qualified Financial Institutions and investment institutions which are designated as Primary ~~Securities~~ Dealers by the Federal Reserve Bank of New York. The Investment Officers ~~and/or the City's Investment Advisor/s~~ shall only enter into repurchase agreements with financial institutions that are Qualified Institutions and Primary ~~Securities~~ Dealers as designated by the Federal Reserve Bank of New York.

The City's Investment Advisor(s) shall utilize and maintain its own list of approved primary and non-primary securities dealers.

The Investment Officers or designee shall maintain a list of financial institutions and broker/dealers that are approved for investment purposes and only firms meeting the following requirements will be eligible to serve as Qualified Institutions:

1) Regional dealers that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule);
2) Capital of no less than $10,000,000;
3) Registered as a dealer under the Securities Exchange Act of 1934;
4) Member of the Financial Industry Regulatory Authority, Inc. (FINRA)~~National Association of Dealers (NASD)~~;
5) Registered to sell securities in Texas;
6) The firm and assigned broker have been engaged in the business of effecting transactions in U.S. government and agency obligations for at least five (5) consecutive years;

All brokers, dealers and other financial institutions deemed to be Qualified Institutions shall be provided with current copies of the City's Investment Policy and sign the Broker/Dealer Certification. ~~This requirement is for t~~The City's Investment Officer or designee, must also sign the acknowledgement. The City's Investment Advisor will adhere to its own internal due diligence procedures. A current audited financial statement is required to be on file for each financial institution and broker/dealer with which the City transacts business.

XI. INVESTMENT STRATEGY STATEMENT

The City maintains Short-Term Portfolios for operating, debt service funds and bond construction funds and Long-Term Portfolio for core funds (operating reserve funds) and debt service reserve funds.

Short -Term Portfolios:

Operating Funds

Investment strategies for operating funds have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity.

Debt Service Funds

Investment strategies for debt service funds shall have as the primary objective the assurance of investment liquidity adequate to cover the debt service obligation on the required payment date. Securities purchased shall not have a stated final maturity date that exceeds the debt service payment date.

Bond Construction or Special Purpose Funds

Investment strategies for bond construction or special purpose fund portfolios will have as their primary objective to ensure that anticipated cash flows are matched with adequate investment liquidity. These fund portfolios should include at least 10% in highly liquid securities to allow for flexibility and unanticipated project outlays. The stated final maturity dates of securities held should not exceed the estimated project completion date.

Long -Term Portfolios:

Core Funds

The objective is to create a portfolio structure for the City's Core Funds, as determined by the cash flow analysis report, which will experience minimal market value volatility during economic cycles. This may be accomplished by purchasing quality, short- to medium-term securities that will complement each other in a laddered or barbell maturity structure. The overall weighted average duration of principal return for the Core Fund portfolio shall be less than two (2) years. Securities may not be purchased that have a final stated maturity date which exceeds five (5) years.

Debt Service Reserve Funds

Investment strategies for debt service reserve funds shall have as the primary objective the ability to generate a dependable revenue stream to the appropriate debt service fund from securities with a low degree of volatility, except as may be required by the bond ordinance specific to an individual issue. Securities should be of high quality, with short- to intermediate-term maturities.

XII. MATURITY AND LIQUIDITY REQUIREMENTS

To the extent possible, an attempt will be made to match investment maturities with known cash needs and anticipated cash flow requirements.

A. Maturity Guidelines

Securities purchased by or on behalf of the City shall have a final maturity of five (5) years or less from the date of ~~purchase~~settlement. The overall weighted average duration of principal return for the entire portfolio shall be less than two (2) years. The maturities of the underlying securities of a repurchase agreement will follow the requirements of the Master Repurchase Agreement.

B. Liquidity Requirements

The Investment Officers or designee shall determine the approximate amount of funds required to meet the day-to-day expenditure needs of the City. A goal of the next depository agreement is that all funds in the depository bank will be "swept" each night into a fully collateralized repurchase agreement or money market fund. In order to have an available source of funds to meet unexpected cash requirements, a minimum of two months operating expenses will be invested in authorized money market funds or state or local investment pools. The balance of the City's funds will be available for investment according to the guidelines incorporated within this Policy.

XIII. PERFORMANCE MEASUREMENTS

In order to assist in the evaluation of the portfolios' performance, the City will use performance benchmarks for short-term and long-term portfolios. The use of

benchmarks will allow the City to measure its returns against other investors in the same markets.

A. Investment performance of funds designated as short-term funds and other funds that must maintain a high degree of liquidity will be compared to the return on the S&P Rated GIP Index Government 30 Day Yield. Investments of current operating funds shall have maturities of no longer than twenty-four (24) months.~~The short-term investment portfolios shall be designed with the annual objective of exceeding the weighted average return (net book value rate of return) of a Local Government Investment Pool.~~

B. The long-term investment portfolio (Core Funds) shall be designed with the objective of exceeding the return of the Bank of America Merrill Lynch 1-3 Year U.S. Treasury Index (or a comparable benchmark) compared to the portfolio's total rate of return. The Bank of America Merrill Lynch 1-3 Year Treasury Index represents U.S. Treasury securities maturing over one year, but less than three years. This maturity range is an appropriate benchmark based on the objectives of the City.

XIV. COMPETITIVE SELECTION OF INVESTMENT INSTRUMENTS

After the Investment Officers and/or the City's Investment Advisor/s has determined the approximate maturity date based on cash flow needs and market conditions and has analyzed and selected one or more optimal types of investments, a minimum of three (3) qualified banks and/or approved broker/dealers must be contacted and asked to provide bids/offers on securities in questions. Bids will be held in confidence until the bid deemed to best meet the investment objectives is determined and selected.

However, if obtaining bids/offers are not feasible and appropriate, securities may be purchased/sold utilizing the comparison to current market price method on an exception basis. Acceptable current market price providers include, but are not limited to:

A. ~~Telerate Information System~~TradeWeb

B. Bloomberg Information Systems

C. Wall Street Journal or a comparable nationally recognized financial publication providing daily market pricing

D. Daily market pricing provided by the City's custodian or their correspondent institutions

The Investment Officers or designee and/or the City's Investment Advisor/s shall utilize the competitive bid process to select the securities to be purchased or sold. Selection by comparison to a current market price, as indicated above, shall only be utilized when, in judgment of the Investment Officers or the City's Investment Advisor/s, competitive bidding would inhibit the selection process.

Examples of when this method may be used include:

A. When time constraints due to unusual circumstances preclude the use of the competitive bidding process

B. When no active market exists for the issue being traded due to the age or depth of the issue

C. When a security is unique to a single dealer, for example, a private placement

D. When the transaction involves new issues or issues in the "when issued" market

Overnight sweep investment instruments will not be bid, but may be placed with the City's depository bank relating to the demand account for which the investment instrument was purchased.

XV. AUTHORIZED INVESTMENTS AND PORTFOLIO COMPOSITION

Investments should be made subject to the cash flow needs and such cash flows are subject to revisions as market conditions and the City's needs change. However, when the invested funds are needed in whole or in part for the purpose originally intended or for more optimal investments, the Investment Officers or designee and/or the City's Investment Advisor/s may sell the investment at the then-prevailing market price and place the proceeds into the proper account at the City's custodian.

The following are the investment requirements and allocation limits on security types, issuers, and maturities as established by the City. Diversification strategies within the established guidelines shall be reviewed and revised periodically as necessary by the Investment Officers. The Investment Officers, and/or City's Investment Advisor/s shall have the option to further restrict investment percentages from time to time based on market conditions, risk and diversification investment strategies. The percentage allocations requirements for investment types and issuers are calculated based on the original cost of each investment, at the time purchase. Investments not listed in this Policy are prohibited. The following requirements do not apply to funds derived from the sale of debt.

Investments described below are those authorized by the Public Funds Investment Act (Chapter 2256, Texas Government Code), as amended, which is included and made a part of this Policy as Appendix A. The following list may not contain all of those securities that are authorized by state statutes, but only those that the City Council wish to include in the City's portfolios. The purchase of specific issues may at times be further restricted or prohibited because of current market conditions. The City funds governed by this Policy may be invested in the following investments:

Security Type	Minimum Rating Requirement	Maturity Limits	Maximum Allocation Limit	Maximum Issuer Limit
Local Government Investment Pools	AAA/AAAm	N/A	75%	N/A
United States Government Securities	N/A	5 Years	100%	N/A
United States Government Agencies (full faith and credit of the United States Government)	N/A	5 Years	75%	25%
Federal Instrumentalities (United States Government Sponsored Enterprises ("GSE") which are non-full faith and credit).*	N/A	5 Years	80%	40%
Mortgage-Backed Securities ("MBS")*	N/A	5 Years	20%	15%
Interest Bearing Time Deposit or Saving Accounts	N/A	1 Years	20%	10%
Repurchase Agreements	N/A	90 Days	20%	10%
Commercial Paper	P-1/A-1	270 Days	25%	5%
Bankers' Acceptances	P-1/A-1	180 Days	25%	5%
State and/or Local Government Taxable and/or Tax-Exempt Debt	Single "A" category by two NRSROs	5 Years	25%	10%
Registered Investment Companies (Money Market Mutual Funds)	AAAm	N/A	50%	25%

*The combined total of available funds invested in Federal Instrumentalities and MBS cannot be more than 80%.

A. Local Government Investment Pools

1. Investment Authorization

Local government investment pools organized in accordance with the Interlocal Cooperation Act (Chapter 791, Texas Government Act) as amended, whose assets consist exclusively of the obligations that are allowed as a direct investment for funds subject to the Public Funds Investment Act (Chapter 2256, Texas Government Code). A public funds investment pool must be continuously rated no lower than "AAA", "AAA-m" or at an equivalent rating by at least one Nationally Recognized Statistical Rating Organization ("NRSRO").

2. Portfolio Composition

A maximum of 75% of available funds may be invested in the Local Government Pools.

3. Due Diligence Requirements

A thorough review of any local government investment pool is required prior to investing, and on a continual basis. Attachment D is a questionnaire that contains a list of questions, to be answered prior to investing, that cover the major aspects of any investment pool/fund.~~There shall be a questionnaire developed by the Investment Officers or designee and/or the City's Investment Advisor/s that will contain a list of questions that covers the major aspects of any investment pool/fund.~~

B. United States Government Securities

1. Purchase Authorization

Negotiable direct obligations or obligations the principal and interest of which are unconditionally guaranteed by the United States Government. Such securities will include, but not be limited to the following:

Cash Management Bills
Treasury Securities – State and Local Government Series ("SLGS")
Treasury Bills
Treasury Notes
Treasury Bonds
Treasury Strips

2. Portfolio Composition

A maximum of 100% of available funds may be invested in the United

States Government Securities with the exception of Treasury Strips are limited to 10% of available funds.

3. Maturity Limitations

The maximum length to maturity of any direct investment in the United States Government Securities is five (5) years from the date of ~~purchase~~settlement.

C. United States Government Agencies (full faith and credit of the United States Government)

1. Purchase Authorization

Bonds, debentures, notes or callables issued or guaranteed by the United States Governments agencies, provided such obligations are backed by the full faith and credit of the United States Government. This includes fixed rate mortgage-backed securities. Such securities will include, but not be limited to the following:

United States Export – Import Bank
-Direct obligations or fully guaranteed certificates of beneficial ownership
Farmer Home Administration
-Certificates of beneficial ownership
Federal Financing Bank
-Discount notes, notes and bonds
Federal Housing Administration Debentures
Government National Mortgage Association (GNMA)
-GNMA guaranteed mortgage-backed bonds
-GNMA guaranteed pass-through obligations
General Services Administration
United States Maritime Administration Guaranteed
-Title XI Financing
New Communities Debentures
-United States Government guaranteed debentures
United States Public Housing Notes and Bonds
-United States Government guaranteed public housing notes and bonds
United States Department of Housing and Urban Development
-Project notes and local authority bonds

2. Portfolio Composition

A maximum of 75% of available funds may be invested in United States Government agencies.

3. Limits on Individual Issuers

A maximum of 25% of available funds may be invested in individual United States Government agencies.

4. Maturity Limitations

The maximum length to maturity for an investment in any United States Government agency security is five (5) years from the date of settlement~~purchase~~.

D. Federal Instrumentalities (United States Government Sponsored Enterprises ("GSE") which are non-full faith and credit)

1. Purchase Authorization

Bonds, debentures, notes or callables issued or guaranteed by United States Government Sponsored Enterprises (Federal Instrumentalities), which are non-full faith and credit agencies. These are limited to the following:

Federal Farm Credit Bank (FFCB)
Federal Home Loan Bank or its District banks (FHLB)
Federal National Mortgage Association (FNMA)
Federal Home Loan Mortgage Corporation (Freddie-Macs) including Federal -Home Loan Mortgage Corporation participation certificates

2. Portfolio Composition

A maximum of 80% of available funds may be invested in Federal Instrumentalities. The combined total of available funds invested in Federal Instrumentalities and Agency Mortgage Backed Securities cannot be more than 80%.

3. Limits on Individual Issuers

A maximum of 40% of available funds may be invested in any one issuer.

4. Maturity Limitations

The maximum length to maturity for an investment in any Federal Instrumentality security is five (5) years from the date of settlement~~purchase~~.

E. Mortgage-Backed Securities (MBS)

1. Purchase Authorization

Authorized Staff may invest in mortgage-backed securities (MBS) which are based on mortgages that are guaranteed by a government agency or GSE for payment of principal and a guarantee of timely payment.

2. Portfolio Composition

A maximum of 20% of available funds may be invested in MBS. The combined total of available funds invested in Federal Instrumentalities and Mortgage Backed Securities cannot be more than 80%.

3. Limits of Individual Issuers

A maximum of 15% of available funds may be invested with any one issuer.

4. Maturity Limitations

A maximum length to maturity for an investment in any MBS is five (5) years from the date of settlement~~purchase~~.

The maturity of mortgage securities shall be considered the date corresponding to its average life. This date reflects the point at which an investor will have received back half of the original principal (face) amount. The average life may be different from the stated legal maturity included in a security's description.

F. Interest Bearing Time Deposit or Saving Accounts

1. Purchase Authorization

Certificates of deposit or savings accounts issued by state and national banks that has a main office or branch in Texas that are: guaranteed or insured by the Federal Deposit Insurance Corporation, or its successor; or secured by obligations of any direct federal agency or instrumentality issues that have a market value of not less than the principal amount of the certificates or Certificate of Deposit balances exceeding FDIC insurance limits will be fully collateralized by securities listed in sections B, C or D above. Collateral will be held by the City's third party custodian.

2. Portfolio Composition

A maximum of 20% of available funds may be invested in non-negotiable interest bearing time certificates of deposit or savings account.

3. Limits on Individual Issuers

A maximum of 10% of available funds may be deposited with any one issuer.

4. The maximum maturity on any certificate shall be no greater than one (1) year from the date of settlement~~purchase~~.

G. Repurchase Agreements

1. Purchase Authorization

a. Repurchase agreements composed of only those investments authorized in sections B, C, or D above. All firms are required to sign the City's Master Repurchase Agreement prior to the execution of a repurchase agreement transaction.

b. A third party custodian with whom the City has a current custodial agreement shall hold the collateral for all repurchase agreements with a term longer than one (1) business day. A clearly marked receipt that shows evidence of ownership must be supplied to the Investment Officers or designee and retained.

c. Securities authorized for collateral must have maturities less than ten (10) years and with market value for the principal and accrued interest of 102 percent of the value and for the term of the repurchase agreement. Immaterial short-term deviations from 102 percent requirement are permissible only upon the approval of the Investment Officers and/or the City's Investment Advisor/s.

d. The overnight sweep arrangement shall adhere to the agreement between the City and the City's depository bank.

2. Portfolio Composition

A maximum of 20% of available funds may be invested in repurchase agreements excluding one (1)-business day agreements and overnight sweep agreements.

3. Limits on Individual Issuers

A maximum of 10% of available funds may be invested with any one institution excluding one (1)-business day agreements and overnight sweep agreements.

4. Limits on Maturities

The maximum length to maturity of any repurchase agreement is 90 days from the date of settlement~~purchase~~.

H. Commercial Paper

1. Purchase Authorization

Commercial paper of any United States company that is rated, at the time of purchase, "Prime-1" by Moody's and "A-1" by Standard & Poor's (prime commercial paper) or the equivalent by two NRSROs.

2. Portfolio Composition

A maximum of 25% of available funds may be directly invested in prime commercial paper.

3. Limits on Individual Issuers

A maximum of 5% of available funds may be invested with any one issuer.

4. Maturity Limitations

The maximum length to maturity for prime commercial paper shall be 270 days from the date of settlement~~purchase~~.

I. Bankers' Acceptances

1. Purchase Authorization

Bankers' Acceptances issued by a domestic bank or a federally chartered domestic office of a foreign bank, which are eligible for purchase by the Federal Reserve System, at the time of purchase, the short-term paper is rated, at a minimum, "P-1" by Moody's Investors Services and "A-1" Standard & Poor's or the equivalent by two NRSROs..

2. Portfolio Composition

A maximum of 25% of available funds may be directly invested in Bankers' Acceptances.

3. Limits on Individual Issuers

A maximum of 5% of available funds may be invested with any one issuer.

4. Maturity Limitations

The maximum length to maturity for Bankers' Acceptances shall be 180 days from the date of settlement~~purchase~~.

J. State and/or Local Government Taxable and/or Tax-Exempt Debt

1. Purchase Authorization

State and/or local government taxable and/or tax-exempt debt, general obligation and/or revenue bonds, at the time of purchases, at a minimum single "A" category by any two NRSROs, or rated at least "MIG-2" by Moody's and "SP-2" by Standard & Poor's for short-term debt or the equivalent by two NRSROs..

2. Portfolio Composition

A maximum of 25% of available funds may be invested in taxable and tax-exempt ~~General Obligation bonds~~debt.

3. Limits on Individual Issuers

A maximum of 10% of available funds may be invested with any one issuer.

4. Maturity Limitations

A maximum length to maturity for an investment in any state or local government debt security is five (5) years from the date of settlement~~purchase~~.

K. Registered Investment Companies (Money Market Mutual Funds)

1. Investment Authorization

Shares in open-end and no-load money market funds provided such funds are registered under the Federal Investment Company Act of 1940 and operate in accordance with 17 C.F.R. § 270.2a-7~~, which stipulates that money market funds must have an average weighted maturity of 60 days or less. In addition, the share value of the money market funds must equal to $1.00~~.

2. Portfolio Composition

A maximum of 50% of available funds may be invested in money market funds.

3. Limits of Individual Issuers

A maximum of 25% of available funds may be invested with any one money market fund.

4. Rating Requirements

The money market funds shall be rated "AAAm" by Standard & Poor's or the equivalent by another NRSRO.

5. Due Diligence Requirements

A thorough review of any money market fund is required prior to investing, and on a continual basis. Attachment D is a questionnaire that contains a list of questions, to be answered prior to investing, that cover the major aspects of any investment pool/fund.~~There shall be a questionnaire developed by the Investment Officers or designee and/or the City's Investment Advisor/s that will contain a list of questions that covers the major aspects of any investment pool/fund~~.

XVI. DOWNGRADE PROVISION FOR INVESTMENT RATINGS

In the event any security in the portfolio, subsequent to purchase, is downgraded to a level below the minimum required rating, the Investment Advisor(s) shall notify the City or its representatives as soon as practical of such ratings change along with any contemplated actions to sell or hold the security. The City, independently or in concert with the Investment Advisor(s), shall confirm the decision to sell or hold the security. If it is determined the position should be sold, then it should be traded in a timely basis, consistent with market liquidity.

XVII. DERIVATIVES AND REVERSE REPURCHASE AGREEMENTS

The City may not invest in investment products that include the use of derivatives, unless specified in Section XV of this Policy. A "derivative" is defined as a financial instrument the value of which depends on, or is derived from, the value of one or more underlying assets or indices or asset values. Reverse repurchase agreements are not permitted by this Policy.

XVIII. REPORTING

The Investment performance will be monitored and evaluated by the Investment Officers. In conjunction with the Investment Officers, the City's Investment Advisor/s shall provide quarterly investment reports on the City's short-term and long-term core investments to City Council as required by the Public Funds Investment Act (Chapter 2256, Texas Government Code), Section 2256.023. Schedules in the quarterly report should include the following:

1) describe in detail the investment position of the City,

2) contain a summary statement prepared in compliance with generally accepted accounting ~~principals~~ principles stating the reporting period beginning market value, additions or changes to the market value during the period and ending market value for the period, and fully accrued interest for the period for each pooled fund group,

3) state the reporting period beginning book and market value and reporting period ending book and market value of each investment security by asset type and fund type,

4) state the maturity date of each investment security,

5) state the fund for which each investment security was purchased, and

6) state the compliance of the investment portfolio with the City's Investment Policy and Investment Strategy Statement and the Public Funds Investment Act, and

7) be prepared jointly and signed by each Investment Officer.

XIX. DEPOSITORY AGREEMENTS

The City will select and designate a qualified bank depository for a minimum three year period. Consistent with the Requirements of State law, the City will require that all deposits be federally insured or collateralized with eligible securities. If deposits are collateralized, they will be held at the City's custodial agent. The depository will be required to sign a Custodial Agreement with the City and the City's Custodial agent. The Agreement shall define the City's rights to the collateral in case of default, bankruptcy, or closing and shall establish a perfected security interest in compliance with Federal and State regulations. It shall further address any concerns in relation to acceptable collateral, levels of collateral, substitution and addition of collateral, and reporting and monitoring of collateral.

XX. THIRD-PARTY CUSTODIAL AGREEMENTS

Securities, with the exception of certificates of deposits, shall be held with a third party custodian; and all securities purchase by, and all collateral obtained by the City should be properly designated as an asset of the City. The securities must be held in an account separate and apart from the assets of the financial institution. A third party custodian is defined as any bank depository chartered by the Federal Government, the State of Texas, or any other state or territory of the United States which has a branch or principal place of business in the State of Texas or by a national association organized and existing under the laws of the United States which is authorized to accept and execute trusts and which is doing business in the State of Texas. Certificates of deposits will be placed in the provider's safekeeping department for the term of the deposit.

The custodian shall accept transaction instructions only from those persons who have been duly authorized by the Investment Officers and which authorization has been provided, in writing, to the custodian. No withdrawal of securities, in whole or in part, shall be made from safekeeping, shall be permitted unless by such a duly authorized person.

Monthly, the custodian shall provide the Investment Officers or designee and/or the City's Investment Advisor/s with detail information on the securities held by the custodian. Security transactions between a broker/dealer and the custodian involving the purchase or sale of securities by transfer of money or securities must be made on a "delivery vs. payment" basis, if applicable, to ensure that the custodian will have the security or money, as appropriate, in hand at the conclusion of the transaction. Only after receiving written authorization from the Investment Officers shall authorized securities be delivered "free". Securities held as collateral shall be held free and clear of any liens.

XXI. RESERVATION OF AUTHORITY

The Investment Policy and the Statement of Investment Strategy will be reviewed on an annual basis by the City Council. Revisions and or amendments will be approved and documented by the City Council.

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Mayor City of Rowlett

A. Glossary of Cash and Investment Management Terms

Attachment A
Glossary of Cash and Investment Management Terms

The following is a glossary of key investing terms, many of which appear in the City's investment policy. This glossary clarifies the meaning of investment terms generally used in cash and investment management. This glossary has been adapted from the GFOA Sample Investment Policy and the Association of Public Treasurers of the United States and Canada's Model Investment Policy.

Accrued Interest. Interest earned but which has not yet been paid or received.

Agency. See "Federal Agency Securities."

Ask Price. Price at which a broker/dealer offers to sell a security to an investor. Also known as "offered price."

Asset Backed Securities (ABS). A fixed-income security backed by notes or receivables against assets other than real estate. Generally issued by special purpose companies that "own" the assets and issue the ABS. Examples include securities backed by auto loans, credit card receivables, home equity loans, manufactured housing loans, farm equipment loans, and aircraft leases.

Average Life. The average length of time that an issue of serial bonds and/or term bonds with a mandatory sinking fund feature is expected to be outstanding.

Bankers' Acceptance (BA's). A draft or bill of exchange drawn upon and accepted by a bank. Frequently used to finance shipping of international goods. Used as a short-term credit instrument, bankers' acceptances are traded at a discount from face value as a money market instrument in the secondary market on the basis of the credit quality of the guaranteeing bank.

Basis Point. One hundredth of one percent, or 0.01%. Thus 1% equals 100 basis points.

Bearer Security. A security whose ownership is determined by the holder of the physical security. Typically, there is no registration on the issuer's books. Title to bearer securities is transferred by delivery of the physical security or certificate. Also known as "physical securities."

Benchmark Bills: In November 1999, FNMA introduced its Benchmark Bills program, a short-term debt securities issuance program to supplement its existing discount note program. The program includes a schedule of larger, weekly issues in three- and six-month maturities and biweekly issues in one-year for Benchmark Bills. Each issue is brought to market via a Dutch (single price) auction. FNMA conducts a weekly auction for each Benchmark Bill maturity and accepts both competitive and non-competitive bids through a web based auction system. This program is in addition to the variety of other discount note maturities, with rates posted on a daily basis, which FNMA offers. FNMA's Benchmark Bills are unsecured general obligations that are issued in book-entry form through the Federal Reserve Banks. There are no periodic payments of interest on Benchmark Bills, which are sold at a discount from the principal amount and payable at par at maturity. Issues under the Benchmark program constitute the same credit standing as other FNMA discount notes; they simply add organization and liquidity to the short-term Agency discount note market.

Benchmark Notes/Bonds: Benchmark Notes and Bonds are a series of FNMA "bullet" maturities (non-callable) issued according to a pre-announced calendar. Under its Benchmark Notes/Bonds program, 2, 3, 5, 10, and 30-year maturities are issued each quarter. Each Benchmark Notes new issue has a minimum size of $4 billion, 30-year new issues having a minimum size of $1 billion, with re-openings based on investor demand to further enhance liquidity. The amount of non-callable issuance has allowed FNMA to build a yield curve in Benchmark Notes and Bonds in maturities ranging from 2 to 30 years. The liquidity emanating from these large size issues has facilitated favorable financing opportunities through the development of a liquid overnight and term repo market. Issues under the Benchmark program constitute the same credit standing as other FNMA issues; they simply add organization and liquidity to the intermediate- and long-term Agency market.

Benchmark. A market index used as a comparative basis for measuring the performance of an investment portfolio. A performance benchmark should represent a close correlation to investment guidelines, risk tolerance, and duration of the actual portfolio's investments.

Bid Price. Price at which a broker/dealer offers to purchase a security from an investor.

Bond. Financial obligation for which the issuer promises to pay the bondholder (the purchaser or owner of the bond) a specified stream of future cash-flows, including periodic interest payments and a principal repayment.

Book Entry Securities. Securities that are recorded in a customer's account electronically through one of the financial markets electronic delivery and custody systems, such as the Fed Securities wire, DTC, and PTC

(as opposed to bearer or physical securities). The trend is toward a certificate-free society in order to cut down on paperwork and to diminish investors' concerns about the certificates themselves. The vast majority of securities are now book entry securities.

Book Value. The value at which a debt security is reflected on the holder's records at any point in time. Book value is also called "amortized cost" as it represents the original cost of an investment adjusted for amortization of premium or accretion of discount. Also called "carrying value." Book value can vary over time as an investment approaches maturity and differs from "market value" in that it is not affected by changes in market interest rates.

Broker/Dealer. A person or firm transacting securities business with customers. A "broker" acts as an agent between buyers and sellers, and receives a commission for these services. A "dealer" buys and sells financial assets from its own portfolio. A dealer takes risk by owning inventory of securities, whereas a broker merely matches up buyers and sellers. See also "Primary Dealer."

Bullet Notes/Bonds. Notes or bonds that have a single maturity date and are non-callable.

Call Date. Date at which a call option may be or is exercised.

Call Option. The right, but not the obligation, of an issuer of a security to redeem a security at a specified value and at a specified date or dates prior to its stated maturity date. Most fixed-income calls are a par, but can be at any previously established price. Securities issued with a call provision typically carry a higher yield than similar securities issued without a call feature. There are three primary types of call options (1) European - one-time calls, (2) Bermudan - periodically on a predetermined schedule (quarterly, semi-annual, annual), and (3) American - continuously

callable at any time on or after the call date. There is usually a notice period of at least 5 business days prior to a call date.

Callable Bonds/Notes. Securities which contain an imbedded call option giving the issuer the right to redeem the securities prior to maturity at a predetermined price and time.

Certificate of Deposit (CD). Bank obligation issued by a financial institution generally offering a fixed rate of return (coupon) for a specified period of time (maturity). Can be as long as 10 years to maturity, but most CDs purchased by public agencies are one year and under.

Collateral. Investment securities or other property that a borrower pledges to secure repayment of a loan, secure deposits of public monies, or provide security for a repurchase agreement.

Collateralization. Process by which a borrower pledges securities, property, or other deposits for securing the repayment of a loan and/or security.

Collateralized Mortgage Obligation (CMO). A security that pools together mortgages and separates them into short, medium, and long-term positions (called tranches). Tranches are set up to pay different rates of interest depending upon their maturity. Interest payments are usually paid monthly. In "plain vanilla" CMOs, principal is not paid on a tranche until all shorter tranches have been paid off. This system provides interest and principal in a more predictable manner. A single pool of mortgages can be carved up into numerous tranches each with its own payment and risk characteristics.

Commercial Paper. Short term unsecured promissory note issued by a company or financial institution. Issued at a discount and matures for par or face value. Usually a maximum maturity of 270 days and given a short-term debt rating by one or more NRSROs.

Convexity. A measure of a bond's price sensitivity to changing interest rates. A high convexity indicates greater sensitivity of a bond's price to interest rate changes.

Corporate Note. A debt instrument issued by a corporation with a maturity of greater than one year and less than ten years.

Counterparty. The other party in a two party financial transaction. "Counterparty risk" refers to the risk that the other party to a transaction will fail in its related obligations. For example, the bank or broker/dealer in a repurchase agreement.

Coupon Rate. Annual rate of interest on a debt security, expressed as a percentage of the bond's face value.

Current Yield. Annual rate of return on a bond based on its price. Calculated as (coupon rate / price), but does not accurately reflect a bond's true yield level.

Custody. Safekeeping services offered by a bank, financial institution, or trust company, referred to as the "custodian." Service normally includes the holding and reporting of the customer's securities, the collection and disbursement of income, securities settlement, and market values.

Dealer. A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his/her own account.

Delivery Versus Payment (DVP). Settlement procedure in which securities are delivered versus payment of cash, but only after cash has been received. Most security transactions, including those through the Fed Securities Wire system and DTC, are done DVP as a protection for both the buyer and seller of securities.

Depository Trust Company (DTC). A firm through which members can use a computer to arrange for securities to be delivered to other members without physical delivery of certificates. A member of the Federal Reserve System and owned mostly by the New York Stock Exchange, the Depository Trust Company uses computerized debit and credit entries. Most corporate securities, commercial paper, CDs, and BAs clear through DTC.

Derivatives. (1) Financial instruments whose return profile is linked to, or derived from, the movement of one or more underlying index or security, and may include a leveraging factor, or (2) financial contracts based upon notional amounts whose value is derived from an underlying index or security (interest rates, foreign exchange rates, equities, or commodities). For hedging purposes, common derivatives are options, futures, interest rate swaps, and swaptions.

Derivative Security. Financial instrument created from, or whose value depends upon, one or more underlying assets or indexes of asset values.

Designated Bond. FFCB's regularly issued, liquid, non-callable securities that generally have a 2 or 3 year original maturity. New issues of Designated Bonds are $1 billion or larger. Re-openings of existing Designated Bond issues are generally a minimum of $100 million. Designated Bonds are offered through a syndicate of two to six dealers. Twice each month the Funding Corporation announces its intention to issue a new Designated Bond, reopen an existing issue, or to not issue or reopen a Designated Bond. Issues under the Designated Bond program constitute the same credit standing as other FFCB issues; they simply add organization and liquidity to the intermediate- and long-term Agency market.

Discount Notes. Unsecured general obligations issued by Federal Agencies at a discount. Discount notes mature at par and can range in maturity from overnight to one year. Very large primary (new issue) and secondary markets exist.

Discount Rate. Rate charged by the system of Federal Reserve Banks on overnight loans to member banks. Changes to this rate are administered by the Federal Reserve and closely mirror changes to the "fed funds rate."

Discount Securities. Non-interest bearing money market instruments that are issued at discount and redeemed at maturity for full face value. Examples include: U.S. Treasury Bills, Federal Agency Discount Notes, Bankers' Acceptances, and Commercial Paper.

Discount. The amount by which a bond or other financial instrument sells below its face value. See also "Premium."

Diversification. Dividing investment funds among a variety of security types, maturities, industries, and issuers offering potentially independent returns.

Dollar Price. A bond's cost expressed as a percentage of its face value. For example, a bond quoted at a dollar price of 95 ½, would have a principal cost of $955 per $1,000 of face value.

Duff & Phelps. One of several NRSROs that provide credit ratings on corporate and bank debt issues.

Duration. The weighted average maturity of a security's or portfolio's cash-flows, where the present values of the cash-flows serve as the weights. The greater the duration of a security/portfolio, the greater its percentage price volatility with respect to changes in interest rates. Used as a measure of risk and a key tool for managing a portfolio versus a benchmark and for hedging risk. There are also different kinds of duration used for different purposes (e.g. MacAuley Duration, Modified Duration).

Fannie Mae. See "Federal National Mortgage Association."

Fed Money Wire. A computerized communications system that connects the Federal Reserve System with its member banks, certain U. S. Treasury offices, and the Washington D.C. office of the Commodity Credit Corporation. The Fed Money Wire is the book entry system used to transfer cash balances between banks for themselves and for customer accounts.

Fed Securities Wire. A computerized communications system that facilitates book entry transfer of securities between banks, brokers and customer accounts, used primarily for settlement of U.S. Treasury and Federal Agency securities.

Fed. See "Federal Reserve System."

Federal Agency Security. A debt instrument issued by one of the Federal Agencies. Federal Agencies are considered second in credit quality and liquidity only to U.S. Treasuries.

Federal Agency. Government sponsored/owned entity created by the U.S. Congress, generally for the purpose of acting as a financial intermediary by borrowing in the marketplace and directing proceeds to specific areas of the economy considered to otherwise have restricted access to credit markets. The largest Federal Agencies are GNMA, FNMA, FHLMC, FHLB, FFCB, SLMA, and TVA.

Federal Deposit Insurance Corporation (FDIC). Federal agency that insures deposits at commercial banks, currently to a limit of $250,000 per depositor per bank.

Federal Farm Credit Bank (FFCB). One of the large Federal Agencies. A government sponsored enterprise (GSE) system that is a network of cooperatively-owned lending institutions that provides credit services to farmers, agricultural cooperatives and rural utilities. The FFCBs act as financial intermediaries that borrow money in the capital markets and use the proceeds to make loans and provide other assistance to farmers and farm-affiliated businesses. Consists of the consolidated operations of the Banks for Cooperatives, Federal Intermediate Credit Banks, and Federal Land Banks. Frequent issuer of discount notes, agency notes and callable agency securities. FFCB debt is not an obligation of, nor is it guaranteed by the U.S. government, although it is considered to have minimal credit risk due to its importance to the U.S. financial system and agricultural industry. Also issues notes under its "designated note" program.

Federal Funds (Fed Funds). Funds placed in Federal Reserve Banks by depository institutions in excess of current reserve requirements, and frequently loaned or borrowed on an overnight basis between depository institutions.

Federal Funds Rate (Fed Funds Rate). The interest rate charged by a depository institution lending Federal Funds to another depository institution. The Federal Reserve influences this rate by establishing a "target" Fed Funds rate associated with the Fed's management of monetary policy.

Federal Home Loan Bank System (FHLB). One of the large Federal Agencies. A government sponsored enterprise (GSE) system, consisting of wholesale banks (currently twelve district banks) owned by their member banks, which provides correspondent banking services and credit to various financial institutions, financed by the issuance of securities. The principal purpose of the FHLB is to add liquidity to the mortgage markets. Although FHLB does not directly fund mortgages, it provides a stable supply of credit to thrift institutions that make new mortgage loans. FHLB debt is not an obligation of, nor is it guaranteed by the U.S. government, although it is considered to have minimal credit risk due to its importance to the U.S. financial system and housing market. Frequent issuer of discount notes, agency notes and callable agency securities. Also issues notes under its "global note" and "TAP" programs.

Federal Home Loan Mortgage Corporation (FHLMC or "Freddie Mac"). One of the large Federal Agencies. A government sponsored public corporation (GSE) that provides stability and assistance to the secondary market for home mortgages by purchasing first mortgages and participation interests financed by the sale of debt and guaranteed mortgage backed securities. FHLMC debt is not an obligation of, nor is it guaranteed by the U.S. government, although it is considered to have minimal credit risk due to its importance to the U.S. financial system and housing market. Frequent issuer of discount notes, agency notes, callable agency securities, and MBS. Also issues notes under its "reference note" program.

Federal National Mortgage Association (FNMA or "Fannie Mae"). One of the large Federal Agencies. A government sponsored public corporation (GSE) that provides liquidity to the residential mortgage market by purchasing mortgage loans from lenders, financed by the issuance of debt securities and MBS (pools of mortgages packaged together as a security). FNMA debt is not an obligation of, nor is it guaranteed by the U.S. government, although it is considered to have minimal credit risk due to its importance to the U.S. financial system and housing market. Frequent issuer of discount notes, agency notes, callable agency securities and MBS. Also issues notes under its "benchmark note" program.

Federal Reserve Bank. One of the 12 distinct banks of the Federal Reserve System.

Federal Reserve System (the Fed). The independent central bank system of the United States that establishes and conducts the nation's monetary policy. This is accomplished in three major ways: (1) raising or lowering bank reserve requirements, (2) raising or lowering the target Fed Funds Rate and Discount Rate, and (3) in open market operations by buying and selling government securities. The Federal Reserve System is made up of twelve Federal Reserve District Banks, their branches, and many national and state banks throughout the nation. It is headed by the seven member Board of Governors known as the "Federal Reserve Board" and headed by its Chairman.

Financial Industry Regulatory Authority, Inc. (FINRA). A private corporation that acts as a self-regulatory organization (SRO). FINRA is the successor to the National Association of Securities Dealers, Inc. (NASD). Though sometimes mistaken for a government agency, it is a non-governmental organization that performs financial regulation of member brokerage firms and exchange markets. The government also has a regulatory arm for investments, the Securities and Exchange Commission (SEC).

Fiscal Agent/Paying Agent. A bank or trust company that acts, under a trust agreement with a corporation or municipality, in the capacity of general treasurer. The agent performs such duties as making coupon payments, paying rents, redeeming bonds, and handling taxes relating to the issuance of bonds.

Fitch Investors Service, Inc. One of several NRSROs that provide credit ratings on corporate and municipal debt issues.

Floating Rate Security (FRN or "floater"). A bond with an interest rate that is adjusted according to changes in an interest rate or index. Differs from variable-rate debt in that the changes to the rate take place immediately when the index changes, rather than on a predetermined schedule. See also "Variable Rate Security."

Freddie Mac. See "Federal Home Loan Mortgage Corporation."

Ginnie Mae. See "Government National Mortgage Association."

Global Notes: Notes designed to qualify for immediate trading in both the domestic U.S. capital market and in foreign markets around the globe. Usually large issues that are sold to investors worldwide and therefore have excellent liquidity. Despite their global sales, global notes sold in the U.S. are typically denominated in U.S. dollars.

Government National Mortgage Association (GNMA or "Ginnie Mae"). One of the large Federal Agencies. Government-owned Federal Agency that acquires, packages, and resells mortgages and mortgage purchase commitments in the form of mortgage-backed securities. Largest issuer of mortgage pass-through securities. GNMA debt is guaranteed by the full faith and credit of the U.S. government (one of the few agencies that are actually full faith and credit of the U.S. government).

Government Securities. An obligation of the U.S. government, backed by the full faith and credit of the government. These securities are regarded as the highest quality of investment securities available in the U.S. securities market. See "Treasury Bills, Notes, Bonds, and SLGS."

Government Sponsored Enterprise (GSE). Privately owned entity subject to federal regulation and supervision, created by the U.S. Congress to reduce the cost of capital for certain borrowing sectors of the economy such as students, farmers, and homeowners. GSEs carry the implicit backing of the U.S. government, but they are not direct obligations of the U.S. government. For this reason, these securities will offer a yield premium over U.S. Treasuries. Examples of GSEs include: FHLB, FHLMC, FNMA, and SLMA.

Government Sponsored Enterprise Security. A security issued by a Government Sponsored Enterprise. Considered Federal Agency Securities.

Index. A compilation of statistical data that tracks changes in the economy or in financial markets.

Interest-Only (IO) STRIP. A security based solely on the interest payments from the bond. After the principal has been repaid, interest payments stop and the value of the security falls to nothing. Therefore, IOs are considered risky investments. Usually associated with mortgage-backed securities.

Internal Controls. An internal control structure ensures that the assets of the entity are protected from loss, theft, or misuse. The internal control structure is designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that 1) the cost of a control should not exceed the benefits likely to be derived and 2) the valuation of costs and benefits requires estimates and judgments by management. Internal controls should address the following points:

1. **Control of collusion** - Collusion is a situation where two or more employees are working in conjunction to defraud their employer.

2. **Separation of transaction authority from accounting and record keeping** - A separation of duties is achieved by separating the person who authorizes or performs the transaction from the people who record or otherwise account for the transaction.

3. **Custodial safekeeping** - Securities purchased from any bank or dealer including appropriate collateral (as defined by state law) shall be placed with an independent third party for custodial safekeeping.

4. **Avoidance of physical delivery securities** - Book-entry securities are much easier to transfer and account for since actual delivery of a document never takes place. Delivered securities must be properly safeguarded against loss or destruction. The potential for fraud and loss increases with physically delivered securities.

5. **Clear delegation of authority to subordinate staff members** - Subordinate staff members must have a clear understanding of their authority and responsibilities to avoid improper actions. Clear delegation of authority also preserves the internal control structure that is contingent on the various staff positions and their respective responsibilities.

6. **Written confirmation of transactions for investments and wire transfers** - Due to the potential for error and improprieties arising from telephone and electronic transactions, all transactions should be supported by written communications and approved by the appropriate person. Written communications may be via fax if on letterhead and if the safekeeping institution has a list of authorized signatures.

7. **Development of a wire transfer agreement with the lead bank and third-party custodian** - The designated official should ensure that an agreement will be entered into and will address the following points: controls, security provisions, and responsibilities of each party making and receiving wire transfers.

Inverse Floater. A floating rate security structured in such a way that it reacts inversely to the direction of interest rates. Considered risky as their value moves in the opposite direction of normal fixed-income investments and whose interest rate can fall to zero.

Investment Advisor. A company that provides professional advice managing portfolios, investment recommendations, and/or research in exchange for a management fee.

Investment Adviser Act of 1940. Federal legislation that sets the standards by which investment companies, such as mutual funds, are regulated in the areas of advertising, promotion, performance reporting requirements, and securities valuations.

Investment Grade. Bonds considered suitable for preservation of invested capital, including bonds rated a minimum of Baa3 by Moody's, BBB- by Standard & Poor's, or BBB- by Fitch. Although "BBB" rated bonds are considered investment grade, most public agencies cannot invest in securities rated below "A."

Liquidity. Relative ease of converting an asset into cash without significant loss of value. Also, a relative measure of cash and near-cash items in a portfolio of assets. Additionally, it is a term describing the marketability of a money market security correlating to the narrowness of the spread between the bid and ask prices.

Local Government Investment Pool (LGIP). An investment by local governments in which their money is pooled as a method for managing local funds, (e.g., TexPool, Texas Term).

Long-Term Core Investment Program. Funds that are not needed within a one-year period.

Market Value. The fair market value of a security or commodity. The price at which a willing buyer and seller would pay for a security.

Mark-to-market. Adjusting the value of an asset to its market value, reflecting in the process unrealized gains or losses.

Master Repurchase Agreement. A widely accepted standard agreement form published by the Securities Industry and Financial Markets Association (SIFMA) that is used to govern and document Repurchase Agreements and protect the interest of parties in a repo transaction.

Maturity Date. Date on which principal payment of a financial obligation is to be paid.

Medium Term Notes (MTN's). Used frequently to refer to corporate notes of medium maturity (5-years and under). Technically, any debt security issued by a corporate or depository institution with a maturity from 1 to 10 years and issued under an MTN shelf registration. Usually issued in smaller issues with varying coupons and maturities, and underwritten by a variety of broker/dealers (as opposed to large corporate deals issued and underwritten all at once in large size and with a fixed coupon and maturity).

Money Market. The market in which short-term debt instruments (bills, commercial paper, bankers' acceptance, etc.) are issued and traded.

Money Market Mutual Fund (MMF). A type of mutual fund that invests solely in money market instruments, such as: U.S. Treasury bills, commercial paper, bankers' acceptances, and repurchase agreements. Money market mutual funds are registered with the SEC under the Investment Company Act of 1940 and are subject to "rule 2a-7" which significantly limits average maturity and credit quality of holdings. MMF's are managed to maintain a stable net asset value (NAV) of $1.00. Many MMFs carry ratings by a NRSRO.

Moody's Investors Service. One of several NRSROs that provide credit ratings on corporate and municipal debt issues.

Mortgage Backed Securities (MBS). Mortgage-backed securities represent an ownership interest in a pool of mortgage loans made by financial institutions, such as savings and loans, commercial banks, or mortgage companies, to finance the borrower's purchase of a home or other real estate. The majority of MBS are issued and/or guaranteed by GNMA, FNMA, and FHLMC. There are a variety of MBS structures with varying levels of risk and complexity. All MBS have reinvestment risk as actual principal and interest payments are dependent on the payment of the underlying mortgages which can be prepaid by mortgage holders to refinance and lower rates or simply because the underlying property was sold.

Mortgage Pass-Through Securities. A pool of residential mortgage loans with the monthly interest and principal distributed to investors on a pro-rata basis. The largest issuer is GNMA.

Municipal Note/Bond. A debt instrument issued by a state or local government unit or public agency.The vast majority of municipals are exempt from state and federal income tax, although some non-qualified issues are taxable.

Mutual Fund. Portfolio of securities professionally managed by a registered investment company that issues shares to investors. Many different types of mutual funds exist (e.g., bond, equity, and money market funds); all except money market funds operate on a variable net asset value (NAV).

Negotiable Certificate of Deposit (Negotiable CD). Large denomination CDs ($100,000 and larger) that are issued in bearer form and can be traded in the secondary market.

Net Asset Value. The market value of one share of an investment company, such as a mutual fund. This figure is calculated by totaling a fund's assets including securities, cash, and any accrued earnings, then subtracting the total assets from the fund's liabilities, and dividing this total by the number of shares outstanding. This is calculated once a day based on the closing price for each security in the fund's portfolio. (See below.)

[(Total assets) - (Liabilities)]/(Number of shares outstanding)

NRSRO. A "Nationally Recognized Statistical Rating Organization" (NRSRO) is a designated rating organization that the SEC has deemed a strong national presence in the U.S. NRSROs provide credit ratings on corporate and bank debt issues. Only ratings of a NRSRO may be used for the regulatory purposes of rating. Includes Moody's, S&P, Fitch, and Duff & Phelps.

Offered Price. See also "Ask Price."

Open Market Operations. A Federal Reserve monetary policy tactic entailing the purchase or sale of government securities in the open market by the Federal Reserve System from and to primary dealers in order to influence the money supply, credit conditions, and interest rates.

Par Value. The face value, stated value, or maturity value of a security.

Physical Delivery. Delivery of readily available underlying assets at contract maturity.

Portfolio. Collection of securities and investments held by an investor.

Premium. The amount by which a bond or other financial instrument sells above its face value. See also "Discount."

Primary Dealer. A designation given to certain government securities dealer by the Federal Reserve Bank of New York. Primary dealers can buy and sell government securities directly with the Fed. Primary dealers also submit daily reports of market activity and security positions held to the Fed and are subject to its informal oversight. Primary dealers are the largest buyers and sellers by volume in the U.S. Treasury securities market.

Prime Paper. Commercial paper of high quality. Highest rated paper is A-1+/A-1 by S&P and P-1 by Moody's.

Principal. Face value of a financial instrument on which interest accrues. May be less than par value if some principal has been repaid or retired. For a transaction, principal is par value times price and includes any premium or discount.

Prudent Expert Rule. Standard that requires that a fiduciary manage a portfolio with the care, skill, prudence, and diligence, under the circumstances then prevailing, that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. This statement differs from the "prudent person" rule in that familiarity with such matters suggests a higher standard than simple prudence.

Prudent Investor Standard. Standard that requires that when investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency. More stringent than the "prudent person" standard as it implies a level of knowledge commensurate with the responsibility at hand.

Qualified Public Depository - Per Subsection 280.02(26), F.S., "qualified public depository" means any bank, savings bank, or savings association that:

1. Is organized and exists under the laws of the United States, the laws of this state or any other state or territory of the United States.

2. Has its principal place of business in this state or has a branch office in this state which is authorized under the laws of this state or of the United States to receive deposits in this state.

3. Has deposit insurance under the provision of the Federal Deposit Insurance Act, as amended, 12 U.S.C. ss.1811 et seq.

4. Has procedures and practices for accurate identification, classification, reporting, and collateralization of public deposits.

5. Meets all requirements of Chapter 280, F.S.

6. Has been designated by the Chief Financial Officer as a qualified public depository.

Range Note. A type of structured note that accrues interest daily at a set coupon rate that is tied to an index. Most range notes have two coupon levels; a higher accrual rate for the period the index is within a designated range, the lower accrual rate for the period that the index falls outside the designated range. This lower rate may be zero and may result in zero earnings.

Rate of Return. Amount of income received from an investment, expressed as a percentage of the amount invested.

Realized Gains (Losses). The difference between the sale price of an investment and its book value. Gains/losses are "realized" when the security is actually sold, as compared to "unrealized" gains/losses which are based on current market value. See "Unrealized Gains (Losses)."

Reference Bills: FHLMC's short-term debt program created to supplement its existing discount note program by offering issues from one month through one year, auctioned on a weekly or on an alternating four-week basis (depending upon maturity) offered in sizeable volumes ($1 billion and up) on a cycle of regular, standardized issuance. Globally sponsored and distributed, Reference Bill issues are intended to encourage active trading and market-making and facilitate the development of a term repo market. The program was designed to offer predictable supply, pricing transparency, and liquidity, thereby providing alternatives to U.S. Treasury bills. FHLMC's Reference Bills are unsecured general corporate obligations. This program supplements the corporation's existing discount note program. Issues under the Reference program constitute the same credit standing as other FHLMC discount notes; they simply add organization and liquidity to the short-term Agency discount note market.

Reference Notes: FHLMC's intermediate-term debt program with issuances of 2, 3, 5, 10, and 30-year maturities. Initial issuances range from $2 - $6 billion with re-openings ranging $1 - $4 billion.

The notes are high-quality bullet structures securities that pay interest semiannually. Issues under the Reference program constitute the same credit standing as other FHLMC notes; they simply add organization and liquidity to the intermediate- and long-term Agency market.

Repurchase Agreement (Repo). A short-term investment vehicle where an investor agrees to buy securities from a counterparty and simultaneously agrees to resell the securities back to the counterparty at an agreed upon time and for an agreed upon price. The difference between the purchase price and the sale price represents interest earned on the agreement. In effect, it represents a collateralized loan to the investor, where the securities are the collateral. Can be DVP, where securities are delivered to the investor's custodial bank, or "tri-party" where the securities are delivered to a third party intermediary. Any type of security can be used as "collateral," but only some types provide the investor with special bankruptcy protection under the law. Repos should be undertaken only when an appropriate Securities Industry and Financial Markets Association (SIFMA) approved master repurchase agreement is in place.

Reverse Repurchase Agreement (Reverse Repo). A repo from the point of view of the original seller of securities. Used by dealers to finance their inventory of securities by essentially borrowing at short-term rates. Can also be used to leverage a portfolio and in this sense, can be considered risky if used improperly.

Safekeeping. Service offered for a fee, usually by financial institutions, for the holding of securities and other valuables. Safekeeping is a component of custody services.

Secondary Market. Markets for the purchase and sale of any previously issued financial instrument.

Securities Industry and Financial Markets Association (SIFMA). The bond market trade association representing the largest securities markets in the world. In addition to publishing a Master Repurchase Agreement, widely accepted as the industry standard document for Repurchase Agreements, the SIFMA also recommends bond market closures and early closes due to holidays.

Securities Lending. An arrangement between and investor and a custody bank that allows the custody bank to "loan" the investors investment holdings, reinvest the proceeds in permitted investments, and shares any profits with the investor. Should be governed by a securities lending

agreement. Can increase the risk of a portfolio in that the investor takes on the default risk on the reinvestment at the discretion of the custodian.

Sinking Fund. A separate accumulation of cash or investments (including earnings on investments) in a fund in accordance with the terms of a trust agreement or indenture, funded by periodic deposits by the issuer (or other entity responsible for debt service), for the purpose of assuring timely availability of moneys for payment of debt service. Usually used in connection with term bonds.

Spread. The difference between the price of a security and similar maturity U.S. Treasury investments, expressed in percentage terms or basis points. A spread can also be the absolute difference in yield between two securities. The securities can be in different markets or within the same securities market between different credits, sectors, or other relevant factors.

Standard & Poor's. One of several NRSROs that provide credit ratings on corporate and municipal debt issues.

STRIPS (Separate Trading of Registered Interest and Principal of Securities). Acronym applied to U.S. Treasury securities that have had their coupons and principal repayments separated into individual zero-coupon Treasury securities. The same technique and "strips" description can be applied to non-Treasury securities (e.g., FNMA strips).

Structured Notes. Notes that have imbedded into their structure options such as step-up coupons or derivative-based returns.

Supranational. Supranational organizations are international financial institutions that are generally established by agreements among nations, with member nations contributing capital and participating in management. These agreements provide for limited immunity from the laws of member countries. Bonds issued by these institutions are part of the broader class of Supranational, Sovereign, and Non-U.S. Agency (SSA) sector bonds. Supranational bonds finance economic and infrastructure development and support environmental protection, poverty reduction, and renewable energy around the globe. For example, the World Bank, International Finance Corporation (IFC), and African Development Bank (AfDB) have “green bond” programs specifically designed for energy resource conservation and management. Supranational bonds, which are issued by multi-national organizations that transcend national boundaries. Examples include the World Bank, African Development Bank, and European Investment Bank.

Swap. Trading one asset for another.

TAP Notes: Federal Agency notes issued under the FHLB TAP program. Launched in 6/99 as a refinement to the FHLB bullet bond auction process. In a break from the FHLB’s traditional practice of bringing numerous small issues to market with similar maturities, the TAP Issue Program uses the four most common maturities and reopens them up regularly through a competitive auction. These maturities (2, 3, 5, and 10 year) will remain open for the calendar quarter, after which they will be closed and a new series of TAP issues will be opened to replace them. This reduces the number of separate bullet bonds issued, but generates enhanced awareness and liquidity in the marketplace through increased issue size and secondary market volume.

Tennessee Valley Authority (TVA). One of the large Federal Agencies. A wholly owned corporation of the United States government that was established in 1933 to develop the

resources of the Tennessee Valley region in order to strengthen the regional and national economy and the national defense. Power operations are separated from non-power operations. TVA securities represent obligations of TVA, payable solely from TVA's net power proceeds, and are neither obligations of nor guaranteed by the United States. TVA is currently authorized to issue debt up to $30 billion. Under this authorization, TVA may also obtain advances from the U.S. Treasury of up to $150 million. Frequent issuer of discount notes, agency notes, and callable agency securities.

Total Return. Investment performance measured over a period of time that includes coupon interest, interest on interest, and both realized and unrealized gains or losses. Total return includes, therefore, any market value appreciation/depreciation on investments held at period end.

Treasuries. Collective term used to describe debt instruments backed by the U.S. government and issued through the U.S. Department of the Treasury. Includes Treasury bills, Treasury notes, and Treasury bonds. Also a benchmark term used as a basis by which the yields of non-Treasury securities are compared (e.g., "trading at 50 basis points over Treasuries").

Treasury Bills (T-Bills). Short-term direct obligations of the United States government issued with an original term of one year or less. Treasury bills are sold at a discount from face value and do not pay interest before maturity. The difference between the purchase price of the bill and the maturity value is the interest earned on the bill. Currently, the U.S. Treasury issues 4-week, 13-week, and 26-week T-Bills.

Treasury Bonds. Long-term interest-bearing debt securities backed by the U.S. government and issued with maturities of ten years and longer by the U.S. Department of the Treasury.

Treasury Notes. Intermediate interest-bearing debt securities backed by the U.S. government and issued with maturities ranging from one to ten years by the U.S. Department of the Treasury. The Treasury currently issues 2-year, 3-year, 5-year, and 10-year Treasury Notes.

Trustee. A bank designated by an issuer of securities as the custodian of funds and official representative of bondholders. Trustees are appointed to insure compliance with the bond documents and to represent bondholders in enforcing their contract with the issuer.

Uniform Net Capital Rule. SEC Rule 15c3-1 that outlines the minimum net capital ratio (ratio of indebtedness to net liquid capital) of member firms and non-member broker/dealers.

Unrealized Gains (Losses). The difference between the market value of an investment and its book value. Gains/losses are “realized” when the security is actually sold, as compared to “unrealized” gains/losses which are based on current market value. See also “Realized Gains (Losses).”

Variable-Rate Security. A bond that bears interest at a rate that varies over time based on a specified schedule of adjustment (e.g., daily, weekly, monthly, semi-annually, or annually). See also “Floating Rate Note.”

Weighted Average Maturity (or just “Average Maturity”). The average maturity of all securities and investments of a portfolio, determined by multiplying the par or principal value of each security or investment by its maturity (days or years), summing the products, and dividing the sum by the total principal value of the portfolio. A simple measure of risk of a fixed-income portfolio.

Weighted Average Maturity to Call. The average maturity of all securities and investments of a portfolio, adjusted to substitute the first call date per security for maturity date for those securities with call provisions.

Yield Curve. A graphic depiction of yields on like securities in relation to remaining maturities spread over a time line. The traditional yield curve depicts yields on U.S. Treasuries, although yield curves exist for Federal Agencies and various credit quality corporates as well. Yield curves can be positively sloped (normal) where longer-term investments have higher yields, or "inverted" (uncommon) where longer-term investments have lower yields than shorter ones.

Yield to Call (YTC). Same as "Yield to Maturity," except the return is measured to the first call date rather than the maturity date. Yield to call can be significantly higher or lower than a security's yield to maturity.

Yield to Maturity (YTM). Calculated return on an investment, assuming all cash-flows from the security are reinvested at the same original yield. Can be higher or lower than the coupon rate depending on market rates and whether the security was purchased at a premium or discount. There are different conventions for calculating YTM for various types of securities.

Yield. There are numerous methods of yield determination. In this glossary, see also "Current Yield," "Yield Curve," "Yield to Call," and "Yield to Maturity."

~~B. Government Code~~

~~**GOVERNMENT CODE**~~

~~**CHAPTER 2256. PUBLIC FUNDS INVESTMENT**~~

~~SUBCHAPTER A. AUTHORIZED INVESTMENTS FOR GOVERNMENTAL ENTITIES~~

~~Sec. 2256.001. SHORT TITLE. This chapter may be cited as the Public Funds Investment Act.~~

~~Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.~~

~~Sec. 2256.002. DEFINITIONS. In this chapter:~~

~~(1) "Bond proceeds" means the proceeds from the sale of bonds, notes, and other obligations issued by an entity, and reserves and funds maintained by an entity for debt service purposes.~~

~~(2) "Book value" means the original acquisition cost of an investment plus or minus the accrued amortization or accretion.~~

~~(3) "Funds" means public funds in the custody of a state agency or local government that:~~

~~(A) are not required by law to be deposited in the state treasury; and~~

~~(B) the investing entity has authority to invest.~~

~~(4) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.~~

~~(5) "Investing entity" and "entity" mean an entity subject to this chapter and described by Section 2256.003.~~

~~(6) "Investment pool" means an entity created under this code to invest public funds jointly on behalf of the entities that participate in the pool and whose investment objectives in order of priority are:~~

~~(A) preservation and safety of principal;~~

~~(B) liquidity; and~~

~~(C) yield.~~

~~(7) "Local government" means a municipality, a county, a school district, a district or authority created under Section 52(b)(1) or (2), Article III, or Section 59, Article XVI, Texas Constitution, a fresh water supply district, a hospital district, and any political subdivision, authority, public corporation, body politic, or instrumentality of the State of Texas, and any nonprofit corporation acting on behalf of any of those entities.~~

~~(8) "Market value" means the current face or par value of an investment multiplied by the net selling price of the security as quoted by a recognized market pricing source quoted on the valuation date.~~

~~(9) "Pooled fund group" means an internally created fund of an investing entity in which one or more institutional accounts of the investing entity are invested.~~

~~(10) "Qualified representative" means a person who holds a position with a business organization, who is authorized to act on behalf of the business organization, and who is one of the following:~~

~~(A) for a business organization doing business that is regulated by or registered with a securities commission, a person who is registered under the rules of the National Association of Securities Dealers;~~

~~(B) for a state or federal bank, a savings bank, or a state or federal credit union, a member of the loan committee for the bank or branch of the bank or a person authorized by corporate resolution to act on behalf of and bind the banking institution;~~

~~(C) for an investment pool, the person authorized by the elected official or board with authority to administer the activities of the investment pool to sign the written instrument on behalf of the investment pool; or~~

~~(D) for an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or, if not subject to registration under that Act, registered with the State Securities Board, a person who is an officer or principal of the investment management firm.~~

~~(11) "School district" means a public school district.~~

~~(12) "Separately invested asset" means an account or fund of a state agency or local government that is not invested in a pooled fund group.~~

~~(13) "State agency" means an office, department, commission, board, or other agency that is part of any branch of state government, an institution of higher education, and any nonprofit corporation acting on behalf of any of those entities.~~

~~Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 1, eff. Sept. 1, 1999.~~

~~Sec. 2256.003. AUTHORITY TO INVEST FUNDS; ENTITIES SUBJECT TO THIS CHAPTER. (a) Each governing body of the following entities may purchase, sell, and invest its funds and funds under its control in investments authorized under this subchapter in compliance with investment policies approved by the governing body and according to the standard of care prescribed by Section 2256.006:~~

~~(1) a local government;~~

~~(2) a state agency;~~

~~(3) a nonprofit corporation acting on behalf of a local government or a state agency; or~~

~~(4) an investment pool acting on behalf of two or more local governments, state agencies, or a combination of those entities.~~

~~(b) In the exercise of its powers under Subsection (a), the governing body of an investing entity may contract with an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or with the State Securities Board to provide for the investment and management of its public funds or other funds under its control. A contract made under authority of this subsection may not be for a term longer than two years. A renewal or extension of the contract must be made by the governing body of the investing entity by order, ordinance, or resolution.~~

~~(c) This chapter does not prohibit an investing entity or investment officer from using the entity's employees or the services of a contractor of the entity to aid the investment officer in the execution of the officer's duties under this chapter.~~

~~Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 1454, Sec. 2, eff. Sept. 1, 1999.~~

~~Sec. 2256.004. APPLICABILITY. (a) This subchapter does not apply to:~~

~~(1) a public retirement system as defined by Section 802.001;~~

~~(2) state funds invested as authorized by Section 404.024;~~

~~(3) an institution of higher education having total endowments of at least $95 million in book value on May 1, 1995;~~

~~(4) funds invested by the Veterans' Land Board as authorized by Chapter 161, 162, or 164, Natural Resources Code;~~

~~(5) registry funds deposited with the county or district clerk under Chapter 117, Local Government Code; or~~

~~(6) a deferred compensation plan that qualifies under either Section 401(k) or 457 of the Internal Revenue Code of 1986 (26 U.S.C. Section 1 et seq.), as amended.~~

~~(b) This subchapter does not apply to an investment donated to an investing entity for a particular purpose or under terms of use specified by the donor.~~

~~Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 505, Sec. 24, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1421, Sec. 2, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, Sec. 8.21, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1454, Sec. 3, eff. Sept. 1, 1999.~~

~~Sec. 2256.005. INVESTMENT POLICIES; INVESTMENT STRATEGIES; INVESTMENT OFFICER. (a) The governing body of an investing entity shall adopt by rule, order, ordinance, or resolution, as appropriate, a~~

~~written investment policy regarding the investment of its funds and funds under its control.~~

~~(b) The investment policies must:~~

~~(1) be written;~~

~~(2) primarily emphasize safety of principal and liquidity;~~

~~(3) address investment diversification, yield, and maturity and the quality and capability of investment management; and~~

~~(4) include:~~

~~(A) a list of the types of authorized investments in which the investing entity's funds may be invested;~~

~~(B) the maximum allowable stated maturity of any individual investment owned by the entity;~~

~~(C) for pooled fund groups, the maximum dollar-weighted average maturity allowed based on the stated maturity date for the portfolio;~~

~~(D) methods to monitor the market price of investments acquired with public funds;~~

~~(E) a requirement for settlement of all transactions, except investment pool funds and mutual funds, on a delivery versus payment basis; and~~

~~(F) procedures to monitor rating changes in investments acquired with public funds and the liquidation of such investments consistent with the provisions of Section 2256.021.~~

~~(c) The investment policies may provide that bids for certificates of deposit be solicited:~~

~~(1) orally;~~

~~(2) in writing;~~

~~(3) electronically; or~~

~~(4) in any combination of those methods.~~

~~(d) As an integral part of an investment policy, the governing body shall adopt a separate written investment strategy for each of the funds or group of funds under its control. Each investment strategy must describe the investment objectives for the particular fund using the following priorities in order of importance:~~

~~(1) understanding of the suitability of the investment to the financial requirements of the entity;~~

~~(2) preservation and safety of principal;~~

~~(3) liquidity;~~

~~(4) marketability of the investment if the need arises to liquidate the investment before maturity;~~

~~(5) diversification of the investment portfolio; and~~

~~(6) yield.~~

~~(e) The governing body of an investing entity shall review its investment policy and investment strategies not less than annually. The governing body shall adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and investment strategies and that the written instrument so adopted shall record any changes made to either the investment policy or investment strategies.~~

~~(f) Each investing entity shall designate, by rule, order, ordinance, or resolution, as appropriate, one or more officers or employees of the state agency, local government, or investment pool as investment officer to be responsible for the investment of its funds consistent with the investment policy adopted by the entity. If the governing body of an investing entity has contracted with another investing entity to invest its funds, the investment officer of the other investing entity is considered to be the investment officer of the first investing entity for purposes of this chapter. Authority granted to a person to invest an entity's funds is effective until rescinded by the investing entity, until the expiration of the officer's term or the termination of the person's employment by the investing entity, or if an investment management firm, until the expiration of the contract with the investing entity. In the administration of the duties of an investment officer, the person designated as investment officer shall exercise the judgment and care, under prevailing circumstances, that a prudent person would exercise in the management of the person's own affairs, but the governing body of the investing entity retains ultimate responsibility as fiduciaries of the assets of the entity. Unless authorized by law, a~~

~~person may not deposit, withdraw, transfer, or manage in any other manner the funds of the investing entity.~~

~~(g) Subsection (f) does not apply to a state agency, local government, or investment pool for which an officer of the entity is assigned by law the function of investing its funds.~~

~~Text of subsec. (h) as amended by Acts 1997, 75th Leg., ch. 685, Sec. 1~~

~~(h) An officer or employee of a commission created under Chapter 391, Local Government Code, is ineligible to be an investment officer for the commission under Subsection (f) if the officer or employee is an investment officer designated under Subsection (f) for another local government.~~

~~Text of subsec. (h) as amended by Acts 1997, 75th Leg., ch. 1421, Sec. 3~~

~~(h) An officer or employee of a commission created under Chapter 391, Local Government Code, is ineligible to be designated as an investment officer under Subsection (f) for any investing entity other than for that commission.~~

~~(i) An investment officer of an entity who has a personal business relationship with a business organization offering to engage in an investment transaction with the entity shall file a statement disclosing that personal business interest. An investment officer who is related within the second degree by affinity or consanguinity, as determined under Chapter 573, to an individual seeking to sell an investment to the investment officer's entity shall file a statement disclosing that relationship. A statement required under this subsection must be filed with the Texas Ethics Commission and the governing body of the entity. For purposes of this subsection, an investment officer has a personal business relationship with a business organization if:~~

~~(1) the investment officer owns 10 percent or more of the voting stock or shares of~~

~~the business organization or owns $5,000 or more of the fair market value of the business organization;~~

~~(2) funds received by the investment officer from the business organization exceed 10 percent of the investment officer's gross income for the previous year; or~~

~~(3) the investment officer has acquired from the business organization during the previous year investments with a book value of $2,500 or more for the personal account of the investment officer.~~

~~(j) The governing body of an investing entity may specify in its investment policy that any investment authorized by this chapter is not suitable.~~

~~(k) A written copy of the investment policy shall be presented to any person offering to engage in an investment transaction with an investing entity or to an investment management firm under contract with an investing entity to invest or manage the entity's investment portfolio. For purposes of this subsection, a business organization includes investment pools and an investment management firm under contract with an investing entity to invest or manage the entity's investment portfolio. Nothing in this subsection relieves the investing entity of the responsibility for monitoring the investments made by the investing entity to determine that they are in compliance with the investment policy. The qualified representative of the business organization offering to engage in an investment transaction with an investing entity shall execute a written instrument in a form acceptable to the investing entity and the business organization substantially to the effect that the business organization has:~~

~~(1) received and reviewed the investment policy of the entity; and~~

~~(2) acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the entity and the organization that are not authorized by the entity's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the entity's entire portfolio or requires an~~

~~interpretation of subjective investment standards.~~

~~(l) The investment officer of an entity may not acquire or otherwise obtain any authorized investment described in the investment policy of the investing entity from a person who has not delivered to the entity the instrument required by Subsection (k).~~

~~(m) An investing entity other than a state agency, in conjunction with its annual financial audit, shall perform a compliance audit of management controls on investments and adherence to the entity's established investment policies.~~

~~(n) Except as provided by Subsection (o), at least once every two years a state agency shall arrange for a compliance audit of management controls on investments and adherence to the agency's established investment policies. The compliance audit shall be performed by the agency's internal auditor or by a private auditor employed in the manner provided by Section 321.020. Not later than January 1 of each even-numbered year a state agency shall report the results of the most recent audit performed under this subsection to the state auditor. Subject to a risk assessment and to the legislative audit committee's approval of including a review by the state auditor in the audit plan under Section 321.013, the state auditor may review information provided under this section. If review by the state auditor is approved by the legislative audit committee, the state auditor may, based on its review, require a state agency to also report to the state auditor other information the state auditor determines necessary to assess compliance with laws and policies applicable to state agency investments. A report under this subsection shall be prepared in a manner the state auditor prescribes.~~

~~(o) The audit requirements of Subsection (n) do not apply to assets of a state agency that are invested by the comptroller under Section 404.024.~~

~~Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 685, Sec. 1, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1421, Sec. 3, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 4,~~

~~eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 785, Sec. 41, eff. Sept. 1, 2003.~~

~~Amended by:~~

~~Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 1, eff. June 17, 2011.~~

~~Sec. 2256.006. STANDARD OF CARE. (a) Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. Investment of funds shall be governed by the following investment objectives, in order of priority:~~

~~(1) preservation and safety of principal;~~

~~(2) liquidity; and~~

~~(3) yield.~~

~~(b) In determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:~~

~~(1) the investment of all funds, or funds under the entity's control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment; and~~

~~(2) whether the investment decision was consistent with the written investment policy of the entity.~~

~~Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.~~

~~Sec. 2256.007. INVESTMENT TRAINING; STATE AGENCY BOARD MEMBERS AND OFFICERS. (a) Each member of the governing board of a state agency and its investment officer shall attend at least one training session relating to the person's responsibilities under this chapter within six months after taking office or assuming duties.~~

~~(b) The Texas Higher Education Coordinating Board shall provide the training under this section.~~

~~(c) Training under this section must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with this chapter.~~

~~(d) An investment officer shall attend a training session not less than once each state fiscal biennium and may receive training from any independent source approved by the governing body of the state agency. The investment officer shall prepare a report on this subchapter and deliver the report to the governing body of the state agency not later than the 180th day after the last day of each regular session of the legislature.~~

~~Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 73, Sec. 1, eff. May 9, 1997; Acts 1997, 75th Leg., ch. 1421, Sec. 4, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 5, eff. Sept. 1, 1999.~~

~~Amended by:~~

~~Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 2, eff. June 17, 2011.~~

~~This section was amended by the 84th Legislature. Pending publication of the current statutes, see H.B. 870 and H.B. 1148, 84th Legislature, Regular Session, for amendments affecting this section.~~

~~Sec. 2256.008. INVESTMENT TRAINING; LOCAL GOVERNMENTS. (a) Except as provided by Subsections (b) and (e), the treasurer, the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a local government shall:~~

~~(1) attend at least one training session from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government and containing at least 10 hours of instruction relating to the treasurer's or officer's responsibilities under this subchapter within 12~~

~~months after taking office or assuming duties; and~~

~~(2) except as provided by Subsections (b) and (e), attend an investment training session not less than once in a two-year period that begins on the first day of that local government's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than 10 hours of instruction relating to investment responsibilities under this subchapter from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government.~~

~~(b) An investing entity created under authority of Section 52(b), Article III, or Section 59, Article XVI, Texas Constitution, that has contracted with an investment management firm under Section 2256.003(b) and has fewer than five full-time employees or an investing entity that has contracted with another investing entity to invest the entity's funds may satisfy the training requirement provided by Subsection (a)(2) by having an officer of the governing body attend four hours of appropriate instruction in a two-year period that begins on the first day of that local government's fiscal year and consists of the two consecutive fiscal years after that date. The treasurer or chief financial officer of an investing entity created under authority of Section 52(b), Article III, or Section 59, Article XVI, Texas Constitution, and that has fewer than five full-time employees is not required to attend training required by this section unless the person is also the investment officer of the entity.~~

~~(c) Training under this section must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with this chapter.~~

~~(d) Not later than December 31 each year, each individual, association, business, organization, governmental entity, or other person that provides training under this section shall report to the comptroller a list of the governmental entities for which the person provided required training under this section during that calendar year. An individual's~~

~~reporting requirements under this subsection are satisfied by a report of the individual's employer or the sponsoring or organizing entity of a training program or seminar.~~

~~(c) This section does not apply to a district governed by Chapter 36 or 49, Water Code.~~

~~Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 5, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 6, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 69, Sec. 4, eff. May 14, 2001.~~

~~Amended by:~~

~~Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 3, eff. June 17, 2011.~~

~~Sec. 2256.009. AUTHORIZED INVESTMENTS: OBLIGATIONS OF, OR GUARANTEED BY GOVERNMENTAL ENTITIES. (a) Except as provided by Subsection (b), the following are authorized investments under this subchapter:~~

~~(1) obligations, including letters of credit, of the United States or its agencies and instrumentalities;~~

~~(2) direct obligations of this state or its agencies and instrumentalities;~~

~~(3) collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;~~

~~(4) other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States;~~

~~(5) obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent; and~~

~~(6) bonds issued, assumed, or guaranteed by the State of Israel.~~

~~(b) The following are not authorized investments under this section:~~

~~(1) obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal;~~

~~(2) obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;~~

~~(3) collateralized mortgage obligations that have a stated final maturity date of greater than 10 years; and~~

