



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 7, 2015

5:30 P.M.

Municipal Building – 4000 Main Street

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

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

1. **CALL TO ORDER**
2. **EXECUTIVE SESSION (5:30 P.M.)*** Times listed are approximate.
 - 2A. The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.087 (Economic Development) and §551.071 (Consultation with Attorney) to receive legal advice from the City Attorney and to discuss and deliberate an Economic Development Agreement with Bayside Land Partners LLC (a/k/a Donahue Development Corporation) for the Elgin B. Robertson property. (45 minutes)
 - 2B. The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.071 (Consultation with Attorney) to receive legal advice from the City Attorney about the lawsuit with Xerox concerning the automated red light camera enforcement system. (20 minutes)
 - 2C. 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 Attorney. (30 minutes)
(THIS ITEM WILL BE DISCUSSED FOLLOWING THE REGULAR PORTION OF THE MEETING)
3. **WORK SESSION (6:30 P.M.)**
 - 3A. Update on 84th Texas Legislative Session. (15 minutes)
 - 3B. Discuss proposed ordinance to amend regulations pertaining to grease traps. (20 minutes)
 - 3C. Discuss amending the Fiscal Year 2014-15 Adopted Operating and Capital Improvements Program Budget. (20 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.** Proclamation recognizing National Library Week, April 12-18, 2015
- 5B.** Presentation of 2014 Achievement of Library Excellence Award from Texas Municipal Library Directors Association.
- 5C.** Proclamation recognizing National Public Safety Telecommunicators Week as April 12-18, 2015.
- 5D.** Proclamation recognizing the month of April as National Organ Donor Awareness Month.
- 5E.** 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 17, 2015, City Council Regular Meeting, March 27, 2015, Special Meeting, and March 31, 2015 Work Session.
- 7B.** Consider action to approve a resolution approving a bankruptcy trustee sale of real property on which delinquent ad valorem taxes are owed and accepting a compromised amount in satisfaction of the tax indebtedness for property at 6802 and 6804 Scenic Road, Rowlett, Texas.
- 7C.** Consider action to approve a resolution accepting the bid of and awarding a contract to U.S. Bancorp Government Leasing and Finance, Incorporated in the amount of \$1,988,307.70, utilizing an interest rate of 2.01 percent for the ten year lease-purchase financing of one new E-One Aerial Fire Truck, one new Fire Pumper Truck, the refurbishment of our 2006 Engine/Pumper, and the

refurbishment of our 2004 Ladder (Quint) Fire Truck for Fire Rescue and authorizing the City Manager, after City Attorney approval, to execute the necessary documents for said purchase.

- 7D.** Consider action to approve a resolution accepting the bid of and awarding a contract to LKG Resources LLC in the amount of \$156,440.00 for the base bid plus ten percent (10%) contingency in the amount of \$15,644.00, and up to \$5,000.00 for an early completion bonus, resulting in a total project amount of \$177,084.00 for the 12-Inch Water Main along PGBT from Miller Heights Drive to Rowlett High School Project and authorizing the Mayor to execute the necessary documents.
- 7E.** Consider action to approve a resolution 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 for the Parks and Recreation Department.
- 7F.** Consider action to approve a resolution exercising the fourth of four one-year renewal options for Section IV mowing services to The Teter Group, Incorporated in the unit amounts bid with an estimated annual amount of \$120,831.80 and Change Order #1 for Katy Park in the amount of \$5,204.40 for an annual estimate of \$126,036.20 for the Parks and Recreation Department.
- 7G.** Consider action to approve a resolution exercising the first of three one-year renewal options for continuation of Bank Depository and Merchant Card Services to American National Bank and authorize the City Manager to enter into an extension of services agreement after City Attorney approval.
- 7H.** Consider action to approve a Resolution approving an Alternative Landscape Plan for Usuga Medical located at 8100 Lakeview Parkway further described as being 1.87 acres of land located in the James Saunders Survey, Abstract No. 1424, City of Rowlett, Dallas County, Texas (DP15-767).
- 7I.** Consider a resolution authorizing final acceptance of a utility easement associated with 2201 Lakeview Parkway, being further described as Lot 1R, Block A, Home Depot Addition, City of Rowlett, Dallas County, Texas.
- 7J.** Consider action to approve a resolution accepting the bid of and awarding a contract to Tri-Con Services in the amount of \$1,520,000.00 for the total base bid plus ten percent (10%) contingency in the amount \$152,000.00 and up to \$15,000.00 for the early completion bonus, resulting in a total project amount of \$ 1,687,000.00 for the Big A 20-Inch Water Transmission Project and authorize the Mayor to execute the necessary documents for said services.
- 7K.** Consider action to approve awarding a contract to Fuquay, Inc. for the Sanitary Sewer Manhole Rehabilitation Project Phase 3 (SS2088) in the amount of \$500,000.00, through the interlocal purchasing agreement with Texas Local Government Purchasing Cooperative (BuyBoard) 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 action to approve a Special Use Permit to allow an accessory structure and carport to exceed the size, side yard setback, height and architectural integration requirements for property located at 3802 Hidden Valley Circle. (SUP15-760).
- 8B.** Conduct a public hearing and consider an ordinance approving Major Warrants related to the following Form Based Code standards: lighting, residential building types, ceiling height, flex-space, building materials (including signage), stairwell treatment, and continuous building frontage for property located at 3900 and 3908 Main Street.
- 8C.** Conduct a public hearing and consider action to adopt an ordinance creating the Tax Increment Reinvestment Zone Number Two, City of Rowlett, Texas.
- 8D.** Consider action to approve a resolution appointing a Board of Directors of the Tax Increment Reinvestment Zone Number Two, City of Rowlett, Texas.
- 8E.** Conduct a public hearing and consider an ordinance imposing Form Based Code zoning with New Neighborhood, Urban Village, and Commercial Center/Special District subdistrict zoning for the Elgin B. Robertson property.

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 3rd day of April 2015, by 5:00 p.m.



City of Rowlett
Staff Report

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

AGENDA DATE: 04/07/15

AGENDA ITEM: 2A

TITLE

The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.087 (Economic Development) and §551.071 (Consultation with Attorney) to receive legal advice from the City Attorney and to discuss and deliberate an Economic Development Agreement with Bayside Land Partners LLC (a/k/a Donahue Development Corporation) for the Elgin B. Robertson property. (45 minutes)



City of Rowlett
Staff Report

4000 Main Street
P.O. Box 99
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AGENDA DATE: 04/07/15

AGENDA ITEM: 2B

TITLE

The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.071 (Consultation with Attorney) to receive legal advice from the City Attorney about the lawsuit with Xerox concerning the automated red light camera enforcement system. (20 minutes)



City of Rowlett
Staff Report

4000 Main Street
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AGENDA DATE: 04/07/15

AGENDA ITEM: 2C

TITLE

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 Attorney. (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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www.rowlett.com

AGENDA DATE: 04/07/15

AGENDA ITEM: 3A

TITLE

Receive update on 84th Legislative Session. (15 minutes)

STAFF REPRESENTATIVE

Brian Funderburk, City Manager

SUMMARY

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

BACKGROUND INFORMATION

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

DISCUSSION

84th Legislative Session - Summary:

On Tuesday, January 13, 2015, the 84th Texas Legislative Session began. The deadline for filing bills and joint resolutions other than local bills, emergency appropriations was March 13, 2015. In the final three days before the bill-filing deadline, Texas lawmakers went into their usual bill-filing frenzy, introducing roughly 2,800 bills and joint resolutions in the final three days. That brings the 60-day total to an unofficial 6,411 (around 300 more than in 2013). Legislators can still file bills if they can persuade their colleagues to suspend the rules on a bill-by-bill basis.

Calendar:

Date	Event
Tuesday 11-4-2014	General election for legislative and other offices is held.
Monday 11-10-2014	Prefiling of legislation for the 84 th Legislature begins
Tuesday 01-13-2015	84 th Legislature convenes at noon
Friday 03-13-2015	Deadline for filing bills and joint resolutions other than local bills, emergency appropriations, and bills that have been declared an emergency by the governor.
Monday 06-1-2015	Last day of 84 th Regular Session; corrections only in house and senate

Date	Event
Sunday 06-21-2015	Last day governor can sign or veto bills passes during the regular legislative session
Monday 08-31-2015	Date that bills without specific effective dates (that could not be effective immediately) become law

Rowlett’s Legislative Agenda:

Based upon research conducted by City staff utilizing pre-filed bills and legislative programs/agendas of other governmental bodies and the City Council discussion held at the February 3rd meeting, Rowlett’s legislative agenda is as follows:

Rowlett Supports -

- Supporting the I-30 Bottleneck Project and I-30 Reconstruction Project identified in the Blacklands Corridor Feasibility Study. Join with the City of Garland to support further improvements to I-30 as part of the I-30/US80 East Corridor Project as it affects I-30. Support the East Corridor Project currently under consideration by the Texas Department of Transportation to be extended further east, beyond Dalrock Road and its inclusion, as an amendment, in the current Mobility 2035 Transportation Plan.
- Allowing for greater flexibility by cities to fund local transportation projects; amend or otherwise modify state law to help cities fund transportation projects; or provide municipalities with additional funding options and resources to address transportation needs that the state and federal governments are unable or unwilling to address.
- Maximizing the use of revenues from the sporting goods sales tax and federal funds to increase funding for parks and recreation programs for both Local and State parks and that all Texas Recreation and Parks Account (TRPA) and Urban Account funded park projects be subject to the established Texas Parks & Wildlife Department (TPWD) competitive scoring system.
- Restoring funding to the Texas Recreation and Parks Account (TRPA) and Urban Account accounts in the amount of at least \$15.5 million per year.
- Requiring toll authorities to reimburse local governments for the value of services provided to help toll roads operate safely.
- Stripping the right of eminent domain for private tollway companies.
- Requiring representation of customer cities on water boards and districts.
- Protecting consumers from unfair, misleading, or deceptive practices from electricity and other utility providers, including protection from being billed for services that were not authorized or provided and consistency in reporting.

Rowlett Opposes -

- Eroding municipal authority in any way, imposing unfunded mandates, or otherwise approval of any law deemed detrimental to cities or that would undermine the City's sovereign immunity, or municipal annexation and zoning powers.
- Eroding municipal authority over the management and control of its rights-of-way or decreasing the authority of the City to be adequately compensated for such use.
- Eroding municipal authority to participate in utility rate cases.

- Negatively impacting the ability of the City to raise or expand revenue, including expanding appraisal caps, imposing lower revenue caps, or imposing new tax exemptions.
- Imposing state “tap fees” or any other type of state charge on municipal water systems.
- Imposing additional state fees or costs on municipal court convictions or requiring municipal courts to collect fine revenue for the state.

Rowlett Legislative Days

On February 11-12, 2015, the City of Rowlett partnered with the Rowlett Chamber of Commerce for Rowlett Legislative Days to visit with our representatives in Austin. The trip was sponsored by the City, Chamber Foundation, Oncor and Baylor Garland. This was an opportune time to share our concerns and issues about particular bills being considered and the City’s legislative agenda overall.



Rowlett Delegation with our elected officials.

Pictured from left to right-back row is Mayor Pro Tem Michael Gallops, Representative Scott Turner, Drew Howard, Rowlett Chamber Chairperson Bobby Montgomery, Economic Development Director, Jim Grabenhorst, City Manager, Brian Funderburk, Barry Young, Will Schale, and Eva Hummel. Middle row is Senator Don Huffhines, Senator Bob Hall, Representative Angie Chen-Button, Councilmember Tammy Dana-Bashian, Representative Cindy Burkett, and Martha Brown. Front Row is Mayor Todd Gottel and Councilmember Debby Bobbitt.

The main focus was to share our legislative priorities, including transportation, economic development and water. Specific issues shared involved Rowlett’s support for extending the IH-30 East Corridor Project further east beyond Dalrock Road, representation for customer cities of the North Texas Municipal Water District, and liability coverage from the North Texas Tollway Authority for communities that provide first responder services along the turnpike.

The flyer we shared with our Texas delegation is included below.

Rowlett

On the Water. On the Move.

5 FACTS ABOUT ROWLETT:

- 1 Population**
Rowlett is home to 28,470 residents with a median age of 36.7
- 2 Income**
The median household income is \$55,300, with an average household income of \$63,657.
- 3 Housing**
Rowlett has 18,275 households with a median value of \$192,743.
- 4 General Fund**
The City of Rowlett LPT 2015 General Fund Revenue total \$37,267,467. 10% of this comes from property and sales taxes.
- 5 Amenities**
Rowlett has 24 parks in 600 acres of general planning.
 - Green Trails Park - 700 ft by 100 ft Parks and 100 ft of General Planning
 - 100 ft by 100 ft - General Planning
 - Green Trails Park - 6 ft wide on 100 ft by 100 ft
 City and city on separate Community Center water park, a golf course and a large library.

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

THE CITY OF ROWLETT IS "ON THE MOVE":

- North Texas Tollway Authority's (NTTA) President George Bush Turnpike Eastern Extension links the eastern region of Texas to the Dallas Fort Worth metropolitan through Rowlett. Opened in December of 2011, Rowlett residents waited 47 years for this transportation amenity!
- DART Light Rail - now serves Rowlett! After joining into the Dallas Area Rapid Transit Authority for 20 years, Rowlett residents celebrated the opening of the Blue Line in December of 2012.

\$88 MILLION IN PRIVATE INVESTMENT IN 2014
The Rowlett Economic Development Department takes an active role in business recruitment, retention and expansion. New or expanded businesses include:

- Sprague Frames Market
- Discount Tire
- Wal-Mart Neighborhood Market
- Lipscombe Hospital expansion
- A&R
- CVS Pharmacy

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

ROWLETT RESIDENTS RECEIVE AN INCREDIBLE RETURN ON INVESTMENT!
With declining property values and no tax increase for six years, Rowlett residents pay an average of \$1,117 annually in City taxes. That's only \$3,000 per year!

- \$32 per day for Preffessus
- \$21 per day for Parks
- \$20 per day for Public Works
- \$4 per day for Probe
- \$5 per day for Library

84th Texas Legislative Session Rowlett Priorities...

- Supporting the I-30 Bottleneck Project and I-30 Reconstruction Project identified in the Blacklands Corridor Feasibility Study. Join with the City of Garland to support further improvements to I-30 as part of the I-30/US60 East Corridor Project as it affects I-30. Support the East Corridor Project currently under consideration by the Texas Department of Transportation to be extended further east, beyond Distrock Road and its inclusion, as an amendment, in the current Mobility 2035 Transportation Plan.
- Allowing for greater flexibility by cities to fund local transportation projects, amend or otherwise modify state law to help cities fund transportation projects, or provide municipalities with additional funding options and resources to address transportation needs that the state and federal governments are unable or unwilling to address.
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- Restoring funding to the Texas Recreation and Parks Account (TRPA) and Urban Account accounts in the amount of at least \$15.5 million per year.
- Requiring toll authorities to reimburse local governments for the value of services provided to help toll roads operate safely.
- Stripping the right of eminent domain for private tollway companies.
- Resulting representation of customer cities on water boards and districts.
- Protecting consumers from unfair, misleading, or deceptive practices from electricity and other utility providers, including protection from being billed for services that were not authorized or provided and consistency in reporting.

Rowlett Opposes...

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



City Officials Testify:

When the legislature is in session, nothing compares to the effectiveness of city officials testifying at the Capitol. City officials who take their time to travel to Austin to speak out on important city issues are appreciated and thanked by the Texas Municipal League, the organization that represents more than 1,140 cities and towns throughout Texas.

On Thursday, March 12th, Mayor Gottel testified at the House Transportation Committee Meeting. Mayor Gottel spoke to two specific bills, HB565 and HB572. HB565 proposes to discontinue eminent domain powers to private toll companies. This bill came directly out of the conversation last fall related to the tollway proposed for the Blackland Corridor and is one of Rowlett's key legislative priorities. HB572 provides for a sunset review of the North Texas Tollway Authority (NTTA). NTTA has not gone through a sunset review process since its creation eighteen years ago and oversees billions of dollars of toll road projects in a four-county area. Furthermore, the organization's statute disallows any elected official to serve on the Board of Directors. Rowlett also supports this bill to review the practice of not reimbursing local jurisdiction for emergency response services to essentially a private, fee based roadway system.

Bills:

Rowlett staff continues to monitor bills that could have a significant impact that have been submitted to date, focusing especially on those issues that City Council has outlined in the Rowlett Legislative Agenda. Some bills filed that are being closely monitored include:

- **S.B. 343 (Huffines) – Conformity of Local and State Law:** Would: (1) provide that where the state has passed a general statute or rule regulating a subject, a local government shall restrict its jurisdiction and the passage of its ordinances, rules, and regulations to and be in conformity with the state statute or rule on the same subject, unless the local government is otherwise expressly authorized by statute; and (2) prohibit a local government from implementing an ordinance, rule, or regulation that conflicts with or is more stringent than a state statute or rule regardless of when the state statute or rule takes effect, unless expressly authorized by state statute. Status: *Referred to State Affairs Committee on 2/2/2015*
- **S.B. 182 (Bettencourt) – Revenue Cap:** Would: (1) lower the property tax rollback rate from eight percent to four percent, with an exception for a city located in an area declared a disaster area by the governor or president of the United States during the current tax year; and (2) provide that a city must hold a ratification election to adopt a tax rate that exceeds the four-percent rollback rate (as opposed to current law, which only requires an election if a petition is received from the citizens). Status: *Scheduled for public hearing on 3/2/2015; no action taken.*

City staff will continue to monitor available resources regarding any action on bills that could have significant impact on the City. Texas Municipal League has adopted as its highest priority to oppose bills that are bad for cities and is alerting cities to any movement on these and other negative legislation. For city officials who are willing to provide testimony during the 2015 legislative session, want to be kept “in the loop” on certain subject matters, or are willing to simply provide their perspective on a particular legislative matter, you may submit your e-mail address to TML at <http://www.tml.org/genform-E-List>

FINANCIAL/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

No action needed. Information only.



City of Rowlett
Staff Report

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

AGENDA DATE: 04/07/15

AGENDA ITEM: 3B

TITLE

Discuss proposed ordinance to amend regulations pertaining to grease traps. (20 minutes)

STAFF REPRESENTATIVE

Chuck Dumas, Environmental Services Manager

SUMMARY

The City of Rowlett is on the move and growth is occurring. As the City continues to grow, it is anticipated that food establishments and restaurants will be a component of this growth. The purpose of this item is to discuss amendments to the current grease trap regulations to proactively maintain and enhance the protection of the City's sanitary sewer infrastructure.

BACKGROUND INFORMATION

In anticipation of an increase in future development of food-related businesses, the City of Rowlett Public Works Department and Environmental Services Division have met to discuss ways to update, clarify and simplify grease interceptor regulators (a/k/a Grease Traps). Past changes in policy last occurred in 2009.

The grease interceptor's purpose is to collect the majority of solid food waste or grease-like materials so that the City's sanitary sewer system is not restricted or blocked and to minimize the City's financial costs of treating liquid grease products.

DISCUSSION

As indicated above, staff is proposing a change to the City's Code of Ordinances to prepare for an anticipated increase in food-related businesses. As a result, staff is recommending an amendment to the regulations currently codified in Chapter 70, "Utilities." There are two main reasons why these amendments are proposed: first, to enhance protection of sanitary sewer infrastructure and second, to ensure proper maintenance and disposal of waste products.

Enhance Protection of Sanitary Sewer Infrastructure. As food establishment numbers continue to grow, the amount of grease, fats, and oils produced rises. Grease traps that are either under-sized or improperly maintained result in malfunction, which may cause overflows onto the ground or improperly rendered grease entering the sanitary sewer system. These two potential system failures would have negative impacts on both the storm water and sanitary sewer systems. If grease enters the sewer system and solidifies, the pipes can become constricted and proper flow is diminished. The continued blockages can result in increased repairs to the sewer system, overflows, and back-ups into establishments.

Proper Maintenance and Disposal. In order to ensure that grease traps are functioning properly, it is important that these units be properly maintained. The new regulations will require restaurants that have grease interceptors to have the units cleaned at a minimum of once every 90 days by a state licensed liquid waste hauler. This requirement could produce a decrease in the grease-related charges from the City of Garland's Waste Treatment processing; however, the exact amount is not easily determined. For instance, the City of Garland charges the City of Rowlett for treating waste based upon levels of Total Suspended Solids (TSS) and/or Biological Oxygen Demand (BOD). Therefore, if the traps are not functioning properly, the City of Rowlett may incur more charges related to the treatment of the wastewater entering the facility. In addition, the City's sewer infrastructure will be afforded greater protection. For example, there may be less repairs for blocked or restricted sewer pipes. The proposed amendments also put the City of Rowlett in line with a majority of other surrounding and regional municipalities requiring grease trap maintenance at 90 day intervals. These include the municipalities of Addison, Balch Springs, Carrollton, Dallas, Fairview, Forney, Frisco, Greenville, Plano, Southlake, The Colony, Terrell, University Park, and Wylie.

State licensed waste haulers are required to handle waste products removed from the grease traps. The proposed regulations will require establishments to utilize a state licensed waste hauler company to maintain the grease interceptor and properly dispose of the waste materials in a proper discharge facility. Food establishments will be required to maintain liquid waste transport tickets on site for a minimum of two years. These documents must be provided upon request by the regulatory authority, which is Environmental Services or Public Works or other delegated City Official.

As can be seen in Section 70-224(c) of the proposed Ordinance, these new standards will address sizing, maintenance and construction standards (see Attachment 1). New grease interceptors that are constructed or installed after the ordinance is amended will be required to meet the updated standards and provide a sampling port to test waste discharge verifying the facility is complying with all sewer pre-treatment regulations. Most of the proposed regulations are based on existing City of Garland's Policies and/or Ordinances, relating to grease interceptors.

The proposed amendments will make construction, repair, and renovation requirements more transparent and simplified while providing additional protection to the City's sanitary sewer system. The amendments will address existing food-related businesses with grease traps by maintenance interval requirements only. No construction or sizing changes will affect these establishments unless there is a change in ownership, use, or major renovation.

It is anticipated that there will be an increase in service fees from state licensed waste haulers that maintain the grease traps as the service requirements will be every 90 days. Most likely, the service fees will double as the maintenance frequency is proposed to double. Based upon research, a regional licensed waste hauler currently charges approximately \$250-\$260 every 90 days for maintenance of a 1,000 gallon grease trap. This could result in approximate annual increased costs of \$500.

Should City Council direct staff to proceed with the adoption of the proposed regulations, Environmental Services anticipates informing existing businesses via email notification, posting on the Environmental Services webpage, and in-person as routine inspections are conducted. New food-related businesses would be informed of the requirements in the plan review process. The Rowlett Food Establishment Construction Standards would be updated to reflect the grease trap standards and policies and will be available on the Environmental Services webpage.

FINANCIAL/BUDGET IMPLICATIONS

Although it is anticipated that there would be no significant financial impact to the City, there is a possibility of increased financial savings in infrastructure maintenance. The percentage or amount that could possibly be saved at this is unknown at this time but, with the City of Rowlett continuing to grow and an anticipated increase in food-related businesses, the increased, proactive protection could help reduce the amount of fats, oils, and grease that leaves Rowlett for treatment by the City of Garland, which could yield savings in charges from the City of Garland for wastewater treatment.

RECOMMENDED ACTION

Provide direction to staff regarding the future adoption of an Ordinance regulating grease traps.

ATTACHMENT

Attachment 1 – Grease Trap Draft Ordinance

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, AMENDING SUBDIVISION III (“DISCHARGE REGULATIONS”) OF DIVISION 3 (“INDUSTRIAL WASTES”) OF ARTICLE III (“SANITARY SEWER SYSTEM”) OF CHAPTER 70 (“UTILITIES”) OF THE CODE OF ORDINANCES OF THE CITY OF ROWLETT, TEXAS, TO ADD NEW SECTIONS 70-224 AND 70-225 PROVIDING FOR THE REGULATION OF GREASE TRAPS AT FOOD SERVICE ESTABLISHMENTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rowlett has previously adopted regulations for the protection of the City’s sanitary sewer system and regulations concerning food service establishments and has adopted by reference the provisions of the Texas Food Establishment Rules promulgated by the Texas Department of State Health Services and the International Plumbing Code; and

WHEREAS, given the imminence of commercial growth, which will include private restaurants, cafeterias, and other food service establishments, a public need exists to insure the proper and safe use of grease interceptors and the proper disposal of grease trap waste; and

WHEREAS, the City Council desires to supplement its existing regulations as they pertain to grease separators, interceptors and traps and the disposal of waste produced thereby. Now, Therefore

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

SECTION 1. That Subdivision III “Discharge Regulations” of Division 3 “Industrial Wastes” of Article III “Sanitary Sewer System” of Chapter 70 “Utilities” of The Code of Ordinances of the City of Rowlett, Texas, be and is hereby amended to add new sections 70-224 and 70-225, to read as follows:

**“CHAPTER 70
UTILITIES**

...

**ARTICLE III
SANITARY SEWER SYSTEM**

...

DIVISION 3. – INDUSTRIAL WASTES

...

Subdivision III. Discharge Regulations

...

Sec. 70-224. - Grease interceptors.

- (a) Any business or institution including, but not limited to, food service establishments, whose activity is the source of cooking grease or oil and that is connected to the city's sanitary sewer system shall use a grease interceptor or trap for every pre-sewer connection to prevent the discharge of grease, oil and grease-laden waste into the sanitary sewer system.
- (b) The grease trap shall be of a design approved by the city and shall be installed and used in compliance with the manufacturer's specifications, the provisions of the International Plumbing Code, as adopted and amended by the city, and the Texas Food Establishment Rules applicable in the city. A grease trap shall be of adequate size and design to accommodate the discharge from the facility at peak operating times.
- (c) The minimum requirements for grease traps are:
 - 1. All newly constructed establishments which grill, use deep fryers (in which raw meats are cooked) or produce significant quantities of grease or dough-like material shall install grease interceptors as per the Uniform Plumbing Code (UPC).
 - a. All grease interceptors shall be located on the exterior of the facility and shall be below grade. Some exceptions may be allowed and a variance granted if approved by the Environmental Services Manager and Director of Public Works.
 - b. Four fixtures or less shall require a minimum of a 250 pound capacity grease interceptor.
 - c. More than four fixtures shall require a minimum of a 750 pound capacity grease interceptor.
 - d. The following items will be considered a fixture:
 - i. each utensil sink (a three or four compartment utensil sink)
 - ii. each food preparation sink
 - iii. each dishwasher
 - iv. each mop sink
 - v. all floor drains will be considered as one fixture
 - vi. hand sink(s) will be considered as one fixture
 - e. Non-grease producing fixtures shall not be counted in calculating fixture numbers (items such as ice machine condensate, dipping wells, hand sinks in restrooms, etc).
 - 2. All grease bearing waste streams must be routed through an appropriate grease trap, including: three-compartment sinks, pot/pan sinks, soup kettles, kitchen-area hand-washing sinks, dishwashers, mop sinks and floor drains. Notable

Exceptions: Drains that receive “clear waste” only, such as from ice machines, condensate from coils and drink stations, may be plumbed to the sanitary system without passing through the grease interceptor with the condition that the receiving drain is a “hub” type that is a minimum of two inches above the finished floor.

3. If during a plan review or site inspection, a grease interceptor smaller than a 100 pound unit is discovered, then a minimum size of a 250 pound interceptor shall be installed.
 4. No establishment shall be able to maintain an indoor grease interceptor unless agreed upon by the Environmental Services Manager and the Director of Public Works.
 5. Businesses desiring a grease interceptor smaller than the one sized by the City, may submit engineer-sealed plans showing drawings and flow calculations which indicate provisions of a two hour retention time. Smaller grease interceptors may be approved on a case by case basis if the establishment prepares a non-greasy type food or products.
 6. Existing establishments with functional exterior, two-chamber compartment interceptors (greater than 100 pound capacity) with five or more fixtures may be exempted from the 750 pound interceptor requirements provided that:
 - a.) The previous tenant had no history of sewage backups, public sewer line blockages or BOD/COD violations
 - b.) The anticipated meal per day volume and grease produced volume is low and roughly equal to the previous tenant.
 - c.) The Environmental Services Manager or Public Works Director places the current permit holder on mandatory interceptor pumping frequency less than the required 90 days. Alternate service frequency could be enacted if visible inspection or sample analysis support such actions. A State licensed waste hauler must be hired and the establishment must retain records or manifests on site for at least two years.
 7. The grease trap shall be constructed with a minimum of two chambers, installed at a minimum distance of 10 feet from sinks and dishwashers (to allow for adequate cooling of the wastewater), and water temperatures must be less than 120 degrees prior to entering grease trap.
 8. All grease traps and interceptors must be installed with an Effluent Sampling Well. All grease traps must be located at the exterior of the building.
- (d) If at any time the Environmental Services Manager or Public Works Director believes that a food establishment’s grease interceptor has insufficient capacity to prevent sewer backups, public sewer line flow restrictions or exceed BOD/COD standards, then the permit holder shall be required to install equipment specified in the Uniform Plumbing Code (UPC) within a reasonable amount of time (e.g. 30-120 days).

- (e) The city may adopt and implement policies and regulations for additional grease trap sizing, placement, operation and maintenance.
- (f) The Environmental Services Manager or Director of Public works shall have the authority to use professional discretion to grant a variance to these requirements as necessary granting the modifications afford equal or greater protection to the sewer infrastructure, the public, and the environment.

Sec. 70-225. - Servicing of grease interceptors.

(a) Grease traps shall:

1. be serviced (pumped, cleaned and inspected) at a frequency no less than 90 days.
2. be cleaned/pumped by a State licensed waste hauler
3. the waste hauler must furnish the establishment with a manifest or trip ticket. Liquid waste trip tickets must show the identity of the hauler, the date of service and the manner or location of disposal.
4. retain the liquid waste trip tickets on site for a minimum of two (2) years. Liquid waste trip tickets must be made available to inspectors upon request.
5. Never allow waste grease or food solids to be present in the second chamber of the interceptor at a depth greater than three inches and no packed grease greater than one inch at the City of Rowlett discharge side port

Secs. 70-226—70-239. - Reserved.”

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

SECTION 3. 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 Code of Ordinances as a whole.

SECTION 4. Any person, firm or corporation violating any of the provisions of this ordinance or the provisions of the Code of Ordinances of the City of Rowlett, Texas, as amended hereby, shall be deemed guilty of a misdemeanor and upon conviction, shall be subject to a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

SECTION 5. This ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provides.



City of Rowlett
Staff Report

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

AGENDA DATE: 04/07/15

AGENDA ITEM: 3C

TITLE

Discuss amending the Fiscal Year 2014-15 Adopted Operating and Capital Improvements Program Budget. (20 minutes)

STAFF REPRESENTATIVE

Wendy Badgett, Interim Director of Finance
Terri Doby, Budget Officer

SUMMARY

Regular budget amendments are an accepted practice in local government and represent a visible demonstration that the municipality manages its fiscal affairs appropriately and with transparency. City staff has completed a detailed analysis of revenues and expenditures and recommends adjustments consistent with that analysis. This budget amendment contains two different areas of the budget that need to be amended now that the first quarter of FY2015 has concluded.

Part I

Stage 3 water restrictions from the North Texas Municipal Water District (NTMWD) will continue through at least March 31, 2015, with a ten percent (10%) reduction goal. Rowlett citizens and businesses have reduced usage beyond the ten percent (10%) goal, reaching 31 percent in FY2014. Such an action has resulted in declining Utility Fund revenues. As a result, greater than anticipated revenue shortfalls in the Utility Fund necessitate additional adjustments to the budget. Staff continues to monitor the budget and the cost controls established to mitigate the impact of any changes in circumstances.

Part II

The FY2015 CIP totals \$30.1 million from utility revenue bonds and cash funded projects; a budget of this size and scope requires constant monitoring and adjustment. As projects funded with past bond issues or cash CIP funds are completed and final expenditures recorded, new development or other circumstances occur, which cause new projects to be initiated or existing projects to change in scope. An amendment is required to complete the City's share of the funding for the Village of Rowlett project as previously agreed with Integral Catalyst, allocate funding for the CIP Task Force, and reallocate funding between various related projects.

BACKGROUND INFORMATION

On September 16, 2014, the City Council adopted the operating and capital improvements program budget for Fiscal Year 2014-15. One quarter of the fiscal year was completed as of December 31, 2014. These amendments reflect changes to budget recommended as a result of an analysis of the first quarter of FY2015.

Part I

The most significant item recommended in this amendment is changes to the Utility Fund based on new projections for water usage. This new projection was derived based on the final usage for FY2014. NTMWD implemented Stage 3 water use restrictions on June 1, 2013, with a goal of a ten percent (10%) reduction in water use by customers. The adopted FY2014 budget, which was planned at the very beginning of Stage 3 restrictions without knowing how long these restrictions would be in place, was built on a projected usage of 2.53 billion gallons of water, 130 million fewer gallons than the original FY2013 budget. As a direct result of the implementation of Stage 3 water restrictions, however, was actual usage at the end of FY2013 of 2.30 billion gallons, 230 million gallons less than expected.

In anticipation of ongoing Stage 3 restrictions and a continued reduction in the use of water, the City took action in February, 2014 to reduce the Utility Fund Cash CIP by \$1.7 million due to the anticipated revenue shortfall directly resulting from the State 3 water restrictions. The consumption projection was amended to reflect a reduction in water usage of 420 million gallons. Once again, however, water usage continued to decline. Actual usage in FY2014 was 175 million gallons less than the amended FY2014 usage, or 1.93 billion. This is 143 million gallons less than budgeted in FY2015.

In thousand gallons

	FY2013	FY2014			FY2015
	Actual	Budget	Rev. Budget	Actual	Budget
Water Consumption	2,300,283	2,530,336	2,110,249	1,934,778	2,078,067
Difference from prior projection		230,053	(420,087)	(175,471)	(143,289)

Staff believes that Stage 3 water restrictions will have continuing impact on FY2015. Even with the recent precipitation, NTMWD has indicated that it anticipates continuing Stage 3 seasonal water restrictions through at least June 1, 2015. As a result, staff is recommending amending the budget to account for the lower projections on water usage; however, if the restrictions are lifted, staff will reassess the impact at that time.

Part II

The FY2015 CIP totals \$30.1 million from utility revenue bonds and cash funded projects; a budget of this size and scope requires constant monitoring and adjustment. As projects funded with past bond issues or cash CIP funds are completed and final expenditures recorded, new development or other circumstances occur, which cause new projects to be initiated or existing projects to change in scope.

- A) An amendment is required to allocate the final amount of funding for the Village of Rowlett project in the Capital Improvement Program. The table below (from the May 20, 2014, agenda item) outlines what the City originally agreed to with regards to the funding of this project.

CITY INVESTMENT – SOURCE OF FUNDS		
Land Contribution (subject to appraisal)		\$1,650,000
Public Infrastructure		
Impact Fees		450,000
Existing Impact Fee Fund Balance		1,250,000
CIP Funds		700,000
Property Tax (380/TIF)		1,968,449
Total Public Investment		\$6,018,449

When subtracting the land contribution and the property tax from a 380 agreement, the total comes to \$2,400,000. Funds in the amount of \$775,550 were allocated to the Village of Rowlett project in the FY2014 3rd quarter budget amendment. This amendment will complete the funding for the project by adding the \$450,000 in impact fees and the \$1,174,450 in existing impact fee fund balance, bringing the total project budget to \$2,400,000.

- B) The City has been planning for a bond election for well over a year. The proposed election would take place in May of 2015. On June 20, 2014, during the annual City Council Retreat, staff presented a plan to address the planned upcoming bond election in May of 2015 and the related process. Council provided consensus on several items that included a bond election and a public engagement process that would include the creation of an ad-hoc committee that would operate as a citizen task force. On July 15, 2014, during the City Council Work Session, the City Council had directed staff to establish the CIP Task Force to develop a recommendation for the upcoming bond election. The CIP Task Force has expenses that will need to be added to the CIP budget.
- C) In the Spring of 2013, the developer of the Harmony Hills project approached the City regarding sewer infrastructure. The developer requested that the City build a gravity sewer main on the east side of PGBT that would run south to the main line at Liberty Grove. The developer agreed to contribute the \$500,000 they would have had to spend to construct lift stations. On September 17, 2013, during an executive session, Council agreed that the construction of the gravity line would not only benefit this project but other projects along PGBT and provided direction to staff to take that approach. The North Shore Sanitary Sewer project was originally created in the 1st quarter budget amendment of 2014 with funds from projects completed under budget in the amount of \$947,967. After going out for bid, the total construction cost for the project is \$1,665,868 plus design costs in the amount of \$194,522 for a total project cost of \$1,860,391. When the bid was approved on December 2, 2014, City Council was informed that the project funds would be amended in the first FY2015 budget amendment to utilize impact fees and re-allocate funds from other projects that have come in under budget to provide the total \$1,860,391 to construct the project.
- D) Funding is allocated to several projects in the CIP that are labeled as Miscellaneous where the money is used for various smaller repair and replacement projects throughout the City. This funding is also available to be moved to larger projects when needed. This amendment

would move necessary funding from Miscellaneous Drainage to the Westwood Circle Drainage project, from Miscellaneous Drainage to Long Branch Creek Drainage, and from Miscellaneous Sanitary Sewer Line Repair and Replacement to the 24" Force Main and TV Inspection project.

DISCUSSION

Part I

The City should proactively address the continuing revenue shortfall in the Utility Fund. Revenue projections are based on projected usage of water and sewer. Much lower usage than budget projections are resulting from Stage 3 Water Restrictions. Usage is down by more than 30 percent. The final results are \$2M actual revenue reductions.

At the conclusion of FY2014, the Utility Fund had received \$941,796 less in revenue than the re-estimated projection and spent \$60,173 more than forecasted, resulting in a net shortfall of \$1M. This shortfall occurred even after revenue projections were reduced by \$1.2M and the expense transfer to the Utility Cash CIP was reduced by \$1.7M.

The FY2015 Budget is built on an assumed water consumption level of 2.08M gallons. A \$6.97 per meter per month surcharge has also been built into the fee structure in an effort to cover the Utility Fund capital maintenance program in light of declining consumption. Going forward into FY2015, however, it is not prudent to count on 2.08 billion gallons of water consumed. Until and unless the water restrictions are lifted, a budget based on 1.93 billion gallons is recommended. This will result in a reduction of revenue in FY2015 of \$588,735.

City staff has completed a detailed analysis of Utility Fund expenditure budgets and recommends reducing the FY2015 budget by \$588,735. **None of these reductions will impact the capital maintenance program.**

Current Expenditures	FY2015 Adopted	Change	FY2015 Revised
Beginning Resources	\$7,608,008	\$ -	\$7,608,008
Charges for Services	28,454,087	(588,735)	27,865,352
Other	11,976	-	11,976
Transfers In	139,397	-	139,397
Current Revenues	28,605,460	(588,735)	28,016,725
Personnel Costs	2,184,764	-	2,184,764
Supplies	304,197	(39,450)	264,747
Purchase Services	12,296,266	(477,082)	11,819,184
Capital Outlay	287,628	(72,203)	215,425
Capital Improvements	2,800,000	-	2,800,000
Debt Service	4,712,956	-	4,712,956
Transfers Out	5,476,331	-	5,476,331

Current Expenditures	FY2015 Adopted	Change	FY2015 Revised
Total Expenditures	28,062,142	(588,735)	27,473,407
Ending Resources	\$8,151,326	\$ -	\$8,151,326

Part II

The FY2015 CIP totals \$30.1 million from utility revenue bonds and cash funded projects; a budget of this size and scope requires constant monitoring and adjustment. As projects funded with past bond issues or cash CIP funds are completed and final expenditures recorded, new development or other circumstances occur, which cause new projects to be initiated or existing projects to change in scope. Specifically, the proposed re-allocation of project funds is included in the table below.

- A) For the Village of Rowlett project, the total City commitment including land contribution and property tax from a 380 agreement is \$6,018,449. The total City funding commitment without the land contribution and 380 agreement is \$2,400,000. Funds in the amount of \$775,550 were allocated to the Village of Rowlett project in the FY2014 3rd quarter budget amendment. Funds in the amount of \$450,000 are being allocated from impact fees, and \$1,174,450 is being allocated from various bond fund balances that result from projects being charged to impact fees or from completed projects (e.g. ST2074 Merritt Road, CO2028 Miller Road Reconstruction, ST2076 Traffic Management Projects and WA2091 Castle Hills Waterline) and is available to be transferred to the Village of Rowlett project to complete the City’s share of the funding.

- B) CIP Task Force (SP2092) has expenses that will need to be added to the CIP budget. Funding in the amount of \$10,000 will be transferred from project ST2078 Crack Seal for Pavement to meet the operational needs of the CIP Task Force.

- C) The North Shore Sanitary Sewer project was originally created in the 1st quarter budget amendment of 2014 with funds from projects completed under budget in the amount of \$947,967. Now that the project has been bid, the total construction cost for the North Shore Sanitary Sewer project (SS2103) is \$1,665,868 plus \$194,522 for design expenses for a total project cost of \$1,860,391. When the bid was approved on December 2, 2014, City Council was informed that the project funds would be amended in the first FY2015 budget amendment to utilize impact fees and re-allocate funds from other projects that have come in under budget to provide the total \$1,860,391 to construct the project.

- D) Funding is allocated to several projects in the CIP that are labeled as Miscellaneous where the money is used for various smaller repair and replacement projects throughout the City. This funding is also available to be moved to larger projects when needed.
 - a. This amendment would move necessary funding from Miscellaneous Drainage (DR2065) to the Westwood Circle Drainage project (DR2104) in the amount of \$100,760 to bring the total Westwood Circle to \$250,760. The project was bid at a cost of \$250,485.

- b. This amendment would move necessary funding from Miscellaneous Drainage (DR2065) to the Long Branch Creek project (DR2105) in the amount of \$276,000. The funding will be used to install a box culvert for new retail development.
- c. Another project requiring an additional allocation of funding is the 24" Force Main and TV inspection (SS2104). This project was the replacement of a force main on the east side of the lake identified with a potential for failure by video inspection. Total cost of the project was \$539,466 while the current budget is \$434,000. An additional \$110,000 in funding is needed from Miscellaneous Sanitary Sewer Line Repair and Replacement (SS1102).

From/ To	Project Number	Project Title	Adjustment	Purpose
FROM	ST2074	Merritt Road Interconnector	(\$700,450)	Set aside amount agreed upon with developer for Village of Rowlett
		Unallocated Bond Funds	(\$474,000)	
	Fund 102	Impact Fees	(\$450,000)	
TO	CO2100	Village of Rowlett	\$1,624,450	
FROM	ST2078	Crack Seal for Pavement	(\$10,000)	Funding for activities of the CIP Task Force
TO	SP2092	CIP Task Force	\$10,000	
FROM	SS2093	Merritt Road Sanitary Sewer	(\$81,797)	Fund the total cost as bid for the North Shore Sanitary Sewer
	WA2092	Merritt Road Water Line	(\$80,518)	
	Fund 162	Impact Fees Utilities	(\$500,109)	
	Fund 598	Developer Contribution	(\$250,000)	
TO	SS2103	North Shore Sanitary Sewer	\$912,424	
FROM	DR2065	Misc. Drainage Improve.	(\$100,760)	Fund the total cost of the Westwood Circle drainage improvements
TO	DR2104	Westwood Circle Drainage	\$100,760	
FROM	DR2065	Misc. Drainage Improve.	(\$276,000)	
TO	DR2105	Long Branch Creek Drainage	\$276,000	
FROM	SS1102	Misc. Sanitary Sewer Lines	(\$110,000)	Fund the total cost of 24" Force Main and TV Inspection
TO	SS2104	24" Force Main and TV Insp.	\$110,000	

FINANCIAL/BUDGET IMPLICATIONS

As indicated, this ordinance adjusts revenues and expenditures identified for FY2015. Exhibits A and B to the proposed ordinance details the type and purpose.

RECOMMENDED ACTION

City staff recommends the City Council direct staff to draft an ordinance approving the restructuring and amending of the FY2015 Adopted Budget for the next regular City Council meeting.

ATTACHMENTS

Exhibit A – Utility Fund Budget Amendment FY2015

Exhibit B – Capital Improvements Program Amendment FY2015

FY 2015**CITY OF ROWLETT BUDGET****UTILITY FUND**

	Adopted FY2014-15	Change	Revised Adopted FY2014-15
Revenues:			
Beginning Resources	\$ 7,608,008		\$ 7,608,008
Current Revenues:			
Tax Revenues	-		-
Franchise Fees	-		-
Licenses and Permits	-		-
Charges for Services	28,454,087	(588,735)	27,865,352
Fines & Forfeitures	-		-
Other	11,976		11,976
Transfers In	139,397		139,397
Current Revenues	<u>28,605,460</u>	<u>(588,735)</u>	<u>28,016,725</u>
Available Resources	<u>36,213,468</u>	<u>(588,735)</u>	<u>35,624,733</u>
Expenditures:			
Personnel Services	2,184,764		2,184,764
Supplies	304,197	(39,450)	264,747
Purchase Services	12,296,266	(477,082)	11,819,184
Capital Outlay	287,628	(72,203)	215,425
Capital Improvements	2,800,000		2,800,000
Debt Service	4,712,956		4,712,956
Transfers Out	5,476,331		5,476,331
Total Expenditures	<u>28,062,142</u>	<u>(588,735)</u>	<u>27,473,407</u>
Ending Resources	\$ 8,151,326	\$ -	\$ 8,151,326

FY 2015 CITY OF ROWLETT BUDGET
CAPITAL IMPROVEMENTS PROJECTS

	PROJECT NUMBER	PROJECT NAME	ACCOUNT NUMBER	CHANGE
FROM	ST2074	Merritt Road Interconnector	406-8201-521	(\$700,450)
		Fund 407		(\$474,000)
		Impact Fees	102-xxxx-xxx	(\$450,000)
TO	CO2100	Villages of Rowlett	Various	\$1,624,450
FROM	ST2078	Crack Seal	398-8201-521	(\$10,000)
TO	SP2092	CIP Task Force	398-8201-524	\$10,000
FROM	SS2093	Merritt Road Sanitary Sewer	606-8201-531	(\$81,797)
	WA2092	Merritt Road Water Line	606-8201-530	(\$80,518)
		Impact Fees Utilities	162-xxxx-xxx-xxxx	(\$500,109)
		Developer Contribution	598-xxxx-xxx-xxxx	(\$250,000)
TO	SS2103	North Shore Sanitary Sewer	Various	\$912,424
FROM	DR2065	Miscellaneous Drainage Improvements	597-8201-532	(\$100,760)
TO	DR2104	Westwood Circle Drainage Improvements	597-8201-532	\$100,760
FROM	DR2065	Miscellaneous Drainage Improvements	597-8201-532	(\$276,000)
TO	DR2105	Long Branch Creek Drainage	597-8201-532	\$276,000
FROM	SS1102	Miscellaneous Sanitary Sewer Line Repair	598-8201-531	(\$110,000)
TO	SS2104	24" Force Main and TV Inspection	598-8201-531	\$110,000



City of Rowlett
Staff Report

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

AGENDA DATE: 04/07/15

AGENDA ITEM: 5A

TITLE

Proclamation recognizing National Library Week, April 12 – 18, 2015.

STAFF REPRESENTATIVE

Kathy Freiheit, Director of Library Services

BACKGROUND INFORMATION

First sponsored in 1958, National Library Week is sponsored by the American Library Association and observed annually by libraries across the country. Celebrated each April, National Library Week heightens awareness of the vital contributions made by our nation's libraries, librarians, and library workers. All types of libraries – public, school, academic and special – participate in promoting library use and support.

DISCUSSION

People of all ages, backgrounds and beliefs come together at the Rowlett Public Library for programs, recreational reading, study, and to do research. On average, 563 visitors come to the Library each day! Connecting books with readers, movies with viewers, and facts with information seekers, the Library sparks curiosity and intellect, and brings value to life in our community.

The Library is also a vital technology center for people in need of free Internet access when taking a test, applying for a job, or improving their computer skills. Last year, 73,467 uses were made of the Library's PC Lab and free Wi-Fi. Additionally, Library staff:

- provided 60 hours of service weekly, 6 days a week,
- checked out 293,992 items to 12,645 Library cardholders,
- offered answers to 17,788 reference questions,
- introduced 4,559 children to reading, and
- educated and entertained 10,647 citizens at Library programs!

Technology has changed some of the ways people use their libraries, but libraries are not going away. As centers for opportunity, education, self-help and lifelong learning, libraries are at the heart of their communities. And Rowlett Public Library is here to stay! We invite you to join in celebrating National Library Week and explore the unlimited possibilities @ your library.

ATTACHMENT

Proclamation

National Library Week Proclamation
April 12 - 18, 2015

WHEREAS, libraries continuously grow and evolve in how they provide for the needs of every member of their communities;

WHEREAS; libraries level the playing field for all who seek information and access to technologies;

WHEREAS, libraries, librarians, and library workers open a world of possibilities through early literacy initiatives, innovative programs, job-seeking resources and the power of reading;

WHEREAS, library staff are trained, tech-savvy professionals, providing technology education and access to downloadable content like e-books and e-magazines;

WHEREAS, libraries support democracy and effect social change through their commitment to provide equitable access to information for all;

WHEREAS, libraries, librarians, library workers and 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 12 – 18, 2015

And encourage all residents to visit the Rowlett Public Library to take advantage of the unlimited possibilities @ your library.



City of Rowlett
Staff Report

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

AGENDA DATE: 04/07/15

AGENDA ITEM: 5B

TITLE

Presentation of 2014 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 this award requires submission of an application and documentation for each of ten areas which span the library services spectrum. Award criteria ranges from marketing and collaborative efforts, to demonstrated literacy support and a summer reading program.

DISCUSSION

Of the 555 public libraries and library systems in the State of Texas, the Rowlett Public Library was among only 39 libraries receiving the 2014 award. This is the 10th consecutive year that Rowlett Public Library has been recognized for the quality programs and services offered, in furthering the continuing education and personal life enrichment of community residents.

Receiving this distinction, as determined by a panel of fellow professional library administrators and peers, is an honor. The award also speaks to the valuable contributions made by every member of the Rowlett Public Library staff. Were it not for their dedication and effort, such a level of service excellence could not be realized.

ATTACHMENT

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



January 20, 2015

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 2014 Achievement of Library Excellence Award from the Texas Municipal Library Directors Association.

Of the 555 public library systems in the State of Texas, only 39 received the 2014 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, 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
Rowlett, TX 75080-0099
www.rowlett.com

AGENDA DATE: 04/07/15

AGENDA ITEM: 5C

TITLE

Proclamation recognizing National Public Safety Telecommunicators Week as April 12-18, 2015.

STAFF REPRESENTATIVE

Mike 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 12-18, 2015.

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 12-18, 2015, 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, do hereby proclaim the week of April 12-18, 2015 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 75080-0099
www.rowlett.com

AGENDA DATE: 04/02/15

AGENDA ITEM: 5D

TITLE

Proclamation recognizing the month of April as National Organ Donor Awareness Month.

STAFF REPRESENTATIVE

Laura Hallmark, City Secretary

BACKGROUND INFORMATION

Organ procurement organizations, transplant centers, national donation organizations and other organizations sponsor special awareness events and donor recognition ceremonies to promote donation awareness and registration. National recognition of organ donation month was established in 2003. Every day in April, people across the U.S. make a special effort to celebrate the tremendous generosity of those who have saved lives by becoming organ, tissue, marrow, and blood donors and to encourage more Americans to follow their fine example.

Number of patients on the waiting list: 123,382

Number of transplants in 2014: 29,532

Number of donors in 2014: 14,412

Every ten minutes, someone is added to the national transplant waiting list.

On average, 21 people die each day while waiting for a transplant.

One organ donor can save eight lives.

ATTACHMENT

Proclamation

NATIONAL ORGAN DONOR AWARENESS MONTH

WHEREAS, there are many thousands of men, women and children on waiting lists for a life-saving organ/tissue donation that will provide them with a second chance; and

WHEREAS, it is unfortunate that in our society many people are unaware of the real need for organ donations, as the list of those requiring transplants grows each year; and

WHEREAS, it is recognized that being a donor is a personal decision, which should be discussed in advance with one's family; and

WHEREAS, only through education and increased public awareness can people make the decision to donate their organ/tissue and make the tremendous contribution of the gift-of-life.

NOW, THEREFORE, I, Todd W. Gottel, Mayor of the City of Rowlett and on behalf of the City Council, do hereby proclaim the month of April as

NATIONAL ORGAN DONOR AWARENESS MONTH

in Rowlett and encourage our residents to consider becoming organ, eye, tissue, marrow and blood donors and to tell their loved ones of their desires.



City of Rowlett
Staff Report

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

AGENDA DATE: 04/07/15

AGENDA ITEM: 5E

TITLE

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

STAFF REPRESENTATIVE

Brian Funderburk, City Manager



City of Rowlett
Staff Report

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

AGENDA DATE: 04/07/15

AGENDA ITEM: 7A

TITLE

Consider action to approve minutes from the March 17, 2015, City Council Regular Meeting, March 27, 2015, Special Meeting, and March 31, 2015 Work Session.

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 17, 2015, City Council Regular Meeting, March 27, 2015, Special Meeting, and March 31, 2015, Work Session.

ATTACHMENT

03-17-15 City Council Meeting Minutes
03-27-15 Special Meeting Minutes
03-31-15 Work Session Minutes



City of Rowlett

Meeting Minutes

City Council

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

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

Tuesday, March 17, 2015

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.

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

Absent: Mayor Pro Tem Gallops and Councilmember Sheffield

1. CALL TO ORDER

Mayor Gottel called the meeting to order at 5:48 p.m.

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

- 2A.** The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.087 (Economic Development) and §551.071 (Consultation with Attorney) to receive legal advice from the City Attorney and to discuss and deliberate the offer of financial or other incentives to business prospects that the City may seek to have locate in or near Elgin B. Robertson Park. (30 minutes)

Council convened in Executive Session at 5:48 p.m. Out at 6:32 p.m.

3. WORK SESSION (6:15 P.M.)

- 3A.** Discuss proposed ordinance to amend regulations pertaining to grease traps. (20 minutes).

Due to time constraints, this item will be postponed to a future meeting.

- 3B.** Discuss recommendation from Arts & Humanities Commission regarding public art. (45 minutes)

This item was discussed first due to visitors in attendance specifically for this item.

Kathy Freiheit, Director of Library Services, along with Brian Hokanson, Vice-Chair of the Arts and Humanities Commission, made a presentation outlining the challenges of a public art program, a program proposal, committee makeup, projected expenses, and possible funding projections.

Council discussion regarding format of other cities' programs. Staff and members of the Arts and Humanities Commission will sort out possibilities and then present a more fine-tuned program to Council at a later date.

4. DISCUSS CONSENT AGENDA ITEMS

Council took a short break at 7:27 p.m.

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

Council reconvened in Regular Session at 7:35 p.m.

INVOCATION – Mark Nelson, Church in the City

PLEDGE OF ALLEGIANCE

TEXAS PLEDGE OF ALLEGIANCE – Led by the City Council

5. PRESENTATIONS AND PROCLAMATIONS

- 5A.** Texas Public Pool Council presents Wet Zone Waterpark with awards for Agency of the Year Class II and Aquatic Special Event of the Year.

Caroline Seward, representing the Texas Public Pool Council, presented the department with the Agency of the Year award for the Angel Swim project and the Aquatic Special Event of the Year Award for the Cardboard Boat Regatta.

- 5B.** Texas Parks and Recreation presents Rowlett Parks and Recreation with an award for Administration/Management Excellence Award from the Texas Recreation and Parks Society.

Pam Nelson, representing the Texas Recreation and Parks Society, presented the Administration/Management Excellence Award for the Summer 2014 Employee Bootcamp.

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

Mayor Gottel announced the following: Next Regular Council meetings will be held on Tuesday, April 7th and 21st. Upcoming Planning and Zoning Commission meetings will be Tuesday, March 24th, April 14th and 28th held in the City Hall Conference Room at 6pm. CIP (COMMUNITY IMPROVEMENT PROGRAM) TASK FORCE: Public Meetings will be held: Tuesday, March 31st at 6pm in the Council Chambers, Tuesday, April 14th at 6:30pm at the RCC, Telephone Town Hall Meeting conducted on Thursday, April 23rd between 6:30 and

7:30pm. Projects on the May 9th Ballot include: **Proposition 1 – Streets – \$18,932,340, **Proposition 2 – Parks – \$4,206,110, **Proposition 3 – Public Safety – \$2,631,050. 2015 Bond Election set for May 9, 2015 – is a three year program with \$25,769,500 of Community Investment Projects – AND NO TAX INCREASE! Early voting starts April 27th and goes through May 5th. LAST DAY TO REGISTER TO VOTE IN THE UPCOMING ELECTION - Thursday, April 9th is the last day to register to vote for the upcoming election on May 9th. Fill out a form online by clicking on the City Secretary's Office tab, Elections then Register to Vote. Pick up a form in the City Secretary's Office at 4000 Main Street. Mail the form to the county election administrator in your county; addresses found online under Register to Vote tab. EARLY VOTING - Annex Conference Room located at 4004 Main Street, Monday, April 27 through Friday, May 1 - 8:00 am to 5:00 pm, Saturday, May 2 - 8:00 am to 5:00 pm, Sunday, May 3 - 1:00 pm to 6:00 pm, Monday, May 4 through Tuesday, May 5 - 7:00 am to 7:00 pm. MARCH CLEAN-UP CAMPAIGN - Occurs four weekends in March starting March 7th, 9am – 6pm – held only on weekends for 2015. Located at 3801 President George Bush Highway – eastbound service road past Main. Driver's License or ID is required as proof of residency. Accepting residential brush and non-hazardous bulky items. ROWLETT GREAT AMERICAN CLEANUP DAY 2015 – Rescheduled for April 11th in anticipation of the amount of rain predicted this week. Come join us to pick up litter and debris on the lakeshore at our southern gateway on Rowlett Rd. For more information or to sign up online, visit keeprowlettbeautiful.org. Sponsored by Keep Rowlett Beautiful, Rowlett Public Works Dept. and Keep Garland Beautiful. ANIMAL SHELTER - Pet Adoptathon, Saturday, March 21st from 10am – 5pm. Reduced adoption fee of \$25. The Shelter is maintaining a 100% live release rate! Low Cost Vaccine Clinic at Animal Shelter – Saturday, March 21st, 1 – 3pm. Shelter is open Monday – Saturday, 10am – 5pm. PARKS AND RECREATION - Upcoming Events: Community Centre Open House – Saturday, March 21st, 10am – 1pm. 2nd Annual Holistic Health Fair, Saturday, March 21st, 10am – 2pm at RCC. Easter Egg Hunt – Saturday, March 28th, 10am – 12pm at Pecan Grove Park. Pup-a-Palooza – Sunday, March 29th, 2 – 4pm at Herfurth Park; \$10 per dog. Senior Health Fair – Tuesday, April 14th, 9am – noon at RCC. ROWLETT LIBRARY - Upcoming Events: Family Saturday Games – March 21st, 2pm – Come build something with our 3000 Legos. Introduction to Microsoft Excel – Saturday, March 28th, 11am. Family Saturday Movie + Popcorn – April 4th, 2pm – featuring Cat in the Hat. One on One Tech Help – Every Friday at Rowlett Library, flexible times – call 972-412-6161 for times. CHLORINE MAINTENANCE NOTIFICATION - The North Texas Municipal Water District (NTMWD) has begun it's routine free chlorine maintenance. Scheduled from March 2nd through March 31st. The Texas Commission on Environmental Quality (TCEQ) allows water suppliers to perform chlorine maintenance to help reduce the need for water suppliers to flush systems in order to maintain chloramine residual during the warm weather periods – thus conserving water. Chlorine maintenance does not affect water quality and remains safe for use. Could be a change in taste and odor of drinking water – however – it does not alter the quality. If you have questions or concerns, contact Tim Rogers, Public Works Director at 972.412.6196. TWICE A MONTH LANCSCAPE WATERING – Watering once every other week still in effect – through April 30th.

6. CITIZENS' INPUT

1. Dean Peaples, 10205 Bent Tree Drive, Rowlett; spoke regarding open water activities.
2. Ken Romaine, 3001 Larkin Lane, Rowlett; spoke regarding septic systems.

7. CONSENT AGENDA

- 7A.** Consider action to approve minutes from the March 3, 2015, City Council Meeting and the March 10, 2015 City Council Special Meeting.

This item was approved on the Consent Agenda.

- 7B.** Consider action to approve a resolution to amend the license agreement with Kayak Instruction Foundation, Inc., for a kayak rental and training services concession at Paddle Point Park.

This item was approved as RES-028-15 on the Consent Agenda.

Passed the Consent Agenda

A motion was made by Deputy Mayor Pro Tem Pankratz, seconded by Councilmember Dana-Bashian, 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 take action on a rezoning of a 0.1676-acre tract of land from Planned Development Ordinance #017-13 to Single Family-8 and a rezoning of a 9.1971-acre tract of land to amend the development standards in Planned Development Ordinance #017-13. The subject properties are located at 8110 Chiesa Road, further described as being 0.1676 acres of Tract 3 in the James Saunders Survey, Abstract No. 1424 and 7000 Chiesa Road, further described as being all of 9.1971 acres of Tract 3 the James Saunders Survey, Abstract No. 1424, City of Rowlett, Dallas County, Texas. (PD15-768)

Garrett Langford, Principal Planner, presented the background information on this item. The public hearing opened and closed with no speakers.

A motion was made by Deputy Mayor Pro Tem Pankratz, seconded by Councilmember Dana-Bashian, to approve the item as presented. The motion carried with a unanimous vote of those members present. This item was adopted as ORD-009-15.

- 8B.** Consideration and action on a resolution to approve an Interlocal Agreement with the City of Dallas for the acquisition of the Elgin B. Robertson property (approximately 257 acres) and authorizing the Mayor to execute all necessary documents on the City's behalf.

Jim Grabenhorst, Director of Economic Development, provided the background information on this item.

A motion was made by Deputy Mayor Pro Tem Pankratz, seconded by Councilmember van Bloemendaal, to approve the item as presented. The motion carried with a unanimous vote of those members present. This item was adopted as RES-029-15.

- 8C.** Consideration and action on ordinances approving boundary adjustment agreements with the City of Dallas to adjust the City limits of Rowlett to include the Elgin B. Robertson property (approximately 257 acres) and authorizing the Mayor to execute said documents pursuant thereto.

Jim Grabenhorst, Director of Economic Development, provided the background information on this item.

A motion was made by Councilmember Dana-Bashian, seconded by Councilmember Bobbitt, to approve the item as presented. The motion carried with a unanimous vote of those members present. This item was adopted as ORD-010-15.

- 8D.** Consideration and action on a resolution approving a first amendment to the Interlocal Agreement and Lease between the City of Dallas and the City of Rowlett relating to the Take Line area, and authorizing the Mayor to execute the amendment on the City's behalf.

Jim Grabenhorst, Director of Economic Development, provided the background information on this item. Council discussion regarding public safety patrol responsibilities – the City of Dallas retains the lake itself and the City of Rowlett now patrols the bridges on I-30 and SH66.

A motion was made by Councilmember van Bloemendaal, seconded by Councilmember Dana-Bashian, to approve the item as presented. The motion carried with a unanimous vote of those members present. This item was adopted as RES-030-15.

- 8E.** Consideration and action on a resolution approving a purchase and sale agreement with Donahue Development Corporation for the conveyance of the Elgin B. Robertson property (approximately 257 acres) pursuant to a Tax Increment Reinvestment Zone, and authorizing the Mayor to execute all necessary documents on the City's behalf.

Jim Grabenhorst, Director of Economic Development, provided the background information on this item.

A motion was made by Councilmember Bobbitt, seconded by Councilmember van Bloemendaal, to approve the item as presented. The motion carried with a unanimous vote of those members present. This item was adopted as ORD-008-15.

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

There was no action taken.

9. ADJOURNMENT

Mayor Gottel adjourned the meeting at 8:52 p.m.



City of Rowlett

Special Meeting Minutes

City Council

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

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Friday, March 27, 2015

8:15 A.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.

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

Council Absent: Mayor Pro Tem Gallops

1. CALL TO ORDER

Mayor Gottel called the meeting to order at 8:20 a.m.

2. WORK SESSION (8:15 A.M.)* Times listed are approximate.

2A. Discussion on the zoning request as it pertains to the Elgin B. Robertson property. (60 minutes)

Marc Kurbansade, Director of Development Services, provided an overview of the process, an explanation of a framework plan along with an example of a framework plan and expected deviations from the Code standards.

Council discussion regarding possible changes in zoning from what was originally presented. David Berman, City Attorney, clarified that any zoning cannot deviate from the concept plan included in the Interlocal Agreement with the City of Dallas. Further discussion regarding the long-term sustainability of development on the south side of the property.

2B. Discussion on the creation of the Tax Increment Reinvestment Zone #2 (TIRZ) and a Public Improvement District (PID) as it pertains to the Elgin B. Robertson property. (60 minutes)

Jim Sabonis and Boyd London with First Southwest, the City's investment consultants, presented an overview of Tax Increment Reinvestment Zones and Public Improvement Districts,

including clarification of application of rates for the TIRZ and PID. Leroy Grawunder, bond counsel, provided clarification regarding the City's liability relating to the TIRZ.

3. INDIVIDUAL CONSIDERATION

- 3A.** Consider action to approve a resolution calling for a public hearing on April 7, 2015, to create the Tax Increment Reinvestment Zone #2 for Rowlett, Texas.

Brian Funderburk, City Manager, provided the information for this item.

A motion was made by Councilmember Sheffield, seconded by Councilmember van Bloemendaal, to approve the item as presented. The motion carried with a unanimous vote of those members present. This item was adopted as RES-032-15.

Deputy Mayor Pro Tem Pankratz arrived at 10:13 a.m. Council took a short break at 10:22 a.m. and reconvened at 10:32 a.m.

4. EXECUTIVE SESSION

- 4A.** The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.087 (Economic Development) and §551.071 (Consultation with Attorney) to receive legal advice from the City Attorney and to discuss and deliberate an Economic Development Agreement with Bayside Land Partners LLC (aka Donahue Development Corporation) for the Elgin B. Robertson property.

Council convened in Executive Session at 10:32 a.m. Out at 1:40 p.m.

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

There was no action taken.

5. ADJOURNMENT

There being no further business, the meeting was adjourned at 1:40 p.m.



City of Rowlett

Work Session Minutes

City Council

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

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Tuesday, March 31, 2015

5:30 P.M.

Municipal Building – 4000 Main Street

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

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

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

Council Absent: Mayor Pro Tem Gallops

1. CALL TO ORDER

Mayor Gottel called the meeting to order at 5:33 p.m.

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

- 2A.** The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.087 (Economic Development) and §551.071 (Consultation with Attorney) to receive legal advice from the City Attorney and to discuss and deliberate an Economic Development Agreement with Bayside Land Partners LLC (aka Donahue Development Corporation) for the Elgin B. Robertson property.

Council convened in Executive Session at 5:33 p.m. Deputy Mayor Pro Tem Pankratz arrived at 6:38 p.m. Out of Executive Session at 7:52 p.m.

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

There was no action taken.

3. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:53 p.m.



City of Rowlett

Staff Report

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

AGENDA DATE: 04/07/15

AGENDA ITEM: 7B

TITLE

Consider action to approve a resolution approving a bankruptcy trustee sale of real property on which delinquent ad valorem taxes are owed and accepting a compromised amount in satisfaction of the tax indebtedness for property at 6802 and 6804 Scenic Road, Rowlett, Texas.

STAFF REPRESENTATIVE

Brian Funderburk, City Manager

SUMMARY

There are two properties that owe property taxes to the City of Rowlett and other taxing entities. These properties are going through the bankruptcy process and have an assigned trustee. The bankruptcy trustee (Trustee) wants to sell the property to pay back taxes and creditors, including an amount representing about 94 percent of the taxes, penalties and interest due. The City's delinquent tax collection agent, Linebarger Goggan Blair & Sampson, LLP is recommending that we accept the sale of those properties with a minimum payment of \$400,000.00 to the taxing authorities to be shared on a pro-rata basis.

BACKGROUND INFORMATION

N/A

DISCUSSION

As indicated above, there are two properties (6802 and 6804 Scenic Road) that are the subject of two separate delinquent tax lawsuits in the City of Rowlett and Rockwall County. The properties are also the subject of a bankruptcy with a potential sale by the Chapter 7 Trustee.

The City's delinquent tax collection agency is Linebarger Goggan Blair & Sampson. They are working on an agreement with the bankruptcy trustee for a proposed sale of these two properties with a minimum amount of \$400,000.00 to the property tax creditors. The breakdown of the accounts and the delinquent amounts owed to the City of Rowlett are as follows:

Address	Ref #	Tax Years	Amount
6802 Scenic Road	DCAD 82007001300050200	1994-2007	\$49,668.70
	RCAD 000000032513	2008-2014	\$35,237.68
6804 Scenic Road	DCAD 82007001300040000	2001-2007	\$61,282.23
	RCAD 000000032513	2008-2014	\$51,422.74
Total			\$197,611.35

The total amount of delinquent taxes due to all taxing authorities for 6802 Scenic Road is \$187,997.16. The total amount of delinquent taxes due to all taxing authorities for 6804 Scenic

Road is \$219,912.95 for a total amount of both properties of \$407,910.11. The claim also includes tax year 2015 as allowed by the Bankruptcy Code. Taking all expenses involved, a payment of \$400,000.00 equates to satisfaction of approximately 94 percent of the taxes, penalties and interest due.

The Trustee has the ability to object to the penalties and potentially reduce the claims of the property tax creditors. In order to facilitate the sale and payment of claims, the Trustee is proposing to sell the property for \$500,000.00. This amount would allow the Trustee to pay the remaining unsecured creditors a portion of the proceeds as well as paying the taxing authorities as stated above. The City has the right to object to the sale and/or the application of the proceeds.

FINANCIAL/BUDGET IMPLICATIONS

Based on the proposed sale and compromised amount of 94 percent, Rowlett would receive approximately \$185,782.87 of the total \$197,611.35 owed.

RECOMMENDED ACTION

Approve a resolution approving a bankruptcy trustee sale of real property on which delinquent ad valorem taxes are owed and accepting a compromised amount in satisfaction of the tax indebtedness for property at 6802 and 6804 Scenic Road, Rowlett, Texas.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, APPROVING A BANKRUPTCY TRUSTEE SALE OF REAL PROPERTY ON WHICH DELINQUENT AD VALOREM TAXES ARE OWED; ACCEPTING A COMPROMISED AMOUNT IN SATISFACTION OF THE TAX INDEBTEDNESS; AUTHORIZING THE CITY MANAGER TO EXECUTE APPROPRIATE INSTRUMENTS AND DOCUMENTS AS MAY BE NECESSARY TO ACCOMPLISH THE SALE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City is owed delinquent ad valorem taxes, penalties, interest and collection fees on and against two parcels of real property situated at 6802 and 6804 Scenic Drive, which properties are currently under the administration of a US Trustee acting under the auspices of a US Bankruptcy Court; and

WHEREAS, the Trustee has stated a desire to convey the properties from the bankruptcy estate at a price that is insufficient to satisfy all outstanding indebtedness, but will not result in a discharge of all penalties, interest or collection costs that might otherwise be discharged by the Court; and

WHEREAS, the City Council finds and determines that it is in the City's best interest to consent to the proposed sale by the Trustee, and the ensuing distribution, which will necessarily result in a compromise of approximately six percent (6%) of the aggregate amount due the City.

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 US Trustee's proposed distribution of proceeds from the sale of properties located at 6802 and 6804 Scenic Drive, and the acceptance of proportional distributions that will result in receipt of less than the full amount of all ad valorem taxes, penalties, interest and collection costs that are otherwise due and payable.

Section 2. That the City Council further authorizes a release of any liens against the properties referenced herein and other obligations owed to the City by the Debtor in bankruptcy upon receipt of partial payment and distribution of proceeds by the US Trustee, and authorizes the City Manager to execute such instruments and documents as may be necessary to accomplish the transaction described herein on the City's behalf.

Section 3. This resolution shall take effect immediately upon its passage.



City of Rowlett
Staff Report

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

AGENDA DATE: 04/07/15

AGENDA ITEM: 7C

TITLE

Consider action to approve a resolution accepting the bid of and awarding a contract to U.S. Bancorp Government Leasing and Finance, Incorporated in the amount of \$1,988,307.70, utilizing an interest rate of 2.01 percent for the ten year lease-purchase financing of one new E-One Aerial Fire Truck, one new Fire Pumper Truck, the refurbishment of our 2006 Engine/Pumper, and the refurbishment of our 2004 Ladder (Quint) Fire Truck for Fire Rescue and authorizing the City Manager, after City Attorney approval, to execute the necessary documents for said purchase.

STAFF REPRESENTATIVE

Neil Howard, Fire Chief
Allyson Wilson, Purchasing Agent

SUMMARY

The purpose of this item is to provide ten year lease-purchase financing of one new E-One Aerial Fire Truck, one new Fire Pumper Truck, the refurbishment of our 2006 Engine/Pumper, and the refurbishment of our 2004 Ladder (Quint) Fire Truck for Fire Rescue.

BACKGROUND INFORMATION

On January 20, 2015, the City Council approved Resolution 008-15 awarding the bid to Hall-Mark Fire Apparatus for the purchase of one new E-One Aerial Fire Truck, one new Fire Pumper Truck, the refurbishment of our 2006 Engine/Pumper, and the refurbishment of our 2004 Ladder (Quint) Fire Truck for Fire Rescue in the amount of \$1,799,933.60 through the Interlocal Cooperative Purchasing agreement with Houston-Galveston Area Council (H-GAC). This amount is net of \$433,854.00 in discounts offered for including all four vehicles and a \$200,000.00 down payment.

DISCUSSION

Pursuant to approval, the Purchasing Division proceeded with processing competitive sealed bids for the ten year lease-purchase financing of the two new fire trucks and the refurbishment of two existing fire trucks.

Notice to bidders for the ten year lease-purchase financing was advertised in the *Rowlett Lakeshore Times* on March 12 and 19, 2015. The bid documents were also placed on the City website. Sealed bids were received in the Purchasing Office until 2:00 p.m., March 26, 2015, 2014, and then publicly opened and read aloud in the City Annex Conference Room in accordance with Texas Local Government Code.

Bids were received from four (4) vendors ranging from \$1,988,307.70 to \$2,025,351.50 with interest rates from 2.01 percent to 2.41 percent. The low bid was received from U.S. Bancorp

Government Leasing and Finance, Incorporated in the amount of \$1,988,307.70, utilizing an interest rate of 2.01 percent.

The annual payment is \$198,830.77, which will be due beginning November 1, 2015, and on the same month and day for each subsequent year thereafter. Please note that this interest rate resulted in a lower annual lease payment than the \$205,658.00 staff projected when the bid for the actual equipment was awarded on January 20, 2015.

The City of Rowlett has conducted business previously with U.S. Bancorp Government Leasing and Finance, Incorporated. This will be Schedule 3 of our Master Lease with U.S. Bancorp Government Leasing and Finance, Incorporated. Schedule 3 to the Master lease will be reviewed and approved by City Attorney David Berman.

The cost of the financing is \$188,374.10 for the ten year term of the lease.

FINANCIAL/BUDGET IMPLICATIONS

The FY2015 budget includes \$200,963.00 for the first year lease payment, which will be used for the down payment. This is sufficient to fully cover this expenditure.

Budget Account Number	Account Title	Budget Amount	Actual Amount
1014501 7010	Purchased Services – Contractual Lease Payments	\$200,963.00	\$198,830.77
Total		\$200,963.00	\$198,830.77

RECOMMENDED ACTION

City staff recommends the City Council adopt a resolution accepting the bid of and awarding a contract to U.S. Bancorp Government Leasing and Finance, Incorporated in the amount of \$1,988,307.70, utilizing an interest rate of 2.01 percent for the ten year lease-purchase financing of one new E-One Aerial Fire Truck, one new Fire Pumper Truck, the refurbishment of our 2006 Engine/Pumper, and the refurbishment of our 2004 Ladder (Quint) Fire Truck for Fire Rescue and authorizing the City Manager, after City Attorney approval, to execute the necessary documents for said purchase.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, ACCEPTING THE BID OF AND AWARDING A CONTRACT TO U.S. BANCORP GOVERNMENT LEASING AND FINANCE, INCORPORATED IN THE AMOUNT OF \$1,988,307.70 UTILIZING AN INTEREST RATE OF 2.01 PERCENT FOR THE TEN YEAR LEASE-PURCHASE FINANCING OF TWO NEW FIRE TRUCKS AND REFURBISHMENT OF TWO FIRE TRUCKS FOR FIRE RESCUE; AND AUTHORIZING THE CITY MANAGER, AFTER CITY ATTORNEY APPROVAL, TO EXECUTE THE NECESSARY DOCUMENTS FOR SAID PURCHASE AND THE ISSUANCE OF PURCHASE ORDERS PURSUANT TO APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary to lease-purchase finance one new E-One Aerial Fire Truck, one new Fire Pumper Truck, the refurbishment of our 2006 Engine/Pumper and the refurbishment of our 2004 Ladder (Quint) Fire Truck for Fire Rescue which were approved by Resolution 008-15 on January 20, 2015; and

WHEREAS, the Purchasing Division has obtained competitive bids and recommends the bid award for ten year lease-purchase financing of the one new E-One Aerial Fire Truck, one new Fire Pumper Truck, the refurbishment of our 2006 Engine/Pumper, and the refurbishment of our 2004 Ladder (Quint) Fire Truck for Fire Rescue to U.S. Bancorp Government Leasing and Finance, Incorporated who is the lowest bidder meeting specifications as per Bid # 2015-39; and

WHEREAS, the City Council of the City of Rowlett, Texas desires to award the bid to U.S. Bancorp Government Leasing and Finance, Incorporated in the amount of \$1,988,307.70 utilizing an interest rate of 2.01 percent and annual payments of \$198,830.77 for years one through ten.

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 U.S. Bancorp Government Leasing and Finance, Incorporated in the amount of \$1,988,307.70, utilizing an interest rate of 2.01 percent for the ten year lease-purchase financing of one new E-One Aerial Fire Truck, one new Fire Pumper Truck, the refurbishment of our 2006 Engine/Pumper, and the refurbishment of our 2004 Ladder (Quint) Fire Truck for Fire Rescue.

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

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

ATTACHMENTS

Exhibit A – Bid Tabulation

Exhibit B – Sample Contract

Bid #2015-39 – 10 Year Lease Purchase Financing of Fire Emergency Equipment - Bid Tabulation
4004 Main St., Rowlett, TX 75088
Purchasing Phone - 972/412-6189 - Fax 972/412-6144
3/26/2015

			BB&T	Clayton Holdings/Commerce Bank	Pinnacle Public Finance
			Mary Coley	Frank Hill	Blair Swain
			704-954-1706	785-587-1541	480-419-3634
		Amortization schedule?	Yes	Yes	Yes
		Sample lease agreement?	Yes	Yes	No
ITEM NO.	QTY	DESCRIPTION			
1.	1 Ea	Finance \$1,799,933.60 for 10 years First payment due 11/1/2015			
		Effective Interest Rate:	2.41%	2.03%	2.25%
		Payment Factor:			
		Annual Payment:	\$ 202,535.15	\$ 198,898.14	\$200,789.14
		Other costs:	0	0*	0
		Describe other costs:			
				*No additional costs are expected, however, if the City elects to use an escrow account, a one-time \$250 escrow fee will be due from the Lessee to the Escrow Agent. This fee is not applicable if an escrow is not required.	
		TOTAL 10 YEAR COST	\$ 2,025,351.50	\$ 1,988,981.40	\$ 2,007,891.40
		Cost of financing:	\$ 225,417.90	\$ 189,047.80	\$ 207,957.80

Bid #2015-39 – 10 Year Lease Purchase Financing of Fire Emergency Equipment - Bid Tabulation
4004 Main St., Rowlett, TX 75088
Purchasing Phone - 972/412-6189 - Fax 972/412-6144
3/26/2015

			US Bancorp Gov. Leasing & Finance
			Tasha Barreau
			303-585-4053
		Amortization schedule?	Yes
		Sample lease agreement?	Yes
ITEM			
NO.	QTY	DESCRIPTION	
1.	1 Ea	Finance \$1,799,933.60 for 10 years First payment due 11/1/2015	
		Effective Interest Rate:	2.01%
		Payment Factor:	
		Annual Payment:	\$198,830.77
		Other costs:	0
		Describe other costs:	
		TOTAL 10 YEAR COST	\$ 1,988,307.70
		Cost of financing:	\$ 188,374.10



**CITY OF ROWLETT
INVITATION TO BID**

**10 Year Lease Purchase Financing of
Two New Fire Trucks and Refurbishment of Two Trucks**

BID NO. 2015-39

**BIDS OPEN
2:00 P.M., March 26, 2015**

DELIVER TO:
CITY OF ROWLETT
PURCHASING OFFICE
4004 MAIN STREET
ROWLETT, TX 75088

BID SUBMITTED FROM:

U.S. Bancorp Government Leasing &
Finance, Inc.
950 17th St., Denver, CO, 80202

All of **us** serving you®

Government Leasing and Finance

March 24, 2015

City of Rowlett, TX
 Purchasing Office
 4004 Main Street
 Rowlett, TX 75088

At your request, U.S. Bancorp Government Leasing and Finance, Inc. ("USBGLF") has prepared for your consideration the following proposal for financing ("Proposal"). **This is only a proposal and does not represent a commitment by U.S. Bancorp Government Leasing and Finance, Inc.**

Customer:	City of Rowlett, TX						
Lessor:	U.S. Bancorp Government Leasing and Finance, Inc.						
PROPERTY:	Fire Trucks						
EXPIRATION:	May 24, 2015						
LEASE QUOTE:	Amount	Rate	Payments	Factor	Pmts / Year	Term	Adv. / Arr.
	1,799,933.60	2.01%	198,830.77	0.110465614	1	10 Years	November each year

Notes: There are no fees associated with this offer including the establishment and use of a U.S. Bank N.A. escrow account should one be required. The City may prepay at any payment date for 103% of the remaining principal balance. USBGLF has a Master lease in place with the City and if awarded, this will be schedule 3 to the existing Master.