~~(4) collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.~~

~~Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 1454, Sec. 7, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 558, Sec. 1, eff. Sept. 1, 2001.~~

~~Amended by:~~

~~Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 4, eff. June 17, 2011.~~

~~Sec. 2256.010. AUTHORIZED INVESTMENTS: CERTIFICATES OF DEPOSIT AND SHARE CERTIFICATES. (a) A certificate of deposit or share certificate is an authorized investment under this subchapter if the certificate is issued by a depository institution that has its main office or a branch office in this state and is:~~

~~(1) guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor;~~

~~(2) secured by obligations that are described by Section 2256.009(a), including mortgage-backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates, but excluding those~~

~~mortgage backed securities of the nature described by Section 2256.009(b); or~~

~~(3) secured in any other manner and amount provided by law for deposits of the investing entity.~~

~~(b) In addition to the authority to invest funds in certificates of deposit under Subsection (a), an investment in certificates of deposit made in accordance with the following conditions is an authorized investment under this subchapter:~~

~~(1) the funds are invested by an investing entity through:~~

~~(A) a broker that has its main office or a branch office in this state and is selected from a list adopted by the investing entity as required by Section 2256.025; or~~

~~(B) a depository institution that has its main office or a branch office in this state and that is selected by the investing entity;~~

~~(2) the broker or the depository institution selected by the investing entity under Subdivision (1) arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the investing entity;~~

~~(3) the full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States; and~~

~~(4) the investing entity appoints the depository institution selected by the investing entity under Subdivision (1), an entity described by Section 2257.041(d), or a clearing broker-dealer registered with the Securities and Exchange Commission and operating pursuant to Securities and Exchange Commission Rule 15c3-3 (17 C.F.R. Section 240.15c3-3) as custodian for the investing entity with respect to the certificates of deposit issued for the account of the investing entity.~~

~~Amended by Acts 1995, 74th Leg., ch. 32, Sec. 1, eff. April 28, 1995; Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 6, eff. Sept. 1, 1997.~~

~~Amended by:~~

~~Acts 2005, 79th Leg., Ch. 128 (H.B. 256), Sec. 1, eff. September 1, 2005.~~

~~Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 5, eff. June 17, 2011.~~

~~Sec. 2256.011. AUTHORIZED INVESTMENTS: REPURCHASE AGREEMENTS. (a) A fully collateralized repurchase agreement is an authorized investment under this subchapter if the repurchase agreement:~~

~~(1) has a defined termination date;~~

~~(2) is secured by a combination of cash and obligations described by Section 2256.009(a)(1); and~~

~~(3) requires the securities being purchased by the entity or cash held by the entity to be pledged to the entity, held in the entity's name, and deposited at the time the investment is made with the entity or with a third party selected and approved by the entity; and~~

~~(4) is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state.~~

~~(b) In this section, "repurchase agreement" means a simultaneous agreement to buy, hold for a specified time, and sell back at a future date obligations described by Section 2256.009(a)(1), at a market value at the time the funds are disbursed of not less than the principal amount of the funds disbursed. The term includes a direct security repurchase agreement and a reverse security repurchase agreement.~~

~~(c) Notwithstanding any other law, the term of any reverse security repurchase agreement may not exceed 90 days after the date the reverse security repurchase agreement is delivered.~~

~~(d) Money received by an entity under the terms of a reverse security repurchase agreement shall be used to acquire additional authorized investments, but the term of the authorized investments acquired must mature not later than the expiration date stated in the reverse security repurchase agreement.~~

~~Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.~~

~~Amended by:~~

~~Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 6, eff. June 17, 2011.~~

~~Sec. 2256.0115. AUTHORIZED INVESTMENTS: SECURITIES LENDING PROGRAM. (a) A securities lending program is an authorized investment under this subchapter if it meets the conditions provided by this section.~~

~~(b) To qualify as an authorized investment under this subchapter:~~

~~(1) the value of securities loaned under the program must be not less than 100 percent collateralized, including accrued income;~~

~~(2) a loan made under the program must allow for termination at any time;~~

~~(3) a loan made under the program must be secured by:~~

~~(A) pledged securities described by Section 2256.009;~~

~~(B) pledged irrevocable letters of credit issued by a bank that is:~~

~~(i) organized and existing under the laws of the United States or any other state; and~~

~~(ii) continuously rated by at least one nationally recognized investment rating firm at not less than A or its equivalent; or~~

~~(C) cash invested in accordance with Section:~~

~~(i) 2256.009;~~

~~(ii) 2256.013;~~

~~(iii) 2256.014; or~~

~~(iv) 2256.016;~~

~~(4) the terms of a loan made under the program must require that the securities being held as collateral be:~~

~~(A) pledged to the investing entity;~~

~~(B) held in the investing entity's name; and~~

~~(C) deposited at the time the investment is made with the entity or with a third party selected by or approved by the investing entity;~~

~~(5) a loan made under the program must be placed through:~~

~~(A) a primary government securities dealer, as defined by 5 C.F.R. Section 6801.102(f), as that regulation existed on September 1, 2003; or~~

~~(B) a financial institution doing business in this state; and~~

~~(6) an agreement to lend securities that is executed under this section must have a term of one year or less.~~

~~Added by Acts 2003, 78th Leg., ch. 1227, Sec. 1, eff. Sept. 1, 2003.~~

~~Sec. 2256.012. AUTHORIZED INVESTMENTS: BANKER'S ACCEPTANCES. A bankers' acceptance is an authorized investment under this subchapter if the bankers' acceptance:~~

~~(1) has a stated maturity of 270 days or fewer from the date of its issuance;~~

~~(2) will be, in accordance with its terms, liquidated in full at maturity;~~

~~(3) is eligible for collateral for borrowing from a Federal Reserve Bank; and~~

~~(4) is accepted by a bank organized and existing under the laws of the United States or any state, if the short-term obligations of the bank, or of a bank holding company of which the bank is the largest subsidiary, are rated not less than A-1 or P-1 or an equivalent rating by at least one nationally recognized credit rating agency.~~

~~Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.~~

~~Sec. 2256.013. AUTHORIZED INVESTMENTS: COMMERCIAL PAPER. Commercial paper is an authorized investment under this subchapter if the commercial paper:~~

~~(1) has a stated maturity of 270 days or fewer from the date of its issuance; and~~

~~(2) is rated not less than A-1 or P-1 or an equivalent rating by at least:~~

~~(A) two nationally recognized credit rating agencies; or~~

~~(B) one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state.~~

~~Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.~~

~~Sec. 2256.014. AUTHORIZED INVESTMENTS: MUTUAL FUNDS. (a) A no-load money market mutual fund is an authorized investment under this subchapter if the mutual fund:~~

~~(1) is registered with and regulated by the Securities and Exchange Commission;~~

~~(2) provides the investing entity with a prospectus and other information required by the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.);~~

~~(3) has a dollar-weighted average stated maturity of 90 days or fewer; and~~

~~(4) includes in its investment objectives the maintenance of a stable net asset value of $1 for each share.~~

~~(b) In addition to a no-load money market mutual fund permitted as an authorized investment in Subsection (a), a no-load mutual fund is an authorized investment under this subchapter if the mutual fund:~~

~~(1) is registered with the Securities and Exchange Commission;~~

~~(2) has an average weighted maturity of less than two years;~~

~~(3) is invested exclusively in obligations approved by this subchapter;~~

~~(4) is continuously rated as to investment quality by at least one nationally recognized investment rating firm of not less than AAA or its equivalent; and~~

~~(5) conforms to the requirements set forth in Sections 2256.016(b) and (c) relating to the eligibility of investment pools to receive and invest funds of investing entities.~~

~~(c) An entity is not authorized by this section to:~~

~~(1) invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds and reserves and other funds held for debt service, in mutual funds described in Subsection (b);~~

~~(2) invest any portion of bond proceeds, reserves and funds held for debt service, in mutual funds described in Subsection (b); or~~

~~(3) invest its funds or funds under its control, including bond proceeds and reserves and other funds held for debt service, in any one mutual fund described in Subsection (a) or (b) in an amount that exceeds 10 percent of the total assets of the mutual fund.~~

~~Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 7, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 8, eff. Sept. 1, 1999.~~

~~Sec. 2256.015. AUTHORIZED INVESTMENTS: GUARANTEED INVESTMENT CONTRACTS. (a) A guaranteed investment contract is an authorized investment for bond proceeds under this subchapter if the guaranteed investment contract:~~

~~(1) has a defined termination date;~~

~~(2) is secured by obligations described by Section 2256.009(a)(1), excluding those obligations described by Section 2256.009(b), in an amount at least equal to the amount of bond proceeds invested under the contract; and~~

~~(3) is pledged to the entity and deposited with the entity or with a third party selected and approved by the entity.~~

~~(b) Bond proceeds, other than bond proceeds representing reserves and funds maintained for debt service purposes, may not be invested under this subchapter in a guaranteed investment contract with a term of longer than five years from the date of issuance of the bonds.~~

~~(c) To be eligible as an authorized investment:~~

~~(1) the governing body of the entity must specifically authorize guaranteed investment contracts as an eligible investment in the order, ordinance, or resolution authorizing the issuance of bonds;~~

~~(2) the entity must receive bids from at least three separate providers with no material financial interest in the bonds from which proceeds were received;~~

~~(3) the entity must purchase the highest yielding guaranteed investment contract for which a qualifying bid is received;~~

~~(4) the price of the guaranteed investment contract must take into account the reasonably expected drawdown schedule for the bond proceeds to be invested; and~~

~~(5) the provider must certify the administrative costs reasonably expected to be paid to third parties in connection with the guaranteed investment contract.~~

~~Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 8, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 9, 10, eff. Sept. 1, 1999.~~

~~Sec. 2256.016. AUTHORIZED INVESTMENTS: INVESTMENT POOLS. (a) An entity may invest its funds and funds under its control through an eligible investment pool if the governing body of the entity by rule, order, ordinance, or resolution, as appropriate, authorizes investment in the particular pool. An investment pool shall invest the funds it receives from entities in authorized investments permitted by this subchapter. An investment pool may invest its funds in money market mutual funds to the extent permitted by and consistent with this subchapter and the investment policies and objectives adopted by the investment pool.~~

~~(b) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must furnish to the investment officer or other authorized representative of the entity an offering circular or other similar disclosure instrument that contains, at a minimum, the following information:~~

~~(1) the types of investments in which money is allowed to be invested;~~

~~(2) the maximum average dollar-weighted maturity allowed, based on the stated maturity date, of the pool;~~

~~(3) the maximum stated maturity date any investment security within the portfolio has;~~

~~(4) the objectives of the pool;~~

~~(5) the size of the pool;~~

~~(6) the names of the members of the advisory board of the pool and the dates their terms expire;~~

~~(7) the custodian bank that will safekeep the pool's assets;~~

~~(8) whether the intent of the pool is to maintain a net asset value of one dollar and the risk of market price fluctuation;~~

~~(9) whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or guarantees, and a description of the secondary source of payment;~~

~~(10) the name and address of the independent auditor of the pool;~~

~~(11) the requirements to be satisfied for an entity to deposit funds in and withdraw funds from the pool and any deadlines or other operating policies required for the entity to invest funds in and withdraw funds from the pool; and~~

~~(12) the performance history of the pool, including yield, average dollar-weighted maturities, and expense ratios.~~

~~(c) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must furnish to the investment officer or other authorized representative of the entity:~~

~~(1) investment transaction confirmations; and~~

~~(2) a monthly report that contains, at a minimum, the following information:~~

~~(A) the types and percentage breakdown of securities in which the pool is invested;~~

~~(B) the current average dollar-weighted maturity, based on the stated maturity date, of the pool;~~

~~(C) the current percentage of the pool's portfolio in investments that have stated maturities of more than one year;~~

~~(D) the book value versus the market value of the pool's portfolio, using amortized cost valuation;~~

~~(E) the size of the pool;~~

~~(F) the number of participants in the pool;~~

~~(G) the custodian bank that is safekeeping the assets of the pool;~~

~~(H) a listing of daily transaction activity of the entity participating in the pool;~~

~~(I) the yield and expense ratio of the pool, including a statement regarding how yield is calculated;~~

~~(J) the portfolio managers of the pool; and~~

~~(K) any changes or addenda to the offering circular.~~

~~(d) An entity by contract may delegate to an investment pool the authority to hold legal title as custodian of investments purchased with its local funds.~~

~~(e) In this section, "yield" shall be calculated in accordance with regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940, as promulgated from time to time by the federal Securities and Exchange Commission.~~

~~(f) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, a public funds investment pool created to function as a money market mutual fund must mark its portfolio to market daily, and, to the extent reasonably possible, stabilize at a $1 net asset value. If the ratio of the market value of the portfolio divided by the book value of the portfolio is less than 0.995 or greater than 1.005, portfolio holdings shall be sold as necessary to maintain the ratio between 0.995 and 1.005. In addition to the requirements of its investment policy and any other forms of reporting, a public funds investment pool created to function as a money market mutual fund shall report yield to its investors in accordance with regulations of the federal Securities and Exchange Commission applicable to reporting by money market funds.~~

~~(g) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, a public funds investment pool must have an advisory board composed:~~

~~(1) equally of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for a public funds investment~~

~~pool created under Chapter 791 and managed by a state agency; or~~

~~(2) of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for other investment pools.~~

~~(h) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.~~

~~(i) If the investment pool operates an Internet website, the information in a disclosure instrument or report described in Subsections (b), (c)(2), and (f) must be posted on the website.~~

~~(j) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must make available to the entity an annual audited financial statement of the investment pool in which the entity has funds invested.~~

~~(k) If an investment pool offers fee breakpoints based on fund balances invested, the investment pool in advertising investment rates must include either all levels of return based on the breakpoints provided or state the lowest possible level of return based on the smallest level of funds invested.~~

~~Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 9, eff. Sept. 1, 1997.~~

~~Amended by:~~

~~Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 7, eff. June 17, 2011.~~

~~Sec. 2256.017. EXISTING INVESTMENTS. An entity is not required to liquidate investments that were authorized investments at the time of purchase.~~

~~Added by Acts 1995, 74th Leg., ch. 76, Sec. 5.46(a), eff. Sept. 1, 1995; Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 10, eff. Sept. 1, 1997.~~

~~Sec. 2256.019. RATING OF CERTAIN INVESTMENT POOLS. A public funds investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.~~

~~Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 11, eff. Sept. 1, 1997.~~

~~Amended by:~~

~~Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 8, eff. June 17, 2011.~~

~~Sec. 2256.020. AUTHORIZED INVESTMENTS: INSTITUTIONS OF HIGHER EDUCATION. In addition to the authorized investments permitted by this subchapter, an institution of higher education may purchase, sell, and invest its funds and funds under its control in the following:~~

~~(1) cash management and fixed income funds sponsored by organizations exempt from federal income taxation under Section 501(f), Internal Revenue Code of 1986 (26 U.S.C. Section 501(f));~~

~~(2) negotiable certificates of deposit issued by a bank that has a certificate of deposit rating of at least 1 or the equivalent by a nationally recognized credit rating agency or that is associated with a holding company having a commercial paper rating of at least A-1, P-1, or the equivalent by a nationally recognized credit rating agency; and~~

~~(3) corporate bonds, debentures, or similar debt obligations rated by a nationally recognized investment rating firm in one of the two highest long-term rating categories, without regard to gradations within those categories.~~

~~Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.~~

~~Sec. 2256.0201. AUTHORIZED INVESTMENTS; MUNICIPAL UTILITY. (a) A municipality that owns a municipal electric~~

~~utility that is engaged in the distribution and sale of electric energy or natural gas to the public may enter into a hedging contract and related security and insurance agreements in relation to fuel oil, natural gas, coal, nuclear fuel, and electric energy to protect against loss due to price fluctuations. A hedging transaction must comply with the regulations of the Commodity Futures Trading Commission and the Securities and Exchange Commission. If there is a conflict between the municipal charter of the municipality and this chapter, this chapter prevails.~~

~~(b) A payment by a municipally owned electric or gas utility under a hedging contract or related agreement in relation to fuel supplies or fuel reserves is a fuel expense, and the utility may credit any amounts it receives under the contract or agreement against fuel expenses.~~

~~(c) The governing body of a municipally owned electric or gas utility or the body vested with power to manage and operate the municipally owned electric or gas utility may set policy regarding hedging transactions.~~

~~(d) In this section, "hedging" means the buying and selling of fuel oil, natural gas, coal, nuclear fuel, and electric energy futures or options or similar contracts on those commodities and related transportation costs as a protection against loss due to price fluctuation.~~

~~Added by Acts 1999, 76th Leg., ch. 405, Sec. 48, eff. Sept. 1, 1999.~~

~~Amended by:~~

~~Acts 2007, 80th Leg., R.S., Ch. 7 (S.B. 495), Sec. 1, eff. April 13, 2007.~~

~~Sec. 2256.0202. AUTHORIZED INVESTMENTS: MUNICIPAL FUNDS FROM MANAGEMENT AND DEVELOPMENT OF MINERAL RIGHTS. (a) In addition to other investments authorized under this subchapter, a municipality may invest funds received by the municipality from a lease or contract for the management and development of land owned by the municipality and leased for oil, gas, or other mineral development in any investment authorized to be~~

~~made by a trustee under Subtitle B, Title 9, Property Code (Texas Trust Code).~~

~~(b) Funds invested by a municipality under this section shall be segregated and accounted for separately from other funds of the municipality.~~

~~Added by Acts 2009, 81st Leg., R.S., Ch. 1371 (S.B. 894), Sec. 1, eff. September 1, 2009.~~

~~Sec. 2256.0203. AUTHORIZED INVESTMENTS: PORTS AND NAVIGATION DISTRICTS. (a) In this section, "district" means a navigation district organized under Section 52, Article III, or Section 59, Article XVI, Texas Constitution.~~

~~(b) In addition to the authorized investments permitted by this subchapter, a port or district may purchase, sell, and invest its funds and funds under its control in negotiable certificates of deposit issued by a bank that has a certificate of deposit rating of at least 1 or the equivalent by a nationally recognized credit rating agency or that is associated with a holding company having a commercial paper rating of at least A-1, P-1, or the equivalent by a nationally recognized credit rating agency.~~

~~Added by Acts 2011, 82nd Leg., R.S., Ch. 804 (H.B. 2346), Sec. 1, eff. September 1, 2011.~~

~~Sec. 2256.0204. AUTHORIZED INVESTMENTS: INDEPENDENT SCHOOL DISTRICTS. (a) In this section, "corporate bond" means a senior secured debt obligation issued by a domestic business entity and rated not lower than "AA" or the equivalent by a nationally recognized investment rating firm. The term does not include a debt obligation that:~~

~~(1) on conversion, would result in the holder becoming a stockholder or shareholder in the entity, or any affiliate or subsidiary of the entity, that issued the debt obligation; or~~

~~(2) is an unsecured debt obligation.~~

~~(b) This section applies only to an independent school district that qualifies as an issuer as defined by Section 1371.001.~~

~~(c) In addition to authorized investments permitted by this subchapter, an independent school district subject to this section may purchase, sell, and invest its funds and funds under its control in corporate bonds that, at the time of purchase, are rated by a nationally recognized investment rating firm "AA" or the equivalent and have a stated final maturity that is not later than the third anniversary of the date the corporate bonds were purchased.~~

~~(d) An independent school district subject to this section is not authorized by this section to:~~

~~(1) invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds, reserves, and other funds held for the payment of debt service, in corporate bonds; or~~

~~(2) invest more than 25 percent of the funds invested in corporate bonds in any one domestic business entity, including subsidiaries and affiliates of the entity.~~

~~(e) An independent school district subject to this section may purchase, sell, and invest its funds and funds under its control in corporate bonds if the governing body of the district:~~

~~(1) amends its investment policy to authorize corporate bonds as an eligible investment;~~

~~(2) adopts procedures to provide for:~~

~~(A) monitoring rating changes in corporate bonds acquired with public funds; and~~

~~(B) liquidating the investment in corporate bonds; and~~

~~(3) identifies the funds eligible to be invested in corporate bonds.~~

~~(f) The investment officer of an independent school district, acting on behalf of the district, shall sell corporate bonds in which the district has invested its funds not later than the seventh day after the date a nationally recognized investment rating firm:~~

~~(1) issues a release that places the corporate bonds or the domestic business entity that issued the corporate bonds on negative~~

~~credit watch or the equivalent, if the corporate bonds are rated "AA-" or the equivalent at the time the release is issued; or~~

~~(2) changes the rating on the corporate bonds to a rating lower than "AA-" or the equivalent.~~

~~(g) Corporate bonds are not an eligible investment for a public funds investment pool.~~

~~Added by Acts 2011, 82nd Leg., R.S., Ch. 1347 (S.B. 1543), Sec. 1, eff. June 17, 2011.~~

~~Sec. 2256.0205. AUTHORIZED INVESTMENTS; DECOMMISSIONING TRUST. (a) In this section:~~

~~(1) "Decommissioning trust" means a trust created to provide the Nuclear Regulatory Commission assurance that funds will be available for decommissioning purposes as required under 10 C.F.R. Part 50 or other similar regulation.~~

~~(2) "Funds" includes any money held in a decommissioning trust regardless of whether the money is considered to be public funds under this subchapter.~~

~~(b) In addition to other investments authorized under this subchapter, a municipality that owns a municipal electric utility that is engaged in the distribution and sale of electric energy or natural gas to the public may invest funds held in a decommissioning trust in any investment authorized by Subtitle B, Title 9, Property Code.~~

~~Added by Acts 2005, 79th Leg., Ch. 121 (S.B. 1464), Sec. 1, eff. September 1, 2005.~~

~~Sec. 2256.021. EFFECT OF LOSS OF REQUIRED RATING. An investment that requires a minimum rating under this subchapter does not qualify as an authorized investment during the period the investment does not have the minimum rating. An entity shall take all prudent measures that are consistent with its investment policy to liquidate an investment that does not have the minimum rating.~~

~~Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.~~

~~Sec. 2256.022. EXPANSION OF INVESTMENT AUTHORITY. Expansion of investment authority granted by this chapter shall require a risk assessment by the state auditor or performed at the direction of the state auditor, subject to the legislative audit committee's approval of including the review in the audit plan under Section 321.013.~~

~~Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78th Leg., ch. 785, Sec. 42, eff. Sept. 1, 2003.~~

~~Sec. 2256.023. INTERNAL MANAGEMENT REPORTS. (a) Not less than quarterly, the investment officer shall prepare and submit to the governing body of the entity a written report of investment transactions for all funds covered by this chapter for the preceding reporting period.~~

~~(b) The report must:~~

~~(1) describe in detail the investment position of the entity on the date of the report;~~

~~(2) be prepared jointly by all investment officers of the entity;~~

~~(3) be signed by each investment officer of the entity;~~

~~(4) contain a summary statement of each pooled fund group that states the:~~

~~(A) beginning market value for the reporting period;~~

~~(B) ending market value for the period; and~~

~~(C) fully accrued interest for the reporting period;~~

~~(5) state the book value and market value of each separately invested asset at the end of the reporting period by the type of asset and fund type invested;~~

~~(6) state the maturity date of each separately invested asset that has a maturity date;~~

~~(7) state the account or fund or pooled group fund in the state agency or local~~

~~government for which each individual investment was acquired; and~~

~~(8) state the compliance of the investment portfolio of the state agency or local government as it relates to:~~

~~(A) the investment strategy expressed in the agency's or local government's investment policy; and~~

~~(B) relevant provisions of this chapter.~~

~~(c) The report shall be presented not less than quarterly to the governing body and the chief executive officer of the entity within a reasonable time after the end of the period.~~

~~(d) If an entity invests in other than money market mutual funds, investment pools or accounts offered by its depository bank in the form of certificates of deposit, or money market accounts or similar accounts, the reports prepared by the investment officers under this section shall be formally reviewed at least annually by an independent auditor, and the result of the review shall be reported to the governing body by that auditor.~~

~~Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 12, eff. Sept. 1, 1997.~~

~~Amended by:~~

~~Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 9, eff. June 17, 2011.~~

~~Sec. 2256.024. SUBCHAPTER CUMULATIVE. (a) The authority granted by this subchapter is in addition to that granted by other law. Except as provided by Subsection (b), this subchapter does not:~~

~~(1) prohibit an investment specifically authorized by other law; or~~

~~(2) authorize an investment specifically prohibited by other law.~~

~~(b) Except with respect to those investing entities described in Subsection (c), a security described in Section 2256.009(b) is not an authorized investment for a state agency, a local government, or another investing entity, notwithstanding any other provision of this chapter or other law to the contrary.~~

~~(c) Mortgage pass-through certificates and individual mortgage loans that may constitute an investment described in Section 2256.009(b) are authorized investments with respect to the housing bond programs operated by:~~

~~(1) the Texas Department of Housing and Community Affairs or a nonprofit corporation created to act on its behalf;~~

~~(2) an entity created under Chapter 392, Local Government Code; or~~

~~(3) an entity created under Chapter 394, Local Government Code.~~

~~Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.~~

~~Sec. 2256.025. SELECTION OF AUTHORIZED BROKERS. The governing body of an entity subject to this subchapter or the designated investment committee of the entity shall, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with the entity.~~

~~Added by Acts 1997, 75th Leg., ch. 1421, Sec. 13, eff. Sept. 1, 1997.~~

~~Sec. 2256.026. STATUTORY COMPLIANCE. All investments made by entities must comply with this subchapter and all federal, state, and local statutes, rules, or regulations.~~

~~Added by Acts 1997, 75th Leg., ch. 1421, Sec. 13, eff. Sept. 1, 1997.~~

~~SUBCHAPTER B. MISCELLANEOUS PROVISIONS~~

~~Sec. 2256.051. ELECTRONIC FUNDS TRANSFER. Any local government may use electronic means to transfer or invest all funds collected or controlled by the local government.~~

~~Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.~~

~~Sec. 2256.052. PRIVATE AUDITOR. Notwithstanding any other law, a state agency shall employ a private auditor if authorized by the legislative audit committee either on the committee's initiative or on request of the governing body of the agency.~~

~~Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.~~

~~Sec. 2256.053. PAYMENT FOR SECURITIES PURCHASED BY STATE. The comptroller or the disbursing officer of an agency that has the power to invest assets directly may pay for authorized securities purchased from or through a member in good standing of the National Association of Securities Dealers or from or through a national or state bank on receiving an invoice from the seller of the securities showing that the securities have been purchased by the board or agency and that the amount to be paid for the securities is just, due, and unpaid. A purchase of securities may not be made at a price that exceeds the existing market value of the securities.~~

~~Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 8.67, eff. Sept. 1, 1997.~~

~~Sec. 2256.054. DELIVERY OF SECURITIES PURCHASED BY STATE. A security purchased under this chapter may be delivered to the comptroller, a bank, or the board or agency investing its funds. The delivery shall be made under normal and recognized practices in the securities and banking industries, including the book entry procedure of the Federal Reserve Bank.~~

~~Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 8.68, eff. Sept. 1, 1997.~~

~~Sec. 2256.055. DEPOSIT OF SECURITIES PURCHASED BY STATE. At the direction of the comptroller or the agency, a security purchased under this chapter may be deposited in trust with a bank or federal reserve bank or branch designated by the comptroller, whether in or outside the state. The deposit shall be held in the entity's name as evidenced by a trust receipt of the bank with which the securities are deposited.~~

~~Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 8.69, eff. Sept. 1, 1997.~~

~~**GOVERNMENT CODE**~~

~~**CHAPTER 2257. COLLATERAL FOR PUBLIC FUNDS**~~

~~SUBCHAPTER A. GENERAL PROVISIONS~~

~~Sec. 2257.001. SHORT TITLE. This chapter may be cited as the Public Funds Collateral Act.~~

~~Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.~~

~~Sec. 2257.002. DEFINITIONS. In this chapter:~~

~~(1) "Bank holding company" has the meaning assigned by Section 31.002(a), Finance Code.~~

~~(2) "Control" has the meaning assigned by Section 31.002(a), Finance Code.~~

~~(3) "Deposit of public funds" means public funds of a public entity that:~~

~~(A) the comptroller does not manage under Chapter 404; and~~

~~(B) are held as a demand or time deposit by a depository institution expressly authorized by law to accept a public entity's demand or time deposit.~~

~~(4) "Eligible security" means:~~

~~(A) a surety bond;~~

~~(B) an investment security;~~

~~(C) an ownership or beneficial interest in an investment security, other than an option contract to purchase or sell an investment security;~~

~~(D) a fixed rate collateralized mortgage obligation that has an expected weighted average life of 10 years or less and does not constitute a high-risk mortgage security;~~

~~(E) a floating rate collateralized mortgage obligation that does not constitute a high-risk mortgage security; or~~

~~(F) a letter of credit issued by a federal home loan bank.~~

~~(5) "Investment security" means:~~

~~(A) an obligation that in the opinion of the attorney general of the United States is a~~

~~general obligation of the United States and backed by its full faith and credit;~~

~~(B) a general or special obligation issued by a public agency that is payable from taxes, revenues, or a combination of taxes and revenues; or~~

~~(C) a security in which a public entity may invest under Subchapter A, Chapter 2256.~~

~~(6) "Permitted institution" means:~~

~~(A) a Federal Reserve Bank;~~

~~(B) a clearing corporation, as defined by Section 8.102, Business & Commerce Code;~~

~~(C) a bank eligible to be a custodian under Section 2257.041; or~~

~~(D) a state or nationally chartered bank that is controlled by a bank holding company that controls a bank eligible to be a custodian under Section 2257.041.~~

~~(7) "Public agency" means a state or a political or governmental entity, agency, instrumentality, or subdivision of a state, including a municipality, an institution of higher education, as defined by Section 61.003, Education Code, a junior college, a district created under Article XVI, Section 59, of the Texas Constitution, and a public hospital.~~

~~(8) "Public entity" means a public agency in this state, but does not include an institution of higher education, as defined by Section 61.003, Education Code.~~

~~(9) "State agency" means a public entity that:~~

~~(A) has authority that is not limited to a geographic portion of the state; and~~

~~(B) was created by the constitution or a statute.~~

~~(10) "Trust receipt" means evidence of receipt, identification, and recording, including:~~

~~(A) a physical controlled trust receipt; or~~

~~(B) a written or electronically transmitted advice of transaction.~~

~~Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 1995, 74th Leg., ch. 76, Sec. 5.48(a), eff. Sept. 1, 1995; Acts 1995, 74th Leg., ch. 914, Sec. 5, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 254, Sec. 1, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 891, Sec. 3.22(4), eff. Sept. 1,~~

~~1997; Acts 1997, 75th Leg., ch. 1423, Sec. 8.70, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, Sec. 7.63, eff. Sept. 1, 1999.~~

~~Amended by:~~

~~Acts 2011, 82nd Leg., R.S., Ch. 783 (H.B. 2103), Sec. 1, eff. June 17, 2011.~~

~~Sec. 2257.0025. HIGH RISK MORTGAGE SECURITY. (a) For purposes of this chapter, a fixed rate collateralized mortgage obligation is a high risk mortgage security if the security:~~

~~(1) has an average life sensitivity with a weighted average life that:~~

~~(A) extends by more than four years, assuming an immediate and sustained parallel shift in the yield curve of plus 300 basis points; or~~

~~(B) shortens by more than six years, assuming an immediate and sustained parallel shift in the yield curve of minus 300 basis points; and~~

~~(2) is price sensitive; that is, the estimated change in the price of the mortgage derivative product is more than 17 percent, because of an immediate and sustained parallel shift in the yield curve of plus or minus 300 basis points.~~

~~(b) For purposes of this chapter, a floating rate collateralized mortgage obligation is a high risk mortgage security if the security:~~

~~(1) bears an interest rate that is equal to the contractual cap on the instrument; or~~

~~(2) is price sensitive; that is, the estimated change in the price of the mortgage derivative product is more than 17 percent, because of an immediate and sustained parallel shift in the yield curve of plus or minus 300 basis points.~~

~~Added by Acts 1997, 75th Leg., ch. 254, Sec. 2, eff. Sept. 1, 1997.~~

~~Sec. 2257.003. CHAPTER NOT APPLICABLE TO DEFERRED COMPENSATION PLANS. This chapter does not apply to funds that a public entity maintains or administers under a deferred compensation~~

~~plan, the federal income tax treatment of which is governed by Section 401(k) or 457 of the Internal Revenue Code of 1986 (26 U.S.C. Sections 401(k) and 457).~~

~~Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.~~

~~Sec. 2257.004. CONFLICT WITH OTHER LAW. This chapter prevails over any other law relating to security for a deposit of public funds to the extent of any conflict.~~

~~Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.~~

~~Sec. 2257.005. CONTRACT GOVERNS LEGAL ACTION. A legal action brought by or against a public entity that arises out of or in connection with the duties of a depository, custodian, or permitted institution under this chapter must be brought and maintained as provided by the contract with the public entity.~~

~~Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.~~

~~SUBCHAPTER B. DEPOSITORY; SECURITY FOR DEPOSIT OF PUBLIC FUNDS~~

~~Sec. 2257.021. COLLATERAL REQUIRED. A deposit of public funds shall be secured by eligible security to the extent and in the manner required by this chapter.~~

~~Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.~~

~~Sec. 2257.022. AMOUNT OF COLLATERAL. (a) Except as provided by Subsection (b), the total value of eligible security to secure a deposit of public funds must be in an amount not less than the amount of the deposit of public funds:~~

~~(1) increased by the amount of any accrued interest; and~~

~~(2) reduced to the extent that the United States or an instrumentality of the United States insures the deposit.~~

~~(b) The total value of eligible security described by Section 45.201(4)(D), Education Code, to secure a deposit of public funds of a school district must be in an amount not less than 110 percent of the amount of the deposit as determined under Subsection (a). The total market value of the eligible security must be reported at least once each month to the school district.~~

~~(c) The value of a surety bond is its face value.~~

~~(d) The value of an investment security is its market value.~~

~~Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 2003, 78th Leg., ch. 201, Sec. 46, eff. Sept. 1, 2003.~~

~~Sec. 2257.023. COLLATERAL POLICY. (a) In accordance with a written policy approved by the governing body of the public entity, a public entity shall determine if an investment security is eligible to secure deposits of public funds.~~

~~(b) The written policy may include:~~

~~(1) the security of the institution that obtains or holds an investment security;~~

~~(2) the substitution or release of an investment security; and~~

~~(3) the method by which an investment security used to secure a deposit of public funds is valued.~~

~~Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.~~

~~Sec. 2257.024. CONTRACT FOR SECURING DEPOSIT OF PUBLIC FUNDS. (a) A public entity may contract with a bank that has its main office or a branch office in this state to secure a deposit of public funds.~~

~~(b) The contract may contain a term or condition relating to an investment security used as security for a deposit of public funds, including a term or condition relating to the:~~

~~(1) possession of the collateral;~~

~~(2) substitution or release of an investment security;~~

~~(3) ownership of the investment securities of the bank used to secure a deposit of public funds; and~~

~~(4) method by which an investment security used to secure a deposit of public funds is valued.~~

~~Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 1999, 76th Leg., ch. 344, Sec. 5.006, eff. Sept. 1, 1999.~~

~~Sec. 2257.025. RECORDS OF DEPOSITORY. (a) A public entity's depository shall maintain a separate, accurate, and complete record relating to a pledged investment security, a deposit of public funds, and a transaction related to a pledged investment security.~~

~~(b) The comptroller or the public entity may examine and verify at any reasonable time a pledged investment security or a record a depository maintains under this section.~~

~~Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 1997, 75th Leg., ch. 891, Sec. 3.16, eff. Sept. 1, 1997.~~

~~Sec. 2257.026. CHANGE IN AMOUNT OR ACTIVITY OF DEPOSITS OF PUBLIC FUNDS. A public entity shall inform the depository for the public entity's deposit of public funds of a significant change in the amount or activity of those deposits within a reasonable time before the change occurs.~~

~~Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.~~

~~SUBCHAPTER C. CUSTODIAN; PERMITTED INSTITUTION~~

~~Sec. 2257.041. DEPOSIT OF SECURITIES WITH CUSTODIAN. (a) In addition to other authority granted by law, a depository for a public entity other than a state agency may deposit with a custodian a security pledged to secure a deposit of public funds.~~

~~(b) At the request of the public entity, a depository for a public entity other than a state agency shall deposit with a custodian a security pledged to secure a deposit of public funds.~~

~~(c) A depository for a state agency shall deposit with a custodian a security pledged to secure a deposit of public funds. The custodian and the state agency shall agree in writing on the terms and conditions for securing a deposit of public funds.~~

~~(d) A custodian must be approved by the public entity and be:~~

~~(1) a state or national bank that:~~

~~(A) is designated by the comptroller as a state depository;~~

~~(B) has its main office or a branch office in this state; and~~

~~(C) has a capital stock and permanent surplus of $5 million or more;~~

~~(2) the Texas Treasury Safekeeping Trust Company;~~

~~(3) a Federal Reserve Bank or a branch of a Federal Reserve Bank;~~

~~(4) a federal home loan bank; or~~

~~(5) a financial institution authorized to exercise fiduciary powers that is designated by the comptroller as a custodian pursuant to Section 404.031(e).~~

~~(e) A custodian holds in trust the securities to secure the deposit of public funds of the public entity in the depository pledging the securities.~~

~~Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 1995, 74th Leg., ch. 1010, Sec. 1, eff. June 17, 1995; Acts 1997, 75th Leg., ch. 891, Sec. 3.17, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 344, Sec. 5.007, eff. Sept. 1, 1999.~~

~~Amended by:~~

~~Acts 2009, 81st Leg., R.S., Ch. 486 (S.B. 638), Sec. 3, eff. September 1, 2009.~~

~~Sec. 2257.042. DEPOSIT OF SECURITIES WITH PERMITTED INSTITUTION. (a) A custodian may deposit with a permitted institution an investment security the custodian holds under Section 2257.041.~~

~~(b) If a deposit is made under Subsection (a):~~

~~(1) the permitted institution shall hold the investment security to secure funds the public entity deposits in the depository that pledges the investment security;~~

~~(2) the trust receipt the custodian issues under Section 2257.045 shall show that the custodian has deposited the security in a permitted institution; and~~

~~(3) the permitted institution, on receipt of the investment security, shall immediately issue to the custodian an advice of transaction or other document that is evidence that the custodian deposited the security in the permitted institution.~~

~~Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.~~

~~Sec. 2257.043. DEPOSITORY AS CUSTODIAN OR PERMITTED INSTITUTION. (a) A public entity other than a state agency may prohibit a depository or an entity of which the depository is a branch from being the custodian of or permitted institution for a security the depository pledges to secure a deposit of public funds.~~

~~(b) A depository or an entity of which the depository is a branch may not be the custodian of or permitted institution for a security the depository pledges to secure a deposit of public funds by a state agency.~~

~~Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.~~

~~Sec. 2257.044. CUSTODIAN AS BAILEE. (a) A custodian under this chapter or a custodian of a security pledged to an institution of higher education, as defined by Section 61.003, Education Code, whether acting alone or through a permitted institution, is for all purposes the bailee or agent of the public entity or institution depositing the public funds with the depository.~~

~~(b) To the extent of any conflict, Subsection (a) prevails over Chapter 8 or 9, Business & Commerce Code.~~

~~Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.~~

~~Sec. 2257.045. RECEIPT OF SECURITY BY CUSTODIAN. (a) On receipt of an investment security, a custodian shall immediately identify on its books and records, by book entry or another method, the pledge of the security to the public entity.~~

~~(b) For a deposit of public funds under Subchapter F, the custodian shall issue and deliver to the comptroller a trust receipt for the pledged security.~~

~~(c) For any other deposit of public funds under this chapter, at the written direction of the appropriate public entity officer, the custodian shall:~~

~~(1) issue and deliver to the appropriate public entity officer a trust receipt for the pledged security; or~~

~~(2) issue and deliver a trust receipt for the pledged security to the public entity's depository and instruct the depository to deliver the trust receipt to the public entity officer immediately.~~

~~(d) The custodian shall issue and deliver the trust receipt as soon as practicable on the same business day on which the investment security is received.~~

~~Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.~~

~~Amended by:~~

~~Acts 2013, 83rd Leg., R.S., Ch. 434 (S.B. 581), Sec. 1, eff. June 14, 2013.~~

~~Sec. 2257.046. BOOKS AND RECORDS OF CUSTODIAN; INSPECTION. (a) A public entity's custodian shall maintain a separate, accurate, and complete record relating to each pledged investment security and each transaction relating to a pledged investment security.~~

~~(b) The comptroller or the public entity may examine and verify at any reasonable time a pledged investment security or a record a custodian maintains under this section. The public entity or its agent may inspect at any time an investment security evidenced by a trust receipt.~~

~~(c) The public entity's custodian shall file a collateral report with the comptroller in the manner and on the dates prescribed by the comptroller.~~

~~(d) At the request of the appropriate public entity officer, the public entity's custodian shall provide a current list of all pledged investment securities. The list must include, for each pledged investment security:~~

~~(1) the name of the public entity;~~

~~(2) the date the security was pledged to secure the public entity's deposit;~~

~~(3) the Committee on Uniform Security Identification Procedures (CUSIP) number of the security;~~

~~(4) the face value and maturity date of the security; and~~

~~(5) the confirmation number on the trust receipt issued by the custodian.~~

~~Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 1997, 75th Leg., ch. 891, Sec. 3.18, eff. Sept. 1, 1997.~~

~~Amended by:~~

~~Acts 2013, 83rd Leg., R.S., Ch. 434 (S.B. 581), Sec. 2, eff. June 14, 2013.~~

~~Sec. 2257.047. BOOKS AND RECORDS OF PERMITTED INSTITUTION. (a) A permitted institution may apply book entry procedures when an investment security held by a custodian is deposited under Section 2257.042.~~

~~(b) A permitted institution's records must at all times state the name of the custodian that deposits an investment security in the permitted institution.~~

~~Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.~~

~~Sec. 2257.048. ATTACHMENT AND PERFECTION OF SECURITY INTEREST. (a) A security interest that arises out of a depository's pledge of a security to secure a deposit of public funds by a public entity or an institution of higher education, as defined by Section 61.003, Education Code, is created, attaches, and is perfected for all purposes under state law from the time that the custodian identifies the pledge of the security on the custodian's books and records and issues the trust receipt.~~

~~(b) A security interest in a pledged security remains perfected in the hands of a subsequent custodian or permitted institution.~~

~~Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.~~

~~SUBCHAPTER D. AUDITS AND EXAMINATIONS; PENALTIES~~

~~Sec. 2257.061. AUDITS AND EXAMINATIONS. As part of an audit or regulatory examination of a public entity's depository or custodian, the auditor or examiner shall:~~

~~(1) examine and verify pledged investment securities and records maintained under Section 2257.025 or 2257.046; and~~

~~(2) report any significant or material noncompliance with this chapter to the comptroller.~~

~~Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 1997, 75th Leg., ch. 891, Sec. 3.19, eff. Sept. 1, 1997.~~

~~Sec. 2257.062. PENALTIES. (a) The comptroller may revoke a depository's designation as a state depository for one year if, after notice and a hearing, the comptroller makes a written finding that the depository, while acting as either a depository or a custodian:~~

~~(1) did not maintain reasonable compliance with this chapter; and~~

~~(2) failed to remedy a violation of this chapter within a reasonable time after receiving written notice of the violation.~~

~~(b) The comptroller may permanently revoke a depository's designation as a state depository if the comptroller makes a written finding that the depository:~~

~~(1) has not maintained reasonable compliance with this chapter; and~~

~~(2) has acted in bad faith by not remedying a violation of this chapter.~~

~~Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 1997, 75th Leg., ch. 891, Sec. 3.19, eff. Sept. 1, 1997.~~

~~Sec. 2257.063. MITIGATING CIRCUMSTANCES. (a) The comptroller shall consider the total circumstances relating to the performance of a depository or custodian when the comptroller makes a finding required by Section 2257.062, including the extent to which the noncompliance is minor, isolated, temporary, or nonrecurrent.~~

~~(b) The comptroller may not find that a depository or custodian did not maintain reasonable compliance with this chapter if the noncompliance results from the public entity's failure to comply with Section 2257.026.~~

~~(c) This section does not relieve a depository or custodian of the obligation to secure a deposit of public funds with eligible security in the amount and manner required by this chapter within a reasonable time after the public entity deposits the deposit of public funds with the depository.~~

~~Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by~~

~~Acts 1997, 75th Leg., ch. 891, Sec. 3.19, eff. Sept. 1, 1997.~~

~~Sec. 2257.064. REINSTATEMENT. The comptroller may reinstate a depository's designation as a state depository if:~~

~~(1) the comptroller determines that the depository has remedied all violations of this chapter; and~~

~~(2) the depository assures the comptroller to the comptroller's satisfaction that the depository will maintain reasonable compliance with this chapter.~~

~~Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 1997, 75th Leg., ch. 891, Sec. 3.19, eff. Sept. 1, 1997.~~

~~SUBCHAPTER E. EXEMPT INSTITUTIONS~~

~~Sec. 2257.081. DEFINITION. In this subchapter, "exempt institution" means:~~

~~(1) a public retirement system, as defined by Section 802.001; or~~

~~(2) the permanent school fund, as described by Section 43.001, Education Code.~~

~~Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 6.31, eff. Sept. 1, 1997.~~

~~Sec. 2257.082. FUNDS OF EXEMPT INSTITUTION. An exempt institution is not required to have its funds fully insured or collateralized at all times if:~~

~~(1) the funds are held by:~~

~~(A) a custodian of the institution's assets under a trust agreement; or~~

~~(B) a person in connection with a transaction related to an investment; and~~

~~(2) the governing body of the institution, in exercising its fiduciary responsibility, determines that the institution is adequately protected by using a trust agreement,~~

~~special deposit, surety bond, substantial deposit insurance, or other method an exempt institution commonly uses to protect itself from liability.~~

~~Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.~~

~~Sec. 2257.083. INVESTMENT; SELECTION OF DEPOSITORY. This chapter does not:~~

~~(1) prohibit an exempt institution from prudently investing in a certificate of deposit; or~~

~~(2) restrict the selection of a depository by the governing body of an exempt institution in accordance with its fiduciary duty.~~

~~Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.~~

~~SUBCHAPTER F. POOLED COLLATERAL TO SECURE~~

~~DEPOSITS OF CERTAIN PUBLIC FUNDS~~

~~Sec. 2257.101. DEFINITION. In this subchapter, "participating institution" means a financial institution that holds one or more deposits of public funds and that participates in the pooled collateral program under this subchapter.~~

~~Added by Acts 2009, 81st Leg., R.S., Ch. 486 (S.B. 638), Sec. 1, eff. September 1, 2009.~~

~~Sec. 2257.102. POOLED COLLATERAL PROGRAM. (a) As an alternative to collateralization under Subchapter B, the comptroller by rule shall establish a program for centralized pooled collateralization of deposits of public funds and for monitoring collateral maintained by participating institutions. The rules must provide that deposits of public funds of a county are not eligible for collateralization under the program.~~

~~The comptroller shall provide for a separate collateral pool for any single participating institution's deposits of public funds.~~

~~(b) Under the pooled collateral program, the collateral of a participating institution pledged for a public deposit may not be combined with, cross-collateralized with, aggregated with, or pledged to another participating institution's collateral pools for pledging purposes.~~

~~(c) A participating institution may pledge its pooled securities to more than one participating depositor under contract with that participating institution.~~

~~(d) The pooled collateral program must provide for:~~

~~(1) participation in the program by a participating institution and each affected public entity to be voluntary;~~

~~(2) uniform procedures for processing all collateral transactions that are subject to an approved security agreement described by Section 2257.103; and~~

~~(3) the pledging of a participating institution's collateral securities using a single custodial account instead of an account for each depositor of public funds.~~

~~Added by Acts 2009, 81st Leg., R.S., Ch. 486 (S.B. 638), Sec. 1, eff. September 1, 2009.~~

~~Sec. 2257.103. PARTICIPATION IN POOLED COLLATERAL PROGRAM. A financial institution may participate in the pooled collateral program only if:~~

~~(1) the institution has entered into a binding collateral security agreement with a public agency for a deposit of public funds and the agreement permits the institution's participation in the program;~~

~~(2) the comptroller has approved the institution's participation in the program; and~~

~~(3) the comptroller has approved or provided the collateral security agreement form used.~~

~~Added by Acts 2009, 81st Leg., R.S., Ch. 486 (S.B. 638), Sec. 1, eff. September 1, 2009.~~

~~Sec. 2257.104. COLLATERAL REQUIRED; CUSTODIAN TRUSTEE. (a) Each participating institution shall secure its deposits of public funds with eligible securities the total value of which equals at least 102 percent of the amount of the deposits of public funds covered by a security agreement described by Section 2257.103 and deposited with the participating institution, reduced to the extent that the United States or an instrumentality of the United States insures the deposits. For purposes of determining whether collateral is sufficient to secure a deposit of public funds, Section 2257.022(b) does not apply to a deposit of public funds held by the participating institution and collateralized under this subchapter.~~

~~(b) A participating institution shall provide for the collateral securities to be held by a custodian trustee, on behalf of the participating institution, in trust for the benefit of the pooled collateral program. A custodian trustee must qualify as a custodian under Section 2257.041.~~

~~(c) The comptroller by rule shall regulate a custodian trustee under the pooled collateral program in the manner provided by Subchapter C to the extent practicable. The rules must ensure that a custodian trustee depository does not own, is not owned by, and is independent of the financial institution or institutions for which it holds the securities in trust, except that the rules must allow the following to be a custodian trustee:~~

~~(1) a federal reserve bank;~~

~~(2) a banker's bank, as defined by Section 34.105, Finance Code; and~~

~~(3) a federal home loan bank.~~

~~Added by Acts 2009, 81st Leg., R.S., Ch. 486 (S.B. 638), Sec. 1, eff. September 1, 2009.~~

~~Sec. 2257.105. MONITORING COLLATERAL. (a) Each participating institution shall file the following reports with the comptroller electronically and as prescribed by rules of the comptroller:~~

~~(1) a daily report of the aggregate ledger balance of deposits of public agencies participating in the pooled collateral program that are held by the institution, with each public entity's funds held itemized;~~

~~(2) a weekly summary report of the total market value of securities held by a custodian trustee on behalf of the participating institution;~~

~~(3) a monthly report listing the collateral securities held by a custodian trustee on behalf of the participating institution, together with the value of the securities; and~~

~~(4) as applicable, a participating institution's annual report that includes the participating institution's financial statements.~~

~~(b) The comptroller shall provide the participating institution an acknowledgment of each report received.~~

~~(c) The comptroller shall provide a daily report of the market value of the securities held in each pool.~~

~~(d) The comptroller shall post each report on the comptroller's Internet website.~~

~~Added by Acts 2009, 81st Leg., R.S., Ch. 486 (S.B. 638), Sec. 1, eff. September 1, 2009.~~

~~Sec. 2257.106. ANNUAL ASSESSMENT. (a) Once each state fiscal year, the comptroller shall impose against each participating institution an assessment in an amount sufficient to pay the costs of administering this subchapter. The amount of an assessment must be based on factors that include the number of public entity accounts a participating institution maintains, the number of transactions a participating institution conducts, and the aggregate average weekly deposit amounts during that state fiscal year of each participating institution's deposits of public funds collateralized under this subchapter. The comptroller by rule shall establish the formula~~

~~for determining the amount of the assessments imposed under this subsection.~~

~~(b) The comptroller shall provide to each participating institution a notice of the amount of the assessment against the institution.~~

~~(c) A participating institution shall remit to the comptroller the amount assessed against it under this section not later than the 45th day after the date the institution receives the notice under Subsection (b).~~

~~(d) Money remitted to the comptroller under this section may be appropriated only for the purposes of administering this subchapter.~~

~~Added by Acts 2009, 81st Leg., R.S., Ch. 486 (S.B. 638), Sec. 1, eff. September 1, 2009.~~

~~Sec. 2257.107. PENALTY FOR REPORTING VIOLATION. The comptroller may impose an administrative penalty against a participating institution that does not timely file a report required by Section 2257.105.~~

~~Added by Acts 2009, 81st Leg., R.S., Ch. 486 (S.B. 638), Sec. 1, eff. September 1, 2009.~~

~~Sec. 2257.108. NOTICE OF COLLATERAL VIOLATION; ADMINISTRATIVE PENALTY. (a) The comptroller may issue a notice to a participating institution that the institution appears to be in violation of collateral requirements under Section 2257.104 and rules of the comptroller.~~

~~(b) The comptroller may impose an administrative penalty against a participating institution that does not maintain collateral in an amount and in the manner required by Section 2257.104 and rules of the comptroller if the participating institution has not remedied the violation before the third business day after the date a notice is issued under Subsection (a).~~

~~Added by Acts 2009, 81st Leg., R.S., Ch. 486 (S.B. 638), Sec. 1, eff. September 1, 2009.~~

~~Sec. 2257.109. PENALTY FOR FAILURE TO PAY ASSESSMENT. The comptroller may impose an administrative penalty against a participating institution that does not pay an assessment against it in the time provided by Section 2257.106(c).~~

~~Added by Acts 2009, 81st Leg., R.S., Ch. 486 (S.B. 638), Sec. 1, eff. September 1, 2009.~~

~~Sec. 2257.110. PENALTY AMOUNT; PENALTIES NOT EXCLUSIVE. (a) The comptroller by rule shall adopt a formula for determining the amount of a penalty under this subchapter. For each violation and for each day of a continuing violation, a penalty must be at least $100 per day and not more than $1,000 per day. The penalty must be based on factors that include:~~

~~(1) the aggregate average weekly deposit amounts during the state fiscal year of the institution's deposits of public funds;~~

~~(2) the number of violations by the institution during the state fiscal year;~~

~~(3) the number of days of a continuing violation; and~~

~~(4) the average asset base of the institution as reported on the institution's year-end report of condition.~~

~~(b) The penalties provided by Sections 2257.107-2257.109 are in addition to those provided by Subchapter D or other law.~~

~~Added by Acts 2009, 81st Leg., R.S., Ch. 486 (S.B. 638), Sec. 1, eff. September 1, 2009.~~

~~Sec. 2257.111. PENALTY PROCEEDING CONTESTED CASE. A proceeding to impose a penalty under Section 2257.107, 2257.108, or 2257.109 is a contested case under Chapter 2001.~~

~~Added by Acts 2009, 81st Leg., R.S., Ch. 486 (S.B. 638), Sec. 1, eff. September 1, 2009.~~

~~Sec. 2257.112. SUIT TO COLLECT PENALTY. The attorney general may sue to collect a penalty imposed under Section 2257.107, 2257.108, or 2257.109.~~

~~Added by Acts 2009, 81st Leg., R.S., Ch. 486 (S.B. 638), Sec. 1, eff. September 1, 2009.~~

~~Sec. 2257.113. ENFORCEMENT STAYED PENDING REVIEW. Enforcement of a penalty imposed under Section 2257.107, 2257.108, or 2257.109 may be stayed during the time the order is under judicial review if the participating institution pays the penalty to the clerk of the court or files a supersedeas bond with the court in the amount of the penalty. A participating institution that cannot afford to pay the penalty or file the bond may stay the enforcement by filing an affidavit in the manner required by the Texas Rules of Civil Procedure for a party who cannot afford to file security for costs, subject to the right of the comptroller to contest the affidavit as provided by those rules.~~

~~Added by Acts 2009, 81st Leg., R.S., Ch. 486 (S.B. 638), Sec. 1, eff. September 1, 2009.~~

~~Sec. 2257.114. USE OF COLLECTED PENALTIES. Money collected as penalties under this subchapter may be appropriated only for the purposes of administering this subchapter.~~

~~Added by Acts 2009, 81st Leg., R.S., Ch. 486 (S.B. 638), Sec. 1, eff. September 1, 2009.~~

~~C~~B. Master Repurchase Agreement

Public Securities Association
40 Broad Street , New York, NY 10004 - 2373
Telephone (212) 809 - 7000

PSA

Master Repurchase Agreement

Between: **Dated as of**

_____

_____

and

_____

1. Applicability

From time to time the parties hereto may enter into transactions in which one party ("Seller") agrees to transfer to the other ("Buyer") securities or financial instruments ("Securities") against the transfer of funds by Buyer, with a simultaneous agreement by Buyer to transfer to Seller such Securities at a date certain or on demand, against the transfer of funds by Seller. Each such transaction shall be referred to herein as a "Transaction" and shall be governed by this Agreement, including any supplemental terms or conditions contained in Annex I hereto, unless otherwise agreed in writing.

2. Definitions

(a) "Act of Insolvency", with respect to any party, (i) the commencement by such party as debtor of any case or proceeding under any bankruptcy, insolvency, reorganization, liquidation, dissolution or similar law, or such party seeking the appointment of a receiver, trustee, custodian or similar official for such party or any substantial part of its property, or (ii) the commencement of any such case or proceeding against such party, or another seeking such an appointment, or the filing against a party of an application for a protective decree under the provisions of the Securities Investor Protection Act of 1970, which (A) is consented to or not timely contested by such party, (B) results in the entry of an order for relief, such an appointment, the issuance of such a protective decree or the entry of an order having a similar effect, or (C) is not dismissed within 15 days, (iii) the making by a party of a general assignment for the benefit of creditors, or (iv) the admission in writing by a party of such party's inability to pay such party's debts as they become due;

(b) "Additional Purchased Securities", Securities provided by the Seller to Buyer pursuant to Paragraph 4(a) hereof;

(c) "Buyer's Margin Amount", with respect to any Transaction as of any date, the amount obtained by application of a percentage (which may be equal to the percentage that is agreed to as the Seller Margin Amount under subparagraph (q) of this Paragraph), agreed to by Buyer and Seller prior to entering into the Transaction, to the Repurchase Price for such Transaction as of such date;

(d) "Confirmation", the meaning specified in Paragraph 3(b) hereof;

(e) "Income", with respect to any Security at any time, any principal thereof then payable and all interest, dividends or other distributions thereon;

(f) "Margin Deficit", the meaning specified in Paragraph 4(a) hereof;

(g) "Margin Excess", the meaning specified in Paragraph 4(b) hereof;

(h) "Market Value", with respect to any Securities as of any date, the price for such Securities on such date obtained from a generally recognized source agreed to by the parties or the most recent closing bid quotation from such a source, plus accrued Income to the extent not included therein (other than any Income credited or transferred to, or applied to the obligations of, Seller pursuant to Paragraph 5 hereof) as of such date (unless contrary to market practice for such Securities);

(i) "Price Differential", with respect to any Transaction hereunder as of any date, the aggregate amount obtained by daily application of the Pricing Rate for such Transaction to the Purchase Price for such Transaction on a 360 day per year basis for the actual number of days during the period commencing on (and including) the Purchase Date for such Transaction and ending on (but excluding) the date of determination (reduced by any amount of such Price Differential previously paid by Seller to Buyer with respect to such Transaction);

(j) "Pricing Rate", the per annum percentage rate for determination of the Price Differential;

(k) "Prime Rate", the prime rate of U.S. money center commercial banks as published in *The Wall Street Journal;*

(l) "Purchase Date", the date on which Purchased Securities are transferred by Seller to Buyer;

(m) "Purchase Price", (i) on the Purchase Date, the price at which Purchased Securities are transferred by Seller to Buyer, and (ii) thereafter, such price increased by the amount of any cash transferred by Buyer to Seller pursuant to Paragraph 4(b) hereof and decreased by the amount of any cash transferred by Seller to Buyer pursuant to Paragraph 4(a) hereof or applied to reduce Seller's obligations under clause (ii) of Paragraph 5 hereof;

(n) "Purchased Securities", the Securities transferred by Seller to Buyer in a Transaction hereunder, and any Securities substituted therefor in accordance with Paragraph 9 hereof. The term "Purchased Securities" with respect to any Transaction at any time also shall include Additional Purchased Securities delivered pursuant to Paragraph 4(a) and shall exclude Securities returned pursuant to Paragraph 4(b);

(o) "Repurchase Date", the date on which Seller is to repurchase the Purchased Securities from Buyer, including any date determined by application of the provisions of Paragraph 3(c) or 11 hereof;

(p) "Repurchased Price", the price at which Purchased Securities are to be transferred from Buyer to Seller upon termination of a Transaction, which will be determined in each case (including Transactions terminable upon demand) as the sum of the Purchase Price and the Price Differential as of the date of such determination, increased by any amount determined by the application of the provisions of Paragraph 11 hereof;

(q) "Seller's Margin Amount", with respect to any Transaction as of any date, the amount obtained by application of a percentage (which may be equal to the percentage that is agreed to as the Buyer's Margin Amount under subparagraph (c) of this Paragraph), agreed to by Buyer and Seller prior to entering into the Transaction, to the Repurchase Price for such Transaction as of such date.

3. Initiation; Confirmation; Termination

(a) An agreement to enter into a Transaction may be made orally or in writing at the initiation of either Buyer or Seller. On the Purchase Date for the Transaction, the Purchased Securities shall be transferred to Buyer or its agent against the transfer of the Purchase Price to an account of Seller.

(b) Upon agreeing to enter into a Transaction hereunder, Buyer or Seller (or both), as shall be agreed, shall promptly deliver to the other party a written confirmation of each Transaction (a "Confirmation"). The Confirmation shall describe the Purchased Securities (including CUSIP number, if any), identify Buyer and Seller and set forth (i) the Purchase Date, (ii) the Purchase Price, (iii) the Repurchase Date, unless the Transaction is to be terminable on demand, (iv) the Pricing Rate or Repurchase Price applicable to the Transaction, and (v) any additional terms or conditions of the Transaction not inconsistent with this Agreement. The Confirmation, together with this Agreement, shall constitute conclusive evidence of the terms agreed between Buyer and Seller with respect to the Transaction to which the Confirmation relates, unless with respect to the Confirmation specific objection is made promptly after receipt thereof. In the event of any conflict between the terms of such Confirmation and this Agreement, this Agreement shall prevail.

(c) In the case of Transactions terminable upon demand, such demand shall be made by Buyer or Seller, no later than such time as is customary in accordance with market practice, by telephone or otherwise on or prior to the business day on which such termination will be effective. On the date specified in such demand, or on the date fixed for termination in the case of Transactions having a fixed term, termination of the Transaction will be effected by transfer to Seller or its agent of the Purchased Securities and any Income in respect thereof received by Buyer (and not previously credited or transferred to, or applied to the obligations of, Seller pursuant to Paragraph 5 hereof) against the transfer of the Repurchase Price to an account of Buyer.

4. Margin Maintenance

(a) If at any time the aggregate Market Value of all Purchased Securities subject to all Transactions in which a particular party hereto is acting as Buyer is less than the aggregate Buyer's Margin Amount for all such Transactions (a "Margin Deficit"), then Buyer may by notice to Seller require Seller in such Transactions , at Seller's option, to transfer to Buyer cash or additional Securities reasonably acceptable to Buyer ("Additional Purchased Securities"), so that the cash and aggregate Market Value of the Purchased Securities, including any such Additional Purchased Securities, will thereupon equal or exceed such aggregate Buyer's Margin Amount (decreased by the amount of any Margin Deficit as of such date arising from any Transactions in which such Buyer is acting as Seller).

(b) If at any time the aggregate Market Value of all Purchased Securities subject to all Transactions in which a particular party hereto is acting as Seller exceeds the aggregate Seller's Margin Amount for all such Transactions at such time (a "Margin Excess"), then Seller may by notice to Buyer require Buyer in such Transactions, at Buyer's option, to transfer cash or Purchased Securities to Seller, so that the aggregate Market Value of the Purchased Securities, after deduction of any such cash or any Purchased Securities so transferred, will thereupon not exceeded such aggregate Seller's Margin Amount (increased by the amount of any Margin Excess as of such date arising from any Transactions in which such Seller is acting as Buyer).

(c) Any cash transferred pursuant to this Paragraph shall be attributed to such Transactions as shall be agreed upon by Buyer and Seller.

(d) Seller and Buyer may agree, with respect to any or all Transactions hereunder, that the respective rights of Buyer and Seller (or both) under subparagraphs (a) and (b) of this Paragraph

may be exercised only where a Margin Deficit or Margin Excess exceeds a specified dollar amount or a specified percentage of the Repurchase Prices for such Transactions (which amount or percentage shall be agreed to by Buyer and Seller prior to entering into any such Transactions).

(e) Seller and Buyer may agree, with respect to any or all Transactions hereunder, that the respective rights of Buyer and Seller under subparagraphs (a) and (b) of this Paragraph to require the elimination of a Margin Deficit or a Margin Excess, as the case may be, may be exercised whenever such a Margin Deficit or Margin Excess exists with respect to any single Transaction hereunder (calculated without regard to any other Transaction outstanding under this Agreement).

5. Income Payments

Where a particular Transaction's term extends over an Income payment date on the Securities subject to that Transaction, Buyer shall, as the parties may agree with respect to such Transaction (or, in the absence of any agreement, as Buyer shall reasonably determine in its discretion), on the date such Income is payable either (i) transfer to or credit to the account of Seller an amount equal to such Income payment or payments with respect to any Purchased Securities subject to such Transaction or (ii) apply the Income payment or payments to reduce the amount to be transferred to Buyer by Seller upon termination of the Transaction. Buyer shall not be obligated to take any action pursuant to the preceding sentence to the extent that such action would result in the creation of a Margin Deficit, unless prior thereto or simultaneously therewith Seller transfers to Buyer cash or Additional Purchased Securities sufficient to eliminate such Margin Deficit.

6. Security Interest

Although the parties intend that all Transactions hereunder be sales and purchases and not loans, in the event any such Transactions are deemed to be loans, Seller shall be deemed to have pledged to Buyer as security for the performance by Seller of its obligations under each such Transaction, and shall be deemed to have granted to Buyer a security interest in, all of the Purchased Securities with respect to all Transactions hereunder and all proceeds thereof.

7. Payment and Transfer

Unless otherwise mutually agreed, all transfers of funds hereunder shall be in immediately available funds. All Securities transferred by one party hereto to the other party (i) shall be in suitable form for transfer or shall be accompanied by duly executed instruments of transfer or assignment in blank and such other documentation as the party receiving possession may reasonably request, (ii) shall be transferred on the book-entry system of a Federal Reserve Bank, or (iii) shall be transferred by any other method mutually acceptable to Seller and Buyer. As used herein with respect to Securities, "transfer" is intended to have the same meaning as when used in Section 8-313 of the New York Uniform Commercial Code or, where applicable, in any federal regulation governing transfers of the Securities.

8. Segregation of Purchased Securities

To the extent required by applicable law, all Purchased Securities in the possession of the Seller shall be segregated from other securities in its possession and shall be identified as subject to this Agreement. Segregation may be accomplished by appropriate identification on the books and records of the holder, including a financial intermediary or a clearing corporation. Title to all Purchased Securities shall pass to Buyer and, unless otherwise agreed by Buyer and Seller, nothing in this Agreement shall preclude Buyer from engaging in repurchase transactions with the Purchased Securities or otherwise pledging or hypothecating the Purchased Securities, but no

such transaction shall relieve Buyer of its obligations to transfer Purchased Securities to Seller pursuant to Paragraphs 3, 4 or 11 hereof, or of Buyer's obligation to credit or pay Income to, or apply Income to the obligations of, Seller pursuant to Paragraph 5 hereof.

Required Disclosure for Transactions in Which the Seller Retains Custody of the Purchased Securities

Seller is not permitted to substitute other securities for those subject to this Agreement and therefore must keep Buyer's securities segregated at all times, unless in this Agreement Buyer grants Seller the right to substitute other securities. If Buyer grants the right to substitute, this means that Buyer's securities will likely be commingled with Seller's own securities during the trading day. Buyer is advised that, during any trading day that Buyer's securities are commingled with Seller's securities, they [will]* [may]** be subject to liens granted by Seller to [its clearing bank]* [third parties]** and may be used by Seller for deliveries on other securities transactions. Whenever the securities are commingled, Seller's ability to resegregate substitute securities for Buyer will be subject to Seller's ability to satisfy [the clearing]* [any]** lien or to obtain substitute securities.

* Language to be used under 17 C.F.R**.** d 403.4(e) if Seller is a government securities broker or dealer other than a financial institution.

** Language to be used under 17 C.F.R. d 403.5 (d) if Seller is a financial institution.

9. Substitution

(a) Seller may, subject to agreement with and acceptance by Buyer, substitute other Securities for any Purchased Securities. Such substitution shall be made by transfer to Buyer of such other Securities and transfer to Seller of such Purchased Securities. After substitution, the substituted Securities shall be deemed to be Purchased Securities.

(b) In Transactions in which the Seller retains custody of Purchased Securities, the parties expressly agree that Buyer shall be deemed, for purposes of subparagraph (a) of this Paragraph, to have agreed to and accepted in this Agreement substitution by Seller of other Securities for Purchased Securities; *provided, however,* that such other Securities shall have a Market Value at least equal to the Market Value of the Purchased Securities for which they are substituted.

10. Representations

Each of Buyer and Seller represents and warrants to other that (i) it is duly authorized to execute and deliver this Agreement, to enter into the Transactions contemplated hereunder and to perform its obligations hereunder and has taken all necessary action to authorize such execution, delivery and performance, (ii) it will engage in such Transactions as principal (or, if agreed in writing in advance of any Transaction by the other party hereto, as agent for a disclosed principal), (iii) the person signing this Agreement on its behalf is duly authorized to do so on its behalf (or on behalf of any such disclosed principal), (iv) it has obtained all authorizations of any governmental body required in connection with this Agreement and the Transactions hereunder and such authorizations are in full force and effect and (v) the execution, delivery and performance of this Agreement and the Transactions hereunder will not violate any law, ordinance, charter, by-law or rule applicable to it or any agreement by which it is bound or by which any of its assets are affected. On the Purchase Date for any Transaction Buyer and Seller shall each be deemed to repeat all the foregoing representations made by it.

11. Events of Default

In the event that (i) Seller fails to repurchase or Buyer fails to transfer Purchased Securities upon the applicable Repurchase Date, (ii) Seller or Buyer fails, after one business day's notice, to comply with Paragraph 4 hereof, (iii) Buyer fails to comply with Paragraph 5 hereof , (iv) an Act of Insolvency occurs with respect to Seller or Buyer, (v) any representation made by Seller or Buyer shall have been incorrect or untrue in any material respect when made or repeated or deemed to have been made or repeated, or (vi) Seller or Buyer shall admit to the other its inability to, or its intention not to, perform any of its obligations hereunder (each an "Event of Default"):

(a) At the option of the non defaulting party, exercised by written notice to the defaulting party (which option shall be deemed to have been exercised, even if no notice is given, immediately upon the occurrence of an Act of Insolvency), the Repurchase Date for each Transaction hereunder shall be deemed immediately to occur.

(b) In all Transactions in which the defaulting party is acting as Seller, if the non defaulting party exercises or is deemed to have exercised the option referred to in subparagraph (a) of this Paragraph, (i) the defaulting party's obligations hereunder to repurchase all Purchased Securities in such Transactions shall thereupon become immediately due and payable, (ii) to the extent permitted by applicable law, the Repurchase Price with respect to each such Transaction shall be increased by the aggregate amount obtained by daily application of (x) the greater of the Pricing Rate for such Transaction or the Prime Rate to (y) the Repurchase Price for such Transaction as of the Repurchase Date as determined pursuant to subparagraph (a) of this Paragraph (decreased as of any day by (A) any amounts retained by the non defaulting party with respect to such Repurchase Price pursuant to clause (iii) of this subparagraph, (B) any proceeds from the sale of Purchased Securities pursuant to subparagraph (d) (i) of this Paragraph, and (C) any amounts credited to the account of the defaulting party pursuant to subparagraph (e) of this Paragraph) on a 360 day per year basis for the actual number of days during the period from and including the date of the Event of Default giving rise to such option to but excluding the date of payment of the Repurchase Price as so increased, (iii) all Income paid after such exercise or deemed exercise shall be retained by the non defaulting party and applied to the aggregate unpaid Repurchase Prices owed by the defaulting party, and (iv) the defaulting party shall immediately deliver to the non defaulting party any Purchased Securities subject to such Transactions then in the defaulting party's possession.

(c) In all Transactions in which the defaulting is acting as Buyer, upon tender by the non defaulting party of payment of the aggregate Repurchase Prices for all such Transactions, the defaulting party's right, title and interest in all Purchased Securities subject to such Transactions shall be deemed transferred to the non defaulting party, and the defaulting party shall deliver all such Purchased Securities to the non defaulting party.

(d) After one business day's notice to the defaulting party (which notice need not be given if an Act of Insolvency shall have occurred, and which may be the notice given under subparagraph (a) of this Paragraph or the notice referred to in clause (ii) of the first sentence of this Paragraph), the non defaulting party may :

(i) as to Transactions in which the defaulting party is acting as Seller, (A) immediately sell, in a recognized market at such price or prices as the non defaulting party may reasonably deem satisfactory, any or all Purchased Securities subject to such Transactions and apply the proceeds thereof to the aggregate unpaid Repurchase Prices and any other amounts owing by the defaulting party hereunder or (B) in its sole discretion elect, in lieu of selling all or a portion of such Purchased Securities, to give the defaulting party credit for such Purchased Securities in an amount equal to the price therefor on such date, obtained from a generally recognized source or the most recent closing bid quotation from such a source, against the aggregate unpaid Repurchase Prices and any other amounts owing by the defaulting party hereunder, and

(ii) as to Transactions in which the defaulting party is acting as Buyer, (A) purchase securities ("Replacement Securities") of the same class and amount as any Purchased Securities that are not delivered by the defaulting party to the non defaulting party as required hereunder or (B) in its sole discretion elect, in lieu of purchasing Replacement Securities, to be deemed to have purchased Replacement Securities at the price therefor on such date, obtained from a generally recognized source or the most recent closing bid quotation from such a source.

(e) As to Transactions in which the defaulting party is acting as Buyer, the defaulting party shall be liable to the non defaulting party (i) with respect to Purchased Securities (other than Additional Purchased Securities), for any excess of the price paid (or deemed paid) by the non defaulting party for Replacement Securities therefor over the Repurchase Price for such Purchased Securities and (ii) with respect to Additional Purchased Securities, for the price paid (or deemed paid) by the non defaulting party for the Replacement Securities, therefor. In addition, the defaulting party shall be liable to the non defaulting party for interest on such remaining liability with respect to each such purchase (or deemed purchase) of Replacement Securities from the date of such purchase (or deemed purchase) until paid in full by Buyer. Such interest shall be at a rate equal to the greater of the Pricing Rate for such Transaction or the Prime Rate.

(f) For purposes of this Paragraph 11, the Repurchase Price for each Transaction hereunder in respect of which the defaulting party is acting as Buyer shall not increase above the amount of such Repurchase Price for such Transaction determined as of the date of the exercise or deemed exercise by the non defaulting party of its option under subparagraph (a) of this Paragraph.

(g) The defaulting party shall be liable to the non defaulting party for the amount of all reasonable legal or other expenses incurred by the non defaulting party in connection with or as a consequence of an Event of Default, together with interest thereon at a rate equal to the greater of the Pricing Rate for the relevant Transaction or the Prime Rate.

(h) The non defaulting party shall have, in addition to its rights hereunder, any rights otherwise available to it under any other agreement or applicable law.