The Lease will be structured as a tax-exempt municipal lease, with title in the Lessee's name and USBGLF holding a security interest in the equipment during the term. The lease is "triple-net" with the Lessee responsible for taxes, maintenance and insurance. Documentation will be provided by USBGLF, including (i) standard representations, warranties and covenants by the Lessee pertaining to the accuracy of information, organization, authority, essential use, compliance with laws, pending legal action, location and use of collateral, insurance, financial reporting and financial covenants; and (ii) standard USBGLF provisions pertaining to events of default and remedies available upon default. This offer is subject to the execution of all documentation by the Lessee within a reasonable time and in form and substance acceptable to Lessee, USBGLF and USBGLF's counsel, including terms and conditions not outlined in this Proposal.

This Proposal is conditioned on there being no material adverse change in the financial condition of the Lessee. Additionally, the terms and conditions outlined herein are subject to final review and approval (including collateral and essential use review) by USBGLF's business, legal, credit, and equipment risk management personnel.

Sincerely,

Tasha Barreau

Tasha Barreau
 Vice President
 U.S. Bancorp Government Leasing & Finance, Inc.
 Phone: 303-585-4053
 Email: tasha.barreau@usbank.com

All of **us** serving you®

Government Leasing and Finance

ACCEPTANCE:

By accepting this Proposal, Lessee acknowledges that **this Proposal does not represent a commitment to provide financing** but only outlines general terms and conditions of the USBGLF's financing program currently available to qualified lessees.

ACCEPTED BY:

Name / Title

dated: _____

Payment Schedule

Assumes an April 17, 2015 commencement date

	Date	Payment	Interest	Principal	Balance
Loan	4/17/2015				1,799,933.60
1	11/1/2015	198,830.77	19,586.40	179,244.37	1,620,689.23
2	11/1/2016	198,830.77	32,877.64	165,953.13	1,454,736.10
3	11/1/2017	198,830.77	29,511.08	169,319.69	1,285,416.41
4	11/1/2018	198,830.77	26,076.23	172,754.54	1,112,661.87
5	11/1/2019	198,830.77	22,571.69	176,259.08	936,402.79
6	11/1/2020	198,830.77	18,996.06	179,834.71	756,568.08
7	11/1/2021	198,830.77	15,347.90	183,482.87	573,085.21
8	11/1/2022	198,830.77	11,625.73	187,205.04	385,880.17
9	11/1/2023	198,830.77	7,828.05	191,002.72	194,877.45
10	11/1/2024	198,830.77	3,953.32	194,877.45	0.00
Grand Totals		1,988,307.70	188,374.10	1,799,933.60	

City of Rowlett Request for Bid # 2015-39
10 Year Lease Purchase Financing of
One Emergency One New Aerial Fire Truck, One New Fire Pumper Truck and
Refurbishing Existing 2006 Pumper Truck & 2004 Ladder Truck

The City of Rowlett is interested in ten (10) year financing of One New Emergency-One (E-One) 137' Ladder (Quint) Fire Truck, One New Fire Engine/Pumper Truck and Refurbishing Existing 2006 Engine/Pumper and 2004 75' Ladder (Quint) Truck in the amount of **\$1,799,933.60** as shown below.

The successful financing firm will process one payment to the Vendor (Hall-Mark Fire Apparatus – Texas LLC) on April 24, 2015.

This transaction should be structured as a Municipal Lease Purchase Agreement under the Guidelines of the Texas Public Property Finance Act and will contain the usual clauses required to include \$1.00 purchase option, early payoff privileges, suitable appropriations, etc. This is a **non-qualified bank transaction**. **The City does expect to issue more than \$10,000,000 worth of obligations in this 2015 calendar year.**

The first payment will be due on November 1, 2015 and on November 1, 2016, 2017, and so on.)

Please attach a proposed Amortization Schedule.

LESSEE:	City of Rowlett, Texas
EQUIPMENT:	One New E-One Aerial Fire Truck, One New Fire Pumper Truck, One Refurbished 2006 Engine/Pumper Truck, One Refurbished 2004 Ladder (Quint) Fire Truck
EQUIPMENT RETAIL COST:	\$2,433,788.00
DOWN PAYMENT:	\$ 200,000 (Paid by City to Hall-Mark Texas Fire Apparatus)
AMOUNT FINANCED:	\$1,799,933.60
CONTRACT CLOSING DATE:	On or about April 17, 2015 is anticipated
EQUIPMENT DELIVERY:	September/October 2015
PURCHASE OPTION:	\$1.00 due upon completion of contract (This may be included with final payment amount)
TERM, ANNUAL PAYMENTS:	<u>10 Year</u>
PAYMENTS COMMENCING:	11/1/2015 & same month and day in 2016, 2017, etc.
EFFECTIVE INTEREST RATE:	<u>2.01</u> %
ANNUAL PAYMENT	\$ <u>198,830.77</u>
OTHER COSTS	\$ <u>Ø</u>
Describe other Costs	<u>None</u>
Company Name	<u>U.S. Bancorp Government Leasing & Finance, Inc.</u>

City of Rowlett Request for Bid # 2015-39
10 Year Lease Purchase Financing of
One Emergency One New Aerial Fire Truck, One New Fire Pumper Truck and
Refurbishing Existing 2006 Pumper Truck & 2004 Ladder Truck

In submitting the attached quotation, the vendor agrees that acceptance of any of the scenarios by the City of Rowlett within a reasonable period of time constitutes a contract.

Authorized Signature Tasha Barreau
Printed Name and Title Tasha Barreau, Vice President
Company Name US Bancorp Government Leasing & Finance, Inc. Date 3/23/15
Street Address or PO Box 950 17th St., 7th Floor
City, State, Zip Denver, CO, 80202
Contact Representative Tasha Barreau
Telephone & Fax Number 303-585-4053 / 303-585-4732
Email Address tasha.barreau@usbank.com

Thank you for your interest in servicing the City of Rowlett.

Exceptions:

N/A

Please refer to the attached information on the Fire Trucks.

DOCUMENT CHECKLIST

PLEASE EXECUTE TWO (2) ORIGINALS OF THE AGREEMENT AND TWO (2) ORIGINALS OF THE ESCROW AGREEMENT

RETURN ALL ORIGINALS TO:
 U.S. BANCORP GOVERNMENT LEASING AND FINANCE, INC.
 ROSANNE SO
 950 17TH STREET, 7TH FLOOR
 DENVER, CO 80202
 303-585-4078

- **Property Schedule No. 3** - This document must be executed in the presence of a witness/attestor. The attesting witness does not have to be a notary, just present at the time of execution.
- **Property Description and Payment Schedule – Exhibit 1**
- **Lessee's Counsel's Opinion – Exhibit 2.** This exhibit will need to be executed by your attorney, dated and placed on their letterhead. Your attorney will likely want to review the agreement prior to executing this opinion.
- **Lessee's Certificate – Exhibit 3.** 1) Please fill in the person's title who will be executing the certificate in the first paragraph (note: the person who signs this exhibit cannot be the same person as the executing official(s) for all other documents); 2) Please fill in the date that the governing body met in Line 1; 3) In the middle set of boxes, please print the name of the executing official(s) in the far left box, print their title(s) in the middle box and have the executing official(s) sign the line in the far right hand box; 4) Include in your return package a copy of the board minutes or resolution for our files; and 5) The exhibit should be executed by someone other than the executing official(s) named in the center box.
- **Payment of Proceeds Instructions – Exhibit 4.** Intentionally Omitted
- **Acceptance Certificate – Exhibit 5.** Intentionally Omitted
- **Bank Qualification and Arbitrage Rebate – Exhibit 6.**
- **Insurance Authorization and Verification –** To be filled out by the Lessee and sent to your insurance carrier. A valid insurance certificate, or self-insurance letter if the Lessee self-insures, is required prior to funding.
- **Notification of Tax Treatment**
- **Form 8038-G –** Blank form provided to Lessee. Please consult your local legal/bond counsel to fill out.
- **Vehicle Titling Memo**
- **Escrow Agreement –** This document needs to be executed by the Executing Official defined in the Lessee's Certificate – Exhibit 3
 - **Investment Direction Letter – Exhibit 1.** This document needs to be executed by the Executing Official.
 - **Schedule of Fees – Exhibit 2.**
 - **Requisition Request – Exhibit 3.** This document should be retained by Lessee and utilized to request disbursements from the escrow account. Please make copies and fill out as many as are needed.
 - **Final Acceptance Certificate - Exhibit 4.** This document should be retained by Lessee and provided to Lessor once all the proceeds have been disbursed from the escrow account.
 - **Class Action Negative Consent Letter – Exhibit 6.**

Property Schedule No. 3
Master Tax-Exempt Lease/Purchase Agreement

This **Property Schedule No. 3** is entered into as of the Commencement Date set forth below, pursuant to that certain Master Tax-Exempt Lease/Purchase Agreement (the "Master Agreement"), dated as of <<Master Lease Date>>, between U.S. Bancorp Government Leasing and Finance, Inc., and <<Lessee Name>>.

1. Interpretation. The terms and conditions of the Master Agreement are incorporated herein by reference as if fully set forth herein. Reference is made to the Master Agreement for all representations, covenants and warranties made by Lessee in the execution of this Property Schedule, unless specifically set forth herein. In the event of a conflict between the provisions of the Master Agreement and the provisions of this Property Schedule, the provisions of this Property Schedule shall control. All capitalized terms not otherwise defined herein shall have the meanings provided in the Master Agreement.
2. Commencement Date. The Commencement Date for this Property Schedule is <<Start Date>>.
3. Property Description and Payment Schedule. The Property subject to this Property Schedule is described in Exhibit 1 hereto. Lessee shall not remove such property from the locations set forth therein without giving prior written notice to Lessor. The Lease Payment Schedule for this Property Schedule is set forth in Exhibit 1.
4. Opinion. The Opinion of Lessee's Counsel is attached as Exhibit 2.
5. Lessee's Certificate. The Lessee's Certificate is attached as Exhibit 3.
6. Proceeds. Lessor shall disburse the proceeds of this Property Schedule in accordance with the instructions attached hereto as Exhibit 4.
7. Acceptance Certificate. The form of Acceptance Certificate is attached as Exhibit 5.
8. Additional Purchase Option Provisions. In addition to the Purchase Option provisions set forth in the Master Agreement, Lease Payments payable under this Property Schedule shall be subject to prepayment in whole at any time by payment of the applicable Termination Amount set forth in Exhibit 1 (Payment Schedule) and payment of all accrued and unpaid interest through the date of prepayment.
9. Bank Qualification and Arbitrage Rebate. Attached as Exhibit 6.
10. Expiration. Lessor, at its sole determination, may choose not to accept this Property Schedule if the fully executed, original Master Agreement (including this Property Schedule and all ancillary documents) is not received by Lessor at its place of business by <<Expiration Date>>.

IN WITNESS WHEREOF, Lessor and Lessee have caused this Property Schedule to be executed in their names by their duly authorized representatives as of the Commencement Date above.

Lessor: U.S. Bancorp Government Leasing and Finance, Inc.
By:
Name:
Title:

Lessee: <<Lessee Name>>
By:
Name:
Title:

Attest:
By
Name:
Title:

EXHIBIT 1

Property Description and Payment Schedule

Re: **Property Schedule No. 3** to Master Tax-Exempt Lease/Purchase Agreement U.S. Bancorp Government Leasing and Finance, Inc. and <<Lessee Name>>.

THE PROPERTY IS AS FOLLOWS: The Property as more fully described in Exhibit A incorporated herein by reference and attached hereto. It includes all replacements, parts, repairs, additions, accessions and accessories incorporated therein or affixed or attached thereto and any and all proceeds of the foregoing, including, without limitation, insurance recoveries.

PROPERTY LOCATION:

_____ Address

_____ City, State Zip Code

USE: <<Brief Description>> - This use is essential to the proper, efficient and economic functioning of Lessee or to the services that Lessee provides; and Lessee has immediate need for and expects to make immediate use of substantially all of the Property, which need is not temporary or expected to diminish in the foreseeable future.

Lease Payment Schedule

Total Principal Amount: \$<<Amount>>

Payment No.	Due Date	Lease Payment	Principal Portion	Interest Portion	Termination Amount (After Making Payment for said Due Date)

Interest Rate: <<Interest Rate>>%

Lessee: <<Lessee Name>>
By:
Name:
Title:

EXHIBIT A

Property Description

SAMPLE

EXHIBIT 2

Lessee's Counsel's Opinion

[To be provided on letterhead of Lessee's counsel.]

<<Start Date>>

U.S. Bancorp Government Leasing and Finance, Inc.
13010 SW 68th Parkway, Suite 100
Portland, OR 97223

<<Lessee Name>>

<<Lessee Address>>

<<Lessee City, State and Zip>>

Attention: <<Lessee Contact>>

RE: Property Schedule No. 3 to Master Tax-Exempt Lease/Purchase Agreement between U.S. Bancorp Government Leasing and Finance, Inc. and <<Lessee Name>>.

Ladies and Gentlemen:

We have acted as special counsel to <<Lessee Name>> ("Lessee"), in connection with the Master Tax-Exempt Lease/Purchase Agreement, dated as of <<Master Lease Date>> (the "Master Agreement"), between <<Lessee Name>>, as lessee, and U.S. Bancorp Government Leasing and Finance, Inc. as lessor ("Lessor"), and the execution of Property Schedule No. 3 (the "Property Schedule") pursuant to the Master Agreement. We have examined the law and such certified proceedings and other papers as we deem necessary to render this opinion.

All capitalized terms not otherwise defined herein shall have the meanings provided in the Master Agreement and Property Schedule.

As to questions of fact material to our opinion, we have relied upon the representations of Lessee in the Master Agreement and the Property Schedule and in the certified proceedings and other certifications of public officials furnished to us without undertaking to verify the same by independent investigation.

Based upon the foregoing, we are of the opinion that, under existing law:

1. Lessee is a public body corporate and politic, duly organized and existing under the laws of the State, and has a substantial amount of one or more of the following sovereign powers: (a) the power to tax, (b) the power of eminent domain, and (c) the police power.
2. Lessee has all requisite power and authority to enter into the Master Agreement and the Property Schedule and to perform its obligations thereunder.
3. The execution, delivery and performance of the Master Agreement and the Property Schedule by Lessee has been duly authorized by all necessary action on the part of Lessee.
4. All proceedings of Lessee and its governing body relating to the authorization and approval of the Master Agreement and the Property Schedule, the execution thereof and the transactions contemplated thereby have been conducted in accordance with all applicable open meeting laws and all other applicable state and federal laws.
5. Lessee has acquired or has arranged for the acquisition of the Property subject to the Property Schedule, and has entered into the Master Agreement and the Property Schedule, in compliance with all applicable public bidding laws.
6. Lessee has obtained all consents and approvals of other governmental authorities or agencies which may be required for the execution, delivery and performance by Lessee of the Master Agreement and the Property Schedule.

7. The Master Agreement and the Property Schedule have been duly executed and delivered by Lessee and constitute legal, valid and binding obligations of Lessee, enforceable against Lessee in accordance with the terms thereof, except insofar as the enforcement thereof may be limited by any applicable bankruptcy, insolvency, moratorium, reorganization or other laws of equitable principles of general application, or of application to municipalities or political subdivisions such as the Lessee, affecting remedies or creditors' rights generally, and to the exercise of judicial discretion in appropriate cases.

8. As of the date hereof, based on such inquiry and investigation as we have deemed sufficient, no litigation is pending, (or, to our knowledge, threatened) against Lessee in any court (a) seeking to restrain or enjoin the delivery of the Master Agreement or the Property Schedule or of other agreements similar to the Master Agreement; (b) questioning the authority of Lessee to execute the Master Agreement or the Property Schedule, or the validity of the Master Agreement or the Property Schedule, or the payment of principal of or interest on, the Property Schedule; (c) questioning the constitutionality of any statute, or the validity of any proceedings, authorizing the execution of the Master Agreement and the Property Schedule; or (d) affecting the provisions made for the payment of or security for the Master Agreement and the Property Schedule.

This opinion may be relied upon by Lessor, its successors and assigns, and any other legal counsel who provides an opinion with respect to the Property Schedule.

Very truly yours,

By: _____

Dated: _____

SAMPLE

EXHIBIT 3

Lessee's Certificate

Re: **Property Schedule No. 3** to Master Tax-Exempt Lease/Purchase Agreement U.S. Bancorp Government Leasing and Finance, Inc. and <<Lessee Name>>.

The undersigned, being the duly elected, qualified and acting _____ of the <<Lessee Name>> ("Lessee") do hereby certify, as of <<Start Date>>, as follows:

1. Lessee did, at a meeting of the governing body of the Lessee held _____ by resolution or ordinance duly enacted, in accordance with all requirements of law, approve and authorize the execution and delivery of the above-referenced Property Schedule (the "Property Schedule") and the Master Tax-Exempt Lease/Purchase Agreement (the "Master Agreement") by the following named representative of Lessee, to wit:

NAME OF EXECUTING OFFICIAL	TITLE OF EXECUTING OFFICIAL	SIGNATURE OF EXECUTING OFFICIAL
And/ Or		

2. The above-named representative of the Lessee held at the time of such authorization and holds at the present time the office set forth above.

3. The meeting(s) of the governing body of the Lessee at which the Master Agreement and the Property Schedule were approved and authorized to be executed was duly called, regularly convened and attended throughout by the requisite quorum of the members thereof, and the enactment approving the Master Agreement and the Property Schedule and authorizing the execution thereof has not been altered or rescinded. All meetings of the governing body of Lessee relating to the authorization and delivery of Master Agreement and the Property Schedule have been: (a) held within the geographic boundaries of the Lessee; (b) open to the public, allowing all people to attend; (c) conducted in accordance with internal procedures of the governing body; and (d) conducted in accordance with the charter of the Lessee, if any, and the laws of the State.

4. No event or condition that constitutes, or with the giving of notice or the lapse of time or both would constitute, an Event of Default or a Nonappropriation Event (as such terms are defined in the Master Agreement) exists at the date hereof with respect to this Property Schedule or any other Property Schedules under the Master Agreement.

5. The acquisition of all of the Property under the Property Schedule has been duly authorized by the governing body of Lessee.

6. Lessee has, in accordance with the requirements of law, fully budgeted and appropriated sufficient funds for the current budget year to make the Lease Payments scheduled to come due during the current budget year under the Property Schedule and to meet its other obligations for the current budget year and such funds have not been expended for other purposes.

7. As of the date hereof, no litigation is pending, (or, to my knowledge, threatened) against Lessee in any court (a) seeking to restrain or enjoin the delivery of the Master Agreement or the Property Schedule or of other agreements similar to the Master Agreement; (b) questioning the authority of Lessee to execute the Master Agreement or the Property Schedule, or the validity of the Master Agreement or the Property Schedule, or the payment of principal of or interest on, the Property Schedule; (c) questioning the constitutionality of any statute, or the validity of any proceedings, authorizing the execution of the Master Agreement and the Property Schedule; or (d) affecting the provisions made for the payment of or security for the Master Agreement and the Property Schedule.

<<Lessee Name>>
By:
Title:
SIGNER MUST NOT BE THE SAME AS THE EXECUTING OFFICIAL(S) SHOWN ABOVE.

EXHIBIT 4

Payment of Proceeds Instructions

Intentionally Omitted

SAMPLE

EXHIBIT 5

Acceptance Certificate

Intentionally Omitted

SAMPLE

EXHIBIT 6

Bank Qualification And Arbitrage Rebate

U.S. Bancorp Government Leasing and Finance, Inc.
 13010 SW 68th Parkway, Suite 100
 Portland, OR 97223

Re: **Property Schedule No. 3** to Master Tax-Exempt Lease/Purchase Agreement U.S. Bancorp Government Leasing and Finance, Inc. and <<Lessee Name>>

Bank Qualified Tax-Exempt Obligation under Section 265

Lessee hereby designates this Property Schedule as a "qualified tax-exempt obligation" as defined in Section 265(b)(3)(B) of the Code. Lessee reasonably anticipates issuing tax-exempt obligations (excluding private activity bonds other than qualified 501(c)(3) bonds and including all tax-exempt obligations of subordinate entities of the Lessee) during the calendar year in which the Commencement Date of this Property Schedule falls, in an amount not exceeding \$10,000,000.

Arbitrage Rebate

Eighteen Month Exception:

Pursuant to Treasury Regulations Section 1.148-7(d), the gross proceeds of this Property Schedule will be expended for the governmental purposes for which this Property Schedule was entered into, as follows: at least 15% within six months after the Commencement Date, at least 60% within 12 months after the Commencement Date, and 100% within 18 months after the Commencement Date. If Lessee is unable to comply with Section 1.148-7(d) of the Treasury Regulations, Lessee shall compute rebatable arbitrage on this Agreement and pay rebatable arbitrage to the United States at least once every five years, and within 60 days after payment of the final Lease Payment due under this Agreement.

Lessee: <<Lessee Name>>
By:
Name:
Title:

Language for UCC Financing StatementsProperty Schedule No. 3

SECURED PARTY: U.S. Bancorp Government Leasing and Finance, Inc.

DEBTOR: <<Lessee Name>>

This financing statement covers all of Debtor's right, title and interest, whether now owned or hereafter acquired, in and to the equipment leased to Debtor under Property Schedule No. 3 dated <<Start Date>> to that certain Master Tax-Exempt Lease Purchase Agreement dated as of <<Master Lease Date>>, in each case between Debtor, as Lessee, and Secured Party, as Lessor, together with all accessions, substitutions and replacements thereto and therefore, and proceeds (cash and non-cash), including, without limitation, insurance proceeds, thereof, including without limiting, all equipment described on Exhibit A attached hereto and made a part hereof.

Debtor has no right to dispose of the equipment.

SAMPLE

INSURANCE AUTHORIZATION AND VERIFICATION

Date: <<Start Date>>

Property Schedule No: 3

To: <<Lessee Name>> (the "Lessee")

From: U.S. Bancorp Government Leasing and Finance, Inc. (the "Lessor")
 13010 SW 68th Parkway, Suite 100
 Portland, OR 97223
 Attn: Rosanne So

TO THE LESSEE: In connection with the above-referenced Property Schedule, Lessor requires proof in the form of this document, executed by both Lessee* and Lessee's agent, that Lessee's insurable interest in the financed property (the "Property") meets Lessor's requirements as follows, with coverage including, but not limited to, fire, extended coverage, vandalism, and theft:

Lessor, AND ITS SUCCESSORS AND ASSIGNS, shall be covered as both ADDITIONAL INSURED and LENDER'S LOSS PAYEE with regard to all equipment financed or leased by policy holder through or from Lessor. All such insurance shall contain a provision to the effect that such insurance shall not be canceled or modified without first giving written notice thereof to Lessor and Lessee at least thirty (30) days in advance of such cancellation or modification.

Lessee must carry GENERAL LIABILITY (and/or, for vehicles, Automobile Liability) in the amount of no less than \$1,000,000.00 (one million dollars).

Lessee must carry PROPERTY Insurance (or, for vehicles, Physical Damage Insurance) in an amount no less than the 'Insurable Value' \$<<Amount>>, with deductibles no more than \$10,000.00.

*Lessee: Please execute this form and return with your document package. Lessor will fax this form to your insurance agency for endorsement. In lieu of agent endorsement, Lessee's agency may submit insurance certificates demonstrating compliance with all requirements. If fully executed form (or Lessee-executed form plus certificates) is not provided within 15 days, we have the right to purchase such insurance at your expense. Should you have any questions, please contact Rosanne So at (303) 585-4077.

By signing, Lessee authorizes the Agent named below: 1) to complete and return this form as indicated; and 2) to endorse the policy and subsequent renewals to reflect the required coverage as outlined above.

Agency/Agent:	
Address:	
Phone/Fax:	
Email:	

Lessee: <<Lessee Name>>
By:
Name:
Title:

TO THE AGENT: In lieu of providing a certificate, please execute this form in the space below and promptly fax it to Lessor at (303) 585-4732. This fully endorsed form shall serve as proof that Lessee's insurance meets the above requirements.

Agent hereby verifies that the above requirements have been met in regard to the Property listed below.

Print Name of Agency: X _____

By: X _____
 (Agent's Signature)

Print Name: X _____

Date: X _____

Insurable Value: \$<<Amount>>

ATTACHED: PROPERTY DESCRIPTION FOR PROPERTY SCHEDULE NO.: 3

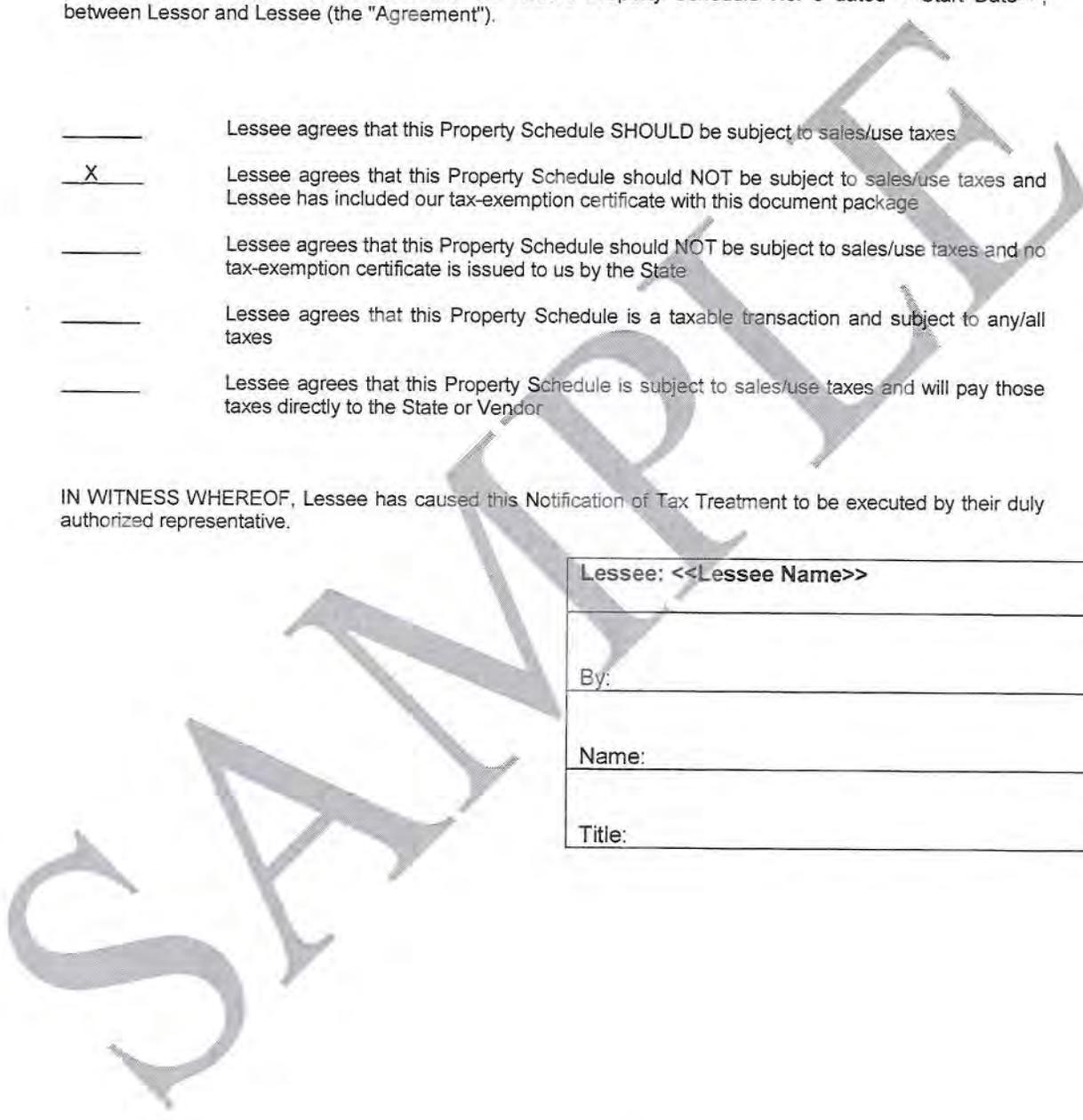
Notification of Tax Treatment to Tax-Exempt Lease/Purchase Agreement

This Notification of Tax Treatment is pursuant to the Master Tax-Exempt Lease/Purchase Agreement dated as of <<Master Lease Date>> and the related Property Schedule No. 3 dated <<Start Date>>, between Lessor and Lessee (the "Agreement").

- Lessee agrees that this Property Schedule SHOULD be subject to sales/use taxes
- Lessee agrees that this Property Schedule should NOT be subject to sales/use taxes and Lessee has included our tax-exemption certificate with this document package
- Lessee agrees that this Property Schedule should NOT be subject to sales/use taxes and no tax-exemption certificate is issued to us by the State
- Lessee agrees that this Property Schedule is a taxable transaction and subject to any/all taxes
- Lessee agrees that this Property Schedule is subject to sales/use taxes and will pay those taxes directly to the State or Vendor

IN WITNESS WHEREOF, Lessee has caused this Notification of Tax Treatment to be executed by their duly authorized representative.

Lessee: <<Lessee Name>>
By:
Name:
Title:



Instructions for Form 8038-G



Department of the Treasury
Internal Revenue Service

(Rev. September 2011)

Information Return for Tax-Exempt Governmental Obligations

Section references are to the Internal Revenue Code unless otherwise noted.

General Instructions

Purpose of Form

Form 8038-G is used by issuers of tax-exempt governmental obligations to provide the IRS with the information required by section 149(e) and to monitor the requirements of sections 141 through 150.

Who Must File

IF the issue price (line 21, column (b)) is...	THEN, for tax-exempt governmental obligations issued after December 31, 1986, issuers must file...
\$100,000 or more	A separate Form 8038-G for each issue
Less than \$100,000	Form 8038-GC, Information Return for Small Tax-Exempt Governmental Bond Issues, Leases, and Installment Sales



CAUTION For all build America bonds and recovery zone economic development bonds use Form 8038-B, Information Return for Build America Bonds and Recovery Zone Economic Development Bonds. For tax credit bonds and specified tax credit bonds use Form 8038-TC, Information Return for Tax Credit Bonds and Specified Tax Credit Bonds.

When To File

File Form 8038-G on or before the 15th day of the 2nd calendar month after the close of the calendar quarter in which the bond is issued. Form 8038-G may not be filed before the issue date and must be completed based on the facts as of the issue date.

Late filing. An issuer may be granted an extension of time to file Form 8038-G under Section 3 of Rev. Proc. 2002-48, 2002-37 I.R.B. 531, if it is determined that the failure to file timely is not due to willful neglect. Type or print at the top of the form "Request for Relief under section 3 of Rev. Proc. 2002-48" and attach a letter explaining why Form 8038-G was not submitted to the IRS on time. Also indicate whether the bond issue in question is under examination by the IRS. Do not submit copies of the trust

indenture or other bond documents. See *Where To File* next.

Where To File

File Form 8038-G, and any attachments, with the Department of the Treasury, Internal Revenue Service Center, Ogden, UT 84201.

Private delivery services. You can use certain private delivery services designated by the IRS to meet the "timely mailing as timely filing/paying" rule for tax returns and payments. These private delivery services include only the following:

- DHL Express (DHL): DHL Same Day Service.
- Federal Express (FedEx): FedEx Priority Overnight, FedEx Standard Overnight, FedEx 2Day, FedEx International Priority, and FedEx International First.
- United Parcel Service (UPS): UPS Next Day Air, UPS Next Day Air Saver, UPS 2nd Day Air, UPS 2nd Day Air A.M., UPS Worldwide Express Plus, and UPS Worldwide Express.

The private delivery service can tell you how to get written proof of the mailing date.

Other Forms That May Be Required

For rebating arbitrage (or paying a penalty in lieu of arbitrage rebate) to the Federal government, use Form 8038-T, Arbitrage Rebate, Yield Reduction and Penalty in Lieu of Arbitrage Rebate.

For private activity bonds, use Form 8038, Information Return for Tax-Exempt Private Activity Bond Issues.

For build America bonds (Direct Pay), build America bonds (Tax Credit), and recovery zone economic development bonds, complete Form 8038-B, Information Return for Build America Bonds and Recovery Zone Economic Development Bonds.

For qualified forestry conservation bonds, new clean renewable energy bonds, qualified energy conservation bonds, qualified zone academy bonds, qualified school construction bonds, clean renewable energy bonds, Midwestern tax credit bonds, and all other qualified tax credit bonds (except build America bonds), file Form 8038-TC, Information Return for Tax Credit Bonds and Specified Tax Credit Bonds.

Rounding to Whole Dollars

You may show amounts on this return as whole dollars. To do so, drop amounts less than 50 cents and increase amounts from 50 cents through 99 cents to the next higher dollar.

Questions on Filing Form 8038-G

For specific questions on how to file Form 8038-G send an email to the IRS at TaxExemptBondQuestions@irs.gov and put "Form 8038-G Question" in the subject line. In the email include a description of your question, a return email address, the name of a contact person, and a telephone number.

Definitions

Tax-exempt obligation. This is any obligation, including a bond, installment purchase agreement, or financial lease, on which the interest is excluded from income under section 103.

Tax-exempt governmental obligation. A tax-exempt obligation that is not a private activity bond (see below) is a tax-exempt governmental obligation. This includes a bond issued by a qualified volunteer fire department under section 150(e).

Private activity bond. This includes an obligation issued as part of an issue in which:

- More than 10% of the proceeds are to be used for any private activity business use, and
- More than 10% of the payment of principal or interest of the issue is either (a) secured by an interest in property to be used for a private business use (or payments for such property) or (b) to be derived from payments for property (or borrowed money) used for a private business use.

It also includes a bond, the proceeds of which (a) are to be used directly or indirectly to make or finance loans (other than loans described in section 141(c)(2)) to persons other than governmental units and (b) exceeds the lesser of 5% of the proceeds or \$5 million.

Issue price. The issue price of obligations is generally determined under Regulations section 1.148-1(b). Thus, when issued for cash, the issue price is the first price at which a substantial amount of the obligations are sold to the public. To determine the issue price of an obligation issued for property, see sections 1273 and 1274 and the related regulations.

Issue. Generally, obligations are treated as part of the same issue if they are issued by the same issuer, on the same date; and in a single transaction, or a series of related transactions. However, obligations issued during the same calendar year (a) under a loan agreement under which amounts are to be advanced periodically (a "draw-down loan") or (b) with a term not exceeding 270 days, may be treated as part of the same issue if the obligations are equally and ratably secured under a single indenture or loan agreement and are issued under a common financing arrangement (for example, under the same official statement periodically updated to reflect changing factual circumstances). Also, for obligations issued under a draw-down loan that meet the requirements of the preceding sentence, obligations issued during different calendar years may be treated as part of the same issue if all of the amounts to be advanced under the draw-down loan are reasonably expected to be advanced within 3 years of the date of issue of the first obligation. Likewise, obligations (other than private activity bonds) issued under a single agreement that is in the form of a lease or installment sale may be treated as part of the same issue if all of the property covered by that agreement is reasonably expected to be delivered within 3 years of the date of issue of the first obligation.

Arbitrage rebate. Generally, interest on a state or local bond is not tax-exempt unless the issuer of the bond rebates to the United States arbitrage profits earned from investing proceeds of the bond in higher yielding nonpurpose investments. See section 148(f).

Construction issue. This is an issue of tax-exempt bonds that meets both of the following conditions:

1. At least 75% of the available construction proceeds are to be used for construction expenditures with respect to property to be owned by a governmental unit or a section 501(c)(3) organization, and
2. All the bonds that are part of the issue are qualified 501(c)(3) bonds, bonds that are not private activity bonds, or private activity bonds issued to finance property to be owned by a governmental unit or a section 501(c)(3) organization.

In lieu of rebating any arbitrage that may be owed to the United States, the issuer of a construction issue may make an irrevocable election to pay a penalty. The penalty is equal to 1½% of the amount of construction proceeds that do not meet certain spending requirements. See section 148(f)(4)(C) and the Instructions for Form 8038-T.

Specific Instructions

Part I—Reporting Authority

Amended return. An issuer may file an amended return to change or add to the information reported on a previously filed

return for the same date of issue. If you are filing to correct errors or change a previously filed return, check the *Amended Return* box in the heading of the form.

The amended return must provide all the information reported on the original return, in addition to the new or corrected information. Attach an explanation of the reason for the amended return and write across the top, "Amended Return Explanation." Failure to attach an explanation may result in a delay in processing the form.

Line 1. The issuer's name is the name of the entity issuing the obligations, not the name of the entity receiving the benefit of the financing. For a lease or installment sale, the issuer is the lessee or the purchaser.

Line 2. An issuer that does not have an employer identification number (EIN) should apply for one on Form SS-4, Application for Employer Identification Number. You can get this form on the IRS website at IRS.gov or by calling 1-800-TAX-FORM (1-800-829-3676). You may receive an EIN by telephone by following the instructions for Form SS-4.

Line 3a. If the issuer wishes to authorize a person other than an officer or other employee of the issuer (including a legal representative or paid preparer) to communicate with the IRS and whom the IRS may contact about this return (including in writing or by telephone), enter the name of such person here. The person listed in line 3a must be an individual. Do not enter the name and title of an officer or other employee of the issuer here (use line 10a for that purpose).

Note. By authorizing a person other than an authorized officer or other employee of the issuer to communicate with the IRS and whom the IRS may contact about this return, the issuer authorizes the IRS to communicate directly with the individual entered on line 3a and consents to disclose the issuer's return information to that individual, as necessary, to process this return.

Lines 4 and 6. If you listed an individual on line 3a to communicate with the IRS and whom the IRS may contact about this return, enter the number and street (or P.O. box if mail is not delivered to street address), city, town, or post office, state, and ZIP code of that person. Otherwise, enter the issuer's number and street (or P.O. box if mail is not delivered to street address), city, town, or post office, state, and ZIP code.

Note. The address entered on lines 4 and 6 is the address the IRS will use for all written communications regarding the processing of this return, including any notices.

Line 5. This line is for IRS use only. Do not make any entries in this box.

Line 7. The date of issue is generally the date on which the issuer physically

exchanges the bonds that are part of the issue for the underwriter's (or other purchaser's) funds. For a lease or installment sale, enter the date interest starts to accrue in a MM/DD/YYYY format.

Line 8. If there is no name of the issue, please provide other identification of the issue.

Line 9. Enter the CUSIP (Committee on Uniform Securities Identification Procedures) number of the bond with the latest maturity. If the issue does not have a CUSIP number, write "None."

Line 10a. Enter the name and title of the officer or other employee of the issuer whom the IRS may call for more information. If the issuer wishes to designate a person other than an officer or other employee of the issuer (including a legal representative or paid preparer) whom the IRS may call for more information about the return, enter the name, title, and telephone number of such person on lines 3a and 3b.



Complete lines 10a and 10b even if you complete lines 3a and 3b.

Part II—Type of Issue



Elections referred to in Part II are made on the original bond documents, not on this form.

Identify the type of obligations issued by entering the corresponding issue price (see *Issue price* under *Definitions* earlier). Attach a schedule listing names and EINs of organizations that are to use proceeds of these obligations, if different from those of the issuer, include a brief summary of the use and indicate whether or not such user is a governmental or nongovernmental entity.

Line 18. Enter a description of the issue in the space provided.

Line 19. If the obligations are short-term tax anticipation notes or warrants (TANs) or short-term revenue anticipation notes or warrants (RANs), check box 19a. If the obligations are short-term bond anticipation notes (BANs), issued with the expectation that they will be refunded with the proceeds of long-term bonds at some future date, check box 19b. Do not check both boxes.

Line 20. Check this box if property other than cash is exchanged for the obligation, for example, acquiring a police car, a fire truck, or telephone equipment through a series of monthly payments. (This type of obligation is sometimes referred to as a "municipal lease.") Also check this box if real property is directly acquired in exchange for an obligation to make periodic payments of interest and principal. Do not check this box if the proceeds of the obligation are received in the form of cash, even if the term "lease" is used in the title of the issue.

Part III—Description of Obligations

Line 21. For column (a), the final maturity date is the last date the issuer must redeem the entire issue.

For column (b), see *Issue price* under *Definitions* earlier.

For column (c), the stated redemption price at maturity of the entire issue is the sum of the stated redemption prices at maturity of each bond issued as part of the issue. For a lease or installment sale, write "N/A" in column (c).