12. Single Agreement

Buyer and Seller acknowledge that, and have entered hereunto and will enter into each Transaction hereunder in consideration of and in reliance upon the fact that, all Transactions hereunder constitute a single business and contractual relationship and have been made in consideration of each other. Accordingly, each of Buyer and Seller agrees (i) to perform all of its obligations in respect of each Transaction hereunder, and that a default in the performance of any such obligations shall constitute a default by it in respect of all Transactions hereunder, (ii) that each of them shall be entitled to set off claims and apply property held by them in respect of any Transaction against obligations owing to them in respect of any other Transactions hereunder and (iii) that payments, deliveries and other transfers made by either of them in respect of any other Transaction shall be deemed to have been made in consideration of payments, deliveries and other transfers in respect of any other Transactions hereunder, and the obligations to make any such payments, deliveries and other transfers may be applied against each other and netted.

13. Notices and Other Communications

Unless another address is specified in writing by the respective party to whom any notice or other communication is to be given hereunder, all such notices or communications shall be in writing or confirmed in writing and delivered at the respective addresses set forth in Annex II attached hereto.

14. Entire Agreement; Severability

This Agreement shall supersede any existing agreements between the parties containing general terms and conditions for repurchase transactions. Each provision and agreement herein shall be treated as separate and independent from any other provision or agreement herein and shall be enforceable notwithstanding the unenforceability of any such other provision or agreement.

15. Non-assignability: Termination

The rights and obligations of the parties under this Agreement and under any Transaction shall not be assigned by either party without the prior written consent of the other party. Subject to the foregoing, this Agreement and any Transactions shall be binding upon and shall inure to the benefit of the parties and their respective successors and assigns. This Agreement may be canceled by either party upon giving written notice to the other, except that this Agreement shall, notwithstanding such notice, remain applicable to any Transactions then outstanding.

16. Governing Law

This Agreement shall be governed by the laws of the State of New York without giving effect to the conflict of law principles thereof.

17. No Waivers, Etc.

No express or implied waiver of any Event of Default by either party shall constitute a waiver of any other Event of Default and no exercise of any remedy hereunder by any party shall constitute a waiver of its right to exercise any other remedy hereunder. No modification or waiver of any provision of this Agreement and no consent by any party to a departure herefrom shall be effective unless and until such shall be in writing and duly executed by both of the parties hereto. Without limitation on any of the foregoing, the failure to give a notice pursuant to subparagraphs 4(a) or 4(b) hereof will not constitute a waiver of any right to do so at a later date.

18. Use of Employee Plan Assets

(a) If assets of an employee benefit plan subject to any provision of the Employee Retirement Income Security Act of 1974 ("ERISA") are intended to be used by either party hereto (the "Plan Party") in a Transaction, the Plan Party shall so notify the other party prior to the Transaction. The Plan Party shall represent in writing to the other party that the Transaction does not constitute a prohibited transaction under ERISA or is otherwise exempt therefrom, and the other party may proceed in reliance thereon but shall not be required so to proceed.

(b) Subject to the last sentence of subparagraph (a) of this Paragraph, any such Transaction shall proceed only if Seller furnishes or has furnished to Buyer its most recent available audited statement of its financial condition and its most recent subsequent unaudited statement of its financial condition.

(c) By entering into a Transaction pursuant to this Paragraph, Seller shall be deemed (i) to represent to Buyer that since the date of Seller's latest such financial statements, there has been no material adverse change in Seller's financial condition which Seller has not disclosed to Buyer, and (ii) to agree to provide Buyer with future audited and unaudited statements of its financial condition as they are issued, so long as it is a Seller in any outstanding Transaction involving a Plan Party.

19. Intent

(a) The parties recognize that each Transaction is a "repurchase agreement" as that term is defined in Section 101 of Title 11 of the United States Code, as amended (except insofar as the type of Securities subject to such Transaction or the term of such Transaction would render such definition inapplicable), and a "securities contract" as that term is defined in Section 741 of Title 11 of the United States Code, as amended.

(b) It is understood that either party's right to liquidate Securities delivered to it in connection with Transactions hereunder or to exercise any other remedies pursuant to Paragraph 11 hereof, is a contractual right to liquidate such Transaction as described in Sections 555 and 559 of Title 11 of the United States Code, as amended.

20. Disclosure Relating to Certain Federal Protections

The parties acknowledge that they have been advised that:

(a) in the case of Transactions in which one of the parties is a broker or dealer registered with the Securities and Exchange Commission ("SEC") under Section 15 of the Securities Exchange Act of 1934 ("1934 Act"), the Securities Investor Protection Corporation has taken the position that the provisions of the Securities Investor Protection Act of 1970 ("SIPA") do not protect the other party with respect to any Transaction hereunder;

(b) in the case of Transactions in which one of the parties is a government securities broker or a government securities dealer registered with the SEC under Section 15C of the 1934 Act, SIPA will not provide protection to the other party with respect to any Transaction hereunder; and

(c) in the case of Transactions in which one of the parties is a financial institution, funds held by the financial institution pursuant to a Transaction hereunder are not a deposit and therefore are not insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation or the National Credit Union Share Insurance Fund, as applicable.

[Name of Party]	[Name of Party]
By _____	By _____
Title _____	Title _____
Date _____	Date _____.

~~D~~C. Broker/Dealer Certification

TEXAS PUBLIC FUNDS INVESTMENT ACT
ACKNOWLEDGMENTS

These Acknowledgments are executed on behalf of the City of Rowlett ("Investor") and _____("Business Organization") pursuant to the Public Funds Investment Act, Chapter 2256, Government Code, Texas Codes Annotated (the "Act"), in connection with investment transactions conducted between the Investor and the Business Organization.

Acknowledgment by Investor

The undersigned investment officer of the Investor ("Investment Officer") hereby acknowledges, represents and agrees on behalf of the Investor that:

(i) The Investment Officer (a) has been duly designated by official action of the governing body of the Investor to act as its Investment Officer pursuant to the Act, (b) is vested with full power and authority under the Act and other applicable law to engage in investment activities on behalf of the Investor, and (c) is duly authorized to execute this Acknowledgment on behalf of the Investor,

(ii) Pursuant to the Act, the governing body of the Investor has duly adopted a written investment policy which complies with the Act, including an investment strategy (as the same may be amended, the "Investment Policy"), and the Investment Officer (a) has furnished a true and correct copy of the Investment Policy to the Business Organization and (b) will notify the Business Organization of any revision of, or amendment to, the Investment Policy. The Business Organization shall be entitled to rely upon the most recent version of the Investment Policy furnished by the Investment Officer until provided with an amended version;

(iii) Attached hereto is a list of investments that are authorized pursuant to the Investment Policy and that the Investment Officer understands may be available from the Business Organization. The attached list may be amended from time to time by mutual agreement of the Investor and the Business Organization, and

(iv) In connection with any investment transaction between the Business Organization and the Investor, the Business Organization is not responsible for assuring compliance with those aspects of the Investment Policy over which the Business Organization has no control or knowledge, such as restrictions as to diversity and average maturity, or which require an interpretation of subjective investment standards.

INVESTMENT OFFICER

_____
Name:_____
Title:_____
Date:_____

Acknowledgment by Business Organization

In reliance upon the foregoing "Acknowledgment by Investor," the undersigned qualified representative of the Business Organization ("Qualified Representative") acknowledges, represents, and agrees on behalf of the Business Organization that:

(I) The Qualified Representative (a) is registered under the rules of the National Association of Securities Dealers, (b) is the duly appointed and acting officer of the Business Organization, holding the office set forth underneath its name below, and (c) is duly authorized to execute this Certification on behalf of the Business Organization,

(ii) The Qualified Representative has received and reviewed the Investment Policy furnished by the Investment Officer,

(iii) The Business Organization will provide the Investment Officer with periodic account and other reasonably requested information that will assist the Investment Officer in carrying out his or her responsibility to make investment decisions consistent with the Investment Policy; and

(iv) The Business Organization will not sell to the Investor investments other than those on the attached list, which may be amended from time to time by mutual agreement of the Investor and the Business Organization.

QUALIFIED REPRESENTATIVE

_____
Name:_____
Title_____
Date:_____

D. Investment Pool/Fund Questionnaire

1. A description of eligible investment securities, and a written statement of investment policy and objectives.

2. A description of interest calculations and how it is distributed, and how gains and losses are treated.

3. A description of how the securities are safeguarded (including the settlement processes), and how often the securities are priced and the program audited.

4. A description of who may invest in the program, how often, what size deposit and withdrawal are allowed.

5. A schedule for receiving statements and portfolio listings.

6. Are reserves, retained earnings, etc. utilized by the pool/fund?

7. A fee schedule, and when and how is it assessed.

8. Is the pool/fund eligible for bond proceeds and/or will it accept such proceeds?

9. Does the pool/fund have a stable or floating net asset value (NAV)?

10. What are the liquidity restrictions, gates, etc?

Exhibit A

Proposed
Investment Policy

Approved on:_ April 5, 2016

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ATTACHMENTS:
A. Glossary of Cash and Investment Management Terms
B. Master Repurchase Agreement
C. Broker/Dealer Certification
D. Investment Pool/Fund Questionnaire

Investment Policy
City of Rowlett, Texas

I. PURPOSE

The purpose of this Investment Policy (hereinafter "Policy") is to set forth the investment objectives and parameters for the management of public funds of the City of Rowlett, Texas (hereinafter "City"). This Policy is designed to safeguard the City's funds, the availability of operating and capital funds when needed, and an investment return competitive with comparable funds and financial market indices. In order to execute this framework this Policy contains an Investment Strategy Statement.

II. SCOPE

This Policy is authorized by the City Council of the City in accordance with Chapter 2256, Texas Government Code, the Public Funds Investment Act which may be reviewed on the Texas Constitution and Statutes website at http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2256.htm. The Policy addresses the methods, procedures and practices which must be exercised to insure effective and judicious fiscal management of City funds. All City funds will be managed within the guidelines of this Policy. Bond funds, in addition to this Policy, shall be managed in accordance with their issuing documentation and all applicable State and Federal Law.

In addition to the Policy, the Investment Strategy Statement, also approved by the City Council, provides a separate written investment strategy for each of the City's funds. Each investment strategy describes the investment objectives for each particular fund. Cash and investment balances as defined in this Section are entirely known as "Available Fund".

III. INVESTMENT OBJECTIVES

Safety of Principal

The foremost objective of this investment program is the safety of the principal of those funds within the portfolios. Investment transactions shall seek to keep capital losses at a minimum, whether they are from securities defaults or erosion of market value. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

Maintenance of Liquidity

The portfolios shall be managed in such a manner that funds are available to meet reasonably anticipated cash flow requirements in an orderly manner. Periodic cash flow analyses will be completed in order to ensure that the portfolios are positioned to provide sufficient liquidity.

Return on Investment

Investment portfolios shall be designed with the objective of attaining a market rate within an acceptable range of the rate of return of the established benchmarks taking into account the investment risk constraints and liquidity needs. Return on investment is of least importance compared to the safety and liquidity objectives described above. However, return is attempted through active management where the investment advisor utilizes a total return strategy (which

includes both realized and unrealized gains and losses in the portfolio). This total return strategy seeks to increase the value of the portfolio through reinvestment of income and capital gains. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Despite this, an investment advisor may trade to recognize a loss from time to time to achieve a perceived relative value based on its potential to enhance the total return of the portfolios.

IV. DELEGATION OF AUTHORITY

As designated by the City Council, management responsibility for the investment program is assigned to the Director of Financial Services and Assistant Director of Financial Services. The Director of Financial Services and Assistant Director of Financial Services and other persons granted investment authority shall be considered and referred to as "Investment Officers" for the purpose of this Policy. As such, the Investment Officers are authorized to deposit, withdraw, invest, transfer, execute documentation, and otherwise manage City funds according to this Policy. The Investment Officers may grant, in writing, investment authority to other persons within the Finance Division. Any limitations placed on this authority will be specifically stated. No person may engage in an investment transaction or the management of funds except as provided under the terms of the Investment Policy, Investment Strategy Statement and other operational procedures established by the Investment Officers. The Investment Officers shall establish written procedures for the operation of the investment portfolio and a system of internal accounting and administrative controls to regulate the activities of employees. Any new requirements from policy will be in compliance within one year of this adoption.

V. INVESTMENT ADVISORS AND PROVIDERS

The City Council may appoint an investment advisor to assist the City's financial staff with the management of its funds and other responsibilities including but not limited to competitive bidding, reporting requirements and security documentation. The investment advisor must be registered with the Securities and Exchange Commission (SEC) under the Investment Adviser's Act of 1940 as well as with the Texas State Securities Board. The term of contract shall be limited under the Texas Public Funds Investment Act to a two-year period. A renewal or extension of the contract must be made by the City Council by order, ordinance or resolution.

Investment Advisors shall adhere to the spirit, philosophy and specific term of this Policy and shall invest within the standard of "Prudent Expert ".

Investment Providers shall adhere to the spirit and philosophy of this Policy and shall avoid recommending or suggesting transactions outside the standard of "Prudent Expert."

The following criteria will be established in the selection of Investment Advisors and Investment Providers, including:

1) Adherence to the City's policies and strategies

2) Investment performance and transaction pricing within accepted risk constraints,

3) Responsiveness to the City's request for services, information and open communication,

4) Understanding of the inherent fiduciary responsibility of investing public funds,

5) Similarity in philosophy and strategy with the City's objectives.

Selected Investment Advisors and Investment Providers shall provide timely transaction confirmations and monthly activity reports.

Businesses eligible to transact investment business with the City shall be presented a written copy of this Policy. Additionally, the qualified representative of the business seeking to transact investment business shall execute a written instrument stating substantially to the effect that the registered principal has:

1) Received and thoroughly reviewed this Policy

2) Acknowledged that the organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities with the City, except to the extent that this authorization is dependent on an analysis of the makeup of the City's entire portfolio or requires an interpretation of subjective investment standards.

The City will not enter into an investment transaction with a financial institution prior to receiving the written instrument described above.

If brokerage services are utilized, the Investment Officer will present annually to the governing body a list of qualified brokers. The governing body must review and approve qualified brokers authorized to engage in investment transactions with the City.

VI. STANDARDS OF PRUDENCE

The standard of prudence to be used by Investment Officers shall be the "Prudent Person" standard and shall be applied in the context of managing the overall investment program. Investment officers acting in accordance with written procedures and this Policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectation are reported to the City Council in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this Policy. The "Prudent Person" rule states the following:

> Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived from the investment.

While the standard of prudence to be used by investment officials who are officers or employees is the Prudent Person standard, any person or firm hired or retained to invest, monitor, or advise concerning these assets shall be held to the higher standard of "Prudent Expert". The standard shall be that in investing and reinvesting moneys and in acquiring, retaining, managing, and disposing of investments of these funds, the contractor shall exercise: the judgment, care, skill, prudence, and diligence under the circumstances then prevailing, which persons of prudence, discretion, and intelligence, acting in a like capacity and familiar with such matters would use in

the conduct of an enterprise of like character and with like aims by diversifying the investments of the funds, so as to minimize the risk, considering the probable income as well as the probable safety of their capital.

VII. ETHICS AND CONFLICTS OF INTEREST

Investment Officers shall act as custodians of the public trust avoiding any transaction which might involve a conflict of interest, the appearance of a conflict of interest, or any activity which might otherwise discourage public confidence. Investment Officers shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Additionally, all Investment Officers shall file with the Texas Ethics Commission and the City a statement disclosing any *personal business relationship* with an entity seeking to sell investments to the City or any relationship within the second degree by affinity or consanguinity to an individual seeking to sell investments to the City.

An officer or employee involved in the investment process has a *personal business relationship* with a business organization if:

1) The Investment Officer or employee owns 10 percent or more of the voting stock or shares of the business organization or owns $5,000 or more of the fair market value of the business organization;

2) Funds received by the Investment Officer or employee from the business organization exceed 10 percent of his/her gross income for the previous year; or

3) The Investment Officer or employee has acquired from the business organization during the previous year investments with a book value of $2,500 or more for his/her personal account.

VIII. INTERNAL CONTROLS AND INVESTMENT PROCEDURES

The Investment Officers shall establish a system of internal controls and operational procedures that are in writing and made a part of the City's financial operational procedures. The internal controls should be designed to prevent losses of funds, which might arise from fraud, employee error, and misrepresentation by third parties, or imprudent actions by employees. The written procedures should include reference to safekeeping, repurchase agreements, separation of transaction authority from accounting and recordkeeping, wire transfer agreements, banking service contracts, collateral/depository agreements, and "delivery-vs-payment" procedures. No person may engage in an investment transaction except as authorized under the terms of this Policy.

Independent auditors, as a normal part of the annual financial audit to the City, shall conduct a review of the system of internal controls to ensure compliance with policies and procedures.

IX. CONTINUING EDUCATION

Within 12 months after taking office or assuming duties, each Investment Officer shall attend a training session relating to their investment responsibilities and receive not less than 10 hours of instruction. On an ongoing basis, all Investment Officers shall receive not less than 10 hours of

instruction not less than once in a two year period that begins on the first day of the City of Rowlett's fiscal year (October 1) and consists of the two consecutive fiscal years after that date. Training must include education in investment controls, security risks, strategy risks, market risks and compliance with the Public Funds Investment Act. Training must be provided by an independent source. Possible training sources include Government Treasurers of Texas, TML (Texas Municipal League), PFM Asset Management LLC, TexPool (on-line) and First Public.

X. AUTHORIZED INVESTMENT INSTITUTIONS AND DEALERS

The Investment Officers or designee shall only purchase securities from Qualified Financial Institutions and investment institutions which are designated as Primary Dealers by the Federal Reserve Bank of New York. The Investment Officers shall only enter into repurchase agreements with financial institutions that are Qualified Institutions and Primary Dealers as designated by the Federal Reserve Bank of New York.

The City's Investment Advisor(s) shall utilize and maintain its own list of approved primary and non-primary securities dealers.

The Investment Officers or designee shall maintain a list of financial institutions and broker/dealers that are approved for investment purposes and only firms meeting the following requirements will be eligible to serve as Qualified Institutions:

1) Regional dealers that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule);
2) Capital of no less than $10,000,000;
3) Registered as a dealer under the Securities Exchange Act of 1934;
4) Member of the Financial Industry Regulatory Authority, Inc. (FINRA);
5) Registered to sell securities in Texas;
6) The firm and assigned broker have been engaged in the business of effecting transactions in U.S. government and agency obligations for at least five (5) consecutive years;

All brokers, dealers and other financial institutions deemed to be Qualified Institutions shall be provided with current copies of the City's Investment Policy and sign the Broker/Dealer Certification. The City's Investment Officer or designee, must also sign the acknowledgement. The City's Investment Advisor will adhere to its own internal due diligence procedures. A current audited financial statement is required to be on file for each financial institution and broker/dealer with which the City transacts business.

XI. INVESTMENT STRATEGY STATEMENT

The City maintains Short-Term Portfolios for operating, debt service funds and bond construction funds and Long-Term Portfolio for core funds (operating reserve funds) and debt service reserve funds.

Short -Term Portfolios:

Operating Funds
Investment strategies for operating funds have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity.

Debt Service Funds
Investment strategies for debt service funds shall have as the primary objective the assurance of investment liquidity adequate to cover the debt service obligation on the required payment date. Securities purchased shall not have a stated final maturity date that exceeds the debt service payment date.

Bond Construction or Special Purpose Funds
Investment strategies for bond construction or special purpose fund portfolios will have as their primary objective to ensure that anticipated cash flows are matched with adequate investment liquidity. These fund portfolios should include at least 10% in highly liquid securities to allow for flexibility and unanticipated project outlays. The stated final maturity dates of securities held should not exceed the estimated project completion date.

Long -Term Portfolios:

Core Funds
The objective is to create a portfolio structure for the City's Core Funds, as determined by the cash flow analysis report, which will experience minimal market value volatility during economic cycles. This may be accomplished by purchasing quality, short- to medium-term securities that will complement each other in a laddered or barbell maturity structure. The overall weighted average duration of principal return for the Core Fund portfolio shall be less than two (2) years. Securities may not be purchased that have a final stated maturity date which exceeds five (5) years.

Debt Service Reserve Funds
Investment strategies for debt service reserve funds shall have as the primary objective the ability to generate a dependable revenue stream to the appropriate debt service fund from securities with a low degree of volatility, except as may be required by the bond ordinance specific to an individual issue. Securities should be of high quality, with short- to intermediate-term maturities.

XII. MATURITY AND LIQUIDITY REQUIREMENTS

To the extent possible, an attempt will be made to match investment maturities with known cash needs and anticipated cash flow requirements.

A. Maturity Guidelines

Securities purchased by or on behalf of the City shall have a final maturity of five (5) years or less from the date of settlement. The overall weighted average duration of principal return for the entire portfolio shall be less than two (2) years. The maturities of the underlying securities of a repurchase agreement will follow the requirements of the Master Repurchase Agreement.

B. Liquidity Requirements

The Investment Officers or designee shall determine the approximate amount of funds required to meet the day-to-day expenditure needs of the City. A goal of the next depository agreement is that all funds in the depository bank will be "swept" each night

into a fully collateralized repurchase agreement or money market fund. In order to have an available source of funds to meet unexpected cash requirements, a minimum of two months operating expenses will be invested in authorized money market funds or state or local investment pools. The balance of the City's funds will be available for investment according to the guidelines incorporated within this Policy.

XIII. PERFORMANCE MEASUREMENTS

In order to assist in the evaluation of the portfolios' performance, the City will use performance benchmarks for short-term and long-term portfolios. The use of benchmarks will allow the City to measure its returns against other investors in the same markets.

A. Investment performance of funds designated as short-term funds and other funds that must maintain a high degree of liquidity will be compared to the return on the S&P Rated GIP Index Government 30 Day Yield. Investments of current operating funds shall have maturities of no longer than twenty-four (24) months.

B. The long-term investment portfolio (Core Funds) shall be designed with the objective of exceeding the return of the Bank of America Merrill Lynch 1-3 Year U.S. Treasury Index (or a comparable benchmark) compared to the portfolio's total rate of return. The Bank of America Merrill Lynch 1-3 Year Treasury Index represents U.S. Treasury securities maturing over one year, but less than three years. This maturity range is an appropriate benchmark based on the objectives of the City.

XIV. COMPETITIVE SELECTION OF INVESTMENT INSTRUMENTS

After the Investment Officers and/or the City's Investment Advisor/s has determined the approximate maturity date based on cash flow needs and market conditions and has analyzed and selected one or more optimal types of investments, a minimum of three (3) qualified banks and/or approved broker/dealers must be contacted and asked to provide bids/offers on securities in questions. Bids will be held in confidence until the bid deemed to best meet the investment objectives is determined and selected.

However, if obtaining bids/offers are not feasible and appropriate, securities may be purchased/sold utilizing the comparison to current market price method on an exception basis. Acceptable current market price providers include, but are not limited to:

A. TradeWeb

B. Bloomberg Information Systems

C. Wall Street Journal or a comparable nationally recognized financial publication providing daily market pricing

D. Daily market pricing provided by the City's custodian or their correspondent institutions

The Investment Officers or designee and/or the City's Investment Advisor/s shall utilize the competitive bid process to select the securities to be purchased or sold. Selection by comparison to a current market price, as indicated above, shall only be utilized when, in judgment of the

Investment Officers or the City's Investment Advisor/s, competitive bidding would inhibit the selection process.

Examples of when this method may be used include:

A. When time constraints due to unusual circumstances preclude the use of the competitive bidding process

B. When no active market exists for the issue being traded due to the age or depth of the issue

C. When a security is unique to a single dealer, for example, a private placement

D. When the transaction involves new issues or issues in the "when issued" market

Overnight sweep investment instruments will not be bid, but may be placed with the City's depository bank relating to the demand account for which the investment instrument was purchased.

XV. AUTHORIZED INVESTMENTS AND PORTFOLIO COMPOSITION

Investments should be made subject to the cash flow needs and such cash flows are subject to revisions as market conditions and the City's needs change. However, when the invested funds are needed in whole or in part for the purpose originally intended or for more optimal investments, the Investment Officers or designee and/or the City's Investment Advisor/s may sell the investment at the then-prevailing market price and place the proceeds into the proper account at the City's custodian.

The following are the investment requirements and allocation limits on security types, issuers, and maturities as established by the City. Diversification strategies within the established guidelines shall be reviewed and revised periodically as necessary by the Investment Officers. The Investment Officers, and/or City's Investment Advisor/s shall have the option to further restrict investment percentages from time to time based on market conditions, risk and diversification investment strategies. The percentage allocations requirements for investment types and issuers are calculated based on the original cost of each investment, at the time purchase. Investments not listed in this Policy are prohibited. The following requirements do not apply to funds derived from the sale of debt.

Investments described below are those authorized by the Public Funds Investment Act (Chapter 2256, Texas Government Code), as amended, which is included and made a part of this Policy as Appendix A. The following list may not contain all of those securities that are authorized by state statutes, but only those that the City Council wish to include in the City's portfolios. The purchase of specific issues may at times be further restricted or prohibited because of current market conditions. The City funds governed by this Policy may be invested in the following investments:

Security Type	Minimum Rating Requirement	Maturity Limits	Maximum Allocation Limit	Maximum Issuer Limit
Local Government Investment Pools	AAA/AAAm	N/A	75%	N/A
United States Government Securities	N/A	5 Years	100%	N/A
United States Government Agencies (full faith and credit of the United States Government)	N/A	5 Years	75%	25%
Federal Instrumentalities (United States Government Sponsored Enterprises ("GSE") which are non-full faith and credit).*	N/A	5 Years	80%	40%
Mortgage-Backed Securities ("MBS")*	N/A	5 Years	20%	15%
Interest Bearing Time Deposit or Saving Accounts	N/A	1 Years	20%	10%
Repurchase Agreements	N/A	90 Days	20%	10%
Commercial Paper	P-1/A-1	270 Days	25%	5%
Bankers' Acceptances	P-1/A-1	180 Days	25%	5%
State and/or Local Government Taxable and/or Tax-Exempt Debt	Single "A" category by two NRSROs	5 Years	25%	10%
Registered Investment Companies (Money Market Mutual Funds)	AAAm	N/A	50%	25%

*The combined total of available funds invested in Federal Instrumentalities and MBS cannot be more than 80%.

A. Local Government Investment Pools

1. Investment Authorization

Local government investment pools organized in accordance with the Interlocal Cooperation Act (Chapter 791, Texas Government Act) as amended, whose assets consist exclusively of the obligations that are allowed as a direct investment for funds subject to the Public Funds Investment Act (Chapter 2256, Texas Government Code). A public funds investment pool must be continuously rated no lower than "AAA", "AAA-m" or at an equivalent rating by at least one Nationally Recognized Statistical Rating Organization ("NRSRO").

2. Portfolio Composition

A maximum of 75% of available funds may be invested in the Local Government Pools.

3. Due Diligence Requirements

A thorough review of any local government investment pool is required prior to investing, and on a continual basis. Attachment D is a questionnaire that contains a list of questions, to be answered prior to investing, that cover the major aspects of any investment pool/fund.

B. United States Government Securities

1. Purchase Authorization

Negotiable direct obligations or obligations the principal and interest of which are unconditionally guaranteed by the United States Government. Such securities will include, but not be limited to the following:

Cash Management Bills
Treasury Securities – State and Local Government Series ("SLGS")
Treasury Bills
Treasury Notes
Treasury Bonds
Treasury Strips

2. Portfolio Composition

A maximum of 100% of available funds may be invested in the United States Government Securities with the exception of Treasury Strips are limited to 10% of available funds.

3. Maturity Limitations

The maximum length to maturity of any direct investment in the United States Government Securities is five (5) years from the date of settlement.

C. United States Government Agencies (full faith and credit of the United States Government)

1. Purchase Authorization

Bonds, debentures, notes or callables issued or guaranteed by the United States Governments agencies, provided such obligations are backed by the full faith and credit of the United States Government. This includes fixed rate mortgage-backed securities. Such securities will include, but not be limited to the following:

United States Export – Import Bank
-Direct obligations or fully guaranteed certificates of beneficial ownership
Farmer Home Administration
-Certificates of beneficial ownership
Federal Financing Bank
-Discount notes, notes and bonds
Federal Housing Administration Debentures
Government National Mortgage Association (GNMA)
-GNMA guaranteed mortgage-backed bonds
-GNMA guaranteed pass-through obligations
General Services Administration
United States Maritime Administration Guaranteed
-Title XI Financing
New Communities Debentures

-United States Government guaranteed debentures
United States Public Housing Notes and Bonds
-United States Government guaranteed public housing notes and bonds
United States Department of Housing and Urban Development
-Project notes and local authority bonds

2. Portfolio Composition

A maximum of 75% of available funds may be invested in United States Government agencies.

3. Limits on Individual Issuers

A maximum of 25% of available funds may be invested in individual United States Government agencies.

4. Maturity Limitations

The maximum length to maturity for an investment in any United States Government agency security is five (5) years from the date of settlement.

D. Federal Instrumentalities (United States Government Sponsored Enterprises ("GSE") which are non-full faith and credit)

1. Purchase Authorization

Bonds, debentures, notes or callables issued or guaranteed by United States Government Sponsored Enterprises (Federal Instrumentalities), which are non-full faith and credit agencies. These are limited to the following:

Federal Farm Credit Bank (FFCB)
Federal Home Loan Bank or its District banks (FHLB)
Federal National Mortgage Association (FNMA)
Federal Home Loan Mortgage Corporation (Freddie-Macs) including Federal - Home Loan Mortgage Corporation participation certificates

2. Portfolio Composition

A maximum of 80% of available funds may be invested in Federal Instrumentalities. The combined total of available funds invested in Federal Instrumentalities and Agency Mortgage Backed Securities cannot be more than 80%.

3. Limits on Individual Issuers

A maximum of 40% of available funds may be invested in any one issuer.

4. Maturity Limitations

The maximum length to maturity for an investment in any Federal Instrumentality security is five (5) years from the date of settlement.

E. Mortgage-Backed Securities (MBS)

1. Purchase Authorization

Authorized Staff may invest in mortgage-backed securities (MBS) which are based on mortgages that are guaranteed by a government agency or GSE for payment of principal and a guarantee of timely payment.

2. Portfolio Composition

A maximum of 20% of available funds may be invested in MBS. The combined total of available funds invested in Federal Instrumentalities and Mortgage Backed Securities cannot be more than 80%.

3. Limits of Individual Issuers

A maximum of 15% of available funds may be invested with any one issuer.

4. Maturity Limitations

A maximum length to maturity for an investment in any MBS is five (5) years from the date of settlement.

The maturity of mortgage securities shall be considered the date corresponding to its average life. This date reflects the point at which an investor will have received back half of the original principal (face) amount. The average life may be different from the stated legal maturity included in a security's description.

F. Interest Bearing Time Deposit or Saving Accounts

1. Purchase Authorization

Certificates of deposit or savings accounts issued by state and national banks that has a main office or branch in Texas that are: guaranteed or insured by the Federal Deposit Insurance Corporation, or its successor; or secured by obligations of any direct federal agency or instrumentality issues that have a market value of not less than the principal amount of the certificates or Certificate of Deposit balances exceeding FDIC insurance limits will be fully collateralized by securities listed in sections B, C or D above. Collateral will be held by the City's third party custodian.

2. Portfolio Composition

A maximum of 20% of available funds may be invested in non-negotiable interest bearing time certificates of deposit or savings account.

3. Limits on Individual Issuers

A maximum of 10% of available funds may be deposited with any one issuer.

4. The maximum maturity on any certificate shall be no greater than one (1) year from the date of settlement.

G. Repurchase Agreements

1. Purchase Authorization

a. Repurchase agreements composed of only those investments authorized in sections B, C, or D above. All firms are required to sign the City's Master Repurchase Agreement prior to the execution of a repurchase agreement transaction.

b. A third party custodian with whom the City has a current custodial agreement shall hold the collateral for all repurchase agreements with a term longer than one (1) business day. A clearly marked receipt that shows evidence of ownership must be supplied to the Investment Officers or designee and retained.

c. Securities authorized for collateral must have maturities less than ten (10) years and with market value for the principal and accrued interest of 102 percent of the value and for the term of the repurchase agreement. Immaterial short-term deviations from 102 percent requirement are permissible only upon the approval of the Investment Officers and/or the City's Investment Advisor/s.

d. The overnight sweep arrangement shall adhere to the agreement between the City and the City's depository bank.

2. Portfolio Composition

A maximum of 20% of available funds may be invested in repurchase agreements excluding one (1)-business day agreements and overnight sweep agreements.

3. Limits on Individual Issuers

A maximum of 10% of available funds may be invested with any one institution excluding one (1)-business day agreements and overnight sweep agreements.

4. Limits on Maturities

The maximum length to maturity of any repurchase agreement is 90 days from the date of settlement.

H. Commercial Paper

1. Purchase Authorization

Commercial paper of any United States company that is rated, at the time of purchase, “Prime-1” by Moody’s and “A-1” by Standard & Poor’s (prime commercial paper) or the equivalent by two NRSROs.

2. Portfolio Composition

A maximum of 25% of available funds may be directly invested in prime commercial paper.

3. Limits on Individual Issuers

A maximum of 5% of available funds may be invested with any one issuer.

4. Maturity Limitations

The maximum length to maturity for prime commercial paper shall be 270 days from the date of settlement.

I. Bankers’ Acceptances

1. Purchase Authorization

Bankers’ Acceptances issued by a domestic bank or a federally chartered domestic office of a foreign bank, which are eligible for purchase by the Federal Reserve System, at the time of purchase, the short-term paper is rated, at a minimum, “P-1” by Moody's Investors Services and “A-1” Standard & Poor's or the equivalent by two NRSROs..

2. Portfolio Composition

A maximum of 25% of available funds may be directly invested in Bankers’ Acceptances.

3. Limits on Individual Issuers

A maximum of 5% of available funds may be invested with any one issuer.

4. Maturity Limitations

The maximum length to maturity for Bankers’ Acceptances shall be 180 days from the date of settlement.

J. State and/or Local Government Taxable and/or Tax-Exempt Debt

1. Purchase Authorization

State and/or local government taxable and/or tax-exempt debt, general obligation and/or revenue bonds, at the time of purchases, at a minimum single “A” category by any two NRSROs, or rated at least “MIG-2” by Moody’s and “SP-2” by Standard & Poor’s for short-term debt or the equivalent by two NRSROs..

2. Portfolio Composition

A maximum of 25% of available funds may be invested in taxable and tax-exempt debt.

3. Limits on Individual Issuers

A maximum of 10% of available funds may be invested with any one issuer.

4. Maturity Limitations

A maximum length to maturity for an investment in any state or local government debt security is five (5) years from the date of settlement.

K. Registered Investment Companies (Money Market Mutual Funds)

1. Investment Authorization

Shares in open-end and no-load money market funds provided such funds are registered under the Federal Investment Company Act of 1940 and operate in accordance with 17 C.F.R. § 270.2a-7.

2. Portfolio Composition

A maximum of 50% of available funds may be invested in money market funds.

3. Limits of Individual Issuers

A maximum of 25% of available funds may be invested with any one money market fund.

4. Rating Requirements

The money market funds shall be rated "AAAm" by Standard & Poor's or the equivalent by another NRSRO.

5. Due Diligence Requirements

A thorough review of any money market fund is required prior to investing, and on a continual basis. Attachment D is a questionnaire that contains a list of questions, to be answered prior to investing, that cover the major aspects of any investment pool/fund..

XVI. DOWNGRADE PROVISION FOR INVESTMENT RATINGS

In the event any security in the portfolio, subsequent to purchase, is downgraded to a level below the minimum required rating, the Investment Advisor(s) shall notify the City or its representatives as soon as practical of such ratings change along with any contemplated actions to sell or hold the

security. The City, independently or in concert with the Investment Advisor(s), shall confirm the decision to sell or hold the security. If it is determined the position should be sold, then it should be traded in a timely basis, consistent with market liquidity.

XVII. DERIVATIVES AND REVERSE REPURCHASE AGREEMENTS

The City may not invest in investment products that include the use of derivatives, unless specified in Section XV of this Policy. A "derivative" is defined as a financial instrument the value of which depends on, or is derived from, the value of one or more underlying assets or indices or asset values. Reverse repurchase agreements are not permitted by this Policy.

XVIII. REPORTING

The Investment performance will be monitored and evaluated by the Investment Officers. In conjunction with the Investment Officers, the City's Investment Advisor/s shall provide quarterly investment reports on the City's short-term and long-term core investments to City Council as required by the Public Funds Investment Act (Chapter 2256, Texas Government Code), Section 2256.023. Schedules in the quarterly report should include the following:

1) describe in detail the investment position of the City,

2) contain a summary statement prepared in compliance with generally accepted accounting principles stating the reporting period beginning market value, additions or changes to the market value during the period and ending market value for the period, and fully accrued interest for the period for each pooled fund group,

3) state the reporting period beginning book and market value and reporting period ending book and market value of each investment security by asset type and fund type,

4) state the maturity date of each investment security,

5) state the fund for which each investment security was purchased, and

6) state the compliance of the investment portfolio with the City's Investment Policy and Investment Strategy Statement and the Public Funds Investment Act, and

7) be prepared jointly and signed by each Investment Officer.

XIX. DEPOSITORY AGREEMENTS

The City will select and designate a qualified bank depository for a minimum three year period. Consistent with the Requirements of State law, the City will require that all deposits be federally insured or collateralized with eligible securities. If deposits are collateralized, they will be held at the City's custodial agent. The depository will be required to sign a Custodial Agreement with the City and the City's Custodial agent. The Agreement shall define the City's rights to the collateral in case of default, bankruptcy, or closing and shall establish a perfected security interest in compliance with Federal and State regulations. It shall further address any concerns in relation to

acceptable collateral, levels of collateral, substitution and addition of collateral, and reporting and monitoring of collateral.

XX. THIRD-PARTY CUSTODIAL AGREEMENTS

Securities, with the exception of certificates of deposits, shall be held with a third party custodian; and all securities purchase by, and all collateral obtained by the City should be properly designated as an asset of the City. The securities must be held in an account separate and apart from the assets of the financial institution. A third party custodian is defined as any bank depository chartered by the Federal Government, the State of Texas, or any other state or territory of the United States which has a branch or principal place of business in the State of Texas or by a national association organized and existing under the laws of the United States which is authorized to accept and execute trusts and which is doing business in the State of Texas. Certificates of deposits will be placed in the provider's safekeeping department for the term of the deposit.

The custodian shall accept transaction instructions only from those persons who have been duly authorized by the Investment Officers and which authorization has been provided, in writing, to the custodian. No withdrawal of securities, in whole or in part, shall be made from safekeeping, shall be permitted unless by such a duly authorized person.

Monthly, the custodian shall provide the Investment Officers or designee and/or the City's Investment Advisor/s with detail information on the securities held by the custodian. Security transactions between a broker/dealer and the custodian involving the purchase or sale of securities by transfer of money or securities must be made on a "delivery vs. payment" basis, if applicable, to ensure that the custodian will have the security or money, as appropriate, in hand at the conclusion of the transaction. Only after receiving written authorization from the Investment Officers shall authorized securities be delivered "free". Securities held as collateral shall be held free and clear of any liens.

XXI. RESERVATION OF AUTHORITY

The Investment Policy and the Statement of Investment Strategy will be reviewed on an annual basis by the City Council. Revisions and or amendments will be approved and documented by the City Council.

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Mayor City of Rowlett

A. Glossary of Cash and Investment Management Terms

Attachment A
Glossary of Cash and Investment Management Terms

The following is a glossary of key investing terms, many of which appear in the City's investment policy. This glossary clarifies the meaning of investment terms generally used in cash and investment management. This glossary has been adapted from the GFOA Sample Investment Policy and the Association of Public Treasurers of the United States and Canada's Model Investment Policy.

Accrued Interest. Interest earned but which has not yet been paid or received.

Agency. See "Federal Agency Securities."

Ask Price. Price at which a broker/dealer offers to sell a security to an investor. Also known as "offered price."

Asset Backed Securities (ABS). A fixed-income security backed by notes or receivables against assets other than real estate. Generally issued by special purpose companies that "own" the assets and issue the ABS. Examples include securities backed by auto loans, credit card receivables, home equity loans, manufactured housing loans, farm equipment loans, and aircraft leases.

Average Life. The average length of time that an issue of serial bonds and/or term bonds with a mandatory sinking fund feature is expected to be outstanding.

Bankers' Acceptance (BA's). A draft or bill of exchange drawn upon and accepted by a bank. Frequently used to finance shipping of international goods. Used as a short-term credit instrument, bankers' acceptances are traded at a discount from face value as a money market instrument in the secondary market on the basis of the credit quality of the guaranteeing bank.

Basis Point. One hundredth of one percent, or 0.01%. Thus 1% equals 100 basis points.

Bearer Security. A security whose ownership is determined by the holder of the physical security. Typically, there is no registration on the issuer's books. Title to bearer securities is transferred by delivery of the physical security or certificate. Also known as "physical securities."

Benchmark Bills: In November 1999, FNMA introduced its Benchmark Bills program, a short-term debt securities issuance program to supplement its existing discount note program. The program includes a schedule of larger, weekly issues in three- and six-month maturities and biweekly issues in one-year for Benchmark Bills. Each issue is brought to market via a Dutch (single price) auction. FNMA conducts a weekly auction for each Benchmark Bill maturity and accepts both competitive and non-competitive bids through a web based auction system. This program is in addition to the variety of other discount note maturities, with rates posted on a daily basis, which FNMA offers. FNMA's Benchmark Bills are unsecured general obligations that are issued in book-entry form through the Federal Reserve Banks. There are no periodic payments of interest on Benchmark Bills, which are sold at a discount from the principal amount and payable at par at maturity. Issues under the Benchmark program constitute the same credit standing as other FNMA discount notes; they simply add organization and liquidity to the short-term Agency discount note market.

Benchmark Notes/Bonds: Benchmark Notes and Bonds are a series of FNMA "bullet" maturities (non-callable) issued according to a pre-announced calendar. Under its Benchmark Notes/Bonds program, 2, 3, 5, 10, and 30-year maturities are issued each quarter. Each Benchmark Notes new issue has a minimum size of $4 billion, 30-year new issues having a minimum size of $1 billion, with re-openings based on investor demand to further enhance liquidity. The amount of non-callable issuance has allowed FNMA to

build a yield curve in Benchmark Notes and Bonds in maturities ranging from 2 to 30 years. The liquidity emanating from these large size issues has facilitated favorable financing opportunities through the development of a liquid overnight and term repo market. Issues under the Benchmark program constitute the same credit standing as other FNMA issues; they simply add organization and liquidity to the intermediate- and long-term Agency market.

Benchmark. A market index used as a comparative basis for measuring the performance of an investment portfolio. A performance benchmark should represent a close correlation to investment guidelines, risk tolerance, and duration of the actual portfolio's investments.

Bid Price. Price at which a broker/dealer offers to purchase a security from an investor.

Bond. Financial obligation for which the issuer promises to pay the bondholder (the purchaser or owner of the bond) a specified stream of future cash-flows, including periodic interest payments and a principal repayment.

Book Entry Securities. Securities that are recorded in a customer's account electronically through one of the financial markets electronic delivery and custody systems, such as the Fed Securities wire, DTC, and PTC

(as opposed to bearer or physical securities). The trend is toward a certificate-free society in order to cut down on paperwork and to diminish investors' concerns about the certificates themselves. The vast majority of securities are now book entry securities.

Book Value. The value at which a debt security is reflected on the holder's records at any point in time. Book value is also called "amortized cost" as it represents the original cost of an investment adjusted for amortization of premium or accretion of discount. Also called "carrying value." Book value can vary over time as an investment approaches maturity and differs from "market value" in that it is not affected by changes in market interest rates.

Broker/Dealer. A person or firm transacting securities business with customers. A "broker" acts as an agent between buyers and sellers, and receives a commission for these services. A "dealer" buys and sells financial assets from its own portfolio. A dealer takes risk by owning inventory of securities, whereas a broker merely matches up buyers and sellers. See also "Primary Dealer."

Bullet Notes/Bonds. Notes or bonds that have a single maturity date and are non-callable.

Call Date. Date at which a call option may be or is exercised.

Call Option. The right, but not the obligation, of an issuer of a security to redeem a security at a specified value and at a specified date or dates prior to its stated maturity date. Most fixed-income calls are a par, but can be at any previously established price. Securities issued with a call provision typically carry a higher yield than similar securities issued without a call feature. There are three primary types of call options (1) European - one-time calls, (2) Bermudan - periodically on a predetermined schedule (quarterly, semi-annual, annual), and (3) American - continuously callable at any time on or after the call date. There is usually a notice period of at least 5 business days prior to a call date.

Callable Bonds/Notes. Securities which contain an imbedded call option giving the issuer the right to redeem the securities prior to maturity at a predetermined price and time.

Certificate of Deposit (CD). Bank obligation issued by a financial institution generally offering a fixed rate of return (coupon) for a specified period of time (maturity). Can be as long as 10 years to maturity, but most CDs purchased by public agencies are one year and under.

Collateral. Investment securities or other property that a borrower pledges to secure repayment of a loan, secure deposits of public monies, or provide security for a repurchase agreement.

Collateralization. Process by which a borrower pledges securities, property, or other deposits for securing the repayment of a loan and/or security.

Collateralized Mortgage Obligation (CMO). A security that pools together mortgages and separates them into short, medium, and long-term positions (called tranches). Tranches are set up to pay different rates of interest depending upon their maturity. Interest payments are usually paid monthly. In "plain vanilla" CMOs, principal is not paid on a tranche until all shorter tranches have been paid off. This system provides interest and principal in a more predictable manner. A single pool of mortgages can be carved up into numerous tranches each with its own payment and risk characteristics.

Commercial Paper. Short term unsecured promissory note issued by a company or financial institution. Issued at a discount and matures for par or face value. Usually a maximum maturity of 270 days and given a short-term debt rating by one or more NRSROs.

Convexity. A measure of a bond's price sensitivity to changing interest rates. A high convexity indicates greater sensitivity of a bond's price to interest rate changes.

Corporate Note. A debt instrument issued by a corporation with a maturity of greater than one year and less than ten years.

Counterparty. The other party in a two party financial transaction. "Counterparty risk" refers to the risk that the other party to a transaction will fail in its related obligations. For example, the bank or broker/dealer in a repurchase agreement.

Coupon Rate. Annual rate of interest on a debt security, expressed as a percentage of the bond's face value.

Current Yield. Annual rate of return on a bond based on its price. Calculated as (coupon rate / price), but does <u>not</u> accurately reflect a bond's true yield level.

Custody. Safekeeping services offered by a bank, financial institution, or trust company, referred to as the "custodian." Service normally includes the holding and reporting of the customer's securities, the collection and disbursement of income, securities settlement, and market values.

Dealer. A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his/her own account.

Delivery Versus Payment (DVP). Settlement procedure in which securities are delivered versus payment of cash, but only after cash has been received. Most security transactions, including those through the Fed Securities Wire system and DTC, are done DVP as a protection for both the buyer and seller of securities.

Depository Trust Company (DTC). A firm through which members can use a computer to arrange for securities to be delivered to other members without physical delivery of certificates. A member of the Federal Reserve System and owned mostly by the New York Stock Exchange, the Depository Trust Company uses computerized debit and credit entries. Most corporate securities, commercial paper, CDs, and BAs clear through DTC.

Derivatives. (1) Financial instruments whose return profile is linked to, or derived from, the movement of one or more underlying index or security, and may include a leveraging factor, or (2) financial

contracts based upon notional amounts whose value is derived from an underlying index or security (interest rates, foreign exchange rates, equities, or commodities). For hedging purposes, common derivatives are options, futures, interest rate swaps, and swaptions.

Derivative Security. Financial instrument created from, or whose value depends upon, one or more underlying assets or indexes of asset values.

Designated Bond. FFCB's regularly issued, liquid, non-callable securities that generally have a 2 or 3 year original maturity. New issues of Designated Bonds are $1 billion or larger. Re-openings of existing Designated Bond issues are generally a minimum of $100 million. Designated Bonds are offered through a syndicate of two to six dealers. Twice each month the Funding Corporation announces its intention to issue a new Designated Bond, reopen an existing issue, or to not issue or reopen a Designated Bond. Issues under the Designated Bond program constitute the same credit standing as other FFCB issues; they simply add organization and liquidity to the intermediate- and long-term Agency market.

Discount Notes. Unsecured general obligations issued by Federal Agencies at a discount. Discount notes mature at par and can range in maturity from overnight to one year. Very large primary (new issue) and secondary markets exist.

Discount Rate. Rate charged by the system of Federal Reserve Banks on overnight loans to member banks. Changes to this rate are administered by the Federal Reserve and closely mirror changes to the "fed funds rate."

Discount Securities. Non-interest bearing money market instruments that are issued at discount and redeemed at maturity for full face value. Examples include: U.S. Treasury Bills, Federal Agency Discount Notes, Bankers' Acceptances, and Commercial Paper.

Discount. The amount by which a bond or other financial instrument sells below its face value. See also "Premium."

Diversification. Dividing investment funds among a variety of security types, maturities, industries, and issuers offering potentially independent returns.

Dollar Price. A bond's cost expressed as a percentage of its face value. For example, a bond quoted at a dollar price of 95 ½, would have a principal cost of $955 per $1,000 of face value.

Duff & Phelps. One of several NRSROs that provide credit ratings on corporate and bank debt issues.

Duration. The weighted average maturity of a security's or portfolio's cash-flows, where the present values of the cash-flows serve as the weights. The greater the duration of a security/portfolio, the greater its percentage price volatility with respect to changes in interest rates. Used as a measure of risk and a key tool for managing a portfolio versus a benchmark and for hedging risk. There are also different kinds of duration used for different purposes (e.g. MacAuley Duration, Modified Duration).

Fannie Mae. See "Federal National Mortgage Association."

Fed Money Wire. A computerized communications system that connects the Federal Reserve System with its member banks, certain U. S. Treasury offices, and the Washington D.C. office of the Commodity Credit Corporation. The Fed Money Wire is the book entry system used to transfer cash balances between banks for themselves and for customer accounts.

Fed Securities Wire. A computerized communications system that facilitates book entry transfer of securities between banks, brokers and customer accounts, used primarily for settlement of U.S. Treasury and Federal Agency securities.

Fed. See "Federal Reserve System."

Federal Agency Security. A debt instrument issued by one of the Federal Agencies. Federal Agencies are considered second in credit quality and liquidity only to U.S. Treasuries.

Federal Agency. Government sponsored/owned entity created by the U.S. Congress, generally for the purpose of acting as a financial intermediary by borrowing in the marketplace and directing proceeds to specific areas of the economy considered to otherwise have restricted access to credit markets. The largest Federal Agencies are GNMA, FNMA, FHLMC, FHLB, FFCB, SLMA, and TVA.

Federal Deposit Insurance Corporation (FDIC). Federal agency that insures deposits at commercial banks, currently to a limit of $250,000 per depositor per bank.

Federal Farm Credit Bank (FFCB). One of the large Federal Agencies. A government sponsored enterprise (GSE) system that is a network of cooperatively-owned lending institutions that provides credit services to farmers, agricultural cooperatives and rural utilities. The FFCBs act as financial intermediaries that borrow money in the capital markets and use the proceeds to make loans and provide other assistance to farmers and farm-affiliated businesses. Consists of the consolidated operations of the Banks for Cooperatives, Federal Intermediate Credit Banks, and Federal Land Banks. Frequent issuer of discount notes, agency notes and callable agency securities. FFCB debt is not an obligation of, nor is it guaranteed by the U.S. government, although it is considered to have minimal credit risk due to its importance to the U.S. financial system and agricultural industry. Also issues notes under its “designated note” program.

Federal Funds (Fed Funds). Funds placed in Federal Reserve Banks by depository institutions in excess of current reserve requirements, and frequently loaned or borrowed on an overnight basis between depository institutions.

Federal Funds Rate (Fed Funds Rate). The interest rate charged by a depository institution lending Federal Funds to another depository institution. The Federal Reserve influences this rate by establishing a "target" Fed Funds rate associated with the Fed's management of monetary policy.

Federal Home Loan Bank System (FHLB). One of the large Federal Agencies. A government sponsored enterprise (GSE) system, consisting of wholesale banks (currently twelve district banks) owned by their member banks, which provides correspondent banking services and credit to various financial institutions, financed by the issuance of securities. The principal purpose of the FHLB is to add liquidity to the mortgage markets. Although FHLB does not directly fund mortgages, it provides a stable supply of credit to thrift institutions that make new mortgage loans. FHLB debt is not an obligation of, nor is it guaranteed by the U.S. government, although it is considered to have minimal credit risk due to its importance to the U.S. financial system and housing market. Frequent issuer of discount notes, agency notes and callable agency securities. Also issues notes under its “global note” and “TAP” programs.

Federal Home Loan Mortgage Corporation (FHLMC or "Freddie Mac"). One of the large Federal Agencies. A government sponsored public corporation (GSE) that provides stability and assistance to the secondary market for home mortgages by purchasing first mortgages and participation interests financed by the sale of debt and guaranteed mortgage backed securities. FHLMC debt is not an obligation of, nor is it guaranteed by the U.S. government, although it is considered to have minimal credit risk due to its importance to the U.S. financial system and housing market. Frequent issuer of discount notes, agency notes, callable agency securities, and MBS. Also issues notes under its “reference note” program.

Federal National Mortgage Association (FNMA or "Fannie Mae"). One of the large Federal Agencies. A government sponsored public corporation (GSE) that provides liquidity to the residential mortgage market by purchasing mortgage loans from lenders, financed by the issuance of debt securities and MBS (pools of mortgages packaged together as a security). FNMA debt is not an obligation of, nor is it guaranteed by the U.S. government, although it is considered to have minimal credit risk due to its importance to the U.S. financial system and housing market. Frequent issuer of discount notes, agency notes, callable agency securities and MBS. Also issues notes under its "benchmark note" program.

Federal Reserve Bank. One of the 12 distinct banks of the Federal Reserve System.

Federal Reserve System (the Fed). The independent central bank system of the United States that establishes and conducts the nation's monetary policy. This is accomplished in three major ways: (1) raising or lowering bank reserve requirements, (2) raising or lowering the target Fed Funds Rate and Discount Rate, and (3) in open market operations by buying and selling government securities. The Federal Reserve System is made up of twelve Federal Reserve District Banks, their branches, and many national and state banks throughout the nation. It is headed by the seven member Board of Governors known as the "Federal Reserve Board" and headed by its Chairman.

Financial Industry Regulatory Authority, Inc. (FINRA). A private corporation that acts as a self-regulatory organization (SRO). FINRA is the successor to the National Association of Securities Dealers, Inc. (NASD). Though sometimes mistaken for a government agency, it is a non-governmental organization that performs financial regulation of member brokerage firms and exchange markets. The government also has a regulatory arm for investments, the Securities and Exchange Commission (SEC).

Fiscal Agent/Paying Agent. A bank or trust company that acts, under a trust agreement with a corporation or municipality, in the capacity of general treasurer. The agent performs such duties as making coupon payments, paying rents, redeeming bonds, and handling taxes relating to the issuance of bonds.

Fitch Investors Service, Inc. One of several NRSROs that provide credit ratings on corporate and municipal debt issues.

Floating Rate Security (FRN or "floater"). A bond with an interest rate that is adjusted according to changes in an interest rate or index. Differs from variable-rate debt in that the changes to the rate take place immediately when the index changes, rather than on a predetermined schedule. See also "Variable Rate Security."

Freddie Mac. See "Federal Home Loan Mortgage Corporation."

Ginnie Mae. See "Government National Mortgage Association."

Global Notes: Notes designed to qualify for immediate trading in both the domestic U.S. capital market and in foreign markets around the globe. Usually large issues that are sold to investors worldwide and therefore have excellent liquidity. Despite their global sales, global notes sold in the U.S. are typically denominated in U.S. dollars.

Government National Mortgage Association (GNMA or "Ginnie Mae"). One of the large Federal Agencies. Government-owned Federal Agency that acquires, packages, and resells mortgages and mortgage purchase commitments in the form of mortgage-backed securities. Largest issuer of mortgage pass-through securities. GNMA debt is guaranteed by the full faith and credit of the U.S. government (one of the few agencies that are actually full faith and credit of the U.S. government).

Government Securities. An obligation of the U.S. government, backed by the full faith and credit of the government. These securities are regarded as the highest quality of investment securities available in the U.S. securities market. See "Treasury Bills, Notes, Bonds, and SLGS."

Government Sponsored Enterprise (GSE). Privately owned entity subject to federal regulation and supervision, created by the U.S. Congress to reduce the cost of capital for certain borrowing sectors of the economy such as students, farmers, and homeowners. GSEs carry the implicit backing of the U.S. government, but they are not direct obligations of the U.S. government. For this reason, these securities will offer a yield premium over U.S. Treasuries. Examples of GSEs include: FHLB, FHLMC, FNMA, and SLMA.

Government Sponsored Enterprise Security. A security issued by a Government Sponsored Enterprise. Considered Federal Agency Securities.

Index. A compilation of statistical data that tracks changes in the economy or in financial markets.

Interest-Only (IO) STRIP. A security based solely on the interest payments from the bond. After the principal has been repaid, interest payments stop and the value of the security falls to nothing. Therefore, IOs are considered risky investments. Usually associated with mortgage-backed securities.

Internal Controls. An internal control structure ensures that the assets of the entity are protected from loss, theft, or misuse. The internal control structure is designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that 1) the cost of a control should not exceed the benefits likely to be derived and 2) the valuation of costs and benefits requires estimates and judgments by management. Internal controls should address the following points:

1. **Control of collusion -** Collusion is a situation where two or more employees are working in conjunction to defraud their employer.

2. **Separation of transaction authority from accounting and record keeping -** A separation of duties is achieved by separating the person who authorizes or performs the transaction from the people who record or otherwise account for the transaction.

3. **Custodial safekeeping** - Securities purchased from any bank or dealer including appropriate collateral (as defined by state law) shall be placed with an independent third party for custodial safekeeping.

4. **Avoidance of physical delivery securities -** Book-entry securities are much easier to transfer and account for since actual delivery of a document never takes place. Delivered securities must be properly safeguarded against loss or destruction. The potential for fraud and loss increases with physically delivered securities.

5. **Clear delegation of authority to subordinate staff members -** Subordinate staff members must have a clear understanding of their authority and responsibilities to avoid improper actions. Clear delegation of authority also preserves the internal control structure that is contingent on the various staff positions and their respective responsibilities.

6. **Written confirmation of transactions for investments and wire transfers -** Due to the potential for error and improprieties arising from telephone and electronic transactions, all transactions should be supported by written communications and approved by the appropriate

person. Written communications may be via fax if on letterhead and if the safekeeping institution has a list of authorized signatures.

7. **Development of a wire transfer agreement with the lead bank and third-party custodian** - The designated official should ensure that an agreement will be entered into and will address the following points: controls, security provisions, and responsibilities of each party making and receiving wire transfers.

Inverse Floater. A floating rate security structured in such a way that it reacts inversely to the direction of interest rates. Considered risky as their value moves in the opposite direction of normal fixed-income investments and whose interest rate can fall to zero.

Investment Advisor. A company that provides professional advice managing portfolios, investment recommendations, and/or research in exchange for a management fee.

Investment Adviser Act of 1940. Federal legislation that sets the standards by which investment companies, such as mutual funds, are regulated in the areas of advertising, promotion, performance reporting requirements, and securities valuations.

Investment Grade. Bonds considered suitable for preservation of invested capital, including bonds rated a minimum of Baa3 by Moody's, BBB- by Standard & Poor's, or BBB- by Fitch. Although "BBB" rated bonds are considered investment grade, most public agencies cannot invest in securities rated below "A."

Liquidity. Relative ease of converting an asset into cash without significant loss of value. Also, a relative measure of cash and near-cash items in a portfolio of assets. Additionally, it is a term describing the marketability of a money market security correlating to the narrowness of the spread between the bid and ask prices.

Local Government Investment Pool (LGIP). An investment by local governments in which their money is pooled as a method for managing local funds, (e.g., TexPool, Texas Term).

Long-Term Core Investment Program. Funds that are not needed within a one-year period.

Market Value. The fair market value of a security or commodity. The price at which a willing buyer and seller would pay for a security.

Mark-to-market. Adjusting the value of an asset to its market value, reflecting in the process unrealized gains or losses.

Master Repurchase Agreement. A widely accepted standard agreement form published by the Securities Industry and Financial Markets Association (SIFMA) that is used to govern and document Repurchase Agreements and protect the interest of parties in a repo transaction.

Maturity Date. Date on which principal payment of a financial obligation is to be paid.

Medium Term Notes (MTN's). Used frequently to refer to corporate notes of medium maturity (5-years and under). Technically, any debt security issued by a corporate or depository institution with a maturity from 1 to 10 years and issued under an MTN shelf registration. Usually issued in smaller issues with varying coupons and maturities, and underwritten by a variety of broker/dealers (as opposed to large corporate deals issued and underwritten all at once in large size and with a fixed coupon and maturity).

Money Market. The market in which short-term debt instruments (bills, commercial paper, bankers' acceptance, etc.) are issued and traded.

Money Market Mutual Fund (MMF). A type of mutual fund that invests solely in money market instruments, such as: U.S. Treasury bills, commercial paper, bankers' acceptances, and repurchase agreements. Money market mutual funds are registered with the SEC under the Investment Company Act of 1940 and are subject to "rule 2a-7" which significantly limits average maturity and credit quality of holdings. MMF's are managed to maintain a stable net asset value (NAV) of $1.00. Many MMFs carry ratings by a NRSRO.

Moody's Investors Service. One of several NRSROs that provide credit ratings on corporate and municipal debt issues.

Mortgage Backed Securities (MBS). Mortgage-backed securities represent an ownership interest in a pool of mortgage loans made by financial institutions, such as savings and loans, commercial banks, or mortgage companies, to finance the borrower's purchase of a home or other real estate. The majority of MBS are issued and/or guaranteed by GNMA, FNMA, and FHLMC. There are a variety of MBS structures with varying levels of risk and complexity. All MBS have reinvestment risk as actual principal and interest payments are dependent on the payment of the underlying mortgages which can be prepaid by mortgage holders to refinance and lower rates or simply because the underlying property was sold.

Mortgage Pass-Through Securities. A pool of residential mortgage loans with the monthly interest and principal distributed to investors on a pro-rata basis. The largest issuer is GNMA.

Municipal Note/Bond. A debt instrument issued by a state or local government unit or public agency.The vast majority of municipals are exempt from state and federal income tax, although some non-qualified issues are taxable.

Mutual Fund. Portfolio of securities professionally managed by a registered investment company that issues shares to investors. Many different types of mutual funds exist (e.g., bond, equity, and money market funds); all except money market funds operate on a variable net asset value (NAV).

Negotiable Certificate of Deposit (Negotiable CD). Large denomination CDs ($100,000 and larger) that are issued in bearer form and can be traded in the secondary market.

Net Asset Value. The market value of one share of an investment company, such as a mutual fund. This figure is calculated by totaling a fund's assets including securities, cash, and any accrued earnings, then subtracting the total assets from the fund's liabilities, and dividing this total by the number of shares outstanding. This is calculated once a day based on the closing price for each security in the fund's portfolio. (See below.)

[(Total assets) - (Liabilities)]/(Number of shares outstanding)

NRSRO. A "Nationally Recognized Statistical Rating Organization" (NRSRO) is a designated rating organization that the SEC has deemed a strong national presence in the U.S. NRSROs provide credit ratings on corporate and bank debt issues. Only ratings of a NRSRO may be used for the regulatory purposes of rating. Includes Moody's, S&P, Fitch, and Duff & Phelps.

Offered Price. See also "Ask Price."

Open Market Operations. A Federal Reserve monetary policy tactic entailing the purchase or sale of government securities in the open market by the Federal Reserve System from and to primary dealers in order to influence the money supply, credit conditions, and interest rates.

Par Value. The face value, stated value, or maturity value of a security.

Physical Delivery. Delivery of readily available underlying assets at contract maturity.

Portfolio. Collection of securities and investments held by an investor.

Premium. The amount by which a bond or other financial instrument sells above its face value. See also "Discount."

Primary Dealer. A designation given to certain government securities dealer by the Federal Reserve Bank of New York. Primary dealers can buy and sell government securities directly with the Fed. Primary dealers also submit daily reports of market activity and security positions held to the Fed and are subject to its informal oversight. Primary dealers are the largest buyers and sellers by volume in the U.S. Treasury securities market.

Prime Paper. Commercial paper of high quality. Highest rated paper is A-1+/A-1 by S&P and P-1 by Moody's.

Principal. Face value of a financial instrument on which interest accrues. May be less than par value if some principal has been repaid or retired. For a transaction, principal is par value times price and includes any premium or discount.

Prudent Expert Rule. Standard that requires that a fiduciary manage a portfolio with the care, skill, prudence, and diligence, under the circumstances then prevailing, that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. This statement differs from the "prudent person" rule in that familiarity with such matters suggests a higher standard than simple prudence.

Prudent Investor Standard. Standard that requires that when investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency. More stringent than the "prudent person" standard as it implies a level of knowledge commensurate with the responsibility at hand.

Qualified Public Depository - Per Subsection 280.02(26), F.S., "qualified public depository" means any bank, savings bank, or savings association that:

1. Is organized and exists under the laws of the United States, the laws of this state or any other state or territory of the United States.

2. Has its principal place of business in this state or has a branch office in this state which is authorized under the laws of this state or of the United States to receive deposits in this state.

3. Has deposit insurance under the provision of the Federal Deposit Insurance Act, as amended, 12 U.S.C. ss.1811 et seq.

4. Has procedures and practices for accurate identification, classification, reporting, and collateralization of public deposits.

5. Meets all requirements of Chapter 280, F.S.

6. Has been designated by the Chief Financial Officer as a qualified public depository.

Range Note. A type of structured note that accrues interest daily at a set coupon rate that is tied to an index. Most range notes have two coupon levels; a higher accrual rate for the period the index is within a designated range, the lower accrual rate for the period that the index falls outside the designated range. This lower rate may be zero and may result in zero earnings.

Rate of Return. Amount of income received from an investment, expressed as a percentage of the amount invested.

Realized Gains (Losses). The difference between the sale price of an investment and its book value. Gains/losses are "realized" when the security is actually sold, as compared to "unrealized" gains/losses which are based on current market value. See "Unrealized Gains (Losses)."

Reference Bills: FHLMC's short-term debt program created to supplement its existing discount note program by offering issues from one month through one year, auctioned on a weekly or on an alternating four-week basis (depending upon maturity) offered in sizeable volumes ($1 billion and up) on a cycle of regular, standardized issuance. Globally sponsored and distributed, Reference Bill issues are intended to encourage active trading and market-making and facilitate the development of a term repo market. The program was designed to offer predictable supply, pricing transparency, and liquidity, thereby providing alternatives to U.S. Treasury bills. FHLMC's Reference Bills are unsecured general corporate obligations. This program supplements the corporation's existing discount note program. Issues under the Reference program constitute the same credit standing as other FHLMC discount notes; they simply add organization and liquidity to the short-term Agency discount note market.

Reference Notes: FHLMC's intermediate-term debt program with issuances of 2, 3, 5, 10, and 30-year maturities. Initial issuances range from $2 - $6 billion with re-openings ranging $1 - $4 billion.

The notes are high-quality bullet structures securities that pay interest semiannually. Issues under the Reference program constitute the same credit standing as other FHLMC notes; they simply add organization and liquidity to the intermediate- and long-term Agency market.

Repurchase Agreement (Repo). A short-term investment vehicle where an investor agrees to buy securities from a counterparty and simultaneously agrees to resell the securities back to the counterparty at an agreed upon time and for an agreed upon price. The difference between the purchase price and the sale price represents interest earned on the agreement. In effect, it represents a collateralized loan to the investor, where the securities are the collateral. Can be DVP, where securities are delivered to the investor's custodial bank, or "tri-party" where the securities are delivered to a third party intermediary. Any type of security can be used as "collateral," but only some types provide the investor with special bankruptcy protection under the law. Repos should be undertaken only when an appropriate Securities Industry and Financial Markets Association (SIFMA) approved master repurchase agreement is in place.

Reverse Repurchase Agreement (Reverse Repo). A repo from the point of view of the original seller of securities. Used by dealers to finance their inventory of securities by essentially borrowing at short-term rates. Can also be used to leverage a portfolio and in this sense, can be considered risky if used improperly.

Safekeeping. Service offered for a fee, usually by financial institutions, for the holding of securities and other valuables. Safekeeping is a component of custody services.

Secondary Market. Markets for the purchase and sale of any previously issued financial instrument.

Securities Industry and Financial Markets Association (SIFMA). The bond market trade association representing the largest securities markets in the world. In addition to publishing a Master Repurchase

Agreement, widely accepted as the industry standard document for Repurchase Agreements, the SIFMA also recommends bond market closures and early closes due to holidays.

Securities Lending. An arrangement between and investor and a custody bank that allows the custody bank to "loan" the investors investment holdings, reinvest the proceeds in permitted investments, and shares any profits with the investor. Should be governed by a securities lending agreement. Can increase the risk of a portfolio in that the investor takes on the default risk on the reinvestment at the discretion of the custodian.

Sinking Fund. A separate accumulation of cash or investments (including earnings on investments) in a fund in accordance with the terms of a trust agreement or indenture, funded by periodic deposits by the issuer (or other entity responsible for debt service), for the purpose of assuring timely availability of moneys for payment of debt service. Usually used in connection with term bonds.

Spread. The difference between the price of a security and similar maturity U.S. Treasury investments, expressed in percentage terms or basis points. A spread can also be the absolute difference in yield between two securities. The securities can be in different markets or within the same securities market between different credits, sectors, or other relevant factors.

Standard & Poor's. One of several NRSROs that provide credit ratings on corporate and municipal debt issues.

STRIPS (Separate Trading of Registered Interest and Principal of Securities). Acronym applied to U.S. Treasury securities that have had their coupons and principal repayments separated into individual zero-coupon Treasury securities. The same technique and "strips" description can be applied to non-Treasury securities (e.g., FNMA strips).

Structured Notes. Notes that have imbedded into their structure options such as step-up coupons or derivative-based returns.

Supranational. Supranational organizations are international financial institutions that are generally established by agreements among nations, with member nations contributing capital and participating in management. These agreements provide for limited immunity from the laws of member countries. Bonds issued by these institutions are part of the broader class of Supranational, Sovereign, and Non-U.S. Agency (SSA) sector bonds. Supranational bonds finance economic and infrastructure development and support environmental protection, poverty reduction, and renewable energy around the globe. For example, the World Bank, International Finance Corporation (IFC), and African Development Bank (AfDB) have "green bond" programs specifically designed for energy resource conservation and management. Supranational bonds, which are issued by multi-national organizations that transcend national boundaries. Examples include the World Bank, African Development Bank, and European Investment Bank.

Swap. Trading one asset for another.

TAP Notes: Federal Agency notes issued under the FHLB TAP program. Launched in 6/99 as a refinement to the FHLB bullet bond auction process. In a break from the FHLB's traditional practice of bringing numerous small issues to market with similar maturities, the TAP Issue Program uses the four most common maturities and reopens them up regularly through a competitive auction. These maturities (2, 3, 5, and 10 year) will remain open for the calendar quarter, after which they will be closed and a new series of TAP issues will be opened to replace them. This reduces the number of separate bullet bonds issued, but generates enhanced awareness and liquidity in the marketplace through increased issue size and secondary market volume.

Tennessee Valley Authority (TVA). One of the large Federal Agencies. A wholly owned corporation of the United States government that was established in 1933 to develop the resources of the Tennessee Valley region in order to strengthen the regional and national economy and the national defense. Power operations are separated from non-power operations. TVA securities represent obligations of TVA, payable solely from TVA's net power proceeds, and are neither obligations of nor guaranteed by the United States. TVA is currently authorized to issue debt up to $30 billion. Under this authorization, TVA may also obtain advances from the U.S. Treasury of up to $150 million. Frequent issuer of discount notes, agency notes, and callable agency securities.

Total Return. Investment performance measured over a period of time that includes coupon interest, interest on interest, and both realized and unrealized gains or losses. Total return includes, therefore, any market value appreciation/depreciation on investments held at period end.

Treasuries. Collective term used to describe debt instruments backed by the U.S. government and issued through the U.S. Department of the Treasury. Includes Treasury bills, Treasury notes, and Treasury bonds. Also a benchmark term used as a basis by which the yields of non-Treasury securities are compared (e.g., "trading at 50 basis points over Treasuries").

Treasury Bills (T-Bills). Short-term direct obligations of the United States government issued with an original term of one year or less. Treasury bills are sold at a discount from face value and do not pay interest before maturity. The difference between the purchase price of the bill and the maturity value is the interest earned on the bill. Currently, the U.S. Treasury issues 4-week, 13-week, and 26-week T-Bills.

Treasury Bonds. Long-term interest-bearing debt securities backed by the U.S. government and issued with maturities of ten years and longer by the U.S. Department of the Treasury.

Treasury Notes. Intermediate interest-bearing debt securities backed by the U.S. government and issued with maturities ranging from one to ten years by the U.S. Department of the Treasury. The Treasury currently issues 2-year, 3-year, 5-year, and 10-year Treasury Notes.

Trustee. A bank designated by an issuer of securities as the custodian of funds and official representative of bondholders. Trustees are appointed to insure compliance with the bond documents and to represent bondholders in enforcing their contract with the issuer.

Uniform Net Capital Rule. SEC Rule 15c3-1 that outlines the minimum net capital ratio (ratio of indebtedness to net liquid capital) of member firms and non-member broker/dealers.

Unrealized Gains (Losses). The difference between the market value of an investment and its book value. Gains/losses are “realized” when the security is actually sold, as compared to “unrealized” gains/losses which are based on current market value. See also “Realized Gains (Losses).”

Variable-Rate Security. A bond that bears interest at a rate that varies over time based on a specified schedule of adjustment (e.g., daily, weekly, monthly, semi-annually, or annually). See also “Floating Rate Note.”

Weighted Average Maturity (or just “Average Maturity”). The average maturity of all securities and investments of a portfolio, determined by multiplying the par or principal value of each security or investment by its maturity (days or years), summing the products, and dividing the sum by the total principal value of the portfolio. A simple measure of risk of a fixed-income portfolio.

Weighted Average Maturity to Call. The average maturity of all securities and investments of a portfolio, adjusted to substitute the first call date per security for maturity date for those securities with call provisions.

Yield Curve. A graphic depiction of yields on like securities in relation to remaining maturities spread over a time line. The traditional yield curve depicts yields on U.S. Treasuries, although yield curves exist for Federal Agencies and various credit quality corporates as well. Yield curves can be positively sloped (normal) where longer-term investments have higher yields, or "inverted" (uncommon) where longer-term investments have lower yields than shorter ones.

Yield to Call (YTC). Same as "Yield to Maturity," except the return is measured to the first call date rather than the maturity date. Yield to call can be significantly higher or lower than a security's yield to maturity.

Yield to Maturity (YTM). Calculated return on an investment, assuming all cash-flows from the security are reinvested at the same original yield. Can be higher or lower than the coupon rate depending on market rates and whether the security was purchased at a premium or discount. There are different conventions for calculating YTM for various types of securities.

Yield. There are numerous methods of yield determination. In this glossary, see also "Current Yield," "Yield Curve," "Yield to Call," and "Yield to Maturity."

B. Master Repurchase Agreement

Public Securities Association
40 Broad Street , New York, NY 10004 - 2373
Telephone (212) 809 - 7000

PSA

Master Repurchase Agreement

Between: **Dated as of**

_____

_____

and

_____

1. Applicability

From time to time the parties hereto may enter into transactions in which one party ("Seller") agrees to transfer to the other ("Buyer") securities or financial instruments ("Securities") against the transfer of funds by Buyer, with a simultaneous agreement by Buyer to transfer to Seller such Securities at a date certain or on demand, against the transfer of funds by Seller. Each such transaction shall be referred to herein as a "Transaction" and shall be governed by this Agreement, including any supplemental terms or conditions contained in Annex I hereto, unless otherwise agreed in writing.

2. Definitions

(a) "Act of Insolvency", with respect to any party, (i) the commencement by such party as debtor of any case or proceeding under any bankruptcy, insolvency, reorganization, liquidation, dissolution or similar law, or such party seeking the appointment of a receiver, trustee, custodian or similar official for such party or any substantial part of its property, or (ii) the commencement of any such case or proceeding against such party, or another seeking such an appointment, or the filing against a party of an application for a protective decree under the provisions of the Securities Investor Protection Act of 1970, which (A) is consented to or not timely contested by such party, (B) results in the entry of an order for relief, such an appointment, the issuance of such a protective decree or the entry of an order having a similar effect, or (C) is not dismissed within 15 days, (iii) the making by a party of a general assignment for the benefit of creditors, or (iv) the admission in writing by a party of such party's inability to pay such party's debts as they become due;

(b) "Additional Purchased Securities", Securities provided by the Seller to Buyer pursuant to Paragraph 4(a) hereof;

(c) "Buyer's Margin Amount", with respect to any Transaction as of any date, the amount obtained by application of a percentage (which may be equal to the percentage that is agreed to as the Seller Margin Amount under subparagraph (q) of this Paragraph), agreed to by Buyer and Seller prior to entering into the Transaction, to the Repurchase Price for such Transaction as of such date;

(d) "Confirmation", the meaning specified in Paragraph 3(b) hereof;

(e) "Income", with respect to any Security at any time, any principal thereof then payable and all interest, dividends or other distributions thereon;

(f) "Margin Deficit", the meaning specified in Paragraph 4(a) hereof;

(g) "Margin Excess", the meaning specified in Paragraph 4(b) hereof;

(h) "Market Value", with respect to any Securities as of any date, the price for such Securities on such date obtained from a generally recognized source agreed to by the parties or the most recent closing bid quotation from such a source, plus accrued Income to the extent not included therein (other than any Income credited or transferred to, or applied to the obligations of, Seller pursuant to Paragraph 5 hereof) as of such date (unless contrary to market practice for such Securities);

(i) "Price Differential", with respect to any Transaction hereunder as of any date, the aggregate amount obtained by daily application of the Pricing Rate for such Transaction to the Purchase Price for such Transaction on a 360 day per year basis for the actual number of days during the period commencing on (and including) the Purchase Date for such Transaction and ending on (but excluding) the date of determination (reduced by any amount of such Price Differential previously paid by Seller to Buyer with respect to such Transaction);

(j) "Pricing Rate", the per annum percentage rate for determination of the Price Differential;

(k) "Prime Rate", the prime rate of U.S. money center commercial banks as published in *The Wall Street Journal;*

(l) "Purchase Date", the date on which Purchased Securities are transferred by Seller to Buyer;

(m) "Purchase Price", (i) on the Purchase Date, the price at which Purchased Securities are transferred by Seller to Buyer, and (ii) thereafter, such price increased by the amount of any cash transferred by Buyer to Seller pursuant to Paragraph 4(b) hereof and decreased by the amount of any cash transferred by Seller to Buyer pursuant to Paragraph 4(a) hereof or applied to reduce Seller's obligations under clause (ii) of Paragraph 5 hereof;

(n) "Purchased Securities", the Securities transferred by Seller to Buyer in a Transaction hereunder, and any Securities substituted therefor in accordance with Paragraph 9 hereof. The term "Purchased Securities" with respect to any Transaction at any time also shall include Additional Purchased Securities delivered pursuant to Paragraph 4(a) and shall exclude Securities returned pursuant to Paragraph 4(b);

(o) "Repurchase Date", the date on which Seller is to repurchase the Purchased Securities from Buyer, including any date determined by application of the provisions of Paragraph 3(c) or 11 hereof;

(p) "Repurchased Price", the price at which Purchased Securities are to be transferred from Buyer to Seller upon termination of a Transaction, which will be determined in each case (including Transactions terminable upon demand) as the sum of the Purchase Price and the Price Differential as of the date of such determination, increased by any amount determined by the application of the provisions of Paragraph 11 hereof;

(q) "Seller's Margin Amount", with respect to any Transaction as of any date, the amount obtained by application of a percentage (which may be equal to the percentage that is agreed to as the Buyer's Margin Amount under subparagraph (c) of this Paragraph), agreed to by Buyer and Seller prior to entering into the Transaction, to the Repurchase Price for such Transaction as of such date.

3. Initiation; Confirmation; Termination

(a) An agreement to enter into a Transaction may be made orally or in writing at the initiation of either Buyer or Seller. On the Purchase Date for the Transaction, the Purchased Securities shall be transferred to Buyer or its agent against the transfer of the Purchase Price to an account of Seller.

(b) Upon agreeing to enter into a Transaction hereunder, Buyer or Seller (or both), as shall be agreed, shall promptly deliver to the other party a written confirmation of each Transaction (a "Confirmation"). The Confirmation shall describe the Purchased Securities (including CUSIP number, if any), identify Buyer and Seller and set forth (i) the Purchase Date, (ii) the Purchase Price, (iii) the Repurchase Date, unless the Transaction is to be terminable on demand, (iv) the Pricing Rate or Repurchase Price applicable to the Transaction, and (v) any additional terms or conditions of the Transaction not inconsistent with this Agreement. The Confirmation, together with this Agreement, shall constitute conclusive evidence of the terms agreed between Buyer and Seller with respect to the Transaction to which the Confirmation relates, unless with respect to the Confirmation specific objection is made promptly after receipt thereof. In the event of any conflict between the terms of such Confirmation and this Agreement, this Agreement shall prevail.

(c) In the case of Transactions terminable upon demand, such demand shall be made by Buyer or Seller, no later than such time as is customary in accordance with market practice, by telephone or otherwise on or prior to the business day on which such termination will be effective. On the date specified in such demand, or on the date fixed for termination in the case of Transactions having a fixed term, termination of the Transaction will be effected by transfer to Seller or its agent of the Purchased Securities and any Income in respect thereof received by Buyer (and not previously credited or transferred to, or applied to the obligations of, Seller pursuant to Paragraph 5 hereof) against the transfer of the Repurchase Price to an account of Buyer.

4. Margin Maintenance

(a) If at any time the aggregate Market Value of all Purchased Securities subject to all Transactions in which a particular party hereto is acting as Buyer is less than the aggregate Buyer's Margin Amount for all such Transactions (a "Margin Deficit"), then Buyer may by notice to Seller require Seller in such Transactions , at Seller's option, to transfer to Buyer cash or additional Securities reasonably acceptable to Buyer ("Additional Purchased Securities"), so that the cash and aggregate Market Value of the Purchased Securities, including any such Additional Purchased Securities, will thereupon equal or exceed such aggregate Buyer's Margin Amount (decreased by the amount of any Margin Deficit as of such date arising from any Transactions in which such Buyer is acting as Seller).

(b) If at any time the aggregate Market Value of all Purchased Securities subject to all Transactions in which a particular party hereto is acting as Seller exceeds the aggregate Seller's Margin Amount for all such Transactions at such time (a "Margin Excess"), then Seller may by notice to Buyer require Buyer in such Transactions, at Buyer's option, to transfer cash or Purchased Securities to Seller, so that the aggregate Market Value of the Purchased Securities, after deduction of any such cash or any Purchased Securities so transferred, will thereupon not exceeded such aggregate Seller's Margin Amount (increased by the amount of any Margin Excess as of such date arising from any Transactions in which such Seller is acting as Buyer).

(c) Any cash transferred pursuant to this Paragraph shall be attributed to such Transactions as shall be agreed upon by Buyer and Seller.

(d) Seller and Buyer may agree, with respect to any or all Transactions hereunder, that the respective rights of Buyer and Seller (or both) under subparagraphs (a) and (b) of this Paragraph

may be exercised only where a Margin Deficit or Margin Excess exceeds a specified dollar amount or a specified percentage of the Repurchase Prices for such Transactions (which amount or percentage shall be agreed to by Buyer and Seller prior to entering into any such Transactions).

(e) Seller and Buyer may agree, with respect to any or all Transactions hereunder, that the respective rights of Buyer and Seller under subparagraphs (a) and (b) of this Paragraph to require the elimination of a Margin Deficit or a Margin Excess, as the case may be, may be exercised whenever such a Margin Deficit or Margin Excess exists with respect to any single Transaction hereunder (calculated without regard to any other Transaction outstanding under this Agreement).

5. Income Payments

Where a particular Transaction's term extends over an Income payment date on the Securities subject to that Transaction, Buyer shall, as the parties may agree with respect to such Transaction (or, in the absence of any agreement, as Buyer shall reasonably determine in its discretion), on the date such Income is payable either (i) transfer to or credit to the account of Seller an amount equal to such Income payment or payments with respect to any Purchased Securities subject to such Transaction or (ii) apply the Income payment or payments to reduce the amount to be transferred to Buyer by Seller upon termination of the Transaction. Buyer shall not be obligated to take any action pursuant to the preceding sentence to the extent that such action would result in the creation of a Margin Deficit, unless prior thereto or simultaneously therewith Seller transfers to Buyer cash or Additional Purchased Securities sufficient to eliminate such Margin Deficit.

6. Security Interest

Although the parties intend that all Transactions hereunder be sales and purchases and not loans, in the event any such Transactions are deemed to be loans, Seller shall be deemed to have pledged to Buyer as security for the performance by Seller of its obligations under each such Transaction, and shall be deemed to have granted to Buyer a security interest in, all of the Purchased Securities with respect to all Transactions hereunder and all proceeds thereof.

7. Payment and Transfer

Unless otherwise mutually agreed, all transfers of funds hereunder shall be in immediately available funds. All Securities transferred by one party hereto to the other party (i) shall be in suitable form for transfer or shall be accompanied by duly executed instruments of transfer or assignment in blank and such other documentation as the party receiving possession may reasonably request, (ii) shall be transferred on the book-entry system of a Federal Reserve Bank, or (iii) shall be transferred by any other method mutually acceptable to Seller and Buyer. As used herein with respect to Securities, "transfer" is intended to have the same meaning as when used in Section 8-313 of the New York Uniform Commercial Code or, where applicable, in any federal regulation governing transfers of the Securities.

8. Segregation of Purchased Securities

To the extent required by applicable law, all Purchased Securities in the possession of the Seller shall be segregated from other securities in its possession and shall be identified as subject to this Agreement. Segregation may be accomplished by appropriate identification on the books and records of the holder, including a financial intermediary or a clearing corporation. Title to all Purchased Securities shall pass to Buyer and, unless otherwise agreed by Buyer and Seller, nothing in this Agreement shall preclude Buyer from engaging in repurchase transactions with the Purchased Securities or otherwise pledging or hypothecating the Purchased Securities, but no such transaction shall relieve Buyer of its obligations to transfer Purchased Securities to Seller pursuant to Paragraphs 3, 4 or 11 hereof, or of Buyer's obligation to credit or pay Income to, or apply Income to the obligations of, Seller pursuant to Paragraph 5 hereof.

Required Disclosure for Transactions in Which the Seller Retains Custody of the Purchased Securities

Seller is not permitted to substitute other securities for those subject to this Agreement and therefore must keep Buyer's securities segregated at all times, unless in this Agreement Buyer grants Seller the right to substitute other securities. If Buyer grants the right to substitute, this means that Buyer's securities will likely be commingled with Seller's own securities during the trading day. Buyer is advised that, during any trading day that Buyer's securities are commingled with Seller's securities, they [will]* [may]** be subject to liens granted by Seller to [its clearing bank]* [third parties]** and may be used by Seller for deliveries on other securities transactions. Whenever the securities are commingled, Seller's ability to resegregate substitute securities for Buyer will be subject to Seller's ability to satisfy [the clearing]* [any]** lien or to obtain substitute securities.

* Language to be used under 17 C.F.R. d 403.4(e) if Seller is a government securities broker or dealer other than a financial institution.

** Language to be used under 17 C.F.R. d 403.5 (d) if Seller is a financial institution.

9. Substitution

(a) Seller may, subject to agreement with and acceptance by Buyer, substitute other Securities for any Purchased Securities. Such substitution shall be made by transfer to Buyer of such other Securities and transfer to Seller of such Purchased Securities. After substitution, the substituted Securities shall be deemed to be Purchased Securities.

(b) In Transactions in which the Seller retains custody of Purchased Securities, the parties expressly agree that Buyer shall be deemed, for purposes of subparagraph (a) of this Paragraph, to have agreed to and accepted in this Agreement substitution by Seller of other Securities for Purchased Securities; *provided, however*, that such other Securities shall have a Market Value at least equal to the Market Value of the Purchased Securities for which they are substituted.

10. Representations

Each of Buyer and Seller represents and warrants to other that (i) it is duly authorized to execute and deliver this Agreement, to enter into the Transactions contemplated hereunder and to perform its obligations hereunder and has taken all necessary action to authorize such execution, delivery and performance, (ii) it will engage in such Transactions as principal (or, if agreed in writing in advance of any Transaction by the other party hereto, as agent for a disclosed principal), (iii) the person signing this Agreement on its behalf is duly authorized to do so on its behalf (or on behalf of any such disclosed principal), (iv) it has obtained all authorizations of any governmental body required in connection with this Agreement and the Transactions hereunder and such authorizations are in full force and effect and (v) the execution, delivery and performance of this Agreement and the Transactions hereunder will not violate any law, ordinance, charter, by-law or rule applicable to it or any agreement by which it is bound or by which any of its assets are affected. On the Purchase Date for any Transaction Buyer and Seller shall each be deemed to repeat all the foregoing representations made by it.

11. Events of Default

In the event that (i) Seller fails to repurchase or Buyer fails to transfer Purchased Securities upon the applicable Repurchase Date, (ii) Seller or Buyer fails, after one business day's notice, to comply with Paragraph 4 hereof, (iii) Buyer fails to comply with Paragraph 5 hereof , (iv) an Act

of Insolvency occurs with respect to Seller or Buyer, (v) any representation made by Seller or Buyer shall have been incorrect or untrue in any material respect when made or repeated or deemed to have been made or repeated, or (vi) Seller or Buyer shall admit to the other its inability to, or its intention not to, perform any of its obligations hereunder (each an "Event of Default"):

(a) At the option of the non defaulting party, exercised by written notice to the defaulting party (which option shall be deemed to have been exercised, even if no notice is given, immediately upon the occurrence of an Act of Insolvency), the Repurchase Date for each Transaction hereunder shall be deemed immediately to occur.

(b) In all Transactions in which the defaulting party is acting as Seller, if the non defaulting party exercises or is deemed to have exercised the option referred to in subparagraph (a) of this Paragraph, (i) the defaulting party's obligations hereunder to repurchase all Purchased Securities in such Transactions shall thereupon become immediately due and payable, (ii) to the extent permitted by applicable law, the Repurchase Price with respect to each such Transaction shall be increased by the aggregate amount obtained by daily application of (x) the greater of the Pricing Rate for such Transaction or the Prime Rate to (y) the Repurchase Price for such Transaction as of the Repurchase Date as determined pursuant to subparagraph (a) of this Paragraph (decreased as of any day by (A) any amounts retained by the non defaulting party with respect to such Repurchase Price pursuant to clause (iii) of this subparagraph, (B) any proceeds from the sale of Purchased Securities pursuant to subparagraph (d) (i) of this Paragraph, and (C) any amounts credited to the account of the defaulting party pursuant to subparagraph (e) of this Paragraph) on a 360 day per year basis for the actual number of days during the period from and including the date of the Event of Default giving rise to such option to but excluding the date of payment of the Repurchase Price as so increased, (iii) all Income paid after such exercise or deemed exercise shall be retained by the non defaulting party and applied to the aggregate unpaid Repurchase Prices owed by the defaulting party, and (iv) the defaulting party shall immediately deliver to the non defaulting party any Purchased Securities subject to such Transactions then in the defaulting party's possession.

(c) In all Transactions in which the defaulting is acting as Buyer, upon tender by the non defaulting party of payment of the aggregate Repurchase Prices for all such Transactions, the defaulting party's right, title and interest in all Purchased Securities subject to such Transactions shall be deemed transferred to the non defaulting party, and the defaulting party shall deliver all such Purchased Securities to the non defaulting party.

(d) After one business day's notice to the defaulting party (which notice need not be given if an Act of Insolvency shall have occurred, and which may be the notice given under subparagraph (a) of this Paragraph or the notice referred to in clause (ii) of the first sentence of this Paragraph), the non defaulting party may :

(i) as to Transactions in which the defaulting party is acting as Seller, (A) immediately sell, in a recognized market at such price or prices as the non defaulting party may reasonably deem satisfactory, any or all Purchased Securities subject to such Transactions and apply the proceeds thereof to the aggregate unpaid Repurchase Prices and any other amounts owing by the defaulting party hereunder or (B) in its sole discretion elect, in lieu of selling all or a portion of such Purchased Securities, to give the defaulting party credit for such Purchased Securities in an amount equal to the price therefor on such date, obtained from a generally recognized source or the most recent closing bid quotation from such a source, against the aggregate unpaid Repurchase Prices and any other amounts owing by the defaulting party hereunder, and

(ii) as to Transactions in which the defaulting party is acting as Buyer, (A) purchase securities ("Replacement Securities") of the same class and amount as any Purchased Securities that are not delivered by the defaulting party to the non defaulting party as required hereunder or (B) in its sole discretion elect, in lieu of purchasing Replacement Securities, to be deemed to have

purchased Replacement Securities at the price therefor on such date, obtained from a generally recognized source or the most recent closing bid quotation from such a source.

(e) As to Transactions in which the defaulting party is acting as Buyer, the defaulting party shall be liable to the non defaulting party (i) with respect to Purchased Securities (other than Additional Purchased Securities), for any excess of the price paid (or deemed paid) by the non defaulting party for Replacement Securities therefor over the Repurchase Price for such Purchased Securities and (ii) with respect to Additional Purchased Securities, for the price paid (or deemed paid) by the non defaulting party for the Replacement Securities, therefor. In addition, the defaulting party shall be liable to the non defaulting party for interest on such remaining liability with respect to each such purchase (or deemed purchase) of Replacement Securities from the date of such purchase (or deemed purchase) until paid in full by Buyer. Such interest shall be at a rate equal to the greater of the Pricing Rate for such Transaction or the Prime Rate.

(f) For purposes of this Paragraph 11, the Repurchase Price for each Transaction hereunder in respect of which the defaulting party is acting as Buyer shall not increase above the amount of such Repurchase Price for such Transaction determined as of the date of the exercise or deemed exercise by the non defaulting party of its option under subparagraph (a) of this Paragraph.

(g) The defaulting party shall be liable to the non defaulting party for the amount of all reasonable legal or other expenses incurred by the non defaulting party in connection with or as a consequence of an Event of Default, together with interest thereon at a rate equal to the greater of the Pricing Rate for the relevant Transaction or the Prime Rate.

(h) The non defaulting party shall have, in addition to its rights hereunder, any rights otherwise available to it under any other agreement or applicable law.

12. Single Agreement

Buyer and Seller acknowledge that, and have entered hereunto and will enter into each Transaction hereunder in consideration of and in reliance upon the fact that, all Transactions hereunder constitute a single business and contractual relationship and have been made in consideration of each other. Accordingly, each of Buyer and Seller agrees (i) to perform all of its obligations in respect of each Transaction hereunder, and that a default in the performance of any such obligations shall constitute a default by it in respect of all Transactions hereunder, (ii) that each of them shall be entitled to set off claims and apply property held by them in respect of any Transaction against obligations owing to them in respect of any other Transactions hereunder and (iii) that payments, deliveries and other transfers made by either of them in respect of any other Transaction shall be deemed to have been made in consideration of payments, deliveries and other transfers in respect of any other Transactions hereunder, and the obligations to make any such payments, deliveries and other transfers may be applied against each other and netted.

13. Notices and Other Communications

Unless another address is specified in writing by the respective party to whom any notice or other communication is to be given hereunder, all such notices or communications shall be in writing or confirmed in writing and delivered at the respective addresses set forth in Annex II attached hereto.

14. Entire Agreement; Severability

This Agreement shall supersede any existing agreements between the parties containing general terms and conditions for repurchase transactions. Each provision and agreement herein shall be treated as separate and independent from any other provision or agreement herein and shall be enforceable notwithstanding the unenforceability of any such other provision or agreement.

15. Non-assignability: Termination

The rights and obligations of the parties under this Agreement and under any Transaction shall not be assigned by either party without the prior written consent of the other party. Subject to the foregoing, this Agreement and any Transactions shall be binding upon and shall inure to the benefit of the parties and their respective successors and assigns. This Agreement may be canceled by either party upon giving written notice to the other, except that this Agreement shall, notwithstanding such notice, remain applicable to any Transactions then outstanding.

16. Governing Law

This Agreement shall be governed by the laws of the State of New York without giving effect to the conflict of law principles thereof.

17. No Waivers, Etc.

No express or implied waiver of any Event of Default by either party shall constitute a waiver of any other Event of Default and no exercise of any remedy hereunder by any party shall constitute a waiver of its right to exercise any other remedy hereunder. No modification or waiver of any provision of this Agreement and no consent by any party to a departure herefrom shall be effective unless and until such shall be in writing and duly executed by both of the parties hereto. Without limitation on any of the foregoing, the failure to give a notice pursuant to subparagraphs 4(a) or 4(b) hereof will not constitute a waiver of any right to do so at a later date.

18. Use of Employee Plan Assets

(a) If assets of an employee benefit plan subject to any provision of the Employee Retirement Income Security Act of 1974 ("ERISA") are intended to be used by either party hereto (the "Plan Party") in a Transaction, the Plan Party shall so notify the other party prior to the Transaction. The Plan Party shall represent in writing to the other party that the Transaction does not constitute a prohibited transaction under ERISA or is otherwise exempt therefrom, and the other party may proceed in reliance thereon but shall not be required so to proceed.

(b) Subject to the last sentence of subparagraph (a) of this Paragraph, any such Transaction shall proceed only if Seller furnishes or has furnished to Buyer its most recent available audited statement of its financial condition and its most recent subsequent unaudited statement of its financial condition.

(c) By entering into a Transaction pursuant to this Paragraph, Seller shall be deemed (i) to represent to Buyer that since the date of Seller's latest such financial statements, there has been no material adverse change in Seller's financial condition which Seller has not disclosed to Buyer, and (ii) to agree to provide Buyer with future audited and unaudited statements of its financial condition as they are issued, so long as it is a Seller in any outstanding Transaction involving a Plan Party.

19. Intent

(a) The parties recognize that each Transaction is a "repurchase agreement" as that term is defined in Section 101 of Title 11 of the United States Code, as amended (except insofar as the type of Securities subject to such Transaction or the term of such Transaction would render such definition inapplicable), and a "securities contract" as that term is defined in Section 741 of Title 11 of the United States Code, as amended.

(b) It is understood that either party's right to liquidate Securities delivered to it in connection with Transactions hereunder or to exercise any other remedies pursuant to Paragraph 11 hereof, is a contractual right to liquidate such Transaction as described in Sections 555 and 559 of Title 11 of the United States Code, as amended.

20. Disclosure Relating to Certain Federal Protections

The parties acknowledge that they have been advised that:

(a) in the case of Transactions in which one of the parties is a broker or dealer registered with the Securities and Exchange Commission ("SEC") under Section 15 of the Securities Exchange Act of 1934 ("1934 Act"), the Securities Investor Protection Corporation has taken the position that the provisions of the Securities Investor Protection Act of 1970 ("SIPA") do not protect the other party with respect to any Transaction hereunder;

(b) in the case of Transactions in which one of the parties is a government securities broker or a government securities dealer registered with the SEC under Section 15C of the 1934 Act, SIPA will not provide protection to the other party with respect to any Transaction hereunder; and

(c) in the case of Transactions in which one of the parties is a financial institution, funds held by the financial institution pursuant to a Transaction hereunder are not a deposit and therefore are not insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation or the National Credit Union Share Insurance Fund, as applicable.

[Name of Party]	[Name of Party]
By _____	By _____
Title _____	Title _____
Date _____	Date _____.

C. Broker/Dealer Certification

TEXAS PUBLIC FUNDS INVESTMENT ACT
ACKNOWLEDGMENTS

These Acknowledgments are executed on behalf of the City of Rowlett ("Investor") and _____("Business Organization") pursuant to the Public Funds Investment Act, Chapter 2256, Government Code, Texas Codes Annotated (the "Act"), in connection with investment transactions conducted between the Investor and the Business Organization.

Acknowledgment by Investor

The undersigned investment officer of the Investor ("Investment Officer") hereby acknowledges, represents and agrees on behalf of the Investor that:

(i) The Investment Officer (a) has been duly designated by official action of the governing body of the Investor to act as its Investment Officer pursuant to the Act, (b) is vested with full power and authority under the Act and other applicable law to engage in investment activities on behalf of the Investor, and (c) is duly authorized to execute this Acknowledgment on behalf of the Investor,

(ii) Pursuant to the Act, the governing body of the Investor has duly adopted a written investment policy which complies with the Act, including an investment strategy (as the same may be amended, the "Investment Policy"), and the Investment Officer (a) has furnished a true and correct copy of the Investment Policy to the Business Organization and (b) will notify the Business Organization of any revision of, or amendment to, the Investment Policy. The Business Organization shall be entitled to rely upon the most recent version of the Investment Policy furnished by the Investment Officer until provided with an amended version;

(iii) Attached hereto is a list of investments that are authorized pursuant to the Investment Policy and that the Investment Officer understands may be available from the Business Organization. The attached list may be amended from time to time by mutual agreement of the Investor and the Business Organization, and

(iv) In connection with any investment transaction between the Business Organization and the Investor, the Business Organization is not responsible for assuring compliance with those aspects of the Investment Policy over which the Business Organization has no control or knowledge, such as restrictions as to diversity and average maturity, or which require an interpretation of subjective investment standards.

INVESTMENT OFFICER

_____

Name:_____

Title:_____

Date:_____

Acknowledgment by Business Organization

In reliance upon the foregoing "Acknowledgment by Investor," the undersigned qualified representative of the Business Organization ("Qualified Representative") acknowledges, represents, and agrees on behalf of the Business Organization that:

(I) The Qualified Representative (a) is registered under the rules of the National Association of Securities Dealers, (b) is the duly appointed and acting officer of the Business Organization, holding the office set forth underneath its name below, and (c) is duly authorized to execute this Certification on behalf of the Business Organization,

(ii) The Qualified Representative has received and reviewed the Investment Policy furnished by the Investment Officer,

(iii) The Business Organization will provide the Investment Officer with periodic account and other reasonably requested information that will assist the Investment Officer in carrying out his or her responsibility to make investment decisions consistent with the Investment Policy; and

(iv) The Business Organization will not sell to the Investor investments other than those on the attached list, which may be amended from time to time by mutual agreement of the Investor and the Business Organization.

QUALIFIED REPRESENTATIVE

_____

Name:_____

Title_____

Date:_____

D. Investment Pool/Fund Questionnaire

1. A description of eligible investment securities, and a written statement of investment policy and objectives.

2. A description of interest calculations and how it is distributed, and how gains and losses are treated.

3. A description of how the securities are safeguarded (including the settlement processes), and how often the securities are priced and the program audited.

4. A description of who may invest in the program, how often, what size deposit and withdrawal are allowed.

5. A schedule for receiving statements and portfolio listings.

6. Are reserves, retained earnings, etc. utilized by the pool/fund?

7. A fee schedule, and when and how is it assessed.

8. Is the pool/fund eligible for bond proceeds and/or will it accept such proceeds?

9. Does the pool/fund have a stable or floating net asset value (NAV)?

10. What are the liquidity restrictions, gates, etc?

City of Rowlett

Staff Report

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

AGENDA DATE: 04/05/2016 **AGENDA ITEM**: 7D

TITLE

Consider action to approve a resolution exercising the first of four one-year renewal options for Section III mowing services with Carruthers Landscape Management, Incorporated in the unit amounts bid in an estimated annual amount of $122,336.25 for the Parks and Recreation Department.

STAFF REPRESENTATIVE

Angela Smith, Interim Director of Parks and Recreation

SUMMARY

This item is for the mowing of right-of-way areas. The contractor is responsible for mowing, detailing, and cleanup of the designated properties. Two years ago, the frequency on these areas increased from six (6) to fifteen (15). This enhances the aesthetic look and increases our service levels by allowing for 15 cycles for all locations (once per two weeks during the growing season). The contractor is also responsible for the trash and debris removal, mowing, edging, line trimming, bed maintenance and removal of trimmings and debris from turf and bed areas, pavement and at base of curbs.

BACKGROUND INFORMATION

The initial term was for one year with four one-year renewal options if both parties are in agreement. The initial contract date was April 21, 2015 - April 20, 2016. Carruthers Landscape Management, Incorporated was the low bidder. This is the first of four one-year renewals as provided by the contract.

DISCUSSION

The contract period for the Section III Mowing Services begins on approximately April 21, 2016, and ends April 20, 2017. This year there will be a 1% increase in charges over 2015/2016. This 1% increase has been requested by the vendor due to additional costs of operations including the Affordable Health Care Act along with rising wages, which is allowable under the agreement. The official Consumer Price Index for all Urban Consumers (CPI-U) for the U.S. City Average (February 2016) is also 1%. This request will increase the estimated annual amount from $121,125.00 to $122,336.25.

Carruthers Landscape Management, Incorporated provided satisfactory service during the first year of the four year contract; therefore, City staff recommends approving the first of four one-year renewals for the bid for Section III mowing services.

FINANCIAL IMPLICATIONS

Funding in the amount of $351,781.00 was approved in the Parks Maintenance Division's FY2016 budget in account 101-5505-6520 (Mowing). Because the contract crosses fiscal years, the amount in excess of the budget can be paid for with FY2017 budget dollars. The required amount for the full term for Sections II, III, and IV estimated annual amount is $366,940.90. Sections II and IV are on the consent agenda for this evening as well. This estimated annual amount could be potentially altered due to weather; however there is sufficient funding within the line item to cover an increase in service if required.

Budget Account Number	Title	Budget Amount	Proposed Amount
1015505-6520	Mowing Section II	$351,781.00	$113,993.50
	Mowing Section III		122,336.25
	Mowing Sections IV		130,575.00
Total		**$351,781.00**	**$366,940.90**

RECOMMENDED ACTION

City staff recommends the City Council approve a resolution exercising the first of four one-year renewal options for Section III mowing services with Carruthers Landscape Management, Incorporated in the unit amounts bid and in an estimated annual amount of $122,336.25 for the Parks and Recreation Department.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, EXERCISING THE FIRST OF FOUR ONE-YEAR RENEWAL OPTIONS FOR SECTION III MOWING SERVICES WITH CARRUTHERS LANDSCAPE MANAGEMENT, INCORPORATED, IN THE UNIT AMOUNTS BID AND IN AN ESTIMATED ANNUAL AMOUNT OF $122,336.25 AS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE AS EXHIBIT A FOR THE PARKS AND RECREATION DEPARTMENT; AUTHORIZING THE ISSUANCE OF PURCHASE ORDERS PURSUANT TO APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is desired to purchase mowing services for Section III for the City of Rowlett Parks and Recreation Department; and

WHEREAS, sealed competitive bids were obtained by the Purchasing Division as per bid #2015-49; and

WHEREAS, the term of contract is one year with four one-year renewal options if both parties are in agreement; 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 IIII mowing services for the Parks and Recreation Department.

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

Section 1: That the City Council of the City of Rowlett does hereby approve exercising the first of four one-year renewal option for Section III mowing services with Carruthers Landscape Management, Incorporated in the unit amounts bid and in an estimated annual amount of $122,336.25 as attached hereto and incorporated herein by reference as Exhibit A for the Parks and Recreation Department

Section 2: That the City Manager or designee is hereby authorized to issue purchase orders to conform to this resolution.

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

ATTACHMENTS

Attachment 1 – Bid Tabulation for Section III, #2015-49
Attachment 2 – Renewal Agreement for Section III, #2015-49

City Of Rowlett Bid Tabulation Mowing Services Section III, #2015-49
4004 Main Street, Rowlett, TX 75088
Purchasing Phone 972-412-6189 Fax 972-412-6144
April 2, 2015, 2:00 p.m.

			Carruthers Landscape Mgmt. 11593 Goodnight Ln. Dallas, TX 75229 Paul Myers 972-670-2265		D & D Commercial Landscape Mgmt. PO Box 741236 Dallas, TX 75374 David Myers 972-352-3402		Good Earth Corporation 8020 Heinen Dr. Dallas, TX 75227 George Belk 214-381-5899	
		Addendum 1 Acknowledged/Insurance Verified	Yes/On file		Yes/Yes		Yes/Yes	
Item	Qty	**SECTION III**	Unit	Total	Unit	Total	Unit	Total
		BLUE SECTION						
1	15	Quail Glen Green Belt - 8214 Quail Glenn Ct.	$25.00	$375.00	$19.20	$288.00	$25.00	$375.00
2	15	Spinnaker Cove Green Belt - 8217 Spinniker Cove	$200.00	$3,000.00	$23.04	$345.60	$37.00	$555.00
3	15	Barton Creek Alley (Barton Creek & Scenic Dr) - 7002 Barton	$25.00	$375.00	$7.68	$115.20	$3.00	$45.00
4	15	(Oak Hollow & Pheasant Run) - 9125 Pheasant Run - 9102 Oak Hollow	$50.00	$750.00	$30.72	$460.80	$46.00	$690.00
5	15	Pheasant Run Alley - 9125 Pheasant Run - 7610 Dalrock	$50.00	$750.00	$7.68	$115.20	$14.00	$210.00
6	15	Dalrock Rd from Liberty Grove to Princeton - 9900/7610 Dalrock	$300.00	$4,500.00	$307.20	$4,608.00	$468.00	$7,020.00
7	15	Chiesa from Liberty Grove to Lakeview Pkwy (Hwy 66) 5600-8400 Chiesa	$400.00	$6,000.00	$211.20	$3,168.00	$314.00	$4,710.00
8	15	Princeton Drainage Channel - 9718 Princeton	$50.00	$750.00	$76.80	$1,152.00	$105.00	$1,575.00
9	15	Allisa lot - ROW - 6300 Alisa Drive - 6100 Lakeshore	$25.00	$375.00	$23.04	$345.60	$34.00	$510.00
	15	Lakeshore Drainage ROW - 6100 Lakeshore	$50.00	$750.00	$7.68	$115.20	$13.00	$195.00
11	15	Point Royale dead end ROW - 509 Point Royal	$25.00	$375.00	$7.68	$115.20	$5.00	$75.00
12	15	Silverthorn Alley - 8700 Brook Hollow	$25.00	$375.00	$7.68	$115.20	$4.00	$60.00
13	15	Dandridge Greenbelt - 7521 Dandridge (median)	$50.00	$750.00	$38.40	$576.00	$53.00	$795.00
14	15	Maui Drainage - 7714 Maui	$25.00	$375.00	$19.20	$288.00	$31.00	$465.00
15	15	Oak Hollow Alley - 9102 Oak Hollow	$25.00	$375.00	$7.68	$115.20	$3.00	$45.00
16	15	Yeager from Elm Grove to Waterview - 3600 Elm to Waterview	$25.00	$375.00	$15.36	$230.40	$20.00	$300.00
17	15	Princeton Rd. to Liberty Grove to dead end 7100-8600 Princeton/8800-9500 Old Princeton (Private Drive)	$100.00	$1,500.00	$96.00	$1,440.00	$157.00	$2,355.00
18	15	Elm Grove from Liberty Grove to Vinson - 4000 Elm Grove	$50.00	$750.00	$76.80	$1,152.00	$110.00	$1,650.00
19	15	Vinson from Elm Grove to Stonewall - 3200 Stonewall	$50.00	$750.00	$57.60	$864.00	$86.00	$1,290.00
20	15	Stonewall from Vinson to City limits sign - 3200 Stonewall	$25.00	$375.00	$19.20	$288.00	$29.00	$435.00
21	15	7800 Lakeview/5900 Canterbury NW corner - drainage swell by railing	$25.00	$375.00	$7.68	$115.20	$10.00	$150.00
22	15	190 Tollway ROW, 27 acres	$400.00	$6,000.00	$998.40	$14,976.00	$1,485.00	$22,275.00
23	15	Liberty Grove/George Bush to Princeton	$200.00	$3,000.00	$268.80	$4,032.00	$385.00	$5,775.00
		SUBTOTAL OF BLUE SECTION		***$33,000.00***		***$35,020.80***		***$51,555.00***
		GREEN SECTION						
24	15	University drainage north of Halifax - 3600 University - 4200 Halifax	$25.00	$375.00	$19.20	$288.00	$27.00	$405.00
25	15	Dexham Rd from Lakeview Pkwy - 5400 Dexham (Hwy 66) to Miller Rd	$200.00	$3,000.00	$115.20	$1,728.00	$179.00	$2,685.00

City Of Rowlett Bid Tabulation Mowing Services Section III, #2015-49
4004 Main Street, Rowlett, TX 75088
Purchasing Phone 972-412-6189 Fax 972-412-6144
April 2, 2015, 2:00 p.m.

			Carruthers Landscape Mgmt.		D & D Commercial Landscape Mgmt.		Good Earth Corporation	
Item	Qty	**SECTION III**	Unit	Total	Unit	Total	Unit	Total
		GREEN SECTION (Cont.)						
26	15	Main St from Kirby to lake - Main St. 4700 to lake - to 4600 Centennial ROW	$100.00	$1,500.00	$115.20	$1,728.00	$172.00	$2,580.00
27	15	Former Blue Barn Lot near 3840 Main St - 4600 Commerce - 3700 Dennis	$25.00	$375.00	$30.72	$460.80	$50.00	$750.00
28	15	David Alley (David & Smartt) - David 3000/Smartt 4000	$25.00	$375.00	$76.80	$1,152.00	$115.00	$1,725.00
29	15	Miller Rd from Skyline to bridge - Skyline to 3600 - to Miller Bridge, Kirby to bridge	$25.00	$375.00	$19.20	$288.00	$30.00	$450.00
30	15	Gordon Smith & Boyd (all drainage) - 5300 Gordon Smith - 4800 Boyd	$100.00	$1,500.00	$211.20	$3,168.00	$328.00	$4,920.00
31	15	Kyle St between Rowlett Rd & the church on S. side of road and to first house on N. side of road - 3200 Kyle - 3201 Kyle	$25.00	$375.00	$15.36	$230.40	$21.00	$315.00
32	15	Chaha Rd West of Rowlett Road - 3400 Chaha ROW 3107 - 3001	$25.00	$375.00	$19.20	$288.00	$29.00	$435.00
33	15	Police Dept. Vacant - Century Drive 3300 - 3210 Lot	$25.00	$375.00	$23.04	$345.60	$38.00	$570.00
34	15	Chaha Road - 4100 Traci Road	$25.00	$375.00	$96.00	$1,440.00	$136.00	$2,040.00
35	15	Simmons Green Belt - 3900 Chaha & Simmons	$25.00	$375.00	$30.72	$460.80	$51.00	$765.00
36	15	Century Drive by Bridge - **2909** Century	$25.00	$375.00	$46.08	$691.20	$66.00	$990.00
37	15	3908 Main Street mow detailed behind City Hall Complex 8.2 acres including drainage	$400.00	$6,000.00	$307.20	$4,608.00	$451.00	$6,765.00
38	15	Lot next to Firestation 1 - 3900-4000 Miller - back to tree Line rough cut (see Jen)	$25.00	$375.00	$38.40	$576.00	$53.00	$795.00
39	15	Martin Lot 66 - 6000 Lakeview & 5200 Martin SE corner lot	$25.00	$375.00	$23.04	$345.60	$40.00	$600.00
40	15	Miller Heights and PGBT frontage facing PGBT and ROW east on Miller		$0.00	$192.00	$2,880.00	$303.00	$4,545.00
		SUBTOTAL OF GREEN SECTION		***$16,500.00***		***$20,678.40***		***$31,335.00***
		PURPLE SECTION						
41	15	Shipp Road at Lake - 6800 Shipp Road & Lakeview	$100.00	$1,500.00	$46.08	$691.20	$72.00	$1,080.00
42	15	Denver & Davis Green Belt - 9100 Shipman to Cullins Elementary	$200.00	$3,000.00	$115.20	$1,728.00	$171.00	$2,565.00
43	15	Woodside Green Belt - 8200 Highgate to 5100 Dalrock	$300.00	$4,500.00	$134.40	$2,016.00	$193.00	$2,895.00
44	15	Woodside Green Belt W of Highgate - 8200 Highgate	$200.00	$3,000.00	$230.40	$3,456.00	$336.00	$5,040.00
45	15	Vagas Alley, Fairmont Cr to Woodlake - 9200 Fairmont - 9000 Woodlake	$25.00	$375.00	$7.68	$115.20	$14.00	$210.00
46	15	Chiesa from Lakeview Pkwy - 5500 Chiesa - 1900 Chiesa	$300.00	$4,500.00	$422.40	$6,336.00	$622.00	$9,330.00
47	15	Inwood Alley (Inwood & Woodglen) - 5401 Inwood (end) Woodglen	$25.00	$375.00	$7.68	$115.20	$11.00	$165.00
48	15	Miami Alley (between Miami & Dalrock) - 8700 Vernon - 5517 Miami	$25.00	$375.00	$7.68	$115.20	$3.00	$45.00
49	15	Westfield Alley (between Westfield & Dalrock) - 8706 Westfield - 5721 Westfield	$25.00	$375.00	$7.68	$115.20	$2.00	$30.00
50	15	Millwood Alley (between Millwood & Dalrock) - 5801 - 5909 Millwood	$25.00	$375.00	$7.68	$115.20	$2.00	$30.00

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April 2, 2015, 2:00 p.m.

			Carruthers Landscape Mgmt.		D & D Commercial Landscape Mgmt.		Good Earth Corporation	
Item	Qty	**SECTION III**	Unit	Total	Unit	Total	Unit	Total
		PURPLE SECTION (Cont.)						
51	15	Bermuda Green Belt from Schrade to Miller Road - 8700 Miller - 7900 Tidewater to 4300 Delta to 4000 Channel to 7600 Bayview	$400.00	$6,000.00	$576.00	$8,640.00	$838.00	$12,570.00
52	15	Navigation Green Belt from Miller to Dalrock & east of Dalrock right of way - 8200 Navigation/8200 Miller	$300.00	$4,500.00	$192.00	$2,880.00	$281.00	$4,215.00
53	15	Fuqua Drainage Channel - from 2214 to pump station	$25.00	$375.00	$7.68	$115.20	$9.00	$135.00
54	15	Schrade Rd from Chiesa to Dalrock 7400-8500 Schrade north & south side, Mariner @ Schrade - 4400 Mariner - 4702 and across to wood fence, & Catamaran Drainage - 7400-7800 Schrade (both sides)	$200.00	$3,000.00	$76.80	$1,152.00	$124.00	$1,860.00
55	15	Amhurst Alley (Garner to Seascape) 7518 Amherst to 7300 Garner	$25.00	$375.00	$19.20	$288.00	$25.00	$375.00
56	15	Seascape Alley (Fuqua to Chiesa) - 7000 - 7709 Seascape	$25.00	$375.00	$19.20	$288.00	$30.00	$450.00
57	15	Garner Road from Stanford to 7300 Garner	$25.00	$375.00	$38.40	$576.00	$66.00	$990.00
58	15	Garner Property in between 8006 & 7921 Garner, Vacant lot to the east of 7704 Garner	$25.00	$375.00	$19.20	$288.00	$29.00	$435.00
59	15	Garner from Chiesa to Randi Rd - 8100 Garner - 7500 Randi Rd.	$25.00	$375.00	$30.72	$460.80	$42.00	$630.00
60	15	Miller from Chiesa to Dalrock - 7400 Miller - 8500 Dalrock	$300.00	$4,500.00	$307.20	$4,608.00	$446.00	$6,690.00
61	15	C.A, Roan Garner to Yale	$25.00	$375.00	$115.20	$1,728.00	$165.00	$2,475.00
62	15	Garner Rd East of Chiesa	$100.00	$1,500.00	$38.40	$576.00	$60.00	$900.00
63	15	Clay Drive Alley (Woodlake to Greenspoint) - 4818 - 4618 Clay/4610 - 4518 Clay	$25.00	$375.00	$7.68	$115.20	$12.00	$180.00
64	15	Corner Lot at Stanford & Chiesa - 2700 Stanford	$25.00	$375.00	$19.20	$288.00	$33.00	$495.00
65	15	Mediterranean Alley from Schrade to Delta - 4300 Delta/7500 Atlantic/Alley	$25.00	$375.00	$7.68	$115.20	$10.00	$150.00
66	15	Marlin Alley from Lagoon to Bayhill - 3817 - 3801 Marlin	$25.00	$375.00	$7.68	$115.20	$2.00	$30.00
67	15	Miller Rd from lake bridge to Chiesa - 6800 - 7300 Miller	$100.00	$1,500.00	$46.08	$691.20	$71.00	$1,065.00
68	15	Scenic from Woodlake to Heartstone - 4714 Scenic - 9501 Heartstone	$25.00	$375.00	$15.36	$230.40	$18.00	$270.00
69	15	Fairmont Circle Alley from Fairmont to Vagas - 9222 - 9110 Fairmont	$25.00	$375.00	$7.68	$115.20	$9.00	$135.00
70	15	Lots on Martha at the end of East side of road - 4801 Sunnybrook	$25.00	$375.00	$172.80	$2,592.00	$267.00	$4,005.00
71	15	Point Royal Alley - 400 - 509 Point Royal	$25.00	$375.00	$7.68	$115.20	$8.00	$120.00
72	15	Lakewood Estates area by the Lake - 3504 - 4000 Dalrock	$50.00	$750.00	$38.40	$576.00	$51.00	$765.00
73	15	3801 George Bush Frwy next to water tower	$300.00	$4,500.00	$307.20	$4,608.00	$495.00	$7,425.00
74	15	8491 Shrade Road future Fire Station	$100.00	$1,500.00	$307.20	$4,608.00	$468.00	$7,020.00
		SUBTOTAL OF PURPLE SECTION		***$51,750.00***		***$50,572.80***		***$74,775.00***

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Purchasing Phone 972-412-6189 Fax 972-412-6144
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			Carruthers Landscape Mgmt.		D & D Commercial Landscape Mgmt.		Good Earth Corporation	
Item	Qty	**SECTION III**	Unit	Total	Unit	Total	Unit	Total
		YELLOW SECTION						
75	15	Faringdon Alley (Faringdon & Rowlett Rd) 6418 - 6000 Faringdon	$25.00	$375.00	$15.36	$230.40	$24.00	$360.00
76	15	Drainage Channel behind Gardenia - 6600 - 6417 Gardenia	$25.00	$375.00	$57.60	$864.00	$88.00	$1,320.00
77	15	Azalea Green Belt - 5800 - 5614 Azalea	$25.00	$375.00	$38.40	$576.00	$62.00	$930.00
78	15	Old Rowlett Road (behind fences) - 5600 - 6100 Old Rowlett Road	$25.00	$375.00	$38.40	$576.00	$61.00	$915.00
79	15	Big A Road (Southside) - 3600 - 4300 Big A Rd.	$25.00	$375.00	$23.04	$345.60	$42.00	$630.00
80	15	Merritt Road from Liberty Grove to City Limit sign (7400-9958 Merritt)	$200.00	$3,000.00	$230.40	$3,456.00	$367.00	$5,505.00
81	15	Toler Rd from (Springfield Estates Wall) 2600 Toler - 2802 Toler	$25.00	$375.00	$15.36	$230.40	$20.00	$300.00
82	15	Toler Drainage Channels 3808, 4202, 4705 Toler	$25.00	$375.00	$38.40	$576.00	$49.00	$735.00
83	15	Hickox Road from Rowlett Road to Merritt (behind walls or fences only)2500 Hickox - 4000 Hickox	$25.00	$375.00	$57.60	$864.00	$95.00	$1,425.00
84	15	Hickox Road East of Merritt to Misty Lane (4000-4450 Hickox)	$25.00	$375.00	$38.40	$576.00	$66.00	$990.00
85	15	Misty Lane (4400-4317 Misty Lane)	$50.00	$750.00	$30.72	$460.80	$42.00	$630.00
86	15	Dexham Triangle - 6700 Dexham @ Castle	$50.00	$750.00	$38.40	$576.00	$50.00	$750.00
87	15	Hancock Alley - 6300 Hancock	$25.00	$375.00	$7.68	$115.20	$7.00	$105.00
88	15	Conestoga & Post Oak Alley - 6718 - 6926 Post Oak/Conestoga	$25.00	$375.00	$7.68	$115.20	$8.00	$120.00
89	15	Northhampton Alley - 1602 - 1802 North Hampton	$25.00	$375.00	$7.68	$115.20	$8.00	$120.00
90	15	Wildhaven Alley - 6706 - 6318 Wildhaven	$25.00	$375.00	$7.68	$115.20	$9.00	$135.00
91	15	Castle from Hickox to Woodmont - 6700 Castle	$100.00	$1,500.00	$76.80	$1,152.00	$107.00	$1,605.00
92	15	Larkin Drainage Channels - 3110 Larkin	$25.00	$375.00	$7.68	$115.20	$9.00	$135.00
93	15	Post Oak Alley - 1618 Post Oak - 2210 Wellsely	$25.00	$375.00	$7.68	$115.20	$10.00	$150.00
94	15	Wellsely Alley - 2306 - 2406 Wellsely	$25.00	$375.00	$7.68	$115.20	$6.00	$90.00
95	15	6000 Farringdon drainage to Wal-Mart entrance on Kenwood	$25.00	$375.00	$76.80	$1,152.00	$98.00	$1,470.00
96	15	Castle from Rowlett Rd. south side MCW from fences to telephone poles	$25.00	$375.00	$15.36	$230.40	$22.00	$330.00
97	15	Liberty Grove at Rose Bud	$100.00	$1,500.00	$134.40	$2,016.00	$205.00	$3,075.00
98	15	`New Merritt 8318-9558 Must edge sidewalk & blow off entire areas from George Bush to Sachse including center medians & ROW	$300.00	$4,500.00	$384.00	$5,760.00	$440.00	$6,600.00
99	15	Merritt Ct.9320-9849	$25.00	$375.00	$38.40	$576.00	$46.00	$690.00
100	15	Old Merritt Road 7301 - 7518	$25.00	$375.00	$30.72	$460.80	$45.00	$675.00
101	15	Old Merritt Road 9518-9747	$25.00	$375.00	$76.80	$1,152.00	$110.00	$1,650.00
		SUBTOTAL OF YELLOW SECTION		***$19,875.00***		***$22,636.80***		***$31,440.00***
		Grand Total of Section III		**$121,125.00**		**$128,908.80**		**$189,105.00**

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Purchasing Phone 972-412-6189 Fax 972-412-6144
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			Lawn & Landscape Managemer 3206 Main St. Suite 102 Rowlett, TX 75088 Joe Garcia 972-412-7860		Weldon's Lawn & Tree 2460 Shorecrest Rockwall, TX 75087 Brandon Weldon	
		Addendum 1 Acknowledged/Insurance Verified	Yes/On file		Yes/Yes	
Item	Qty	**SECTION III**	Unit	Total	Unit	Total
		BLUE SECTION				
1	15	Quail Glen Green Belt - 8214 Quail Glenn Ct.	$82.80	$1,242.00	$35.00	$525.00
2	15	Spinnaker Cove Green Belt - 8217 Spinniker Cove	$82.80	$1,242.00	$35.00	$525.00
3	15	Barton Creek Alley (Barton Creek & Scenic Dr) - 7002 Barton	$82.80	$1,242.00	$20.00	$300.00
4	15	(Oak Hollow & Pheasant Run) - 9125 Pheasant Run - 9102 Oak Hollow	$82.80	$1,242.00	$35.00	$525.00
5	15	Pheasant Run Alley - 9125 Pheasant Run - 7610 Dalrock	$82.80	$1,242.00	$20.00	$300.00
6	15	Dalrock Rd from Liberty Grove to Princeton - 9900/7610 Dalrock	$82.80	$1,242.00	$297.50	$4,462.50
7	15	Chiesa from Liberty Grove to Lakeview Pkwy (Hwy 66) 5600-8400 Chiesa	$82.80	$1,242.00	$233.70	$3,505.50
8	15	Princeton Drainage Channel - 9718 Princeton	$82.80	$1,242.00	$80.00	$1,200.00
9	15	Allisa lot - ROW - 6300 Alisa Drive - 6100 Lakeshore	$82.80	$1,242.00	$35.00	$525.00
10	15	Lakeshore Drainage ROW - 6100 Lakeshore	$82.80	$1,242.00	$20.00	$300.00
11	15	Point Royale dead end ROW - 509 Point Royal	$82.80	$1,242.00	$20.00	$300.00
12	15	Silverthorn Alley - 8700 Brook Hollow	$82.80	$1,242.00	$20.00	$300.00
13	15	Dandridge Greenbelt - 7521 Dandridge (median)	$82.80	$1,242.00	$40.00	$600.00
14	15	Maui Drainage - 7714 Maui	$82.80	$1,242.00	$35.00	$525.00
15	15	Oak Hollow Alley - 9102 Oak Hollow	$82.80	$1,242.00	$20.00	$300.00
16	15	Yeager from Elm Grove to Waterview - 3600 Elm to Waterview	$82.80	$1,242.00	$30.00	$450.00
17	15	Princeton Rd. to Liberty Grove to dead end 7100-8600 Princeton/8800-9500 Old Princeton (Private Drive)	$82.80	$1,242.00	$116.44	$1,746.60
18	15	Elm Grove from Liberty Grove to Vinson - 4000 Elm Grove	$82.80	$1,242.00	$82.00	$1,230.00
19	15	Vinson from Elm Grove to Stonewall - 3200 Stonewall	$82.80	$1,242.00	$63.96	$959.40
20	15	Stonewall from Vinson to City limits sign - 3200 Stonewall	$82.80	$1,242.00	$35.00	$525.00
21	15	7800 Lakeview/5900 Canterbury NW corner - drainage swell by railing	$82.80	$1,242.00	$20.00	$300.00
22	15	190 Tollway ROW, 27 acres	$82.80	$1,242.00	$945.00	$14,175.00
23	15	Liberty Grove/George Bush to Princeton	$82.80	$1,242.00	$245.00	$3,675.00
		SUBTOTAL OF BLUE SECTION		***$28,566.00***		***$37,254.00***
		GREEN SECTION				
24	15	University drainage north of Halifax - 3600 University - 4200 Halifax	$112.02	$1,680.30	$30.00	$450.00
25	15	Dexham Rd from Lakeview Pkwy - 5400 Dexham (Hwy 66) to Miller Rd	$112.02	$1,680.30	$133.25	$1,998.75

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			Lawn & Landscape Managemer		Weldon's Lawn & Tree	
Item	Qty	**SECTION III**	Unit	Total	Unit	Total
		GREEN SECTION (Cont.)				
26	15	Main St from Kirby to lake - Main St. 4700 to lake - to 4600 Centennial ROW	$112.02	$1,680.30	$127.92	$1,918.80
27	15	Former Blue Barn Lot near 3840 Main St - 4600 Commerce - 3700 Dennis	$112.02	$1,680.30	$40.00	$600.00
28	15	David Alley (David & Smartt) - David 3000/Smartt 4000	$112.02	$1,680.30	$85.28	$1,279.20
29	15	Miller Rd from Skyline to bridge - Skyline to 3600 - to Miller Bridge, Kirby to bridge	$112.02	$1,680.30	$35.00	$525.00
30	15	Gordon Smith & Boyd (all drainage) - 5300 Gordon Smith - 4800 Boyd	$112.02	$1,680.30	$244.36	$3,665.40
31	15	Kyle St between Rowlett Rd & the church on S. side of road and to first house on N. side of road - 3200 Kyle - 3201 Kyle	$112.02	$1,680.30	$25.00	$375.00
32	15	Chaha Rd West of Rowlett Road - 3400 Chaha ROW 3107 - 3001	$112.02	$1,680.30	$30.00	$450.00
33	15	Police Dept. Vacant - Century Drive 3300 - 3210 Lot	$112.02	$1,680.30	$35.00	$525.00
34	15	Chaha Road - 4100 Traci Road	$112.02	$1,680.30	$101.27	$1,519.05
35	15	Simmons Green Belt - 3900 Chaha & Simmons	$112.02	$1,680.30	$40.00	$600.00
36	15	Century Drive by Bridge - **2909** Century	$112.02	$1,680.30	$49.20	$738.00
37	15	3908 Main Street mow detailed behind City Hall Complex 8.2 acres including drainage	$112.02	$1,680.30	$287.00	$4,305.00
38	15	Lot next to Firestation 1 - 3900-4000 Miller - back to tree Line rough cut (see Jen)	$112.02	$1,680.30	$41.00	$615.00
39	15	Martin Lot 66 - 6000 Lakeview & 5200 Martin SE corner lot	$112.02	$1,680.30	$35.00	$525.00
40	15	Miller Heights and PGBT frontage facing PGBT and ROW east on Miller	$112.02	$1,680.30	$225.50	$3,382.50
		SUBTOTAL OF GREEN SECTION		***$28,565.10***		***$23,471.70***
		PURPLE SECTION				
41	15	Shipp Road at Lake - 6800 Shipp Road & Lakeview	$56.05	$840.75	$53.30	$799.50
42	15	Denver & Davis Green Belt - 9100 Shipman to Cullins Elementary	$56.05	$840.75	$127.10	$1,906.50
43	15	Woodside Green Belt - 8200 Highgate to 5100 Dalrock	$56.05	$840.75	$143.50	$2,152.50
44	15	Woodside Green Belt W of Highgate - 8200 Highgate	$56.05	$840.75	$256.20	$3,843.00
45	15	Vagas Alley, Fairmont Cr to Woodlake - 9200 Fairmont - 9000 Woodlake	$56.05	$840.75	$20.00	$300.00
46	15	Chiesa from Lakeview Pkwy - 5500 Chiesa - 1900 Chiesa	$56.05	$840.75	$395.50	$5,932.50
47	15	Inwood Alley (Inwood & Woodglen) - 5401 Inwood (end) Woodglen	$56.05	$840.75	$20.00	$300.00
48	15	Miami Alley (between Miami & Dalrock) - 8700 Vernon - 5517 Miami	$56.05	$840.75	$20.00	$300.00

City Of Rowlett Bid Tabulation Mowing Services Section III, #2015-49
4004 Main Street, Rowlett, TX 75088
Purchasing Phone 972-412-6189 Fax 972-412-6144
April 2, 2015, 2:00 p.m.

			Lawn & Landscape Managemer		Weldon's Lawn & Tree	
Item	Qty	**SECTION III**	Unit	Total	Unit	Total
		PURPLE SECTION (Cont.)				
49	15	Westfield Alley (between Westfield & Dalrock) - 8706 Westfield - 5721 Westfield	$56.05	$840.75	$20.00	$300.00
50	15	Millwood Alley (between Millwood & Dalrock) - 5801 - 5909 Millwood	$56.05	$840.75	$20.00	$300.00
51	15	Bermuda Green Belt from Schrade to Miller Road - 8700 Miller - 7900 Tidewater to 4300 Delta to 4000 Channel to 7600 Bayview	$56.05	$840.75	$532.70	$7,990.50
52	15	Navigation Green Belt from Miller to Dalrock & east of Dalrock right of way - 8200 Navigation/8200 Miller	$56.05	$840.75	$209.10	$3,136.50
53	15	Fuqua Drainage Channel - from 2214 to pump station	$56.05	$840.75	$20.00	$300.00
54	15	Schrade Rd from Chiesa to Dalrock 7400-8500 Schrade north & south side, Mariner @ Schrade - 4400 Mariner - 4702 and across to wood fence, & Catamaran Drainage - 7400-7800 Schrade (both sides)	$56.05	$840.75	$92.25	$1,383.75
55	15	Amhurst Alley (Garner to Seascape) 7518 Amherst to 7300 Garner	$56.05	$840.75	$35.00	$525.00
56	15	Seascape Alley (Fuqua to Chiesa) - 7000 - 7709 Seascape	$56.05	$840.75	$35.00	$525.00
57	15	Garner Road from Stanford to 7300 Garner	$56.05	$840.75	$49.20	$738.00
58	15	Garner Property in between 8006 & 7921 Garner, Vacant lot to the east of 7704 Garner	$56.05	$840.75	$35.00	$525.00
59	15	Garner from Chiesa to Randi Rd - 8100 Garner - 7500 Randi Rd.	$56.05	$840.75	$35.00	$525.00
60	15	Miller from Chiesa to Dalrock - 7400 Miller - 8500 Dalrock	$56.05	$840.75	$283.50	$4,252.50
61	15	C.A, Roan Garner to Yale	$56.05	$840.75	$126.00	$1,890.00
62	15	Garner Rd East of Chiesa	$56.05	$840.75	$44.69	$670.35
63	15	Clay Drive Alley (Woodlake to Greenspoint) - 4818 - 4618 Clay/4610 - 4518 Clay	$56.05	$840.75	$20.00	$300.00
64	15	Corner Lot at Stanford & Chiesa - 2700 Stanford	$56.05	$840.75	$35.00	$525.00
65	15	Mediterranean Alley from Schrade to Delta - 4300 Delta/7500 Atlantic/Alley	$56.05	$840.75	$20.00	$300.00
66	15	Marlin Alley from Lagoon to Bayhill - 3817 - 3801 Marlin	$56.05	$840.75	$20.00	$300.00
67	15	Miller Rd from lake bridge to Chiesa - 6800 - 7300 Miller	$56.05	$840.75	$52.48	$787.20
68	15	Scenic from Woodlake to Heartstone - 4714 Scenic - 9501 Heartstone	$56.05	$840.75	$25.00	$375.00
69	15	Fairmont Circle Alley from Fairmont to Vagas - 9222 - 9110 Fairmont	$56.05	$840.75	$20.00	$300.00
70	15	Lots on Martha at the end of East side of road - 4801 Sunnybrook	$56.05	$840.75	$198.44	$2,976.60
71	15	Point Royal Alley - 400 - 509 Point Royal	$56.05	$840.75	$20.00	$300.00
72	15	Lakewood Estates area by the Lake - 3504 - 4000 Dalrock	$56.05	$840.75	$40.00	$600.00
73	15	3801 George Bush Frwy next to water tower	$56.05	$840.75	$315.00	$4,725.00
74	15	8491 Shrade Road future Fire Station	$56.05	$840.75	$297.50	$4,462.50
		SUBTOTAL OF PURPLE SECTION		***$28,585.50***		***$54,546.90***

City Of Rowlett Bid Tabulation Mowing Services Section III, #2015-49
4004 Main Street, Rowlett, TX 75088
Purchasing Phone 972-412-6189 Fax 972-412-6144
April 2, 2015, 2:00 p.m.

			Lawn & Landscape Managemer		Weldon's Lawn & Tree	
Item	Qty	**SECTION III**	Unit	Total	Unit	Total
		YELLOW SECTION				
75	15	Faringdon Alley (Faringdon & Rowlett Rd) 6418 - 6000 Faringdon	$110.00	$1,650.00	$25.00	$375.00
76	15	Drainage Channel behind Gardenia - 6600 - 6417 Gardenia	$110.00	$1,650.00	$65.60	$984.00
77	15	Azalea Green Belt - 5800 - 5614 Azalea	$110.00	$1,650.00	$45.51	$682.65
78	15	Old Rowlett Road (behind fences) - 5600 - 6100 Old Rowlett Road	$110.00	$1,650.00	$45.00	$675.00
79	15	Big A Road (Southside) - 3600 - 4300 Big A Rd.	$110.00	$1,650.00	$35.00	$525.00
80	15	Merritt Road from Liberty Grove to City Limit sign (7400-9958 Merritt)	$110.00	$1,650.00	$273.47	$4,102.05
81	15	Toler Rd from (Springfield Estates Wall) 2600 Toler - 2802 Toler	$110.00	$1,650.00	$25.00	$375.00
82	15	Toler Drainage Channels 3808, 4202, 4705 Toler	$110.00	$1,650.00	$40.00	$600.00
83	15	Hickox Road from Rowlett Road to Merritt (behind walls or fences only)2500 Hickox - 4000 Hickox	$110.00	$1,650.00	$70.52	$1,057.80
84	15	Hickox Road East of Merritt to Misty Lane (4000-4450 Hickox)	$110.00	$1,650.00	$49.20	$738.00
85	15	Misty Lane (4400-4317 Misty Lane)	$110.00	$1,650.00	$35.00	$525.00
86	15	Dexham Triangle - 6700 Dexham @ Castle	$110.00	$1,650.00	$40.00	$600.00
87	15	Hancock Alley - 6300 Hancock	$110.00	$1,650.00	$20.00	$300.00
88	15	Conestoga & Post Oak Alley - 6718 - 6926 Post Oak/Conestoga	$110.00	$1,650.00	$20.00	$300.00
89	15	Northhampton Alley - 1602 - 1802 North Hampton	$110.00	$1,650.00	$20.00	$300.00
90	15	Wildhaven Alley - 6706 - 6318 Wildhaven	$110.00	$1,650.00	$20.00	$300.00
91	15	Castle from Hickox to Woodmont - 6700 Castle	$110.00	$1,650.00	$79.13	$1,186.95
92	15	Larkin Drainage Channels - 3110 Larkin	$110.00	$1,650.00	$20.00	$300.00
93	15	Post Oak Alley - 1618 Post Oak - 2210 Wellsely	$110.00	$1,650.00	$20.00	$300.00
94	15	Wellsely Alley - 2306 - 2406 Wellsely	$110.00	$1,650.00	$20.00	$300.00
95	15	6000 Farringdon drainage to Wal-Mart entrance on Kenwood	$110.00	$1,650.00	$72.57	$1,088.55
96	15	Castle from Rowlett Rd. south side MCW from fences to telephone poles	$110.00	$1,650.00	$25.00	$375.00
97	15	Liberty Grove at Rose Bud	$110.00	$1,650.00	$152.50	$2,287.50
98	15	`New Merritt 8318-9558 Must edge sidewalk & blow off entire areas from George Bush to Sachse including center medians & ROW	$110.00	$1,650.00	$328.00	$4,920.00
99	15	Merritt Ct.9320-9849	$110.00	$1,650.00	$40.00	$600.00
100	15	Old Merritt Road 7301 - 7518	$110.00	$1,650.00	$40.00	$600.00
101	15	Old Merritt Road 9518-9747	$110.00	$1,650.00	$82.00	$1,230.00
		SUBTOTAL OF YELLOW SECTION		***$44,550.00***		***$25,627.50***
		Grand Total of Section III		**$130,266.60**		**$140,900.10**

Mowing Services (Section III) for the City of Rowlett

Agreement for mowing services for the City of Rowlett, Texas and Carruther's Landscape Management extending the contract for Section III mowing services for an additional twelve-month period (renewal period 1 of 4) with a 1% increase to the contract price of $121,125.00 for an annual estimated cost of $122,336.25 for the period of April 21, 2016 through April 20, 2017.

_____ _____

Paul Myers Date
Carruther's Landscape Management, Inc.
11593 Goodnight Lane
Dallas, TX 75229

City of Rowlett

Staff Report

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

AGENDA DATE: 04/05/16 **AGENDA ITEM**: 7E

TITLE

Consider action to approve a resolution exercising the fourth and final one-year renewal option for Section II mowing services to Carruthers Landscape Management, Incorporated in the unit amounts bid with an estimated annual amount of $113,993.65 for the Parks and Recreation Department.

STAFF REPRESENTATIVE

Angela Smith, Interim Director of Parks and Recreation

SUMMARY

This item is for the mowing of the City buildings and major thoroughfares. The previous contract allowed for 20 to 26 cycles depending on location, with the majority of cycles (20) on the medians. Using an average of 20, this would mean mowing one time every 1½ weeks. This contract enhances the aesthetic look and increases our service levels by allowing for 30 cycles for all locations (once per week during the growing season). Carruthers Landscape Management is responsible for the trash and debris removal, mowing, edging, line trimming, bed maintenance and removal of trimmings and debris from turf and bed areas, pavement and at base of curbs.

BACKGROUND INFORMATION

On February 21, 2012, the City Council adopted Resolution Number RES-025-12 awarding a bid for Section II mowing services to Carruthers Landscape Management in the unit amounts bid with an estimated annual amount of $104,945.00 for the Parks and Recreation Department. This item included four one-year renewal options provided both parties are in agreement.

On February 5, 2013, the City Council adopted a Resolution exercising the first of four one-year renewal options for Section II mowing services to Carruthers Landscape Management in the unit amounts bid with an estimated annual amount of $104,945.00 for the Parks and Recreation Department.

On February 18, 2014, the City Council adopted Resolution 013-14 exercising the second of four one-year renewal options for Section II mowing services to Carruthers Landscape Management in the unit amounts bid with an estimated annual amount of $104,945.00 for the Parks and Recreation Department.

On April 7, 2015 the City Council adopted Resolution 036-15 exercising the third of four one-year renewal options for Section II mowing services to Carruthers Landscape Management in the unit amounts bid with an estimated annual amount of $104,945.00 for the Parks and Recreation

Department. This amount should have included Change Order No. 1 in the amount of $7,920.00 (adding Merritt Road locations) which was approved by the City Manager 5/1/2014 increasing the total to $112,865.00.

DISCUSSION

The contract period for the fourth and final renewal shall begin approximately April 5, 2016 and ends April 4, 2017. This year there will be a 1% increase in charges over 2015/2016. This 1% increase has been requested by the vendor due to additional costs of operations including the Affordable Health Care Act along with rising wages, which is allowable under the agreement. The official Consumer Price Index for all Urban Consumers (CPI-U) for the U.S. City Average (February 2016) is also 1%. This request will increase the estimated annual amount from $112,865.00 to $113,993.65.

Carruthers Landscape Management, Incorporated provided satisfactory service during the first three years of the four year contract; therefore, City staff recommends awarding the bid for Section II mowing services.

FINANCIAL/BUDGET IMPLICATIONS

Funding in the amount of $351,781.00 was approved in the Parks Maintenance Division's FY2016 budget in account 101-5505-6520 (Mowing). Because the contract crosses fiscal years, the amount in excess of the budget can be paid for with FY2017 budget dollars. The required amount for the full term for Sections II, III, and IV estimated annual amount is $366,940.90. Sections III and IV are on the consent agenda for this evening as well. This estimated annual amount could be potentially altered due to weather; however there is sufficient funding within the line item to cover an increase in service if required.

Budget Account Number	Title	Budget Amount	Proposed Amount
1015505-6520	Mowing Section II	$351,781.00	$113,993.65
	Mowing Section III		122,336.25
	Mowing Sections IV		130,575.00
Total		**$351,781.00**	**$366,940.90**

RECOMMENDED ACTION

City staff recommends the City Council adopt a resolution exercising the fourth of four one-year renewal options for Section II mowing services to Carruthers Landscape Management in the unit amounts bid with an estimated annual amount of $113,995.65 for the Parks and Recreation Department.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, EXERCISING THE FOURTH OF FOUR ONE-YEAR RENEWAL OPTIONS FOR SECTION II MOWING SERVICES TO CARRUTHERS LANDSCAPE MANAGEMENT IN THE UNIT AMOUNTS BID AND IN AN ESTIMATED ANNUAL AMOUNT OF $113,993.65 AS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE AS EXHIBIT "A" FOR THE PARKS AND

RECREATION DEPARTMENT; AUTHORIZING THE ISSUANCE OF PURCHASE ORDERS PURSUANT TO AWARD; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is desired to purchase mowing services for Section II for the City of Rowlett Parks and Recreation Department; and

WHEREAS, sealed competitive bids were obtained by the Purchasing Division as per bid #2012-35; and

WHEREAS, the term of contract was one year with four one-year renewal options if both parties are in agreement, and the first, second and third renewals have been exercised; and

WHEREAS, the initial, first, second and third renewal terms of the contract have been performed satisfactorily; and

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

WHEREAS, the City Council of the City of Rowlett, Texas desires to exercise the fourth of four one-year renewal options for Section II mowing services for the Parks and Recreation Department.

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

Section 1: That the City Council of the City of Rowlett does hereby approve exercising the fourth and final one-year renewal option for Section II mowing services in the unit amounts bid and in an estimated annual amount of $113,993.65 to Carruthers Landscape Management as attached hereto and incorporated herein by reference as Exhibit A for the Parks and Recreation Department.

Section 2: That the City Manager is hereby authorized to issue purchase orders to conform to this resolution.