For column (d), the weighted average maturity is the sum of the products of the issue price of each maturity and the number of years to maturity (determined separately for each maturity and by taking into account mandatory redemptions), divided by the issue price of the entire issue (from line 21, column (b)). For a lease or installment sale, enter instead the total number of years the lease or installment sale will be outstanding.

For column (e), the yield, as defined in section 148(h), is the discount rate that, when used to compute the present value of all payments of principal and interest to be paid on the obligation, produces an amount equal to the purchase price, including accrued interest. See Regulations section 1.148-4 for specific rules to compute the yield on an issue. If the issue is a variable rate issue, write "VR" as the yield of the issue. For other than variable rate issues, carry the yield out to four decimal places (for example, 5.3125%). If the issue is a lease or installment sale, enter the effective rate of interest being paid.

Part IV—Uses of Proceeds of Bond Issue

For a lease or installment sale, write "N/A" in the space to the right of the title for Part IV.

Line 22. Enter the amount of proceeds that will be used to pay interest from the date the bonds are dated to the date of issue.

Line 24. Enter the amount of the proceeds that will be used to pay bond issuance costs, including fees for trustees and bond counsel. If no bond proceeds will be used to pay bond issuance costs, enter zero. Do not leave this line blank.

Line 25. Enter the amount of the proceeds that will be used to pay fees for credit enhancement that are taken into account in determining the yield on the issue for purposes of section 148(h) (for example, bond insurance premiums and certain fees for letters of credit).

Line 26. Enter the amount of proceeds that will be allocated to such a fund.

Line 27. Enter the amount of the proceeds that will be used to pay principal, interest, or call premium on any other issue of bonds within 90 days of the date of issue.

Line 28. Enter the amount of the proceeds that will be used to pay

principal, interest, or call premium on any other issue of bonds after 90 days of the date of issue, including proceeds that will be used to fund an escrow account for this purpose.

Part V—Description of Refunded Bonds

Complete this part only if the bonds are to be used to refund a prior issue of tax-exempt bonds. For a lease or installment sale, write "N/A" in the space to the right of the title for Part V.

Lines 31 and 32. The remaining weighted average maturity is determined without regard to the refunding. The weighted average maturity is determined in the same manner as on line 21, column (d).

Line 34. If more than a single issue of bonds will be refunded, enter the date of issue of each issue. Enter the date in an MM/DD/YYYY format.

Part VI—Miscellaneous

Line 35. An allocation of volume cap is required if the nonqualified amount for the issue is more than \$15 million but is not more than the amount that would cause the issue to be private activity bonds.

Line 36. If any portion of the gross proceeds of the issue is or will be invested in a guaranteed investment contract (GIC), as defined in Regulations section 1.148-1(b), enter the amount of the gross proceeds so invested, as well as the final maturity date of the GIC and the name of the provider of such contract.

Line 37. Enter the amount of the proceeds of this issue used to make a loan to another governmental unit, the interest of which is tax-exempt.

Line 38. If the issue is a loan of proceeds from another tax-exempt issue, check the box and enter the date of issue, EIN, and name of issuer of the master pool obligation.

Line 40. Check this box if the issue is a construction issue and an irrevocable election to pay a penalty in lieu of arbitrage rebate has been made on or before the date the bonds were issued. The penalty is payable with a Form 8038-T for each 6-month period after the date the bonds are issued. Do not make any payment of penalty in lieu of arbitrage rebate with this form. See Rev. Proc. 92-22, 1992-1 C.B. 736 for rules regarding the "election document."

Line 41a. Check this box if the issuer has identified a hedge on its books and records according to Regulations sections 1.148-4(h)(2)(viii) and 1.148-4(h)(5) that permit an issuer of tax-exempt bonds to identify a hedge for it to be included in yield calculations for computing arbitrage.

Line 42. In determining if the issuer has super-integrated a hedge, apply the rules of Regulations section 1.148-4(h)(4). If the hedge is super-integrated, check the box.

Line 43. If the issuer takes a "deliberate action" after the issue date that causes

the conditions of the private business tests or the private loan financing test to be met, then such issue is also an issue of private activity bonds. Regulations section 1.141-2(d)(3) defines a deliberate action as any action taken by the issuer that is within its control regardless of whether there is intent to violate such tests. Regulations section 1.141-12 explains the conditions to taking remedial action that prevent an action that causes an issue to meet the private business tests or private loan financing test from being treated as a deliberate action. Check the box if the issuer has established written procedures to ensure timely remedial action for all nonqualified bonds according to Regulations section 1.141-12 or other remedial actions authorized by the Commissioner under Regulations section 1.141-12(h).

Line 44. Check the box if the issuer has established written procedures to monitor compliance with the arbitrage, yield restriction, and rebate requirements of section 148.

Line 45a. Check the box if some part of the proceeds was used to reimburse expenditures. Figure and then enter the amount of proceeds that are used to reimburse the issuer for amounts paid for a qualified purpose prior to the issuance of the bonds. See Regulations section 1.150-2.

Line 45b. An issuer must adopt an official intent to reimburse itself for preissuance expenditures within 60 days after payment of the original expenditure unless excepted by Regulations section 1.150-2(f). Enter the date the official intent was adopted. See Regulations section 1.150-2(e) for more information about official intent.

Signature and Consent

An authorized representative of the issuer must sign Form 8038-G and any applicable certification. Also print the name and title of the person signing Form 8038-G. The authorized representative of the issuer signing this form must have the authority to consent to the disclosure of the issuer's return information, as necessary to process this return, to the person(s) that have been designated in Form 8038-G.

Note. If the issuer in Part 1, lines 3a and 3b authorizes the IRS to communicate (including in writing and by telephone) with a person other than an officer or other employee of the issuer, by signing this form, the issuer's authorized representative consents to the disclosure of the issuer's return information, as necessary to process this return, to such person.

Paid Preparer

If an authorized officer of the issuer filled in this return, the paid preparer's space should remain blank. Anyone who prepares the return but does not charge the organization should not sign the return. Certain others who prepare the

return should not sign. For example, a regular, full-time employee of the issuer, such as a clerk, secretary, etc., should not sign.

Generally, anyone who is paid to prepare a return must sign it and fill in the other blanks in the *Paid Preparer Use Only* area of the return.

The paid preparer must:

- Sign the return in the space provided for the preparer's signature (a facsimile signature is acceptable),
- Enter the preparer information, and
- Give a copy of the return to the issuer.

Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us

the information. We need it to ensure that you are complying with these laws.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file this form varies depending on individual circumstances. The estimated average time is:

Learning about the law or the form	2 hr., 41 min.
Preparing, copying, assembling, and sending the form to the IRS	3 hr., 3 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to the Internal Revenue Service, Tax Products Coordinating Committee, SE:W:CAR:MP:T:M:S, 1111 Constitution Ave. NW, IR-6526, Washington, DC 20224. **Do not** send the form to this office. Instead, see *Where To File*.

Information Return for Tax-Exempt Governmental Obligations

► Under Internal Revenue Code section 149(e)
 ► See separate instructions.

OMB No. 1545-0720

Caution: If the issue price is under \$100,000, use Form 8038-GC.

Part I Reporting Authority If Amended Return, check here

1 Issuer's name		2 Issuer's employer identification number (EIN)	
3a Name of person (other than issuer) with whom the IRS may communicate about this return (see instructions)		3b Telephone number of other person shown on 3a	
4 Number and street (or P.O. box if mail is not delivered to street address)	Room/suite	5 Report number (For IRS Use Only)	
6 City, town, or post office, state, and ZIP code		7 Date of issue	
8 Name of issue		9 CUSIP number	
10a Name and title of officer or other employee of the issuer whom the IRS may call for more information (see instructions)		10b Telephone number of officer or other employee shown on 10a	

Part II Type of Issue (enter the issue price). See the instructions and attach schedule.

11 Education	11		
12 Health and hospital	12		
13 Transportation	13		
14 Public safety	14		
15 Environment (including sewage bonds)	15		
16 Housing	16		
17 Utilities	17		
18 Other. Describe ►	18		
19 If obligations are TANs or RANs, check only box 19a <input type="checkbox"/>			
If obligations are BANs, check only box 19b <input type="checkbox"/>			
20 If obligations are in the form of a lease or installment sale, check box <input type="checkbox"/>			

Part III Description of Obligations. Complete for the entire issue for which this form is being filed.

	(a) Final maturity date	(b) Issue price	(c) Stated redemption price at maturity	(d) Weighted average maturity	(e) Yield
21		\$	\$	years	%

Part IV Uses of Proceeds of Bond Issue (including underwriters' discount)

22 Proceeds used for accrued interest	22		
23 Issue price of entire issue (enter amount from line 21, column (b))	23		
24 Proceeds used for bond issuance costs (including underwriters' discount)	24		
25 Proceeds used for credit enhancement	25		
26 Proceeds allocated to reasonably required reserve or replacement fund	26		
27 Proceeds used to currently refund prior issues	27		
28 Proceeds used to advance refund prior issues	28		
29 Total (add lines 24 through 28)	29		
30 Nonrefunding proceeds of the issue (subtract line 29 from line 23 and enter amount here)	30		

Part V Description of Refunded Bonds. Complete this part only for refunding bonds.

31 Enter the remaining weighted average maturity of the bonds to be currently refunded	►	_____ years
32 Enter the remaining weighted average maturity of the bonds to be advance refunded	►	_____ years
33 Enter the last date on which the refunded bonds will be called (MM/DD/YYYY)	►	_____
34 Enter the date(s) the refunded bonds were issued (MM/DD/YYYY)	►	_____

Part VI Miscellaneous

- 35 Enter the amount of the state volume cap allocated to the issue under section 141(b)(5)

35		
36a		
37		
- 36a Enter the amount of gross proceeds invested or to be invested in a guaranteed investment contract (GIC) (see instructions)

36a		
37		
- b Enter the final maturity date of the GIC ▶ _____
- c Enter the name of the GIC provider ▶ _____
- 37 Pooled financings: Enter the amount of the proceeds of this issue that are to be used to make loans to other governmental units

37		
----	--	--
- 38a If this issue is a loan made from the proceeds of another tax-exempt issue, check box ▶ and enter the following information:
 - b Enter the date of the master pool obligation ▶ _____
 - c Enter the EIN of the issuer of the master pool obligation ▶ _____
 - d Enter the name of the issuer of the master pool obligation ▶ _____
- 39 If the issuer has designated the issue under section 265(b)(3)(B)(i)(III) (small issuer exception), check box ▶
- 40 If the issuer has elected to pay a penalty in lieu of arbitrage rebate, check box ▶
- 41a If the issuer has identified a hedge, check here ▶ and enter the following information:
 - b Name of hedge provider ▶ _____
 - c Type of hedge ▶ _____
 - d Term of hedge ▶ _____
- 42 If the issuer has superintegrated the hedge, check box ▶
- 43 If the issuer has established written procedures to ensure that all nonqualified bonds of this issue are remediated according to the requirements under the Code and Regulations (see instructions), check box ▶
- 44 If the issuer has established written procedures to monitor the requirements of section 148, check box ▶
- 45a If some portion of the proceeds was used to reimburse expenditures, check here ▶ and enter the amount of reimbursement ▶ _____
 - b Enter the date the official intent was adopted ▶ _____

Signature and Consent	Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. I further declare that I consent to the IRS's disclosure of the issuer's return information, as necessary to process this return, to the person that I have authorized above.				
	▶ _____ Signature of issuer's authorized representative		▶ _____ Date		
	▶ _____ Type or print name and title				
Paid Preparer Use Only	Print/Type preparer's name	Preparer's signature	Date	Check <input type="checkbox"/> if self-employed PTIN	
	Firm's name ▶ _____		Firm's EIN ▶ _____		
	Firm's address ▶ _____		Phone no. ▶ _____		

VEHICLE TITLING ADDENDUM

Master Tax-Exempt Lease/Purchase Agreement dated <<MasterLeaseDate>> and related Property Schedule No. <<Sched.#>> dated <<Start Date>>, between <<Lessee>> as Lessee and U.S. Bancorp Government Leasing and Finance, Inc. as Assignee.

1. Assignee and Lessee hereby agree to amend the above referenced Agreement to add additional terms and conditions as set forth below:

Lessee agrees that it will provide to Assignee the original title documentation to the Equipment. Lessee shall provide such title documentation to Assignee within 15 days of Lessee's receipt of such title documentation from the appropriate titling authority. Lessee's failure to provide Assignee with title documentation to the Equipment in a timely fashion shall be deemed a condition of Default as defined in the default paragraph herein subject to remedies available to Assignee pursuant to the remedies paragraph.

2. Location: Assignee agrees that in regard to the location of the equipment, Lessee must be responsible for maintaining records showing the location of each piece of Leased equipment. Lessee will report this location to Assignee upon written request by Assignee. Failure to do so shall constitute a breach of the Agreement, which default shall be governed by the terms and conditions specified in the default and/or remedies paragraph of the Agreement.

3. Lessee will complete the physical titling of the vehicle as required by the state of Lessee's residence and guarantee U.S. Bancorp Government Leasing and Finance, Inc. that U.S. Bancorp Government Leasing and Finance, Inc. will receive the original title to the leased vehicle in a timely manner. Lessee agrees to indemnify U.S. Bancorp Government Leasing and Finance, Inc. from any damage or loss it incurs, including legal fees, due to its failure to complete its agreement herein.

THE APPLICATION FOR TITLE MUST INCLUDE THE FOLLOWING AS 1ST LIEN HOLDER:

**U.S. BANCORP GOVERNMENT LEASING AND FINANCE, INC.
1310 MADRID STREET
MARSHALL, MN 56258**

By signing this Addendum, Lessee acknowledges the above changes to the Agreement and authorizes Assignee to make such changes. In all other respects the terms and conditions of the Agreement remain in full force and effect.

Assignee: U.S. Bancorp Government Leasing and Finance, Inc.
By:
Name:
Title:
Date:

Lessee: <<Lessee>>
By:
Name:
Title:
Date:

ESCROW AGREEMENT

THIS ESCROW AGREEMENT ("*Escrow Agreement*") is made as of <<Start Date>> by and among U.S. Bancorp Government Leasing and Finance, Inc. ("*Lessor*"), <<Lessee Name>> ("*Lessee*") and U.S. BANK NATIONAL ASSOCIATION, as escrow agent ("*Escrow Agent*").

Lessor and Lessee have heretofore entered into that certain Master Tax-Exempt Lease/Purchase Agreement dated as of <<Master Lease Date>> (the "*Master Agreement*") and a Property Schedule No. 3 thereto dated <<Start Date>> (the "*Schedule*" and, together with the terms and conditions of the Agreement incorporated therein, the "*Agreement*"). The Schedule contemplates that certain personal property described therein (the "*Equipment*") is to be acquired from the vendor(s) or manufacturer(s) thereof (the "*Vendor*"). After acceptance of the Equipment by Lessee, the Equipment is to be financed by Lessor to Lessee pursuant to the terms of the Agreement.

The Master Agreement further contemplates that Lessor will deposit an amount equal to the anticipated aggregate acquisition cost of the Equipment (the "*Purchase Price*"), being \$<<Amount>> with Escrow Agent to be held in escrow and applied on the express terms set forth herein. Such deposit, together with all interest and other additions received with respect thereto (hereinafter the "*Escrow Fund*") is to be applied to pay the Vendor its invoice cost (a portion of which may, if required, be paid prior to final acceptance of the Equipment by Lessee); and, if applicable, to reimburse Lessee for progress payments already made by it to the Vendor of the Equipment.

The parties desire to set forth the terms on which the Escrow Fund is to be created and to establish the rights and responsibilities of the parties hereto.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Escrow Agent hereby agrees to serve as escrow agent upon the terms and conditions set forth herein. The moneys and investments held in the Escrow Fund are for the benefit of Lessee and Lessor, and such moneys, together with any income or interest earned thereon, shall be expended only as provided in this Escrow Agreement, and shall not be subject to levy or attachment or lien by or for the benefit of any creditor of either Lessee or Lessor. Lessor, Lessee and Escrow Agent intend that the Escrow Fund constitute an escrow account in which Lessee has no legal or equitable right, title or interest until satisfaction in full of all conditions contained herein for the disbursement of funds by the Escrow Agent therefrom. However, if the parties' intention that Lessee shall have no legal or equitable right, title or interest until all conditions for disbursement are satisfied in full is not respected in any legal proceeding, the parties hereto intend that Lessor have a security interest in the Escrow Fund, and such security interest is hereby granted by Lessee to secure payment of all sums due to Lessor under the Master Agreement. For such purpose, Escrow Agent hereby agrees to act as agent for Lessor in connection with the perfection of such security interest and agrees to note, or cause to be noted, on all books and records relating to the Escrow Fund, the Lessor's interest therein.

2. On such day as is determined to the mutual satisfaction of the parties (the "*Closing Date*"), Lessor shall deposit with Escrow Agent cash in the amount of the Purchase Price, to be held in escrow by Escrow Agent on the express terms and conditions set forth herein.

On the Closing Date, Escrow Agent agrees to accept the deposit of the Purchase Price by Lessor, and further agrees to hold the amount so deposited together with all interest and other additions received with respect thereto, as the Escrow Fund hereunder, in escrow on the express terms and conditions set forth herein.

3. Escrow Agent shall at all times segregate the Escrow Fund into an account maintained for that express purpose, which shall be clearly identified on the books and records of Escrow Agent as being held in its capacity as Escrow Agent. Securities and other negotiable instruments comprising the Escrow

Fund from time to time shall be held or registered in the name of Escrow Agent (or its nominee). The Escrow Fund shall not, to the extent permitted by applicable law, be subject to levy or attachment or lien by or for the benefit of any creditor of any of the parties hereto (except with respect to the security interest therein held by Lessor).

4. The cash comprising the Escrow Fund from time to time shall be invested and reinvested by Escrow Agent in one or more investments as directed by Lessee. Absent written direction from Lessee, the cash will be invested in the U.S. Bank National Association Money Market Deposit Fund. See Exhibit 1 Investment Direction Letter. Lessee represents and warrants to Escrow Agent and Lessor that the investments selected by Lessee for investment of the Escrow Fund are permitted investments for Lessee under all applicable laws. Escrow Agent will use due diligence to collect amounts payable under a check or other instrument for the payment of money comprising the Escrow Fund and shall promptly notify Lessee and Lessor in the event of dishonor of payment under any such check or other instruments. Interest or other amounts earned and received by Escrow Agent with respect to the Escrow Fund shall be deposited in and comprise a part of the Escrow Fund. Escrow Agent shall maintain accounting records sufficient to permit calculation of the income on investments and interest earned on deposit of amounts held in the Escrow Fund. The parties acknowledge that to the extent regulations of the Comptroller of Currency or other applicable regulatory entity grant a right to receive brokerage confirmations of security transactions of the escrow, the parties waive receipt of such confirmations, to the extent permitted by law. The Escrow Agent shall furnish a statement of security transactions on its regular monthly reports.

5. Upon request by Lessee and Lessor, Escrow Agent shall send monthly statements of account to Lessee and Lessor, which statements shall set forth all withdrawals from and interest earnings on the Escrow Fund as well as the investments in which the Escrow Fund is invested.

6. Escrow Agent shall take the following actions with respect to the Escrow Fund:

(a) Upon Escrow Agent's acceptance of the deposit of the Purchase Price, an amount equal to Escrow Agent's set-up fee, as set forth on Exhibit 2 hereto, shall be disbursed from the Escrow Fund to Escrow Agent in payment of such fee.

(b) Escrow Agent shall pay costs of the Equipment upon receipt of a duly executed Requisition Request (substantially in the format of Exhibit 3) signed by Lessor and Lessee. Lessor's authorized signatures are provided in Exhibit 5. Lessee's authorized signatures will be provided in Exhibit 3 of Master Lease Purchase Agreement. Escrow Agent will use best efforts to process requests for payment within one (1) business day of receipt of requisitions received prior to 2:00 p.m. Central Time. The final Requisition shall be accompanied by a duly executed Acceptance Certificate form attached as Exhibit 4 hereto.

(c) Upon receipt by Escrow Agent of written notice from Lessor that an Event of Default or an Event of Nonappropriation (if provided for under the Master Agreement) has occurred under the Agreement, all funds then on deposit in the Escrow Fund shall be paid to Lessor for application in accordance with the Master Agreement, and this Escrow Agreement shall terminate.

(d) Upon receipt by Escrow Agent of written notice from Lessor that the purchase price of the Equipment has been paid in full, Escrow Agent shall pay the funds then on deposit in the Escrow Fund to Lessor to be applied first to the next Lease Payment due under the Master Agreement, and second, to prepayment of the principal component of Lease Payments in inverse order of maturity without premium. To the extent the Agreement is not subject to prepayment, Lessor consents to such prepayment to the extent of such prepayment amount from the Escrow Fund. Upon disbursement of all amounts in the Escrow Fund, this Escrow Agreement shall terminate.

(e) This Escrow Agreement shall terminate eighteen (18) months from the date of this Escrow Agreement. It may, however, be extended by mutual consent of Lessee and Lessor

in writing to Escrow Agent. All funds on deposit in the Escrow Fund at the time of termination under this paragraph, unless otherwise directed by Lessee in writing (electronic means acceptable), shall be transferred to Lessor.

7. The fees and expenses, including any legal fees, of Escrow Agent incurred in connection herewith shall be the responsibility of Lessee. The basic fees and expenses of Escrow Agent shall be as set forth on Exhibit 2 and Escrow Agent is hereby authorized to deduct such fees and expenses from the Escrow Fund as and when the same are incurred without any further authorization from Lessee or Lessor. Escrow Agent may employ legal counsel and other experts as it deems necessary for advice in connection with its obligations hereunder. Escrow Agent waives any claim against Lessor with respect to compensation hereunder.

8. Escrow Agent shall have no liability for acting upon any written instruction presented by Lessor in connection with this Escrow Agreement, which Escrow Agent in good faith believes to be genuine. Furthermore, Escrow Agent shall not be liable for any act or omission in connection with this Escrow Agreement except for its own negligence, willful misconduct or bad faith. Escrow Agent shall not be liable for any loss or diminution in value of the Escrow Fund as a result of the investments made by Escrow Agent.

9. Escrow Agent may resign at any time by giving thirty (30) days' prior written notice to Lessor and Lessee. Lessor may at any time remove Escrow Agent as Escrow Agent under this Escrow Agreement upon written notice. Such removal or resignation shall be effective on the date set forth in the applicable notice. Upon the effective date of resignation or removal, Escrow Agent will transfer the Escrow Fund to the successor Escrow Agent selected by Lessor.

10. Lessee hereby represents, covenants and warrants that pursuant to Treasury Regulations Section 1.148-7(d), the gross proceeds of the Agreement will be expended for the governmental purposes for which the Agreement was entered into, as follows: at least 15% within six months after the Commencement Date, such date being the date of deposit of funds into the Escrow Fund, at least 60% within 12 months after the Commencement Date, and 100% within 18 months after the Commencement Date. If Lessee is unable to comply with Section 1.148-7(d) of the Treasury Regulations, Lessee shall, at its sole expense and cost, compute rebatable arbitrage on the Agreement and pay rebatable arbitrage to the United States at least once every five years, and within 60 days after payment of the final rental or Lease Payment due under the Agreement.

11. In the event of any disagreement between the undersigned or any of them, and/or any other person, resulting in adverse claims and demands being made in connection with or for any moneys involved herein or affected hereby, Escrow Agent shall be entitled at its option to refuse to comply with any such claim or demand, so long as such disagreement shall continue, and in so refusing Escrow Agent may refrain from making any delivery or other disposition of any moneys involved herein or affected hereby and in so doing Escrow Agent shall not be or become liable to the undersigned or any of them or to any person or party for its failure or refusal to comply with such conflicting or adverse demands, and Escrow Agent shall be entitled to continue so to refrain and refuse so to act until:

(a) the rights of the adverse claimants have been finally adjudicated in a court assuming and having jurisdiction of the parties and the moneys involved herein or affected hereby; or

(b) all differences shall have been adjusted by Master Agreement and Escrow Agent shall have been notified thereof in writing signed by all of the persons interested.

12. All notices (excluding billings and communications in the ordinary course of business) hereunder shall be in writing, and shall be sufficiently given and served upon the other party if delivered (a) personally, (b) by United States registered or certified mail, return receipt requested, postage prepaid, (c) by an overnight delivery by a service such as Federal Express or Express Mail from which written confirmation of overnight delivery is available, or (d) by facsimile with a confirmation copy by regular United States mail, postage prepaid, addressed to the other party at its respective address stated below

the signature of such party or at such other address as such party shall from time to time designate in writing to the other party, and shall be effective from the date of mailing.

13. This Escrow Agreement shall inure to the benefit of and shall be binding upon the parties hereto and their respective successors and assigns. No rights or obligations of Escrow Agent under this Escrow Agreement may be assigned without the prior written consent of Lessor.

14. This Escrow Agreement shall be governed by and construed in accordance with the laws in the state of the Escrow Agent's location. This Escrow Agreement constitutes the entire Agreement between the parties hereto with respect to the subject matter hereof, and no waiver, consent, modification or change of terms hereof shall bind any party unless in writing signed by all parties.

15. This Escrow Agreement and any written direction may be executed in two or more counterparts, which when so executed shall constitute one and the same agreement or direction.

IN WITNESS WHEREOF, the parties hereto have caused this Escrow Agreement to be duly executed as of the day and year first above set forth.

U.S. Bancorp Government Leasing and Finance, Inc., as Lessor
By:
Name:
Title:
Address: 13010 SW 68 th Parkway, Suite 100 Portland, OR 97223

<<Lessee Name>>, as Lessee
By:
Name:
Title:
Address: <<Lessee Address>> <<Lessee City, State and Zip>>

U.S. BANK NATIONAL ASSOCIATION, as Escrow Agent
By:
Name:
Title:
Address: U.S. Bank National Association 950 17 th Street, 12 th Floor Denver, CO 80202

EXHIBIT 1

U.S. BANK NATIONAL ASSOCIATION
MONEY MARKET ACCOUNT AUTHORIZATION FORM
DESCRIPTION AND TERMS

The U.S. Bank Money Market account is a U.S. Bank National Association ("U.S. Bank") interest-bearing money market deposit account designed to meet the needs of U.S. Bank's Corporate Trust Services Escrow Group and other Corporate Trust customers of U.S. Bank. Selection of this investment includes authorization to place funds on deposit and invest with U.S. Bank.

U.S. Bank uses the daily balance method to calculate interest on this account (actual/365 or 366). This method applies a daily periodic rate to the principal balance in the account each day. Interest is accrued daily and credited monthly to the account. Interest rates are determined at U.S. Bank's discretion, and may be tiered by customer deposit amount.

The owner of the account is U.S. Bank as Agent for its trust customers. U.S. Bank's trust department performs all account deposits and withdrawals. Deposit accounts are FDIC Insured per depositor, as determined under FDIC Regulations, up to applicable FDIC limits.

AUTOMATIC AUTHORIZATION

In the absence of specific written direction to the contrary, U.S. Bank is hereby directed to invest and reinvest proceeds and other available moneys in the U.S. Bank Money Market Account. The U.S. Bank Money Market Account is a permitted investment under the operative documents and this authorization is the permanent direction for investment of the moneys until notified in writing of alternate instructions.

<<Lessee>>

Company Name

Signature of Authorized Directing Party

Trust Account Number – includes existing and future sub-accounts unless otherwise directed

Title/Date

EXHIBIT 2

**Schedule of Fees for Services as
Escrow Agent
For
<<Lessee Name>>
Equipment Lease Purchase Escrow**

CTS01010A	Acceptance Fee The acceptance fee includes the administrative review of documents, initial set-up of the account, and other reasonably required services up to and including the closing. This is a one-time, non-refundable fee, payable at closing.	WAIVED
CTS04460	Escrow Agent Annual fee for the standard escrow agent services associated with the administration of the account. Administration fees are payable in advance.	WAIVED
	Direct Out of Pocket Expenses Reimbursement of expenses associated with the performance of our duties, including but not limited to publications, legal counsel after the initial close, travel expenses and filing fees.	At Cost
	Extraordinary Services Extraordinary Services are duties or responsibilities of an unusual nature, including termination, but not provided for in the governing documents or otherwise set forth in this schedule. A reasonable charge will be assessed based on the nature of the services and the responsibility involved. At our option, these charges will be billed at a flat fee or at our hourly rate then in effect.	

Account approval is subject to review and qualification. Fees are subject to change at our discretion and upon written notice. Fees paid in advance will not be prorated. The fees set forth above and any subsequent modifications thereof are part of your agreement. Finalization of the transaction constitutes agreement to the above fee schedule, including agreement to any subsequent changes upon proper written notice. In the event your transaction is not finalized, any related out-of-pocket expenses will be billed to you directly. Absent your written instructions to sweep or otherwise invest, all sums in your account will remain uninvested and no accrued interest or other compensation will be credited to the account. Payment of fees constitutes acceptance of the terms and conditions set forth.

IMPORTANT INFORMATION ABOUT PROCEDURES FOR OPENING A NEW ACCOUNT:

To help the government fight the funding of terrorism and money laundering activities, Federal law requires all financial institutions to obtain, verify and record information that identifies each person who opens an account.

For a non-individual person such as a business entity, a charity, a Trust or other legal entity we will ask for documentation to verify its formation and existence as a legal entity. We may also ask to see financial statements, licenses, identification and authorization documents from individuals claiming authority to represent the entity or other relevant documentation.

EXHIBIT 3

REQUISITION REQUEST

The Escrow Agent is hereby requested to pay from the Escrow Fund established and maintained under that certain Escrow Agreement dated as of <<Start Date>> (the "Escrow Agreement") by and among U.S. Bancorp Government Leasing and Finance, Inc. (the "Lessor"), <<Lessee Name>> (the "Lessee"), and U.S. Bank National Association (the "Escrow Agent"), the amount set forth below to the named payee(s). The amount shown is due and payable under a purchase order or contract (or has been paid by and not previously reimbursed to Lessee) with respect to equipment being financed under that certain Master Tax-Exempt Lease Purchase Agreement dated as of <<Master Lease Date>> (the "Master Agreement") and Property Schedule No. 3 thereto dated <<Start Date>> (the "Schedule" and, together with the terms and conditions of the Master Agreement incorporated therein, the "Master Agreement"), by and between the Lessor and the Lessee, and has not formed the basis of any prior requisition request.

PAYEE	AMOUNT	INVOICE NO.	EQUIPMENT

Total requisition amount \$ _____

The undersigned, as Lessee under the Master Agreement, hereby certifies:

1. The items of the Equipment being acquired with the proceeds of this disbursement have been delivered and installed at the location(s) contemplated by the Master Agreement. The Lessee has conducted such inspection and/or testing of the Equipment being acquired with the proceeds of this disbursement as it deems necessary and appropriate, and such Equipment has been accepted by Lessee.
2. The costs of the Equipment to be paid from the proceeds of this disbursement have been properly incurred, are a proper charge against the Escrow Fund and have not been the basis of any previous disbursement.
3. No part of the disbursement requested hereby will be used to pay for materials not yet incorporated into the Equipment or for services not yet performed in connection therewith.
4. The Equipment is covered by insurance in the types and amounts required by the Agreement.
5. No Event of Default or Event of Nonappropriation (if applicable), as each such term is defined in the Master Agreement, and no event which with the giving of notice or lapse of time, or both, would become such an Event of Default or Event of Nonappropriation has occurred and is continuing on the date hereof.
6. If Lessee paid an invoice prior to the commencement date of the Master Agreement, and is requesting reimbursement for such payment, Lessee has satisfied the requirements for reimbursement set forth in Treas. Reg. §1.150-2.

Request Date: _____

Lessor: U.S. Bancorp Government Leasing and Finance, Inc.
By:
Name:
Title:

Lessee: <<Lessee Name>>
By:
Name:
Title:

Exhibit 4

Final Acceptance Certificate

U.S. Bancorp Government Leasing and Finance, Inc.
13010 SW 68th Parkway, Suite 100
Portland, OR 97223

Re: **Property Schedule No. 3** to Master Tax-Exempt Lease/Purchase Agreement between U.S. Bancorp Government Leasing and Finance, Inc. and <<Lessee Name>>

Ladies and Gentlemen:

In accordance with the above-referenced Master Tax-Exempt Lease/Purchase Agreement (the "Master Agreement"), the undersigned ("Lessee") hereby certifies and represents to, and agrees with, U.S. Bancorp Government Leasing and Finance, Inc. ("Lessor"), as follows:

- (1) The Property, as such terms are defined in the above-referenced Property Schedule, has been acquired, made, delivered, installed and accepted on the date indicated below.
- (2) Lessee has conducted such inspection and/or testing of the Property as it deems necessary and appropriate and hereby acknowledges that it accepts the Property for all purposes.
- (3) No event or condition that constitutes, or with notice or lapse of time, or both, would constitute, an Event of Default or a Nonappropriation Event (as such terms are defined in the Master Agreement) exists at the date hereof.

Acceptance Date: _____

Lessee: <<Lessee Name>>
By:
Name:
Title:

Exhibit 6

Class Action Negative Consent Letter

<<Start Date>>

<<Lessee Name>>

<<Lessee Address>>

<<Lessee City, State and Zip>>

RE: USBGLF/<<Lessee Name>> - - Class Action Litigation Claims

Dear <<Lessee Contact>>:

U.S. Bank National Association ("U.S. Bank") has established its policies and procedures relative to class action litigation claims filed on behalf of its clients' accounts. This policy may impact future claims filed by U.S. Bank on behalf of the above-referenced account. Listed below are the policies regarding class action litigation claims:

1. U.S. Bank will file class action litigation claims, at no charge, on behalf of open, eligible agency or custody accounts upon receipt of proper documented authorization. This notice, with your ability to opt out as further described below, constitutes such documented authorization.
2. U.S. Bank will not file claims for agency or custody accounts that were open during the class action period but were closed prior to receipt of any notice of the class action litigation.
3. Assuming requisite information is provided by the payor to identify the applicable account, settlement proceeds of the class action litigation will be posted within a reasonable time following receipt of such proceeds to the entitled accounts that are open at such time. If entitled accounts are closed prior to distribution and receipt of settlement proceeds, they will be remitted to entitled beneficiaries or successors of the account net of any research and filing fees. Proceeds, less any research and filing fees, will be escheated if the entitled beneficiaries or successors of the account cannot be identified /located.

If you wish U.S. Bank to continue to file class action litigation proofs of claim on behalf of your account, you do not need to take any further action. However, if you do not wish U.S. Bank to file class action proofs of claim on behalf of your account, you may notify us of this election by returning this letter with your signature and date provided below within 30 days or by filing a separate authorization letter with your Account Manager by the same date.

The authorization and understanding contained in this communication constitutes an amendment of any applicable provisions of the account document for the above-referenced account.

If you have any questions, please contact me at the below number.

Sincerely,

<<Escrow Agent>>

Vice President

<<Escrow Agent Number>>

No, U.S. Bank is not authorized to file class action litigation proofs of claim on behalf of the above-referenced account(s). By making this election, I acknowledge that U.S. Bank is not responsible for forwarding notices received on class action or litigation claims.

Authorized Signer

Date

Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States:

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Publication 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

Backup Withholding

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),

3. The IRS tells the requester that you furnished an incorrect TIN,

4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code* on page 3 and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships* above.

What is FATCA reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code* on page 3 and the Instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Line 1

You must enter one of the following on this line; do not leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account, list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9.

a. Individual. Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

Note. ITIN applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. Sole proprietor or single-member LLC. Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. Partnership, LLC that is not a single-member LLC, C Corporation, or S Corporation. Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. Other entities. Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. Disregarded entity. For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2. "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

Line 3

Check the appropriate box in line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box in line 3.

Limited Liability Company (LLC). If the name on line 1 is an LLC treated as a partnership for U.S. federal tax purposes, check the "Limited Liability Company" box and enter "P" in the space provided. If the LLC has filed Form 8832 or 2553 to be taxed as a corporation, check the "Limited Liability Company" box and in the space provided enter "C" for C corporation or "S" for S corporation. If it is a single-member LLC that is a disregarded entity, do not check the "Limited Liability Company" box; instead check the first box in line 3 "Individual/sole proprietor or single-member LLC."

Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space in line 4 any code(s) that may apply to you.

Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for ...	THEN the payment is exempt for ...
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 5 ²
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

- A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)
- B—The United States or any of its agencies or instrumentalities
- C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)
- E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)
- F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state
- G—A real estate investment trust
- H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940
- I—A common trust fund as defined in section 584(a)
- J—A bank as defined in section 581
- K—A broker
- L—A trust exempt from tax under section 664 or described in section 4947(a)(1)
- M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

Note. You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns.

Line 6

Enter your city, state, and ZIP code.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on this page), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at www.ssa.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/businesses and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting IRS.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, or 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code* earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. **Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.
2. **Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.
3. **Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.
4. **Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).
5. **Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee ¹ The actual owner ¹
5. Sole proprietorship or disregarded entity owned by an individual	The owner ¹
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor ¹
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity ¹
9. Corporation or LLC electing corporate status on Form 9832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(E))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 2.

*Note. Grantor also must provide a Form W-9 to trustee of trust.

Note. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN.
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, *Identity Theft Prevention and Victim Assistance*.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes. Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-368-4484. You can forward suspicious emails to the Federal Trade Commission at: spam@uce.gov or contact them at www.ftc.gov/idtheft or 1-877-IDTHEFT (1-877-438-4338).

Visit IRS.gov to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

AGENDA DATE: 04/07/15

AGENDA ITEM: 7D

TITLE

Consider action to approve a resolution accepting the bid of and awarding a contract to LKG Resources, LLC in the amount of \$156,440.00 for the total base bid plus ten percent contingency in the amount \$15,644.00 and up to \$5,000.00 for the early completion bonus, resulting in a total project amount of \$177,084.00 for the PGBT 12-Inch Waterline from Miller Heights Drive to Rowlett High School Project (WA2101) and authorizing the Mayor to execute the necessary documents.

STAFF REPRESENTATIVE

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

SUMMARY

This project consists of the installation of 1,654 linear feet of 12-inch water main beginning at Miller Heights Drive going north paralleled with the northbound PGBT service road.

BACKGROUND INFORMATION

During the construction of the President George Bush Turnpike (PGBT), impacted water and sewer mains were relocated to accommodate the roadway alignment. As a result, the existing water main that paralleled Kirby Road from Lakeview Parkway to Miller Road was replaced with new water mains on the East and West side of PGBT. Since the 12-inch water main on the East was connected to the water main on the West side just South of Rowlett High School and at Miller Heights Drive, there was no need to install the 12-inch water main between the two connection points until the adjacent property developed.

The boundary between the Upper Pressure Plane (UPP) and Lower Pressure Plane (LPP) places the water main on the East side in the LPP and the water main on the West side in the UPP. Once the UPP is operating, the separation will create two dead end mains on the East



during normal operation. A 12-inch water main between these two points is necessary to complete the water loop on the East and eliminate the dead ends.

City Council approved a Professional Services Agreement with Grantham & Associates, Inc. on April 16, 2013, to provide engineering design services for the installation of the new 12-inch water main. The design was completed in February 2015.

DISCUSSION

Notice to Bidders was published in the *Rowlett Lakeshore Times* as well as posted on the City website on Thursday February 26 and Thursday March 5, 2015. A Pre-Bid Meeting was held on Tuesday March 3, 2015, at 9:00 a.m., in the Public Works Conference Room at 4310 Industrial Street, Rowlett, TX 75088. Sealed bids were received in the Purchasing Office until 2:00 p.m., Thursday March 12, 2015, and then publicly opened and read aloud in the City Hall Conference Room, 4000 Main Street, Rowlett, Texas 75088 in accordance with Texas Local Government Code.

Five bids were received (see attached Bid Tabulation Exhibit A). Bids ranged from \$156,440.00 to \$290,024.20. The low bid received was from LKG Resources, LLC in the amount of \$156,440.00. Section 3.4.2 of the Contract Document has a provision to pay an early completion bonus of \$500 per day up to a maximum of \$5,000 and applying the maximum early completion bonus to the contract amount of \$156,440 plus a ten percent (10%) contingency of \$15,644.00, yields a total project budget of \$177,084.00. This project came in \$20,140.00 under the Engineers' Construction Estimate of \$197,224.00.

Financials were reviewed by the Budget Officer, Terri Doby. Terri indicated that LKG Resources, LLC is financially stable and has sufficient cash reserves to award the contract. City Consultant, Grantham & Associates, Inc. has checked the past performance for this Contractor and recommends awarding the project to LKG Resources, LLC (see Recommendation of Award Exhibit B). The proposed construction timeframe is 90 calendar days.

FINANCIAL/BUDGET IMPLICATIONS

Funding in the amount of \$197,224 is available and budgeted in project WA2101 – PGBT 12-Inch Waterline from Miller Heights Drive to Rowlett High School. This project came in \$162,776 under budgeted amount of \$360,000.

Project Code	Project Title	Budget Amount	Actual Amount
WA 2101	PGBT 12-Inch Waterline from Miller Heights to Rowlett High School	\$360,000.00	\$197,224.00
Total		\$360,000.00	\$197,224.00

RECOMMENDED ACTION

Staff recommends City Council approves a resolution accepting the bid of and awarding a contract to LKG Resources, LLC in the amount of \$156,440.00 for the total base bid plus 10 percent contingency in the amount \$15,644.00 and up to \$5,000.00 for the early completion bonus,

resulting in a total project amount of \$177,084.00 for the PGBT 12-Inch Waterline from Miller Heights Drive to Rowlett High School Project and authorize the Mayor to execute the necessary documents for said services.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, ACCEPTING THE BID OF AND AWARDING A CONSTRUCTION CONTRACT TO LKG RESOURCES, LLC IN THE AMOUNT OF \$177,084.00 FOR THE PGBT 12-INCH WATERLINE FROM MILLER HEIGHTS DRIVE TO ROWLETT HIGH SCHOOL PROJECT; AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON THE CITY'S BEHALF; AUTHORIZING THE ISSUANCE OF PURCHASE ORDERS PURSUANT TO APPROVAL; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary to construct the PGBT 12-Inch Waterline from Miller Heights Drive to Rowlett High School for the Utility Division of the Public Works Department and the City of Rowlett; and

WHEREAS, the Purchasing Division has taken sealed bids as per bid #2015-44 and is recommending award to the lowest qualified bid meeting specifications; and

WHEREAS, City staff and Grantham & Associates, Incorporated representatives recommend that the contract be awarded to LKG Resources, LLC as the lowest responsible bidder for its total base bid; and

WHEREAS, the City Council of the City of Rowlett, Texas desire to accept said bid and award such contract to LKG Resources, LLC.

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 LKG Resources, LLC for the construction of the PGBT 12-Inch Waterline from Miller Heights Drive to Rowlett High School to include the total base bid of \$156,440.00 plus ten percent (10%) contingency in the amount \$15,644.00 and up to \$5,000.00 for the early completion bonus, resulting in a total project amount of \$177,084.00.

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.

ATTACHMENTS

Exhibit A – Bid Tabulation

Exhibit B – Letter of Recommendation

EASTSIDE LIFT STATION UPGRADES
 BID TABULATION

ITEM NO.	DESCRIPTION	UNIT	BID TOTAL	Engineer's Estimate		LKG Resources		Tri-Con Services	
				UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
1	MOBILIZATION	LS	1	\$10,000.00	\$10,000.00	\$5,500.00	\$5,500.00	\$11,000.00	\$11,000.00
2	CLEARING AND GRUBBING	LS	1	\$5,000.00	\$5,000.00	\$10,000.00	\$10,000.00	\$2,000.00	\$2,000.00
3	BARRICADE, SIGN, TRAFFIC CONTROL	LS	1	\$5,000.00	\$5,000.00	\$1,200.00	\$1,200.00	\$500.00	\$500.00
4	TEMPORARY CONSTRUCTION FENCING	LF	800	\$4.00	\$3,200.00	\$1.50	\$1,200.00	\$3.00	\$2,400.00
5	EROSION CONTROL	LS	1	\$5,000.00	\$5,000.00	\$3,600.00	\$3,600.00	\$3,400.00	\$3,400.00
6	FURNISH & INSTALL CAPITAL IMPROVEMENTS SIGN	EA	1	\$600.00	\$600.00	\$600.00	\$600.00	\$700.00	\$700.00
7	REMOVE TREE 6" OR GREATER	EA	10	\$500.00	\$5,000.00	\$300.00	\$3,000.00	\$300.00	\$3,000.00
8	SAWCUT, REMOVE, & DISPOSE CONCRETE DRIVEWAY	SY	11	\$16.00	\$176.00	\$25.00	\$275.00	\$50.00	\$550.00
9	REMOVE, SALVAGE AND RESTORE STONE RIPRAP	LS	1	\$7,000.00	\$7,000.00	\$3,500.00	\$3,500.00	\$6,000.00	\$6,000.00
10	CONNECT TO EXISTING WATER (VARIABLE SIZE)	EA	2	\$500.00	\$1,000.00	\$1,200.00	\$2,400.00	\$2,500.00	\$5,000.00
11	FURNISH & INSTALL 12" DR-18 PVC WATER	LF	1654	\$52.00	\$86,008.00	\$40.00	\$66,160.00	\$45.00	\$74,430.00
12	FURNISH & INSTALL DUCTILE IRON FITTINGS	TN	1.4	\$5,000.00	\$7,000.00	\$8,000.00	\$11,200.00	\$11,500.00	\$16,100.00
13	FURNISH & INSTALL MECHANICAL JOINT RESTRAINTS	EA	40	\$125.00	\$5,000.00	\$120.00	\$4,800.00	\$130.00	\$5,200.00
14	FURNISH & INSTALL 12" GATE VALVE	EA	6	\$2,200.00	\$13,200.00	\$2,000.00	\$12,000.00	\$2,250.00	\$13,500.00
15	FURNISH & INSTALL FIRE HYDRANT AND 6" VALVE	EA	6	\$4,000.00	\$24,000.00	\$3,200.00	\$19,200.00	\$4,000.00	\$24,000.00
16	TRENCH SAFETY (WATER)	LF	1790	\$1.00	\$1,790.00	\$1.00	\$1,790.00	\$0.40	\$716.00
17	WATER TEST	LS	1	\$2,000.00	\$2,000.00	\$600.00	\$600.00	\$1,854.00	\$1,854.00
18	CONSTRUCT CLASS "C" COMMERCIAL DRIVEWAY PAVEMENT	SY	11	\$50.00	\$550.00	\$65.00	\$715.00	\$150.00	\$1,650.00
19	BERMUDA SOD	SY	1300	\$4.00	\$5,200.00	\$4.00	\$5,200.00	\$4.00	\$5,200.00
20	HYDROMULCH	SY	1,500	\$2.00	\$3,000.00	\$1.00	\$1,500.00	\$0.40	\$600.00
21	FURNISH TRENCH BACKFILL DENSITY/MOISTURE TEST	LS	1	\$7,500.00	\$7,500.00	\$2,000.00	\$2,000.00	\$1,200.00	\$1,200.00
TOTAL						\$197,224.00	\$156,440.00	\$179,000.00	

NOTES:

1. Mathematical errors in the contractor's bids have been corrected.
2. The yellow highlighted boxes show the corrected numbers, not the contractor's bid errors.

EASTSIDE LIFT STATION UPGRADES
 BID TABULATION

ITEM NO.	DESCRIPTION	UNIT	BID TOTAL	J.T.E.C.		Dowager Utility Construction		Utilitex	
				UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
1	MOBILIZATION	LS	1	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$20,000.00	\$20,000.00
2	CLEARING AND GRUBBING	LS	1	\$2,400.00	\$2,400.00	\$6,000.00	\$6,000.00	\$25,000.00	\$25,000.00
3	BARRICADE, SIGN, TRAFFIC CONTROL	LS	1	\$1,200.00	\$1,200.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
4	TEMPORARY CONSTRUCTION FENCING	LF	800	\$2.00	\$1,600.00	\$4.00	\$3,200.00	\$8.00	\$6,400.00
5	EROSION CONTROL	LS	1	\$1,700.00	\$1,700.00	\$8,000.00	\$8,000.00	\$14,000.00	\$14,000.00
6	FURNISH & INSTALL CAPITAL IMPROVEMENTS SIGN	EA	1	\$528.00	\$528.00	\$1,000.00	\$1,000.00	\$1,100.00	\$1,100.00
7	REMOVE TREE 6" OR GREATER	EA	10	\$60.00	\$600.00	\$200.00	\$2,000.00	\$400.00	\$4,000.00
8	SAWCUT, REMOVE, & DISPOSE CONCRETE DRIVEWAY	SY	11	\$30.30	\$333.30	\$30.00	\$330.00	\$54.00	\$594.00
9	REMOVE, SALVAGE AND RESTORE STONE RIPRAP	LS	1	\$1,200.00	\$1,200.00	\$7,000.00	\$7,000.00	\$8,500.00	\$8,500.00
10	CONNECT TO EXISTING WATER (VARIABLE SIZE)	EA	2	\$1,500.00	\$3,000.00	\$4,000.00	\$8,000.00	\$3,800.00	\$7,600.00
11	FURNISH & INSTALL 12" DR-18 PVC WATER	LF	1654	\$57.73	\$95,485.42	\$60.00	\$99,240.00	\$55.00	\$90,970.00
12	FURNISH & INSTALL DUCTILE IRON FITTINGS	TN	1.4	\$18,996.72	\$26,595.41	\$4,000.00	\$5,600.00	\$15,093.00	\$21,130.20
13	FURNISH & INSTALL MECHANICAL JOINT RESTRAINTS	EA	40	\$208.50	\$8,340.00	\$120.00	\$4,800.00	\$219.00	\$8,760.00
14	FURNISH & INSTALL 12" GATE VALVE	EA	6	\$2,318.76	\$13,912.56	\$2,400.00	\$14,400.00	\$2,700.00	\$16,200.00
15	FURNISH & INSTALL FIRE HYDRANT AND 6" VALVE	EA	6	\$3,250.00	\$19,500.00	\$4,500.00	\$27,000.00	\$4,600.00	\$27,600.00
16	TRENCH SAFETY (WATER)	LF	1790	\$1.00	\$1,790.00	\$0.10	\$179.00	\$3.00	\$5,370.00
17	WATER TEST	LS	1	\$550.00	\$550.00	\$2,000.00	\$2,000.00	\$4,400.00	\$4,400.00
18	CONSTRUCT CLASS "C" COMMERCIAL DRIVEWAY PAVEMENT	SY	11	\$72.00	\$792.00	\$70.00	\$770.00	\$100.00	\$1,100.00
19	BERMUDA SOD	SY	1300	\$3.77	\$4,901.00	\$6.00	\$7,800.00	\$6.00	\$7,800.00
20	HYDROMULCH	SY	1,500	\$1.24	\$1,860.00	\$2.00	\$3,000.00	\$5.00	\$7,500.00
21	FURNISH TRENCH BACKFILL DENSITY/MOISTURE TEST	LS	1	\$3,700.00	\$3,700.00	\$5,000.00	\$5,000.00	\$10,000.00	\$10,000.00
TOTAL						\$199,987.69	\$217,319.00	\$290,024.20	\$290,024.20

NOTES:

1. Mathematical errors in the contractor's bids have been corrected.
2. The yellow highlighted boxes show the corrected numbers, not the contractor's bid errors.



March 16, 2015

Ms. Sherrelle Diggs, P.E.
 City of Rowlett
 4310 Industrial Street
 Rowlett, Texas 75088

G&A No. 1175-13

Re: PGBT Service Road 12" Water Main Improvements North of Miller Heights
 Recommendation of Award to LKG Resources

Dear Ms. Diggs:

On Thursday, March 12, 2015, the City of Rowlett publicly opened five bids for the above referenced project. Grantham & Associates, Inc. (G&A) tabulated the bids (see attached bid tabulation) and the results are summarized below.

	<u>Company Name</u>	<u>Base Bid</u>	<u>Errors in Bid</u>
1.	LKG Resources, LLC	\$156,440.00	None
2.	Tri-Con Services	\$179,000.00	None
3.	J.T.E.C.	\$199,987.69	-\$3.30
4.	Dowager Utility Construction	\$217,319.00	None
5.	Utilitex	\$290,024.20	None

LKG Resources was the low bidder with a bid of \$156,440.00. We received positive comments from the references for LKG Resources. Consequently, we recommend that the City award the subject project to LKG Resources in the amount of \$156,440.00.

Please contact me if you need any additional information.

Sincerely,

Molly Pierson, P.E.

Attachment



City of Rowlett
Staff Report

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

AGENDA DATE: 04/07/15

AGENDA ITEM: 7E

TITLE

Consider action to approve a resolution 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.

STAFF REPRESENTATIVE

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

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). The successful bidder shall be 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.

DISCUSSION

The contract period for the third renewal shall begin approximately February 21, 2015 and ends February 20, 2016.

Original bids were received from 10 bidders ranging from \$104,945.00 to \$329,320.00.

\$104,945.00	Carruthers Landscape Management
\$112,090.00	VMC Landscape Services
\$136,158.60	Teter Group
\$137,165.00	Elite Pro Services
\$146,270.00	4-D Property Maintenance
\$158,900.00	Brandon's Landscape
\$177,250.00	Lawn & Landscape Management
\$219,060.00	Ely Tree Maintenance
\$240,160.00	Martin Property Maintenance
\$329,320.00	D & D Mowing

Carruthers Landscape Management is a current contractor for the City. References were checked and found to be satisfactory. They have previously been awarded contracts with the City and have been doing an excellent job managing their contract. Carruthers Landscape Management has been in business in the Dallas area for more than 30 years.

FINANCIAL/BUDGET IMPLICATIONS

Funding in the amount of \$351,756.00 was approved in the Parks Maintenance Division's FY2015 budget in account 101-5505-6520 (Mowing). The current available balance as of March 26, 2015, is \$226,404.27. The required amount for the full term for Sections II, III, and IV estimated annual amount is \$361,756.30. Sections II and IV are on the agenda tonight for approval. Funding is adequate for Mowing Sections II and IV. 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. Bids are currently being obtained on Section III as no renewal options were available. Based on the estimated annual amount of \$131,000.10 for FY2015 for Section III, there is a shortfall of \$10,225.30, which shall be covered by reducing the frequencies in one or more sections and/or from other line items within the Parks Maintenance's budget.

Budget Account Number and/or Project Code	Account or Project Title	Revised Budget Amount	Proposed Amount
1015505-6520	Mowing Section II	\$104,945.00	\$104,945.00
1015505-6520	Mowing Section III	\$120,775.00	\$131,000.10
1015505-6520	Mowing Sections IV	\$126,036.00	\$126,036.20
Total		\$351,756.00	\$361,981.30

RECOMMENDED ACTION

City staff recommends the City Council adopt a resolution 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.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, EXERCISING THE THIRD 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 \$104,945.00 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 and second renewals have been exercised; and

WHEREAS, the initial, first, and second renewal terms of the contract have been performed satisfactorily; and

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

WHEREAS, the City Council of the City of Rowlett, Texas desires to exercise the third 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 third of four one-year renewal options for Section II mowing services in the unit amounts bid and an estimated annual amount of \$104,945.00 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.

ATTACHMENT

Exhibit A – Bid Tabulation Section II Mowing

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

Carruther's Landscape Mgmt.
 Paul Myers
 972-620-9560
 972-247-8670 F

Item	Qty	SECTION II	Unit	Total
1	30	City Hall, HR, Purchasing Buildings, (including beds & hedges), (4000, 4002, 4004 Main St.)	\$176.00	\$5,280.00
2	30	Library, (3900 Main St) & Chamber of Commerce, (3920 Main St), (including beds & hedges)	\$176.00	\$5,280.00
3	30	Meter Services Building, (3840 Main St)	\$176.00	\$5,280.00
4	30	Developmental Services Building Grounds, (3901 Main St), (including beds & hedges) as required	\$176.00	\$5,280.00
5	30	Historical Society Building Grounds, (3913 Main St)	\$176.00	\$5,280.00
6	30	Farmer's Market - (4001 Main St)	\$44.00	\$1,320.00
7	30	Veteran's Park, (3850 Main St), trim & weed beds as required	\$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	\$176.00	\$5,280.00
9	30	Fire & Parks Administration, (4701 Rowlett Rd), finish mow & trim hedges as required	\$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	\$22.00	\$660.00
11	30	Finish mow/ and trim hedges as required, (4205 Skyline Dr)	\$22.00	\$660.00
12	30	Grass triangle area at intersection of Coyle, Skyline, & Main - (4717 Main/Coyle/Skyline)	\$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	\$22.00	\$660.00
14	30	Rowlett Rd from bridge at lake to Castle; medians and Right-Of-Ways	\$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	\$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	\$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	\$5.50	\$165.00
18	30	Miller Rd from City Limits to Valero, ROW - 1700 - 3400 Miller Rd	\$88.00	\$2,640.00
19	30	Manchester median - 8622 Manchester Dr/7100 Dalrock Rd	\$5.50	\$165.00
20	30	Miller Rd from Rowlett Rd to Kirby Rd to the bridge, medians and designated ROW	\$5.50	\$165.00
21	30	Hickox Rd between Rowlett Rd & Dexham Rd, medians and ROW including easements along back of fences	\$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

			Carruther's Landscape Mgmt.	
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)	\$44.00	\$1,320.00
23	30	Miller Rd at Dalrock Rd median and ROW	\$5.50	\$165.00
24	30	Princeton Rd. from Liberty Grove Rd to Dalrock Rd, medians North and Southside ROW	\$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	\$88.00	\$2,640.00
26	30	Lakeview Parkway (State Highway 66) from Antioch Dr to Heritage Pkwy, medians and ROW	\$528.00	\$15,840.00
27	30	Liberty Grove Rd from Princeton Rd to Chiesa Rd	\$110.00	\$3,300.00
28	30	Springfield Estates/Rowlett Rd (edging)	\$5.50	\$165.00
29	30	Behind 3001 & 2913 Suzanne Dr - Chaha Rd ROW	\$22.00	\$660.00
30	30	Intersection of IH 30 and Dalrock Rd East West North and South ramps and trim hedges as required	\$88.00	\$2,640.00
31	30	Hickox Rd Medians	\$44.00	\$1,320.00
32	30	Dandridge Rd Medians (both sides) off Princeton Rd and trim hedges as required	\$5.50	\$165.00
33	30	Dandridge Dr Medians off Chiesa Rd	\$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	\$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)	\$5.50	\$110.00
36	30	7202 - 7214 Belmont Rd, North wall Belmont Alley	\$5.50	\$165.00
37	30	7610 to 7100 Dalrock Rd (Pocket Park), weed & trim as required	\$5.50	\$165.00
38	30	Gordon Smith Dr and Hwy 66 by Home depot R.O.W. and median	\$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	\$5.50	\$165.00
40	30	Across from fire station - 6800 Rowlett Rd - both sides to 6400 Rowlett Rd - detail mow	\$2.75	\$82.50
41	30	Between entry to Chicken Express and alley S. of Maple Ct	\$2.75	\$82.50
42	30	ROW front of vacant property N & S of #4 Fire Station (10' out)	\$2.75	\$82.50
43	30	Fire Station 4 -along N. side (40x306) and along S. side (15x306)	\$4.75	\$142.50
44	30	3917 Lois Cir (Island)	\$5.50	\$165.00
45	30	3102 David Dr (Island)	\$5.50	\$165.00
46	30	Rowlett Rd by bridges at cemetery	\$5.50	\$165.00
47	30	Dogwood Tr/Rowlett Rd behind wall along Juniper Ct Alley	\$5.50	\$165.00
48	30	Entry median on Thornhill Way	\$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	\$22.00	\$660.00
Grand Total of Section II			\$3,500.00	\$104,945.00



City of Rowlett
Staff Report

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

AGENDA DATE: 04/07/15

AGENDA ITEM: 7F

TITLE

Consider action to approve a resolution exercising the fourth of four one-year renewal options for Section IV mowing services to The Teter Group, Incorporated in the unit amounts bid with an estimated annual amount of \$120,831.80 and Change Order #1 for Katy Park in the amount of \$5,204.40 for an annual estimate of \$126,036.20 for the Parks and Recreation Department.

STAFF REPRESENTATIVE

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

SUMMARY

This item is for the mowing of acreage park land properties. The vendor is responsible for the mowing, detailing, and clean up of the designated property. Katy Park was added as Change Order #1 to the contract.

BACKGROUND INFORMATION

On March 15, 2011, the City Council adopted Resolution Number RES-037-11 awarding a bid for Section IV mowing services to The Teter Group, Incorporated in the unit amounts bid with an estimated annual amount of \$120,831.80 as attached hereto and incorporated herein by reference as Exhibit A for the Parks and Recreation Department.

On February 21, 2012, the City Council adopted Resolution Number RES-027-12 exercising the first of four one-year renewal options for Section IV mowing services to The Teter Group, Incorporated in the unit amounts bid with an estimated annual amount of \$120,831.80 for the Parks and Recreation Department.

On February 5, 2013, the City Council adopted Resolution Number RES-007-13 exercising the second of four one-year renewal options for Section IV mowing services to The Teter Group, Incorporated in the unit amounts bid with an estimated annual amount of \$120,831.80 for the Parks and Recreation Department.

On February 18, 2014, the City Council adopted Resolution Number 015-14 exercising the third of four one-year renewal options for Section IV mowing services to The Teter Group, Incorporated in the unit amounts bid with an estimated annual amount of \$120,831.80 and Change Order #1 for Katy Park in the amount of \$5,204.40 for an annual estimate of \$126,036.20 for the Parks and Recreation Department.

DISCUSSION

The contract period for the proposed final of four one-year renewals shall begin on approximately April 15, 2015, and end April 14, 2016. The initial term was for one year with four one-year renewal options if both parties are in agreement. The Teter Group, Incorporated has indicated they are interested in exercising the final one-year renewal.

Bids were received from seven bidders ranging from \$120,831.80 to \$230,450.00.

\$120,831.80	The Teter Group, Incorporated
\$130,680.00	Carruthers Landscape Management Incorporated
\$145,578.80	4-D Property Maintenance
\$155,310.00	Martin Property Maintenance
\$183,272.50	3-D Mowing
\$188,805.00	Lawn & Landscape Management
\$230,450.00	Tandem Mowing Service

The Teter Group, Incorporated provided satisfactory service during the initial twelve month period and first, second, and third renewal periods; therefore, City staff recommends exercising the final one-year renewal option.

FINANCIAL/BUDGET IMPLICATIONS

Funding in the amount of \$351,756.00 was approved in the Parks Maintenance Division's FY2015 budget in account 101-5505-6520 (Mowing). The current available balance as of March 26, 2015, is \$226,404.27. The required amount for the full term for Sections II, III, and IV estimated annual amount is \$361,756.30. Sections II and IV are on the agenda tonight for approval. Funding is adequate for Mowing Sections II and IV. 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. Bids are currently being obtained on Section III as no renewal options were available. Based on the estimated annual amount of \$131,000.10 for FY2015 for Section III, there is a shortfall of \$10,225.30, which shall be covered by reducing the frequencies in one or more sections and/or from other line items within the Parks Maintenance budget.

Budget Account Number and/or Project Code	Account or Project Title	Revised Budget Amount	Proposed Amount
1015505-6520	Mowing Section II	\$104,945.00	\$104,945.00
1015505-6520	Mowing Section III	\$120,775.00	\$131,000.10
1015505-6520	Mowing Sections IV	\$126,036.00	\$126,036.20
Total		\$351,756.00	\$361,981.30

RECOMMENDED ACTION

City staff recommends the City Council adopt a resolution exercising the final of four one-year renewal options for Section IV mowing services to The Teter Group, Incorporated in the unit amounts bid with an estimated annual amount of \$120,831.80, plus Change Order #1 for Katy Park in the amount of \$5,204.40 for a total annual estimate of \$126,036.20 for the Parks and Recreation Department.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, APPROVING THE EXERCISE OF THE FINAL OF FOUR ONE-YEAR RENEWAL OPTIONS FOR SECTION IV MOWING SERVICES TO THE TETER GROUP, INCORPORATED IN THE UNIT AMOUNTS BID IN AN ESTIMATED ANNUAL AMOUNT OF \$120,831.80, AND CHANGE ORDER #1 FOR KATY PARK IN THE AMOUNT OF \$5,204.40, FOR AN ANNUAL ESTIMATE OF \$126,036.20 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 IV for the City of Rowlett Parks and Recreation Department; and

WHEREAS, sealed competitive bids were obtained by the Purchasing Division as per bid #2011-35; and

WHEREAS, the term of contract was one year with four one-year renewal options if both parties are in agreement, and the initial, first, second and third renewal terms have been performed satisfactorily; and

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

WHEREAS, the City Council of the City of Rowlett, Texas desires to exercise the final of 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 and authorize the exercise of the final of four one-year renewal options in the unit amounts bid, and Change Order #1 for Katy Park, for a total estimated annual amount of \$126,036.20 to The Teter Group, Incorporated, 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.

ATTACHMENT

Exhibit A – Bid tabulation for Section IV Mowing

City Of Rowlett Bid Tabulation Mowing Services Section IV, #2011-35

4004 Main Street, Rowlett, TX 75088

Purchasing Phone 972-412-6189 Fax 972-412-6144

February 25, 2011, 2:00 pm

Teter Group, Inc., The
 PO Box 1004
 Rowlett, TX 75030
 972-475-8233
 866-589-3894 F

Item	Qty	SECTION IV	Unit	Total
1a	30	Pecan Grove Park (I) - 10.33 acres	\$291.13	\$8,733.90
1b	15	Pecan Grove Park (NI) - 36.33 acres	\$893.35	\$13,400.25
		Total for Pecan Grove Park	\$22,134.15	
2	30	Herfurth Park - 12.86 acres	\$269.29	\$8,078.70
3a	30	Community Park (I) - 27 acres	\$884.52	\$26,535.60
3b	15	Community Park (NI) - 51.72 acres	\$834.76	\$12,521.40
		Total for Community Park	\$39,057.00	
4a	30	Springfield (I) - 14.15 acres	\$325.59	\$9,767.70
4b	20	Springfield 2 (NI) - 59.515 acres	\$800.48	\$16,009.60
		Total for Springfield Park	\$25,777.30	
5a	30	Shorewood Park (I) - 3.5 acres	\$77.70	\$2,331.00
5b	15	Shorewood Park (NI) - 10.67 acres	\$95.18	\$1,427.70
		Total for Shorewood Park	\$3,758.70	
6	30	Lakeside Park - 6.36 acres	\$204.73	\$6,141.90
7a	30	Isaac Scruggs Park - 1.72 acres	\$35.50	\$1,065.00
7b	15	Isaac Scruggs Park - 3.33 acres	\$53.61	\$804.15
		Total for Isaac Park	\$1,869.15	
8a	30	Nature Trail - 1.11 acre	\$40.19	\$1,205.70
8b	15	Nature Trail - 7.62 acres	\$97.84	\$1,467.60
		Total for Nature Trail	\$2,673.30	
9	20	Twin Star Park - 3.98 acres	\$152.75	\$3,055.00
10	15	Mayors Park - 5.83 acres	\$86.05	\$1,290.75
11	0	R. Arnold-Edwards Park		\$0.00
12	15	Columbia Park - 2 acres	\$67.00	\$1,005.00
13	15	Schrade Bluebonnet Park - 4.83 acres	\$81.72	\$1,225.80
14	15	Kenwood Park - 2.74 acres	\$34.88	\$523.20
15	15	Sunset Park - 7.4 acres	\$93.83	\$1,407.45
16	15	Environmental Learning Center - 4.39 acres	\$101.19	\$1,517.85
17	15	Paddle Point Park - 1.15 acres	\$20.77	\$311.55
18	15	Cedar Bridge Park - 1.95 acres	\$67.00	\$1,005.00
		Grand Total of Section IV		\$120,831.80
		Addenda Acknowledged/Insurance Verified	Yes/Yes	
19		Addition of Katie Park 2/14/13		\$5,204.40
		Revised Contract Sum		\$126,036.20



City of Rowlett
Staff Report

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

AGENDA DATE: 04/07/15

AGENDA ITEM: 7G

TITLE

Consider action to approve a resolution exercising the first of three one-year renewal options for continuation of Bank Depository and Merchant Card Services to American National Bank and authorize the City Manager to enter into an extension of services agreement after City Attorney approval.

STAFF REPRESENTATIVE

Wendy Badgett, Interim Director of Finance
Allyson Wilson, Purchasing Agent

SUMMARY

This item is for the first of three one-year renewal options for Bank Depository and Merchant Card Services to American National Bank. The initial 36-month term has been completed.

BACKGROUND INFORMATION

On January 3, 2012, the City Council adopted Resolution Number RES-002-12 awarding Bank Depository and Merchant Card Services to American National Bank for an initial 36-month term with the option to renew for three one-year continuations under the same terms and conditions. The Memorandum of Understanding with American National Bank and the City of Rowlett was executed on March 1, 2012.

DISCUSSION

The contract period for the proposed first of three one-year continuations shall begin on approximately March 1, 2015 and end February 29, 2016. The initial 36-month term has been completed and American National Bank has provided satisfactory service. City staff recommends exercising the first one-year renewal option under the same terms and conditions as the initial agreement.

FINANCIAL/BUDGET IMPLICATIONS

Due to changes in the banking industry, bank fees and interest earnings have moved to an "earnings credit allowance," structure. Under the agreement, the earnings credit has replaced interest income, and is based on the average net collected balance each month. This earnings credit is netted with bank fees (based on volume of activity) at the end of each month. Monthly fees that are in excess of the monthly earnings credit are debited from the City's account. When funds are in excess of operating needs, funds are invested in securities as permitted by the City's Investment Policy. In fiscal year 2014, the monthly earnings credit exceeded the bank fees; therefore, bank service fees were zero.

Funding in the amount \$20,000 was approved in the Revenue Budget/Utility Billing's FY2015 budget in 160-2061-500-7627 for lockbox services provided by American National Bank.

Budget Account Number and/or Project Code	Account or Project Title	Budget Amount	Proposed Amount
5017001 6552	PAYMENT PROCESSING	\$20,000.00	\$20,000.00
Total		\$20,000.00	\$20,000.00

RECOMMENDED ACTION

City staff recommends the City Council adopt a resolution exercising the first of three one-year renewal options for continuation of Bank Depository and Merchant Card Services to American National Bank and authorize the City Manager to enter into an extension of services agreement after City Attorney approval.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, APPROVING AND AUTHORIZING THE EXERCISE OF THE FIRST OF THREE ONE-YEAR RENEWAL OPTIONS FOR THE CONTINUATION OF BANK DEPOSITORY AND MERCHANT CARD SERVICES TO AMERICAN NATIONAL BANK FOR THE CITY OF ROWLETT; AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EXTENSION OF SERVICES AGREEMENT AFTER CITY ATTORNEY APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary to provide comprehensive banking services for the City of Rowlett; and

WHEREAS, The City of Rowlett Purchasing Division opened competitive sealed proposals on November 23, 2011, for Bank Depository and Merchant Card Services and City Council adopted Resolution 002-12 awarding the agreement in accordance with RFP #2012-19 on January 3, 2012; and

WHEREAS, the initial thirty-six (36) month period has been completed and performed satisfactorily; and

WHEREAS, the Request For Proposals and Memorandum of Understanding provided three one-year renewal options for the continuation of Bank Depository and Merchant Card Services under the same terms and conditions; and

WHEREAS, City staff has expressed interest to extend the continuation of Bank Depository and Merchant Card Services with American National Bank; and

WHEREAS, the City Council of the City of Rowlett, Texas desires to exercise the first of three one-year renewal options for continuation of Bank Depository and Merchant Card Services to American National Bank.

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 and authorize the exercise of the first of three one-year renewal options for continuation of Bank Depository and Merchant Card Services to American National Bank for the City of Rowlett.

Section 2: That the City Manager is hereby authorized to enter into an extension of services agreement after City Attorney approval.

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

ATTACHMENTS

Exhibit A – Agreement for Extension of Services

Exhibit B – Memorandum of Understanding



Exhibit "A"

EXTENSION OF BANKING SERVICES CONTRACT

WHEREAS, City staff is authorized by the City Council to contract with a firm to serve as the Depository Bank and perform banking, lockbox, and merchant card services for the City of Rowlett in accordance with the RFP for Bank Depository and Merchant Card Services # 2012-19; and

WHEREAS, the City approved Resolution 002-12 to enter into an agreement on January 3, 2012 with American National Bank of Texas to serve as the Depository Bank and perform banking, lockbox, and merchant card services for an initial thirty-six month period with the option to renew for three one-year continuations under the same terms and conditions with a ninety (90) day transition period following the term of the agreement or any extension; and

WHEREAS, the Memorandum of Understanding of understanding was executed by both parties on March 1, 2012; and

WHEREAS, both the City and American National Bank of Texas desire to exercise the option to renew the agreement for the first of the three one-year continuations under the current terms and conditions of the contract.

Now, therefore, for and in consideration of mutual promises, covenants, duties and obligations set forth herein, the City of Rowlett does hereby extend and renew the banking services contract through January 3, 2016.

The City of Rowlett
By:

American National Bank of Texas
By:

Brian Funderburk, City Manager

Chris Simpson, Treasurer and SVP

Date

Date

Attest:

Attest:

Laura Hallmark, City Secretary



CERTIFIED COPY OF RECORD

Mayor
Todd W. Gottel

Mayor Pro Tem
Doug Phillips

Deputy Mayor Pro Tem
Michael Gallops

City Council
Donna Davis
Chris Kilgore
Ron Miller
Carl Pankratz

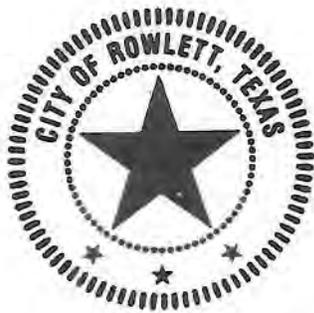
City Manager
Lynda K. Humble

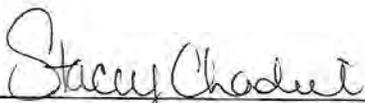
STATE OF TEXAS	§
COUNTIES OF DALLAS AND ROCKWALL	§
CITY OF ROWLETT	§

ROWLETT VISION~
*A unique community
where families enjoy
life and feel at home*

I, the undersigned, Interim City Secretary of the City of Rowlett, Texas, a governmental subdivision of the State of Texas, in the performance of the functions of my office, hereby certify that the following copy of Resolution No. RES-002-12 was approved by the Rowlett City Council on January 3, 2012 and is a true and correct copy of same, and that I am the lawful possessor and have legal custody of said record.

WITNESS my hand and seal of said City of Rowlett, Texas, at my office in said City, Counties and State aforesaid, this the 28th day of August 2012.




Stacey Chadwick, Interim City Secretary
City of Rowlett, Texas

Rowlett.com
City of Rowlett
4000 Main Street
Rowlett, TX 75088

972.463.CITY
972.412.6118 Fax



City of Rowlett
Official Copy
Resolution: RES-002-12

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, AWARDING BANK DEPOSITORY AND MERCHANT CARD SERVICES TO AMERICAN NATIONAL BANK; AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AFTER CITY ATTORNEY REVIEW AND APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary to provide comprehensive banking services for the City of Rowlett; and

WHEREAS, the Purchasing Division has taken competitive sealed proposals for banking services as per RFP documents #2012-19 in accordance with Texas Local Government Code; and

WHEREAS, the initial term is thirty-six months with the option to renew for three one-year continuations under the same terms and conditions with a ninety (90) day transition period following the term of the agreement or an extension; and

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

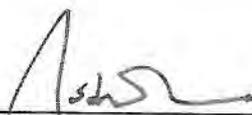
Section 1: The City of Rowlett does hereby approve awarding Bank Depository and Merchant Card Services to American National Bank.

Section 2: The City Manager is hereby authorized to enter into the initial thirty-six month term agreement for comprehensive banking services with American National Bank after City Attorney approval.

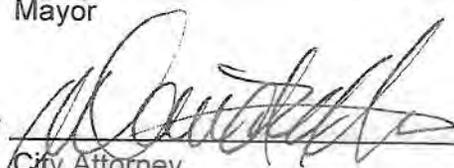
Section 3: This resolution shall become effective immediately upon its passage.

At a meeting of the City Council on January 3, 2012, a motion was made by Mayor Pro Tem Phillips, seconded by Deputy Mayor Pro Tem Kilgore, that this Resolution be adopted. The motion carried by the following vote:

Ayes: 7 Mayor Gottel, Mayor Pro Tem Phillips, Deputy Mayor Pro Tem Kilgore, Councilmember Davis, Councilmember Pankratz, Councilmember Miller and Councilmember Gallops

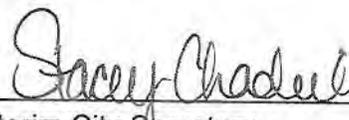
Approved by 
Mayor

Date January 3, 2012

Approved to form by 
City Attorney

Date January 3, 2012



certified by 
Interim City Secretary

Date January 3, 2012

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding dated March 1, 2012, is between the City of Rowlett (CITY") and The American National Bank of Texas ("BANK"), known jointly as ("PARTIES"), for banking and other depository services.

Whereas, the CITY submitted Request for Proposal #2012-19 ("RFP") on November 8, 2011, requesting proposals from financial institutions to serve as CITY's depository bank; and

Whereas, RFP included such services as demand deposits, online banking, safekeeping and custodial services, credit card processing, and lockbox services, among other requirements; and

Whereas, BANK submitted a proposal dated November 23, 2011, offering to provide said services as outlined in RFP documents 2012-19, along with other depository banks; and

Whereas, after reviewing the proposals, interviewing applicants, performing due diligence, City staff prepared a recommendation to the City Council for consideration of award; and

Whereas, on January 3, 2012 the Rowlett City Council approved Resolution 002-12 authorizing the City Manager to enter into an agreement after City Attorney approval; and

Whereas, after said approval, CITY and BANK have agreed to additional services regarding credit card processing and propose services to be offered to CITY's employees; and

Whereas, BANK shall preserve the CITY's immunities and defenses; and

Whereas, this Agreement shall be governed by and construed in accordance with the laws of the State of Texas. Exclusive venue for any action arising under this Agreement shall be brought in the state courts of appropriate jurisdiction in Dallas County, Texas.

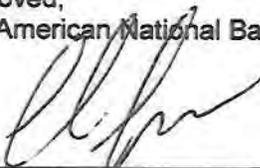
THEREFORE, the PARTIES agree as follows:

1. That BANK shall provide the depository and other special services as requested by CITY under the terms and conditions as specified in RFP #2012-19 and included in the original proposal submitted by BANK dated November 23, 2011.
2. That the pricing sheet submitted by BANK on November 23, 2011 shall govern the prices, fees and reserve requirement regarding interest to be paid to CITY, including lockbox services, as per the pricing found in Attachment A.
3. That BANK shall provide CITY merchant credit card services as agreed per the pricing found in Attachment A.
4. BANK agrees to provide city employees with the Bank at Work Package

Approved,
City of Rowlett


Lynda K. Humble, City Manager

Approved,
The American National Bank of Texas


Chris Simpson, Treasurer and SVP

Monthly Maintenance (Online Statements)	\$15.00
Monthly Maintenance (Paper Stmt's with Check Images)	\$20.00
Monthly Account Analysis Statement (Paper Statement)	\$10.00
Duplicate Statement	\$6.39
Debits	\$0.15
Debits - Electronic	\$0.12
Credits	\$0.35
Credits - Electronic	\$0.12
Deposited Items	\$0.12
Charge Back	\$5.00
Chargeback Reclears	\$6.39
Return Deposit Item (RDI)	\$5.00
Non Sufficient Funds	\$29.97
Stop Payment	\$29.97
Stop Payment (Web)	\$18.00
Rolled Coin	\$0.06
Currency Straps	\$0.35
Zero Balance Account (Parent Account)	\$25.00
Zero Balance Account (Child Account)	\$10.00
BAI Monthly Maintenance	\$25.00
Domestic Wire Transfer (In Person/Phone)	\$15.00
Domestic Wire Transfer (Web)	\$10.00
International Wire Transfer (In Person/Phone)	\$50.00
International Wire Transfer (Web)	\$30.00
Wire Transfer (Incoming)	\$10.00
ACH Origination Batch	\$10.00
ACH Originated Item (Credits / Debits)	\$0.12
ACH Low Volume Originated Item (Debits / Credits)	\$1.00
ACH Debit Blocks	\$15.00
ACH Debit Blocks with Filters	\$25.00
ACH Notification of Change (NOC)	\$3.00
ACH Return Item	\$3.00
FED EDI Statements	\$25.00
FED EDI Statements - Set Up	\$25.00
Remote Deposit Capture - A Direct Way	\$50.00
Account Reconciliation - Full	\$75.00
Account Reconciliation - Partial	\$50.00
Account Reconciliation - Full / Partial Per Item	\$0.05
CD ROM Imaging Service	\$25.00
Positive Pay	\$35.00
Positive Pay - Reverse	\$75.00
Positive Pay - Exception Reported	\$1.00
Positive Pay - Exception Returned	\$2.00
Web Access Monthly Cash Management	\$25.00
Web Access Cash Management Setup	\$50.00
Collection Fees - Domestic	\$20.00
Collection Fees - Foreign	\$50.00
Sweep - Investment	\$100.00
Sweep - Line of Credit	\$150.00

VIII. PRICES AND SERVICES CHARTS

Listed below is a monthly average volume for the various types of services currently being utilized by the City. Volumes are estimated and not guaranteed as minimums or maximums. Based on the information contained in this proposal, provide unit charges for the new services. **The Proposer must use this format, adding any other service fees that will be charged.** Information on additional recommended banking services not covered in the proposal may be added in the attachments.

Proposers are requested to provide the information below electronically (Excel is preferred) to the City.