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

ATTACHMENTS

Attachment 1 – Section II, #2012-35 Bid Tabulation
Attachment 2 – Change Order I for Section II, #2012-35 Bid Tabulation
Attachment 3 – Signed Renewal Agreement for Section II, #2012-35 Bid Tabulation for 2016-2017

City Of Rowlett Bid Tabulation Mowing Services Section II, #2012-35
4004 Main Street, Rowlett, TX 75088
Purchasing Phone 972-412-6189 Fax 972-412-6144
January 27, 2012

			4-D Property Maintenance Jeff Davis 214-549-0063 972-843-4114 F		Brandon's Landscape Brandon McCulloch 214-929-2020		Carruther's Landscape Mgmt. Paul Myers 972-620-9560 972-247-8670 F	
Item	Qty	**SECTION II**	Unit	Total	Unit	Total	Unit	Total
1	30	City Hall, HR, Purchasing Buildings, (including beds & hedges), (4000, 4002, 4004 Main St.)	$125.00	$3,750.00	$100.00	$3,000.00	$176.00	$5,280.00
2	30	Library, (3900 Main St) & Chamber of Commerce, (3920 Main St), (including beds & hedges)	$125.00	$3,750.00	$100.00	$3,000.00	$176.00	$5,280.00
3	30	Meter Services Building, (3840 Main St)	$75.00	$2,250.00	$75.00	$2,250.00	$176.00	$5,280.00
4	30	Developmental Services Building Grounds, (3901 Main St), (including beds & hedges) as required	$125.00	$3,750.00	$50.00	$1,500.00	$176.00	$5,280.00
5	30	Historical Society Building Grounds, (3913 Main St)	$125.00	$3,750.00	$50.00	$1,500.00	$176.00	$5,280.00
6	30	Farmer's Market - (4001 Main St)	$125.00	$3,750.00	$50.00	$1,500.00	$44.00	$1,320.00
7	30	Veteran's Park, (3850 Main St), trim & weed beds as required	$170.00	$5,100.00	$50.00	$1,500.00	$176.00	$5,280.00
8	30	Police & Courts Grounds, (4401 Rowlett Rd), including grass areas in and around the Parking Lot and trim hedges as required	$150.00	$4,500.00	$100.00	$3,000.00	$176.00	$5,280.00
9	30	Fire & Parks Administration, (4701 Rowlett Rd), finish mow & trim hedges as required	$100.00	$3,000.00	$60.00	$1,800.00	$22.00	$660.00
10	30	Service Center (Public Works/Utilities), (4310 Industrial St), Mow & weed eat all grass areas front & back including around patio & fence; & Animal Shelter Grounds, (4402 Industrial St), Trim hedges as required	$180.00	$5,400.00	$150.00	$4,500.00	$22.00	$660.00
11	30	Finish mow/ and trim hedges as required, (4205 Skyline Dr)	$45.00	$1,350.00	$70.00	$2,100.00	$22.00	$660.00
12	30	Grass triangle area at intersection of Coyle, Skyline, & Main - (4717 Main/Coyle/Skyline)	$80.00	$2,400.00	$20.00	$600.00	$22.00	$660.00
13	30	Area behind Big Star Burger from Cotton Gin Lot on Main St. next to antique shop & 3809 Coyle St & Commerce St to 4000 Coyle St by drainage ditch	$80.00	$2,400.00	$100.00	$3,000.00	$22.00	$660.00
14	30	Rowlett Rd from bridge at lake to Castle; medians and Right-Of-Ways	$343.00	$10,290.00	$400.00	$12,000.00	$528.00	$15,840.00
15	30	Dalrock Rd from Princeton Rd to I-30, including all medians, all Right of Ways, back sides of fences, curbs, sidewalks, & walls medians and ROW	$357.00	$10,710.00	$400.00	$12,000.00	$264.00	$7,920.00
16	30	North of 66 along west side of Mallard Cove (new street) between street and wall/ back of fences	$45.00	$1,350.00	$125.00	$3,750.00	$5.50	$165.00
17	30	Scenic Dr from Heartstone Ln to Dead end North across Lakeview Pkwy (66) medians and horseshoe area behind gates & ROW	$30.00	$900.00	$125.00	$3,750.00	$5.50	$165.00
18	30	Miller Rd from City Limits to Valero, ROW - 1700 - 3400 Miller Rd	$116.00	$3,480.00	$225.00	$6,750.00	$88.00	$2,640.00
19	30	Manchester median - 8622 Manchester Dr/7100 Dalrock Rd	$15.00	$450.00	$25.00	$750.00	$5.50	$165.00
20	30	Miller Rd from Rowlett Rd to Kirby Rd to the bridge, medians and designated ROW	$116.00	$3,480.00	$150.00	$4,500.00	$5.50	$165.00
21	30	Hickox Rd between Rowlett Rd & Dexham Rd, medians and ROW including easements along back of fences	$107.00	$3,210.00	$200.00	$6,000.00	$44.00	$1,320.00

City Of Rowlett Bid Tabulation Mowing Services Section II, #2012-35
Purchasing Phone 972-412-6189 Fax 972-412-6144
January 27, 2012

			4-D Property Maintenance		Brandon's Landscape		Carruther's Landscape Mgmt.	
Item	Qty	**SECTION II**	Unit	Total	Unit	Total	Unit	Total
22	30	Dexham Rd between Hickox Rd & Lakeview Pkwy, medians and ROW including easements along back of fences include entrance way signs on Dexham and 66.(approx. 1.34 acres)	$60.00	$1,800.00	$125.00	$3,750.00	$44.00	$1,320.00
23	30	Miller Rd at Dalrock Rd median and ROW	$35.00	$1,050.00	$30.00	$900.00	$5.50	$165.00
24	30	Princeton Rd. from Liberty Grove Rd to Dalrock Rd, medians North and Southside ROW	$286.00	$8,580.00	$200.00	$6,000.00	$110.00	$3,300.00
25	30	Miller Rd west of railroad track, mow and line trim from street to guard rail (maintaining both sides guard rail free of grass and woody plants)on causeway along bridge (includes levy at south west corner of causeway) . Mow ROW - 25 ft. at bridge	$89.00	$2,670.00	$200.00	$6,000.00	$88.00	$2,640.00
26	30	Lakeview Parkway (State Highway 66) from Antioch Dr to Heritage Pkwy, medians and ROW	$266.00	$7,980.00	$325.00	$9,750.00	$528.00	$15,840.00
27	30	Liberty Grove Rd from Princeton Rd to Chiesa Rd	$71.00	$2,130.00	$160.00	$4,800.00	$110.00	$3,300.00
28	30	Springfield Estates/Rowlett Rd (edging)	$45.00	$1,350.00	$40.00	$1,200.00	$5.50	$165.00
29	30	Behind 3001 & 2913 Suzanne Dr - **Chaha Rd ROW**	$30.00	$900.00	$40.00	$1,200.00	$22.00	$660.00
30	30	Intersection of IH 30 and Dalrock Rd East West North and South ramps and trim hedges as required	$560.00	$16,800.00	$525.00	$15,750.00	$88.00	$2,640.00
31	30	Hickox Rd Medians	$90.00	$2,700.00	$65.00	$1,950.00	$44.00	$1,320.00
32	30	Dandridge Rd Medians (both sides) off Princeton Rd and trim hedges as required	$40.00	$1,200.00	$60.00	$1,800.00	$5.50	$165.00
33	30	Dandridge Dr Medians off Chiesa Rd	$45.00	$1,350.00	$60.00	$1,800.00	$5.50	$165.00
34	30	Chiesa Rd medians N. of Hwy 66 / Bobby Ln and alleyway behind 6301 Cheisa Rd and concrete median south of Hwy 66	$55.00	$1,650.00	$100.00	$3,000.00	$22.00	$660.00
35	20	North from North entry at Springfield Park along Dexham Rd to Guardrail at Castle Rd. (the west side of ROW)	$40.00	$800.00	$70.00	$1,400.00	$5.50	$110.00
36	30	7202 - 7214 Belmount Rd, North wall Belmount Alley	$40.00	$1,200.00	$25.00	$750.00	$5.50	$165.00
37	30	7610 to 7100 Dalrock Rd (Pocket Park), weed & trim as required	$65.00	$1,950.00	$150.00	$4,500.00	$5.50	$165.00
38	30	Gordon Smith Dr and Hwy 66 by Home depot R.O.W. and median	$0.00	$0.00	$25.00	$750.00	$5.50	$165.00
39	30	West side of Rowlett Rd. south , inside wall along alley - begin at first house North of Katherine Dr (7600 Rowlett Rd.) to past Glenstone St	$15.00	$450.00	$65.00	$1,950.00	$5.50	$165.00
40	30	Across from fire station - 6800 Rowlett Rd - both sides to 6400 Rowlett Rd - detail mow	$15.00	$450.00	$65.00	$1,950.00	$2.75	$82.50
41	30	Between entry to Chicken Express and alley S. of Maple Ct	$15.00	$450.00	$25.00	$750.00	$2.75	$82.50
42	30	ROW front of vacant property N & S of #4 Fire Station (10' out)	$25.00	$750.00	$30.00	$900.00	$2.75	$82.50
43	30	Fire Station 4 -along N. side (40x306) and along S. side (15x306)	$70.00	$2,100.00	$40.00	$1,200.00	$4.75	$142.50
44	30	3917 Lois Cir (Island)	$15.00	$450.00	$30.00	$900.00	$5.50	$165.00
45	30	3102 David Dr (Island)	$20.00	$600.00	$40.00	$1,200.00	$5.50	$165.00
46	30	Rowlett Rd by bridges at cemetery	$15.00	$450.00	$35.00	$1,050.00	$5.50	$165.00
47	30	Dogwood Tr/Rowlett Rd behind wall along Juniper Ct Alley	$0.00	$0.00	$25.00	$750.00	$5.50	$165.00
48	30	Entry median on Thornhill Way	$15.00	$450.00	$40.00	$1,200.00	$5.50	$165.00
49	30	Main St medians & roadside - bed maintenance & mowing (including lot at Commerce St & Main St, clock tower area, and pocket park adjacent to clock tower) from Skyline Dr to Rowlett Rd	$233.00	$6,990.00	$100.00	$3,000.00	$22.00	$660.00
		Grand Total of Section II		**$146,270.00**		**$158,900.00**		**$104,945.00**

City Of Rowlett Bid Tabulation Mowing Services Section II, #2012-35
4004 Main Street, Rowlett, TX 75088
Purchasing Phone 972-412-6189 Fax 972-412-6144
January 27, 2012

			D & D Mowing Jason Ellison 469-767-0407 214-369-4367 F		Elite Pro Services Edgar Morales 24-507-0560		Ely Tree & Landscape Scott Ely 214-912-3245	
Item	Qty	**SECTION II**	Unit	Total	Unit	Total	Unit	Total
1	30	City Hall, HR, Purchasing Buildings, (including beds & hedges), (4000, 4002, 4004 Main St.)	$220.00	$6,600.00	$104.12	$3,123.60	$250.00	$7,500.00
2	30	Library, (3900 Main St) & Chamber of Commerce, (3920 Main St), (including beds & hedges)	$210.00	$6,300.00	$74.52	$2,235.60	$250.00	$7,500.00
3	30	Meter Services Building, (3840 Main St)	$40.00	$1,200.00	$4.68	$140.40	$10.00	$300.00
4	30	Developmental Services Building Grounds, (3901 Main St), (including beds & hedges) as required	$145.00	$4,350.00	$32.74	$982.20	$150.00	$4,500.00
5	30	Historical Society Building Grounds, (3913 Main St)	$80.00	$2,400.00	$16.67	$500.10	$15.00	$450.00
6	30	Farmer's Market - (4001 Main St)	$85.00	$2,550.00	$20.80	$624.00	$25.00	$750.00
7	30	Veteran's Park, (3850 Main St), trim & weed beds as required	$75.00	$2,250.00	$54.37	$1,631.10	$100.00	$3,000.00
8	30	Police & Courts Grounds, (4401 Rowlett Rd), including grass areas in and around the Parking Lot and trim hedges as required	$175.00	$5,250.00	$90.33	$2,709.90	$102.00	$3,060.00
9	30	Fire & Parks Administration, (4701 Rowlett Rd), finish mow & trim hedges as required	$85.00	$2,550.00	$25.05	$751.50	$48.00	$1,440.00
10	30	Service Center (Public Works/Utilities), (4310 Industrial St), Mow & weed eat all grass areas front & back including around patio & fence; & Animal Shelter Grounds, (4402 Industrial St), Trim hedges as required	$240.00	$7,200.00	$90.28	$2,708.40	$160.00	$4,800.00
11	30	Finish mow/ and trim hedges as required, (4205 Skyline Dr)	$130.00	$3,900.00	$13.43	$402.90	$20.00	$600.00
12	30	Grass triangle area at intersection of Coyle, Skyline, & Main - (4717 Main/Coyle/Skyline)	$45.00	$1,350.00	$4.30	$129.00	$10.00	$300.00
13	30	Area behind Big Star Burger from Cotton Gin Lot on Main St. next to antique shop & 3809 Coyle St & Commerce St to 4000 Coyle St by drainage ditch	$75.00	$2,250.00	$18.02	$540.60	$20.00	$600.00
14	30	Rowlett Rd from bridge at lake to Castle; medians and Right-Of-Ways	$1,155.00	$34,650.00	$541.32	$16,239.60	$1,200.00	$36,000.00
15	30	Dalrock Rd from Princeton Rd to I-30, including all medians, all Right of Ways, back sides of fences, curbs, sidewalks, & walls medians and ROW	$1,285.00	$38,550.00	$663.52	$19,905.60	$1,130.00	$33,900.00
16	30	North of 66 along west side of Mallard Cove (new street) between street and wall/ back of fences	$155.00	$4,650.00	$40.07	$1,202.10	$75.00	$2,250.00
17	30	Scenic Dr from Heartstone Ln to Dead end North across Lakeview Pkwy (66) medians and horseshoe area behind gates & ROW	$155.00	$4,650.00	$17.23	$516.90	$84.00	$2,520.00
18	30	Miller Rd from City Limits to Valero, ROW - 1700 - 3400 Miller Rd	$490.00	$14,700.00	$254.28	$7,628.40	$400.00	$12,000.00
19	30	Manchester median - 8622 Manchester Dr/7100 Dalrock Rd	$10.00	$300.00	$1.00	$30.00	$10.00	$300.00
20	30	Miller Rd from Rowlett Rd to Kirby Rd to the bridge, medians and designated ROW	$385.00	$11,550.00	$134.68	$4,040.40	$167.00	$5,010.00
21	30	Hickox Rd between Rowlett Rd & Dexham Rd, medians and ROW including easements along back of fences	$310.00	$9,300.00	$123.24	$3,697.20	$252.00	$7,560.00

City Of Rowlett Bid Tabulation Mowing Services Section II, #2012-35
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January 27, 2012

			D & D Mowing		Elite Pro Services		Ely Tree & Landscape	
Item	Qty	**SECTION II**	Unit	Total	Unit	Total	Unit	Total
22	30	Dexham Rd between Hickox Rd & Lakeview Pkwy, medians and ROW including easements along back of fences include entrance way signs on Dexham and 66.(approx. 1.34 acres)	$230.00	$6,900.00	$69.68	$2,090.40	$325.00	$9,750.00
23	30	Miller Rd at Dalrock Rd median and ROW	$40.00	$1,200.00	$10.00	$300.00	$30.00	$900.00
24	30	Princeton Rd. from Liberty Grove Rd to Dalrock Rd, medians North and Southside ROW	$615.00	$18,450.00	$330.20	$9,906.00	$375.00	$11,250.00
25	30	Miller Rd west of railroad track, mow and line trim from street to guard rail (maintaining both sides guard rail free of grass and woody plants)on causeway along bridge (includes levy at south west corner of causeway) . Mow ROW - 25 ft. at bridge	$310.00	$9,300.00	$104.00	$3,120.00	$167.00	$5,010.00
26	30	Lakeview Parkway (State Highway 66) from Antioch Dr to Heritage Pkwy, medians and ROW	$1,500.00	$45,000.00	$310.44	$9,313.20	$620.00	$18,600.00
27	30	Liberty Grove Rd from Princeton Rd to Chiesa Rd	$155.00	$4,650.00	$81.64	$2,449.20	$33.00	$990.00
28	30	Springfield Estates/Rowlett Rd (edging)	$75.00	$2,250.00	$14.00	$420.00	$0.00	$0.00
29	30	Behind 3001 & 2913 Suzanne Dr - **Chaha Rd ROW**	$25.00	$750.00	$6.00	$180.00	$60.00	$1,800.00
30	30	Intersection of IH 30 and Dalrock Rd East West North and South ramps and trim hedges as required	$955.00	$28,650.00	$833.64	$25,009.20	$600.00	$18,000.00
31	30	Hickox Rd Medians	$230.00	$6,900.00	$105.04	$3,151.20	$82.00	$2,460.00
32	30	Dandridge Rd Medians (both sides) off Princeton Rd and trim hedges as required	$130.00	$3,900.00	$38.00	$1,140.00	$60.00	$1,800.00
33	30	Dandridge Dr Medians off Chiesa Rd	$115.00	$3,450.00	$26.00	$780.00	$60.00	$1,800.00
34	30	Chiesa Rd medians N. of Hwy 66 / Bobby Ln and alleyway behind 6301 Cheisa Rd and concrete median south of Hwy 66	$310.00	$9,300.00	$104.00	$3,120.00	$82.00	$2,460.00
35	20	North from North entry at Springfield Park along Dexham Rd to Guardrail at Castle Rd. (the west side of ROW)	$50.00	$1,000.00	$10.00	$200.00	$0.00	$0.00
36	30	7202 - 7214 Belmount Rd, North wall Belmount Alley	$25.00	$750.00	$2.00	$60.00	$40.00	$1,200.00
37	30	7610 to 7100 Dalrock Rd (Pocket Park), weed & trim as required	$155.00	$4,650.00	$73.32	$2,199.60	$75.00	$2,250.00
38	30	Gordon Smith Dr and Hwy 66 by Home depot R.O.W. and median	$75.00	$2,250.00	$13.00	$390.00	$0.00	$0.00
39	30	West side of Rowlett Rd. south , inside wall along alley - begin at first house North of Katherine Dr (7600 Rowlett Rd.) to past Glenstone St	$40.00	$1,200.00	$6.98	$209.40	$20.00	$600.00
40	30	Across from fire station - 6800 Rowlett Rd - both sides to 6400 Rowlett Rd - detail mow	$25.00	$750.00	$5.04	$151.20	$10.00	$300.00
41	30	Between entry to Chicken Express and alley S. of Maple Ct	$12.00	$360.00	$1.00	$30.00	$0.00	$0.00
42	30	ROW front of vacant property N & S of #4 Fire Station (10' out)	$50.00	$1,500.00	$10.05	$301.50	$10.00	$300.00
43	30	Fire Station 4 -along N. side (40x306) and along S. side (15x306)	$25.00	$750.00	$20.09	$602.70	$20.00	$600.00
44	30	3917 Lois Cir (Island)	$40.00	$1,200.00	$3.37	$101.10	$20.00	$600.00
45	30	3102 David Dr (Island)	$40.00	$1,200.00	$4.00	$120.00	$20.00	$600.00
46	30	Rowlett Rd by bridges at cemetery	$25.00	$750.00	$2.52	$75.60	$0.00	$0.00
47	30	Dogwood Tr/Rowlett Rd behind wall along Juniper Ct Alley	$12.00	$360.00	$1.00	$30.00	$15.00	$450.00
48	30	Entry median on Thornhill Way	$25.00	$750.00	$2.80	$84.00	$0.00	$0.00
49	30	Main St medians & roadside - bed maintenance & mowing (including lot at Commerce St & Main St, clock tower area, and pocket park adjacent to clock tower) from Skyline Dr to Rowlett Rd	$155.00	$4,650.00	$63.04	$1,891.20	$100.00	$3,000.00
		Grand Total of Section II		**$329,320.00**		**$137,165.00**		**$219,060.00**

City Of Rowlett Bid Tabulation Mowing Services Section II, #2012-35
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Purchasing Phone 972-412-6189 Fax 972-412-6144
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			Lawn & Landscape Mgmt. Joe Garcia 972-412-7860 972-463-4639 F		Martin Property Maintenance Jim Martin 972-423-3247		Teter Group Sharon Teter 214-212-8598	
Item	Qty	**SECTION II**	Unit	Total	Unit	Total	Unit	Total
1	30	City Hall, HR, Purchasing Buildings, (including beds & hedges), (4000, 4002, 4004 Main St.)	$400.00	$12,000.00	$575.00	$17,250.00	$37.00	$1,110.00
2	30	Library, (3900 Main St) & Chamber of Commerce, (3920 Main St), (including beds & hedges)	$95.00	$2,850.00	$320.00	$9,600.00	$54.49	$1,634.70
3	30	Meter Services Building, (3840 Main St)	$30.00	$900.00	$34.00	$1,020.00	$36.00	$1,080.00
4	30	Developmental Services Building Grounds, (3901 Main St), (including beds & hedges) as required	$30.00	$900.00	$85.00	$2,550.00	$37.00	$1,110.00
5	30	Historical Society Building Grounds, (3913 Main St)	$45.00	$1,350.00	$35.00	$1,050.00	$37.00	$1,110.00
6	30	Farmer's Market - (4001 Main St)	$25.00	$750.00	$35.00	$1,050.00	$37.00	$1,110.00
7	30	Veteran's Park, (3850 Main St), trim & weed beds as required	$50.00	$1,500.00	$79.00	$2,370.00	$37.00	$1,110.00
8	30	Police & Courts Grounds, (4401 Rowlett Rd), including grass areas in and around the Parking Lot and trim hedges as required	$125.00	$3,750.00	$110.00	$3,300.00	$37.00	$1,110.00
9	30	Fire & Parks Administration, (4701 Rowlett Rd), finish mow & trim hedges as required	$60.00	$1,800.00	$65.00	$1,950.00	$36.00	$1,080.00
10	30	Service Center (Public Works/Utilities), (4310 Industrial St), Mow & weed eat all grass areas front & back including around patio & fence; & Animal Shelter Grounds, (4402 Industrial St), Trim hedges as required	$50.00	$1,500.00	$125.00	$3,750.00	$60.12	$1,803.60
11	30	Finish mow/ and trim hedges as required, (4205 Skyline Dr)	$30.00	$900.00	$35.00	$1,050.00	$37.00	$1,110.00
12	30	Grass triangle area at intersection of Coyle, Skyline, & Main - (4717 Main/Coyle/Skyline)	$40.00	$1,200.00	$15.00	$450.00	$36.00	$1,080.00
13	30	Area behind Big Star Burger from Cotton Gin Lot on Main St. next to antique shop & 3809 Coyle St & Commerce St to 4000 Coyle St by drainage ditch	$50.00	$1,500.00	$15.00	$450.00	$74.00	$2,220.00
14	30	Rowlett Rd from bridge at lake to Castle; medians and Right-Of-Ways	$1,000.00	$30,000.00	$1,145.00	$34,350.00	$510.09	$15,302.70
15	30	Dalrock Rd from Princeton Rd to I-30, including all medians, all Right of Ways, back sides of fences, curbs, sidewalks, & walls medians and ROW	$1,000.00	$30,000.00	$1,340.00	$40,200.00	$625.24	$18,757.20
16	30	North of 66 along west side of Mallard Cove (new street) between street and wall/ back of fences	$50.00	$1,500.00	$65.00	$1,950.00	$74.00	$2,220.00
17	30	Scenic Dr from Heartstone Ln to Dead end North across Lakeview Pkwy (66) medians and horseshoe area behind gates & ROW	$65.00	$1,950.00	$145.00	$4,350.00	$37.00	$1,110.00
18	30	Miller Rd from City Limits to Valero, ROW - 1700 - 3400 Miller Rd	$200.00	$6,000.00	$293.00	$8,790.00	$211.49	$6,344.70
19	30	Manchester median - 8622 Manchester Dr/7100 Dalrock Rd	$20.00	$600.00	$12.00	$360.00	$36.00	$1,080.00
20	30	Miller Rd from Rowlett Rd to Kirby Rd to the bridge, medians and designated ROW	$150.00	$4,500.00	$120.00	$3,600.00	$112.00	$3,360.00
21	30	Hickox Rd between Rowlett Rd & Dexham Rd, medians and ROW including easements along back of fences	$150.00	$4,500.00	$155.00	$4,650.00	$102.50	$3,075.00

City Of Rowlett Bid Tabulation Mowing Services Section II, #2012-35
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			Lawn & Landscape Mgmt.		Martin Property Maintenance		Teter Group	
Item	Qty	**SECTION II**	Unit	Total	Unit	Total	Unit	Total
22	30	Dexham Rd between Hickox Rd & Lakeview Pkwy, medians and ROW including easements along back of fences include entrance way signs on Dexham and 66.(approx. 1.34 acres)	$100.00	$3,000.00	$110.00	$3,300.00	$57.96	$1,738.80
23	30	Miller Rd at Dalrock Rd median and ROW	$35.00	$1,050.00	$25.00	$750.00	$36.00	$1,080.00
24	30	Princeton Rd. from Liberty Grove Rd to Dalrock Rd, medians North and Southside ROW	$300.00	$9,000.00	$430.00	$12,900.00	$274.64	$8,239.20
25	30	Miller Rd west of railroad track, mow and line trim from street to guard rail (maintaining both sides guard rail free of grass and woody plants)on causeway along bridge (includes levy at south west corner of causeway) . Mow ROW - 25 ft. at bridge	$100.00	$3,000.00	$140.00	$4,200.00	$86.50	$2,595.00
26	30	Lakeview Parkway (State Highway 66) from Antioch Dr to Heritage Pkwy, medians and ROW	$550.00	$16,500.00	$475.00	$14,250.00	$258.20	$7,746.00
27	30	Liberty Grove Rd from Princeton Rd to Chiesa Rd	$35.00	$1,050.00	$65.00	$1,950.00	$67.90	$2,037.00
28	30	Springfield Estates/Rowlett Rd (edging)	$40.00	$1,200.00	$10.00	$300.00	$37.00	$1,110.00
29	30	Behind 3001 & 2913 Suzanne Dr - **Chaha Rd ROW**	$20.00	$600.00	$30.00	$900.00	$36.00	$1,080.00
30	30	Intersection of IH 30 and Dalrock Rd East West North and South ramps and trim hedges as required	$500.00	$15,000.00	$1,100.00	$33,000.00	$543.65	$16,309.50
31	30	Hickox Rd Medians	$50.00	$1,500.00	$79.00	$2,370.00	$87.36	$2,620.80
32	30	Dandridge Rd Medians (both sides) off Princeton Rd and trim hedges as required	$30.00	$900.00	$79.00	$2,370.00	$37.00	$1,110.00
33	30	Dandridge Dr Medians off Chiesa Rd	$30.00	$900.00	$55.00	$1,650.00	$74.00	$2,220.00
34	30	Chiesa Rd medians N. of Hwy 66 / Bobby Ln and alleyway behind 6301 Cheisa Rd and concrete median south of Hwy 66	$100.00	$3,000.00	$75.00	$2,250.00	$86.50	$2,595.00
35	20	North from North entry at Springfield Park along Dexham Rd to Guardrail at Castle Rd. (the west side of ROW)	$20.00	$400.00	$20.00	$400.00	$36.00	$720.00
36	30	7202 - 7214 Belmount Rd, North wall Belmount Alley	$10.00	$300.00	$20.00	$600.00	$36.00	$1,080.00
37	30	7610 to 7100 Dalrock Rd (Pocket Park), weed & trim as required	$50.00	$1,500.00	$79.00	$2,370.00	$60.98	$1,829.40
38	30	Gordon Smith Dr and Hwy 66 by Home depot R.O.W. and median	$10.00	$300.00	$15.00	$450.00	$36.00	$1,080.00
39	30	West side of Rowlett Rd. south , inside wall along alley - begin at first house North of Katherine Dr (7600 Rowlett Rd.) to past Glenstone St	$20.00	$600.00	$35.00	$1,050.00	$36.00	$1,080.00
40	30	Across from fire station - 6800 Rowlett Rd - both sides to 6400 Rowlett Rd - detail mow	$20.00	$600.00	$32.00	$960.00	$36.00	$1,080.00
41	30	Between entry to Chicken Express and alley S. of Maple Ct	$20.00	$600.00	$10.00	$300.00	$36.00	$1,080.00
42	30	ROW front of vacant property N & S of #4 Fire Station (10' out)	$25.00	$750.00	$25.00	$750.00	$36.00	$1,080.00
43	30	Fire Station 4 -along N. side (40x306) and along S. side (15x306)	$40.00	$1,200.00	$35.00	$1,050.00	$74.00	$2,220.00
44	30	3917 Lois Cir (Island)	$20.00	$600.00	$15.00	$450.00	$36.00	$1,080.00
45	30	3102 David Dr (Island)	$20.00	$600.00	$20.00	$600.00	$36.00	$1,080.00
46	30	Rowlett Rd by bridges at cemetery	$20.00	$600.00	$30.00	$900.00	$36.00	$1,080.00
47	30	Dogwood Tr/Rowlett Rd behind wall along Juniper Ct Alley	$10.00	$300.00	$20.00	$600.00	$36.00	$1,080.00
48	30	Entry median on Thornhill Way	$20.00	$600.00	$20.00	$600.00	$36.00	$1,080.00
49	30	Main St medians & roadside - bed maintenance & mowing (including lot at Commerce St & Main St, clock tower area, and pocket park adjacent to clock tower) from Skyline Dr to Rowlett Rd	$55.00	$1,650.00	$160.00	$4,800.00	$37.00	$1,110.00
		Grand Total of Section II		**$177,250.00**		**$240,160.00**		**$136,158.60**

City Of Rowlett Bid Tabulation Mowing Services Section II, #2012-35
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Purchasing Phone 972-412-6189 Fax 972-412-6144
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			VMC Landscape Services Dave Myers 972-445-5654 972-331-4497 F	
Item	Qty	**SECTION II**	Unit	Total
1	30	City Hall, HR, Purchasing Buildings, (including beds & hedges), (4000, 4002, 4004 Main St.)	$113.00	$3,390.00
2	30	Library, (3900 Main St) & Chamber of Commerce, (3920 Main St), (including beds & hedges)	$98.00	$2,940.00
3	30	Meter Services Building, (3840 Main St)	$14.00	$420.00
4	30	Developmental Services Building Grounds, (3901 Main St), (including beds & hedges) as required	$49.00	$1,470.00
5	30	Historical Society Building Grounds, (3913 Main St)	$14.00	$420.00
6	30	Farmer's Market - (4001 Main St)	$14.00	$420.00
7	30	Veteran's Park, (3850 Main St), trim & weed beds as required	$78.00	$2,340.00
8	30	Police & Courts Grounds, (4401 Rowlett Rd), including grass areas in and around the Parking Lot and trim hedges as required	$43.00	$1,290.00
9	30	Fire & Parks Administration, (4701 Rowlett Rd), finish mow & trim hedges as required	$43.00	$1,290.00
10	30	Service Center (Public Works/Utilities), (4310 Industrial St), Mow & weed eat all grass areas front & back including around patio & fence; & Animal Shelter Grounds, (4402 Industrial St), Trim hedges as required	$80.00	$2,400.00
11	30	Finish mow/ and trim hedges as required, (4205 Skyline Dr)	$32.00	$960.00
12	30	Grass triangle area at intersection of Coyle, Skyline, & Main - (4717 Main/Coyle/Skyline)	$14.00	$420.00
13	30	Area behind Big Star Burger from Cotton Gin Lot on Main St. next to antique shop & 3809 Coyle St & Commerce St to 4000 Coyle St by drainage ditch	$14.00	$420.00
14	30	Rowlett Rd from bridge at lake to Castle; medians and Right-Of-Ways	$444.00	$13,320.00
15	30	Dalrock Rd from Princeton Rd to I-30, including all medians, all Right of Ways, back sides of fences, curbs, sidewalks, & walls medians and ROW	$538.00	$16,140.00
16	30	North of 66 along west side of Mallard Cove (new street) between street and wall/ back of fences	$37.00	$1,110.00
17	30	Scenic Dr from Heartstone Ln to Dead end North across Lakeview Pkwy (66) medians and horseshoe area behind gates & ROW	$14.00	$420.00
18	30	Miller Rd from City Limits to Valero, ROW - 1700 - 3400 Miller Rd	$187.00	$5,610.00
19	30	Manchester median - 8622 Manchester Dr/7100 Dalrock Rd	$14.00	$420.00
20	30	Miller Rd from Rowlett Rd to Kirby Rd to the bridge, medians and designated ROW	$94.00	$2,820.00
21	30	Hickox Rd between Rowlett Rd & Dexham Rd, medians and ROW including easements along back of fences	$94.00	$2,820.00

City Of Rowlett Bid Tabulation Mowing Services Section II, #2012-35
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			VMC Landscape Services	
Item	Qty	**SECTION II**	Unit	Total
22	30	Dexham Rd between Hickox Rd & Lakeview Pkwy, medians and ROW including easements along back of fences include entrance way signs on Dexham and 66.(approx. 1.34 acres)	$70.00	$2,100.00
23	30	Miller Rd at Dalrock Rd median and ROW	$14.00	$420.00
24	30	Princeton Rd. from Liberty Grove Rd to Dalrock Rd, medians North and Southside ROW	$257.00	$7,710.00
25	30	Miller Rd west of railroad track, mow and line trim from street to guard rail (maintaining both sides guard rail free of grass and woody plants)on causeway along bridge (includes levy at south west corner of causeway) . Mow ROW - 25 ft. at bridge	$94.00	$2,820.00
26	30	Lakeview Parkway (State Highway 66) from Antioch Dr to Heritage Pkwy, medians and ROW	$218.00	$6,540.00
27	30	Liberty Grove Rd from Princeton Rd to Chiesa Rd	$70.00	$2,100.00
28	30	Springfield Estates/Rowlett Rd (edging)	$14.00	$420.00
29	30	Behind 3001 & 2913 Suzanne Dr - **Chaha Rd ROW**	$14.00	$420.00
30	30	Intersection of IH 30 and Dalrock Rd East West North and South ramps and trim hedges as required	$468.00	$14,040.00
31	30	Hickox Rd Medians	$94.00	$2,820.00
32	30	Dandridge Rd Medians (both sides) off Princeton Rd and trim hedges as required	$26.00	$780.00
33	30	Dandridge Dr Medians off Chiesa Rd	$14.00	$420.00
34	30	Chiesa Rd medians N. of Hwy 66 / Bobby Ln and alleyway behind 6301 Cheisa Rd and concrete median south of Hwy 66	$94.00	$2,820.00
35	20	North from North entry at Springfield Park along Dexham Rd to Guardrail at Castle Rd. (the west side of ROW)	$14.00	$280.00
36	30	7202 - 7214 Belmount Rd, North wall Belmount Alley	$14.00	$420.00
37	30	7610 to 7100 Dalrock Rd (Pocket Park), weed & trim as required	$70.00	$2,100.00
38	30	Gordon Smith Dr and Hwy 66 by Home depot R.O.W. and median	$14.00	$420.00
39	30	West side of Rowlett Rd. south , inside wall along alley - begin at first house North of Katherine Dr (7600 Rowlett Rd.) to past Glenstone St	$14.00	$420.00
40	30	Across from fire station - 6800 Rowlett Rd - both sides to 6400 Rowlett Rd - detail mow	$14.00	$420.00
41	30	Between entry to Chicken Express and alley S. of Maple Ct	$14.00	$420.00
42	30	ROW front of vacant property N & S of #4 Fire Station (10' out)	$14.00	$420.00
43	30	Fire Station 4 -along N. side (40x306) and along S. side (15x306)	$14.00	$420.00
44	30	3917 Lois Cir (Island)	$14.00	$420.00
45	30	3102 David Dr (Island)	$14.00	$420.00
46	30	Rowlett Rd by bridges at cemetery	$14.00	$420.00
47	30	Dogwood Tr/Rowlett Rd behind wall along Juniper Ct Alley	$14.00	$420.00
48	30	Entry median on Thornhill Way	$14.00	$420.00
49	30	Main St medians & roadside - bed maintenance & mowing (including lot at Commerce St & Main St, clock tower area, and pocket park adjacent to clock tower) from Skyline Dr to Rowlett Rd	$14.00	$420.00
		Grand Total of Section II		**$112,090.00**

Rowlett
TEXAS

MEMO

TO: Brian Funderburk, City Manager

FROM: Allyson Wilson – Purchasing Agent aw

RE: Change Order 1 for Carruthers Landscape Management, Inc.

DATE: April 28, 2014

Please consider approving Change Order #1 in the increased amount of $7,920 to Carruthers Landscape Management, Inc. for Section II mowing services for additional areas on Merritt Road.

On February 18, 2014, the City Council approved Resolution No. 013-14 exercising the second of four one-year renewal options for Section II mowing services to Carruthers Landscape Management, Incorporated in the unit amounts bid and in an estimated annual amount of $104,945 for Section II mowing services.

Original Contract Amount $104,945.00
Change Order 1 increase amount 7,920.00
Revised Contract Sum $112,865.00

Additional location:	**Unit**	**Total**
Merritt Road - 30 occurrences	$ 264	$7,920

Funding for Proposed Change Order #1 in the amount of $7,920 is available in account 101-3542-460-7201 for additional locations on Merritt Road.

Please indicate approval below and return it to me. If you have any questions, please feel free to contact me, Al Krajc, or Keith Flournoy.

4-30-14
Certification of Funds **Date**

5/1/14
City Manager **Date**

CARRUTHERS LANDSCAPE MANAGEMENT, INC.

11593 GOODNIGHT LANE
Dallas, Tx 75229

MAINTENANCE PROPOSAL

April 25, 2014

Property City of Rowlett - Medians
4004 Main Street
Rowlett, TX 75088
Mike Humphries

	TIMES/YEAR	COST	TOTAL
Merrit Rd. Weekly			
Maintenance Visit - 30	30	$264.00	$7,920.00
	Contract Price		$7,920.00

Terms & Conditions Sales tax is not included

By: _____ _____
Carruthers Landscape Management, Inc. Date

Accepted: _____ 5/1/14
City of Rowlett - Medians Date

Mowing Services (Section II) for the City of Rowlett

Agreement for mowing services for the City of Rowlett, Texas and Carruther's Landscape Management extending the contract for Section II mowing services for an additional twelve-month period (renewal period 4 of 4) with a 1% increase to the contract price of $112,865.00 for an annual estimated cost of $113,993.65 for the period of April 5, 2016 through April 4, 2017.

_____ _____

Paul Myers Date
Carruther's Landscape Management, Inc.
11593 Goodnight Lane
Dallas, TX 75229

City of Rowlett

Staff Report

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

AGENDA DATE: 04/05/16 **AGENDA ITEM**: 7F

TITLE

Consider action to approve a resolution awarding the bid for Section IV mowing services to Carruthers Landscape Management, Incorporated in the unit amounts bid in an estimated annual amount of $130,575.00 for the Parks and Recreation Department. This is a one-year contract with four optional one-year renewals.

STAFF REPRESENTATIVE

Angela Smith, Interim Director of Parks and Recreation

SUMMARY

This item is for the mowing of acreage park land properties. The vendor is responsible for the mowing, detailing, and cleanup of the designated property.

BACKGROUND INFORMATION

All options for renewal have been exercised for Section IV Mowing Services so it is necessary to obtain competitive bids for this item once again.

DISCUSSION

The contract period for the proposed award of Section IV mowing services shall begin on approximately April 21, 2016, and end April 20, 2017. The contract will be for one year with four one-year renewal options if both parties are in agreement. Carruthers Landscape Management, Incorporated is the low bidder.

Bids were received from six bidders ranging from $130,575.00 to $274,725.00.

$130,575.00	Carruthers Landscape Management Incorporated
$135,736.60	Design House, LLC
$148,850.00	The Teter Group Inc.
$187,730.00	Good Earth Corporation
$214,625.00	Weldon's Lawn and Tree
$274,725.00	Dyna-Mist Corporation Company

Caruthers Landscape Management Incorporated provided satisfactory service during other Mowing Contracts; therefore, City staff recommends awarding the bid for Section IV mowing services.

FINANCIAL/BUDGET IMPLICATIONS

Funding in the amount of $351,781.00 was approved in the Parks Maintenance Division's FY2016 budget in account 101-5505-6520 (Mowing). Because the contract crosses fiscal years, the amount in excess of the budget can be paid for with FY2017 budget dollars. The required amount

for the full term for Sections II, III, and IV estimated annual amount is $373,924.60. Sections II and III are on the consent agenda for this evening as well. This estimated annual amount could be potentially altered due to weather; however there is sufficient funding within the line item to cover an increase in service if required.

Budget Account Number	Title	Budget Amount	Proposed Amount
1015505-6520	Mowing Section II	$351,781.00	$117,379.60
	Mowing Section III		125,970.00
	Mowing Sections IV		130,575.00
Total		**$351,781.00**	**$373,924.60**

RECOMMENDED ACTION

City staff recommends the City Council adopt a resolution awarding the bid for Section IV mowing services to Carruthers Landscape Management, Incorporated in the unit amounts bid in an estimated annual amount of $130,575.00 for the Parks and Recreation Department. This is a one-year contract with four optional one-year renewals.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, APPROVING A CONTRACT WITH AND AWARDING THE BID OPTION FOR SECTION IV MOWING SERVICES TO CARRUTHERS LANDSCAPE MANAGEMENT, INCORPORATED IN THE UNIT AMOUNS BID IN AN ESTIMATED ANNUAL AMOUNT OF $130,575.00; AUTHORIZING THE ISSUANCE OF PURCHASE ORDERS PURSUANT TO APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is desired to purchase mowing services for Section IV for the City of Rowlett Parks and Recreation Department; and

WHEREAS, sealed competitive bids were obtained by the Purchasing Division as per bid #2016-16; and

WHEREAS, the term of contract will be one year with four one-year renewal options if both parties are in agreement, ; and

WHEREAS, the City Council of the City of Rowlett, Texas desires to award the bid for a one-year contract with four one-year renewal options for Section IV mowing services for the Parks and Recreation Department.

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

Section 1: That the City Council of the City of Rowlett does hereby approve the bid of and authorize a contract for Section IV mowing services to Carruthers Landscape Management, Incorporated in the unit amounts bid and in an estimated

annual amount of $130,575.00 for the Parks and Recreation Department. The contract is for a term of one year with four optional one-year renewals.

Section 2: That the City Manager or designee is hereby authorized to issue purchase orders to conform to this resolution.

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

ATTACHMENT

Attachment 1 – Bid tabulation for Section IV Mowing, #2016-16

City Of Rowlett Bid Tabulation Mowing Services Section IV, #2016-16
4004 Main Street, Rowlett, TX 75088
Purchasing Phone 972-412-6189 Fax 972-412-6144
March 18, 2016

			Carruthers Landscape Mgmt. Inc. Paul Myers 972-620-9560		**Design House LLC** Cqurator Alexander Williams 214-282-9709		**Dyna-Mist Corporation Co.** Randy Plumlee 972-424-5343	
		Addendum No 1 Acknowledged	Y		Y		N	
Item	Qty	**SECTION IV**	Unit	Total	Unit	Total	Unit	Total
1a	30	Pecan Grove Park (I) - 10.33 acres	$270.00	$8,100.00	$287.80	$8,634.00	$864.00	$25,920.00
1b	15	Pecan Grove Park (NI) - 36.33 acres	$570.00	$8,550.00	$886.69	$13,300.35	$1,412.00	$21,180.00
		Total for Pecan Grove Park	$16,650.00		$21,934.35		$47,100.00	
2	30	Herfurth Park - 12.86 acres	$290.00	$8,700.00	$269.29	$8,078.70	$576.00	$17,280.00
3a	30	Community Park (I) - 27 acres	$500.00	$15,000.00	$884.52	$26,535.60	$768.00	$23,040.00
3b	15	Community Park (NI) - 51.72 acres	$790.00	$11,850.00	$828.10	$12,421.50	$1,783.00	$26,745.00
		Total for Community Park	$26,850.00		$38,957.10		$49,785.00	
4a	30	Springfield (I) - 14.15 acres	$320.00	$9,600.00	$325.59	$9,767.70	$800.00	$24,000.00
4b	20	Sprngfield 2 (NI) - 59.515 acres	$900.00	$18,000.00	$800.48	$16,009.60	$2,052.00	$41,040.00
		Total for Springfield Park	$27,600.00		$25,777.30		$65,040.00	
5a	30	Shorewood Park (I) - 3.5 acres	$170.00	$5,100.00	$76.67	$2,300.10	$240.00	$7,200.00
5b	15	Shorewood Park (NI) - 10.67 acres	$200.00	$3,000.00	$95.18	$1,427.70	$368.00	$5,520.00
		Total for Shorewood Park	$8,100.00		$3,727.80		$12,720.00	
6	30	Lakeside Park - 6.36 acres	$320.00	$9,600.00	$225.00	$6,750.00	$480.00	$14,400.00
7	30	Isaac Scruggs Park - 5.05 acres	$150.00	$4,500.00	$69.10	$2,073.00	$320.00	$9,600.00
8	15	Nature Trail - 8.73 acre	$90.00	$1,350.00	$201.00	$3,015.00	$640.00	$9,600.00
9	30	Twin Star Park - 3.98 acres	$175.00	$5,250.00	$152.75	$4,582.50	$192.00	$5,760.00
10	15	Mayors Park - 5.83 acres	$75.00	$1,125.00	$86.05	$1,290.75	$160.00	$2,400.00
11	0	~~R. Arnold Edwards Park~~		$0.00		$0.00		$0.00
12	15	Columbia Park - 2 acres	$125.00	$1,875.00	$67.00	$1,005.00	$96.00	$1,440.00
13	15	Schrade Bluebonnet Park - 4.83 acres	$90.00	$1,350.00	$66.00	$990.00	$192.00	$2,880.00
14	30	Kenwood Park - 2.74 acres	$110.00	$3,300.00	$66.00	$1,980.00	$128.00	$3,840.00

City Of Rowlett Bid Tabulation Mowing Services Section IV, #2016-16
4004 Main Street, Rowlett, TX 75088
Purchasing Phone 972-412-6189 Fax 972-412-6144
March 18, 2016

			Carruthers Landscape Mgmt. Inc.		Design House LLC		Dyna-Mist Corporation Co.	
Item	Qty	**SECTION IV**	Unit	Total	Unit	Total	Unit	Total
15	15	Sunset Park - 7.4 acres	$150.00	$2,250.00	$93.83	$1,407.45	$240.00	$3,600.00
16	15	Environmental Learning Center - 4.39 acres	$125.00	$1,875.00	$101.19	$1,517.85	$256.00	$3,840.00
17	30	Paddle Point Park - 1.15 acres	$30.00	$900.00	$67.00	$2,010.00	$240.00	$7,200.00
18	15	Cedar Bridge Park - 1.95 acres	$70.00	$1,050.00	$67.00	$1,005.00	$96.00	$1,440.00
19	30	Katy Railroad Park 14.68 acres	$275.00	$8,250.00	$321.16	$9,634.80	$560.00	$16,800.00
		Grand Total of Section IV		**$130,575.00**		$135,736.60		$274,725.00

City Of Rowlett Bid Tabulation Mowing Services Section IV, #2016-16
4004 Main Street, Rowlett, TX 75088
Purchasing Phone 972-412-6189 Fax 972-412-6144
March 18, 2016

			Good Earth Corporation Ron Points 214-381-5899		**The Teter Group Inc.** Sharon Teter 972-978-5682		**Weldon's Lawn and Tree** Brandon Weldon 972-979-8902	
		Addendum No 1 Acknowledged	N		Y		Y	
Item	Qty	**SECTION IV**	Unit	Total	Unit	Total	Unit	Total
1a	30	Pecan Grove Park (I) - 10.33 acres	$310.00	$9,300.00	$500.00	$15,000.00	$350.00	$10,500.00
1b	15	Pecan Grove Park (NI) - 36.33 acres	$1,090.00	$16,350.00	$675.00	$10,125.00	$1,100.00	$16,500.00
		Total for Pecan Grove Park	$25,650.00		$25,125.00		$27,000.00	
2	30	Herfurth Park - 12.86 acres	$386.00	$11,580.00	$400.00	$12,000.00	$480.00	$14,400.00
3a	30	Community Park (I) - 27 acres	$810.00	$24,300.00	$800.00	$24,000.00	$945.00	$28,350.00
3b	15	Community Park (NI) - 51.72 acres	$1,552.00	$23,280.00	$675.00	$10,125.00	$1,900.00	$28,500.00
		Total for Community Park	$47,580.00		$34,125.00		$56,850.00	
4a	30	Springfield (I) - 14.15 acres	$425.00	$12,750.00	$600.00	$18,000.00	$520.00	$15,600.00
4b	20	Sprngfield 2 (NI) - 59.515 acres	$1,786.00	$35,720.00	$700.00	$14,000.00	$1,825.00	$36,500.00
		Total for Springfield Park	$48,470.00		$32,000.00		$52,100.00	
5a	30	Shorewood Park (I) - 3.5 acres	$105.00	$3,150.00	$92.00	$2,760.00	$125.00	$3,750.00
5b	15	Shorewood Park (NI) - 10.67 acres	$321.00	$4,815.00	$235.00	$3,525.00	$340.00	$5,100.00
		Total for Shorewood Park	$7,965.00		$6,285.00		$8,850.00	
6	30	Lakeside Park - 6.36 acres	$191.00	$5,730.00	$242.00	$7,260.00	$265.00	$7,950.00
7	30	Isaac Scruggs Park - 5.05 acres	$152.00	$4,560.00	$106.00	$3,180.00	$200.00	$6,000.00
8	15	Nature Trail - 8.73 acre	$262.00	$3,930.00	$163.00	$2,445.00	$330.00	$4,950.00
9	30	Twin Star Park - 3.98 acres	$120.00	$3,600.00	$160.00	$4,800.00	$150.00	$4,500.00
10	15	Mayors Park - 5.83 acres	$175.00	$2,625.00	$140.00	$2,100.00	$215.00	$3,225.00
11	0	~~R. Arnold Edwards Park~~		$0.00		$0.00		$0.00
12	15	Columbia Park - 2 acres	$60.00	$900.00	$67.00	$1,005.00	$85.00	$1,275.00
13	15	Schrade Bluebonnet Park - 4.83 acres	$145.00	$2,175.00	$100.00	$1,500.00	$165.00	$2,475.00
14	30	Kenwood Park - 2.74 acres	$83.00	$2,490.00	$70.00	$2,100.00	$85.00	$2,550.00

City Of Rowlett Bid Tabulation Mowing Services Section IV, #2016-16
4004 Main Street, Rowlett, TX 75088
Purchasing Phone 972-412-6189 Fax 972-412-6144
March 18, 2016

			Good Earth Corporation		The Teter Group Inc.		Weldon's Lawn and Tree	
Item	Qty	**SECTION IV**	Unit	Total	Unit	Total	Unit	Total
15	15	Sunset Park - 7.4 acres	$222.00	$3,330.00	$111.00	$1,665.00	$240.00	$3,600.00
16	15	Environmental Learning Center - 4.39 acres	$132.00	$1,980.00	$119.00	$1,785.00	$145.00	$2,175.00
17	30	Paddle Point Park - 1.15 acres	$35.00	$1,050.00	$37.00	$1,110.00	$40.00	$1,200.00
18	15	Cedar Bridge Park - 1.95 acres	$59.00	$885.00	$67.00	$1,005.00	$75.00	$1,125.00
19	30	Katy Railroad Park 14.68 acres	$441.00	$13,230.00	$312.00	$9,360.00	$480.00	$14,400.00
		Grand Total of Section IV		$187,730.00		$148,850.00		$214,625.00

City of Rowlett

Staff Report

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

AGENDA DATE: 04/05/16 **AGENDA ITEM**: 7G

TITLE

Consider a resolution approving and authorizing the Mayor to sign a dedication deed on behalf of the City of Rowlett and approving the final acceptance of an offsite utility easement associated with the Evergreen at Rowlett Addition. The subject easement is on a .403 ± acre portion of land located within R. Arnolds Edwards Park, further described as Lot 1, Block 1 of the Rowlett City Park Addition.

STAFF REPRESENTATIVE

Erin Jones, Senior Planner

SUMMARY

When the development review process for the Evergreen at Rowlett project begin last year, it was understood by City staff that an additional sewer line would be needed to supply the development with sanitary sewer service. After meeting with Public Works, Engineering, and Parks staff it was determined that the most direct route for the required sewer line would be through the City owned park property adjacent to the Evergreen site (location map – Attachment 1). To that end, the applicant, Churchill Residential, Inc., prepared the subject easement document (Exhibit A). The purpose of this item is for the City Council to authorize the Mayor to sign a dedication deed on behalf of the City and formally accept the public easement prior to it being filed with Dallas County.

BACKGROUND INFORMATION

A sampling of Churchill's properties, including the Evergreen in Mesquite, Rockwall, and Plano, can be viewed at the following link: http://www.churchillresidential.com/locations.aspx. Evergreen at Rowlett is proposed to be a 138 unit, age-restricted (55+), subsidized, independent senior housing community. The proposed complex will be 100% income restricted and funded through the TDHCA 2015 funding cycle.

The City Council approved the zoning for the project in June 2015 and approved a revision pertaining to building materials in February 2016. Prior to approving the zoning they also approved three key resolutions in February 2015 indicating support of the project for the competitive TDHCA funding process. Following approval from TDHCA in July 2015, Churchill has been working through the development process including preliminary plat, development plans (site, landscape and façade), civil engineering plans, final plat and final construction plans. At this time, all plans are considered substantially conforming and are either approved or pending approval. The acceptance of the subject easement is one of the last steps needed before releasing the project for construction.

DISCUSSION

While the Evergreen project itself only requires a sanitary sewer easement, City staff requested that the easement be entitled “utility easement” in order to accommodate additional services in the future as may be needed. An easement can be filed by plat or by separate instrument. Since this easement is offsite and on City-owned property, a separate instrument document is the preferred method of approval. In addition, since the easement is located on City-owned property, the City is technically both the “grantee” and “grantor”, so a dedication deed is required prior to filing the easement. The easement documents were reviewed by David Berman, City Attorney, and no additional revisions were suggested at this time.

FINANCIAL/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

Staff recommends approval of this item.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, APPROVING AND ACCEPTING AN OFFSITE UTILITY EASEMENT ASSOCIATED WITH THE EVERGREEN AT ROWLETT ADDITION; AUTHORIZING THE MAYOR TO EXECUTE A DEDICATION DEED IN THE FORM ATTACHED HEREIN AS EXHIBIT A ON THE CITY’S BEHALF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City staff required the easement included in Exhibit A to facilitate organized growth, and

WHEREAS, upon considering City staff's recommendation of acceptance and approval, and the City Council knows of no reason why the subject easement should not be approved at this time, the City Council is of the opinion and finds that the terms and conditions thereof should be approved, a utility easement should be dedicated, and the Mayor should be authorized to sign the easement documents on behalf of the City of Rowlett, Texas.

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

Section 1: That the City of Rowlett hereby approves and accepts the offsite utility easement associated with the Evergreen at Rowlett Addition, approves the dedication of a utility easement shown in Exhibit A, and authorizes the Mayor to sign the dedication deed, attached hereto as Exhibit A, on behalf of the City of Rowlett.

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

ATTACHMENTS

Exhibit A – Easement Document
Attachment 1 – Location Map

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

UTILITY EASEMENT DEDICATION DEED

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

THAT The City of Rowlett, Texas (hereinafter referred to as "GRANTOR," in consideration of the sum of Ten and no/100 Dollars ($10.00), and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby GRANT and CONVEY to the public use, and public and private utilities, their affiliates, subsidiaries, successors, and assignees, (hereinafter collectively referred to as "GRANTEE"), for use by public and private utilities and GRANTEE, its employees, agents, contractors, an easement and license over, upon, under, and across the easement area (described hereinbelow as the "Premises") on a permanent basis for ingress and egress to and from the Premises as described in Exhibit "A," attached hereto and incorporated herein, for the purposes hereinafter set forth, across GRANTOR'S tract of land located in Dallas County, Texas, (hereinafter called "the Property"), and described as follows, to wit:

See Survey and Field Notes that are attached as Exhibit "A"

This Easement does not constitute a conveyance of the Property, nor of the minerals therein and thereunder, but grants only an easement and license subject to the following:

(a) This Easement is granted for the purposes of the installation, construction, reconstruction, operation, alteration, improvement, and maintenance of public water, sanitary sewer and storm sewer lines, facilities and appurtenances, together with all incidental improvements (the "Facilities") in, upon, under and across the Premises, together with the right and privilege to enter upon the Property, subject to GRANTOR'S ordinances, local laws, and regulations, for the purpose of installing, constructing, reconstructing, operating, altering, relocating and maintaining the Facilities and for making connections therewith. GRANTEE shall not have the right to remove stone, earth, gravel, caliche or any part of the mineral estate, which is herein reserved to GRANTOR, which may be excavated in the opening, installation, construction, or maintenance of the said Facilities.

(b) GRANTOR, its successors and assigns, shall have the right to use the surface of the Easement herein granted insofar as such use does not, in the reasonable judgment of the GRANTEE, impair, interfere with or obstruct the use of the Easement by GRANTEE, or its successors assigns, and utility companies providing service.

(c) The easement and license granted herein is subject to all subsisting oil, gas, sulfur, and mineral leases and estates, unitization agreements, deeds, easements, rights-of-way, restrictive covenants, mineral and royalty grants and reservations, or other instruments now of record which affect the easement.

(d) NOTWITHSTANDING ANY PROVISION OF THIS EASEMENT TO THE CONTRARY, IN NO EVENT SHALL GRANTOR BE LIABLE TO GRANTEE FOR ANY DAMAGES, WHETHER DIRECT, SPECIAL, INCIDENTAL, INDIRECT, PUNITIVE, RELIANCE OR CONSEQUENTIAL, WHETHER FORESEEABLE OR NOT, INCLUDING, BUT NOT LIMITED TO, LOSS OF PROFITS OR REVENUE, COST OF CAPITAL, COST OF REPLACEMENT SERVICES, OR CLAIMS OF ANY OTHER THIRD PARTIES, OCCASIONED BY ANY CAUSE WHATSOEVER, INCLUDING, WITHOUT LIMITATION, BREACH OF CONTRACT, BREACH OF WARRANTY, NEGLIGENCE OR STRICT LIABILITY, AS THE LAW MAY PROVIDE.

(e) GRANTEE and utility companies utilizing this easement and license hereby agree to save and hold harmless GRANTOR from and against any and all claims, demands, or causes of action of whatever nature, asserted by others which are caused by or arise in any manner out of acts or omissions of GRANTEE, its employees, or any other persons acting under its control, in the use and occupancy of the Easement herein granted.

TO HAVE AND TO HOLD the above described Easement, together with all and singular the rights and appurtenances thereto belonging, unto GRANTEE, its successors and assigns, forever, and GRANTOR does hereby bind itself, and its heirs and assigns, to warrant and forever defend all and singular the Easement unto GRANTEE and its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

SIGNED this _____ day of _____, 2016.

GRANTOR:

CITY OF ROWLETT, TEXAS

By: _____
Todd W. Gottel, Mayor

ACKNOWLEDGEMENT

THE STATE OF TEXAS §
§
COUNTY OF DALLAS §

This instrument was acknowledged before me, the undersigned authority, by Todd W. Gottel, Mayor, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and in the capacity therein stated.

Given under my hand and seal of office, this the ___ day of _____, 20___.

_____
Commission Expires: _____ Notary Public in and for the State of Texas

AFTER RECORDING, RETURN TO:

City of Rowlett, Texas
4000 Main Street
Rowlett, TX 75088
ATTN: Director, Public Works

EXHIBIT "A"

LEGAL LAND DESCRIPTION

PUBLIC UTILITY EASEMENT

BEING a portion of that certain tract of land in the John M. Thomas Survey, Abstract No. 1478, City of Rowlett, Dallas County, Texas, described in a deed to City of Rowlett (known as R. Arnold Park) (hereinafter referred to as City of Rowlett tract), as recorded in Volume 2003015, Page 1864, Deed Records, Dallas County, Texas (D.R.D.C.T.) and and being more particularly described, by metes and bounds, as follows:

COMMENCING at a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for the Southwest corner of said City of Rowlett tract, same being the Southeast corner of the remaining portion of that certain tract of land described in a Warranty Deed to Garland General Agency, Inc. (hereinafter referred to as Garland General Agency tract), as recorded in Volume 89144, Page 1353, D.R.D.C.T., same also being the North line of that certain tract of land described in a deed to Joy Coyle Richards and Jerry Coyle Richards (hereinafter referred to as Richards tract), as recorded in Volume 88057, Page 3617, D.R.D.C.T.;

THENCE North 11 degrees 49 minutes 48 seconds West, departing the North line of said Richards tract and with the common line between said City of Rowlett tract and said Garland General Agency tract, a distance of 326.85 feet to the **PLACE OF BEGINNING**;

THENCE North 11 degrees 49 minutes 48 seconds West continue with the common line between said City of Rowlett tract and said Garland General Agency tract, a distance of 18.28 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found;

THENCE North 11 degrees 49 minutes 48 seconds West continue with the common line between said City of Rowlett tract and said Garland General Agency tract, a distance of 504.09 feet;

THENCE crossing said City of Rowlett tract for the following **4** courses:

1. North 44 degrees 19 minutes 34 seconds East, departing the Easterly line of said Garland General Agency tract, a distance of 314.33 feet;
2. North 14 degrees 34 minutes 10 seconds East, a distance of 153.99 feet;
3. North 00 degrees 00 minutes 00 seconds East, a distance of 122.01 feet;
4. North 39 degrees 10 minutes 00 seconds West, a distance of 54.13 feet to the Northwest line of said City of Rowlett tract, same being the existing Southeasterly right-of-way line (terminus line) of that certain tract of land described as Azalea Drive (50' right-of-way), as recorded in Volume 85101, Page 2480, Map Records, Dallas County, Texas;

THENCE North 44 degrees 19 minutes 34 seconds East with the common line between said City of Rowlett tract and the terminus line of said Azalea Drive, a distance of 15.10 feet;

THENCE crossing said City of Rowlett tract for the following **6** courses:

1. South 39 degrees 10 minutes 00 seconds East, departing the terminus line of said Azalea Drive, a distance of 61.17 feet;
2. South 00 degrees 00 minutes 00 seconds West, a distance of 129.27 feet;
3. South 14 degrees 34 minutes 10 seconds West, a distance of 159.90 feet;
4. South 44 degrees 19 minutes 34 seconds West, a distance of 310.31 feet;
5. South 11 degrees 49 minutes 48 seconds East, a distance of 511.49 feet;
6. South 67 degrees 18 minutes 58 seconds West, a distance of 15.27 feet to the **PLACE OF BEGINNING.**

BANNISTER ENGINEERING
240 North Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax
TBPLS REGISTRATION NO. 10193823

EXHIBIT A

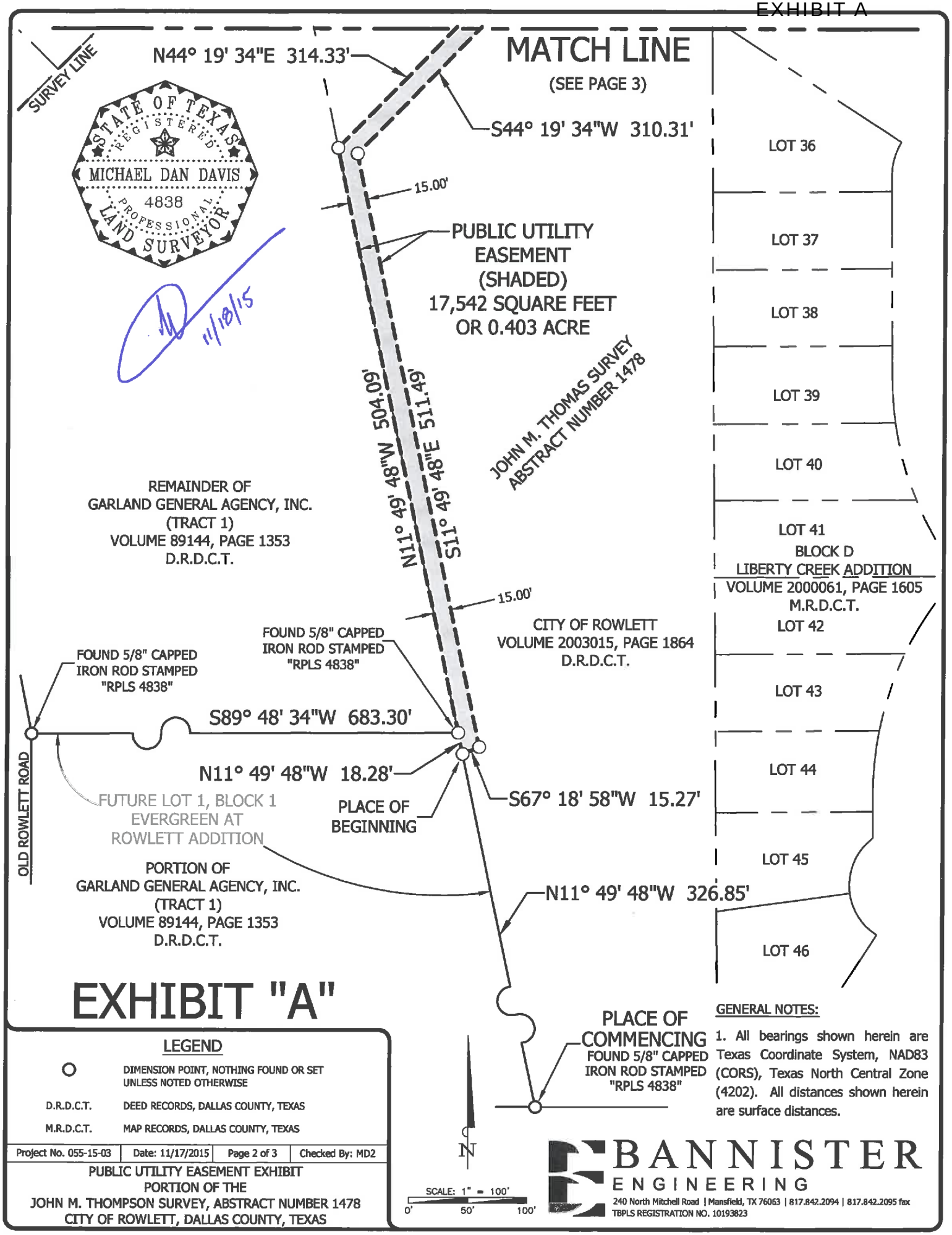


EXHIBIT "A"

LEGEND

○	DIMENSION POINT, NOTHING FOUND OR SET UNLESS NOTED OTHERWISE
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS

Project No. 055-15-03	Date: 11/17/2015	Page 2 of 3	Checked By: MD2

PUBLIC UTILITY EASEMENT EXHIBIT
PORTION OF THE
JOHN M. THOMPSON SURVEY, ABSTRACT NUMBER 1478
CITY OF ROWLETT, DALLAS COUNTY, TEXAS

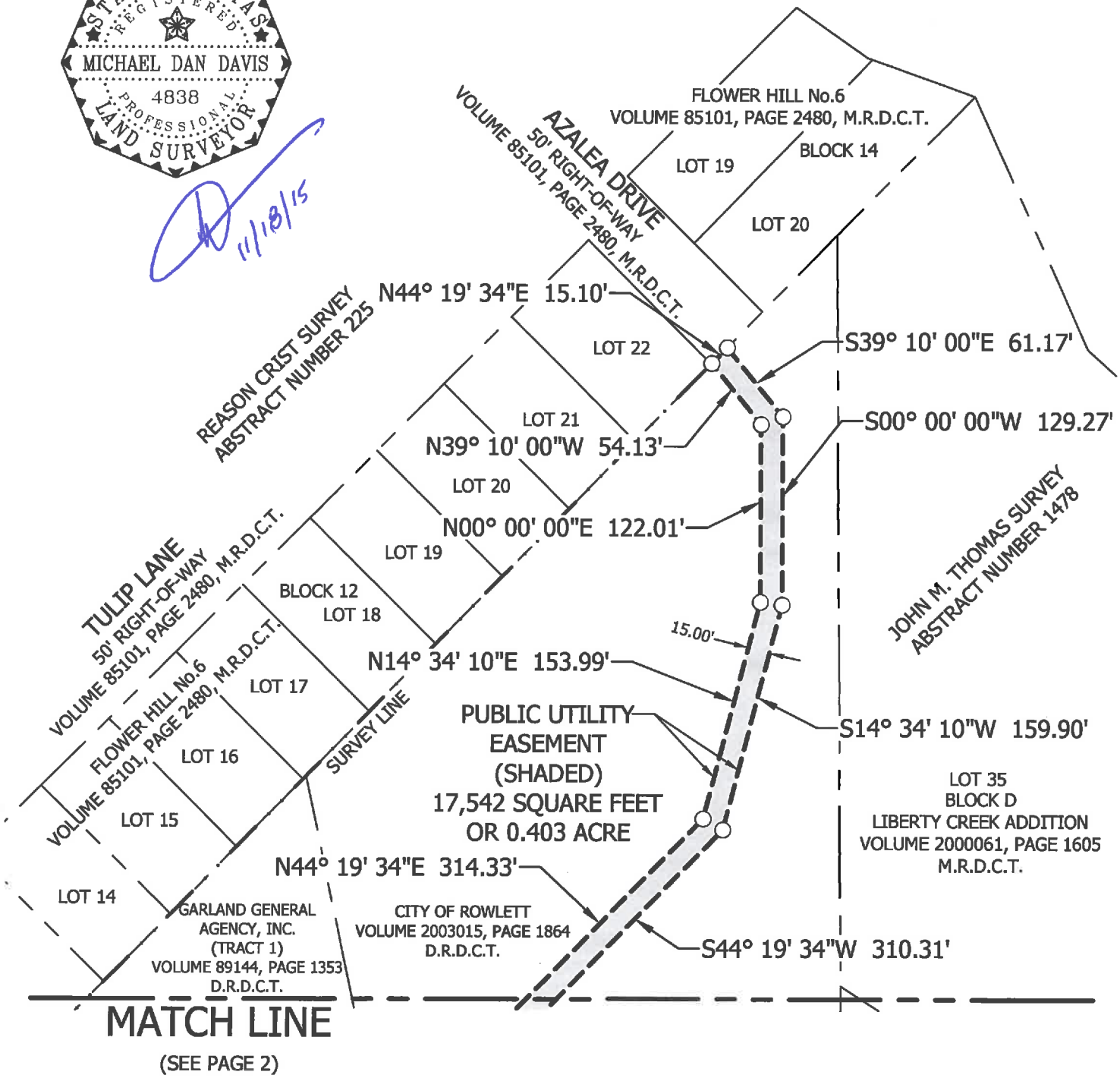
GENERAL NOTES:

1. All bearings shown herein are Texas Coordinate System, NAD83 (CORS), Texas North Central Zone (4202). All distances shown herein are surface distances.

EXHIBIT "A"

STATE OF TEXAS
REGISTERED
MICHAEL DAN DAVIS
4838
PROFESSIONAL
LAND SURVEYOR

11/18/15



GENERAL NOTES:

1. All bearings shown herein are Texas Coordinate System, NAD83 (CORS), Texas North Central Zone (4202). All distances shown herein are surface distances.

N

SCALE: 1" = 100'
0' 50' 100'

Project No. 055-15-03	Date: 11/17/2015	Page 3 of 3	Checked By: MD2

PUBLIC UTILITY EASEMENT EXHIBIT
PORTION OF THE
JOHN M. THOMPSON SURVEY, ABSTRACT NUMBER 1478
CITY OF ROWLETT, DALLAS COUNTY, TEXAS

BANNISTER
ENGINEERING
240 North Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax
TBPLS REGISTRATION NO. 10193823

Location Map

City of Rowlett

Staff Report

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

AGENDA DATE: 04/05/2016 **AGENDA ITEM**: 7H

TITLE

Consider a resolution approving a Facilities Agreement between the City of Rowlett, Texas and Evergreen Rowlett Senior Community, L.P., for the construction of offsite water line improvements.

STAFF REPRESENTATIVE

Marc Kurbansade, AICP, Director of Development Services

SUMMARY

Evergreen at Rowlett is proposed to be a 138 unit, age-restricted (55+), subsidized, independent senior housing community. The proposed complex will be 100% income restricted and funded through the TDHCA 2015 funding cycle. A sampling of the applicant's (Churchill Residential) Evergreen properties, including the Evergreen in Mesquite, Rockwall, and Plano, can be viewed at the following link: http://www.churchillresidential.com/locations.aspx.

The City Council approved the zoning for the project in June 2015 and approved a revision pertaining to building materials in February 2016. Prior to approving the zoning, they also approved three key resolutions in February 2015 indicating support of the project for the competitive TDHCA funding process. Following approval from TDHCA in July 2015, the developer has been working through the development process including preliminary plat, development plans (site, landscape and façade), civil engineering plans, final plat and final construction plans. At this time, all plans are considered substantially conforming and are either approved or pending approval.

Throughout the development process it was determined that in order to achieve adequate water pressure for the project a water line extension would be necessary. It was also determined that to adequately address future development needs a portion of the water line should be upsized. To that end, staff is supportive of a facilities agreement that will compensate Evergreen Rowlett Senior Community, L.P. for the additional costs incurred in the construction of the water line improvements beyond that which is roughly proportionate to their project.

BACKGROUND INFORMATION

As previously mentioned, it is necessary for the developer to make offsite water line improvements in order to achieve adequate water pressure for the project. It was also determined that to address future development needs in the area a portion of the water line along Old Rowlett Road should be upsized from 8 inches to 12 inches (see highlighted line in Attachment 1). To that end, this facilities agreement (Exhibit A) seeks to compensate Evergreen Rowlett Senior Community, L.P.

for the additional costs incurred in the construction of the water line improvements beyond that which is roughly proportionate to their project. This equates to approximately $37,380.

DISCUSSION

While there are other water lines available in the area, none of them will provide adequate pressure to accommodate a four story apartment complex. This is related to the upper pressure plane improvements that are currently being planned. For that reason it is necessary for the developer to install a water line from Old Rowlett Road to the 16 inch line in Rowlett Road. While the existing 8 inch line in Old Rowlett Road paired with the connection to 16 inch line in Rowlett Road would be adequate for the proposed development, it will not be adequate for future development. To that end, City staff has asked the developer to upsize the 8 inch line to a 12 inch line and is proposing this facilities agreement in order to reimburse them for the cost above and beyond that which is roughly proportionate to their project.

FINANCIAL/BUDGET IMPLICATIONS

The cost estimate included in Attachment 2 is based on preliminary schematics, not final construction plans and is subject to change. However, per the agreement, the City's portion of the project will not exceed $37,380 without Council's approval. It has been confirmed that the amount is available to be paid out of the City's Cash CIP fund, under project code WA 1108 for miscellaneous water line repairs and replacement.

RECOMMENDED ACTION

Staff recommends that the Council approve the facilities agreement as outlined in this report and included as Exhibit A.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, APPROVING A FACILITIES AGREEMENT BETWEEN THE CITY OF ROWLETT, TEXAS AND EVERGREEN ROWLETT SENIOR COMMUNITY, L.P., FOR THE CONSTRUCTION OF OFFSITE WATER LINE IMPROVEMENTS AS OUTLINED IN EXHIBIT A; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON THE CITY'S BEHALF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the upsizing of a water line along Old Rowlett Road is needed to promote and encourage proper development of the adjacent tracts of land; and

WHEREAS, the developer, Evergreen Rowlett Senior Community, L.P., and the City both desire to provide adequate water pressure to the subject project and future development;

WHEREAS, the City and Evergreen Rowlett Senior Community, L.P. have agreed to share the costs of the water line improvements whereby the City will reimburse the property owner for those costs that exceed the costs otherwise attributable to the property owner's portion of the project; and

WHEREAS, the City Council desires to approve an agreement with Evergreen Rowlett Senior Community, L.P., whereby the City shall be responsible for the payment of the additional costs associated with the water line improvement project over and above the costs attributable to the property owner, and the Council finds and determines that the agreement is in the best interest of the public health, safety and welfare.

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

Section 1: That the City Council of the City of Rowlett, Texas, hereby approves the Facilities Agreement by and between the City and Evergreen Rowlett Senior Community, L.P., a copy of which is attached hereto and incorporated herein as Exhibit "A."

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

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

ATTACHMENTS

Exhibit A – Facilities Agreement
Attachment 1 – Highlighted Water line
Attachment 2 – Cost Estimate

STATE OF TEXAS	§	
	§	
	§	**FACILITIES AGREEMENT**
	§	
COUNTY OF DALLAS	§	

This Facilities Agreement (this "Agreement") is made by and between the City of Rowlett, Texas, a Home Rule municipality (the "City"), by and through its authorized representative, and Evergreen Rowlett Senior Community, L.P. (hereinafter, "Developer"), by and through its authorized representative to be effective on___, 2016 (the "Effective Date"). The City and the Developer are each a referred to herein as a "Party" and are collectively referred to herein as the "Parties."

RECITALS

WHEREAS, the Developer owns certain real property (the "Property") in Rowlett, Texas, situated in Dallas County, consisting of approximately 5.50 acres, which is more particularly described as Lot 1, Block 1 of the Evergreen at Rowlett Addition as illustrated in Exhibit A;

WHEREAS, the City has approved plans to allow the Property to be developed as a senior living apartment complex in accordance with the site plan approved by the Planning and Zoning Commission on October 27, 2015 (the "Project");

WHEREAS, the extension and upsizing of water lines is necessary to adequately serve both the Project and future development in the area.

WHEREAS, the City contemplates that future growth around and near the Property will continue to occur over time and, the extension and upsizing of the water lines improves the Property's and surrounding properties' development potential by providing adequate water service and water pressure to accommodate existing and future growth, the City finds and determines that it would be in the best interest of the public health, safety and welfare, to partner with the Developer to construct the water lines associated with the Project.

WHEREAS, the City proposes that the Developer will construct and install the water lines, as depicted on Exhibit B.

NOW THEREFORE, for and in consideration of the mutual covenants of the Parties set forth in this Agreement, and for other good and valuable consideration the receipt and adequacy of which are acknowledged and agreed by the Parties, the City and the Developer agree as follows:

1. Recitals. The recitals contained in this Agreement: (a) are true and correct as of the Effective Date; (b) form the basis upon which the Parties negotiated and entered into this Agreement; (c) are legislative findings of the City Council, and (d) reflect the

final intent of the Parties with regard to the subject matter of this Agreement. In the event it becomes necessary to interpret any provision of this Agreement, the intent of the Parties, as evidenced by the recitals, shall be taken into consideration and, to the maximum extent possible, given full effect. The Parties have relied upon the recitals as part of the consideration for entering into this Agreement and, but for the intent of the Parties reflected by the recitals, would not have entered into this Agreement.

2. Water Line Improvements. The improvements that are subject to this Agreement are outlined in Exhibit B.

3. Water Line Improvements. The Developer will design, install, and construct the off-site water line improvements in their entirety, and shall bear all costs of design and construction. The design and construction of the improvements will be in accordance with applicable ordinances, regulations and construction standards and details of the City at the time of the execution of this Agreement. The Developer shall require its contractor performing the improvements to provide to the City a maintenance bond covering all improvements for a period of two (2) years from the date of final acceptance of such improvements by the City. Thereafter, the City shall be responsible for maintenance of the water line improvements. The Developer or its contractor shall furnish and provide a Performance Bond for the facilities that are the subject of this Agreement, guarantying full and faithful performance of the contract by the general contractor. The sureties on such bonds shall be sureties authorized to conduct business in the State of Texas.

4. Term. The Developer shall commence construction no later than September 5, 2016, and shall complete the improvements within five months after the commencement of said construction.

5. Reimbursement. The City shall reimburse the Developer a maximum amount not to exceed $37,380.00 without approval of a modified facilities agreement, which is intended to be compensation for the additional costs incurred in the construction of the water line improvements beyond that which is roughly proportionate to accommodate the Project. City shall reimburse the Developer within 60 days of the acceptance of all infrastructure related to the Project, including but not limited to the water line improvements. Landscaping is excluded from this requirement and shall be installed prior to the issuance of the Certificate of Occupancy. To be entitled to reimbursement, the Developer shall furnish the City with contracts, invoices, charges, proof of payment and such other documents as may be reasonably required by the City to verify construction costs and payment for all work.

6. Default. (a) In the event that either Party fails to comply with any of the provisions of this Agreement, and such failure continues for a period of thirty (30) days after the non-performing Party delivers notice thereof to the other Party, (or if such failure cannot reasonably cured within such 30 days, and the non-performing Party does not commence to cure same within such 30 days and diligently pursue such cure until completion), the non-performing Party may pursue such remedies as may be available to compel performance.

(b) Should the Developer default in its performance under this agreement, the City may, in addition to any other remedies at law or in equity, refuse to issue building permits, may revoke previously-issued permits, or may refuse to issue a certificate of occupancy for the Development until such default is cured, and/or seek specific performance of this Agreement.

(c) Notwithstanding anything contained within this section or this Agreement to the contrary, the parties agree that the City does not and shall not be deemed to waive its defenses or immunities, whether sovereign, governmental, official, qualified or otherwise, from suit or liability, by entering into and performing its obligations under this Agreement.

7. Notice. Any notice to be given or to be served upon a Party hereto in connection with this Agreement must be writing and shall be given by certified or registered mail or by hand delivery and shall be deemed to have been given and received when a certified or registered letter containing such notice, properly addressed with postage prepaid, is deposited in the United States mail, or if given by hand delivery, it shall be deemed to have been given when delivered to the Party (or such Party's agent or representative) to whom it is addressed. Such notice shall be given to the Parties hereto at the address set forth below. Any Party hereto may, at any time by giving two (2) days written notice to the other Parties, designate any other address in substitution of the foregoing address to which such notice shall be given.

If to Developer:

Brad Forslund
Authorized Representative
Evergreen Rowlett Senior Community, L.P.
5605 N. MacArthur Blvd. #580
Irving, TX 75038

If to City:

City Manager
City of Rowlett
4000 Main Street
P.O. Box 99
Rowlett, Texas 75030-0099

8. Condition Subsequent. If the Developer or its designee has not been granted final acceptance of the Project infrastructure including the water line improvements within nine (9) months after the Effective Date, the City has the option to terminate this Agreement upon thirty (30) days prior written notice to the Developer if the Developer or its designee does not complete said improvements within such 30-day notice period.

Assignment of Agreement. This Agreement shall not be assigned by either Party without the

other Party's prior written consent, except that this Agreement may be assigned to an affiliated entity of the Developer (defined as a parent or subsidiary company or an entity which owns at least a controlling interest in Developer) or a subsequent owner of the Property without the City's consent following delivery of written notice of the assignment to the City.

9. Venue. This Agreement shall be construed under and in accordance with the laws of the State of Texas and is specifically performable in Dallas County, Texas. Exclusive venue shall be in state district court in Dallas County, Texas.

10. Savings/Severability. If any provision of this Agreement is determined by a court of competent jurisdiction to be unenforceable for any reason, then (a) such unenforceable provision shall be deleted from this Agreement; (b) the unenforceable provision shall, to the extent possible, be rewritten to be enforceable and to give effect to the intent of the Parties; and (c) the remainder of this Agreement shall remain in full force and effect and shall be interpreted to give effect to the intent of the Parties.

11. Authority. Each of the Parties represents and warrants to the other that they have the full power and authority to enter into and fulfill the obligations of this Agreement.

12. Entire Agreement. This Agreement contains the entire agreement of the Parties with respect to the matters contained herein and may not be modified or terminated except upon the provisions hereof or by the mutual written agreement of the Parties to this Agreement. This Agreement is not intended to and shall not be construed as any form of development approval, grant agreement, or waiver of fees of any kind.

13. Counterparts. This Agreement may be executed in a number of identical counterparts, each of which will be deemed an original for all purposes.

14. Miscellaneous Drafting Provisions. This Agreement shall be deemed drafted equally by all Parties hereto. The language of all parts of this Agreement shall be construed as a whole according to its fair meaning, and any presumption or principle that the language herein is to be construed against any Party shall not apply. Headings in this Agreement are for the convenience of the Parties and are not intended to be used in construing this document.

15. Non Waiver. Any failure by a Party to insist upon strict performance by another Party of any material provision of this Agreement shall not be deemed a waiver thereof, and the Party shall have the right at any time thereafter to insist upon strict performance of any and all provisions of this Agreement. No provision of this Agreement may be waived except by writing signed by the Party waiving such provision. Any waiver shall be limited to the specific purposes for which it is given. No waiver by any Party of any term or condition of this Agreement shall be deemed or construed to be a waiver of any other term or condition or subsequent waiver of the same term or condition.

16. Binding Effect. This Agreement will be binding upon and inure to the benefit of the Parties hereto and their respective heirs, executors, administrators, legal representatives, successors and authorized assigns.

17. Exhibits. All exhibits are attached hereto and incorporated herein for all purposes.

SIGNED this_____day of_____, 2016.

CITY OF ROWLETT, TEXAS

By: _____
Todd W. Gottel, Mayor

ATTEST:

By: _____
City Secretary

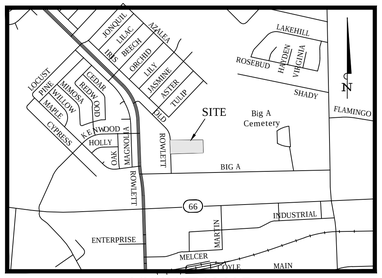
SIGNED this_____day of_____, 2016.

EVERGREEN ROWLETT SENIOR COMMUNITY, L.P.

By: _____
Brad Forslund, Authorized Representative

ATTEST:

By: _____



VICINITY MAP
NOT TO SCALE
ROWLETT, TEXAS

LEGEND

N NORTH/NORTHING
S SOUTH
E EAST/EASTING
W WEST
° DEGREES
' MINUTES/FEET
" SECONDS/INCHES

D.R.D.C.T.
DEED RECORDS
DALLAS COUNTY, TEXAS

M.R.D.C.T.
MAP RECORDS
DALLAS COUNTY, TEXAS

EASEMENT STANDARD LANGUAGE NOTES:

ACCESS EASEMENT

The undersigned does covenant and agree that the access easement may be utilized by and person or the general public for ingress and egress to other real property, and for the purpose of General Public vehicular and pedestrian use access, and for Fire Department and emergency use, in, along, upon, and across said premises, with the right and privilege at all times of the City of Rowlett, its agents, employees, workmen, and representatives having ingress, egress in, along, upon, and across said premises.

FIRE LANE EASEMENT

That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstructions, including but not limited to the parking of motor vehicles, trailers, boats, or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking." The police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for Fire Department and emergency use.

SURVEYOR'S CERTIFICATION

STATE OF TEXAS §

COUNTY OF TARRANT §

That I, Michael Dan Davis, Registered Professional Land Surveyor Number 4838 for the State of Texas, do hereby certify, that I prepared this plat, an actual survey on the ground survey of land described, and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the City of Rowlett Planning and Zoning Commission.

PRELIMINARY

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED AS A FINAL SURVEY DOCUMENT

Michael Dan Davis DATE:
Registered Professional Land Surveyor No. 4838
BANNISTER ENGINEERING, LLC
T.B.P.L.S. REGISTRATION NO. 10193823
240 N. MITCHELL ROAD
MANSFIELD, TEXAS 76063
Office (817) 842-2094

STATE OF TEXAS §

COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, a notary public in and for said County and State, on this day appeared personally Michael Dan Davis, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he has executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 2016.

_____

Notary Public in and for the State of Texas

My Commission Expires: _____

GENERAL NOTES:

1. According to surveyor's interpretation of information shown on the National Flood Insurance Program (NFIP) "Flood Insurance Rate Map" (FIRM), Community Panel No. 48113C0240K, dated July 7, 2014. The property appears to lie within Zone "X" and the entire property lies within a "Areas determined to be outside the 0.2% annual chance floodplain" zone as defined by the U.S. Department of Housing and Urban Development, Federal Insurance Administration, or the Federal Emergency Management Agency.

2. The above referenced "FIRM" map is for use in administering the "NFIP"; it does not necessarily show all areas subject to flooding, particularly from local sources of small size, which could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. There may be other streams, creeks, low areas, drainage systems or other surface or subsurface conditions existing on or near the subject property which are not studied or addressed as a part of the "NFIP".

3. All iron rods set (IRS) are 5/8-inch with a plastic cap stamped "RPLS 4838".

4. All coordinates and bearings shown herein are based on the City of Rowlett control system:

City of Rowlett Monument No. C-3: being a Berntsen top security monument with access cover located in the center line of the median of Lakeview Parkway 275'+/- West of Shoreline Drive.

Elevation = 485.73'

City of Rowlett Monument No. C-1: being a Berntsen top security monument with access cover located in the centerline of Lakeview Parkway, 300'+/- West of the centerline of Dexham Road.

Elevation = 485.39'

OWNER'S CERTIFICATE:

STATE OF TEXAS §

COUNTY OF DALLAS §

WHEREAS, Garland General Agency, Inc. is the sole owner of a 5.50 acres (239,580 square feet) of land located in the John M. Thomas Survey, Abstract Number 1478, City of Rowlett, Dallas County, Texas and being a portion of that certain tract of land described in a deed to Garland General Agency, Inc. (hereinafter referred to as Garland tract), as recorded in Volume 89144, Page 1353, Deed Records, Dallas County, Texas (D.R.D.C.T.), said 5.50 acres (239,580 square feet) of land being more particularly describe, by metes and bounds, as follows:

BEGINNING at a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the Southwest corner of said Garland tract, same being the Northwest corner of that certain tract of land described in a deed to Joy Coyle Richards and Jerry Coyle Richards (hereinafter referred to as Richards tract), as recorded in Volume 88057, Page 3617, D.R.D.C.T., same being in the existing East right-of-way line of Old Rowlett Road (60' Right-of-way), according to the deed thereof recorded in Volume 2124, page 369, D.R.D.C.T;

THENCE North 00 degrees 03 minutes 08 seconds East with the common line between said Garland tract and the existing East right-of-way line of said Old Rowlett Road, a distance of 298.59 feet to a five-eighths inch iron rod found for an angle point:

THENCE North 15 degrees 08 minutes 26 seconds West, continuing with the common line between said Garland tract and the existing East right-of-way line of said Old Rowlett Road, a distance of 40.83 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for corner;

THENCE North 89 degrees 48 minutes 34 seconds East, departing the common line between said Garland tract and the existing East right-of-way line of said Old Rowlett Road and crossing said Garland tract, a distance of 683.30 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the West line of that certain tract of land described in a deed to the City of Rowlett (known as R. Arnold Park) according to the deed thereof, as recorded in Volume 2003015, Page 1864, D.R.D.C.T.;

THENCE South 11 degrees 49 minutes 48 seconds East with the common line between said Garland tract and said City of Rowlett tract, a distance of 345.13 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the Southwest corner of said City of Rowlett tract, same being in the North line of the aforesaid Richards tract;

THENCE South 89 degrees 48 minutes 34 seconds West with the common line between said Garland tract and said Richards tract, a distance of 743.66 feet to the PLACE OF BEGINNING, and containing a calculated area of 5.50 acres (239,580 square feet) of land.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That I/we, Garland General Agency, Owners, do hereby bind themselves and their heirs, assignees and successors of title this plat designating the hereinabove described property as "EVERGREEN AT ROWLETT", an addition to the City of Rowlett, and do hereby reserve the easement strips shown on this plat for the mutual use and accommodation of garbage collection agencies and all public utilities desiring to use or using same. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths that in any way endanger or interfere with the construction, maintenance or efficiency ot its respective systems on any of these easement strips, and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, without the necessity at any time of procuring the permission of anyone. This plat is apporved subject to all platting ordinances, rules, regulations and resolutions of the City of Rowlett, Texas.

OWNER(S)

GARLAND GENERAL AGENCY, INC.

_____

PRINTED NAME:_____

STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned authority, a notary public in and for said County and State, on this day appeared personally _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he has executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 2016.

_____

Notary Public in and for the State of Texas

My Commission Expires: _____

CITY APPROVAL CERTIFICATE

This plat is hereby approved by the Planning and Zoning Commission of the City of Rowlett, Texas

_____
Chairman, Planning and Zoning Commission Date

ATTEST:
_____
Signature Date

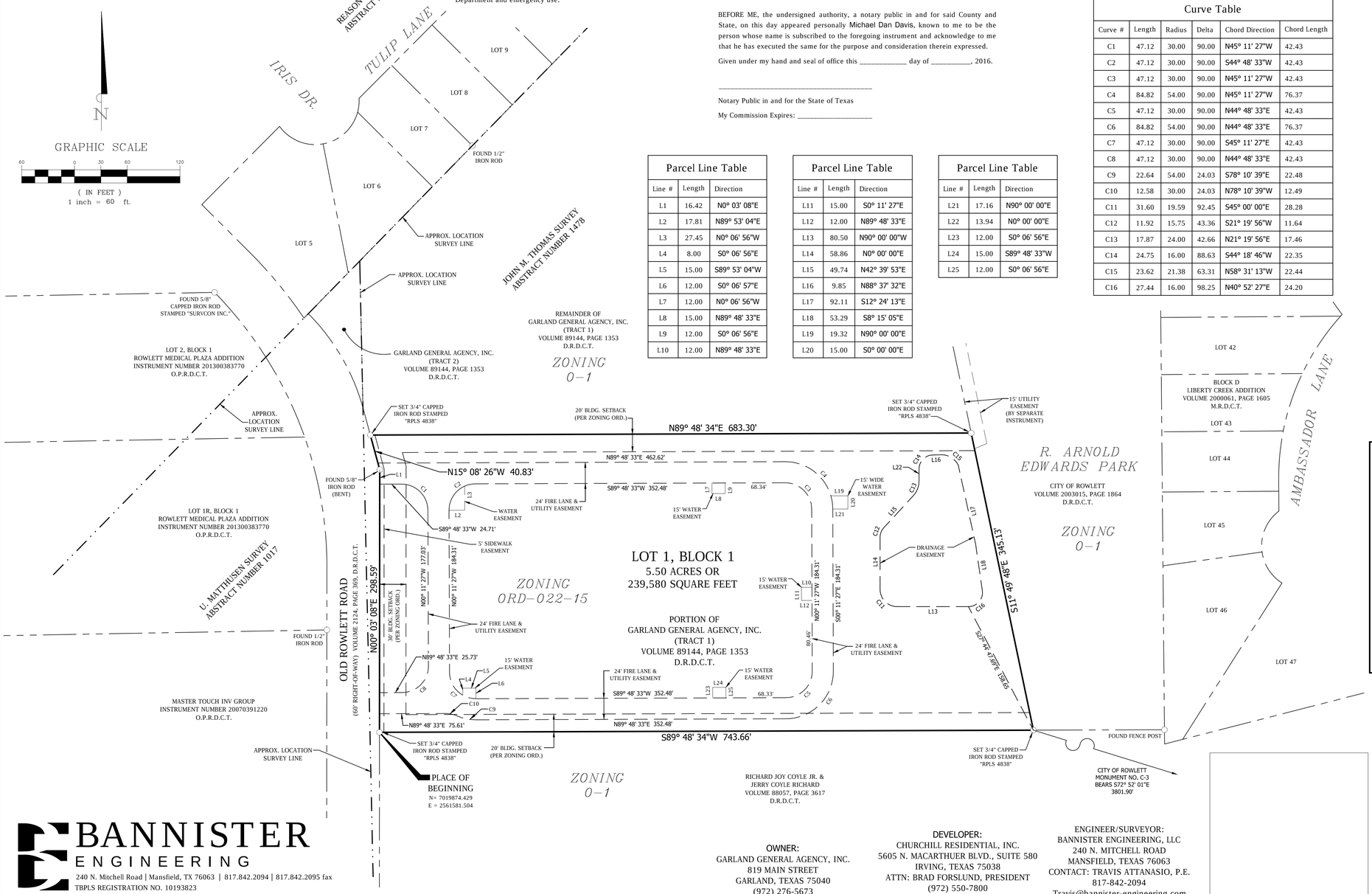
_____
Name & Title

The Director of Development Services of the City of Rowlett, Texas hereby certifies that to the best of his/her knowledge or belief, this subdivision plat conforms to all requirements of the Code of Ordinances and with engineering construction standards and processes adopted by the City of Rowlett, Texas as to which his/her approval is required.

_____
Director of Development Services Date

ATTEST:
_____
Signature Date

_____
Name & Title



Parcel Line Table

Line #	Length	Direction
L1	16.42	N0° 03' 08"E
L2	17.81	N89° 53' 04"E
L3	27.45	N0° 06' 56"W
L4	8.00	S0° 06' 56"E
L5	15.00	S89° 53' 04"W
L6	12.00	S0° 06' 57"E
L7	12.00	N0° 06' 56"W
L8	15.00	N89° 48' 33"E
L9	12.00	S0° 06' 56"E
L10	12.00	N89° 48' 33"E

Parcel Line Table

Line #	Length	Direction
L11	15.00	S0° 11' 27"E
L12	12.00	N89° 48' 33"E
L13	80.50	N90° 00' 00"W
L14	58.86	N0° 00' 00"E
L15	49.74	N42° 39' 53"E
L16	9.85	N88° 37' 32"E
L17	92.11	S12° 24' 13"E
L18	53.29	S8° 15' 05"E
L19	19.32	N90° 00' 00"E
L20	15.00	S0° 00' 00"E

Parcel Line Table

Line #	Length	Direction
L21	17.16	N90° 00' 00"E
L22	13.94	N0° 00' 00"E
L23	12.00	S0° 06' 56"E
L24	15.00	S89° 48' 33"W
L25	12.00	S0° 06' 56"E

Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	47.12	30.00	90.00	N45° 11' 27"W	42.43
C2	47.12	30.00	90.00	S44° 48' 33"W	42.43
C3	47.12	30.00	90.00	N45° 11' 27"W	42.43
C4	84.82	54.00	90.00	N45° 11' 27"W	76.37
C5	47.12	30.00	90.00	N44° 48' 33"E	42.43
C6	84.82	54.00	90.00	N44° 48' 33"E	76.37
C7	47.12	30.00	90.00	S45° 11' 27"E	42.43
C8	47.12	30.00	90.00	N44° 48' 33"E	42.43
C9	22.64	54.00	24.03	S78° 10' 39"E	22.48
C10	12.58	30.00	24.03	N78° 10' 39"W	12.49
C11	31.60	19.59	92.45	S45° 00' 00"E	28.28
C12	11.92	15.75	43.36	S21° 19' 56"W	11.64
C13	17.87	24.00	42.66	N21° 19' 56"E	17.46
C14	24.75	16.00	88.63	S44° 18' 46"W	22.35
C15	23.62	21.38	63.31	N58° 31' 13"W	22.44
C16	27.44	16.00	98.25	N40° 52' 27"E	24.20

BANNISTER
ENGINEERING
240 N. Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax
TBPLS REGISTRATION NO. 10193823

OWNER:
GARLAND GENERAL AGENCY, INC.
819 MAIN STREET
GARLAND, TEXAS 75040
(972) 276-5673

DEVELOPER:
CHURCHILL RESIDENTIAL, INC.
5605 N. MACARTHUER BLVD., SUITE 580
IRVING, TEXAS 75038
ATTN: BRAD FORSLUND, PRESIDENT
(972) 550-7800

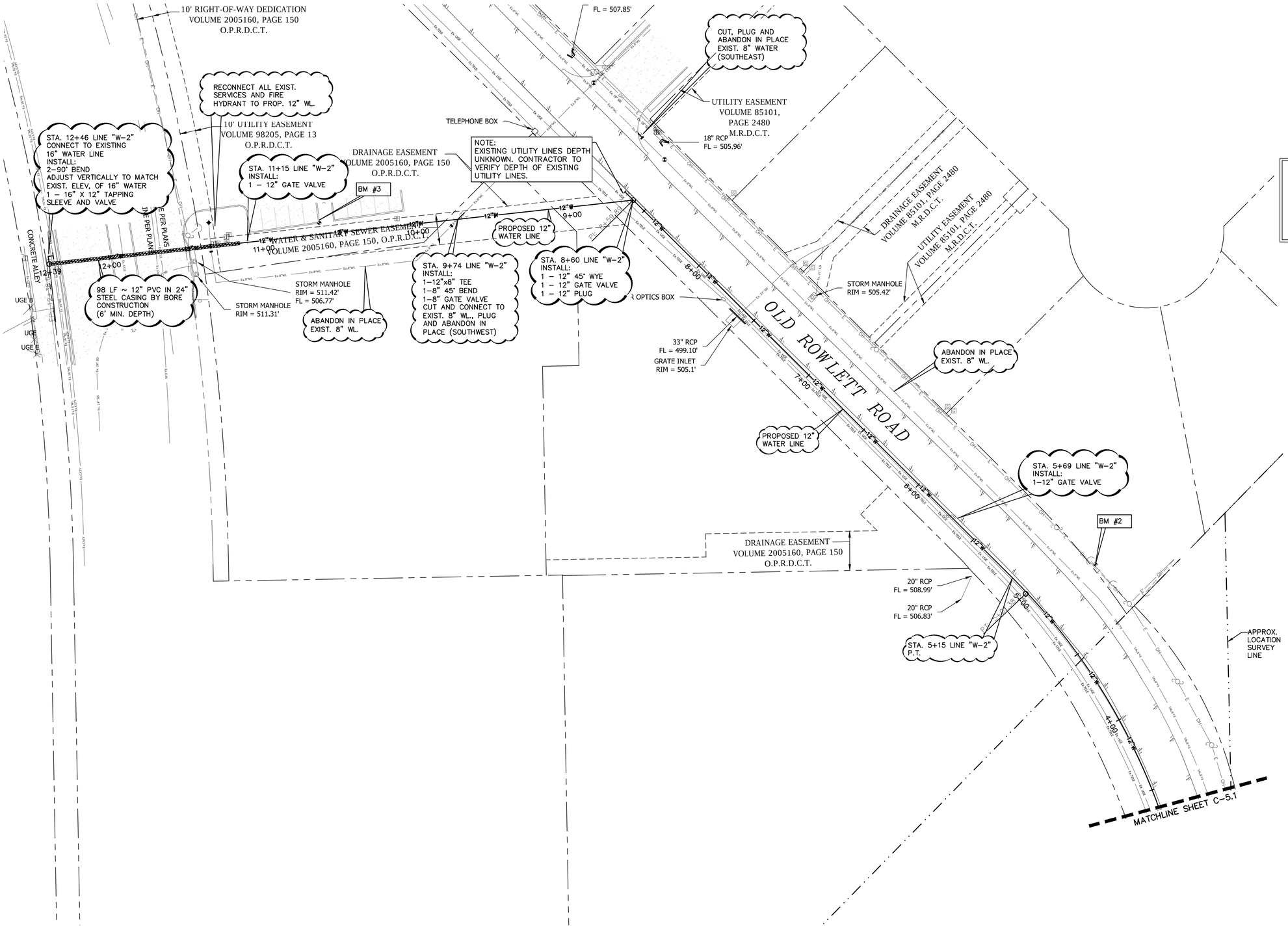
ENGINEER/SURVEYOR:
BANNISTER ENGINEERING, LLC
240 N. MITCHELL ROAD
MANSFIELD, TEXAS 76063
CONTACT: TRAVIS ATTANASIO, P.E.
817-842-2094
Travis@bannister-engineering.com

FINAL PLAT OF EVERGREEN AT ROWLETT ADDITION LOT 1, BLOCK 1

Being 5.50 acres or (239,580 square feet) out of the John M. Thomas Survey, Abstract Number 1478
City of Rowlett, Dallas County, Texas

Date Prepared February 17th, 2016
Case Number 89-2016
SHEET 1 0F 1

PROJECT NO.
055-15-03



N

GRAPHIC SCALE

30 0 15 30 60

(IN FEET)
1 inch = 30 ft.

LEGEND

EXISTING WATER LINE	
PROPOSED WATER LINE	
PROPOSED SANITARY SEWER	
SS	EXISTING SANITARY SEWER

NOTES

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BENCHMARKS

BM#1:
5/8-INCH IRON ROD W/CAP STAMPED "#4839", NORTH OF MEDICAL PLAZA DRIVEWAY

N: 7020066.66
E: 2561538.23
ELEV.=513.05

BM #2:
5/8-INCH IRON ROD W/CAP STAMPED "#4839", 192' NORTHWEST OF NORTHWEST CORNER OF PROPERTY ALONG OLD ROWLETT ROAD

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"X" CUT INTO CURB, COMMUNITY BANK SOUTH PARKING LOT.

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CITY OF ROWLETT MONUMENT NO. C-3:
BEING A BERNTSEN TOP SECURITY MONUMENT WITH ACCESS COVER LOCATED IN THE CENTER LINE OF THE MEDIAN OF LAKEVIEW PARKWAY 275'+/- WEST OF SHORELINE DRIVE.
ELEV. = 485.73'

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ELEV. = 485.39'

BANNISTER ENGINEERING
240 N. Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax
REGISTRATION # F-10599 (TEXAS)

EVERGREEN AT ROWLETT ADDITION
CITY OF ROWLETT
DALLAS COUNTY, TEXAS

WATER PLAN - OFFSITE

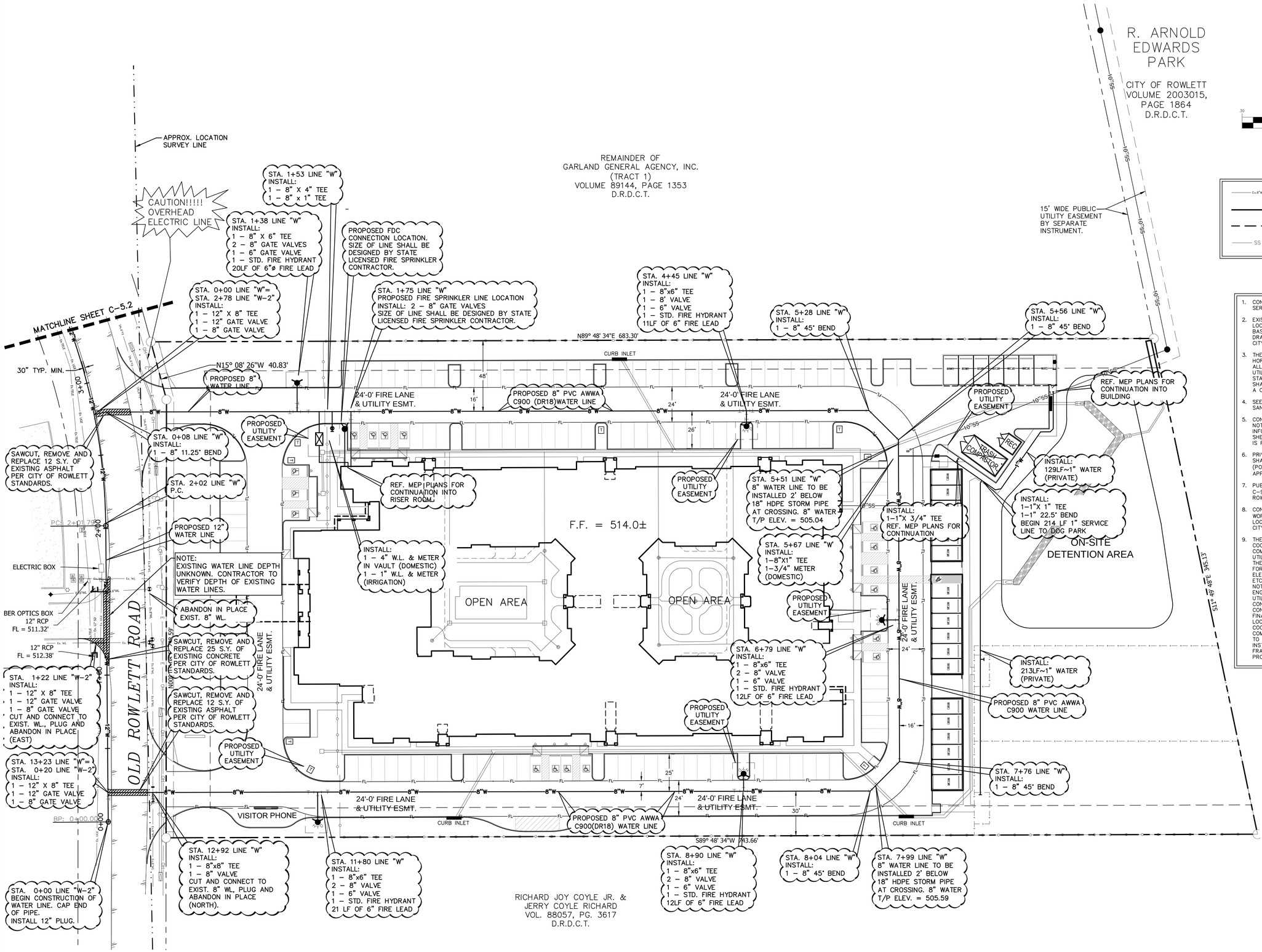
No.	Date	Revision Description

PROJECT NO.: 055-15-03

STATE OF TEXAS
BRANDON O'DONALD
90241
LICENSED
PROFESSIONAL ENGINEER
3-15-16

SHEET NO.

C-5.2



GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.

LEGEND

Ex.8"WL	EXISTING WATER LINE
	PROPOSED WATER LINE
	PROPOSED SANITARY SEWER
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REGISTRATION # F-10599 (TEXAS)

EVERGREEN AT ROWLETT ADDITION
CITY OF ROWLETT
DALLAS COUNTY, TEXAS

WATER PLAN

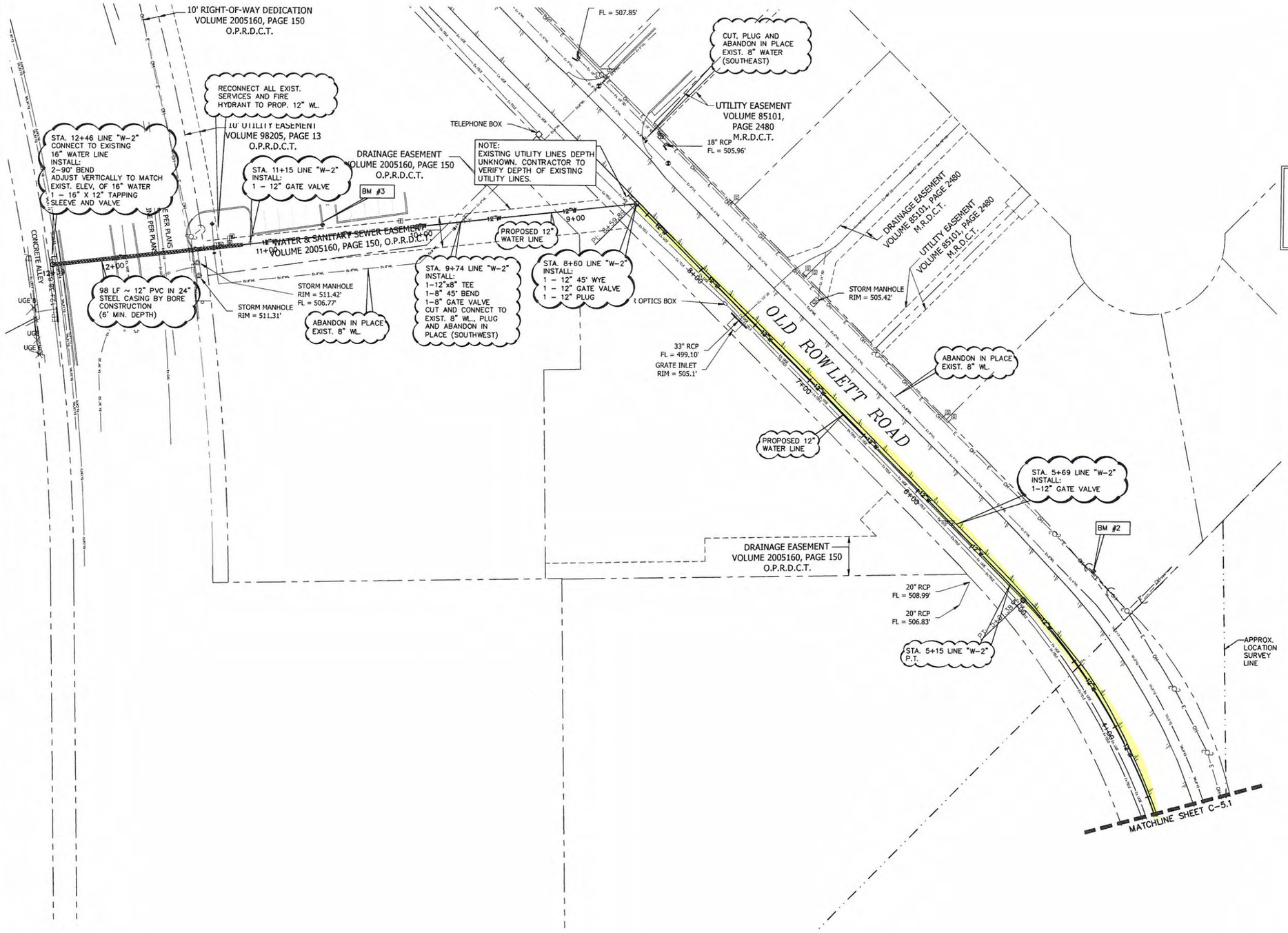
No.	Date	Revision Description

PROJECT NO.: 055-15-03

STATE OF TEXAS
BRANDON O'DONALD
90241
LICENSED PROFESSIONAL ENGINEER
3-15-16

SHEET NO.

C-5.1



GRAPHIC SCALE

(IN FEET)
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LEGEND

—— EXISTING WATER LINE ——	EXISTING WATER LINE
———	PROPOSED WATER LINE
— — —	PROPOSED SANITARY SEWER
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EVERGREEN AT ROWLETT ADDITION
CITY OF ROWLETT
DALLAS COUNTY, TEXAS

WATER PLAN - OFFSITE

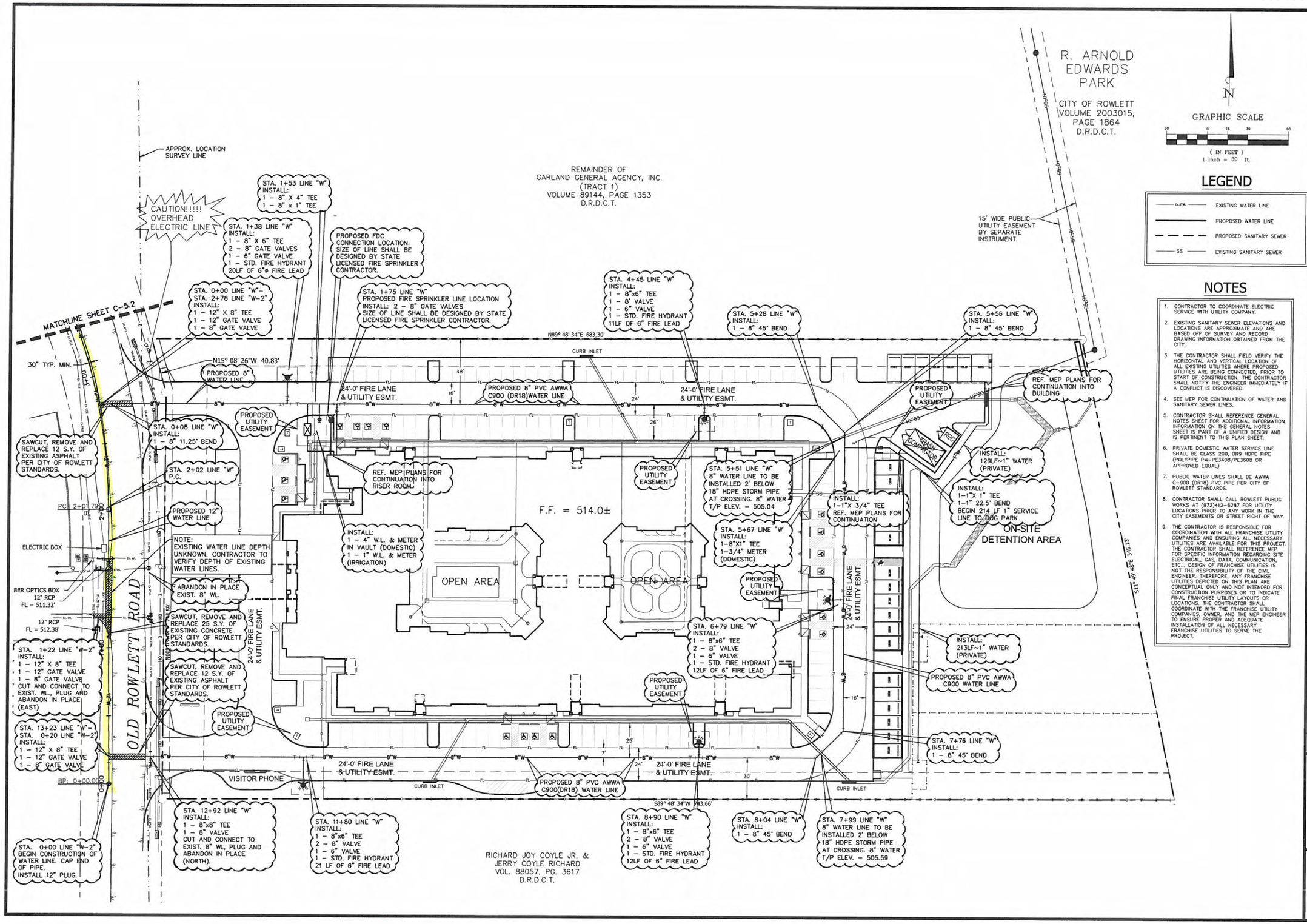
No.	Date	Revision Description

PROJECT NO.: 055-15-03

STATE OF TEXAS
BRANDON O'DONALD
90241
LICENSED
PROFESSIONAL ENGINEER
3-15-16

SHEET NO.

C-5.2



N

GRAPHIC SCALE

30 0 15 30 60

(IN FEET)
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LEGEND

- EXISTING WATER LINE
- PROPOSED WATER LINE
- PROPOSED SANITARY SEWER
- SS EXISTING SANITARY SEWER

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EVERGREEN AT ROWLETT ADDITION
CITY OF ROWLETT
DALLAS COUNTY, TEXAS

WATER PLAN

No.	Date	Revision Description

PROJECT NO: 055-15-03

STATE OF TEXAS
BRANDON O'DONALD
90241
LICENSED
PROFESSIONAL ENGINEER
3-15-16

SHEET NO.

C-5.1

Evergreen at Rowlett (Rowlett, TX) - Offsite Water

	DESCRIPTION	UNIT	QTY	UNIT COST	TOTAL
	Offsite Water				
1	8" DR 18 Water Line	LF	1,246	$24.00	$29,904.00
2	Fittings	LS	1	$9,560.00	$9,560.00
3	12" Water Line Bore with 24" Steel Casing	LF	98	$513.00	$50,274.00
4	12" Gate Valve	EA	6	$2,473.00	$14,838.00
5	12" Plug	EA	2	$603.00	$1,206.00
6	Connect to Existing 16" Water Line	EA	1	$4,106.00	$4,106.00
7	Reconnect to Exist. 8" Water Line	EA	3	$1,096.00	$3,288.00
8	Reconnect to Exist. 6" Fire Hydrant Lead	EA	2	$973.00	$1,946.00
9	Reconnect to Exist. Service	EA	3	$753.00	$2,259.00
10	Plug and Abandon Exist. 8" Water Line	EA	2	$877.00	$1,754.00
	SUBTOTAL				**$119,135.00**
	Bond				
1	2 Year 100% Maintenance Bond	LS	1	$4,615.00	$4,615.00
	SUBTOTAL				**$4,615.00**
	TOTAL PUBLIC IMPROVEMENTS				**$123,750.00**

Evergreen at Rowlett (Rowlett, TX) - Offsite Water

	DESCRIPTION	UNIT	QTY	UNIT COST	TOTAL
	Offsite Water				
1	12" DR 18 Water Line	LF	1,246	$54.00	$67,284.00
2	Fittings	LS	1	$9,560.00	$9,560.00
3	12" Water Line Bore with 24" Steel Casing	LF	98	$513.00	$50,274.00
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10	Plug and Abandon Exist. 8" Water Line	EA	2	$877.00	$1,754.00
	SUBTOTAL				**$156,515.00**
	Bond				
1	2 Year 100% Maintenance Bond	LS	1	$4,615.00	$4,615.00
	SUBTOTAL				**$4,615.00**
	TOTAL PUBLIC IMPROVEMENTS				**$161,130.00**

City of Rowlett

Staff Report

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

AGENDA DATE: 04/05/16 **AGENDA ITEM:** 7I

TITLE

Consider action to approve a resolution awarding the annual contract for screening wall repair and maintenance to Waterton Construction Group in the unit amounts bid and with a total annual amount of $50,000 and authorizing the Mayor to execute the Standard Public Works Construction Contract for said service.

STAFF REPRESENTATIVE

Noel Thompson, Interim Director of Public Works
Walter Allison, City Engineer

SUMMARY

The screening wall repair and maintenance program is to improve and maintain the condition of screening walls located within the City's rights-of-way and throughout the City. This work is performed on an annual basis.

BACKGROUND INFORMATION

On September 28, 2009, City Council established the screening wall repair maintenance program. The intent of the program is repair and maintenance of screening walls in the public right-of-way throughout the City and improvement of existing screening walls to a grade C or above condition. Screening wall repair work orders are performed on an "as needed" basis with prevailing unit prices at the time of the repair and an annual contract amount not to exceed $50,000. The contract is renewable annually for up to four (4) years upon satisfactory performance of Waterton Construction Group and approval of the City.

DISCUSSION

Notice to Bidders were published in the *Rowlett Lakeshore Times* on December 3 and 10, 2015. Sealed bids were received in the Purchasing Office until 2:00 p.m., December 17, 2015, and then publicly opened and read aloud in the Annex Conference Room in accordance with Texas Local Government Code.

Bids were received from 2 bidders. The total bid for repair and maintenance city-wide (based upon estimated quantities) range from $154,810 to $156,140. The Public Works Construction Project contract as written by the City Attorney will be utilized for this project. The apparent low bidder is Waterton Construction Group in the amount of $154,810. Staff has reviewed the bid of Waterton Construction Group and determined that the bid is in conformance with bidding specifications and is acceptable.

FINANCIAL/BUDGET IMPLICATIONS

Funding in the amount of $97,557 for FY2016 is available for the purchase of these services in Project Code (ST 2084), Screening Wall Rehabilitation. This budget includes $47,557 in carryforward funds from the FY2015 Screening Wall Rehabilitation Project.

Project Code	Project Title	Funding Allocation			Proposed Amount
		FY2016 Budget	FY2017 Budget	FY2018 Budget	
ST2084	Screening Wall Rehabilitation	$97,557	$50,000	$50,000	$50,000
TOTAL					**$50,000**

RECOMMENDED ACTION

City staff recommends City Council adopt a resolution awarding the annual bid to Waterton Construction Group in the unit amounts bid as attached hereto and incorporated herein by reference as Exhibit A with an estimated annual amount of $50,000 for screening wall repair and maintenance and authorizing the Mayor to execute the Standard Public Works Construction Contract for said service.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, AWARDING THE ANNUAL CONTRACT FOR SCREENING WALL REPAIR AND MAINTENANCE IN THE UNIT AMOUNTS BID AS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE AS EXHIBIT A IN AN ESTIMATED ANNUAL AMOUNT OF $50,000 TO WATERTON CONSTRUCTION GROUP FOR THE CITY OF ROWLETT STREET DEPARTMENT; AUTHORIZING EXECUTION OF THE NECESSARY DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Purchasing Division obtained competitive bids and recommended the award of bids to the lowest responsible bidder meeting specifications in the unit amounts bid as needed as per Bid # 2016-07; and

WHEREAS, the initial contract period is March 15, 2016, through March 14, 2017, and includes four one-year renewal options if both parties are in agreement.

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

Section 1: That the City Council of the City of Rowlett does hereby accept the bid of and award a contract in the annual amount of $50,000 to Waterton Construction

Group as attached hereto and incorporated herein by reference as Exhibit A for screening wall repair and maintenance for the Street Department.

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

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

ATTACHMENT

Exhibit A – Bid tabulation

Exhibit A

City Of Rowlett Bid Tabulation Annual Screening Wall Repair & Maintenance, #2016-07
Purchasing Phone 972-412-6189 Fax 972-412-6144
December 17, 2015

			Ratliff Hardscape, Ltd. Booder McWhorter 972-436-2508		Waterton Construction Group Michael Moore 469-446-7985	
		Bid Bond Included	Yes		Yes	
		Cooperative Purchasing Form (Yes or No)	Yes		Yes	
1	500	Repair to single course brick wall panel	$14.25	$7,125.00	$13.00	$6,500.00
2	500	Repair to single course brick column	$14.25	$7,125.00	$13.00	$6,500.00
3	100	Repair to double brick wall panel	$40.00	$4,000.00	$36.00	$3,600.00
4	100	Repair to double course brick column	$40.00	$4,000.00	$36.00	$3,600.00
5	50	Remove & replace single course thin wall panel	$855.00	$42,750.00	$795.00	$39,750.00
6	50	Remove & replace single course brick column	$350.00	$17,500.00	$315.00	$15,750.00
7	5	Remove & replace double course wall panel	$1,550.00	$7,750.00	$1,450.00	$7,250.00
8	5	Remove & replace brick course brick column	$560.00	$2,800.00	$530.00	$2,650.00
9	100	Remove existing single course panel wall and install light duty metal post & picket fence panels.	$87.50	$8,750.00	$80.00	$8,000.00
10	60	Remove existing double course panel wall and install light duty metal post & picket fence panels	$97.50	$5,850.00	$95.00	$5,700.00
11	60	Repair light duty metal picket fence panels	$34.00	$2,040.00	$24.00	$1,440.00
12	100	Repair heavy duty wrought fence panels	$38.00	$3,800.00	$30.00	$3,000.00
13	500	Remove clean steel/or iron fence, apply primer & paint.	$17.00	$8,500.00	$17.00	$8,500.00
14	250	Replace sections of chain link fence	$27.00	$6,750.00	$27.00	$6,750.00
15	5	Traffic control which includes us of arrow board	$1,000.00	$5,000.00	$1,000.00	$5,000.00
16	100	Install safety fence & remove when work is completed	$10.00	$1,000.00	$10.00	$1,000.00
17	250	Remove & install new mow strips	$35.00	$8,750.00	$70.00	$17,500.00
18	40	Remove pre-cast concrete support beams	$80.00	$3,200.00	$80.00	$3,200.00
19	200	Clean mortar joints & replace missing mortar	$14.25	$2,850.00	$13.75	$2,750.00
20	20	Replace pre-cast caps	$200.00	$4,000.00	$200.00	$4,000.00
21	100	Replace soldier course to match existing wall	$20.00	$2,000.00	$18.00	$1,800.00
22	30	Trim and/or remove vegetation from wall	$20.00	$600.00	$20.00	$600.00
		GRAND TOTAL BID ITEMS 1-22		$156,140.00		$154,840.00

City of Rowlett

Staff Report

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

AGENDA DATE: 04/05/16 **AGENDA ITEM**: 8A

TITLE

Conduct a public hearing and consider an ordinance approving a request for a rezoning from Single Family-40 Zoning District to a Planned Development District with an underlying zoning of Single Family 5 (SF-5) for the purpose of constructing a single family neighborhood. The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road, further described as being Lots 1 – 9, Block A of the Dexham Creek Ranch Estates.

STAFF REPRESENTATIVE

Garrett Langford, AICP, Principal Planner

SUMMARY

The applicant is requesting to rezone 83.25 acres along Dexham Road (Attachment 1 – Location Map) from Single Family-40 (SF-40) Zoning District to a Planned Development (PD) District with an underlying zoning of SF-5. The purpose of this rezoning is to build a 23.6-acre, single-family neighborhood with 73 lots (Attachment 2 – Statement of Intent and Purpose).

The Planning and Zoning Commission recommended approval of this item at their March 8, 2016, regular meeting on a 5-2 vote with Commissioners James Moseley and Kim Clark dissenting. The item was discussed under Item C1, which can be viewed at the following link: http://rowletttx.swagit.com/play/03082016-1336.

BACKGROUND INFORMATION

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 property is 83.25 acres with a vast majority of it located within the Rowlett Creek floodplain. The applicant will pursue reclamation of approximately 12.5 acres of the subject property that would result in 23.6 developable acres should FEMA grant the necessary map revision approvals. The remaining 59.65 acres will remain within the floodplain and will be left in its natural state. Listed below is the history of City-initiated zoning changes for the subject property.

Zoning History

1959:	Annexed and zoned R-1
1988:	Zoned SF-10/21 (R-1)
1997:	Zoned Single Family Suburban 2 Residential District (SF-S2)
2001:	Single Family Estate Residential Zoning District (SF-E)
2006:	Single Family 40 (SF-40)

To provide context, the R-1 and SF-10/21 zoning districts required a minimum lot size of 10,000 square feet. The SF-S2 zoning district required a minimum lot size of 15,000 square feet. The property was rezoned in 2001 as part of the City-wide rezoning to the SF-E zoning district which requires a minimum lot size of one acre. The SF-E was replaced with the SF-40 district in 2006 with the adoption of the Rowlett Development Code. The SF-40 requires a minimum lot size of 40,000 square feet. The applicant platted the subject property in 2004 into a nine-lot addition called Dexham Creek Ranch Estates. 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. The applicant sought to rezone the subject properties in 2015 to New Neighborhood Form Based District (NN-FB); however, the request did not secure the super majority votes needed for approval from City Council on August 18, 2015. The applicant has now submitted a new application requesting a rezoning to a PD instead of a NN-FB district. The applicant is requesting a PD with an underlying zoning of SF-5 with modified development standards (Attachment 3 – Development Standards). If approved, the proposed development will follow the standard requirements in the RDC except for those requirements specified in the Development Standards and the Concept Plan. The applicant's Concept Plan proposes a single family subdivision with two different minimum lot sizes at 5,500 square feet and at 7,500 square feet (Attachment 4 – Concept Plan).

The 2001 Comprehensive Plan established the subject property and the surrounding area as "residential low density." The 2001 Comprehensive Plan was replaced when City Council adopted the Realize Rowlett 2020 Comprehensive Plan in 2011. 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 on rezoning. Staff recommended approval of the previous rezoning request to the NN-FB district because the regulations in the FBC are directly based on the Guiding Principles outlined in the Comprehensive Plan. Additionally, the NN-FB District included standards that offer more assurances that the future development would be of a higher quality. While the proposed PD does not offer as much assurance as a NN-FB District, it would provide for a quality development that, in staff's view, meets the criteria for a rezoning.

DISCUSSION

Section 77-805 of the *Rowlett Development Code (RDC)* states that City Council shall consider the following when making their decision 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;

   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.

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. Below are the Guiding Principles that are relevant to the request followed by staff commentary.

   <u>Guiding Principle #1: Value existing neighborhoods.</u>
   The proposed PD provides an adequate transition and buffer from the existing neighborhood located to the east across Dexham Road. The PD will situate its larger 7,500 square-foot lots adjacent Dexham Road and it will provide a 20-ft landscape buffer with a 6-foot masonry wall along Dexham Road.

   <u>Guiding Principle #3: Make Rowlett a community that is attractive to people at all stages of their lives.</u>
   This principle is typically evaluated based on how well the applicant incorporates a variety of housing types. In this case, the applicant is providing two lot sizes and is seeking to provide housing diversification through a variety of higher architectural standards, than would be required by the base zoning standards. However, it should be noted that although the applicant is utilizing aspects of the City's FBC architectural standards in their PD regulations, they are not utilizing the diversity of product types offered under the FBC and this should not be viewed as a FBC project.

   <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 concept plan does not utilize the natural area within the City of Dallas floodway easement as an enhanced open space. The natural area along Rowlett Creek includes extensive tree canopy, wildlife and vegetation. Instead of fronting this natural area, the proposed lots will back up to this area where it will be walled off restricting it from becoming a community asset.

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 proposed PD as well those standards in the RDC 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 are provided by the City; Staff has confirmed that both are available to the site. Prior to the approval of the Preliminary Plat, Staff will ensure adequate capacity for utilities is provided as required by City ordinances.

   A Traffic Impact Analysis (TIA) is required by the RDC when a development will exceed more than 100 vehicles per hour or 1,000 vehicles per day. Based on the Institute for Traffic Engineers (ITE) 9th Edition of Trip Generation, a 73-lot single family development will on average generate 73 vehicles exiting or entering the site at peak hours between 4:00 p.m. and 6:00 pm. The expected daily average trips to and/or from the site is 695 vehicles daily. While a TIA will not be required for this development, the design of the street intersections will be required to follow all applicable traffic and engineering standards in the RDC.

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

   It is unlikely that the proposed rezoning will have significant adverse impacts on the natural environment. The applicant will attempt to reclaim approximately 12.5 acres from the floodplain, which will require the applicant to go through the FEMA map revision process. The applicant will be required to complete a flood study to determine and prove that the area to be reclaimed will not result in a rise in the floodplain upstream or downstream from the development. 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 City of Dallas floodway easement 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 proposed development will meet the landscape and screening requirements in the RDC. This includes providing a six-foot tall masonry wall and entry way landscaping at both entrances to the

development. The proposed PD will also require a minimum 20-ft landscape buffer adjacent to lots that side or back to Dexham Road.

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

   The subject property has yet to be developed even though it was platted in 2004. The rezoning of the property allowing a higher density product type may allow the development of a site that has long been vacant. The subject property has a number of challenges including the floodplain to the west and its adjacency to the rail line to the north. The proposed PD will allow a higher density development that will embrace higher quality architectural standards than could be achieved under the base zoning district.

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

   The proposed PD does not offer new or diverse housing types. This is a conventional subdivision that incorporates the higher quality architectural standards that should be in more demand than under the present zoning. The proposed PD has the potential to be a solid conventional subdivision.

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 to the east of the subject property located in the Dexham Ranch Estates. This existing single-family subdivision consists of lots ranging from approximately 10,000 square feet to approximately 30,000 square feet in size resulting in a density of 1.6 units per acre. While the proposed PD has a higher density of 3.1 units per acre, it is not out of scale with the surrounding developments. Ridgecrest Addition No. 2 located to the east of Dexham Ranch Estates has a density of 3.8 units per acre. Attachment 5 identifies the units per acre for existing residential subdivisions within the general vicinity

   The proposed PD will buffer the increase density by locating the 7,500 square-foot lots along Dexham Road. Additionally, there will be a 20-ft landscape buffer and masonry screening along Dexham Road. In staff's opinion, this will provide for an adequate transition between the existing larger lot subdivision to the east and the proposed 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.

There was not a market study provided that substantiated this claim; therefore, it is difficult for staff to comment on this criterion. The proposed PD will offer a 50-ft wide and 70-ft product types that utilize architectural standards comparable to the FBC, which will help differentiate it from the existing conventional housing stock. With that said, this proposal is for a conventional subdivision and provides a product type that exists in the City today.

In conclusion, staff does not expect the proposed PD to have an adverse impact on the adjacent properties. The proposed PD incorporates the architectural standards from the FBC, which are more restrictive than the architectural requirements in the RDC. Incorporating the FBC architectural requirements will offer more assurance that the development will have quality homes. The proposed PD offers an adequate buffer from the existing residential development with the placement of the larger lot types, screening and landscaping along Dexham Road, which, in staff's view, provides adequate transition from the nearby existing residential. It is staff's opinion that the proposal satisfies most of the relevant Guiding Principles from the Realize Rowlett 2020 Comprehensive Plan and meets the criteria listed in the RDC for a rezoning.

Public Notice

Notice of this public hearing was mailed, posted, and published in accordance with State Law and the Rowlett Development Code. Staff mailed public and courtesy notices to property owners within 200 feet and 500 feet of the subject property on February 19, 2016, and as of Thursday March 31, 2016, staff received 48 responses in opposition and two in favor within the 200 foot area and six responses in opposition and zero in favor within the 500 foot courtesy area (Attachment 6 – Public Responses).

A Legal Notice was published in the *Rowlett Lakeshore Times* on February 25, 2016, pursuant to the requirements set forth in the RDC. A rezoning sign was placed on the subject property on February 26, 2016, in accordance with the RDC and remains on the site today.

Staff has confirmed that the protest in the form of opposition has been received from 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 22.9% percent of the notice area (Attachment 7 – 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."

FISCAL IMPACT/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

Staff recommends approval.

ORDINANCE

AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, PLAN AND MAP OF THE CITY OF ROWLETT, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING FROM "SF-40" SINGLE FAMILY 40 ZONING TO "PD" PLANNED DEVELOPMENT FOR REAL PROPERTY CONSISTING OF 83.25+/- ACRES GENERALLY LOCATED BETWEEN DEXHAM ROAD AND THE WESTERN CITY LIMITS, SOUTH OF THE DALLAS 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 MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" AND "B", 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 to grant a change in zoning from "SF-40" Single Family 40 to "SF-5" Single Family 5 with "PD" Planned Development overlay 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 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 particularly described in Exhibits "A" and "B", attached hereto and incorporated herein (hereinafter the "Property").

SECTION 2. That the development standards and regulations are set forth in the following exhibits:

Exhibit C – Statement of Intent and Purpose;
Exhibit D – Development Standards;
Exhibit E – Zoning Concept Plan; and
Exhibit F – Development Schedule

all of which are attached hereto and made a part hereof, shall be applicable to all land, uses, structures, the use and occupancy of all structures, and the development, construction, operation and maintenance of all improvements on the Property described herein.

SECTION 3. The Property shall be used only in the manner and for the purposes provided herein and by the ordinances of the City of Rowlett, Texas, as heretofore amended, and as amended herein. The development, use and occupancy of the Property shall conform to the standards and regulations set forth in Exhibits "C" through "F", the provisions of the Rowlett Development Code (Chapter 77 of the Code of Ordinances of the City of Rowlett, Texas), and the Code of Ordinances of the City of Rowlett, Texas, as amended. In the event of any conflict or inconsistency between the provisions of this ordinance and the provisions contained in any other provisions of the Rowlett Development Code or other codes or ordinances of the City, the provisions of this ordinance shall control. In the event that this ordinances does not include a standard or regulation that is otherwise required for similar or comparable development or uses by the Rowlett Development Code or Code of Ordinances, then the standard or regulation required by the Rowlett Development Code or other ordinance shall be applied to development and use of the Property.

SECTION 4. That all provisions of the ordinances of the City of Rowlett in conflict with the provisions of this ordinance as applicable to the Property be and the same are hereby repealed and all other provisions of the ordinances of the City of Rowlett not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. 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.

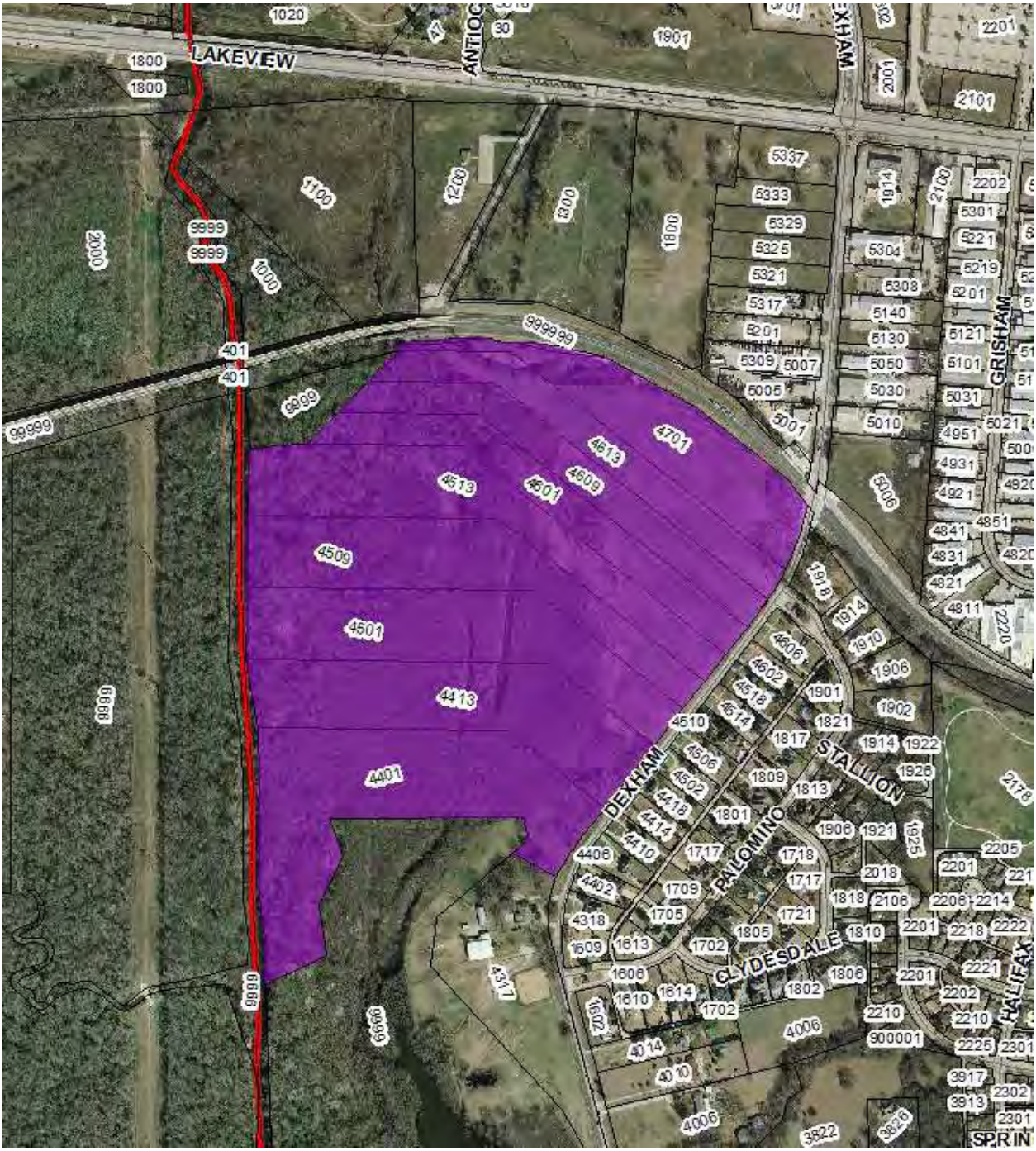
SECTION 6. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 7. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Rowlett, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars ($2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

ATTACHMENTS

Exhibit A – Zoning Boundary
Exhibit B – Legal Description
Exhibit C – Statement of Intent and Purpose
Exhibit D – Development Standards
Exhibit E – Zoning Concept Plan
Exhibit F – Development Schedule
Attachment 1 – Location Map
Attachment 2 – Statement of Intent and Purpose
Attachment 3 – Development Standards
Attachment 4 – Concept Plan
Attachment 5 – Surrounding Densities
Attachment 6 – Public Responses
Attachment 7 – 20% Map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ANTIOCH
GRISHAM
DEXHAM
PALOMINO
STALLION
CLYDESDALE
HALIFAX
SPRIN

DOWDEY, ANDERSON
& ASSOCIATES, INC.
CIVIL ENGINEERS

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972-931-9538 Fax

Creekside Village

DAA JOB NO. 13053A
12/07/2015

Residential Planned Development
Creekside Village

For the 83.250 Acre Tract
Rowlett, Texas

EXHIBIT C:
Statement of Intent and Purpose

Approval Criteria

1. Whether the proposed zoning corrects an error or meets the challenge of some changing condition, trend or fact.
   The proposed rezoning is a reflection of the reduction in the market demand for large estate lots. These types of lots are expensive to build and expensive to maintain. This is also a reflection of the changing trends towards bigger houses on smaller lots. The proposed rezoning also attempts to move towards the desires of the younger generation that wants access to open space and trails. The current zoning/plat provides no access to Rowlett Creek, whereas the proposed zoning would provide access points to the creek open space and trail.

2. Whether the proposed rezoning is consistent with the comprehensive plan and the purpose of this Code stated in subchapter 77-103, Purpose of this Code.
   This property is outside the 13 opportunity areas identified in the Realize Rowlett 2020 Comprehensive Plan. Therefore various Guiding Principles are used to analyze if the proposed rezoning is consistent with the comprehensive plan. The proposed rezoning attempts to add value on the existing development on the east side of Dexham Road. These large lots would be buffered by a green belt along the west side of Dexham Road and any lots adjacent to Dexham Road would have a minimum size of 7,500 square feet.

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972-931-9538 Fax

3. Whether the proposed rezoning will protect or enhance the health, safety, morals or general welfare of the public.
   We do not believe that this rezoning will negatively impact the health, safety, morals or general welfare of the public. This proposed rezoning will meet the standards in the Rowlett Development Code including, drainage, traffic and utility requirements.

4. Whether the municipality or 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.
   There is sufficient capacity in the transportation system and Rowlett utility service facilities (water, sanitary sewer, stormwater drainage) for this proposed rezoning. A traffic impact analysis will be provide at the time of Preliminary Plat submittal.

5. Whether the proposed rezoning is likely to have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife and vegetation.
   The natural environment is essentially contained with floodway easement to the City of Dallas. This easement area will be dedicated as open space to the City of Rowlett, thus preserving the natural environment, wildlife and vegetation.

6. Whether the proposed rezoning will have significant adverse impacts on other property in the vicinity of the subject tract.
   The proposed rezoning will create a green buffer between the existing development and the new development. This buffer would provide street trees and shrubs to soften the appearance of the screening wall.

7. The suitability of the subject property for the existing zoning classification and proposed zoning classification.
   As currently platted, the property makes approximately 60 acres of natural terrain closed off from the public. This proposed rezoning would dedicate this natural area as open space and access would be provided by the public. The existing estate lot subdivision has been in place

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for over 10 years without any success selling lots and developing homes. The market has shifted to a smaller product.

8. Whether there is determined to be an excessive proliferation of the use or similar uses.
   This rezoning would only create 80 lots on an 80 acre site and over 60 acres would be dedicated as open space. There are very few SF-5 lots in west Rowlett.

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.
   This rezoning will be different from the existing lots to the east of Dexham. However the greenbelt and screening wall will create a buffer between the differing developments.

10. The supply of land in the economically relevant area that is in the use district to be applied by the rezoning or in similar use districts, in relation to the demand for that land.
    The proposed rezoning will provide a different product than is currently available in the area, thereby increasing the diversity of housing types.

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Creekside Village

DAA JOB NO. 13053A
03/04/2016

Residential Planned Development
Creekside Village

For the 83.250 Acre Tract
Rowlett, Texas

EXHIBIT D:
Proposed Land Use and Development Regulations

General Standards

1. Development shall take place in general accordance with the attached Zoning Exhibit (Exhibit E).
2. The maximum number of homes in the Creekside Village neighborhood shall be 73.
3. A minimum of 2.0 acres of land not within the floodway shall be used as open space. This open space and the open space contained within the City of Dallas floodway easement shall be accessible to the public in at least 2 points along a dedicated public road other than Dexham Road. These open space areas shall be recognized as meeting all of the City of Rowlett's acreage requirements for public and/or private open space for the Creekside Village neighborhood.
4. Developer shall be responsible for construct a trail along the City of Dallas floodway easement per the City of Rowlett standards currently in pace or as may be amended.
5. All open space not within the City of Dallas floodway easement shall be owned and maintained by a Homeowners Association.
6. Fencing for lots adjacent to the floodplain shall use open fencing along the floodplain.
7. Alleys shall not be required.
8. Street trees will be provided
    a. Two (2) trees shall be provided per lot per the City of Rowlett Development Code of which the proposed street tree shall count towards the total number of trees per font yard.
9. Palomino Drive shall be a divided entry road at the connection point with Dexham Road.

DOWDEY, ANDERSON
& ASSOCIATES, INC.
CIVIL ENGINEERS

5225 Village Creek Drive
Suite 200
Plano, Texas 75093
972-931-0694
972-931-9538 Fax

Dimensional Standards

Development shall take place in accordance with the SF-5 Single Family Residential District as outlined in the City of Rowlett Development Code as it exists or may be amended, except as indicated below.

A. The minimum lot area shall be 5,500 square feet. A minimum of 10% of the residential lots shall have a minimum lot area of 7,500 square feet. Lots adjacent to the right-of-way of Dexham Road shall have a minimum lot area of 7.500 square feet.
B. Any residential lot that fronts directly onto Dexham Road shall be built to the SF-40 Single Family Residential District.
C. The minimum lot width shall be 50'. On cul-de-sacs and/or elbows, the minimum lot width at the building line shall be 45'. The minimum street frontage for all lots shall be 35'. On those lots with a minimum 7,500 square feet area, the minimum lot width shall be 70'.
D. The minimum lot depth shall be 115'. On cul-de-sacs and/or elbows, the minimum shall be 110'.
E. No less than 30% of the front façade of the house shall be built between 18' and 20' from the front property line. A front entry garage shall have a minimum front yard setback of 25'. An enclosed porch may encroach past the front build to line, but in no instance shall it be closer than 10' from the front property line.
F. The minimum side yard shall be 5'. The minimum side yard on a corner lot adjacent to a street shall be 10'. The minimum exterior side yard on a key lot shall be 20'.
G. The minimum rear yard shall be 20'.
H. The maximum lot coverage shall be 75%.
I. The minimum dwelling area shall be 1,600 square feet.
J. The maximum height shall be 2.5 stories or 35' for the main building.
K. Garage doors may face a public street.
L. Lots that side or rear to Dexham Road shall provide a minimum 20' landscape buffer along Dexham Road.

DOWDEY, ANDERSON
& ASSOCIATES, INC.
CIVIL ENGINEERS

5225 Village Creek Drive
Suite 200
Plano, Texas 75093
972-931-0694
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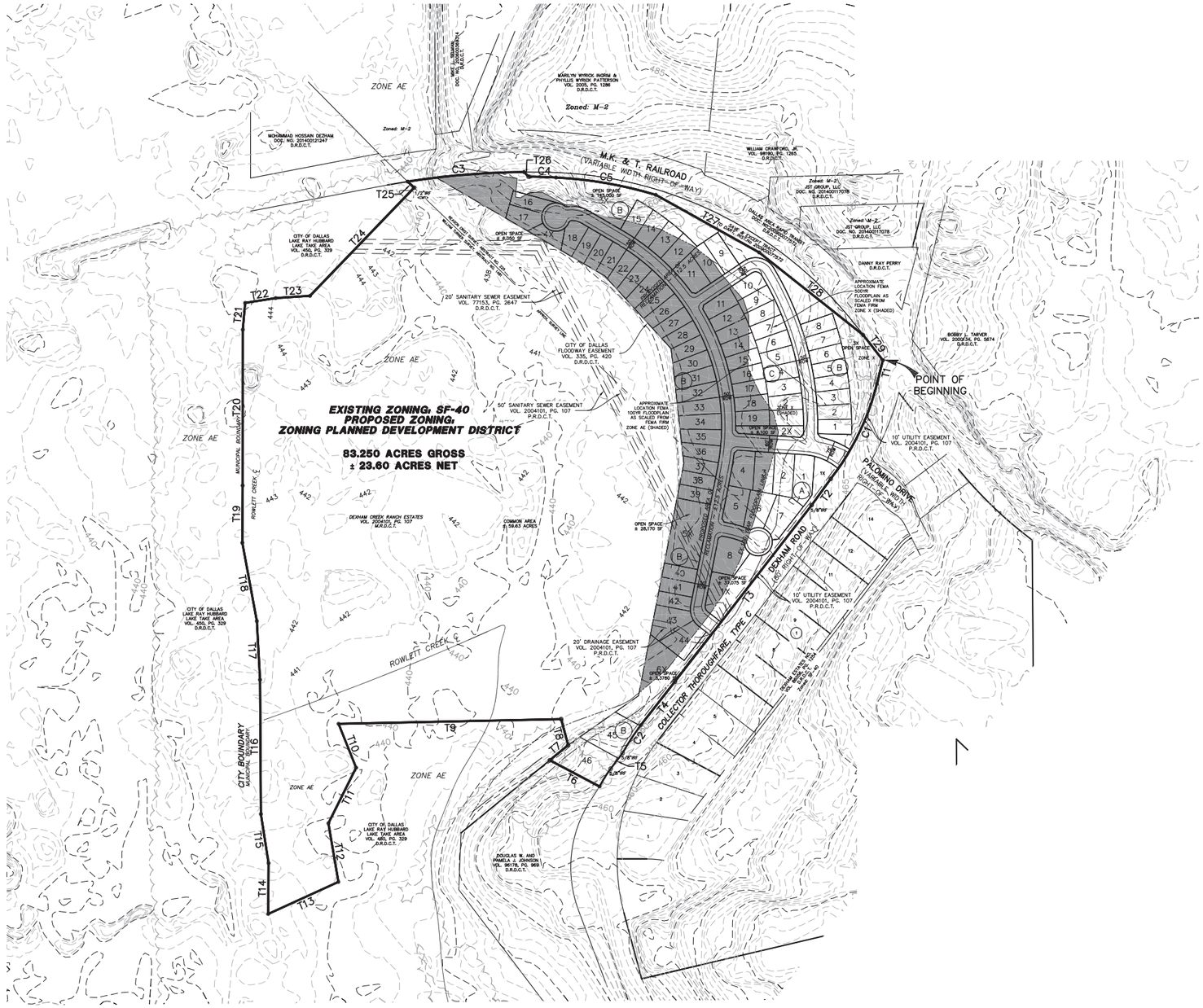
Neighborhood Standards

Neighborhood buffer yards, entryway treatments and landscaping shall be designed, developed and maintained in accordance with the standards established in the Rowlett Development Code, except as amender here in:

A. The primary entryway as identified in the City of Rowlett Development Code shall be permitted to have a combined minimum of 7,500 square feet of asymmetrical proportions.
B. Proposed size and shape of the primary entry landscaping shall generally conform to the attached Concept Plan in Exhibit E. Exact dimensions and square footages shall be determined at the time of Preliminary Plat.