8.1. Banking Services Chart (annual average)

SERVICE DESCRIPTION	Monthly Average Volume	
GENERAL SERVICES		
CHECKS PAID	437 @ .15 ea	.15 per item
DEPOSITS	302 @ .25 ea	.35 per item
AUDIT CONFIRMATION FEE	0	
BR.CASH DEPOSIT FEE	0	
BR-DEPOSIT CORRECTIONS	0	
MULTIPLE STATEMENTS	0	
BR-NON STANDARD CASH PROCESS SURCHARGE	0	
BR-COIN DEPOSIT PROCESSING SURCHARGE	0	
ACCOUNT MAINTENANCE	0	
NON DEPOSITOR CHECK CASHING FEE	0	
MASTER ACCOUNT MAINTENANCE	\$25/mo	\$25.00 / mo
SUB ACCOUNT MAINTENANCE	0	\$10.00 / mo
DEPOSITED ITEMS	3,935 @ .08 ea	.12 per item
GENERAL SERVICES SUBTOTAL	N/A	
DEPOSIT ITEM IMAGE		
DEPOSIT IMAGE VIEWED - WC PLUS	0	
DEPOSIT ITEM IMAGE TOTAL	0	
RETURNS		
DEPOSITED ITEMS-CHARGED BACK	24 @ \$6.30/Item	5.00 per item
REDEPOSITED ITEMS	6 @ \$ 6.30/Item	6.39 per item
RETURNS SPECIAL INSTRUCTIONS-BASIC	0	
RETURNED IMAGE VIEWED-WC PLUS	0	
RETURNS TOTAL	30	
ACH		
MISCELLANEOUS ITEMS PAID	N/A	
ACH RETURNS	N/A	

SERVICE DESCRIPTION	Monthly Average Volume	
ACH-WC PLUS SINGLE ITEM	N/A	
FILE PROCESSED	N/A	
DEPOSITS	N/A	
MAINTENANCE	N/A	
ACH ORIGINATED ITEMS-PPD CREDIT	7 @ \$ 15 ea	\$10.00 per batch
ACH ORIGINATED ITEMS-PPD DEBIT	4 @ \$15 ea	.12 per item
CONTROL TOTAL ENTRY	N/A	
ACH TOTAL	N/A	
*Note - ACH transactions will be dramatically increasing		
MC-DISPOSABLE BAGS PROCESSED	N/A	
MC CASH DEPOSIT PROCESSING	N/A	
PAID CHECK IMAGE		
PAID ITEM REJECTS OVER 2%	N/A	
ENCODED DEPOSITED ITEMS	N/A	
PAID CHECK IMAGE MAINTENANCE	N/A	
PAID CHK IMAGE: CD ROM/DVD PER ITEM	N/A	
PAID CHECK IMAGE:CD-ROM PER CD	N/A	
PAID CHECK IMAGE VIEWED WC PLUS	N/A	
PAID CHECK IMAGE TOTAL	N/A	
ACCOUNT RECONCILEMENT		
OUTSTANDING ISSUE ITEMS ON FILE	N/A	
POSITIVE PAY MONTHLY MAINT'	\$ 25 per acct	35.00 per acct
FULL RECONCILEMENT PER ITEM	N/A	
ACCOUNT RECON OUTPUT TRANSMISSION	N/A	
FULL RECON MONTHLY MAINTENANCE	N/A	
POS PAY EXCEPTION ITEM IMAGE	N/A	
POSTAGE/MAILING-1ST CLASS/UPS/PRIORITY	N/A	
OUTGOING TRANSMISSION DETAIL PER IT	N/A	
ARP PAID-NO ISSUE ITEMS	N/A	
POSITIVE PAY EXCEPTIONS	N/A	
ARP PAPER REPORTS	N/A	
ARP ISSUE	N/A	
ACCOUNT RECONCILEMENT TOTAL	N/A	
GLOBAL WIRE TRANSFER		
DOMESTIC WIRE	10	10.00

SERVICE DESCRIPTION	Monthly Average Volume	
ACCOUNT TRANSFER	N/A	
BOOK TRANSFER CREDIT	N/A	
BOOK TRANSFER	N/A	
ACCOUNT TRANSFER CREDIT	N/A	
DEBITS POSTED	N/A	
GLOBAL WIRE TRANSFER TOTAL	N/A	
WHOLESALE LOCKBOX		
IMAGE STANDARD ITEM PROCESSED	N/A	
IMAGE CHECK AND DOC MONTHLY MAINT	N/A	
TRUNCATED CHECK IMAGE PER ITEM	N/A	
TRUNCATED DOCUMENT IMAGE PER ITEM	N/A	
STANDARD ITEM PROCESSED	N/A	
CHECK IMAGE/PHOTOCOPY	N/A	
ADDITIONAL CHECK PHOTOCOPY	N/A	
CORRESPONDENCE/UNPROCESSABLES	N/A	
DEPOSIT PREP CHARGE	N/A	
CASH PAYMENT PROCESSING	N/A	
MONTHLY MAINTENANCE	\$2,641.69	See Proposed bid
POST OFFICE BOX RENTAL/ANNUAL	\$1,046	See Proposed bid
POST OFFICE RETURNED MAIL	N/A	
FOREIGN CHECK PROCESSING	N/A	
FIRST CLASS POSTAGE	N/A	
NON-TRUNCATED LBX PKG PREP MAILOUT	N/A	
WLBX 1 YEAR ARCHIVE	N/A	
IMAGE FIRST CLASS POSTAGE	N/A	
WLBX CHECK AND DOC ASSOCIATION	N/A	
TRUNCATED CHECK AND DOC IMAGES	N/A	
ORL DEP ITEMS	N/A	
LOCKBOX WEB REPORTING	N/A	
WHOLESALE LOCKBOX TOTAL	N/A	
SERVICE CHARGES	N/A	
CUSTOMER TOTAL	N/A	



City of Rowlett
Staff Report

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

AGENDA DATE: 04/07/15

AGENDA ITEM: 7H

TITLE

Consider action to approve a Resolution approving an Alternative Landscape Plan for Usuga Medical located at 8100 Lakeview Parkway further described as being 1.87 acres of land located in the James Saunders Survey, Abstract No. 1424, City of Rowlett, Dallas County, Texas (DP15-767).

STAFF REPRESENTATIVE

Garrett Langford, Principal Planner

SUMMARY

The applicant is requesting an Alternative Landscape Plan to allow a living screen without a berm and to reduce the width of the incompatibility landscape buffer from 15 feet to 6.5 feet along the eastern property line. The proposed development is for a 13,534 square-foot medical office building.

The Planning and Zoning Commission voted unanimously to recommend approval of the request at their meeting on March 10, 2015. The discussion can be viewed at the following link as item C3: <http://rowlettx.swagit.com/play/03242015-893>

BACKGROUND INFORMATION

The subject property is zoned General Commercial/Retail (C-2) and is located at 8100 Lakeview Parkway fronting on the south side of Lakeview Parkway (Attachment 1 – Location Map). To the east of the subject property is a retail strip center and a mobile home park, both of which retain a zoning designation of C-2. To the south of the subject property is a single-family residential subdivision zoned SF-10. To the west and to the north of the subject property are vacant lots zoned C-2.

On February 3, 2015, a Development Plan, which includes a site plan and landscaping plan, was submitted for staff review. Due to the size of the development plan, the Development Plan is eligible for administrative approval. However, the applicant is requesting modifications to the requirements of the City's screening and buffering requirements. The Rowlett Development Code (RDC) allows for approval of an Alternative Landscape Plan (ALP). As the property is over one acre in size, it will require City Council action upon a recommendation by the Planning and Zoning Commission.

The RDC requires an incompatibility buffer between all incompatible use types or incompatible zoning districts. The southern property line is adjacent to a single-family residential subdivision

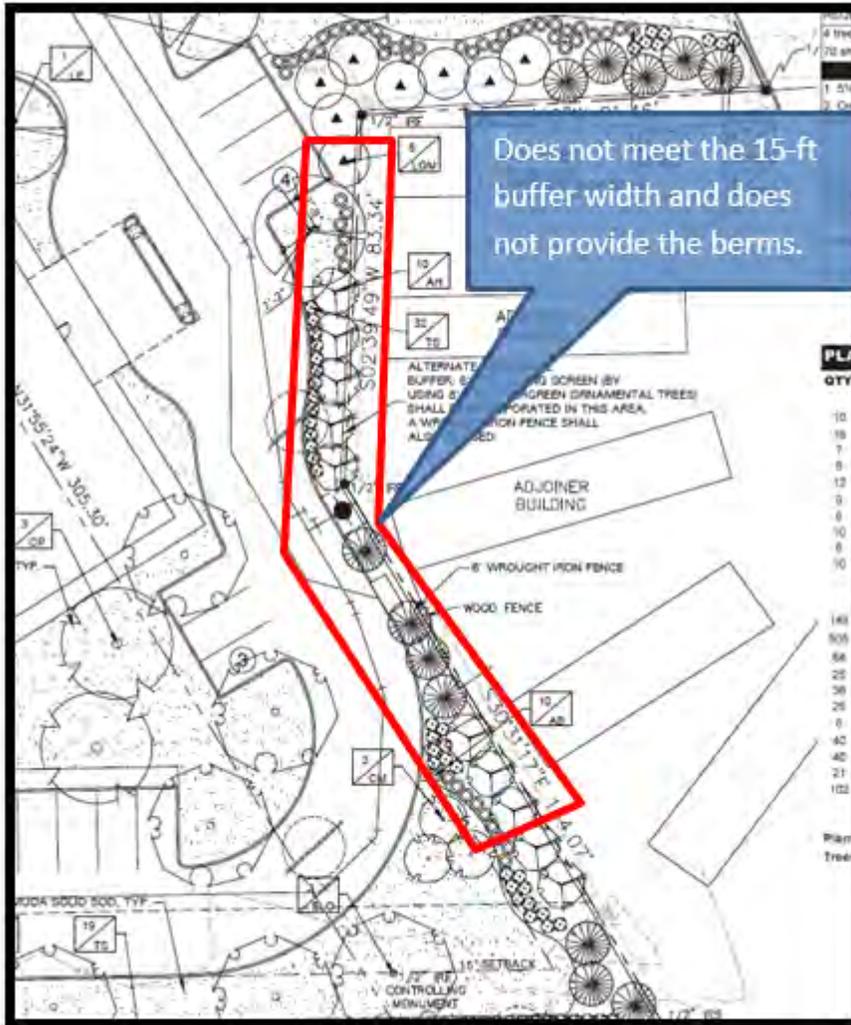
zoned SF-10 and the eastern property line is adjacent to a mobile-home park zoned C-2. Per the RDC, an incompatibility buffer is required along the eastern and southern property lines.

The RDC requires an incompatibility buffer with a landscape strip that is at least 15 feet in width consisting of 10 shrubs per 30 linear feet and one canopy tree per 35 linear feet. Screening is also required, which may consist of a six-foot tall masonry wall or a living screen. A living screen must consist of a six-foot tall wrought iron fence with a berm and large evergreen shrubs planted at a minimum height of eight feet.

The proposed Landscape Plan (Attachment 2 – Alternative Landscape Plan) includes an incompatibility buffer along the south property line that will consist of a 15-ft wide landscape strip, 83 shrubs, seven canopy trees and a six-foot masonry wall. Along the eastern property line, the applicant is proposing a living screen that will consist of six-foot wrought iron fence, 91 shrubs, 33 evergreen ornamental trees and a berm. The ornamental trees were used in place of the canopy trees given their close proximity to the overhead power lines that run along the eastern property line. The ornamental trees are also being used to provide the living screen in place of the large shrubs.

The image below shows the area where the landscape buffer does not meet the 15-ft buffer width. At its smallest point, the landscape strip is 6.5 feet wide. While the trees and shrubs are being provided as required in this area, the berm will not be provided.

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DISCUSSION

Section 77-504.1.4 of the RDC outlines approval criteria of ALPs. Staff recommends that City Council consider the request based on these approval criteria as detailed below. Staff comments are provided in bold italics.

1. There are unique characteristics of the property site design or use that warrant special consideration to modify or deviate from the requirements of this section and that these characteristics are not self-created

An incompatibility buffer is required along the eastern property line even though the residential use is legal non-conforming. The shape of the property limits the ability for a medical office of this size to provide a fire lane around the building without reducing the minimum width of the landscape buffer of the eastern property line.

2. The ALP meets or exceeds the minimum requirements of this section while recognizing the unusual site design or use restraints on the property

The ALP not only meets but exceeds all other landscaping requirements. The applicant is proposing six additional ornamental trees beyond what is required along the eastern property line.

3. Approval of the ALP will provide for both increased consistency and compatibility with adjacent projects located in the general vicinity of the property

Allowing the 6.5-foot incompatibility buffer would be consistent with the adjacent development to the east. The retail development, which is located to the north of the adjacent mobile home park, provides a similar buffer with a wrought iron fence with less landscaping and without a berm.

4. The ALP conforms to the requirements of this section and no modifications are requested except those explicitly provided in Section 77-504.1.2(b)

The standards proposed for modification with this plan are the incompatibility buffer standards. Section 77-504.1.2.(b) specifically allows for modifications to the incompatibility buffer standards.

In summary, the proposed ALP is justified given the existing shape of the subject property and it being consistent with the adjacent developments to the east. While the proposed ALP will have a reduction in the width of the incompatibility buffer, it will exceed the overall landscape planting requirements.

FISCAL IMPACT/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

Approve a Resolution approving an Alternative Landscape Plan for Usuga Medical located at 8100 Lakeview Parkway further described as being 1.87 acres of land located in the James Saunders Survey, Abstract No. 1424, City of Rowlett, Dallas County, Texas (DP15-767).

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, APPROVING AN ALTERNATIVE LANDSCAPE PLAN FOR A PROPOSED DEVELOPMENT AT 8100 LAKEVIEW PARKWAY, BEING AN UNPLATTED 1.87 ACRE TRACT OF LAND LOCATED IN THE JAMES SAUNDERS SURVEY, ABSTRACT NO. 1424, CITY OF ROWLETT, DALLAS COUNTY, TEXAS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

Section 1: That the City Council of the City of Rowlett, Texas, hereby grants approval of an Alternative Landscape Plan, as shown in Exhibit "B," (the "Landscape Plan"), attached hereto and incorporated herein, for a proposed development on property described as a 1.87 +/- acre tract of land located in the James Saunders Survey, Abstract No. 1424, City of Rowlett Dallas County, Texas, and being located at 8100 Lakeview Parkway, said property being described in Exhibit "A," attached hereto and incorporated herein.

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

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

ATTACHMENTS

Exhibit A – Legal Description

Exhibit B – Alternative Landscape Plan

Attachment 1 – Location Map

Attachment 2 – Alternative Landscape Plan

EXHIBIT A

WHEREAS **DR. LUIS D. USUGA AND DR. RICHARD R. TORRES**, are the sole owners of that certain 1.87 acre tract of land situated in the James Sanders Survey, Abstract No. 1424, City of Rowlett, Dallas County, Texas, and being all that certain tract of land in Warranty Deed to Dr. Luis D. Usuga, as recorded in Volume 2004137, Page 5027, Official Public Records, Dallas County, Texas, and being all that certain tract of land in Warranty Deed to Dr. Richard R. Torres, as recorded in Volume 2004145, Page 2968, said Official Public Records, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for the Southwest corner of said Usuga tract, same being in the North line of a 10 foot alley as dedicated by Dalrock Heights Addition, as recorded in Volume 91190, Page 3362, Map Records, Dallas County, Texas, same being the Southeast corner of that certain tract of land in Warranty Deed to Christopher Lewis and Shirley Lewis, as recorded under Instrument Number 201100250068, said Official Public Records;

THENCE North 31 deg. 55 min. 24 sec. West along the common line of said Usuga tract and said Lewis tract, a distance of 209.59 feet to a 1/2 inch iron rod found for the Northwest corner of said Usuga tract, same being the Northeast corner of said Lewis tract, same being in the South right-of-way line of State Highway 66 (Lakeview Parkway) (variable width right-of-way);

THENCE North 59 deg. 47 min. 48 sec. East along the common line of said Usuga tract and the South right-of-way line of said State Highway 66, passing the common North corner of said Usuga tract and aforesaid Torres tract, and continuing along the common line of said Torres tract and the South right-of-way line of said State Highway 66, a total distance of 372.79 feet to an 'X' cut found in concrete for the Northeast corner of said Torres tract, same being in the South right-of-way line of said State Highway 66, same being the Northwest corner of that certain tract of land in Warranty Deed to Denisio Mala, as recorded under Instrument Number 20070251562, aforesaid Official Public Records;

THENCE South 24 deg. 33min. 21 sec. East, along the common line of said Torres tract and said Mala tract, a distance of 162.03 feet to a 1/2 inch iron rod set with "Peiser & Mankin SURV" red plastic cap (hereinafter referred to as 1/2 inch iron rod set) for the most Easterly Southeast corner of said Torres tract, same being the Southwest corner of said Mala tract, same being in the North line of that certain tract of land in Warranty Deed to David E. George, as recorded in Volume 2003143, Page 9397, said Official Public Records;

THENCE along the common line of said Torres tract and said George tract the following bearings and distances:

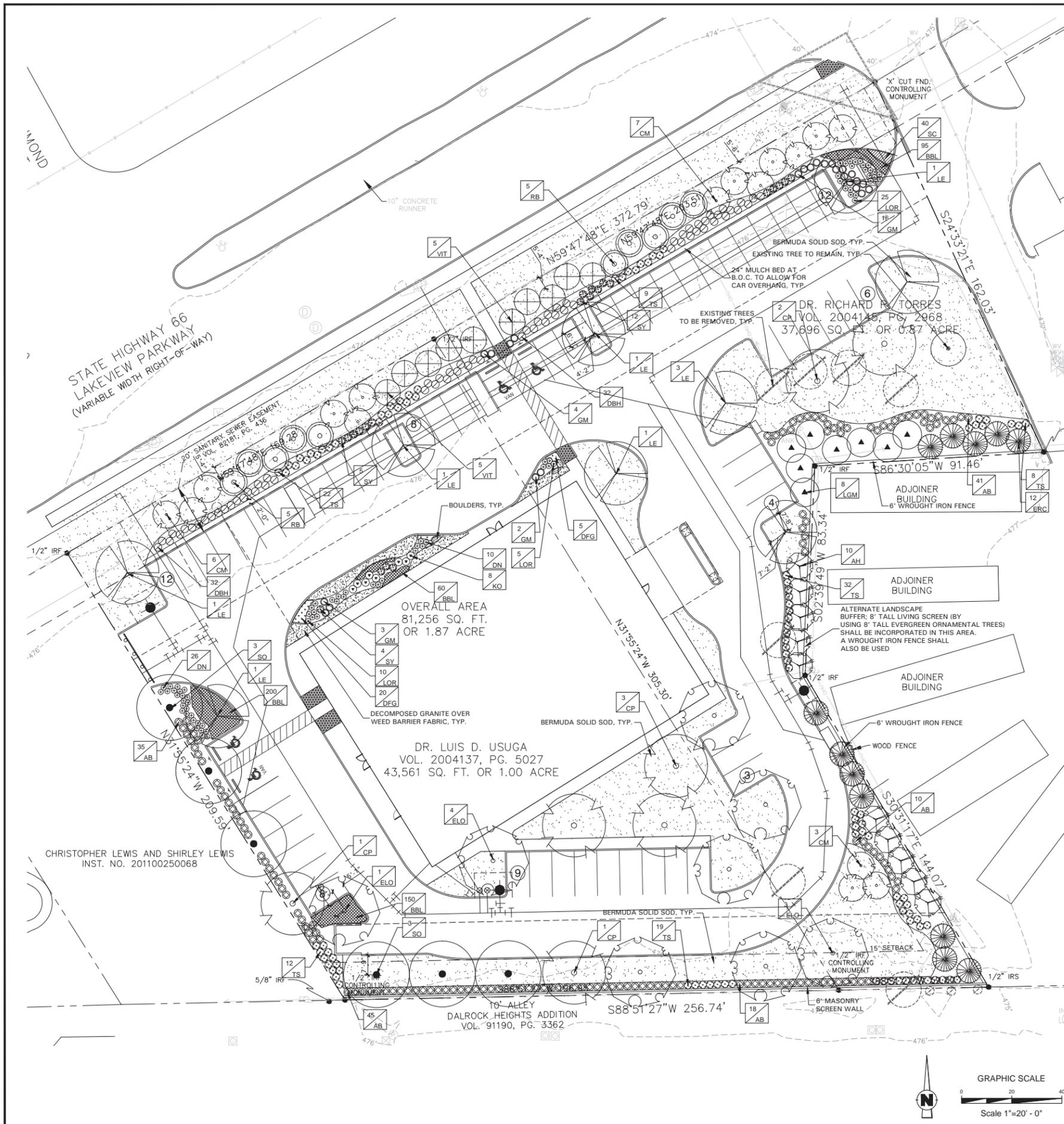
South 86 deg. 30 min. 05 sec West., 91.46 feet to 1/2 inch iron rod found for angle point;

South 02 deg. 39 min. 49 sec. West, 83.34 feet to a 1/2 inch iron rod found for angle point;

South 30 deg. 31 min. 17 sec. East, 144.07 feet to a 1/2 inch iron rod set for the most southerly Southeast corner of aforesaid Torres tract, same being the Southwest corner of aforesaid George tract, same being in the North line of the aforesaid 10 foot alley;

THENCE South 88 deg. 51 min. 27 sec. West, along the common line of said Torres tract and said 10 foot alley, passing the common South corner of said Torres tract and aforesaid Usuga tract, continuing along the common line of said Usuga tract and said 10 foot alley, a total distance of 256.74 feet to THE POINT OF BEGINNING and containing 81,256 square feet or 1.87 acres of computed land, more or less.





LANDSCAPE TABULATIONS for Rowlett, TX

REQUIRED GENERAL LANDSCAPING

Site area 81,256 sq ft

REQUIRED PROV DED

12,188 sq ft landscape (15%) 29,883 sq ft landscape (36.7%)

BUFFERS

TREES:

ROW Buffers - 1 canopy tree per 25' ft

Incompatibility Buffers - 1 canopy tree per 35' ft

Compatibility Buffers - 1 canopy tree per 50' ft

SHRUBS:

ROW Buffers - 10 evergreen shrubs per 30' ft

Incompatibility Buffers - 10 evergreen shrubs per 30' ft

Compatibility Buffers - 10 evergreen shrubs per 30' ft

Lakeview Parkway - 373 I.F.

PROV DED

1 trees 3' ca 33 ornamental trees 30 gal were provided due to location of overhead power lines

106 shrubs 5 gal 132 shrubs 6 gal

C2 - East Property Line - 319 I.F. (Alternative landscape req'd)

REQUIRED PROV DED

9 trees 3' ca 33 ornamental trees 30 gal (due to location of overhead power lines 3 ornamental trees were provided)

91 shrubs 5 gal 91 shrubs 5 gal

5 living screen 8 long screen - ca. ca. with 10 ornamental trees provided

5 tall wrought iron fence

Single Family - South Property Line - 256 I.F.

REQUIRED PROV DED

7 trees 3' ca 7 trees 3' ca

70 shrubs 5 gal 83 shrubs 5 gal

5 tall masonry screen wall

West Property Line - 209 I.F.

REQUIRED PROV DED

4 trees 3' ca 4 trees 3' ca

70 shrubs 5 gal 74 shrubs 5 gal

PARKING REQUIREMENTS

5% of the total parking area shall be devoted to planting

One tree shall be planted for each 400 sq ft of required interior landscape area

3' tree shall be provided for curb & parking spaces

Parking Area and Lanes - 33,475 sq ft

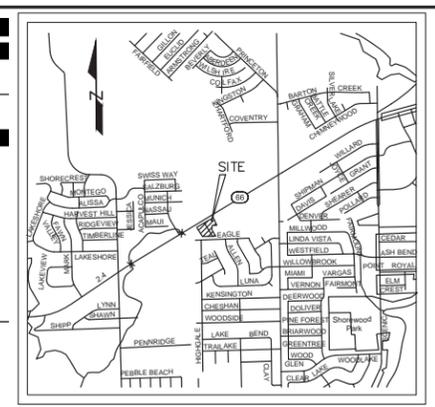
Parking Spaces 67

REQUIRED PROV DED

1736 sq ft landscape (5%) 3,583 sq ft landscape (10.7%)

4 trees 3' ca 1 existing tree 7 proposed trees 3' ca

6 trees 3' ca 13 trees 3' ca



APP. NO. DATE

VASQUEZ ENGINEERING L.L.C.
1919 S. Shiloh Road
Suite 440, LB 44
Garland, Texas 75042
Ph: 972-278-2948
TX Registration # F-12266

REGISTERED LANDSCAPE ARCHITECT
AMANDA W. RICHARDSON
STATE OF TEXAS
2754
3.9.15

DR. USUGA
3313 HAYLEY CT
RICHARDSON, TX 75082

ALTERNATIVE LANDSCAPE PLAN

LAKEVIEW PARKWAY
CITY OF ROWLETT, TEXAS

OWNER/APPLICANT
DR. LUIS USUGA
3313 HAYLEY CT
RICHARDSON, TX 75082

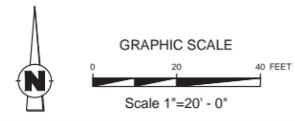
ENGINEER
VASQUEZ ENGINEERING, L.L.C.
JUAN J. VASQUEZ, P.E.
1919 S. SHILOH ROAD
SUITE 440
GARLAND, TEXAS 75042
972-278-2948 TELE
972-271-1383 FAX

LANDSCAPE ARCHITECT
AWR DESIGNS, L.L.C.
AMANDA W. RICHARDSON, RLA
10321 BRADSHAW DRIVE
FORT WORTH, TX 76108
682-708-8048

ALTERNATIVE LANDSCAPE PLAN
USUGA MEDICAL
PROPOSED BLOCK 1, LOT 1
JAMES SANDERS SURVEY, ABSTRACT NO. 1424
CITY OF ROWLETT, DALLAS COUNTY
JANUARY 26, 2015
CASE #

Scale: AS SHOWN
Designed by: AWR
Drawn by: AWR
Checked by: AWR
573-01.dwg/SITE PLAN.dwg
01/26/2015

SHEET
LP1





City of Rowlett
Staff Report

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

AGENDA DATE: 4/07/15

AGENDA ITEM: 71

TITLE

Consider a resolution authorizing final acceptance of a utility easement associated with 2201 Lakeview Parkway, being further described as Lot 1R, Block A, Home Depot Addition, City of Rowlett, Dallas County, Texas.

STAFF REPRESENTATIVE

Garrett Langford, Principal Planner

SUMMARY

The easement by separate instrument is required for a new public water line that was installed for the new Dunkin Donuts development located at 2101 Lakeview Parkway. The developer, Double Eagle Properties, and the property owners, Home Depot, have worked out an arrangement to dedicate a utility easement. Approval by City Council is required to accept the easement as the City is the “grantee” on the easement.

BACKGROUND INFORMATION

The property is located to the west of Gordon Smith Drive and Lakeview Parkway (Attachment 1 – Location Map), and retains a zoning designation of Planned Development C-2. The developer constructed a 6,400 square-foot multi-tenant building on an out parcel in the Home Depot development (Attachment 2 – Site Plan). The new multi-tenant building is now fully leased and occupied by Dunkin Donuts, Mathnasium (tutoring services) and MedPoint (urgent care).

As part of the new development, an eight-inch water line was installed to create a loop system around the new building. A portion of the new eight-inch water line was installed outside of the property lines, and on the adjacent Home Depot property. A utility easement was dedicated for most of this new water line through an amending plat that was recorded for the new development. The portion of the water line that is outside of the Dunkin Donuts property requires easement by separate instrument. This easement by separate instrument allows for the installing, operating, repairing and maintaining of water, sewer, drainage, and public utilities.

DISCUSSION

The need for this easement is straightforward. The easement is needed to ensure that the City will be able to access the new eight-inch public water line for maintenance purposes. As the City is the “grantee” on the easement, then approval by City Council is required to accept the easement.

FISCAL IMPACT/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

Approve a resolution authorizing final acceptance of a utility easement associated with 2201 Lakeview Parkway, being further described as Lot 1R, Block A, Home Depot Addition, City of Rowlett, Dallas County, Texas.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, ACCEPTING THE DEDICATION AND CONVEYANCE TO THE CITY OF A UTILITY EASEMENT FROM HOME DEPOT U.S.A., INC., GRANTOR, ON PRIVATE PROPERTY SITUATED IN DALLAS COUNTY, TEXAS, DESCRIBED AS 2201 LAKEVIEW PARKWAY, BEING LOT 1R, BLOCK A, HOME DEPOT ADDITION, CITY OF ROWLETT, DALLAS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", FOR THE PURPOSES OF INSTALLING, OPERATING, REPAIRING AND MAINTAINING WATER AND PUBLIC UTILITIES; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rowlett, Texas finds and determines that the development of a tract of land in the City's territorial limits must provide for the provision of utility services by the City and other public utilities; and

WHEREAS, Home Depot, U.S.A. Inc., the owner of the land, has agreed to dedicate to the City an easement necessary to provide for the installation, operation, repair and maintenance of utilities; and

WHEREAS, the City Council of the City of Rowlett, Texas, finds and determines that acceptance of the easement is appropriate and in the best interests 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 recitals contained hereinabove are true and correct.

Section 2: That the City Council does hereby accept the dedication and conveyance to the public of a permanent utility easement on property being described as 2201 Lakeview Parkway, being Lot 1R, Block A, Home Depot Addition, City of Rowlett, Dallas County, Texas, said easement being more particularly described in Exhibit "A", attached hereto and incorporated herein for all purposes, for the purpose of allowing the installation, construction, operation, repair and maintenance of public utilities.

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

ATTACHMENTS

Exhibit A – Utility Easement by Separate Instrument

Attachment 1 – Location Map

Attachment 2 – Site Plan

CITY OF ROWLETT
PERMANENT UTILITY EASEMENT

THE STATE OF TEXAS §

COUNTY OF DALLAS §

KNOW ALL MEN BY THESE PRESENTS:

That HOME DEPOT U.S.A., INC., a Delaware corporation, GRANTOR herein, for and in consideration of the sum of Ten Dollars (\$10) and other good and valuable consideration in hand paid by the CITY OF ROWLETT, a home rule municipal corporation of Dallas County, State of Texas, GRANTEE herein, the receipt and sufficiency of which is hereby acknowledged and confessed, does hereby grant, sell and convey, and by these presents does grant, sell and convey to the said GRANTEE a permanent and perpetual utility easement for the purpose of installing, repairing, maintaining, altering, replacing, relocating, and operating utilities in, into, upon, over, across and under that land in Dallas County, Texas described as follows, to-wit:

Being a 10' wide permanent utility easement, together with the right of ingress and egress as necessary for such purposes, described as follows:

See attached Exhibit "1" for metes and bounds description.

See attached Exhibit "1-A" for graphic depiction.

GRANTOR covenants and agrees that GRANTOR and GRANTOR's heirs, representatives, successors and assigns shall at no time erect, place or construct, or cause to be erected, placed or constructed in, into, upon, over, across or under any easements granted herein any temporary or permanent structures, and it is further agreed that GRANTEE shall have the right to excavate and fill upon said permanent easement and to remove from said permanent easement, structures, any fences, buildings or other obstructions as may now be found upon said permanent easement.

TO HAVE AND TO HOLD the above described utility easement, together with all and singular the rights and appurtenances thereto anywise belonging unto the said GRANTEE, its successors and assigns forever; and GRANTOR does hereby certify that GRANTOR is the owner of the property described herein and binds itself, its heirs and assigns to warrant and to forever defend all and singular the premises unto the said GRANTEE, its successors and assigns against every person whomsoever lawfully claiming or to claim same or any thereof.

[signature page follows]

EXECUTED this, the _____ day of _____, 2015.

HOME DEPOT U.S.A., INC.,
a Delaware corporation

By: _____

Name: _____

Its: _____

STATE OF GEORGIA §

COUNTY OF COBB §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office on this, the _____ day of _____, 2015.

Notary Public in and for the State of Georgia

My commission expires: _____

AFTER FILING, RETURN DOCUMENTS TO:

GRANTOR

Home Depot U.S.A., Inc.
Attn: Real Estate - Legal
2455 Paces Ferry Road NW
Atlanta, GA 30339

GRANTEE

City of Rowlett
c/o Samantha Renz
City Secretary
4000 Main Street
Rowlett, TX 75088

EXHIBIT "1"

METES AND BOUNDS DESCRIPTION
0.0428 ACRES OR 1,865 Sq. Ft.
OFFSITE WATER EASEMENT
LOT 1R, BLOCK A
HOME DEPOT ADDITION
CITY OF ROWLETT, DALLAS COUNTY, TEXAS

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE CITY OF ROWLETT, DALLAS COUNTY TEXAS, THE SAME BEING A PORTION OF LOT 1R, BLOCK A OF THE HOME DEPOT ADDITION AN ADDITION TO THE CITY OF ROWLETT AS RECORDED IN VOLUME 2005-097, PAGE 047 OF THE REAL PUBLIC RECORDS DALLAS COUNTY TEXAS AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A 5/8" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF LOT 3R, BLOCK A, OF THE HOME DEPOT ADDITION THE SAME BEING A COMMON CORNER TO LOT 1R, BLOCK A OF THE HOME DEPOT ADDITION RECORDED IN VOLUME 2005-097, PAGE 047 OF THE PLAT RECORD, DALLAS COUNTY, TEXAS AND ALSO BEING IN THE NORTH RIGHT-OF-WAY LINE OF LAKEVIEW PARKWAY ALSO KNOWN AS STATE HIGHWAY NO. 66 (A 130 FOOT PUBLIC RIGHT-OF-WAY)

THENCE NORTH 07° 40' 00" EAST DEPARTING SAID RIGHT-OF-WAY AND ALONG THE COMMON LINE WITH LOT 1R AND 3R, FOR A DISTANCE OF 186.46' TO A CORNER;

THENCE SOUTH 82° 40' 18" EAST, DEPARTING SAID COMMON LINE FOR A DISTANCE OF 10.00 FEET TO A CORNER.

THENCE SOUTH 07° 40' 00" EAST 10.00 FEET AND PARRALEL WITH THE AFOREMENTIONED COMMON LINE OF LOT 1R AND LOT 3R, A DISTANCE OF 186.43 FEET TO A POINT FOR CORNER IN THE NORTH RIGHT-OF-WAY LINE OF THE AFORMENTIONED LAKEVIEW PARKWAY;

THENCE NORTH 82° 20' 00" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.0428 ACRES OR 1,865 SQUARE FEET OF LAND MORE OR LESS.



DAVID PETREE
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 1890
11015 MIDWAY ROAD
DALLAS, TEXAS 75229
PHONE: 214-358-4500
FAX: 214-258-4600



LOT 1R, BLOCK A
THE HOME DEPOT ADDITION
VOL. 2005-097, PG. 047
P.R.D.C.T.

S 82°20'00" E - 296.19'

MUTUAL ACCESS EASEMENT
VOL. 2004009, PG. 383

PROPOSED
OFFSITE WATER
EASEMENT
0.0428 AC.
1,865 Sq. Ft.

LINE	DIRECTION	DISTANCE
L25	N07°40'00"E	186.48'
L26	S82°04'18"E	10.00'
L27	N07°40'00"E	186.43'
L28	N82°20'00"W	10.00'

LOT 3R, BLOCK A
THE HOME DEPOT ADDITION
VOL. 2005-097, PG. 047
R.P.R.D.C.T.

REASON CRIST SURVEY
ABSTRACT NO. 225

50' BUILDING SETBACK LINE
VOL. 2004009, PG. 383

20' SANITARY SEWER EASEMENT
VOL. 2005-097, PG. 047

10' GENERAL TELEPHONE COMPANY OF
THE SOUTHWEST EASEMENT & R.O.W.
VOL. 71114, PG. 2172

N 82°20'00" W - 296.19'

POINT OF BEGINNING

FOUND
5/8" I.R.

S 07°40'00" W - 200.00'

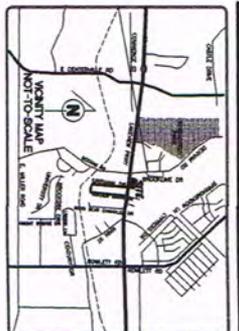
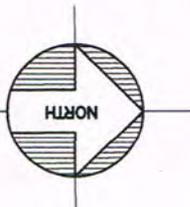
LOT 1R, BLOCK A
THE HOME DEPOT ADDITION
VOL. 2005-097, PG. 047
P.R.D.C.T.

76' MUTUAL ACCESS EASEMENT
VOL. 2004009, PG. 383

N 07°40'00" E - 200.00'

395.31'

LOT 4R, BLOCK A
THE HOME DEPOT ADDITION
VOL. 2005-097, PG. 047
R.P.R.D.C.T.