Homes shall be built in accordance with the Rowlett Form Based Code Article 2.8.4 Architectural Standards.



PROJECT SITE DATA

GENERAL

CASE NUMBER:	PD80–2015
NAME OF PROJECT:	CREEKSIDE VILLAGE
EXISTING LAND USE:	RESIDENTIAL ESTATE DENSITY & FLOODPLAIN
FUTURE LAND USE DESIGNATION:	RESIDENTIAL SUBURBAN DENSITY & FLOODPLAIN
EXISTING ZONING DISTRICT:	SINGLE FAMILY RESIDENTIAL (SF–40)
PROPOSED ZONING DISTRICT:	ZONING PLANNED DEVELOPMENT DISTRICT
APPLICABLE OVERLAYS:	PLANNED DEVELOPMENT
APPRAISAL DISTRICT ACCOUNT NUMBER AND COUNTY:	441113500A001000, DALLAS COUNTY

OVERALL SITE:

COMMON AREA:	59.63	AC±	71.6%
OPEN SPACE:	5.88	AC±	7.0%
TOTAL OPEN SPACE:	66.51	AC±	78.7%
DEVELOPABLE LAND:	17.74	AC±	21.3%
TOTAL SITE:	83.250	AC±	100%

GROSS ACREAGE:	83.250 AC±
NET ACREAGE:	23.60 AC±
EXISTING LAND USE:	RESIDENTIAL ESTATE DENSITY & FLOODPLAIN
PROPOSED LAND USE:	RESIDENTIAL SUBURBAN DENSITY & FLOODPLAIN

HOUSING:

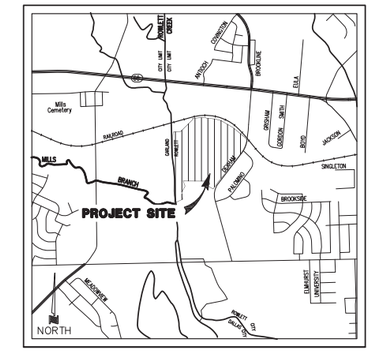
TOTAL NUMBER OF HOMES:	73
GROSS DENSITY:	0.88 LOTS/AC
NET DENSITY:	3.09 LOTS/AC

PROPERTY DEVELOPMENT REGULATIONS:

A. THE MINIMUM LOT AREA SHALL BE 5,500 SQUARE FEET. A MINIMUM OF 10% OF THE RESIDENTIAL LOTS SHALL HAVE A MINIMUM LOT AREA OF 7,500 SQUARE FEET. LOTS ADJACENT TO THE RIGHT–OF–WAY OF DEXHAM ROAD SHALL HAVE A MINIMUM LOT AREA OF 7,500 SQUARE FEET.
B. ANY RESIDENTIAL LOT THAT FRONTS DIRECTLY ONTO DEXHAM ROAD SHALL BE BUILT TO THE SF–40 SINGLE FAMILY RESIDENTIAL DISTRICT.
C. THE MINIMUM LOT WIDTH SHALL BE 50'. ON CUL–DE–SACS AND/OR ELBOWS, THE MINIMUM LOT WIDTH AT THE BUILDING LINE SHALL BE 45'. THE MINIMUM STREET FRONTAGE FOR ALL LOTS SHALL BE 35'. ON THOSE LOTS WITH A MINIMUM 7,500 SQUARE FEET AREA, THE MINIMUM LOT WIDTH SHALL BE 70'.
D. THE MINIMUM LOT DEPTH SHALL BE 115'. ON CUL–DE–SACS AND/OR ELBOWS, THE MINIMUM SHALL BE 110'.
E. NO LESS THAN 30% OF THE FRONT FAÇADE OF THE HOUSE SHALL BE BUILT BETWEEN 18' AND 20' FROM THE FRONT PROPERTY LINE. A FRONT ENTRY GARAGE SHALL HAVE A MINIMUM FRONT YARD SETBACK OF 25'. AN ENCLOSED PORCH MAY ENCROACH PAST THE FRONT BUILD TO LINE, BUT IN NO INSTANCE SHALL IT BE CLOSER THAN 10' FROM THE FRONT PROPERTY LINE.
F. THE MINIMUM SIDE YARD SHALL BE 5'. THE MINIMUM SIDE YARD ON A CORNER LOT ADJACENT TO A STREET SHALL BE 10'. THE MINIMUM EXTERIOR SIDE YARD ON A KEY LOT SHALL BE 20'.
G. THE MINIMUM REAR YARD SHALL BE 20'.
H. THE MAXIMUM LOT COVERAGE SHALL BE 75%.
I. THE MINIMUM DWELLING AREA SHALL BE 1,600 SQUARE FEET.
J. THE MAXIMUM HEIGHT SHALL BE 2.5 STORIES OR 35' FOR THE MAIN BUILDING.
K. GARAGE DOORS MAY FACE A PUBLIC STREET.
L. LOTS THAT SIDE OR REAR TO DEXHAM ROAD SHALL PROVIDE A MINIMUM 20' LANDSCAPE BUFFER ALONG DEXHAM ROAD.

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 AREA OF RECLAMATION



LOCATION MAP NOT TO SCALE

GRAPHIC SCALE
200 100 0 200 600
(IN FEET)
1 inch = 200 ft.

LOT CURVE TABLE

CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD	
C1	23°40'00"	911.10'	190.89'	376.34'	S25°55'21"W	373.67'
C2	8°35'30"	788.12'	59.20'	118.18'	S33°12'06"W	118.07'
C3	8°24'43"	2814.79'	207.00'	413.26'	N85°19'06"E	412.89'
C4	1°59'30"	2809.93'	48.84'	97.67'	S88°06'43"E	97.67'
C5	13°56'42"	1473.16'	180.16'	358.54'	S80°08'39"E	357.66'

LOT LINE TABLE

LINE	BEARING	LENGTH
T1	S14°05'21"W	86.12'
T2	S35°57'45"W	114.99'
T3	S37°45'28"W	789.11'
T4	S38°03'35"W	195.51'
T5	S37°17'14"W	69.84'
T6	N62°11'05"W	198.93'
T7	N50°40'24"E	84.05'
T8	N15°07'37"W	95.51'
T9	S88°47'32"W	787.15'
T10	S21°47'25"E	167.23'
T11	S26°31'06"W	219.49'
T12	S9°40'01"E	210.30'
T13	S65°25'38"W	272.71'
T14	N0°23'44"E	180.00'
T15	N8°55'00"W	175.28'

LOT LINE TABLE

LINE	BEARING	LENGTH
T16	N0°22'10"W	475.17'
T17	N3°05'35"W	207.70'
T18	N10°30'10"W	281.71'
T19	N0°20'33"E	202.34'
T20	N0°02'50"E	551.34'
T21	N4°59'40"E	94.90'
T22	N81°05'34"E	109.40'
T23	N86°16'44"E	121.60'
T24	N43°53'57"E	530.65'
T25	N46°07'47"W	31.47'
T26	S44°02'56"E	22.59'
T27	S60°51'24"E	418.43'
T28	S51°34'34"E	469.27'
T29	S38°00'43"E	113.21'

NOTES:

1. THE DEVELOPMENT OF THE SITE SHALL BE IN ACCORDANCE WITH THE CITY OF ROWLETT DEVELOPMENT STANDARDS.
2. DEVIATIONS FROM CURRENT DEVELOPMENT STANDARDS/REGULATIONS NOT SPECIFICALLY ADDRESSED/LISTED FOR APPROVAL AS PART OF THE PROPOSED PLANNED DEVELOPMENT REGULATIONS MAY REQUIRE A HEARING/APPROVAL BY THE BOARD OF ADJUSTMENTS (BOA).
3. ALL CURRENT DEVELOPMENT REQUIREMENTS OF THE CITY AS AMENDED SHALL BE MET UNLESS APPROVED OTHERWISE WITHIN THESE PLANNED DEVELOPMENT ZONING DISTRICT DEVELOPMENT REGULATIONS.
4. THE DEVELOPMENT TYPE BOUNDARIES SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATIVE PURPOSES ONLY AND SHALL NOT SET THE BOUNDARY. THE BOUNDARY SHALL BE DETERMINED AT THE TIME OF FINAL PLAT.
5. ANY 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.
6. THIS ZONING CONCEPT PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY AND IS SUBJECT TO CHANGE. THIS ZONING CONCEPT PLAN, ALONG WITH DEVELOPMENT REGULATIONS, ARE INTENDED TO DESCRIBE THE INTENT OF THE PROPOSED PLANNED DEVELOPMENT. ANY LAYOUT AMENDMENTS TO THIS ZONING CONCEPT PLAN, AS DETERMINED AT THE TIME OF FLOOD STUDY SHALL BE REVIEWED AND APPROVED ADMINISTRATIVELY BY THE DIRECTOR OF PLANNING.
7. 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.
8. CITY OF DALLAS FLOODPLAIN TO BE DEDICATED AS PUBLIC OPEN SPACE WITH AT LEASE TWO (2) POINTS OF ACCESS FROM PUBLIC STREETS; TRAILS BY DEVELOPER.
9. A MINIMUM TWENTY–FOOT (20') LANDSCAPE BUFFER WITH A SIX–FOOT (6') MASONRY SCREENING WALL ADJACENT TO DEXHAM ROAD SHALL BE PROVIDED FOR LOTS LESS THAN SF–40 STANDARDS.
10. LOTS SIDING OR BACKING ONTO DEXHAM SHALL BE A MINIMUM SEVENTY (70') FEET WIDE WITH A MINIMUM 7,500 SQUARE FOOT LOT.
11. LOTS FRONTING ONTO DEXHAM SHALL BE A MINIMUM SF–40.
12. LOTS BACKING OR SIDING TO FLOODPLAIN SHALL HAVE OPEN FENCING.
13. ALLEYS SHALL NOT BE REQUIRED WITHIN THE SUBJECT PROPERTY.

83.250 GROSS ACRES
±23.60 NET ACRES

CREEKSIDE VILLAGE

EXHIBIT E – ZONING CONCEPT PLAN

AN ADDITION TO THE CITY OF ROWLETT
REASON CRIST SURVEY ~ ABSTRACT NO. 225
WILLIAM TURNER SURVEY ~ ABSTRACT NO. 1481
CITY OF ROWLETT, DALLAS COUNTY, TEXAS
DECEMBER 2015 SCALE: 1"=200'

OWNER/APPLICANT:
CRESSWELL ENTERPRISES, INC.
17409 CLUB HILL COURT
DALLAS, TX 75248
PHONE: 214–533–7233

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
SURVEY FIRM REGISTRATION NUMBER: 10077800

REVISED: MARCH 04, 2016

CITY CASE NO. PD80–2015

13053A

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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 wth 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 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.

83.250 GROSS ACRES
±23.60 NET ACRES

CREEKSIDE VILLAGE

EXHIBIT E – ZONING CONCEPT PLAN

AN ADDITION TO THE CITY OF ROWLETT
REASON CRIST SURVEY ~ ABSTRACT NO. 225
WILLIAM TURNER SURVEY ~ ABSTRACT NO. 1481
DALLAS COUNTY, TEXAS

DECEMBER 2015 SCALE: 1"=200'

OWNER/APPLICANT:
CRESSWELL ENTERPRISES, INC.
17409 CLUB HILL COURT
DALLAS, TX 75248
PHONE: 214-533-7233

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
SURVEY FIRM REGISTRATION NUMBER: 10077800

CITY CASE NO. PD80-2015

REVISED:

13053A

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DEXHAM CREEK RANCH ADDITION
DEXHAM ESTATES NO.1
1.6 units/ac
RIDGECREST ADDITION NO.2
3.8 units/ac
4.8 units/ac
WESTWOOD ESTATES NO.5
4.27 units/ac
RIDGECREST ADDITION NO.1
3.7 units/ac
LAKELAND HEIGHTS
2.97 units/ac
HARBOR POINTE ESTATES PH 1
2.97 units/ac
UNIVERSITY PLACE
WESTWOOD ESTATES NO.1
WESTWOOD ESTATES NO.4
HARBOR POINTE ESTATES PH 2
2.43 units/ac
WESTWOOD SHORES PH 1
2.81 units/ac
2.95 units/ac
WESTWOOD ESTATES NO.3
WESTWOOD SHORES PH 2
2.82 units/ac
WESTWOOD ESTATES NO.8
ENTERPRISE
JACKSON
MAIN
SINGLETON
CENTURY
LAWING
CORTLAND
DAVID
UNIVERSITY
HALIFAX
DEXHAM
KYLE
ROWLETT
LOGLAND
BOND
SMARTT
LEANNE
LISA
MILLER
HIGHLANDER
ORCHARD GROVE
LAKEWAY
HANOVER
ELMHURST
SYCAMORE
CARLA
SARA
SCOTT
WESTLAKE
MYSTIC
LIVE OAK
PERSIMMON
INDIAN
LOCHAVEN
DENNIS
CHRISTINE
DELLA
LARRY
COMMERCE
AMBER
JONES
JENNIFER
COLONIAL
ANDREA
CONLIN
DOGWOOD
CHRISTOPH
SHELLEY
MALINDA

03-03-16 P04:25 IAttachment 6

Rowlett
TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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 requests a rezoning from the existing Single Family-40 Zoning District to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build of a single family subdivision. The minimum lot size proposed for these single-family lot is 5,500 square feet. (PD80-2015)

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

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: INAPPROPRIATE FOR THE AREA

PROPERTY OWNER NAME (print): MICHAEL & MOLLY ULMER

SIGNATURE:

ADDRESS: 4518 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 6:30 p.m. on the **8th day of March, 2016**, and that the City Council will hold a public hearing at 7:30 p.m. on the **5th day of April, 2016**. 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 not be recorded. Your response must be received in the Development Service Department by 5 pm on Wednesday, March 2, 2016, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, March 30, 2015, to be included in the City Council packet. All responses received by March 30th will be forwarded to the Council as well; it is not necessary to respond twice. Responses received after the times noted above shall not be counted in the record of response.

Any owner of property subject to a proposed rezoning or affected by a proposed rezoning may protest the rezoning by filing a written protest (this form is sufficient) with the Director of Development Services within the time specified above. The protest shall object to the zoning map amendment, contain a legal description of the property on behalf of which the protest is made, and be signed by the owner of the property. If protests in the form of opposition are received from property owners within 200 feet of the subject property, and the property owners own a combined minimum of 20 percent or more of the land area, approval by the city council shall only occur with a concurring vote of at least three-fourths of the full membership of the city council.

If you have any questions concerning this request, please contact the Department of Development Services Phone 972-412-6166 FAX 972-412-6228 glangford@rowlett.com	**RETURN BY FAX OR MAIL** City of Rowlett Development Services PO Box 99 Rowlett, TX 75030-0099

03-02-16 A10:56 IN

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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 requests a rezoning from the existing Single Family-40 Zoning District to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build of a single family subdivision. The minimum lot size proposed for these single-family lot is 5,500 square feet. (PD80-2015)

☐ 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 BRYAN TOWNSEND

SIGNATURE:

ADDRESS: 1713 PALOMINO DRIVE, ROWLETT

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 6:30 p.m. on the 8th day of March, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 5th day of April, 2016. 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

Attachment 6

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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 requests a rezoning from the existing Single Family-40 Zoning District to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build of a single family subdivision. The minimum lot size proposed for these single-family lot is 5,500 square feet. (PD80-2015)

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

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: Dexham Road not able to handle additional traffic, lots are too small, water pressure & drainage issues

PROPERTY OWNER NAME (print): Randy & Penny Toeyer

SIGNATURE: Randy & Penny Toeyer

ADDRESS: 1701 Palomino Dr Rowlett TX

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Attachment 6

Rowlett TEXAS

03-02-16 P03:38 IN

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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 requests a rezoning from the existing Single Family-40 Zoning District to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build of a single family subdivision. The minimum lot size proposed for these single-family lot is 5,500 square feet. (PD80-2015)

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

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: Will create traffic congestion, reduce property values, the area is designated a flood zone

PROPERTY OWNER NAME (print): Randall W Thomas

SIGNATURE: R W Thomas

ADDRESS: 4606 Dexham Rd Rowlett, Tx 75088

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Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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EXPLANATION OF REQUEST: The applicant requests a rezoning from the existing Single Family-4B Zoning District to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build of a single family subdivision. The minimum lot size proposed for these single-family lot is 5,500 square feet. (PD80-2015)

☐ 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): Calvin and Rebecca Tenhet

SIGNATURE: Rebecca Tenhet

ADDRESS: 1802 Clydesdale court, Rowlett

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If you have any questions concerning this request, please contact the Department of Development Services Phone 972-412-6188 FAX 972-412-6228 planning@rowlett.com	RETURN BY FAX OR MAIL City of Rowlett Development Services PO Box 99 Rowlett, TX 75030-0099

Attachment 6

Rowlett TEXAS

02-29-16P02:51 RCVD

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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 requests a rezoning from the existing Single Family-40 Zoning District to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build of a single family subdivision. The minimum lot size proposed for these single-family lot is 5,500 square feet. (PD80-2015)

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

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: I APPOSE TO THE REZONING DUE TO THE DENSITY OF THE PROPOSED PLANS

PROPERTY OWNER NAME (print): BOBBY TARVER

SIGNATURE:

ADDRESS: 5006 DEXHAM

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Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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 requests a rezoning from the existing Single Family-40 Zoning District to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build of a single family subdivision. The minimum lot size proposed for these single-family lot is 5,500 square feet. (PD80-2015)

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

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: OUR CONCERNS ARE THE ISSUES OF HOME DENSITY, LOT SIZE, HOME SIZE, TRAFFIC, PROPERTY VALUATION, FILLING AND DEVELOPING FLOOD PLAIN ARE NOT MET WITH THIS PROPOSAL. FOR DEXHAM PREVIOUSLY VOTED AS THE BEST NEHBORHOODS AWARD.

PROPERTY OWNER NAME (print): MARK AND DEBBIE SEILER

SIGNATURE: Debbie Seiler

ADDRESS: 1918 PALOMINO DRIVE, ROWLETT 75088

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03-03-16 P04:18 IN

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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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:

1914 CLYDESDALE COURT

PROPERTY OWNER NAME (print): Luis Benito Hernandez

SIGNATURE: Luis Benito Hernandez

ADDRESS: 1914 CLYDES Ie ct Rowlett tx 75088

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Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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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): James Hendriksen

SIGNATURE:

ADDRESS: 1914 PALOMINO DR.

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Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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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): Jeff and Tina Lawrence

SIGNATURE: Tina Lawrence

ADDRESS: 1801 PALOMINO DRIVE

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Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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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: 1909 STALLION CIRCLE

PROPERTY OWNER NAME (print): Julie Leonard.

SIGNATURE:

ADDRESS: 1909 Stallion Cir

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Attachment 6

Rowlett TEXAS

Department of Development Services

02-26-16P03:19 RCVD

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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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): Sharlot Messick

SIGNATURE: S. Messick

ADDRESS: 4006 Dexham Rd. Rowlett, TX. 75088

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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

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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 requests a rezoning from the existing Single Family-40 Zoning District to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build of a single family subdivision. The minimum lot size proposed for these single-family lot is 5,500 square feet. (PD80-2015)

☐ 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): Rody Murillo Jr

SIGNATURE: [signature]

ADDRESS: 2001 Hillside Dr., 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 6:30 p.m. on the **8th day of March, 2016**, and that the City Council will hold a public hearing at 7:30 p.m. on the **5th day of April, 2016**. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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Rowlett TEXAS

Department of Development Services

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TO: Property Owner

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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: All front entry garages. No Alleys

PROPERTY OWNER NAME (print): Sean Sullivan

SIGNATURE: Sean Sullivan

ADDRESS: 1717 Palomino Dr Rowlett 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:

Craig & Mary L. Williams

PROPERTY OWNER NAME (print):

SIGNATURE: Mary L. Williams

ADDRESS: 1709 Palomino Drive, 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:

PROPERTY OWNER NAME (print): DAWN SPOWART

SIGNATURE:

ADDRESS: 1813 PALOMINO DRIVE ROWLETT TX 75088.

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Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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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 being proposed are not equivalent to the (or even near equivalent to) the property value of the nearby homes in Dexham Estates and would have a negative impact on the value and quality of Dexham Estates.

PROPERTY OWNER NAME (print): David and JoLynn Butler

SIGNATURE: David Butler, JoLynn Butler

ADDRESS: 1809 Clydesdale Ct., Rowlett, TX

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3-03-16 P04:23 IN

Attachment 6

Rowlett
TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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: Homes are too small, not compatible with Dexham Estates. Pulling homes out of flood plain, building on fill dirt.

PROPERTY OWNER NAME (print): DENNIS K JACKSON

SIGNATURE: [signature]

ADDRESS: 1722 Clydesdale Ct. Rowlett

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03-03-16 P04:23 IN

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: Too congested. Dexham can't handle all the extra traffic. Not a good fit for existing area.

PROPERTY OWNER NAME (print): E.H. and Betty Crosby

SIGNATURE: Betty J Crosby

ADDRESS: 1809 Palomino Drive Rowlett, TX

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Attachment 6

03-03-16 P04:23 IN

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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): Louise Gartrell

SIGNATURE: Louise Gartrell

ADDRESS: 1817 Palomino, Rowlett 75088

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03-03-16 P04:21 IN

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 believe it will directly effect the floodplain negatively!

PROPERTY OWNER NAME (print): Michael Huch

SIGNATURE:

ADDRESS: 4014 Dexham rd.

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03-03-16 P04:18 IN

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. Dexham Rd not able to handle the huge and dangerous increase in traffic that will come from that many additional homes. 2. Size of lots + homes not consistent w/ existing homes. 3. Water treatment plant already on over load for this area. Water pressure also an issue.

PROPERTY OWNER NAME (print): Tom & Sharon Gipson

SIGNATURE: Thomas E Gipson Sharon L Gipson

ADDRESS: 1810 Clydesdale Ct 75088

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Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

03-03-16 P04:19 IN

TO: Property Owner

RE: Application for a Zoning Change

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 requests a rezoning from the existing Single Family-40 Zoning District to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build of a single family subdivision. The minimum lot size proposed for these single-family lot is 5,500 square feet. (PD80-2015)

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

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: Will increase traffic too much. Will lower property values

PROPERTY OWNER NAME (print): Jennifer Huch.

SIGNATURE:

ADDRESS: 4014 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 6:30 p.m. on the **8th day of March, 2016**, and that the City Council will hold a public hearing at 7:30 p.m. on the **5th day of April, 2016**. 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 not be recorded. Your response must be received in the Development Service Department by 5 pm on Wednesday, March 2, 2016, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, March 30, 2015, to be included in the City Council packet. All responses received by March 30th 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.

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Attachment 6

03-03-16 P04:19 IN

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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 requests a rezoning from the existing Single Family-40 Zoning District to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build of a single family subdivision. The minimum lot size proposed for these single-family lot is 5,500 square feet. (PD80-2015)

☑ 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): JST GROUP LLC - RUSS CARROLL

SIGNATURE: Russ Carr

ADDRESS: 5806 Lindenshire Dallas

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 6:30 p.m. on the **8th day of March, 2016**, and that the City Council will hold a public hearing at 7:30 p.m. on the **5th day of April, 2016**. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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 requests a rezoning from the existing Single Family-40 Zoning District to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build of a single family subdivision. The minimum lot size proposed for these single-family lot is 5,500 square feet. (PD80-2015)

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

☐ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: No opposition. Improves ridership for DART/TRE

PROPERTY OWNER NAME (print): DART / TRE

SIGNATURE: Kenneth P. [illegible] Sr Manager Rail Management

ADDRESS:

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 6:30 p.m. on the **8th day of March, 2016**, and that the City Council will hold a public hearing at 7:30 p.m. on the **5th day of April, 2016**. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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rec'd 3-8-16 2:53pm Sterry

Rowlett TEXAS

Department of Development Services

03-0827-

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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 requests a rezoning from the existing Single Family-40 Zoning District to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build of a single family subdivision. The minimum lot size proposed for these single-family lot is 5,500 square feet. (PD80-2015)

MV0

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

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: Property bound by Railroad Tracks & a waste Treatment plant that floods should not be developed

PROPERTY OWNER NAME (print): Julie Torrattore

SIGNATURE: [signature]

ADDRESS: 1906 Palomino Dr Rowlett 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 6:30 p.m. on the 8th day of March, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 5th day of April, 2016. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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Rowlett
TEXAS

03-18-16A08:57 RCVD

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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 requests a rezoning from the existing Single Family-40 Zoning District to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build of a single family subdivision. The minimum lot size proposed for these single-family lot is 5,500 square feet. (PD80-2015)

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

☑ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: Infrastructure not able to handle; does not mirror Dexham Estates

PROPERTY OWNER NAME (print): Peggy Fitch

SIGNATURE: Peggy Fitch

ADDRESS: 1718 Clydesdale Ct. 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 6:30 p.m. on the **8th day of March, 2016**, and that the City Council will hold a public hearing at 7:30 p.m. on the **5th day of April, 2016**. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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03-21-16P02:16 RCVD

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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 requests a rezoning from the existing Single Family-40 Zoning District to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build of a single family subdivision. The minimum lot size proposed for these single-family lot is 5,500 square feet. (PD80-2015)

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

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: SMALL 2 LANE ROAD CANNOT HANDLE HIGHER DENSITY TRAFFIC, DUE TO THE BACK-UP AT THE DART CROSSING, IT WILL BE DANGEROUS.

PROPERTY OWNER NAME (print): GERALD KERBY

SIGNATURE: [signature]

ADDRESS: 1706 PALOMINO DR. 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 6:30 p.m. on the **8th day of March, 2016**, and that the City Council will hold a public hearing at 7:30 p.m. on the **5th day of April, 2016**. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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Attachment 6

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

LOCATION: The subject properties are located at 4401, 4413, 4501, 4509, [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 notification area are required under Chapter 211.007 of the Texas Local Government Code.

EXPLANATION OF REQUEST: The applicant requests a rezoning from the existing Single Family-5 Zoning District to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build of a single family subdivision. The minimum lot size proposed for these single-family lots is 5,500 square feet. (PD80-2015)

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

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: INAPPROPRIATE FOR THE AREA

PROPERTY OWNER NAME (print): MICHAEL & MOLLY [illegible]

SIGNATURE: [illegible]

ADDRESS: 4518 DEXHAM RD. ROWLETT, TX. 75[illegible]

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Any owner of property subject to a proposed rezoning or affected by a proposed rezoning [illegible] rezoning by [illegible] written protest (this form is sufficient) with the Director of Development Services within the [illegible] above. The [illegible] shall object to the zoning map amendment, contain a legal description of the property on [illegible] the protest is [illegible] and be signed by the owner of the property. If protests in the form of opposition are received from [illegible] property owners within [illegible] feet of the subject property, and the property owners own a combined minimum of 20 percent or more 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 BY [illegible] MAIL
City of Rowlett
Development Services
PO Box [illegible]
Rowlett, TX [illegible]

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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 requests a rezoning from the existing Single Family-40 Zoning District to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build of a single family subdivision. The minimum lot size proposed for these single-family lot is 5,500 square feet. (PD80-2015)

☐ 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 AND KATHY BOBBITT

SIGNATURE: Michael and Kathy Bobbitt

ADDRESS: 4602 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 6:30 p.m. on the **8th day of March, 2016**, and that the City Council will hold a public hearing at 7:30 p.m. on the **5th day of April, 2016**. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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03-02-16 A10:56 IN

03-02-1

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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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: Lot size and home minimum square feet are both smaller than I would like to see.

PROPERTY OWNER NAME (print): Donna D. Cooley

SIGNATURE:

ADDRESS: 1610 Palomino Dr, Rowlett 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 6:30 p.m. on the **8th day of March, 2016**, and that the City Council will hold a public hearing at 7:30 p.m. on the **5th day of April, 2016**. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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Attachment 6

03-03-16 P04:20 IN

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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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 bought our home so we could have a little bit of property. Feel like we're in the country. We do not want houses that are going to be built one on top of the other. The zoning is for estate-size lots. Please don't change it!!!

PROPERTY OWNER NAME (print): Andrew & Tamara Dorcas

SIGNATURE: Andrew K. Dorcas

ADDRESS: 4510 Dexham Road, Rowlett, Tx. 75088

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Attachment 6

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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 requests a rezoning from the existing Single Family-40 Zoning District to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build of a single family subdivision. The minimum lot size proposed for these single-family lot is 5,500 square feet. (PD80-2015)

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

■ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: See attached page

PROPERTY OWNER NAME (print): Robert J. and Karen K. Haddox

SIGNATURE: Karen K. Haddox

ADDRESS: 4410 Dexham Road, Rowlett

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 6:30 p.m. on the 8th day of March, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 5th day of April, 2016. 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 not be recorded. Your response must be received in the Development Service Department by 5 pm on Wednesday, March 2, 2016, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, March 30, 2015, to be included in the City Council packet. All responses received by March 30th 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.

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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

Karen Haddox and I are the owners and inhabitants of 4410 Dexham Rd and oppose the proposed Dexham Creekside development for the following reasons:

1.) A look at aerial views of the entire city of Rowlett reveals that there is nowhere else in the city where developments with such disparate lot sizes are separated by an undivided road. This was clearly done with planning and purpose, specifically, to avoid the aesthetic incongruity produced by having lots 4-5 times the average size of those across the street. Most houses on Dexham are the size of the average lot size in the proposed development. The first rule of real estate is location. A development located adjacent to a flood plain that does flood and a Dart line which is 20 miles from the Central Business District and most entertainment and fine dining fails this qualification, making aesthetics very important to marketing. When adjacent homes are twice the size of the proposed development and presumably (we have no idea of the intended price point for these homes) not much less expensive than them, it will be difficult for marketing. The argument that homes similar to the existing ones on Dexham don't sell any more is simply false. They do sell quickly when placed on the market in the existing neighborhood. There might not be many such sales in Rowlett as the owners are disinclined to sell and the number of such properties is relatively low.

2.) Doubling the number of homes in the area WILL create traffic issues. The previously cited traffic study was performed in the evening when traffic is less regimented. Take a look at 7:00- 8:00 AM and a different picture emerges when EVERYONE is going to school and work. Again, there is only one way in and out of this neighborhood, Dexham Road, which connects to heavily travelled arteries. The area is landlocked and no other exits are able to be provided.

3.) As noted above, when we have heavy rains such as those that occurred over the last year, and do so every few years, the flooding will either be on the lots presently platted or right up to them. Raising the grade will result in significant tree loss and may produce down stream flooding and erosion issues. We acknowledge that development of the tract on the northwest side of Dexham Rd. is a challenge, but it is not more of one than it was when it was purchased. The rail line and flood plain were there then. It is not the responsibility of the people of Rowlett, the inhabitants of Dexham Estates, nor their representatives on Planning and Zoning to make the developer's investment good.

Robert and Karen Haddox

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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 requests a rezoning from the existing Single Family-40 Zoning District to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build of a single family subdivision. The minimum lot size proposed for these single-family lot is 5,500 square feet. (PD80-2015)

☐ 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): Floyd Smith & Vickie Smith

SIGNATURE:

ADDRESS: 4402 DEXHAM RD

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Fax cover + 3 pages

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner 02-29-16A09:52 RCVD

RE: Application for a Zoning Change

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 requests a rezoning from the existing Single Family-40 Zoning District to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build of a single family subdivision. The minimum lot size proposed for these single-family lot is 5,500 square feet. (PD80-2015)

☐ 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): Harrelland Jo Ann Slack Jr.

SIGNATURE: Harrelland Slack & Jo ann Slack

ADDRESS: 4514 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 6:30 p.m. on the 8th day of March, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 5th day of April, 2016. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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Harrell and Jo Ann Slack, Jr.
4514 Dexham Rd.
Rowlett, TX 75088

February 27, 2016

City of Rowlett
Development Services
P. O. Box 99
Rowlett, TX 75030-0099

Dear Planning and Zoning Commissioners:

Here we go again! The property owner for properties 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) is once again, requesting to rezone this property. The applicant wants to change the zoning from the existing Single Family-40 Zoning District to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district with minimum lots at 5,500 square feet. We are protesting this change! As we have stated numerous times in the past, this change does not reflect the original intent of our city planners (see the Comprehensive Plan and Realize Rowlett 2020)! Our city planners intended to preserve the aesthetic beauty and country feel on Dexham Road and have zoning which would be comparable to homes along Dexham Road. The previous proposed change last summer was shot down by the City Council because it blatantly ignored the intended land use for this area of Rowlett!!!!! This area is one of Rowlett's most beautiful and was intended to be preserved to maintain the aesthetic beauty of being in the country, PERIOD!! As you know, the applicant plans to build 70 homes, 11 of which will either back up to, or have a side view to Dexham Road! Two additional homes will face Dexham near the south Palomino entrance. Sixty-two of the 70 lots will only be in the 5,500-6,000 square foot range. The smallest lot in Dexham Estates is 15,000 sq. feet!! Only five lots are that size. The majority of the lots in Dexham Estates are 18,000 - 22,000 square feet. A few lots are even 28,000 - 30,000 square feet. The applicant has proposed a minimum square footage of 1,600 square feet for the homes in contrast to the minimum 2,500 square foot homes in Dexham Estates!

We will **NOT** allow developers to influence our city officials to change zoning from what was originally intended for this area to what would best benefit them financially! This developer needs to go back to the drawing board!! As we've stated before, if the developer wants to change the zoning (why can't he just reconfigure the current plats and have a development reflecting the current zoning!?) we would be in more favor of 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. Other reasons for this protest are attached. We respectfully request that the application for the zoning change be denied!!!

Sincerely,

Harrell Slack Jr.

Jo Ann Slack

Harrell and Jo Ann Slack, Jr.

REASONS TO PROTEST THE NEW ZONING CHANGE

This is a HUGE change in the zoning from 9 tracts of land to 70 lots.

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.

Jo Ann Slack

Harrell Slack Jr

03-02-16 A10:57 IN

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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 requests a rezoning from the existing Single Family-40 Zoning District to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build of a single family subdivision. The minimum lot size proposed for these single-family lot is 5,500 square feet. (PD80-2015)

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

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: We are concerned about allowing such density, especially within a development property that is mostly flood plain! the traffic during peak hour w/the Dart RR will also be an issue.

PROPERTY OWNER NAME (print): Jon + Stacey Simikic

SIGNATURE: J Smikic Stacy Smik

ADDRESS: 1902 Palomino DRIVE.

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 6:30 p.m. on the 8th day of March, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 5th day of April, 2016. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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Rowlett TEXAS

Department of Development Services

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RE: Application for a Zoning Change

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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): JOHN ROAN

SIGNATURE:

ADDRESS: 4317 DEXHAM ROAD

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Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

02-25-16P12:40 RCVD

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: Concerns for development of floodplain, small lot size, small home size, property values.

PROPERTY OWNER NAME (print): Sheila Platter

SIGNATURE: Sheila Platter

ADDRESS: 1609 Palomino Dr Rowlett, Tx 75088

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Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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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): Larry Perkins Diane Perkins

SIGNATURE: Larry Perkins Diane Perkins

ADDRESS: 4414 Dexham Road

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Rowlett
TEXAS

02-29-16P12:50 RCVD

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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: The zoning change is too drastic-- from 10 acre lots to each acre potentially divided into 8 lots (cont.)

PROPERTY OWNER NAME (print): Cleveland + Angela McGaughey

SIGNATURE: Cleveland M McGaughey Angela McGaughey

ADDRESS: 4502 Dexham Rd. Rowlett

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McGaughey cont.

is ridiculous. It isn't a good match for the neighborhood at all.

It cannot be a "walkable neighborhood" because there are no restaurants or stores near there because it is bordered by a sewage plant and a railroad track.

The other problems are:

Flood zone
too much traffic already

Attachment 6

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

03-02-16 A10:56 IN

TO: Property Owner

RE: Application for a Zoning Change

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: Homes will be substantially smaller than in edition across the street. It's in a flood plane. Many houses in a small area – no road infrastructure.

PROPERTY OWNER NAME (print): Deena McNamee

SIGNATURE: Deena McNamee

ADDRESS: 1702 Clydesdale Ct. Rowlett 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 6:30 p.m. on the 8th day of March, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 5th day of April, 2016. 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

Mar.01.2026 05:26 AM Justin & Deena McNamee 9724121581 PAGE. 1/ 1

Rowlett TEXAS

Department of Development Services

02-26-16P03:19 RCVD

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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 requests a rezoning from the existing Single Family-40 Zoning District to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build of a single family subdivision. The minimum lot size proposed for these single-family lot is 5,500 square feet. (PD80-2015)

☐ 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 on very small lots, AND I DO NOT WANT TO LOOK AT THE SIDE OF A HOUSE!!!!

PROPERTY OWNER NAME (print): James & Betty Littlejohn

SIGNATURE: James Littlejohn Betty Littlejohn

ADDRESS: 4418 DEXHAM Rd - Rowlett, TX 75088

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Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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: increased traffic on dexham. Decreases our property values after already having it ~~dam~~ decreased by dant rail

PROPERTY OWNER NAME (print): William & Charlene Johnson

SIGNATURE: Charlene Johnson William Johnson

ADDRESS: 1710 Palomino Dr Rowlett, TX 75088

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Attachment 6

Rowlett TEXAS

03-03-16 A09:44 IN

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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: Please see attachment.

PROPERTY OWNER NAME (print): Kenneth L. & Aileen Svaty

SIGNATURE: Kenneth L. Svaty Aileen Svaty

ADDRESS: 4318 Dexham Road - Rowlett, TX 75088

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NOTICE OF PUBLIC HEARING

RE: Application for a Zoning Change

Properry Owner Name: Kenneth L, and Aileen Svaty,
(26+ 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 70+ lots is a huge change, and I do not 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.

- Building up this land, to take it out of the flood zone would require a lot of land fill and would divert the water in Rowlett Creek; a new subdivision at Castle and Rowlett Road has recently been developed and lots of landfill has been brought in there also; the new bridges over Rowlett Creek, on Miller Road, have recently been completed and a lot of land fill was put in there, also diverting the water in Rowlett Creek. That water has to go somewhere, and we will not know exactly where the creek will back up until we see another heavy rain. I do not know whether the city could be liable if homes are flooded because land fill was approved by city offices, but I hope you will consider the consequences of all of the recent land fill along Rowlett Creek.

- This property is surrounded by special concerns on all borders:

- - North Border of the property - About 10-years ago, there was a train derailment and fire on the west side of Dexham Road, which would have been in this proposed development if it had been there at that time – it certainly would have been much worse if 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). It runs less frequently on the weekends.

- - 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 the south border of the new development, 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. Dexham Road was not meant to carry the amount of traffic it currently has adding more vehicles, construction, and new home occupants, would create more problems. We had one accident last year where a woman lost control of her vehicle going over the railroad tracks and she hit a tree in one of the Dexham Estates lots; a small child was killed.

- - 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 for this project is bound to affect the flood plain in a negative way.

Thank you for the opportunity to comment.

Ken and Aileen Svaty
4318 Dexham Road
Rowlett, Texas 75088
214-799-1123

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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:

PROPERTY OWNER NAME (print): Johnny Morgan

SIGNATURE: Johnny Morgan

ADDRESS: 4406 Dexham Road

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Attachment 6

Rowlett TEXAS

02-29-16P04:19 RCV:

Department of Development Services

COURTESY NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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: I think this is too many homes for that area. The lot sizes + main. S.f. is also too small. 70 homes will create...

PROPERTY OWNER NAME (print): Dennis + Robin Gordes

SIGNATURE: Dennis Gordes Robin Gordes

ADDRESS: 1910 Palomino Dr

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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

more traffic than Dexham can handle.
Mr. Cresswell has always said he wants to make a neighborhood similar to Dexham Estates. This neighborhood has too small of homes + lot sizes to be similar. this will negatively affect my property value.

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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:

PROPERTY OWNER NAME (print): Maria E Garcia

SIGNATURE: [illegible]

ADDRESS: 4506 Dexham Rd Rowlett TX 75088

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Attachment 6

03-03-16 P04:20 IN
03-03-16 P04:20 IN

Rowlett TEXAS

Department of Development Services

COURTESY NOTICE OF PUBLIC HEARING

03-03-16 P04:20 IN

TO: Property Owner

RE: Application for a Zoning Change

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: Wrong make up for neighborhood - Traffic

PROPERTY OWNER NAME (print): Gayland & Brenda Avant

SIGNATURE:

ADDRESS: 1821 Palomino Drive

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Attachment 6

03-03-16 P04:21 IN

Rowlett TEXAS

Department of Development Services

COURTESY NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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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 infrastructure for so many more homes (sewage/traffic)

PROPERTY OWNER NAME (print): LISA MORGAN

SIGNATURE: Lisa Morgan

ADDRESS: 1805 Palomino Dr. Rowlett Tx 75088

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Attachment 6

15-03-16 P04:18 IN

Rowlett TEXAS

Department of Development Services

COURTESY 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: LOT AND HOME SIZES TOO SMALL. DENSITY OF HOMES TOO HIGH FOR THE NUMBER OF ACRES.

PROPERTY OWNER NAME (print): HARRY SAMUEL SEIDEL JR / DAVID J. KOCA

SIGNATURE: Harry Seidel / David J Koca

ADDRESS: 1901 PALOMINO DRIVE, ROWLETT, TX 75088

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Attachment 6

Rowlett TEXAS

02-29-16P02:52 RCVD

Department of Development Services

COURTESY 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 OPPOSE THE REZONING DUE TO THE DENSITY OF THE PROPOSED PLANS.

PROPERTY OWNER NAME (print): BOBBY TARVER

SIGNATURE:

ADDRESS: 5010 DEXHAM

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 6:30 p.m. on the 8th day of March, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 5th day of April, 2016. 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 not be recorded. Your response must be received in the Development Service Department by 5 pm on Wednesday, March 2, 2016, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, March 30, 2015, to be included in the City Council packet. All responses received by March 30th will be forwarded to the Council as well; it is not necessary to respond twice. Responses received after the times noted above shall not be counted in the record of response.

If you have any questions concerning this request, please contact the Department of Development Services Phone 972-412-6166 FAX 972-412-6228 glangford@rowlett.com	**RETURN BY FAX OR MAIL** City of Rowlett Development Services PO Box 99 Rowlett, TX 75030-0099

03-03-16 P04:19 IN Attachment 6

Rowlett TEXAS

Department of Development Services

COURTESY NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

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.

EXPLANATION OF REQUEST: The applicant requests a rezoning from the existing Single Family-40 Zoning District to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build of a single family subdivision. The minimum lot size proposed for these single-family lots is 5,500 square feet. (PD80-2015)

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

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: The lots are extremely too small and the square footage of the proposed homes is in the range of starter home neighborhoods. They won't sell for high dollar amounts & will end up as rentals and not built up - another urban ghetto project.

PROPERTY OWNER NAME (print): LARRY E. WORRELL

SIGNATURE: [signature]

ADDRESS: 1602 Palomino Dr - Rowlett, TX 75088

By contrast - look how well the homes at Castle & Rowlett are selling and the ones in Lakes of Springfield just across 550. They are all traditional & in the upper 200's to 300's. Keep this neighborhood as it was proposed when only single family developed and keep Rowlett beautiful!

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 6:30 p.m. on the **8th day of March, 2016**, and that the City Council will hold a public hearing at 7:30 p.m. on the **5th day of April, 2016**. 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 not be recorded. Your response must be received in the Development Service Department by 5 pm on Wednesday, March 2, 2016, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, March 30, 2015, to be included in the City Council packet. All responses received by March 30th 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.

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Attachment 6

Rowlett TEXAS

Department of Development Services

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RE: Application for a Zoning Change

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.

EXPLANATION OF REQUEST: The applicant requests a rezoning from the existing Single Family-40 Zoning District to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build of a single family subdivision. The minimum lot size proposed for these single-family lots is 5,500 square feet. (PD80-2015)

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

☑ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: opposed to: small 5500 sq ft Lots, opposed High Density homes in PD are 1600 sq ft., Front Entry garages with No Allys, underestimating flood plain, Dexham Rd traffic

PROPERTY OWNER NAME (print): MARK + MARY HEMPKINS

SIGNATURE: Mark + Mary Hempkins

ADDRESS: 1613 PALOMINO DRIVE Rowlett Tx 75088

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2/24/16

Not opposed to contruction of homes if planned with existing Home values in Dexham Estates considered. Although not necessary to meet Dexham size homes + lots, the High Density of homes and [illegible] should not be approved. A Better Planned

small lot sizes should not [illegible]
development should be required by the City,

Attachment 6

Attachment 6

TEXAS Services

COURTESY NOTICE OF PUBLIC HEARING

03-03-16 P04:23 IN

TO: Property Owner

RE: Application for a Zoning Change

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: Because this area consists of a lot of flood plain, I do not think so many houses should be developed there. Also, a lot of houses will cause a traffic problem on Dexham Road.

PROPERTY OWNER NAME (print): Cathy Worrell

SIGNATURE: Cathy Worrell

ADDRESS: 1602 Palomino Dr., 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 6:30 p.m. on the **8th day of March, 2016**, and that the City Council will hold a public hearing at 7:30 p.m. on the **5th day of April, 2016**. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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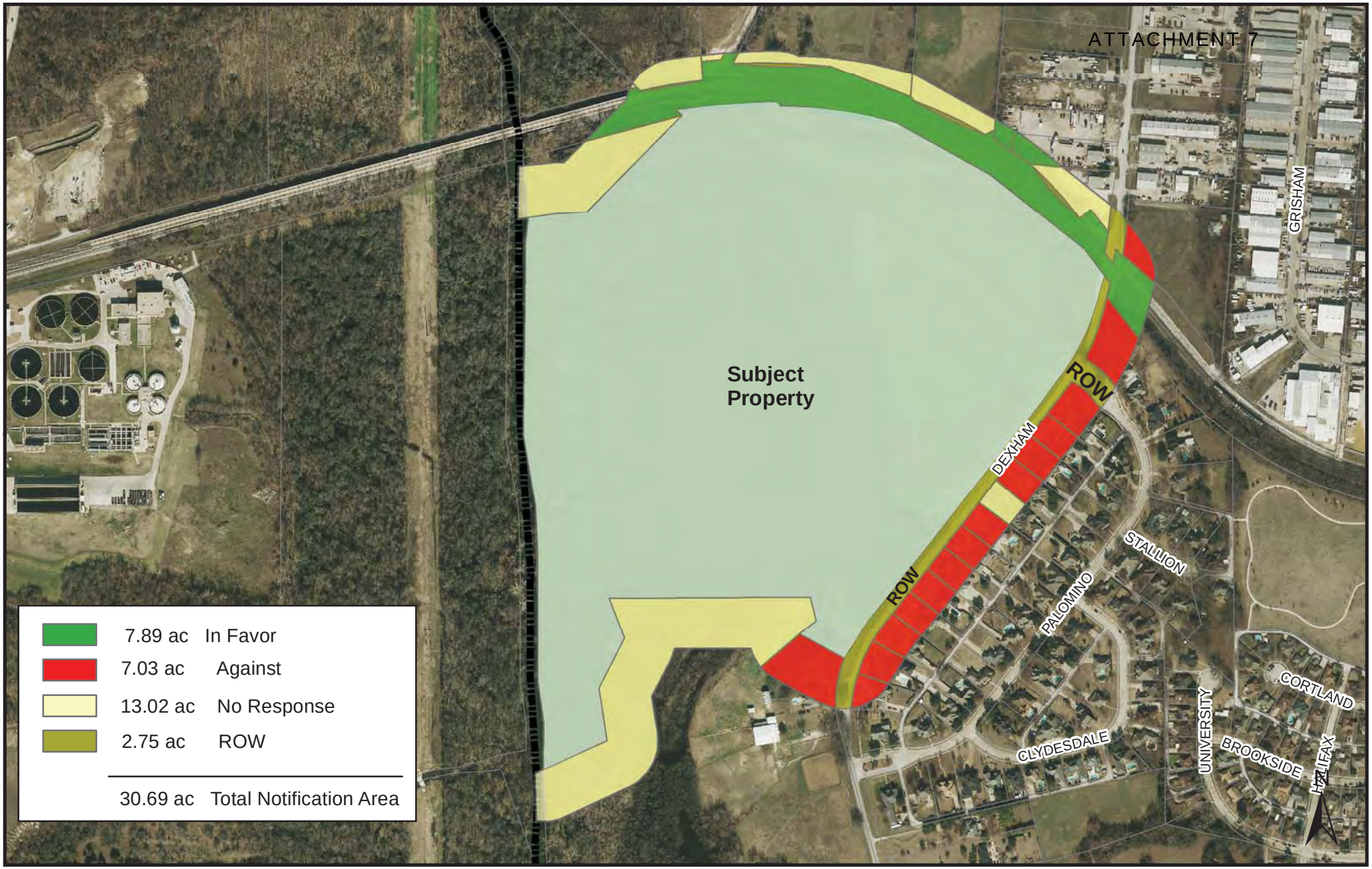


Rowlett TEXAS

4401,4413,4509,4513,4601,4609, 4613 and 4701 DEXHAM RD
CREEKSIDE VILLAGE
ZONING CHANGE
Map Created: March 08, 2016

PROTEST CALCULATION MAP

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.

SURVEYOR'S CERTIFICATE:

I, Sean Patton, a Registered Professional Land Surveyor in the State Of Texas, do hereby certify that this plat is based on an actual on the ground survey made under my direct supervision and all corners are monumented as shown hereon. Except as shown, there are no visible encroachments, conflicts or protrusions apparent on the ground.

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED, VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

SEAN PATTON
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5660

SURVEYED ON THE GROUND: JANUARY 19, 2015

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, DALLAS COUNTY, TEXAS
M.R.D.C.T. = MAP RECORDS, DALLAS COUNTY, TEXAS
IRF = IRON ROD FOUND
<CM> = CONTROLLING MONUMENT

▼ = DENOTES ZERO SIDE OF LOT

◊ DENOTES STREET NAME CHANGE

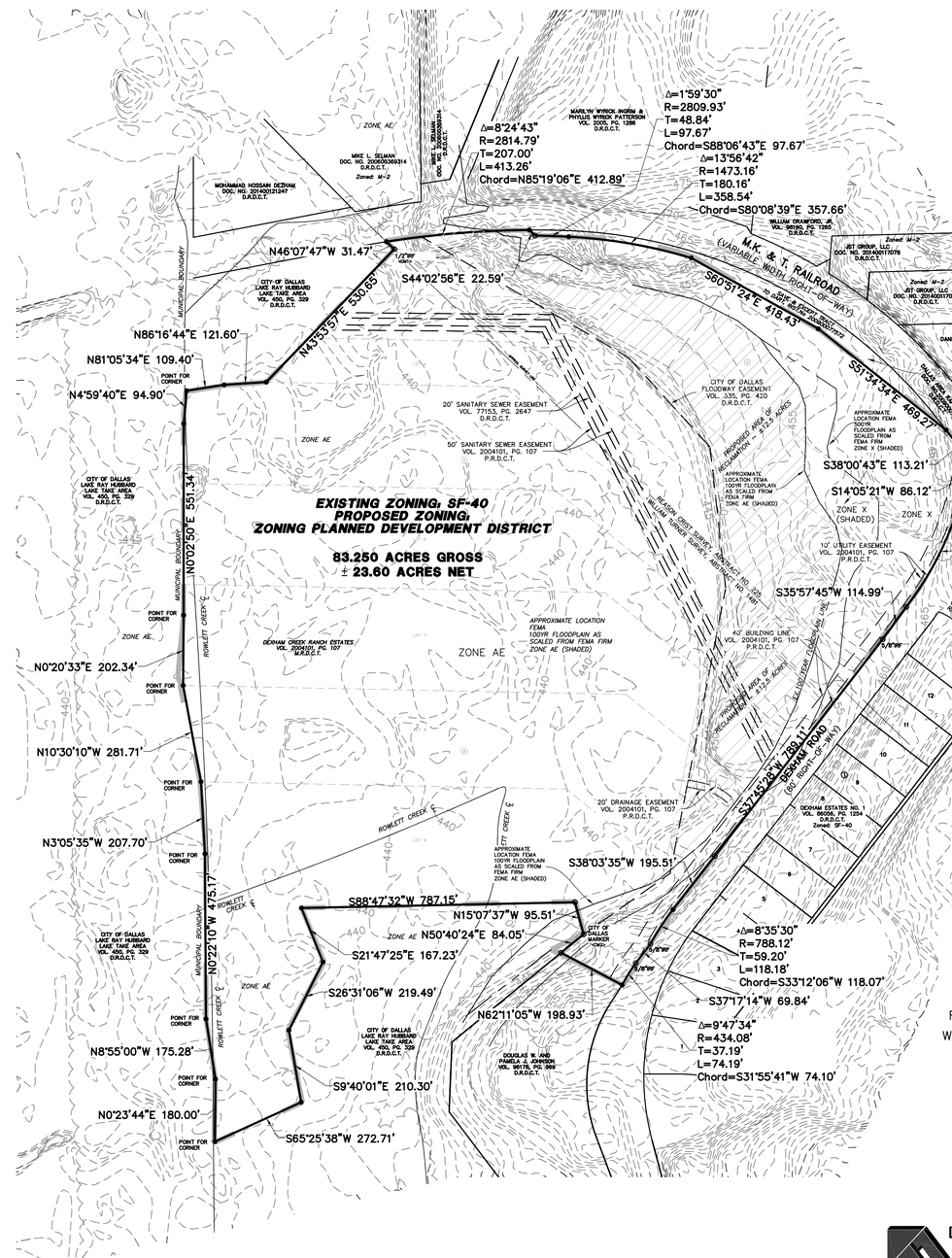
⊙ = 1/2" IRON ROD FOUND W/ YELLOW PLASTIC CAP STAMPED "DAA" (UNLESS OTHERWISE NOTED)
● = 1/2" IRON ROD SET W/ YELLOW PLASTIC CAP STAMPED "DAA" (UNLESS OTHERWISE NOTED)

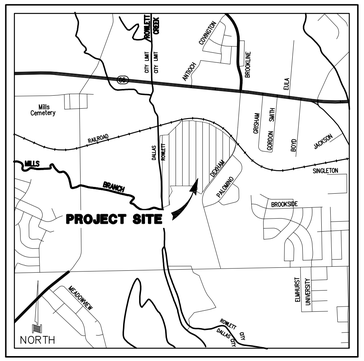
= TREE LINE

= PROPOSED ZONING

NOTES:

1. THE DEVELOPMENT OF THE SITE SHALL BE IN ACCORDANCE WITH THE CITY OF ROWLETT DEVELOPMENT STANDARDS.
2. BASIS OF BEARINGS DERIVED FROM THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD83, NORTH CENTRAL ZONE. DIRECTION FOR CONTROL ESTABLISHED THROUGH <CM1> AND <CM2> HAVING A BEARING AND DISTANCE OF SOUTH 15° 26' 52" EAST, 2045.21 FEET.
3. ACCORDING TO MAP NO. 48113C0240K OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAPS FOR DALLAS COUNTY, TEXAS, DATED JULY 7, 2014, THE SUBJECT TRACT IS SITUATED WITHIN: UNSHADED ZONE "X"; DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN. SHADED ZONE "X"; DEFINED AS AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1-FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD. ZONE "AE"; DEFINED AS SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD WITH BASE FLOOD ELEVATIONS DETERMINED. FOR AREAS OF ALLUVIAL FAN FLOODING, VELOCITIES ALSO DETERMINED. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY OR STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.
4. THE LOCATION OF THE FLOOD ZONE LINES SHOWN HEREON, WERE DETERMINED BY SCALING FROM SAID FEMA MAP. THE ACTUAL LOCATION AS DETERMINED BY ELEVATION CONTOURS MAY DIFFER. DOWDEY, ANDERSON & ASSOCIATES, INC. SURVEYING COMPANY ASSUMES NO LIABILITY AS TO THE ACCURACY OF THE LOCATION OF THE FLOOD ZONE LIMITS.





LOCATION MAP
NOT TO SCALE

GRAPHIC SCALE

200 100 0 200 600

(IN FEET)
1 inch = 200 ft.

83.250 GROSS ACRES
±23.60 NET ACRES

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

DECEMBER 2015 SCALE: 1"=100'

OWNER/APPLICANT:
CRESWELL ENTERPRISES, INC.
17409 CLUB HILL COURT
DALLAS, TX 75248
PHONE: 214-533-7233

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
SURVEY FIRM REGISTRATION NUMBER: 10077800

REVISED:

CITY CASE NO._____

13053A

LEGAL DESCRIPTION
83.250 ACRES

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:

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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.

DOWDEY, ANDERSON
& ASSOCIATES, INC.
CIVIL ENGINEERS

5225 Village Creek Drive
Suite 200
Plano, Texas 75093
972-931-0694
972-931-9538 Fax

Creekside Village

DAA JOB NO. 13053A
12/07/2015

Residential Planned Development
Creekside Village

For the 83.250 Acre Tract
Rowlett, Texas

EXHIBIT C:
Statement of Intent and Purpose

Approval Criteria

1. Whether the proposed zoning corrects an error or meets the challenge of some changing condition, trend or fact.
   The proposed rezoning is a reflection of the reduction in the market demand for large estate lots. These types of lots are expensive to build and expensive to maintain. This is also a reflection of the changing trends towards bigger houses on smaller lots. The proposed rezoning also attempts to move towards the desires of the younger generation that wants access to open space and trails. The current zoning/plat provides no access to Rowlett Creek, whereas the proposed zoning would provide access points to the creek open space and trail.

2. Whether the proposed rezoning is consistent with the comprehensive plan and the purpose of this Code stated in subchapter 77-103, Purpose of this Code.
   This property is outside the 13 opportunity areas identified in the Realize Rowlett 2020 Comprehensive Plan. Therefore various Guiding Principles are used to analyze if the proposed rezoning is consistent with the comprehensive plan. The proposed rezoning attempts to add value on the existing development on the east side of Dexham Road. These large lots would be buffered by a green belt along the west side of Dexham Road and any lots adjacent to Dexham Road would have a minimum size of 7,500 square feet.

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3. Whether the proposed rezoning will protect or enhance the health, safety, morals or general welfare of the public.
   We do not believe that this rezoning will negatively impact the health, safety, morals or general welfare of the public. This proposed rezoning will meet the standards in the Rowlett Development Code including, drainage, traffic and utility requirements.

4. Whether the municipality or 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.
   There is sufficient capacity in the transportation system and Rowlett utility service facilities (water, sanitary sewer, stormwater drainage) for this proposed rezoning. A traffic impact analysis will be provide at the time of Preliminary Plat submittal.

5. Whether the proposed rezoning is likely to have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife and vegetation.
   The natural environment is essentially contained with floodway easement to the City of Dallas. This easement area will be dedicated as open space to the City of Rowlett, thus preserving the natural environment, wildlife and vegetation.

6. Whether the proposed rezoning will have significant adverse impacts on other property in the vicinity of the subject tract.
   The proposed rezoning will create a green buffer between the existing development and the new development. This buffer would provide street trees and shrubs to soften the appearance of the screening wall.

7. The suitability of the subject property for the existing zoning classification and proposed zoning classification.
   As currently platted, the property makes approximately 60 acres of natural terrain closed off from the public. This proposed rezoning would dedicate this natural area as open space and access would be provided by the public. The existing estate lot subdivision has been in place

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for over 10 years without any success selling lots and developing homes. The market has shifted to a smaller product.

8. Whether there is determined to be an excessive proliferation of the use or similar uses.
   This rezoning would only create 80 lots on an 80 acre site and over 60 acres would be dedicated as open space. There are very few SF-5 lots in west Rowlett.

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.
   This rezoning will be different from the existing lots to the east of Dexham. However the greenbelt and screening wall will create a buffer between the differing developments.

10. The supply of land in the economically relevant area that is in the use district to be applied by the rezoning or in similar use districts, in relation to the demand for that land.
    The proposed rezoning will provide a different product than is currently available in the area, thereby increasing the diversity of housing types.

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Creekside Village

DAA JOB NO. 13053A
03/04/2016

Residential Planned Development
Creekside Village

For the 83.250 Acre Tract
Rowlett, Texas

EXHIBIT D:
Proposed Land Use and Development Regulations

General Standards

1. Development shall take place in general accordance with the attached Zoning Exhibit (Exhibit E).
2. The maximum number of homes in the Creekside Village neighborhood shall be 73.
3. A minimum of 2.0 acres of land not within the floodway shall be used as open space. This open space and the open space contained within the City of Dallas floodway easement shall be accessible to the public in at least 2 points along a dedicated public road other than Dexham Road. These open space areas shall be recognized as meeting all of the City of Rowlett's acreage requirements for public and/or private open space for the Creekside Village neighborhood.
4. Developer shall be responsible for construct a trail along the City of Dallas floodway easement per the City of Rowlett standards currently in pace or as may be amended.
5. All open space not within the City of Dallas floodway easement shall be owned and maintained by a Homeowners Association.
6. Fencing for lots adjacent to the floodplain shall use open fencing along the floodplain.
7. Alleys shall not be required.
8. Street trees will be provided
    a. Two (2) trees shall be provided per lot per the City of Rowlett Development Code of which the proposed street tree shall count towards the total number of trees per font yard.
9. Palomino Drive shall be a divided entry road at the connection point with Dexham Road.

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Dimensional Standards

Development shall take place in accordance with the SF-5 Single Family Residential District as outlined in the City of Rowlett Development Code as it exists or may be amended, except as indicated below.

A. The minimum lot area shall be 5,500 square feet. A minimum of 10% of the residential lots shall have a minimum lot area of 7,500 square feet. Lots adjacent to the right-of-way of Dexham Road shall have a minimum lot area of 7.500 square feet.
B. Any residential lot that fronts directly onto Dexham Road shall be built to the SF-40 Single Family Residential District.
C. The minimum lot width shall be 50'. On cul-de-sacs and/or elbows, the minimum lot width at the building line shall be 45'. The minimum street frontage for all lots shall be 35'. On those lots with a minimum 7,500 square feet area, the minimum lot width shall be 70'.
D. The minimum lot depth shall be 115'. On cul-de-sacs and/or elbows, the minimum shall be 110'.
E. No less than 30% of the front façade of the house shall be built between 18' and 20' from the front property line. A front entry garage shall have a minimum front yard setback of 25'. An enclosed porch may encroach past the front build to line, but in no instance shall it be closer than 10' from the front property line.
F. The minimum side yard shall be 5'. The minimum side yard on a corner lot adjacent to a street shall be 10'. The minimum exterior side yard on a key lot shall be 20'.
G. The minimum rear yard shall be 20'.
H. The maximum lot coverage shall be 75%.
I. The minimum dwelling area shall be 1,600 square feet.
J. The maximum height shall be 2.5 stories or 35' for the main building.
K. Garage doors may face a public street.
L. Lots that side or rear to Dexham Road shall provide a minimum 20' landscape buffer along Dexham Road.

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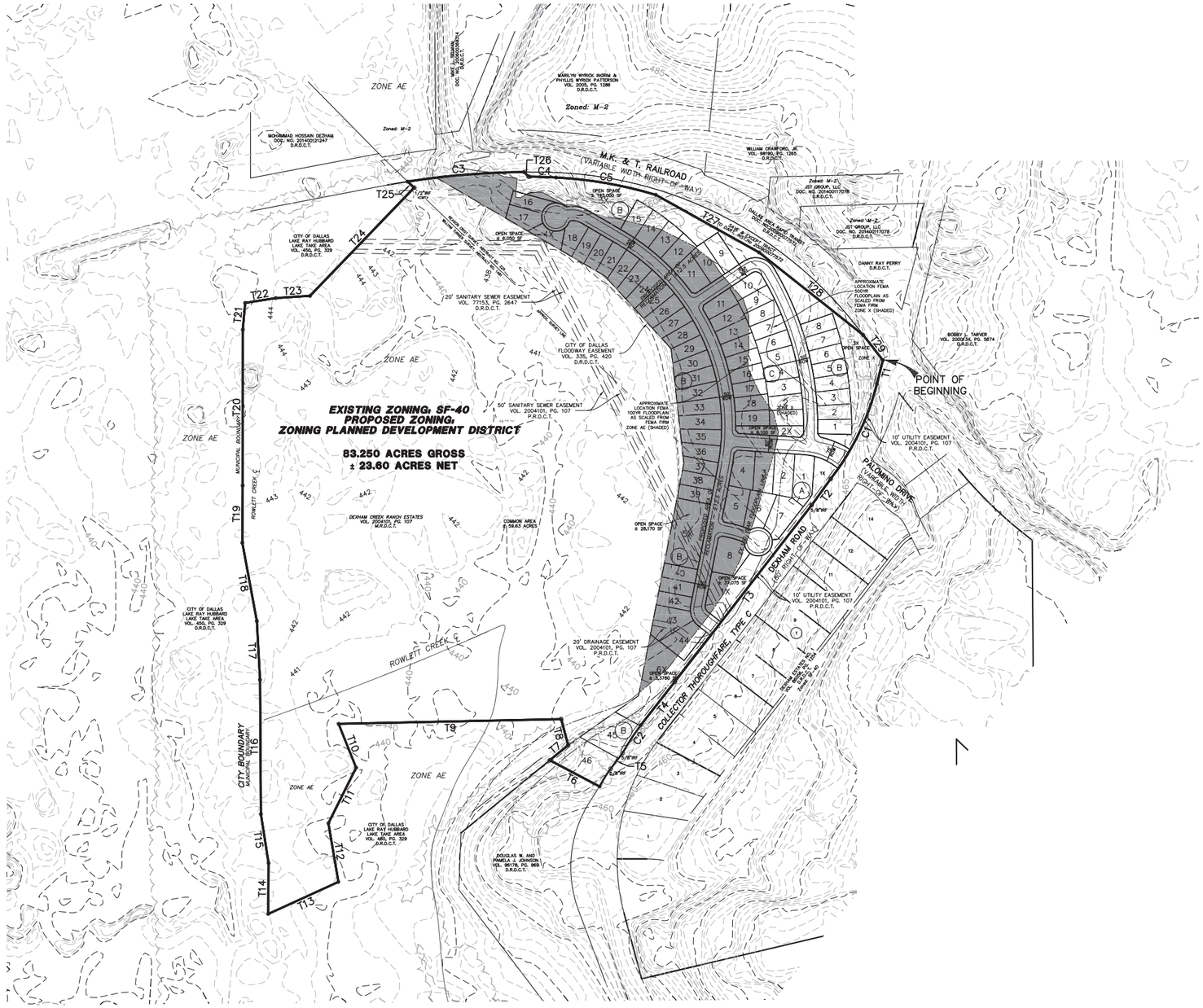
Neighborhood Standards

Neighborhood buffer yards, entryway treatments and landscaping shall be designed, developed and maintained in accordance with the standards established in the Rowlett Development Code, except as amender here in:

A. The primary entryway as identified in the City of Rowlett Development Code shall be permitted to have a combined minimum of 7,500 square feet of asymmetrical proportions.
B. Proposed size and shape of the primary entry landscaping shall generally conform to the attached Concept Plan in Exhibit E. Exact dimensions and square footages shall be determined at the time of Preliminary Plat.

Homes shall be built in accordance with the Rowlett Form Based Code Article 2.8.4 Architectural Standards.



PROJECT SITE DATA

GENERAL

CASE NUMBER:	PD80–2015
NAME OF PROJECT:	CREEKSIDE VILLAGE
EXISTING LAND USE:	RESIDENTIAL ESTATE DENSITY & FLOODPLAIN
FUTURE LAND USE DESIGNATION:	RESIDENTIAL SUBURBAN DENSITY & FLOODPLAIN
EXISTING ZONING DISTRICT:	SINGLE FAMILY RESIDENTIAL (SF–40)
PROPOSED ZONING DISTRICT:	ZONING PLANNED DEVELOPMENT DISTRICT
APPLICABLE OVERLAYS:	PLANNED DEVELOPMENT
APPRAISAL DISTRICT ACCOUNT NUMBER AND COUNTY:	441113500A001000, DALLAS COUNTY

OVERALL SITE:

COMMON AREA:	59.63	AC±	71.6%
OPEN SPACE:	5.88	AC±	7.0%
TOTAL OPEN SPACE:	66.51	AC±	78.7%
DEVELOPABLE LAND:	17.74	AC±	21.3%
TOTAL SITE:	83.250	AC±	100%

GROSS ACREAGE:	83.250 AC±
NET ACREAGE:	23.60 AC±
EXISTING LAND USE:	RESIDENTIAL ESTATE DENSITY & FLOODPLAIN
PROPOSED LAND USE:	RESIDENTIAL SUBURBAN DENSITY & FLOODPLAIN

HOUSING:

TOTAL NUMBER OF HOMES:	73
GROSS DENSITY:	0.88 LOTS/AC
NET DENSITY:	3.09 LOTS/AC

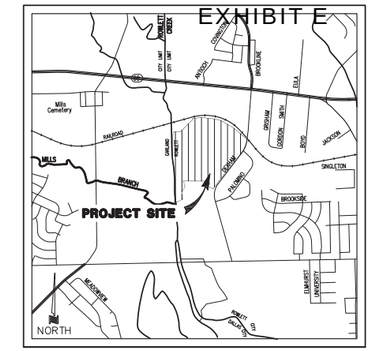
PROPERTY DEVELOPMENT REGULATIONS:

A. THE MINIMUM LOT AREA SHALL BE 5,500 SQUARE FEET. A MINIMUM OF 10% OF THE RESIDENTIAL LOTS SHALL HAVE A MINIMUM LOT AREA OF 7,500 SQUARE FEET. LOTS ADJACENT TO THE RIGHT–OF–WAY OF DEXHAM ROAD SHALL HAVE A MINIMUM LOT AREA OF 7,500 SQUARE FEET.
B. ANY RESIDENTIAL LOT THAT FRONTS DIRECTLY ONTO DEXHAM ROAD SHALL BE BUILT TO THE SF–40 SINGLE FAMILY RESIDENTIAL DISTRICT.
C. THE MINIMUM LOT WIDTH SHALL BE 50'. ON CUL–DE–SACS AND/OR ELBOWS, THE MINIMUM LOT WIDTH AT THE BUILDING LINE SHALL BE 45'. THE MINIMUM STREET FRONTAGE FOR ALL LOTS SHALL BE 35'. ON THOSE LOTS WITH A MINIMUM 7,500 SQUARE FEET AREA, THE MINIMUM LOT WIDTH SHALL BE 70'.
D. THE MINIMUM LOT DEPTH SHALL BE 115'. ON CUL–DE–SACS AND/OR ELBOWS, THE MINIMUM SHALL BE 110'.
E. NO LESS THAN 30% OF THE FRONT FAÇADE OF THE HOUSE SHALL BE BUILT BETWEEN 18' AND 20' FROM THE FRONT PROPERTY LINE. A FRONT ENTRY GARAGE SHALL HAVE A MINIMUM FRONT YARD SETBACK OF 25'. AN ENCLOSED PORCH MAY ENCROACH PAST THE FRONT BUILD TO LINE, BUT IN NO INSTANCE SHALL IT BE CLOSER THAN 10' FROM THE FRONT PROPERTY LINE.
F. THE MINIMUM SIDE YARD SHALL BE 5'. THE MINIMUM SIDE YARD ON A CORNER LOT ADJACENT TO A STREET SHALL BE 10'. THE MINIMUM EXTERIOR SIDE YARD ON A KEY LOT SHALL BE 20'.
G. THE MINIMUM REAR YARD SHALL BE 20'.
H. THE MAXIMUM LOT COVERAGE SHALL BE 75%.
I. THE MINIMUM DWELLING AREA SHALL BE 1,600 SQUARE FEET.
J. THE MAXIMUM HEIGHT SHALL BE 2.5 STORIES OR 35' FOR THE MAIN BUILDING.
K. GARAGE DOORS MAY FACE A PUBLIC STREET.
L. LOTS THAT SIDE OR REAR TO DEXHAM ROAD SHALL PROVIDE A MINIMUM 20' LANDSCAPE BUFFER ALONG DEXHAM ROAD.

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 AREA OF RECLAMATION

EXHIBIT E



LOCATION MAP NOT TO SCALE

GRAPHIC SCALE

200 100 0 200 600

(IN FEET)
1 inch = 200 ft.