PREPARED FROM SURVEYS THIS THE 4TH OF
SEPTEMBER, 2013

**LAKEVIEW PARKWAY
STATE HIGHWAY NO. 66**

(A 130 FOOT PUBLIC RIGHT-OF-WAY)

EXHIBIT "1-A"

0.0428 ACRES OR 1,865 Sq. Ft.

OFFSITE WATER EASEMENT

LOT 1R, BLOCK A

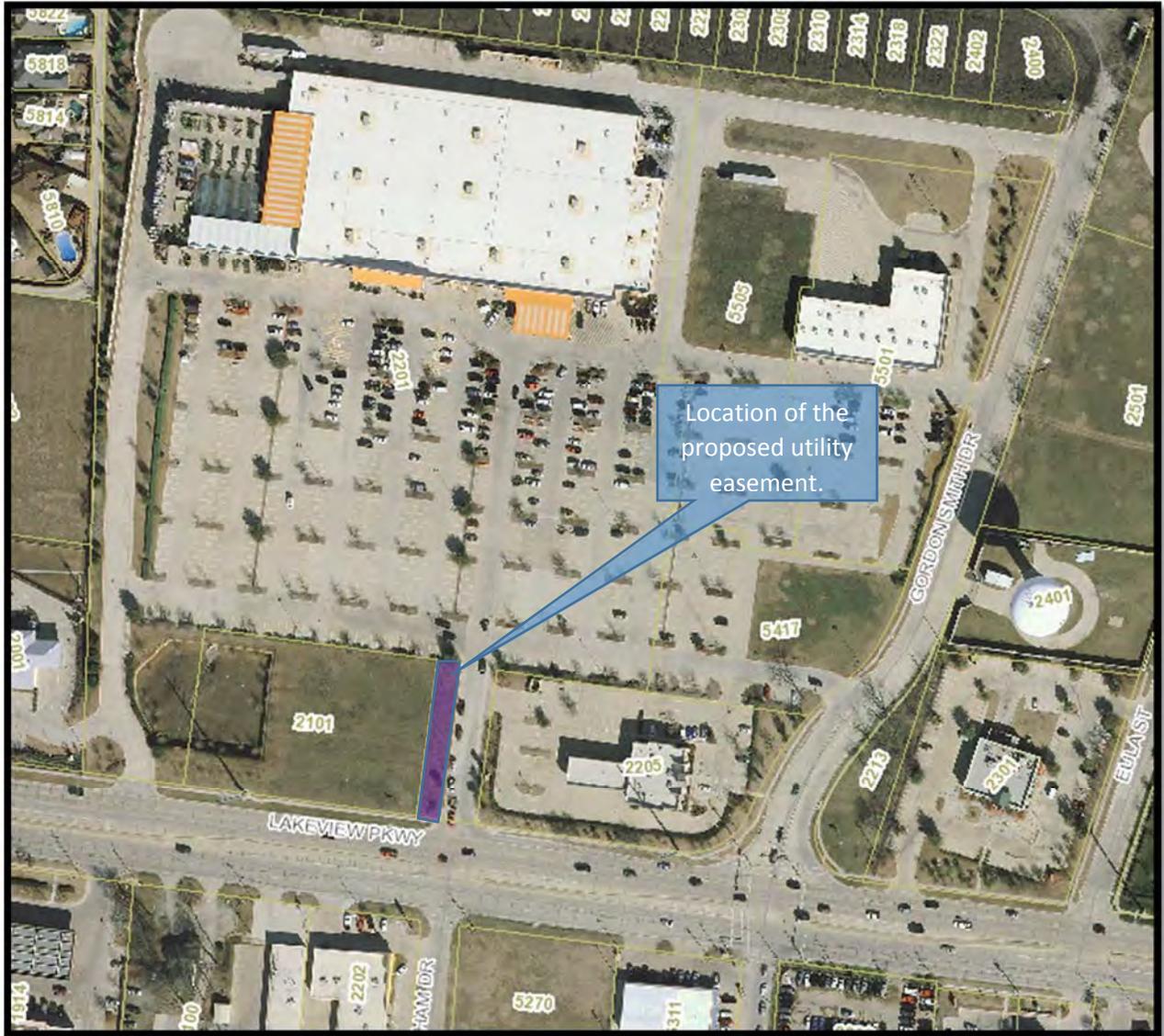
HOME DEPOT ADDITION

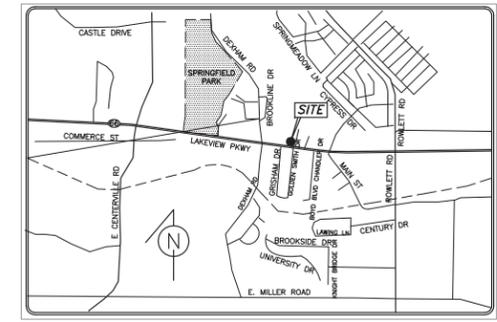
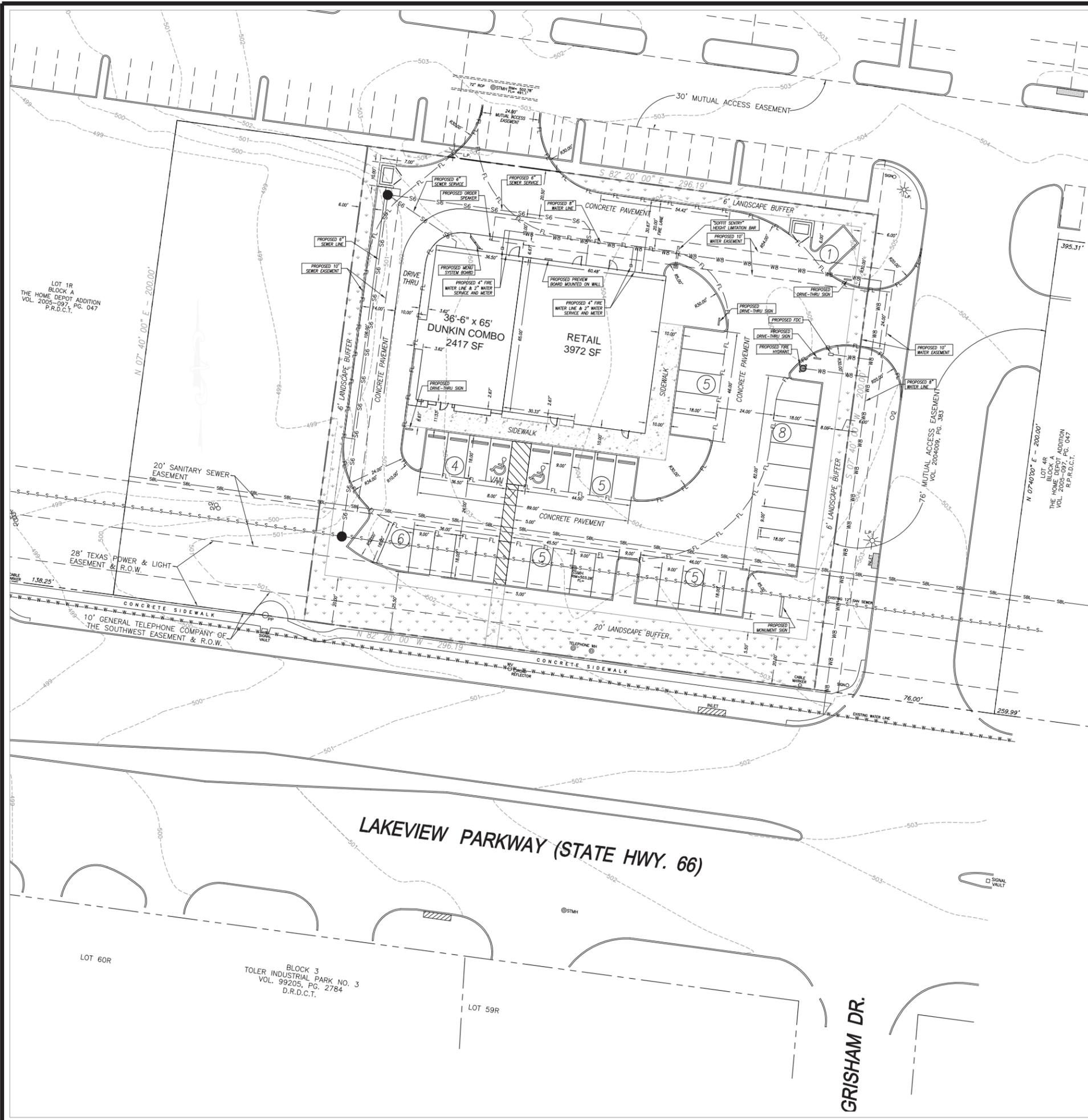
CITY OF ROWLETT, DALLAS COUNTY, TEXAS

David Petree

DAVID PETREE
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 1890
11015 MIDWAY ROAD
DALLAS, TEXAS 75229
PHONE: 214-358-4500
FAX: 214-258-4600







VICINITY MAP
NTS

SITE DATA TABLE

GENERAL DATA	
Case Number	DP 13-667
Name of Project	Dunkin Donuts & Retail
Proposed Use	Restaurant/Service
Future Land Use Designation	RR - Regional Retail
Proposed Future Land Use Designation	RR - Regional Retail
Existing Zoning District	Planned Development
Proposed Zoning District	Planned Development
Applicable Overlays	Planned Development
Appraisal District Account Numbers and County	440019700A03R0000 - Dallas

OVERALL SITE		
Gross Site Area	43,120 SF	0.990 Ac
Site Frontage	215.60'	
Site Width	215.60'	
Site Depth	200.00'	
Impervious Surface Area	31,237 SF	72.44%
Pervious Surface Area	11,883 SF	27.56%
Accessory Use %	0	
Open Space (ac & %)	0.273 Ac	27.56%
Detention/Retention (ac & %)	0.00 Ac	0.00%
Recreation (ac & %)	0.00 Ac	0.00%
Preserve (ac & %)	0.00 Ac	0.00%
Civic (ac & %)	0.00 Ac	0.00%
Other (ac & %)	0.00 Ac	0.00%

BUILDING	
Total Gross Intensity (FAR)	14.82%
Total Square Footage	43,120 SF
Commercial (SF)	6389 SF
Industrial (SF)	0 SF
Other (SF)	0 SF

PROPERTY DEVELOPMENT REGULATIONS	Required/Permitted	Proposed
Maximum Building Coverage (permitted & proposed)	None	6389 SF
Maximum Lot Area (required & proposed)	None	43,120 SF
Minimum Lot Width (required & proposed)	None	215.60'
Minimum Lot Depth (required & proposed)	None	200.00'

Setbacks (required & proposed)	Required	Proposed
Front Setback	50'	50'
Side Interior Setback	6' Compatibility Buffer	6' Compatibility Buffer
Side Street Setback	6' Compatibility Buffer	6' Compatibility Buffer
Rear Setback	6' Compatibility Buffer	6' Compatibility Buffer
Maximum Structure Height (permitted & proposed)	90'	21'-3"
Maximum No. of Stories/Floors (permitted & proposed)	NA	1

IMPROVEMENTS	
# Seats	20
# Pumps	0
# Drive thru Lanes	1
# Children/Adults/Students	0
# Beds/Residents/Rooms	0

PARKING & ACCESS	
Parking (total #)	64 spaces
# On-Site Parking	39 spaces
# Shared Parking	25 spaces
# Handicap Parking	2 spaces
# Loading Spaces	0 spaces
# Access Points	2

LEGEND

- PROPERTY BOUNDARY
- SRL---SRL BUILDING SETBACK LINE
- PLATTED ACCESS EASEMENT
- UTILITY EASEMENT LINE
- FL FL FL FIRE LANE
- W W W EXISTING WATER LINE
- S S S EXISTING SEWER LINE
- WB WB WB PROPOSED 8" WATER LINE
- S6 S6 S6 PROPOSED 6" SEWER LINE
- /// CROSSWALK
- LANDSCAPE BUFFER
- 12 PARKING COUNT
- 504--- EXISTING CONTOURS

REVISIONS
 #1 5/17/13 PER CITY SITE REQUIREMENTS
 #2 6/20/13 CHANGED PARKING, ADDED DAMPER
 #3 6/28/13 REVISIONS PER CITY COMMENTS
 #4 7/10/13 REVISIONS PER CITY COMMENTS

DUNKIN' DONUTS & RETAIL SPACE
 LAKEVIEW PARKWAY
 ROWLETT, TEXAS

SITE PLAN



CARNEY
 ENGINEERING
 COMPANY
 14588 Hinton Dr.
 Plano, Texas 75024
 P: (469) 443-0861
 F: (469) 443-0863



11/05/13
 TBPE FIRM REGISTRATION NO: F-5033
 DRAWN BY: QNM
 CHECKED BY: T.C.C.
 START DATE: JUNE 2013
 SCALE: 1" = 20'
 PROJECT NO.: 24437-1016



City of Rowlett
Staff Report

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

AGENDA DATE: 04/07/15

AGENDA ITEM: 7J

TITLE

Consider action to approve a resolution accepting the bid of and awarding a contract to Tri-Con Services in the amount of \$1,520,000.00 for the total base bid plus ten percent (10%) contingency in the amount \$152,000.00 and up to \$15,000.00 for the early completion bonus, resulting in a total project amount of \$ 1,687,000.00 for the Big A 20-Inch Water Transmission Project and authorize the Mayor to execute the necessary documents for said services.

STAFF REPRESENTATIVE

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

SUMMARY

This project consists of the installation of 2,927 linear feet of 20-inch water main by open cut and 1,492 linear feet of either 20" Fusible PVC or 24" HDPE pipe by Horizontal Directional Drill and 236 linear feet of 20" pvc pipe with 36" welded steel casing by bore. In addition, two combination air and vacuum release valves and vaults and one blow off valve and vault are included.

BACKGROUND INFORMATION

To continue the process of developing a permanent upper pressure plane as part of the City's Water System Infrastructure, a new elevated water tank is currently under construction to serve this area. The purpose of the new pressure plane will be to serve the western and northwestern areas of the City with higher pressure than can be served with the existing infrastructure. Based on the overall results of the analysis performed by Freese & Nichols Inc. and Neel-Schaffer Inc. of the existing lines within the new upper pressure plane, it was determined that additional water main improvements are required to increase water pressure in both the lower and upper pressure plane.

City Council approved a Professional Services Agreement with Neel-Schaffer, Incorporated on March 18, 2014, to provide engineering design services for the installation of the Big A 20-Inch Water Transmission Project.

DISCUSSION

This off-site water main project provides a crucial link between the existing 24" water main in the President George Bush Turnpike corridor and the 16" water main in State Highway 66. This main will provide system capacity for directional flow to the western portion of the City and will assist in filling the existing water tank on Eula Drive (behind Chili's). Furthermore, this water main is a necessary step in separating the upper and lower pressure planes as determined by the water

system master plan. The planned improvements include separating the upper and lower pressure planes to improve system pressures.

Notice to Bidders was published in the *Rowlett Lakeshore Times* as well as posted on the City website on February 26th and March 5th, 2015. A voluntary Pre-Bid Meeting was held on March 3, 2015, at 1:30 PM, in the Public Works Conference Room, 4310 Industrial Street, Rowlett, Texas 75088. Sealed bids were received in the Purchasing Office until 2:00 PM, on March 12, 2015.

Seven bids were received (see attached Bid Tabulation Exhibit A). Bids ranged from \$1,520,000.00 to \$2,426,750.00. The low bid received for the Total Base Bid was received from Tri-Con Services from Rowlett, Texas in the amount of \$1,520,000.00. Section 3.4.2 of the Contract Document has a provision to pay an early completion bonus of \$150 per day up to a maximum of \$15,000 and applying the maximum early completion bonus to the contract amount of \$15,000.00 plus the ten percent (10%) contingency of \$152,000.00, yields a total project budget of \$1,687,000.00. The Engineers' Construction Estimate was \$1,790,000.00.

Contractor Name	Base Bid Amount
Wilson Contractor Services	\$1,686,600.00
SJ Louis Construction of Texas	\$1,677,769.00
Tri-Con Services	\$1,520,000.00
Utilitex Construction, LLP	\$1,587,336.00
Quality Excavation	\$2,015,610.00
Flow-Line Construction, Incorporated	\$1,719,840.00
Dowager Utility Construction, LTD	\$2,426,750.00

Tri-Con Services is financially solid and capable of completing this project without financial difficulty. City Consultant, Neel-Schaffer, Incorporated has checked the past performance for this Contractor and recommends awarding the project to Tri-Con Services (see Recommendation of Award Exhibit B). The proposed construction timeframe is 170 calendar days from the time of issuance of the Notice to Proceed.

FINANCIAL/BUDGET IMPLICATIONS

Project WA2110, Big A Water Line Improvements, currently has \$1,278,410.00 in available funding, leaving a project shortfall of \$408,590.00. Project WA2095, Upper Pressure Plane and Rowlett Road Pump Station Improvements, has been completed under budget. Because both

projects are a part of the development of the upper pressure plane and because the funding is available, funds from WA2095 in the amount of \$408,590.00 will be moved to WA2110 Big A Water Line in a future budget amendment to ensure that there is adequate funding for this project.

RECOMMENDED ACTION

Staff recommends the City Council approve a resolution accepting the bid of and awarding a contract to Tri-Con Services in the amount of \$1,520,000.00 for the total base bid plus ten percent (10%) contingency in the amount \$152,000.00 and up to \$15,000.00 for the early completion bonus, resulting in a total project amount of \$1,687,000.00 for the Big A 20-Inch Water Transmission Project and authorize the Mayor to execute the necessary documents for said services.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, ACCEPTING THE BID OF AND AWARDING A CONSTRUCTION CONTRACT TO TRI-CON SERVICE IN THE AMOUNT OF \$1,687,000.00 FOR THE BIG A 20-INCH WATER TRANSMISSION PROJECT; AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON THE CITY'S BEHALF; AUTHORIZING THE ISSUANCE OF PURCHASE ORDERS PURSUANT TO APPROVAL AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary to construct the Big A 20-Inch Water Transmission for the Utility Division of the Public Works Department and the City of Rowlett; and

WHEREAS, the Purchasing Division has taken sealed bids as per bid #2015-05 and is recommending award to the lowest qualified bid meeting specifications; and

WHEREAS, City staff and Neel-Schaffer, Incorporated representatives recommend that the contract be awarded to Tri-Con Services as the lowest responsible bidder for its total base bid and alternate; and

WHEREAS, the City Council of the City of Rowlett, Texas desire to accept said bid and award such contract to Tri-Con Services.

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 Tri-Con Services for the construction of the Big A 20-Inch Water Transmission Project to include the total base bid of \$1,520,000.00 plus ten percent (10%) contingency in the amount \$152,000.00 and up to \$15,000.00 for the early completion bonus, resulting in a total project amount of \$1,687,000.00.

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.

ATTACHMENTS

Exhibit A – Bid Tabulation

Exhibit B – Letter of Recommendation

City of Rowlett - Big A 20 Inch Water Transmission Project - City Contract No. 2015-05

Bid Opening: 3/12/2015 @ 2:00 pm City Hall Conference Room Engineer: Neel-Schaffer, Inc. Engineer's Estimate: \$1,539,695.00				Tri-Con Services 3010 W Main Street Rowlett, Tx 75088 214-794-8999		Utili Tex Construction, LLP 2300 Peachtree Road Balch Springs, Tx 75180 972-289-1691		SJ Louis Construction of Texas 520 S 6th Avenue Mansfield, Tx 76063 817-477-0320		Wilson Contractor Services, LLC 107 Bell Avenue Denton, Tx 76201 970-243-1174	
PAY ITEM	DESCRIPTION	UNIT	TOTAL QUANTITY	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
1	General Site Preparation	LS	1	\$114,000.00	\$114,000.00	\$45,000.00	\$45,000.00	\$25,000.00	\$25,000.00	\$164,042.00	\$164,042.00
2	Mobilization	EA	1	\$114,000.00	\$114,000.00	\$5,000.00	\$5,000.00	\$50,000.00	\$50,000.00	\$84,000.00	\$84,000.00
3	F&I Traffic Control Plan	LS	1	\$40,500.00	\$40,500.00	\$11,000.00	\$11,000.00	\$8,000.00	\$8,000.00	\$23,000.00	\$23,000.00
4	F&I SWPPP with Erosion Control Plan	LS	1	\$2,500.00	\$2,500.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,700.00	\$3,700.00
5	Project Sign	EA	2	\$600.00	\$1,200.00	\$1,000.00	\$2,000.00	\$500.00	\$1,000.00	\$1,100.00	\$2,200.00
6	Remove Existing Concrete Pavement (all thicknesses)	SY	550	\$12.00	\$6,600.00	\$13.00	\$7,150.00	\$9.00	\$4,950.00	\$10.00	\$5,500.00
7	Remove Existing Asphalt Pavement (all thicknesses)	SY	60	\$13.00	\$780.00	\$13.00	\$780.00	\$7.00	\$420.00	\$10.00	\$600.00
8	F&I 4" Concrete Pavement (3,500 P.S.I. concrete)	SY	40	\$100.00	\$4,000.00	\$60.00	\$2,400.00	\$50.00	\$2,000.00	\$63.00	\$2,520.00
9	F&I 6" Concrete Pavement (3,500 P.S.I. concrete)	SY	250	\$65.00	\$16,250.00	\$66.00	\$16,500.00	\$60.00	\$15,000.00	\$180.00	\$45,000.00
10	F&I 8" Concrete Pavement (as detailed) (4,000 P.S.I. concrete)	SY	260	\$70.00	\$18,200.00	\$78.00	\$20,280.00	\$80.00	\$20,800.00	\$182.00	\$47,320.00
11	F&I Asphalt Pavement (all depths)	SY	60	\$100.00	\$6,000.00	\$71.00	\$4,260.00	\$50.00	\$3,000.00	\$126.00	\$7,560.00
12	Cut, Plug and Remove Existing Water line (all sizes and depths)	LF	40	\$100.00	\$4,000.00	\$28.00	\$1,120.00	\$20.00	\$800.00	\$50.00	\$2,000.00
13	F&I 8" DR18 C-900 PVC Water Pipe By Open Cut	LF	80	\$220.00	\$17,600.00	\$150.00	\$12,000.00	\$160.00	\$12,800.00	\$120.00	\$9,600.00
14	F&I 20" DR18 C-905 PVC Water Pipe By Open Cut	LF	2,927	\$140.00	\$409,780.00	\$190.00	\$556,130.00	\$240.00	\$702,480.00	\$167.00	\$488,809.00
15	F&I 20" DR18 C-905 PVC Water Pipe & 36" Welded Steel Casing (0.500" thick) By Bore	LF	236	\$720.00	\$169,920.00	\$775.00	\$182,900.00	\$741.00	\$174,876.00	\$900.00	\$212,400.00
16	F&I 20" C905 DR18 Fusible PVC Water Pipe by Horizontal Directional Drill or 24" DR 9 HDPE Water Pipe by Horizontal Directional Drill	LF	1,492	\$265.00	\$395,380.00	\$350.00	\$522,200.00	\$341.00	\$508,772.00	\$275.00	\$410,300.00
17	F&I 2" Combination Air and Vacuum Release Valve and Vault	EA	2	\$17,000.00	\$34,000.00	\$13,000.00	\$26,000.00	\$12,000.00	\$24,000.00	\$13,108.50	\$26,217.00
18	F&I 2" Blowoff Valve and Vault	EA	1	\$5,000.00	\$5,000.00	\$2,800.00	\$2,800.00	\$4,000.00	\$4,000.00	\$3,000.00	\$3,000.00
19	F&I 16"x16" Tapping Sleeve, Valve & Vault	EA	1	\$50,000.00	\$50,000.00	\$35,000.00	\$35,000.00	\$27,500.00	\$27,500.00	\$26,500.00	\$26,500.00
20	F&I 24"x20" Tapping Sleeve, Valve & Vault	EA	1	\$64,000.00	\$64,000.00	\$51,000.00	\$51,000.00	\$37,300.00	\$37,300.00	\$40,800.00	\$40,800.00
21	Remove Sanitary Sewer Manhole	EA	1	\$1,500.00	\$1,500.00	\$600.00	\$600.00	\$1,500.00	\$1,500.00	\$1,200.00	\$1,200.00
22	Remove Sanitary Sewer Line (all sizes and types)	LF	54	\$20.00	\$1,080.00	\$14.00	\$756.00	\$20.00	\$1,080.00	\$4.00	\$216.00
23	F&I 5' Standard Sanitary Sewer Manhole	EA	1	\$9,000.00	\$9,000.00	\$7,100.00	\$7,100.00	\$13,000.00	\$13,000.00	\$6,690.00	\$6,690.00
24	F&I 8" SDR 26 PVC Standard Sanitary Sewer Line	LF	54	\$155.00	\$8,370.00	\$75.00	\$4,050.00	\$75.00	\$4,050.00	\$280.00	\$15,120.00
25	F&I Connection to Existing Sanitary Sewer Manhole	EA	1	\$1,170.00	\$1,170.00	\$3,900.00	\$3,900.00	\$700.00	\$700.00	\$2,000.00	\$2,000.00
26	F&I Trench Safety	LF	3,100	\$0.20	\$620.00	\$3.00	\$9,300.00	\$0.01	\$31.00	\$9.00	\$27,900.00
27	F&I Silt Fence	LF	2,500	\$2.50	\$6,250.00	\$3.00	\$7,500.00	\$1.20	\$3,000.00	\$1.30	\$3,250.00
28	F&I Block Sodding w/ 4" of Top Soil	SY	100	\$15.00	\$1,500.00	\$11.00	\$1,100.00	\$6.00	\$600.00	\$15.00	\$1,500.00
29	F&I Hydromulch w/ Mixture of Grass Seed Suitable for Time of Application	SY	6,000	\$0.20	\$1,200.00	\$2.50	\$15,000.00	\$0.50	\$3,000.00	\$1.80	\$10,800.00
30	Remove Tree (4" to 8" in caliper)	EA	19	\$200.00	\$3,800.00	\$400.00	\$7,600.00	\$500.00	\$9,500.00	\$169.00	\$3,211.00
31	Remove Tree (greater than 8" in caliper)	EA	17	\$300.00	\$5,100.00	\$500.00	\$8,500.00	\$800.00	\$13,600.00	\$390.00	\$6,630.00
32	F&I Tree Protection (as detailed)	LF	670	\$10.00	\$6,700.00	\$23.00	\$15,410.00	\$3.00	\$2,010.00	\$4.50	\$3,015.00
TOTAL					\$1,520,000.00		\$1,587,336.00		\$1,677,769.00		\$1,686,600.00

Error in Unit Total Cost did not change outcome of Bid

City of Rowlett - Big A 20 Inch Water Transmission Project - City Contract No. 2015-05

Bid Opening: 3/12/2015 @ 2:00 pm City Hall Conference Room Engineer: Neel-Schaffer, Inc. Engineer's Estimate: \$1,539,695.00				Flow-Line Construction, Inc. 3824 Brown Street #A Dallas, Tx 75219 773-369-5666		Quality Excavation, Ltd. 958 US Hwy 377, Ste.# 200 Aubrey, Tx 76227 940-365-0800		Dowager Utility Construction Ltd. 2464 Manana Drive Dallas, Tx 75220 972-931-1263	
PAY ITEM	DESCRIPTION	UNIT	TOTAL QUANTITY	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
1	General Site Preparation	LS	1	\$50,000.00	\$50,000.00	\$18,000.00	\$18,000.00	\$10,000.00	\$10,000.00
2	Mobilization	EA	1	\$116,000.00	\$116,000.00	\$109,400.00	\$109,400.00	\$110,000.00	\$110,000.00
3	F&I Traffic Control Plan	LS	1	\$13,000.00	\$13,000.00	\$80,400.00	\$80,400.00	\$15,000.00	\$15,000.00
4	F&I SWPPP with Erosion Control Plan	LS	1	\$2,000.00	\$2,000.00	\$1,860.00	\$1,860.00	\$6,000.00	\$6,000.00
5	Project Sign	EA	2	\$500.00	\$1,000.00	\$690.00	\$1,380.00	\$1,000.00	\$2,000.00
6	Remove Existing Concrete Pavement (all thicknesses)	SY	550	\$13.00	\$7,150.00	\$20.00	\$11,000.00	\$20.00	\$11,000.00
7	Remove Existing Asphalt Pavement (all thicknesses)	SY	60	\$18.00	\$1,080.00	\$7.00	\$420.00	\$70.00	\$4,200.00
8	F&I 4" Concrete Pavement (3,500 P.S.I. concrete)	SY	40	\$150.00	\$6,000.00	\$60.00	\$2,400.00	\$70.00	\$2,800.00
9	F&I 6" Concrete Pavement (3,500 P.S.I. concrete)	SY	250	\$60.00	\$15,000.00	\$80.00	\$20,000.00	\$80.00	\$20,000.00
10	F&I 8" Concrete Pavement (as detailed) (4,000 P.S.I. concrete)	SY	260	\$68.00	\$17,680.00	\$80.00	\$20,800.00	\$100.00	\$26,000.00
11	F&I Asphalt Pavement (all depths)	SY	60	\$50.00	\$3,000.00	\$330.00	\$19,800.00	\$70.00	\$4,200.00
12	Cut, Plug and Remove Existing Water line (all sizes and depths)	LF	40	\$15.00	\$600.00	\$20.00	\$800.00	\$10.00	\$400.00
13	F&I 8" DR18 C-900 PVC Water Pipe By Open Cut	LF	80	\$80.00	\$6,400.00	\$200.00	\$16,000.00	\$100.00	\$8,000.00
14	F&I 20" DR18 C-905 PVC Water Pipe By Open Cut	LF	2,927	\$235.00	\$687,845.00	\$280.00	\$819,560.00	\$330.00	\$965,910.00
15	F&I 20" DR18 C-905 PVC Water Pipe & 36" Welded Steel Casing (0.500" thick) By Bore	LF	236	\$600.00	\$141,600.00	\$840.00	\$198,240.00	\$820.00	\$193,520.00
16	F&I 20" C905 DR18 Fusible PVC Water Pipe by Horizontal Directional Drill or 24" DR 9 HDPE Water Pipe by Horizontal Directional Drill	LF	1,492	\$285.00	\$425,220.00	\$350.00	\$522,200.00	\$580.00	\$865,360.00
17	F&I 2" Combination Air and Vacuum Release Valve and Vault	EA	2	\$6,000.00	\$12,000.00	\$23,400.00	\$46,800.00	\$16,000.00	\$32,000.00
18	F&I 2" Blowoff Valve and Vault	EA	1	\$10,700.00	\$10,700.00	\$2,890.00	\$2,890.00	\$4,000.00	\$4,000.00
19	F&I 16"x16" Tapping Sleeve, Valve & Vault	EA	1	\$39,700.00	\$39,700.00	\$27,000.00	\$27,000.00	\$28,000.00	\$28,000.00
20	F&I 24"x20" Tapping Sleeve, Valve & Vault	EA	1	\$51,800.00	\$51,800.00	\$44,300.00	\$44,300.00	\$40,000.00	\$40,000.00
21	Remove Sanitary Sewer Manhole	EA	1	\$3,100.00	\$3,100.00	\$880.00	\$880.00	\$2,000.00	\$2,000.00
22	Remove Sanitary Sewer Line (all sizes and types)	LF	54	\$75.00	\$4,050.00	\$40.00	\$2,160.00	\$20.00	\$1,080.00
23	F&I 5' Standard Sanitary Sewer Manhole	EA	1	\$8,900.00	\$8,900.00	\$4,150.00	\$4,150.00	\$7,000.00	\$7,000.00
24	F&I 8" SDR 26 PVC Standard Sanitary Sewer Line	LF	54	\$210.00	\$11,340.00	\$80.00	\$4,320.00	\$150.00	\$8,100.00
25	F&I Connection to Existing Sanitary Sewer Manhole	EA	1	\$3,700.00	\$3,700.00	\$1,310.00	\$1,310.00	\$4,000.00	\$4,000.00
26	F&I Trench Safety	LF	3,100	\$10.00	\$31,000.00	\$1.00	\$3,100.00	\$4.00	\$12,400.00
27	F&I Silt Fence	LF	2,500	\$4.00	\$10,000.00	\$2.00	\$5,000.00	\$2.00	\$5,000.00
28	F&I Block Sodding w/ 4" of Top Soil	SY	100	\$11.00	\$1,100.00	\$10.00	\$1,000.00	\$10.00	\$1,000.00
29	F&I Hydromulch w/ Mixture of Grass Seed Suitable for Time of Application	SY	6,000	\$2.00	\$12,000.00	\$1.00	\$6,000.00	\$2.00	\$12,000.00
30	Remove Tree (4" to 8" in caliper)	EA	19	\$700.00	\$13,300.00	\$440.00	\$8,360.00	\$500.00	\$9,500.00
31	Remove Tree (greater than 8" in caliper)	EA	17	\$700.00	\$11,900.00	\$670.00	\$11,390.00	\$800.00	\$13,600.00
32	F&I Tree Protection (as detailed)	LF	670	\$2.50	\$1,675.00	\$7.00	\$4,690.00	\$4.00	\$2,680.00
TOTAL					\$1,719,840.00		\$2,015,610.00		\$2,426,750.00

Error in Unit Total Cost did not change outcome of Bid

March 16, 2015

Ms. Sherrelle Diggs, P.E.
 City Engineer
 City of Rowlett
 4310 Industrial Street
 Rowlett, Texas 75088

Reference: City of Rowlett – Big A 20 Inch Water Transmission Project

Dear Ms. Diggs:

Sealed bids were received by the City of Rowlett on March 12, 2015, for the above project. Seven contractors submitted bids for this project. Attached is a copy of the Bid Tabulation.

The lowest bid was submitted by Tri-Con Services in the amount of \$1,520,000.00. Below is a summary of the bids on this project:

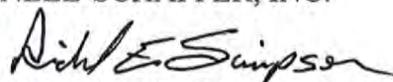
<u>Bidder</u>	<u>Bid</u>
Tri-Con Services	\$1,520,000.00
UtiliTex Construction, LLP	\$1,587,336.00
S. J. Louis Construction of Texas, Ltd.	\$1,677,769.00
Wilson Contractor Services, LLC	\$1,686,600.00
Flow-Line Construction, Inc.	\$1,719,840.00
Quality Excavation, Ltd.	\$2,015,610.00
Dowager Utility Constructors,	\$2,426,750.00

Although we have not worked with Tri-Con Services before, we know they have completed multiple project for the City of Rowlett, and calls to references provided by Tri-Con Services have stated their quality and timeliness have been satisfactory.

We appreciate the opportunity to work with you on this important project. Please call if you need any additional information.

Sincerely,

NEEL-SCHAFFER, INC.



Richard E. "Rick" Simpson, R.P.L.S.
 Sr. Project Manager

Attachment

O:\Jobs\12042 - Rowlett Big A Road Water Line\Admin\Correspondence\Big A 20 Inch Water Transmission Project Bid Review.docx



City of Rowlett
Staff Report

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

AGENDA DATE: 04/07/15

AGENDA ITEM: 7K

TITLE

Consider action to approve awarding a contract to Fuquay, Inc. for the Sanitary Sewer Manhole Rehabilitation Project Phase 3 (SS2088) in the amount of \$500,000.00, through the interlocal purchasing agreement with Texas Local Government Purchasing Cooperative (BuyBoard) and authorizing the Mayor to execute the Standard Public Works Construction Contract for said service.

STAFF REPRESENTATIVE

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

SUMMARY

This project consists of the rehabilitation of manholes throughout the City that have been identified as deficient based on inspection.

BACKGROUND INFORMATION

Hydrogen sulfide corrosion of concrete is prevalent in the system and the cleaning, rehabilitation and application of protective coating of manholes is recommended to extend the useful life of these assets. Rehabilitation of sanitary sewer manholes and structures requires experienced crews with specialized training in preparing the surface for the coating process and uniformly coating the interior manhole surface with proven corrosion resistant material. For this manhole rehabilitation project, the recommendation is to continue to use 100% solids polyurethane manufactured by Sprayroq, Inc. & Fuquay, Inc. of New Braunfels, Texas. This manufacturer is the sole approved installer in this region.

The City of Rowlett advertised for Request for Statements of Qualifications (RFQ) in February 2009 for engineering firms interested in providing a Sanitary Sewer Evaluation Survey (SSES) for the City's sanitary sewer collection system. The City of Rowlett subsequently received four proposals on March 13, 2009, and the professional service agreement was signed to Pipeline Analysis on May 19, 2009. Fuquay, Inc. was awarded the contract to rehabilitate manholes on March 15, 2011. Manhole rehabilitation included lining, sealing, installing water tight ring and covers, raising buried manholes to grade, replacing vented covers, etc. Mainline sewer rehabilitation included cured-in-place pipe (CIPP), slip lining and upsizing or pipe replacement by pipe bursting. From the manhole inspections, 614 were found to have various defects from moderate (388) to severe (226).

Under the Phase 1 Contract, the available funds were sufficient to rehabilitate 225 priority one manholes and 23 of the priority two manholes in the amount of \$565,000.00. The Phase 1

Project final acceptance and release of retainage was approved by City Council on October 16, 2012.

On November 20, 2012, City Council approved the Construction Contract with Fuquay Incorporated in the amount of \$525,000.00 for Phase 2 of the SSES Rehabilitation Project and a total of 415 manholes have been rehabilitated during Phase 2 with all inflow dishes being installed in the manholes that were listed as susceptible to inflow through the manhole covers. Staff estimated it would take 12 months to complete 415 of the manhole rehabilitations in Phase 2. Cold weather caused delays due to the requirements for the coating process not being applied below certain temperatures. Delays were also attributed to the physical evaluation of the manholes at the time of repair, which freed up funds within the contract. The remaining funds were utilized to repair other structures/manholes that were not identified in the initial analysis of the collection system.

On February 17, 2015, City Council approved the final acceptance of Phase 2.

DISCUSSION

In January 2015, a task authorization was issued to Fuquay, Inc. for the purpose of inspecting and compiling a list of manholes for Phase 3 of SSES Rehabilitation Project. Fuquay, Inc. has identified 151 manholes that were found to have various defects from moderate to severe (i.e. Condition I, Condition II or Condition III) levels of deterioration.

Fuquay, Inc. has identified an additional 175 manholes in need of minor repairs for preventative maintenance, for a total of 326 manholes. The cost to completely rehabilitate each manhole varies depending on the depth, size, and condition of the manhole. Typically, based on Phase I and Phase II, the average cost to completely rehabilitate a manhole (i.e. Condition I, Condition II or Condition III) ranged from \$3,000-\$8,000.

Fuquay Inc. will rehabilitate the worst conditioned (Condition II & III) manholes as the priority. The contractor anticipates completing the work within a 12 month period weather permitting. Work cannot take place during rain events or extremely cold weather.

FINANCIAL/BUDGET IMPLICATIONS

Adequate funding is available from the project budget SS2088.

Project Code	Project Title	Budget Amount	Proposed Amount
SS2088	Sanitary Sewer Manhole Rehabilitation	\$581,208.00	\$500,000.00
Total		\$581,208.00	\$500,000.00

RECOMMENDED ACTION

Staff recommends the City Council approve a resolution awarding a contract to Fuquay, Inc. for the Sanitary Sewer Manhole Rehabilitation Project Phase 3 (SS2088) in the amount of \$500,000.00, through our interlocal purchasing agreement, Texas Local Government

Purchasing Cooperative with (BuyBoard) 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, APPROVING AND AUTHORIZING A CONTRACT WITH FUQUAY, INC. FOR THE SANITARY SEWER MANHOLE REHABILITATION PROJECT PHASE 3 IN THE AMOUNT OF \$500,000.00, THROUGH THE INTERLOCAL PURCHASING AGREEMENT WITH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE; AUTHORIZING THE MAYOR TO EXECUTE THE STANDARD PUBLIC WORKS CONSTRUCTION CONTRACT FOR SAID SERVICE; AUTHORIZING THE ISSUANCE OF PURCHASE ORDERS PURSUANT TO APPROVAL; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, Fuquay, Inc. is the sole source vendor to provide manhole rehabilitation and has established contracts in place through the Texas Local Government Purchasing Cooperative (BuyBoard); and

WHEREAS, this item is exempt from the competitive bidding procedures as stated in Texas Local Government Code, since this is a procurement of items that are available from only one source, is a procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality, is a procurement necessary to preserve or protect the public health or safety of the municipality's residents, and is a procurement made via an interlocal cooperation agreement; and

WHEREAS, upon full review and consideration of a purchase to perform the manhole rehabilitation, and all matters related thereto, the City Council is of the opinion and finds that the authorization of said procurement to Fuquay, Inc. should be approved, and that the Mayor or City Manager should be authorized to execute the necessary documents of said purchase 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 Council hereby approves and authorizes a contract with Fuquay, Inc. in the amount of \$500,000.00 for the Sanitary Sewer Manhole Rehabilitation Phase 3 Project (SS2088), through the Texas Local Government Purchasing Cooperative.

Section 2: That the City Council hereby authorizes the Mayor to execute the necessary documents on the City's behalf to conform to this resolution, and further authorizes the City Manager or designee to issue purchase orders pursuant to approval.

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

ATTACHMENT

Exhibit A – Buyboard Bid Proposal



FUQUAY, INC.



Certified WBE/DBE

4861 Old Hwy 81, New Braunfels, TX 78132

Phone (830) 606-1882 Fax (830) 606-1885

PROPOSAL

DATE: March 25, 2015
PROJECT: City of Rowlett Manhole Rehabilitation Project - Phase 3

**Cured In Place Pipe & Pipeline Rehabilitation, Underground Asset Renewal,
 and Water Tank Asset Management #462-14**

ITEM 17	Structure (Manhole) Rehabilitation and Corrosion Protection and Corrosion Protection and Additional Associated Items	Unit	Quantity	LIST PRICING		MEMBER PRICING			PROJECT SPECIFIC DISCOUNTED PRICING	
				List Price	Total	7% Discount	Price	Total	Discount Price	Total
17101	Condition Standards and Repair Methods -- Condition 1	SQFT	5725	\$15.50	\$88,737.50	-\$1.09	\$14.42	\$82,525.88	\$12.50	\$71,562.50
17102	Condition Standards and Repair Methods -- Condition 2	SQFT	6000	\$27.50	\$165,000.00	-\$1.93	\$25.58	\$153,450.00	\$21.50	\$129,000.00
17103	Condition Standards and Repair Methods -- Condition 3	SQFT	2835	\$40.50	\$114,817.50	-\$2.84	\$37.67	\$106,780.28	\$34.50	\$97,807.50
17104	Inflow & Infiltration Repair -- Injection of Chemical Grout Material	GAL	100	\$267.50	\$26,750.00	-\$18.73	\$248.78	\$24,877.50	\$245.00	\$24,500.00
17105	Inflow & Infiltration Repair -- Injection of Chemical Grout Material-Labor & Equipment	HR	40	\$203.50	\$8,140.00	-\$14.25	\$189.26	\$7,570.20	\$185.00	\$7,400.00
17106	Manhole Bench and Invert Repair 4' Diameter Base	EA	85	\$669.00	\$56,865.00	-\$46.83	\$622.17	\$52,884.45	\$600.00	\$51,000.00
17107	Manhole Bench and Invert Repair 5' Diameter Base	EA	15	\$776.00	\$11,640.00	-\$54.32	\$721.68	\$10,825.20	\$700.00	\$10,500.00
17110	Structure Base Repair (any size)	SQFT	975	\$43.00	\$41,925.00	-\$3.01	\$39.99	\$38,990.25	\$35.00	\$34,125.00
17112	New manhole frame and cover	EA	10	\$1,439.00	\$14,390.00	-\$100.73	\$1,338.27	\$13,382.70	\$1,300.00	\$13,000.00
17115	Manhole Rehabilitation - Cementitious (CRM) only -- 1/2 inch thickness	SQFT	200	\$18.00	\$3,600.00	-\$1.26	\$16.74	\$3,348.00	\$16.00	\$3,200.00
17116	Manhole Rehabilitation - Cementitious (CRM) only -- 1 inch thickness	SQFT	100	\$24.50	\$2,450.00	-\$1.72	\$22.79	\$2,278.50	\$22.00	\$2,200.00
17117	Manhole Rehabilitation - Polyurethane (PCM) only -- 250 mils thickness	SQFT	100	\$27.00	\$2,700.00	-\$1.89	\$25.11	\$2,511.00	\$25.00	\$2,500.00
17118	Manhole Rehabilitation - Polyurethane (PCM) - Additional 1 mil thickness	SQFT	10	\$0.21	\$2.10	-\$0.01	\$0.20	\$1.95	\$0.20	\$2.00
17119	Remove and/or Abrade Existing Coatings within Manhole or Structure	SQFT	1000	\$5.50	\$5,500.00	-\$0.39	\$5.12	\$5,115.00	\$5.00	\$5,000.00
17120	Provide and Install Internal Drop Assembly, up to 12"	EA	5	\$1,872.50	\$9,362.50	-\$131.08	\$1,741.43	\$8,707.13	\$1,740.00	\$8,700.00
17123	Provide and Install Carbon Fiber Insert Dish-24"	EA	5	\$123.00	\$615.00	-\$8.61	\$114.39	\$571.95	\$110.00	\$550.00
17126	Provide and Install Carbon Fiber Insert Dish-32"	EA	5	\$230.00	\$1,150.00	-\$16.10	\$213.90	\$1,069.50	\$210.00	\$1,050.00
17127	Install Ring Encasement	EA	25	\$802.50	\$20,062.50	-\$56.18	\$746.33	\$18,658.13	\$745.00	\$18,625.00
17128	Travel and Mobilization- Manhole Rehabilitation Crew from New Braunfels, TX	MILE	262	\$12.00	\$3,144.00	-\$0.84	\$11.16	\$2,923.92	\$11.00	\$2,882.00
				\$576,851.10		\$536,471.52			\$483,604.00	

SPECIAL PROJECT NOTES

- ESTIMATED QUANTITIES INCLUDE COMPLETE REHABILITATION OF APPROXIMATELY 151 MANHOLES WITH MODERATE TO SEVERE DETERIORATION, WHICH INCLUDE, (65 EA CONDITION 1 MANHOLES, 68 EA CONDITION 2 MANHOLES, 18 EA CONDITION 3 MANHOLES.) ADDITIONALLY, FUQUAY, INC. WILL PERFORM PREVENTATIVE MAINTENANCE ON AN ADDITIONAL APPROXIMATELY 175 MANHOLES.**
- THE COMBINED TOTALS REFLECT PERFORMING PREVENTATIVE MAINTENANCE AND/OR COMPLETE REHABILITATION ON APPROXIMATELY 326 MANHOLES.**

Performance & Payment Bonds: **\$14,508.12**

ALL MATERIAL IS GUARANTEED TO BE AS SPECIFIED, AND THE WORK TO BE PERFORMED IN ACCORDANCE WITH THE DRAWING AND SPECIFICATIONS SUBMITTED FOR THE ABOVE WORK AND COMPLETED IN A SUBSTANTIAL WORKMANLIKE MANNER. ANY ALTERATION OR DEVIATION FROM SPECIFICATIONS AND DRAWINGS INVOLVING EXTRA COSTS WILL BE EXECUTED ONLY UPON WRITTEN ORDERS AND WILL BECOME AN EXTRA CHARGE OVER AND ABOVE THE QUOTATION. WORKER'S COMPENSATION AND PUBLIC LIABILITY INSURANCE ON ABOVE WORK TO BE FURNISHED BY FUQUAY, INC. THERE MAY BE AN ADDITIONAL CHARGE FOR PROVIDING A WAIVER OF SUBROGATION AND/OR BEING LISTED AS AN ADDITIONAL INSURED ON FUQUAY'S INSURANCE. THE CHARGE SHALL BE EQUAL TO THE AMOUNT CHARGED TO FUQUAY FOR SAID SERVICE.