LOT CURVE TABLE

CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD	
C1	23°40'00"	911.10'	190.89'	376.34'	S25°55'21"W	373.67'
C2	8°35'30"	788.12'	59.20'	118.18'	S33°12'06"W	118.07'
C3	8°24'43"	2814.79'	207.00'	413.26'	N85°19'06"E	412.89'
C4	1°59'30"	2809.93'	48.84'	97.67'	S88°06'43"E	97.67'
C5	13°56'42"	1473.16'	180.16'	358.54'	S80°08'39"E	357.66'

LOT LINE TABLE

LINE	BEARING	LENGTH
T1	S14°05'21"W	86.12'
T2	S35°57'45"W	114.99'
T3	S37°45'28"W	789.11'
T4	S38°03'35"W	195.51'
T5	S37°17'14"W	69.84'
T6	N62°11'05"W	198.93'
T7	N50°40'24"E	84.05'
T8	N15°07'37"W	95.51'
T9	S88°47'32"W	787.15'
T10	S21°47'25"E	167.23'
T11	S26°31'06"W	219.49'
T12	S9°40'01"E	210.30'
T13	S65°25'38"W	272.71'
T14	N0°23'44"E	180.00'
T15	N8°55'00"W	175.28'

LOT LINE TABLE

LINE	BEARING	LENGTH
T16	N0°22'10"W	475.17'
T17	N3°05'35"W	207.70'
T18	N10°30'10"W	281.71'
T19	N0°20'33"E	202.34'
T20	N0°02'50"E	551.34'
T21	N4°59'40"E	94.90'
T22	N81°05'34"E	109.40'
T23	N86°16'44"E	121.60'
T24	N43°53'57"E	530.65'
T25	N46°07'47"W	31.47'
T26	S44°02'56"E	22.59'
T27	S60°51'24"E	418.43'
T28	S51°34'34"E	469.27'
T29	S38°00'43"E	113.21'

83.250 GROSS ACRES
±23.60 NET ACRES

CREEKSIDE VILLAGE

EXHIBIT E – ZONING CONCEPT PLAN

AN ADDITION TO THE CITY OF ROWLETT
REASON CRIST SURVEY ~ ABSTRACT NO. 225
WILLIAM TURNER SURVEY ~ ABSTRACT NO. 1481
CITY OF ROWLETT, DALLAS COUNTY, TEXAS
DECEMBER 2015 SCALE: 1"=200'

OWNER/APPLICANT:
CRESSWELL ENTERPRISES, INC.
17409 CLUB HILL COURT
DALLAS, TX 75248
PHONE: 214–533–7233

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
SURVEY FIRM REGISTRATION NUMBER: 10077800

NOTES:

1. THE DEVELOPMENT OF THE SITE SHALL BE IN ACCORDANCE WITH THE CITY OF ROWLETT DEVELOPMENT STANDARDS.
2. DEVIATIONS FROM CURRENT DEVELOPMENT STANDARDS/REGULATIONS NOT SPECIFICALLY ADDRESSED/LISTED FOR APPROVAL AS PART OF THE PROPOSED PLANNED DEVELOPMENT REGULATIONS MAY REQUIRE A HEARING/APPROVAL BY THE BOARD OF ADJUSTMENTS (BOA).
3. ALL CURRENT DEVELOPMENT REQUIREMENTS OF THE CITY AS AMENDED SHALL BE MET UNLESS APPROVED OTHERWISE WITHIN THESE PLANNED DEVELOPMENT ZONING DISTRICT DEVELOPMENT REGULATIONS.
4. THE DEVELOPMENT TYPE BOUNDARIES SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATIVE PURPOSES ONLY AND SHALL NOT SET THE BOUNDARY. THE BOUNDARY SHALL BE DETERMINED AT THE TIME OF FINAL PLAT.
5. ANY 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.
6. THIS ZONING CONCEPT PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY AND IS SUBJECT TO CHANGE. THIS ZONING CONCEPT PLAN, ALONG WITH DEVELOPMENT REGULATIONS, ARE INTENDED TO DESCRIBE THE INTENT OF THE PROPOSED PLANNED DEVELOPMENT. ANY LAYOUT AMENDMENTS TO THIS ZONING CONCEPT PLAN, AS DETERMINED AT THE TIME OF FLOOD STUDY SHALL BE REVIEWED AND APPROVED ADMINISTRATIVELY BY THE DIRECTOR OF PLANNING.
7. 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.
8. CITY OF DALLAS FLOODPLAIN TO BE DEDICATED AS PUBLIC OPEN SPACE WITH AT LEASE TWO (2) POINTS OF ACCESS FROM PUBLIC STREETS; TRAILS BY DEVELOPER.
9. A MINIMUM TWENTY–FOOT (20') LANDSCAPE BUFFER WITH A SIX–FOOT (6') MASONRY SCREENING WALL ADJACENT TO DEXHAM ROAD SHALL BE PROVIDED FOR LOTS LESS THAN SF–40 STANDARDS.
10. LOTS SIDING OR BACKING ONTO DEXHAM SHALL BE A MINIMUM SEVENTY (70') FEET WIDE WITH A MINIMUM 7,500 SQUARE FOOT LOT.
11. LOTS FRONTING ONTO DEXHAM SHALL BE A MINIMUM SF–40.
12. LOTS BACKING OR SIDING TO FLOODPLAIN SHALL HAVE OPEN FENCING.
13. ALLEYS SHALL NOT BE REQUIRED WITHIN THE SUBJECT PROPERTY.

REVISED: MARCH 04, 2016

CITY CASE NO. PD80–2015

13053A

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EXHIBIT E

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 wth 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 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.

83.250 GROSS ACRES
±23.60 NET ACRES

CREEKSIDE VILLAGE

EXHIBIT E – ZONING CONCEPT PLAN

AN ADDITION TO THE CITY OF ROWLETT
REASON CRIST SURVEY ~ ABSTRACT NO. 225
WILLIAM TURNER SURVEY ~ ABSTRACT NO. 1481
DALLAS COUNTY, TEXAS

DECEMBER 2015 SCALE: 1"=200'

OWNER/APPLICANT:
CRESSWELL ENTERPRISES, INC.
17409 CLUB HILL COURT
DALLAS, TX 75248
PHONE: 214-533-7233

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
SURVEY FIRM REGISTRATION NUMBER: 10077800

CITY CASE NO. PD80-2015

REVISED:

P:\Projects LDD\13053\13053-ZPD-CP.dwg, 13053A-ZPD-2-2, 3/4/2016 12:39:33 PM, tsklimer, Dowdey, Anderson & Associates, Inc., TSY

DOWDEY, ANDERSON
& ASSOCIATES, INC.
CIVIL ENGINEERS

5225 Village Creek Drive
Suite 200
Plano, Texas 75093
972-931-0694
972-931-9538 Fax

Creekside Village
DAA JOB NO. 13053A
12/07/2015

Residential Planned Development
Creekside Village
For the 83.250 Acre Tract
Rowlett, Texas

EXHIBIT F:
Development Schedule

Barring any unforeseen changes in the current market or economic conditions it is currently anticipated that preparation of the final engineering developments of Creekside Village will begin upon approval and adoption of these Proposed Zoning Planned Development, Zoning District Development Regulations. The initial phase of residential development would be completed within approximately fifteen to eighteen months following ordinance adoption. The following phases of construction will be largely dependent upon market demand however, it is currently anticipated that residential phases will be completed at approximate twelve month intervals. Under this scenario the development could be completed within twelve to fifteen months following the subsequent approval of the final engineering documents.

There are numerous factors that may have additional impacts upon the development schedule that are beyond the control of the developer. Among these are housing market conditions, economic and financial conditions, construction materials and labor availability, acts of nature and other similar conditions.

City of Rowlett

Staff Report

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

AGENDA DATE: 04/05/16 **AGENDA ITEM**: 8B

TITLE

Conduct a public hearing and take appropriate action on a request for a rezoning from a Form-Based New Neighborhood Zoning District to a Planned Development (PD) with underlying Single Family-5 (SF-5) and Single Family-7 (SF-7) base zoning districts. The subject properties are located at 3621, 3713, 3717, and 3937 Hickox Road, further described as 34.15 +/- acres of land situated in the Reason Crist Survey, Abstract No. 225, City of Rowlett, Dallas County, Texas.

STAFF REPRESENTATIVE

Marc Kurbansade AICP, Director of Development Services
Daniel Acevedo CNU-A, Urban Design Manager

SUMMARY

The subject properties, referred to as Magnolia Park throughout the remainder of this report, is zoned New Neighborhood Form-Based District (NN-FB), and is currently regulated by the Form-Based Code (FBC). A location map is included as Attachment 1. The applicant is requesting to rezone the property to a PD with underlying SF-5 and SF-7 base zoning districts for the purpose of building a single family subdivision.

BACKGROUND INFORMATION

The subject properties are included in the North Shore opportunity area as outlined in the Realize Rowlett 2020 Comprehensive Plan adopted in 2011. After the adoption of the Comprehensive Plan, the City Council subsequently adopted the FBC in 2012, which included two zoning districts at the time: New Neighborhood and Urban Village. Following the adoption of the FBC, a private developer approached the City and requested that 63.6 +/- acres including the subject properties be rezoned to the NN-FB District. At that time, the City was preparing to begin the North Shore master planning process and worked closely with the applicant to ensure that the proposed rezoning would work in harmony with future planning efforts in the area. The final zoning proposal, “Merritt Village,” was ultimately approved on May 21, 2013. This rezoning was further evaluated and expanded upon throughout the North Shore master planning process that concluded with the adoption of the North Shore Master Plan on April 16, 2014.

From the adoption of the Realize Rowlett 2020 Comprehensive Plan in 2011 through the North Shore Planning Process in 2014, it was consistently acknowledged that while single family homes will be allowed in the far western portion of the North Shore, they will not be the dominant use. Additionally through the Realize Rowlett 2020 process and subsequent studies, it was confirmed that 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. It was determined that the best way to help diversify the City’s housing stock was through implementing FBC zoning

districts within strategic opportunity areas including the North Shore. This is due to the fact that the standards within the FBC ultimately achieve higher quality neighborhoods than can be accomplished through conventional zoning districts, both through design standards and housing mix requirements. While it may be appropriate to consider conventional subdivisions in other areas of the City, the districts identified as strategic opportunities within the Comprehensive Plan and more specifically the areas wherein the City initiated and approved rezonings to FB Districts were identified as critical to advancing the City's vision for fiscal sustainability. It is for those reasons that staff remains firm that the current NN-FB District is the most appropriate district for the subject property and recommends denial of the proposed rezoning request.

On March 22, 2016, the Planning and Zoning Commission held a public hearing and voted unanimously 7-0, recommending denial of the request.

DISCUSSION

Section 77-805 of the *Rowlett Development Code (RDC)* states that City Council shall consider the following when making their decision 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 is staff's professional opinion that the proposed rezoning does not address a changing condition, trend, or fact. The current zoning was established in direct efforts to rectify the trend towards an oversupply of the same housing product types throughout the City. The desired result was to diversify the City's housing stock. It was acknowledged throughout the North Shore planning process that the vision for the North Shore was a long-term vision and the zoning should be seen as a long-term strategy. Based on that, it is not surprising that there is a short-term market demand for the proposed rezoning. Since this was discussed and acknowledged throughout the North Shore planning process, staff does not see it as a changing condition, trend or fact. For that reason, staff cannot support the proposal for an alternative that is not in line with the Comprehensive Plan and City Council's vision.

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 properties, located in the North Shore District, have been identified as one of the 13 opportunity areas in the City. It is staff's opinion that the most appropriate way to fulfill the intent and meet the Guiding Principles outlined in the Comprehensive Plan, is for the subject property to retain the current NN-FB zoning designation. While the current proposal incorporated many of the FBC standards into the PD standards, the intent of the FBC is not upheld. These intent issues are most apparent in relation to lot mix and front entry product.

In terms of lot mix, it has previously been determined through the Realize Rowlett 2020 Comprehensive Plan and the FBC planning processes that a broad range of housing types are essential in achieving a minimum standard of diversity in the City's housing stock. Without this diversity, there is a danger in creating an oversupply of the same type by yielding only to existing market demand. This is best achieved through the FBC zoning districts. As previously mentioned, while it may be appropriate to consider conventional subdivisions in other areas of the City, the districts identified as strategic opportunities within the Comprehensive Plan and more specifically the areas wherein the City initiated and approved rezonings to FB Districts, including the North Shore, were identified as critical to advancing the City's vision for fiscal sustainability. As a long range strategy it is necessary to resist the desire to accommodate what is in high demand now, versus the ultimate buildout. Once the opportunity for diversity is gone it is almost impossible to recapture.

In terms of front entry product, staff cannot support a blanket allowance for front entry product throughout the site. Front entry product has been proven to detract from the walkability factor in pedestrian friendly neighborhoods. High quality, walkable neighborhoods rely on a standard of separation, which shields and removes the pedestrian from the automobile, minimizing conflict zones where people and cars meet. This separation is achieved through uninterrupted sidewalks along blocks, minimizing curb cuts and alley access points, incorporating street trees in parkways, and incorporating on street parking. Since a pedestrian friendly neighborhood relies heavily on the pedestrian realm, auto-dominated frontages are in direct opposition to that desire. In the case of the FBC, much is done to reinforce investment in the human scale elements that produce a public realm that fosters, supports, and encourages human interaction. By allowing driveways along narrow lots throughout the entire development, the automobile is allowed to dominate the streetscape and public realm. The end result produces a cascading effect on the quality of the pedestrian realm within the neighborhood. For that reason, the proposed PD cannot be considered consistent with the intent of the Comprehensive Plan or the North Shore Master Plan.

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 proposed PD as well those standards in the RDC 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 Preliminary Plat, Staff will ensure adequate capacity for utilities is provided as required by City ordinances.

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. The current proposal seeks to maximize natural features being utilized as assets not only for the proposed development, but for the larger community.

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. The proposed plan respects the desired connectivity and relationships to adjacent parcels and is consistent with the layout of the existing zoning.

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

   It is Staff's opinion that the proposed zoning is less suitable for the subject property than the current zoning. This area has been specifically identified as one of the 13 opportunity areas where FBC zoning has been applied to advance the goals of the Comprehensive Plan Realize Rowlett 2020.

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

   The proposed PD does not offer new or diverse housing types. This is a conventional subdivision that incorporates some of the NN-FB standards. It is the intent of the full NN-FB standards to diversify housing stock by offering three distinct housing categories. The proposed PD only offers one of those three categories and thus does not offer new or diverse housing types. Staff believes that the existing NN-FB District is the best and most appropriate zoning to help achieve the goal set out by the Comprehensive Plan and further refined in the North Shore Master Planning Process.

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;

Adjacent zoning districts include lots that are comparable in scale to the proposed PD. However, the City Council adopted the FBC zoning for the North Shore District in order to ensure diversity of housing products and adjacent predictability. This proposal is in conflict with that goal.

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 the Realize Rowlett 2020 Comprehensive Planning process, 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 within the 13 strategic opportunity areas. The FBC has been deemed to be the most effective way to achieve the goal of increasing a variety of housing types. While the proposed zoning may target a product type that is in current demand for the subject property, the ultimate vision will be weakened if the proposal is approved without requiring the full housing mix required in the NN-FB District.

In summary, the proposed PD is not consistent with the Realize Rowlett 2020 Comprehensive Plan. The subject property was identified within one of 13 opportunity areas and zoned under the FBC. It is staff's opinion that the existing zoning is the most appropriate for this area. Utilizing the FBC will ensure that the proposed development achieves many of the Guiding Principles and the vision outlined in the Comprehensive Plan by ensuring a neighborhood design that emphasizes walkability within the public realm and provides a lot mix that adds diversity to the City's housing stock. Staff recommends denial of this proposed PD.

Public Hearing Notices:

Notice of this public hearing was mailed, posted, and published in accordance with State Law and the Rowlett Development Code. Thirty 200ft notices and 67 courtesy 500ft notices were mailed on March 4, 2016, and as of Wednesday, March 23, 2016, Staff has received the following:

- 200 ft. notification area: Three in favor, zero in opposition.
- 500 ft. courtesy notification area: One in favor, one in opposition,

These responses are included as Attachment 2.

FISCAL IMPACT

N/A

RECOMMENDED ACTION

On March 22, 2016, the Planning and Zoning Commission held a public hearing and voted unanimously 7-0, recommending denial of the request. Staff recommends denial of the proposed Planed Development.

ORDINANCE

AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, PLAN AND MAP OF THE CITY OF ROWLETT, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING FROM "NN-FB" NEW NEIGHBORHOOD ZONING TO "PD" PLANNED DEVELOMPENT FOR REAL PROPERTY CONSISTING OF 34.15+/- ACRES GENERALLY LOCATED SOUTH WEST OF MERRITT ROAD ON THE NORTH WEST SIDE OF HICKOX ROAD, AND BEING SITUATED IN THE REASON CRIST SURVEY, ABSTRACT NO. 225, CITY OF ROWLETT, DALLAS COUNTY, TEXAS, AND FURTHER 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 to grant a change in zoning from "NN-FB" New Neighborhood Form-Based to "SF-5" Single Family 5 and "SF-7" Single Family 7 with "PD" Planned Development overlay for real property consisting of 34.15+/- acres generally located south west of Merritt Road on the north west side of Hickok Road, and being situated in the Reason Crist Survey, Abstract No. 225, City of Rowlett, Dallas County, Texas, and further described in Exhibit "A", attached hereto and incorporated herein (hereinafter the "Property").

SECTION 2. That the development standards and regulations are set forth in the following exhibits:

Exhibit B – Statement of Intent and Purpose;
Exhibit C – Development Standards;
Exhibit D – Zoning Concept Plan; and
Exhibit E – Development Schedule

all of which are attached hereto and made a part hereof, shall be applicable to all land, uses, structures, the use and occupancy of all structures, and the development,

construction, operation and maintenance of all improvements on the Property described herein.

SECTION 3. The Property shall be used only in the manner and for the purposes provided herein and by the ordinances of the City of Rowlett, Texas, as heretofore amended, and as amended herein. The development, use and occupancy of the Property shall conform to the standards and regulations set forth in Exhibit "B" through "E", the provisions of the Rowlett Development Code (Chapter 77 of the Code of Ordinances of the City of Rowlett, Texas), and the Code of Ordinances of the City of Rowlett, Texas, as amended. In the event of any conflict or inconsistency between the provisions of this ordinance and the provisions contained in any other provisions of the Rowlett Development Code or other codes or ordinances of the City, the provisions of this ordinance shall control. In the event that this ordinances does not include a standard or regulation that is otherwise required for similar or comparable development or uses by the Rowlett Development Code or Code of Ordinances, then the standard or regulation required by the Rowlett Development Code or other ordinance shall be applied to development and use of the Property.

SECTION 4. That all provisions of the ordinances of the City of Rowlett in conflict with the provisions of this ordinance as applicable to the Property be and the same are hereby repealed and all other provisions of the ordinances of the City of Rowlett not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. 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 6. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 7. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Rowlett, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars ($2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

ATTACHMENTS

Exhibit A – Zoning Exhibit
Exhibit B – Statement of Intent and Purpose
Exhibit C – Development Standards
Exhibit D – Concept Plan
Exhibit E – Development Schedule
Attachment 1 – Location Map
Attachment 2 – Public Hearing Notices

EXHIBIT A

BEING that certain tract situated in the R. Crist Survey, Abstract No. 225, in the City of Rowlett, Dallas County, Texas, and being all of a called 19.00 acre tract described in deed to Fred T. Leath and wife, Linda S. Leath, by instrument recorded in Volume 92008, Page 1779 of the Deed Records, Dallas County, Texas (DRDCT), and being all of a called 1.00 acre tract described in deed to Fred T. Leath and wife, Linda S. Leath, by instrument recorded in Volume 92008, Page 1783 DRDCT, and being all of a called 4.016 acre tract described in deed to Bobby R. Roan recorded in Document Number 200600232633 of the Deed Records , Dallas County, Texas (DRDCT), and being all of that certain tract described as Tract No. 2 in deed to Bobby R. Roan recorded in Volume 72183, Page 2246 DRDCT, and being all of a called 2.21 acre tract described in deed to Bobby R. Roan recorded in Volume 82078, Page 2930 DRDCT, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found on the northwest line of Hickox Road (a public right-of-way) for the east corner of Tract No. 2, and being the south corner of a called 1.2 acre tract described as Tract 1 in deed to Albert Valenzuela and spouse, Sharisse Valenzuela, recorded in Volume 2000160, Page 493 DRDCT.

THENCE S 45^{0}55'37" W, 204.56 feet along the common line between Tract No. 2 and Hickox Road to a 1/2" iron rod with a yellow cap stamped "SPIARSENG" set for the south corner of Tract No. 2 and for the east corner of a called 1.00 acre tract described in deed to Cynthia D. Schreiber and Phillip R. Schreiber, recorded in Document Number 200600232634 DRDCT;

THENCE N 45^{0}55'42" W, 337.00 feet along the common line between Tract No. 2 and said Schreiber tract to a 1/2" iron rod found for the east corner of said 4.016 acre tract;

THENCE S 45^{0}55'03" W, 128.59 feet along the common line between said 4.016 acre tract and said Schreiber tract, to a 1/2" iron rod with a yellow cap stamped "SPIARSENG" set on the northeast line of a called 19.00 acre tract described in deed to Fred T. Leath and wife, Linda S. Leath, recorded in Volume 92008, Page 1779 DRDCT;

THENCE S 45^{0}56'34" E, 336.98 feet to the east corner of said Leath tract and the south corner of said Schreiber tract, said point being on the northwest line of Hickox Road;

THENCE S 45^{0}55'37" W, 515.69 feet along the common line between said Leath tract and Hickox Road, to a point for the south corner of said Leath tract, and being the east corner of Raven's Nest, an addition to the City of Rowlett according to the plat thereof recorded in Volume 2001037, Page 1896 PRDCT;

THENCE N 45^{0}53'57" W, 1678.86 feet to the west corner of said Leath tract;

THENCE N 44^{0}10'21" E, 514.14 feet along the northwest line of said Leath tract, to a 1/2" iron rod found for the west corner of a called 4.016 acre tract described in deed to Bobby R. Roan by instrument recorded in Document Number 200600232633 DRDCT;

THENCE N 44^{0}02'37" E, 128.86 feet along the northwest line of said 4.016 acre tract to a 1/2" iron rod found for the common corner between said 4.016 acre tract and Tract No. 2;

THENCE N 44°07'05" E, 204.64 feet along the northwest line of Tract No. 2 to a 1/2" iron rod found for the common corner between Tract No. 2 and a called 4.766 acre tract described as Tract 1 in deed to John Ranta recorded in Volume 2000188, Page 2143 DRDCT;

THENCE S 45°55'20" E, along the common line between Tract No. 2 and said Tract 1, passing the southeast line of said 33.978 acre tract, passing the common corner between said Tract 1 and that certain tract described as Tract III in deed to John Ranta recorded in Volume 2000188, Page 2143 DRDCT, continuing along the common line thereof, passing the south corner of Tract III and the west corner of a called 2.03 acre tract described in deed to Michael Ray Roberds recorded in Volume 97164, Page 5634 DRDCT, and continuing along the common line thereof, a total distance of 1001.33 feet to a 1/2" iron rod with a yellow cap stamped "SPIARSENG" set for the south corner of said 2.03 acre tract and the west corner of said 2.21 acre tract;

THENCE N 46°10'40" E, 270.29 feet along the common line between said 2.03 acre tract and said 2.21 acre tract, to a 1/2" iron rod with a yellow cap stamped "SPIARSENG" set, said rod being the west corner of the easement tract described in Volume 82078, Page 2930 DRDCT;

THENCE S 46°35'20" E, 354.00 feet along the common line between said 2.21 acre tract and said easement tract to a 1/2" iron rod with a yellow cap stamped "SPIARSENG" set for the common corner between said 2.21 acre tract and a called 0.96 acre tract as Tract II in deed to Albert Valenzuela and spouse, Sharisse Valenzuela, recorded in Volume 2000160, Page 493 DRDCT;

THENCE S 46°10'36" W, 274.41 feet along the common line between said 2.21 acre tract and Tracts II and I described above, to a 1/2" iron rod with a yellow cap stamped "SPIARSENG" set on the northeast line of Tract No. 2, for the west corner of said Tract I;

THENCE S 45°55'20" E, 350.17 feet along the common thereof, to the POINT OF BEGINNING, and containing 34.15 acres of land.

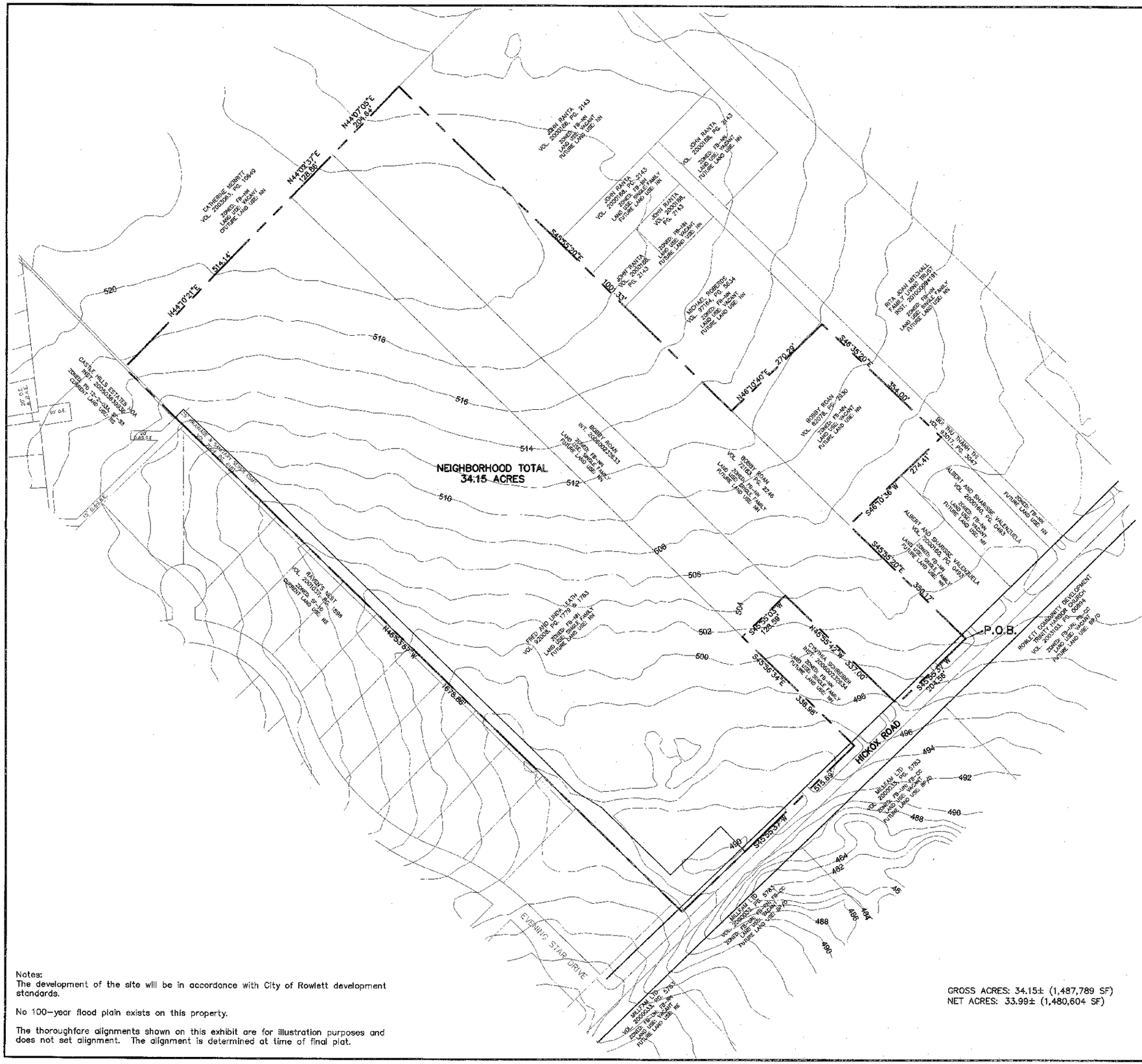
"This document was prepared under 22 TAC 663.23, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

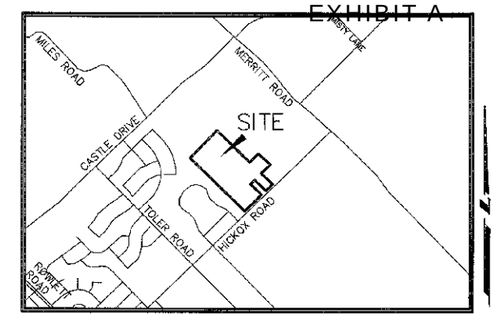
Dan B. Ramsey, R.P.L.S. No.4172

January 18, 2016

STATE OF TEXAS REGISTERED DAN B. RAMSEY 4172 PROFESSIONAL LAND SURVEYOR

EXHIBIT A





VICINITY MAP (N.T.S.)

EXHIBIT A

BEING that certain tract situated in the R. Crist Survey, Abstract No. 225, in the City of Rowlett, Dallas County, Texas, and being all of a called 19.00 acre tract described in deed to Fred T. Leath and wife, Linda S. Leath, by instrument recorded in Volume 92008, Page 1779 of the Deed Records, Dallas County, Texas (DRDCT), and being all of a called 1.00 acre tract described in deed to Fred T. Leath and wife, Linda S. Leath, by instrument recorded in Volume 92008, Page 1783 DRDCT, and being all of a called 4.016 acre tract described in deed to Bobby R. Roan recorded in Document Number 20060232633 of the Deed Records , Dallas County, Texas (DRDCT), and being all of that certain tract described as Tract No. 2 in deed to Bobby R. Roan recorded in Volume 72183, Page 2246 DRDCT, and being all of a called 2.21 acre tract described in deed to Bobby R. Roan recorded in Volume 82078, Page 2930 DRDCT, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found on the northwest line of Hickox Road (a public right-of-way) for the east corner of Tract No. 2, and being the south corner of a called 1.2 acre tract described as Tract 1 in deed to Albert Valenzuela and spouse, Sharise Valenzuela, recorded in Volume 2000160, Page 493 DRDCT;

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THENCE S 45°55'03" W, 128.59 feet along the common line between said 4.016 acre tract and said Schreiber tract, to a 1/2" iron rod with a yellow cap stamped "SPIARSENG" set on the northeast line of a called 19.00 acre tract described in deed to Fred T. Leath and wife, Linda S. Leath, recorded in Volume 92008, Page 1779 DRDCT;

THENCE S 45°56'34" E, 336.98 feet to the east corner of said Leath tract and the south corner of said Schreiber tract, said point being on the northwest line of Hickox Road;

THENCE S 45°55'37" W, 515.69 feet along the common line between said Leath tract and Hickox Road, to a point for the south corner of said Leath tract, and being the east corner of Raven's Nest, an addition to the City of Rowlett according to the plat thereof recorded in Volume 2001037, Page 1896 PRDCT;

THENCE N 45°53'57" W, 1678.86 feet to the west corner of said Leath tract;

THENCE N 44°10'21" E, 514.14 feet along the northwest line of said Leath tract, to a 1/2" iron rod found for the west corner of a called 4.016 acre tract described in deed to Bobby R. Roan by instrument recorded in Document Number 20060232633 DRDCT;

THENCE N 44°09'37" E, 128.86 feet along the northwest line of said 4.016 acre tract to a 1/2" iron rod found for the common corner between said 4.016 acre tract and Tract No. 2;

THENCE N 44°07'05" E, 204.64 feet along the northwest line of Tract No. 2 to a 1/2" iron rod found for the common corner between Tract No. 2 and a called 4.766 acre tract described as Tract 1 in deed to John Ranta recorded in Volume 2000188, Page 2143 DRDCT;

THENCE S 45°55'20" E, along the common line between Tract No. 2 and said Tract 1, passing the northeast line of said 33.978 acre tract, passing the common corner between said Tract 1 and that certain tract described as Tract III in deed to John Ranta recorded in Volume 2000188, Page 2143 DRDCT, continuing along the common line thereof, passing the south corner of Tract III and the west corner of a called 2.03 acre tract described in deed to Michael Ray Roberts recorded in Volume 97164, Page 5634 DRDCT, and continuing along the common line thereof, a total distance of 1001.33 feet to a 1/2" iron rod with a yellow cap stamped "SPIARSENG" set for the south corner of said 2.03 acre tract and the west corner of said 2.21 acre tract;

THENCE N 46°10'40" E, 270.29 feet along the common line between said 2.03 acre tract and said 2.21 acre tract, to a 1/2" iron rod with a yellow cap stamped "SPIARSENG" set, said rod being the west corner of the easement tract described in Volume 82078, Page 2930 DRDCT;

THENCE S 46°35'20" E, 354.00 feet along the common line between said 2.21 acre tract and said easement tract to a 1/2" iron rod with a yellow cap stamped "SPIARSENG" set for the common corner between said 2.21 acre tract and a called 0.96 acre tract as Tract II in deed to Albert Valenzuela and spouse, Sharise Valenzuela, recorded in Volume 2000160, Page 493 DRDCT;

THENCE S 46°10'36" W, 274.41 feet along the common line between said 2.21 acre tract and Tracts II and I described above, to a 1/2" iron rod with a yellow cap stamped "SPIARSENG" set on the northeast line of Tract No. 2, for the west corner of said Tract I;

THENCE S 45°55'20" E, 350.17 feet along the common thereof, to the POINT OF BEGINNING, and containing 34.15 acres of land.

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Dan B. Ramsey, R.P.L.S. No.4172
January 18, 2016

STATE OF TEXAS
REGISTERED
DAN B RAMSEY
4172
PROFESSIONAL
LAND SURVEYOR

100 50 0 100 200
1" = 100' – 0"

EXHIBIT B – ZONING EXHIBIT
PD87–2016

MAGNOLIA PARK
34.15 ACRES OUT OF
R. CRIST SURVEY, ABSTRACT NO. 225

CITY OF ROWLETT, DALLAS COUNTY, TEXAS

FRED AND LINDA LEATH	**OWNER**
3621 Hickox Road Rowlett, TX 75089	
BOBBY AND MARGARET ROAN	**OWNER**
3717 Hickox Road Rowlett, TX 75089	
CONTOUR REAL ESTATE AND DEVELOPMENT	**APPLICANT**
14275 Midway Road, Suite 215 Addison, Texas 75001 Contact: Jim Tchoukaleff	(214) 986–5009
JBI PARTNERS, INC.	**PLANNER/SURVEYOR/ENGINEER**
16301 Quorum Drive, Suite 200 B Addison, Texas 75001 Contact: Jerry Sylo TBPE No. F-438 TBPLS No. 10076000	(972) 248–7676

Resubmitted: February 19, 2016
Submitted: January 19, 2016

Notes:
The development of the site will be in accordance with City of Rowlett development standards.

No 100–year flood plain exists on this property.

The thoroughfare alignments shown on this exhibit are for illustration purposes and does not set alignment. The alignment is determined at time of final plat.

GROSS ACRES: 34.15± (1,487,789 SF)
NET ACRES: 33.99± (1,480,604 SF)

Drawing: H:\Projects\CTR017–Magnolia Park\dwg\CTR017–Zoning Plan.dwg Saved By: kough Save Time: 2/18/2016 2:33 PM

Plotted by: kough Plot Date: 2/16/2016 3:42 PM

EXHIBIT C
STATEMENT OF INTENT AND PURPOSE
MAGNOLIA PARK

Magnolia Park is a neighborhood which creates a unique environment by embracing time trusted design principles. These include among others; streets within the neighborhood creating a connected network, common areas being easily accessible to every home in the neighborhood, and buildings in the neighborhood being placed relatively close to the street, all of which creates a well-defined outdoor room. This design philosophy produces a neighborhood where social interaction is encouraged and provides residents a better opportunity to leave their fenced back yards and meet their neighbors.

Section 77-805.C. of the Rowlett Development Code (RDC) indicates that recommendations and decisions on rezoning shall be based on consideration of the following criteria:

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

   The requested rezoning does not correct any errors with respect to zoning.

   The request meets with the changing environment recognized in the Realize Rowlett 2020 Plan. In the "Framework for the Future" section of the Plan, it clearly states, "In 2020, Rowlett will be a community with diverse lifestyle choices for living, working, playing, and learning. …additional housing choices will be available for individuals and families that desire homes needing lower maintenance. Young professionals will be attracted to low maintenance, dense housing found in urban or mixed-use neighborhoods." Additionally, the Plan recognizes that, "Rowlett's future as an employment center will blossom", when a number of actions take place, including, "its housing inventory expands and diversifies." Magnolia Park will meet the needs and desires of a more diversified Rowlett resident.

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

   The proposal is consistent with the Guiding Principles outlined in the Realize Rowlett 2020 Plan and with the North Shore North District. Two of the key principles in the 2020 Plan which are reflected in the proposal are Principle 1: Value Existing Neighborhoods, and Principle 3: Make Rowlett a Community that is Attractive to People at all Stages of Their Lives.

   The Plan recognizes that in order to protect the Realize Rowlett 2020 vision, "Actions for Change" need to be implemented. For redevelopment of residential areas and/or new development on greenfields in mature residential areas, Action 3 is probably the most important. This Action states, "…and include language related to the efficient delivery of redeveloped properties and projects that advance the principles of Smart Growth and traditional neighborhood development." Magnolia Park is planned with those principles.

   While the proposal is consistent with the aforementioned Guiding Principles, it is not technically consistent with The North Shore North Plan which proposes this area be developed as "New Neighborhood". The proposed zoning reflects the vision and quality of housing envisioned in a New Neighborhood development, but the basis of the process by which it will be developed is proposed to be the Single Family-5 and Single Family-7 zoning districts. The reasoning for this will be explained in more detail in Item #7.

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

   The proposed Magnolia Park neighborhood does protect the public by:
   i) Fostering convenient, compatible, and efficient relationships among land uses;
   ii) Promoting a healthful and convenient distribution of population;
   iii) Ensures greater public safety, convenience, and accessibility through physical design;
   iv) Encourages the efficient use of the available land supply in the city;
   v) Preserves the character and quality of residential neighborhoods;
   vi) Promotes a balanced, diverse supply of affordable, quality housing in safe and livable neighborhoods;
   vii) Ensures the development is compatible with the comprehensive plan;
   viii) Ensures the provision of adequate sized yards, open spaces for light, air, and fire safety;
   ix) Encourages development of a sustainable and accessible system of recreational facilities, and open space that meets year-round neighborhood and community wide needs;
   x) Facilitates the adequate and safe provision of transportation, water, sewage, drainage, and other public facilities; and
   xi) Ensures the service demands of new development will not exceed the capabilities of existing streets, utilities, or other public facilities and services.

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 Magnolia Park neighborhood's needs for water can be provided without negatively impacting adjacent properties. The Magnolia Park neighborhood's needs for sewer services can also be met without negatively impacting adjacent properties. Additionally, the traffic generated by the Magnolia Park residents will not negatively impact the city's street system.

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

   The Magnolia Park neighborhood will not have adverse impacts on the natural environment. Activities within the neighborhood will adhere to all of the city's performance standards with respect to air, water, and noise. The city's storm water management standards will be followed, as they are with all new development in the city. A minimum of 4 acres of open space will be provided within the neighborhood.

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

   The proposed rezoning will not have significant adverse impacts on other property in the vicinity. The proposed zoning reflects the vision established in the City's Form Based Code and North Shore North Plan. As such, it is assumed complying to the Plan would create development patterns which adversely impact surrounding properties.

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

   The property is presently zoned to the New Neighborhood District in compliance with the North Shore North Plan. This zoning was approved in the fall of 2013. At the time of the zoning

request, the project encompassed approximately 64 acres of land and was comprised of 3 different properties. The Regulating Plan which was developed in conjunction with the rezoning disregarded the existing property boundary configurations, as would be expected. As such, all of the components of the Regulating Plan (Building Type Plan, Open Space Plan, Thoroughfare and Block Face Plan and the Phasing Plan) show lots and streets in patterns irrespective of the "old" property lines.

This request to rezone the property only encompasses 2 of those 3 tracts and the project is approximately 34 acres in size (53% of the original request). Since this request does have to take into account the limits of the third parcel, all of the previously referenced plans have to be adjusted accordingly. While the new plans are not identical to the approved plans, they are all keeping in the spirit of the previously approved plans.

The previous plan proposed 4 different home types totaling 241 lots. The current plan proposes 120 lots as 2 home types (by Industry standards) or 1 home type by Form Based Code definition (50' and 60' wide lots). If a third home type is included in the neighborhood, it would basically amount to one street (24 homes +/-) with a different type of home on it (Most likely townhomes.), just for the sake of having 3 home types. Due to the small size of the neighborhood, dispersing the townhomes throughout the neighborhood does not really create the varied fabric which the Form Based Code envisions for a neighborhood.

Another difference between the proposed neighborhood and the previously approved one is the elimination of alleys. This proposed design allows home buyers who prefer to have front entry homes, and the benefits associated with them, the opportunity to live in a pedestrian focused neighborhood while not having the negative impacts associated with an alley.

Eliminating alleys from the neighborhood also helps to bridge the affordability gap typically associated with alley served neighborhoods of this size. Some of the costs associated with alleys include; the land used for the alleys, construction materials, additional storm water runoff, which leads to larger detention facilities (costs and land area), and accommodating garbage trucks, which leads to large turning radii in the alleys, which decreases the number of homes in a neighborhood. Additionally, if you have an alley for a lot which fronts a common green, you now have to accommodate fire trucks and the construction standards needed to support their functionality. Many of these costs can more readily be absorbed in a larger project. It is very difficult for a project of this size to be able to fully absorb all of these costs and still be able to provide an opportunity for home buyers to buy a house which is affordable.

This rezoning request is for a Planned Development using both the SF-5 and SF-7.5 zoning districts as the base zoning and not just an amendment of a previously approved Regulating Plan. While the vast majority of proposed development standards mirror those in the Form Based Code, after discussions with the City staff, it was felt the best course of action was to request the PD zoning.

The rezoning request is suitable for this property when the above considerations are taken into account.

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

   Since the requested zoning is in keeping with the vision created in the North Shore North Plan, there is not an excessive proliferation of similar uses.

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.

   The requested rezoning is compatible in scale with existing and proposed uses on other properties in the vicinity.

   An urban style of single family development deemphasizes the focus on the fenced back yard where every resident is isolated from their neighbor. Social interaction is very important for home owners in this style of neighborhood. A focus is placed on the common areas in a neighborhood where that social interaction can take place on a daily basis. With that in mind, the Magnolia Park neighborhood will provide at least 4 acres of usable open space throughout the neighborhood.

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.

    Once again, this rezoning request is in keeping with the recommendations of the North Shore North Plan. The Plan has taken into account the appropriate mix of uses and densities.

EXHIBIT D-PLANNED DEVELOPMENT STANDARDS

MAGNOLIA PARK

NEIGHBORHOOD PROFILE

Magnolia Park reflects the timeless design principles which are aimed at creating comfortable and attractive places for people and their families to live. The neighborhood is designed to be compact and pedestrian-oriented. The street system facilitates circulation for pedestrians and bicycles, yet also adequately accommodates automobiles. Streets are interconnected, publically accessible, and designed with a formal tree line for shade.

Neighbors can take advantage of the tree lined streets and wide sidewalks to use the many open spaces found throughout the neighborhood. The open spaces are strategically situated at high profile locations to reinforce neighborhood identity and encourage their use.

In concert with the design of the neighborhood, development standards have been created to complement existing nearby neighborhoods by building upon major trends in household type, characteristics, and preferences as a means of enhancing the attractiveness of the area.

This thoughtful coalescence of public and private realms creates a neighborhood attractive to a broad assortment of groups wanting to call Rowlett home.

NEIGHBORHOOD DESIGN STANDARDS

1. Magnolia Park shall be developed in general accordance with the attached Concept Plan. (Exhibit E)

2. Block Size and Configuration
   a. The average block face length shall not exceed 700'.
   b. The maximum block face length shall not exceed 1,000'.
   c. Blocks greater than 700' in length shall have a pedestrian/bicycle connection mid-block. Block lengths are depicted on Exhibit E3.

3. Open Space
   a. As shown on Exhibit E, 12% of the net neighborhood acreage (exclusive of Hickox Road right-of-way dedication and the dedicated drainage easement) shall be used as open space.
   b. Non-flood plain open space and trails will be irrigated per plant species accepted needs. Amenities such as shade, landscaping, availability of electricity and water taps/drinking fountains shall be provided in the various open spaces.
   c. Open space will not be fenced.
   d. Open space will be publicly accessible (except for swimming pool areas), and will be privately maintained by a Homeowners Association (HOA). The HOA will also be responsible for street trees and parkway landscaping.

e. At least 80% of all building lots will be located within a walking distance of 800' from an open space.
f. Detention and retention areas may be used as open space. Such areas will be designed as public areas without fencing and in a manner that does not call attention to its storm management function.
g. No Park Fees for residential units will be assessed due to the opens space requirements provided above.

4. Fences
   a. Fences will be constructed of durable, low maintenance materials, and have a high level of structural integrity.
   b. Wood fences greater than 4' in height will be constructed using metal posts set in concrete.
   c. Metal picket style fences will be constructed of a minimum 3/4" material.
   d. The finished side of all perimeter fencing which is visible from a public area or right-of-way, will face outward.
   e. Where wood is permitted, it will be cedar or redwood. Such fence will be either painted or stained on both sides and will have a cap rail.
   f. Fences will not exceed 8' in height.
   g. Fences between houses may be solid (wood or masonry), but will not extend closer to the street than 10' behind the front outside corner of the home. This includes fences which are parallel to the front property line.
   h. Wood fences will be permitted between houses.
   i. Picket fences will be permitted in the front yard and up to within 24" of a public sidewalk. The area between such fence and the sidewalk will contain ground cover, grasses, or shrubs; not grass that must be mowed and trimmed.
   j. Front yard picket fences will be a minimum of 50% open and include corner posts. The may be a maximum of 42" in height with posts up to 48" in height.
   k. Front yard fences will be stained or painted cedar, stained or painted redwood, or metal picket.
   l. Fences along a side street will be no closer to the street than the rear corner of the home, and will be constructed of metal picket.
   m. Side street fences along a street will not overlap the house face.
   n. Notwithstanding l and m above, picket fences meeting the standards for front fences above, will be permitted to within 24" of any sidewalk and must meet all requirements for such fences.

5. Portable and Accessory Buildings
   a. Portable and other accessory buildings will be set back 3' from a property line, and will be screened from streets and open space.

6. HVAC Equipment
   a. No HVAC equipment will be located in a front yard or side yard facing a public street. HVAC equipment must be screened from view of a public street or open space.

7. Right-of-Way Treatments

a. A streetscape parkway strip will be landscaped and provided along the entire length of the property to be developed. The streetscape parkway strip will be located between the back-of-curb and sidewalk that is adjacent to any residential land use.
b. Large shade trees will be provided in the required streetscape parkway in numbers equal to at least one tree for each single family lot. Corner lots shall provide 2 additional large shade trees is the parkway on the street side of the lot. These trees will be single-trunk and straight, and all trees will have a minimum tree caliper of 3". Trees should be planted at a time of year that will help insure their survival. The City may approve delaying planting to avoid the summer months with a conditional Certificate of Occupancy Permit.
c. All street rights-of-way located adjacent to the neighborhood will be improved with grass or ground cover material and will be maintained by the HOA.
d. It will be the responsibility of the builder/homeowner to design the irrigation system within the lot to ensure that the grass placed in the adjacent right-of-way is watered and maintained and to ensure that minimal water will enter the street itself. The designer of the irrigation system will base the design on the ultimate proposed width of the street when designing the system. The plans for design of the irrigation system for public open space will be prepared by a licensed irrigator.

8. Streets
    a. Per the Rowlett Development Code, "The minimum street construction standards shall be determined by the city." As such, alternative street construction designs may be used in Magnolia Park if recommended by a registered engineer based on site specific conditions, and approved by the city.

9. Sidewalks
    a. All sidewalks will be a minimum of 5' in width.

10. Environmental Standards
    a. Magnolia Park will incorporate water quality, conservation, and low impact development (LID) principles such as iSWM.
    b. Drought tolerant trees, plants, and grasses will be utilized in meeting the landscape requirements.
    c. Trees, tree groupings, and vegetation will generally be preserved in flood plains.

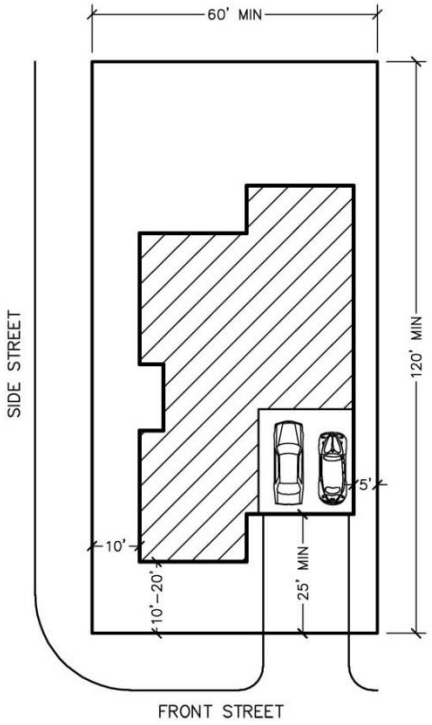
11. Lighting Elements
    a. The following lighting elements will not be permitted: flood, cobra head, HID and fluorescent lights (except fluorescent bulbs that screw into standard socket fixtures).
    b. All lighting will be focused downward or narrowly focused on its intended target such as signs, parking, and pedestrian walkways.

DEVELOPMENT STANDARDS

Individual home sites shall be developed in accordance with the setbacks and additional development criteria established below.

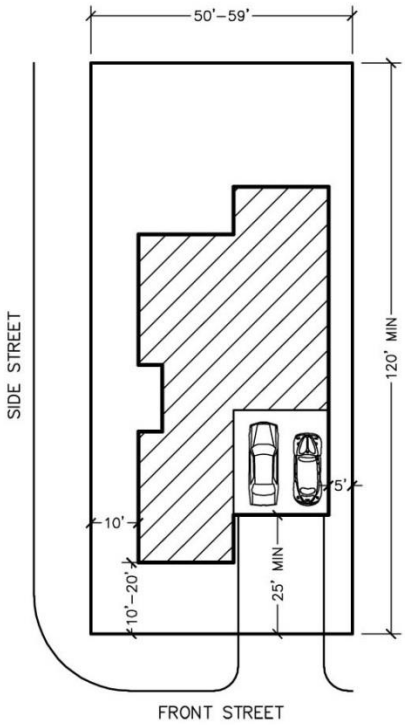
ESTATE LOT

- LOT WIDTH: 60' MINIMUM
- LOT DEPTH: 120' MINIMUM
- SIDE YARD: INTERIOR LOT LINE: 5'
  STREET SIDE OF CORNER LOT:
  10' BUILD TO LINE (80% OF FACADE)
- FRONT YARD: 25' MINIMUM - GARAGE FACE
  10'-20' BUILD TO ZONE
  (50% OR GREATER OF FACADE NOT ASSOCIATED WITH THE GARAGE)
  (AN INTEGRATED FRONT PORCH SHALL BE CONSIDERED AS PART OF THE FACADE)
- OFF STREET PARKING: 2 PARKING SPACES
- MAXIMUM HEIGHT: 2.5 STORIES
- HOUSE SIZE: 2,500 SF MINIMUM



VILLAGE LOT

- LOT WIDTH: 50'-59'
- LOT DEPTH: 120' MINIMUM
- SIDE YARD: INTERIOR LOT LINE: 5'
  STREET SIDE OF CORNER LOT:
  10' BUILD TO LINE (80% OF FACADE)
- FRONT YARD: 25' MINIMUM - GARAGE FACE
  10'-20' BUILD TO ZONE
  (50% OR GREATER OF FACADE NOT ASSOCIATED WITH THE GARAGE)
  (AN INTEGRATED FRONT PORCH SHALL BE CONSIDERED AS PART OF THE FACADE)
- OFF STREET PARKING: 2 PARKING SPACES
- MAXIMUM HEIGHT: 2.5 STORIES
- HOUSE SIZE: 1,800 SF MINIMUM

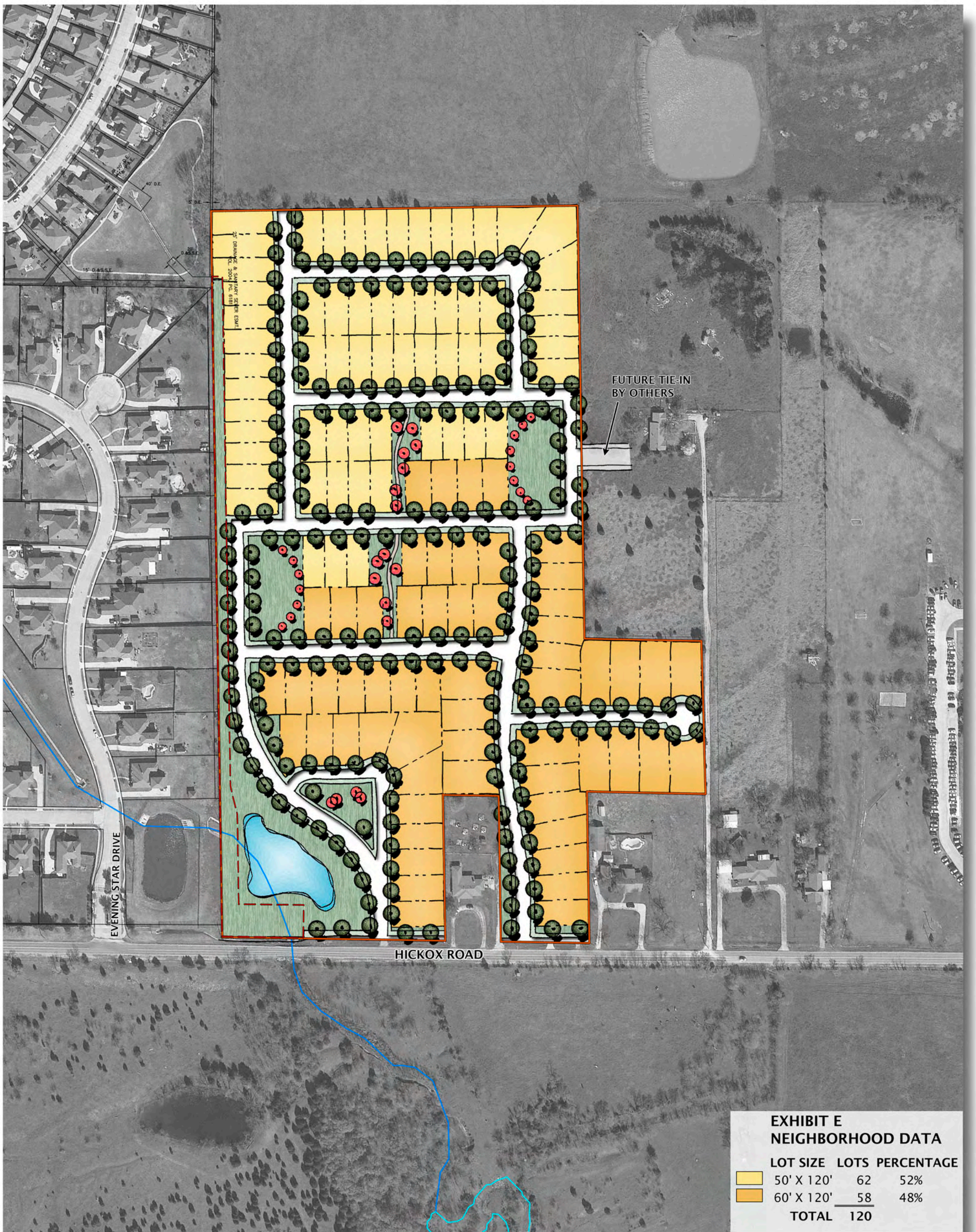


RESIDENTIAL ARCHITECTURAL STANDARDS

1. Facades and Roofs
   a. All buildings will be designed such that no mechanical equipment (HVAC, etc.), except vents and stacks will be visible from the public right-of-way or open space, whether the equipment is located on the ground, exterior walls or roof.
   b. Generally, windows will be oriented vertically and utilize distinct frames, materials or colors for window surrounds. Highly reflective and dark glass will not be permitted along a public street, trail or open space.
   c. All windows, except in masonry walls, will have casings. Casings (or trim) will not be narrower than 3 ½-inches. Head casings (the top horizontal casing) will be equal to or wider than jamb (or side) casings.
   d. The following finishes will be permitted: brick, stone, man-made stone, stucco utilizing a three-step process, and cementitious-fiber board plank with a 30-year manufacturer's warranty. Sheet material is prohibited.
   e. The following finishes will not exceed a maximum of 30% of the building façade as an accent material: metal, glass block, tile, and wood.
   f. Painted facades will have at least 2 distinctively different colors/shades for the trim, field (or predominant wall color) and accent.
   g. Side and rear facades will be of finished quality and of the same color and materials that blend with the front of the building.
   h. Roofs will be constructed of a process and of materials that will have a minimum installation and manufacturer's warranty of 25 years. The following construction materials will be permitted: 3-dimensional 3-tab asphalt, concrete tile, slate, faux slate or metal. Minimum roof pitch will be 6/12, except for the roofs of sheds and porches. A variety of roof types and colors will be offered. Flat roofs may also be permitted.
   i. Homes should be built to be capable of accommodating solar panels.

2. Plate Heights
   a. Plate heights will be no less than 9' for the first floor and 8' for the second or higher floors in front elevation zones.

3. Porches
   a. Builders will offer porches as an option that have a minimum depth of 7' to the face of the porch and are a minimum of 10' long, on at least 1 elevation per floor plan. Porches are encouraged to be wrapped on corner lots.



0 50 100 200 1"=100'

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MAGNOLIA PARK

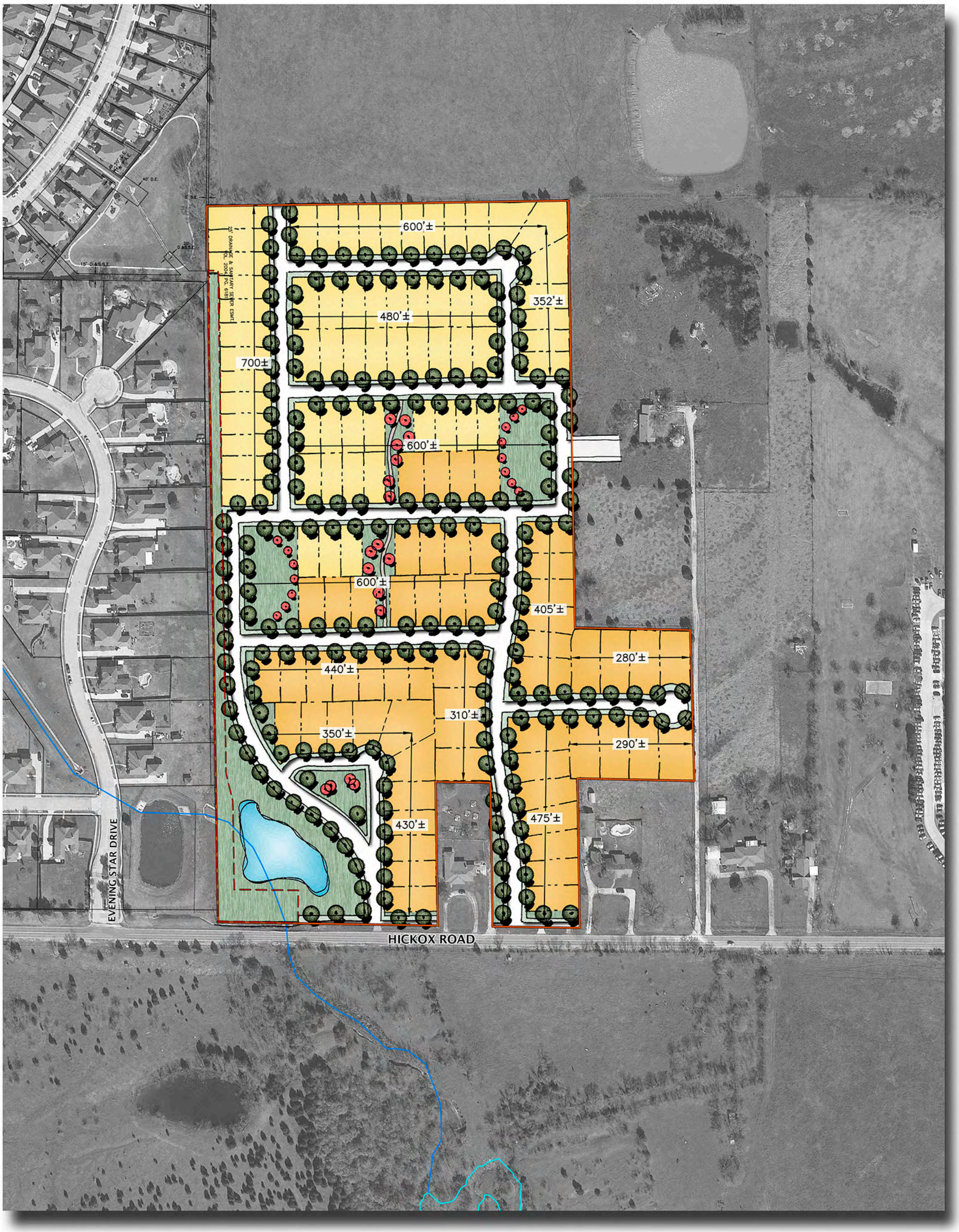
ROWLETT, TEXAS

FEB 9, 2016
CTR017

JBI PARTNERS

ENGINEERING, PLANNING, AND LANDSCAPE ARCHITECTURE
FOR REAL ESTATE DEVELOPMENT

16301 QUORUM DR. SUITE 200 B
ADDISON, TX 75001



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MAGNOLIA PARK

EXHIBIT E3
BLOCK LENGTHS

FEB 9, 2016
CTR017

JBI PARTNERS

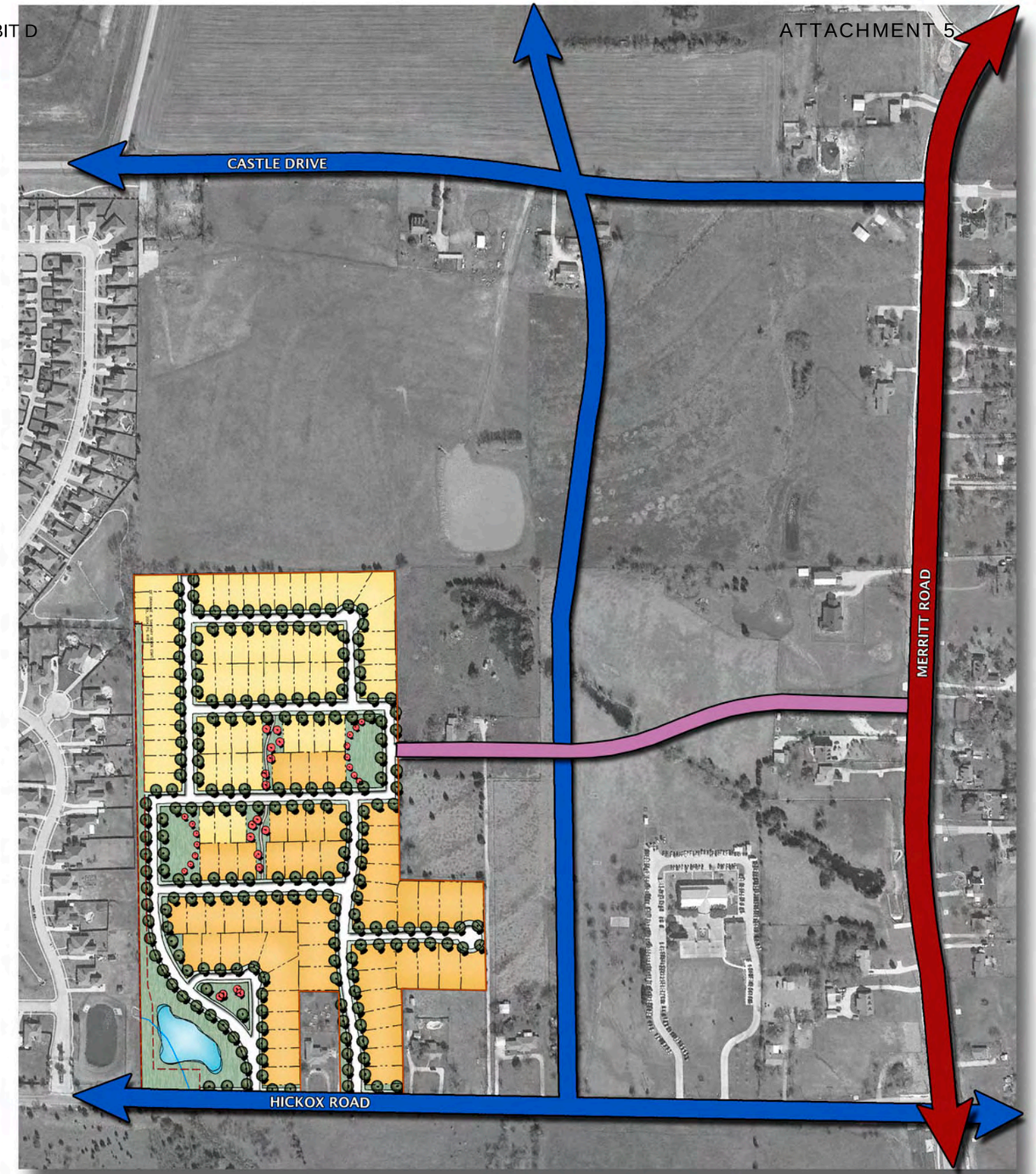
ENGINEERING, PLANNING, AND LANDSCAPE ARCHITECTURE
FOR REAL ESTATE DEVELOPMENT

16301 QUORUM DR. SUITE 200 B
ADDISON, TX 75001

EXHIBIT D

ATTACHMENT 5

EXISTING STREET CONNECTIVITY



PROPOSED STREET CONNECTIVITY

MAGNOLIA PARK

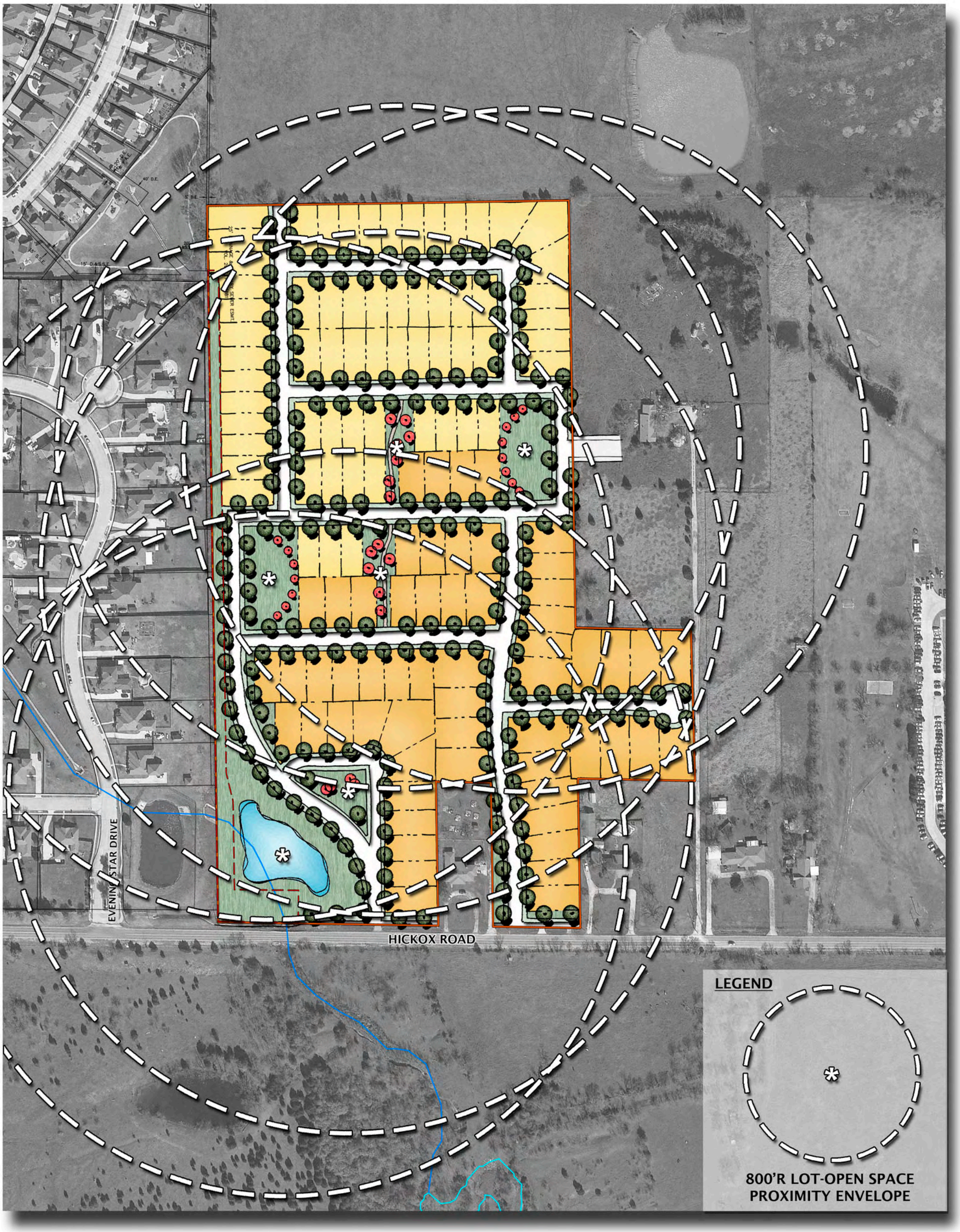
EXHIBIT E2
CONNECTIVITY COMPARISON

FEB 9, 2016
CTR017

JBI PARTNERS

ENGINEERING, PLANNING, AND LANDSCAPE ARCHITECTURE
FOR REAL ESTATE DEVELOPMENT

16301 QUORUM DR. SUITE 200 B
ADDISON, TX 75001



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MAGNOLIA PARK

FEB 9, 2016
CTR017

JBI PARTNERS

EXHIBIT E1
LOT- OPEN SPACE RELATIONSHIP

ENGINEERING, PLANNING, AND LANDSCAPE ARCHITECTURE
FOR REAL ESTATE DEVELOPMENT

16301 QUORUM DR. SUITE 200 B
ADDISON, TX 75001

EXHIBIT F
DEVELOPMENT SCHEDULE
MAGNOLIA PARK

Development of the Magnolia Park neighborhood is anticipated to start in 2016.

Rowlett TEXAS

3621,3713,3717, & 3937 HICKOX RD
MAGNOLIA PARK
ZONING CHANGE
Map Created: March 04, 2016

200 FT NOTICE LOCATION MAP

03-17-16A09:21 RCVD

ATTACHMENT 2

Rowlett TEXAS

Development Services Department/Planning Division

COURTESY NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change and Major Warrant

LOCATION: The subject properties are located at 3621, 3713, 3717, and 3937 Hickox Road, further described as 34.15 +/- acres of land situated in the Reason Crist Survey, Abstract No. 225, City of Rowlett, Dallas County, Texas. A location map depicting a 500-ft notification area is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

EXPLANATION OF REQUEST: The applicant request a rezoning from the existing Form Based New Neighborhood Zoning to a Planned Development (PD) with an underlying Single Family-5 and 7(SF-5) and (SF-7) base zoning for the purposes of building a single family subdivision.

☐ 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): Anthony Papa

SIGNATURE: [signature]

ADDRESS: 8206 Evening Star

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services/Planning Division at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 6:30 p.m. on **the 22nd day of March, 2016** and that the City Council will hold a public hearing at **7:30 p.m.** on the **5th day of April, 2016**, at the Municipal Center, 4000 Main Street, Rowlett, Texas.

Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. The protest must be received by the Planning Division by 5 pm on Wednesday, March 16, 2016, to be included in the Planning and Zoning packet, and/or by Wednesday, March 30, 2015, to be included in the City Council packet. Responses received after March 30th will be forwarded to the Council as well; it is not necessary to respond twice. Responses received after the times noted above shall not be counted in the record of response.

Any owner of property subject to a proposed rezoning or affected by a proposed rezoning may protest the rezoning by filing a written protest (this form is sufficient) with the Director of Development Services within the time specified above. The protest shall object to the rezoning, contain a legal description of the property on behalf of which the protest is made, and be signed by the owner of the property. If protests in the form of opposition are received from property owners within 200 feet of the subject property, and the property owners own a combined minimum of 20 percent or more of the land area, approval by the City Council shall only occur with a concurring vote of at least three-fourths of the full membership of the City Council.

If you have any questions concerning this request, please contact:	RETURN by Mail
Phone 972-463-3904 FAX 972-412-6228 dacevedo@rowlett.com	City of Rowlett Planning Division 3901 Main Street Rowlett, TX 75088

3200 Hickox #3

03-17-16A09:22 RCVD

ATTACHMENT 2

Rowlett TEXAS

Development Services Department/Planning Division

COURTESY NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change and Major Warrant

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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: Excellent Project

PROPERTY OWNER NAME (PRINT): MillFam

SIGNATURE: Buford J Miller Genl Ptnr. for MillFam

ADDRESS: 515 PINE SHADOWS DRIVE, HOUSTON, TX 77056

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services/Planning Division at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 6:30 p.m. on **the 22nd day of March, 2016** and that the City Council will hold a public hearing at **7:30 p.m.** on the **5th day of April, 2016**, at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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If you have any questions concerning this request, please contact:	RETURN by Mail
Phone 972-463-3904 FAX 972-412-6228 dacevedo@rowlett.com	City of Rowlett Planning Division 3901 Main Street Rowlett, TX 75088

3200 Hickox Rd. #1

ATTACHMENT 2

03-17-16A09:22 RCVD

Rowlett TEXAS

Development Services Department/Planning Division

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change and Major Warrant

LOCATION: The subject properties are located at 3621, 3713, 3717, and 3937 Hickox Road, further described as 34.15 +/- acres of land situated in the Reason Crist Survey, Abstract No. 225, City of Rowlett, Dallas County, Texas. A location map depicting a 200-ft notification area is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

EXPLANATION OF REQUEST: The applicant request a rezoning from the existing Form Based New Neighborhood Zoning to a Planned Development (PD) with an underlying Single Family-5 and 7(SF-5) and (SF-7) base zoning for the purposes of building a single family subdivision.

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

☐ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: Excellent project

PROPERTY OWNER NAME (PRINT): Mill Fam

SIGNATURE: Buford J Miller Jr Gen Ptnr of Mill Fam

ADDRESS: 515 Pine Shadows Drive, Houston, TX 77056

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services/Planning Division at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 6:30 p.m. on **the 22nd day of March, 2016** and that the City Council will hold a public hearing at **7:30 p.m.** on the **5th day of April, 2016**, at the Municipal Center, 4000 Main Street, Rowlett, Texas.

Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. The protest must be received by the Planning Division by 5 pm on Wednesday, March 16, 2016, to be included in the Planning and Zoning packet, and/or by Wednesday, March 30, 2015, to be included in the City Council packet. Responses received after March 30th 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.

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3200 Hickox #2

ATTACHMENT 2

Rowlett TEXAS

Development Services Department/Planning Division

NOTICE OF PUBLIC HEARING

03-16-16P02:22 RCVD

TO: Property Owner

RE: Application for a Zoning Change and Major Warrant

LOCATION: The subject properties are located at 3621, 3713, 3717, and 3937 Hickox Road, further described as 34.15 +/- acres of land situated in the Reason Crist Survey, Abstract No. 225, City of Rowlett, Dallas County, Texas. A location map depicting a 200-ft notification area is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

EXPLANATION OF REQUEST: The applicant request a rezoning from the existing Form Based New Neighborhood Zoning to a Planned Development (PD) with an underlying Single Family-5 and 7(SF-5) and (SF-7) base zoning for the purposes of building a single family subdivision.

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

☐ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: Great Project

PROPERTY OWNER NAME (PRINT): Millfam

SIGNATURE: (Tom) Miller GP of Millfam

ADDRESS: 515 Pine Shadows, Houston, Tex 77056

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3600 Hickox Rd

ATTACHMENT 2

Rowlett TEXAS

Development Services Department/Planning Division

NOTICE OF PUBLIC HEARING

03-[illegible] RCVD

TO: Property Owner

RE: Application for a Zoning Change and Major Warrant

LOCATION: The subject properties are located at 3621, 3713, 3717, and 3937 Hickox Road, further described as 34.15 +/- acres of land situated in the Reason Crist Survey, Abstract No. 225, City of Rowlett, Dallas County, Texas. A location map depicting a 200-ft notification area is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

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☐ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: Excellent Project

PROPERTY OWNER NAME (PRINT): MillFam

SIGNATURE: Buford J Miller General Ptnr. for MillFam

ADDRESS: 515 SWE SHADOWS DR, Houston, TX 77056

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