TOTAL: \$498,112.12

EXCLUSIONS:

- SALES TAX
- PERMITS, BURDENS, FEES
- WASTE HAUL-OFF
- SURVEYING
- SITE CLEARING
- PROVIDING AND/OR PERFORMING ANY TESTING

- BARRICADES, SIGNS, TRAFFIC HANDLING
- INFILTRATION REPAIR
- DEWATERING
- ALL BYPASS PUMPING AND PIPE PLUGGING
- BOND, SALES TAX, AND OCP

TERMS:

PAYMENT FOR SERVICES SHALL BE DUE AND PAYABLE WITHIN THIRTY DAYS OF THE DATE/MONTH THE WORK IS PERFORMED. THIS PROPOSAL MAY BE WITHDRAWN BY US IF NOT ACCEPTED WITHIN THIRTY DAYS.

RESPECTFULLY SUBMITTED,

FUQUAY, INC.

ACCEPTED BY:

COMPANY:

NAME:

TITLE:



City of Rowlett Staff Report

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

AGENDA DATE: 04/07/15

AGENDA ITEM: 8A

TITLE

Conduct a public hearing and consider action to approve a Special Use Permit to allow an accessory structure and carport to exceed the size, side yard setback, height and architectural integration requirements for property located at 3802 Hidden Valley Circle. (SUP15-760).

STAFF REPRESENTATIVE

Garrett Langford, AICP, Principal Planner

SUMMARY

The applicant, Joe Millican, is proposing to increase the size of an existing detached garage that will also include attaching a carport to the side of the structure at 3802 Hidden Valley Circle (Attachment 1 – Location Map and Attachment 2 – Applicant’s Request). A Special Use Permit (SUP) is needed as the applicant’s proposal will not meet the size, side yard setback, height and architectural integration requirements.

The Planning and Zoning Commission voted unanimously to recommend approval of the request at their meeting on March 10, 2015. The discussion can be viewed at the following link as item C1: <http://rowlettx.swagit.com/play/03102015-1037>

BACKGROUND INFORMATION

The subject property at 3802 Hidden Valley Circle is a 1.46 acre lot zoned Single Family 40. The subject property currently has a 3,345 square-foot single-family residence constructed of brick and siding. The subject property also has an existing 576 square-foot accessory structure located in the rear yard that is accessible from the front. The applicant’s request is to expand the accessory structure by 725 square feet for additional workshop and garage space. The applicant would also like to attach a 16-foot tall, 484 square-foot carport to the east side of the accessory structure. The total combined size of the expanded accessory structure and carport is 1,785 square feet (Attachment 3 – Concept Plan and Building Elevations). The exterior of the proposed expansion and carport would include materials consistent with the existing materials used on the house and detached garage. The proposed structure will not utilize metal as an exterior material.

The proposed structure requires an SUP as it will exceed the maximum size of 500 square feet. Additionally, the proposed carport exceeds the height, side yard setback and the architectural integration requirements. The Rowlett Development Code (RDC) requires carports that are viewable from a street to meet the following requirements.

1. Carports shall not be located within any required front or side yard setback.

2. The carport shall be architecturally integrated with the main structure. The exterior building materials and roof materials shall not consist of metal and shall be comprised of materials of similar type, size, shape, texture, and color of the primary structure.
3. The ceiling height shall not exceed eight feet.
4. The carport shall have a pitched roof that is either a closed or opened gable or hip design that matches the existing pitch and is structurally integrated into the roof of the principal structure provided that, if the carport abuts a two-story wall of the home, the carport shall be attached to the abutting wall. The carport shall use roofing materials that substantially match the color and type of the roofing materials used on the principal structure.
5. In front yards, carports shall be no greater than 500 square feet and cannot extend 20 feet beyond the front or exterior building line proper. The width of a front carport shall not exceed 40 percent of the length of the front façade of the principal structure.

The carport will be viewable from the street even though it is in the rear yard. As a result, the carport must meet the same setback as the house as if it were in the front yard, which is approximately 16 feet. The proposed carport will be three feet from the east property line. If the carport was not viewable from the street, then the side yard setback would be three feet. Additionally, as the carport will be viewable from the street, it is required to be architecturally integrated with the principal structure. The RDC requirements for carports did not anticipate a scenario where a carport would be viewable from the street that will be connected to a detached garage and not to the house.

DISCUSSION

The Rowlett Development Code permits an accessory structure to exceed 500 square feet and a carport that does not meet the before mentioned requirements with the approval of a Special Use Permit. The approval criteria for an SUP are outlined in Section 77-206 of the Rowlett Development Code (RDC). The City Council should consider the request based on these approval criteria as detailed below. Staff has added additional commentary in bold italics beneath each point of consideration where applicable.

Section 77-206.D. Approval Criteria. Recommendations and decisions on Special Use Permits shall be based on consideration of the following criteria:

1. The proposed Special Use Permit is consistent with the Comprehensive Plan and other infrastructure-related plans, all applicable provisions of this Code, and applicable state and federal regulations;

The subject property is not located within one of the 13 opportunity areas in the Realize Rowlett 2020 Comprehensive Plan. However, the Guiding Principles in the Plan should be considered in decisions about zoning. The most relevant principle to this zoning request is the principle of “value existing neighborhoods.” Staff sees the proposed accessory structure as being consistent with the surrounding properties. In staff’s opinion, the request would not deter the value of the surrounding properties.

- The proposed Special Use Permit is consistent with the purpose and intent of the zoning district in which it is located;

Accessory buildings are allowed in residential zoning districts provided they meet the requirements in Section 77-300 of RDC outlined below. These requirements include lot coverage, height, and setback for accessory structures.

<i>Use standard</i>	<i>Regulation</i>	<i>Proposed Structure</i>
<i>Max. rear yard coverage</i>	<i>35 percent max</i>	<i>≈ 11 percent</i>
<i>Max height</i>	<i>Primary Structure height (≈30 feet)</i>	<i>16 feet</i>
<i>Max Size</i>	<i>500 square feet</i>	<i>1,785 square feet</i>
<i>Min. side yard setback</i>	<i>16 feet</i>	<i>3 feet</i>

The maximum coverage for the rear yard was calculated with the square footage of the proposed and existing accessory structures along with the pavement in the rear yard. The rear yard for the subject property is approximately 49,125 square feet. Although the proposed size of the structure will exceed the 500 square-foot maximum, it will be well below the rear yard lot coverage requirement.

- Whether the proposed Special Use Permit meets the challenge of some changing condition, trend, or fact;

The special use permit is being requested in order to expand an existing 576 square-foot detached garage and add a carport to provide covered parking for the applicant's recreational vehicle.

- Whether the proposed Special Use Permit will protect or enhance the health, safety, morals, or general welfare of the public;

The proposal should not negatively affect the health, safety, morals, or general welfare of the public. While the proposed structure will be visible from Hidden Valley Circle, it should be limited given existing trees located on site and its distance from the street (Attachment 4 – Site Photos). The proposed pavement to the new carport will be placed in close proximity to an existing cedar elm tree. This will place the tree in jeopardy; however, the applicant has indicated that there will be very little fill around the tree and that they should be able to preserve the tree. Per the RDC, a lot with an existing single family home is exempt from the tree mitigation requirements. The property owner is permitted to remove the tree by right.

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

Adequate utilities, access roads, and drainage facilities are being provided for the subject property. This SUP will not increase any demands on utilities.

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

It is not anticipated that the proposed structure will have any significant adverse impact on the adjacent properties. The proposed structure will be constructed with materials that are consistent with the house on the property. Allowing the proposal will also allow the RV to be parked behind the house making it less visible from the street.

The three-foot setback for the proposed carport is consistent with the requirements for an accessory structure when located in the rear yard. Deviation from the setback requirement is needed in this situation as the carport ordinance did not anticipate a situation where a carport is in the back yard but viewable from the street. If the carport was proposed as an enclosed garage, then the setback requirement would be three feet.

7. The suitability of the subject property for the existing zoning and the proposed use sought by the Special Use Permit;

An accessory structure is a permitted use in SF-40. In Staff's opinion, the limited visibility and the size of the subject property makes the request suitable for this property.

It is staff's opinion that the request meets the criteria outlined in the RDC for a Special Use Permit. The request is not expected to have an adverse impact on adjacent properties. The design of the proposed structure will make it compatible not only with the house but also with the surrounding structures.

Public Notice

On February 20, 2015, a total of 20 notices were mailed to property owners within 200 feet and a total of 35 courtesy notices were mailed to property owners within 500 feet. As of April 1, 2015, four public notices were received in favor of the request while one was received in opposition (Attachment 5 – 200-ft Public Notice Responses). Three responses from the 500-ft courtesy notices were received in favor of the request while none were received in opposition (Attachment 6 – 500-ft Courtesy Notice Responses).

A Legal Notice was published in the *Rowlett Lakeshore Times* on February 25, 2015, pursuant to the requirements set forth in the Rowlett Development Code. A rezoning sign was placed on the subject property on February 27, 2015, in accordance with the Rowlett Development Code and remains on the site.

FISCAL IMPACT/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

Approve a Special Use Permit to allow an accessory structure and carport to exceed the size, side yard setback, height and architectural integration requirements. The subject property is located at 3802 Hidden Valley Circle being further described as Lot 19, Block 1 of the Toler Ridge Addition in the City of Rowlett, Texas.

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 SPECIAL USE PERMIT FOR PROPERTY LOCATED AT 3802 HIDDEN VALLEY CIRCLE BEING FURTHER DESCRIBED AS LOT 19, BLOCK 1 OF THE TOLER RIDGE ADDITION, CITY OF ROWLETT, DALLAS COUNTY, TEXAS, TO AUTHORIZE AN EXPANSION OF AN EXISTING ACCESSORY STRUCTURE AND GARAGE WITHIN SETBACKS; PROVIDING DEVELOPMENT AND USE STANDARDS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Rowlett and the governing body of the City of Rowlett, in compliance with state laws with reference to amending the Comprehensive Zoning Ordinance, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners and interested persons generally, the governing body of the City of Rowlett is of the opinion that said zoning ordinance and map should be amended as provided herein.

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

Section 1. That the Comprehensive Zoning Ordinance, Plan and Map of the City of Rowlett, Texas, heretofore duly passed by the governing body of the City of Rowlett, as heretofore amended, be and the same are hereby amended by granting a Special Use Permit for property located at 3802 Hidden Valley Circle, being further described as Lot 19, Block 1 of the Toler Ridge Addition, City of Rowlett, Dallas County, Texas, ("Property"), said property being zoned as Single Family Residential District – SF-40, to authorize the construction of an expansion to an existing detached garage and accessory building under the conditions set forth herein.

Section 2. That the existing accessory structure be and is hereby authorized to be constructed and expanded on the Property under the following terms and conditions:

1. The accessory structure shall be a garage and integrated carport, defined as a permanent stand-alone structure detached from the primary structure;
2. The structure may be expanded to an aggregate size of 1,785 square feet, and a carport not to exceed 16 feet in height or 484 square feet in size may be attached to the structure. The square footage of the carport is included in the aggregate size of the structure.
3. Exterior materials consistent with the primary dwelling and the existing structure shall be used, and the carport shall be architecturally integrated with the structure to which it will be attached. Metal shall not be used as an exterior material;
4. The accessory structure shall be constructed on the Property in the dimensions and location set forth in Exhibit "A," attached hereto and incorporated herein, notwithstanding required lot and rear yard coverage requirements imposed by the Development Code, and may encroach into the required rear yard and side yard setbacks as shown in Exhibit "A;"
5. The Property and the accessory structure 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. Except as otherwise expressly provided for in this Ordinance, the development, use and occupancy of the Property and the accessory structure shall conform to the standards and regulations set forth in the SF-40 District and the regulations pertaining to accessory structures in residential districts 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; and
6. The authorization contained in this Ordinance is not intended and shall not be construed to approve any development plan of any kind, including but not limited to a site plan, landscaping plan, façade plan, or other plan, nor to grant any permit of any kind, otherwise required by existing ordinances of the City.

Section 3. That all provisions of the ordinances of the City of Rowlett in conflict with the provisions of this ordinance as applicable to the Property be and the same are hereby repealed and all other provisions of the ordinances of the City of Rowlett not in conflict with the provisions of this ordinance shall remain in full force and effect.

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

Section 5. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

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

Section 7. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

ATTACHMENTS

Exhibit A – Concept Plan and Building Elevations

Attachment 1 – Location Map

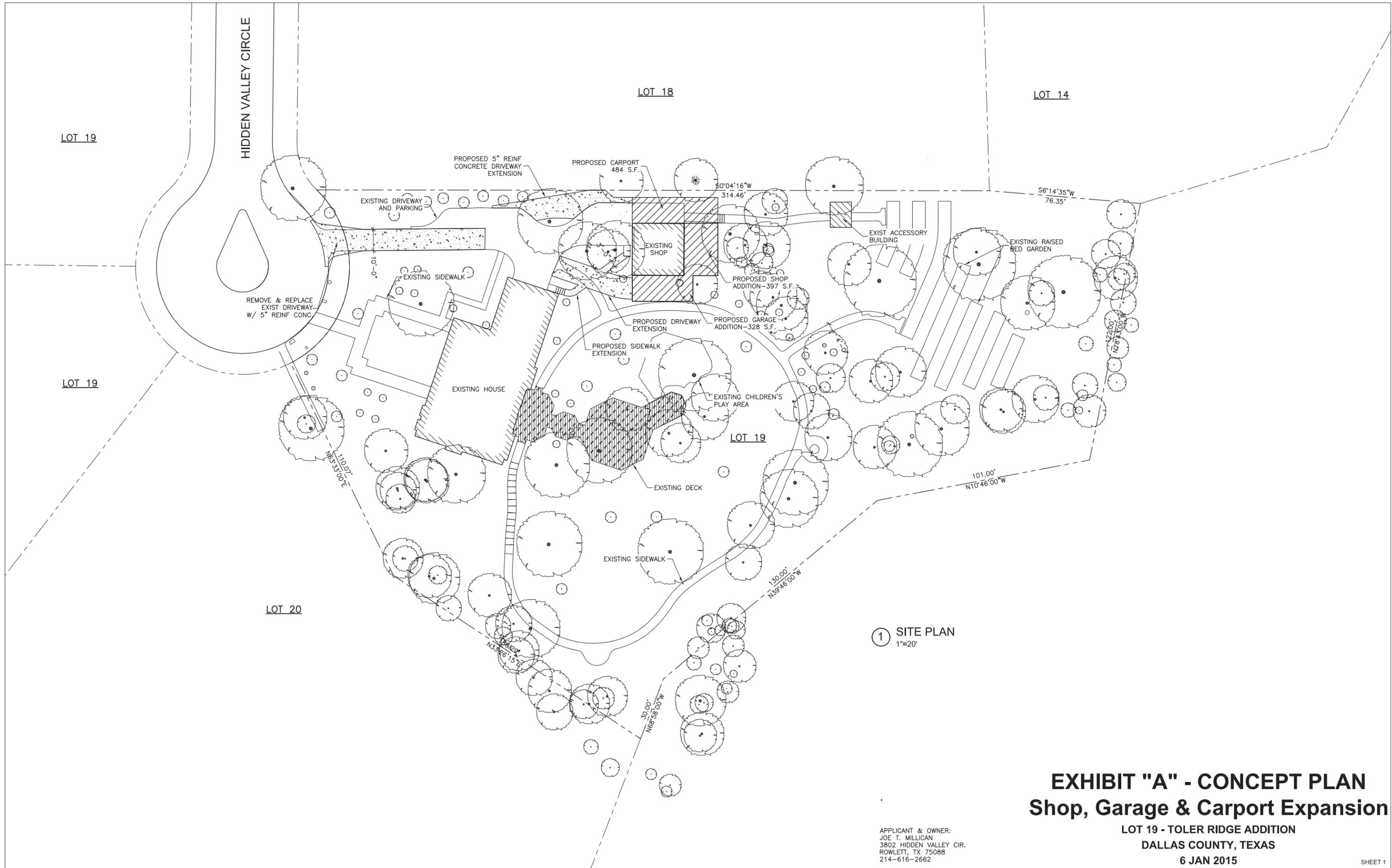
Attachment 2 – Applicant’s Request

Attachment 3 – Concept Plan and Building Elevations

Attachment 4 – Site Photos

Attachment 5 – 200-ft Public Notice Responses

Attachment 6 – 500-ft Courtesy Notice Responses



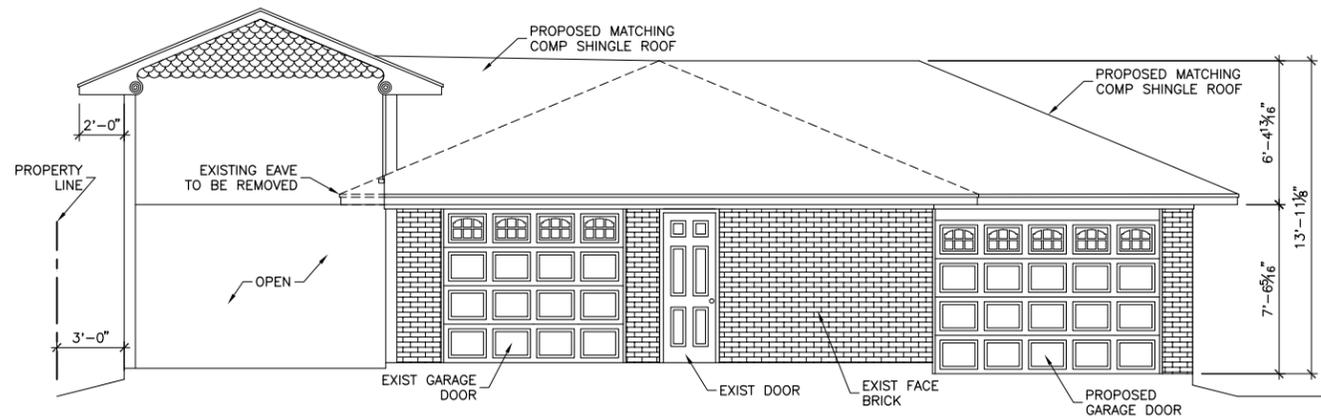
1 SITE PLAN
1"=20'

EXHIBIT "A" - CONCEPT PLAN Shop, Garage & Carport Expansion

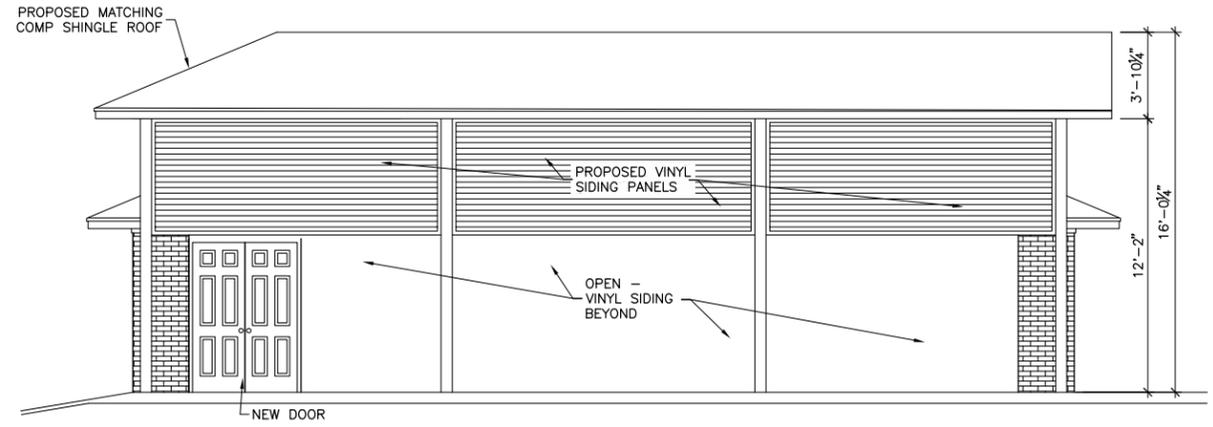
LOT 19 - TOLER RIDGE ADDITION
DALLAS COUNTY, TEXAS

6 JAN 2015

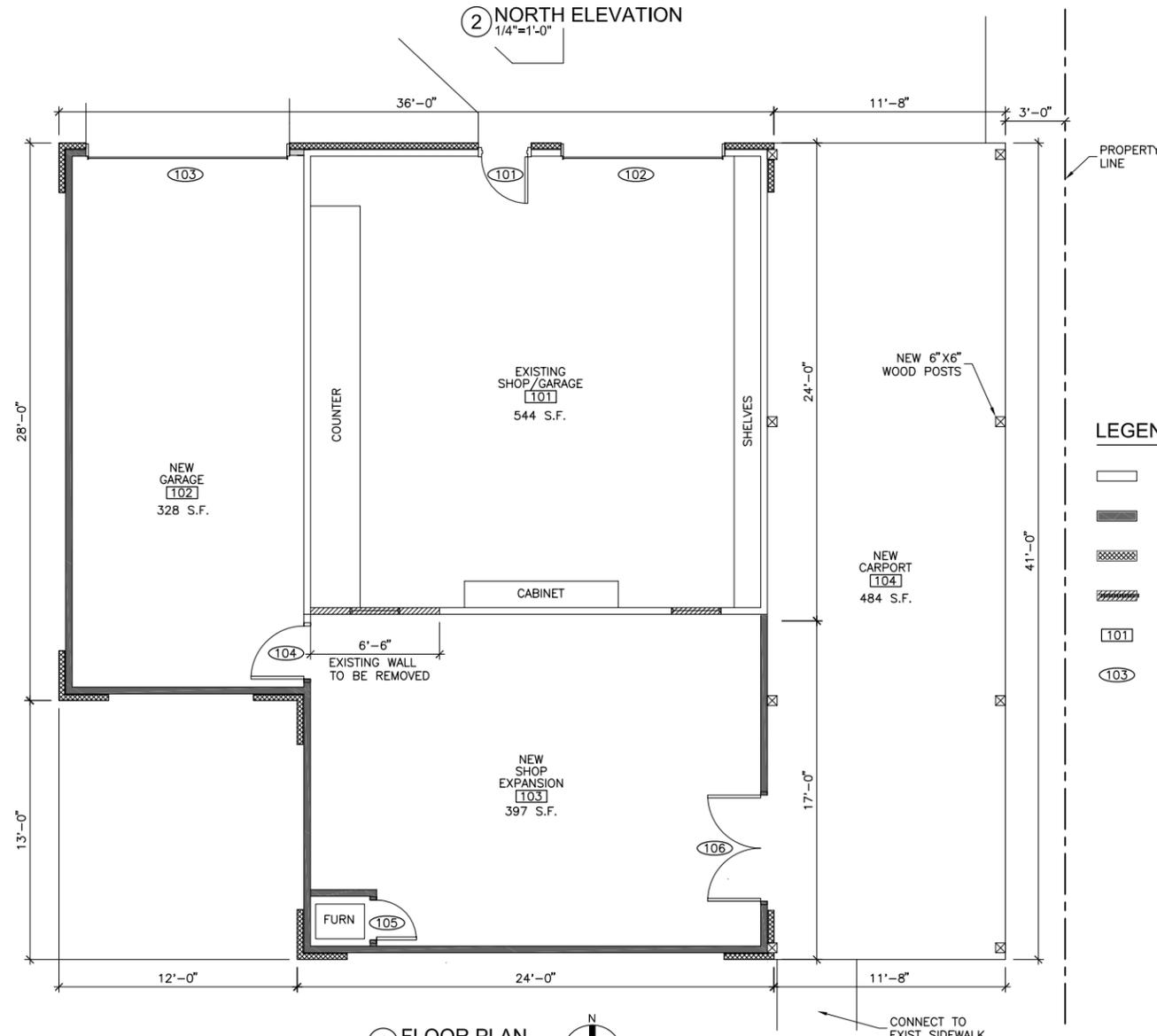
APPLICANT & OWNER:
JOE T. MILLICAN
3802 HIDDEN VALLEY CIR.
ROWLETT, TX 75088
214-616-2662



2 NORTH ELEVATION
1/4"=1'-0"



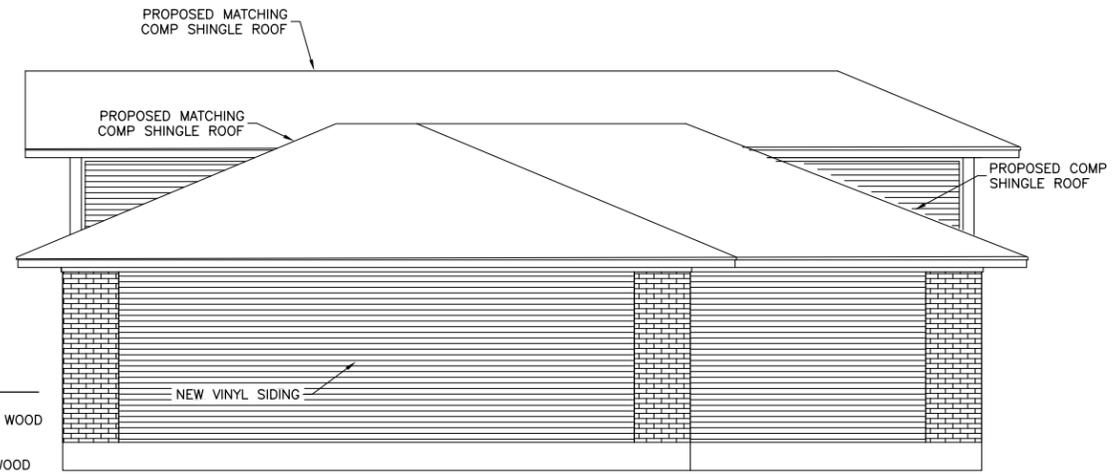
3 EAST ELEVATION
1/4"=1'-0"



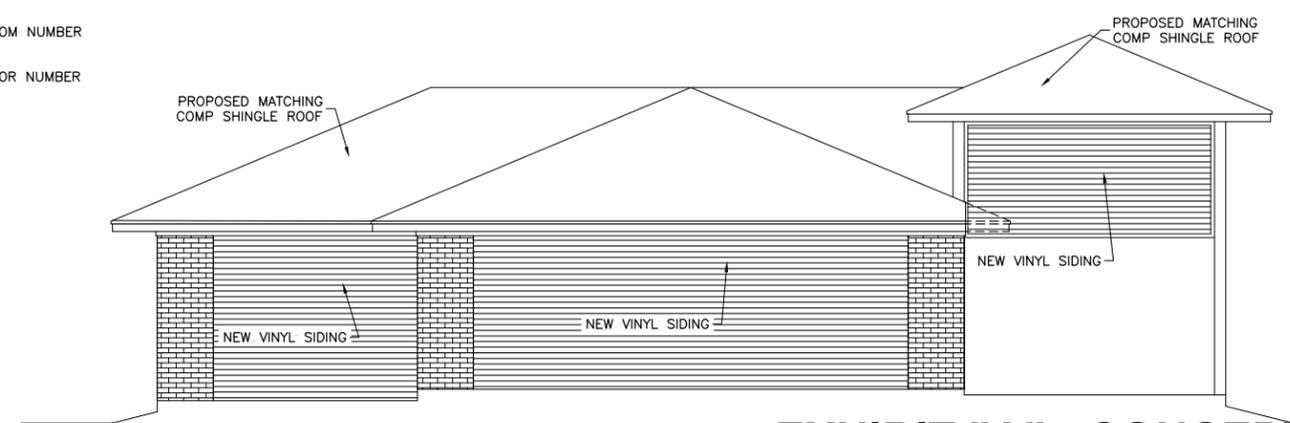
1 FLOOR PLAN
1/4"=1'-0"

LEGEND

- EXIST. 2"X4" GYP BD WALL ON WOOD STUDS
- NEW 2"X4" GYP BD WALL ON WOOD STUDS
- FACE BRICK
- TO BE REMOVED
- ROOM NUMBER
- DOOR NUMBER



4 WEST ELEVATION
1/4"=1'-0"



5 SOUTH ELEVATION
1/4"=1'-0"

EXHIBIT "A" - CONCEPT PLAN
Shop, Garage & Carport Expansion

APPLICANT & OWNER:
JOE T. MILLICAN
3802 HIDDEN VALLEY CIR.
ROWLETT, TX 75088
214-616-2662

LOT 19 - TOLER RIDGE ADDITION
DALLAS COUNTY, TEXAS
6 JAN 2015



Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner
RE: Application for a Special Use Permit
LOCATION: The subject property is located at 3802 Hidden Valley Circle being further described as Lot 19, Block 1 of the Toler Ridge Addition in the City of Rowlett, Texas.

EXPLANATION OF REQUEST: The applicant is proposing to increase the size of the existing detached garage that will also include attaching a carport to the side of the structure. A Special Use Permit is needed as the applicant's proposal will not meet the size, side yard setback, height and architectural integration requirements.

- 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):

SIGNATURE:

ADDRESS:

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 7:00 p.m. on the 10th day of March, 2015, and that the City Council will hold a public hearing at 7:30 p.m. on the 7th day of April, 2015.

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 4, 2015, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, April 1, 2015, to be included in the City Council packet.

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 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

EXHIBIT B – STATEMENT OF INTENT AND PURPOSE

1. Description of project uses

The project will be used for the following:

- a. Carport - To provide covered parking for an existing 40-foot motorhome that presently is being parked in the driveway beside the house.
- b. Garage – To store an existing fishing boat that is parked in the driveway in front of the existing shop.
- c. Shop – To increase the size of the existing shop that is used for private recreational use only. The shop has never been used for commercial purposes and will not be used as such in the future.

2. Existing and proposed zoning and land use

The property is zoned SF-40 and has been used as a single family residence since 1981. The zoning is not expected to change nor will the use.

3. Approval criteria in Section 77-206.D

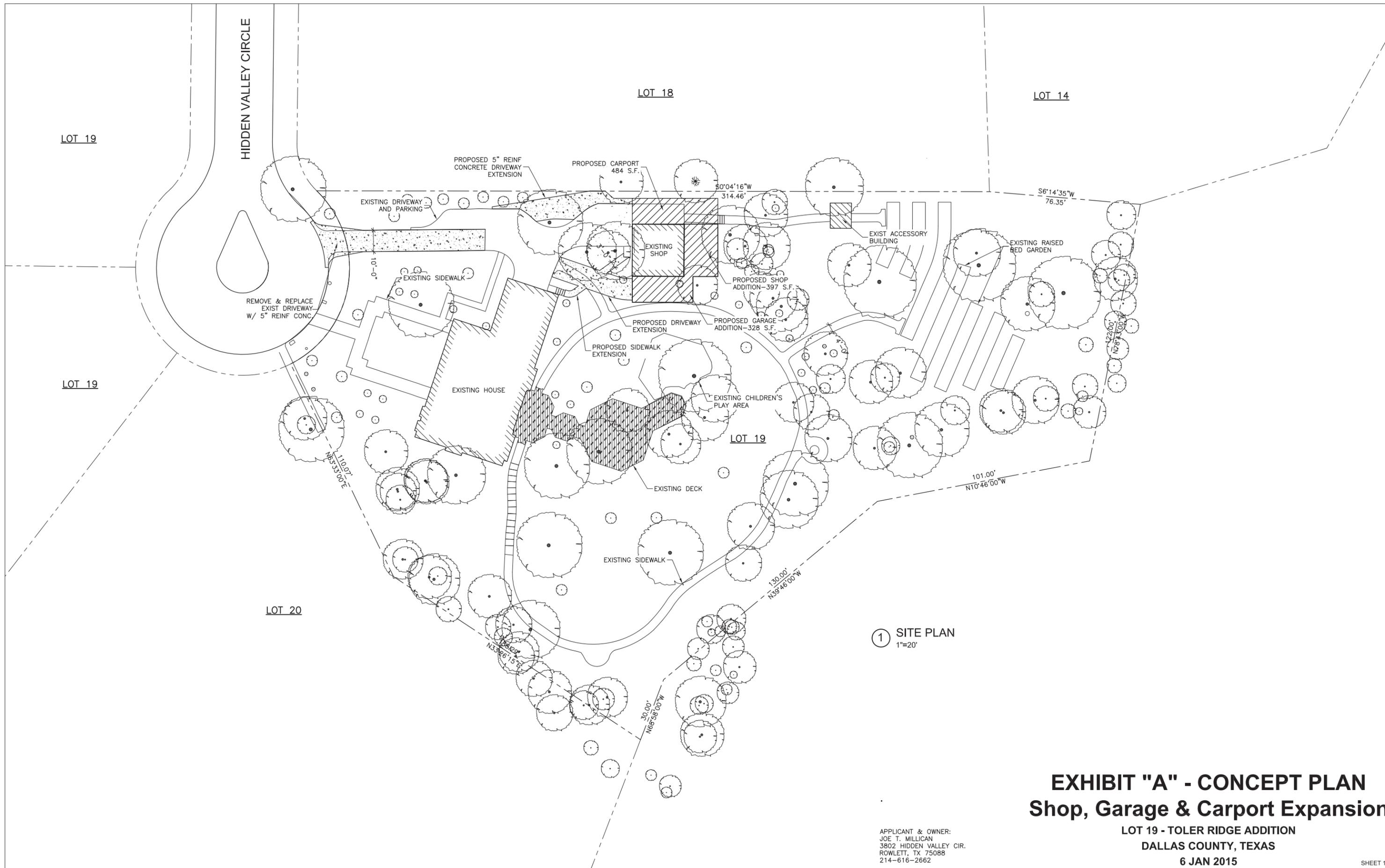
- a. The proposed special use permit is consistent with the comprehensive plan and other infrastructure related plans, all applicable provisions of the Code, and applicable state and federal regulations.
- b. The proposed special use permit meets the challenge of some changing condition, trend, or fact. There are no anticipated changes in the zoning or use of this tract.
- c. The proposed special use permit will protect or enhance the health, safety, morals, or general welfare of the public. The use will screen the existing vehicles from view.
- d. The municipality and other service providers will be able to provide sufficient transportation, utility facilities, and services to the subject property, while maintaining sufficient levels of service to existing development. Adequate utilities for the site are existing.
- e. The proposed special use permit is consistent with or will have no significant adverse impacts on other property in the vicinity of the subject tract. Several similar sized accessory buildings and uses exist in the neighborhood.
- f. The suitability of the subject property for the existing zoning and the proposed use sought by the special use permit. The property is a very large lot and the new construction is over 100 feet from the front building line. The new construction will be barely visible from the street since there are several large trees between the project and the street that provide screening.



3802 Hidden Valley Circle
View from the Street – 5 Jan 15



3802 Hidden Valley Circle
View from the Street – 5 Jan 15

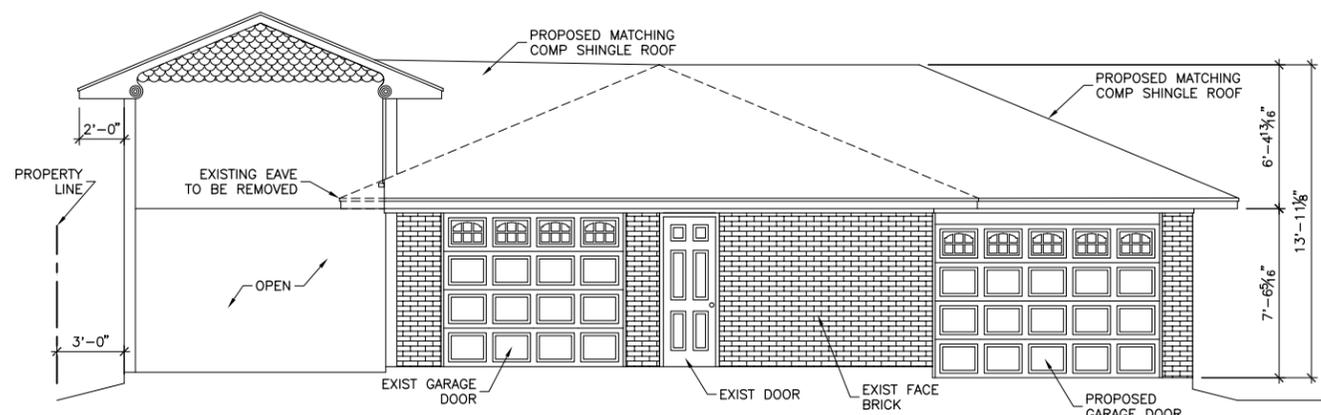


1 SITE PLAN
1"=20'

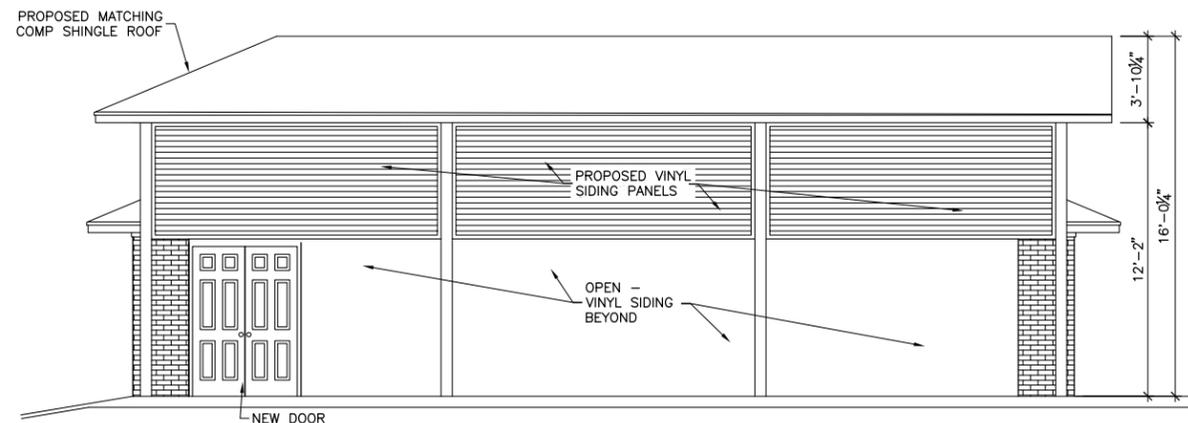
EXHIBIT "A" - CONCEPT PLAN Shop, Garage & Carport Expansion

APPLICANT & OWNER:
JOE T. MILLICAN
3802 HIDDEN VALLEY CIR.
ROWLETT, TX 75088
214-616-2662

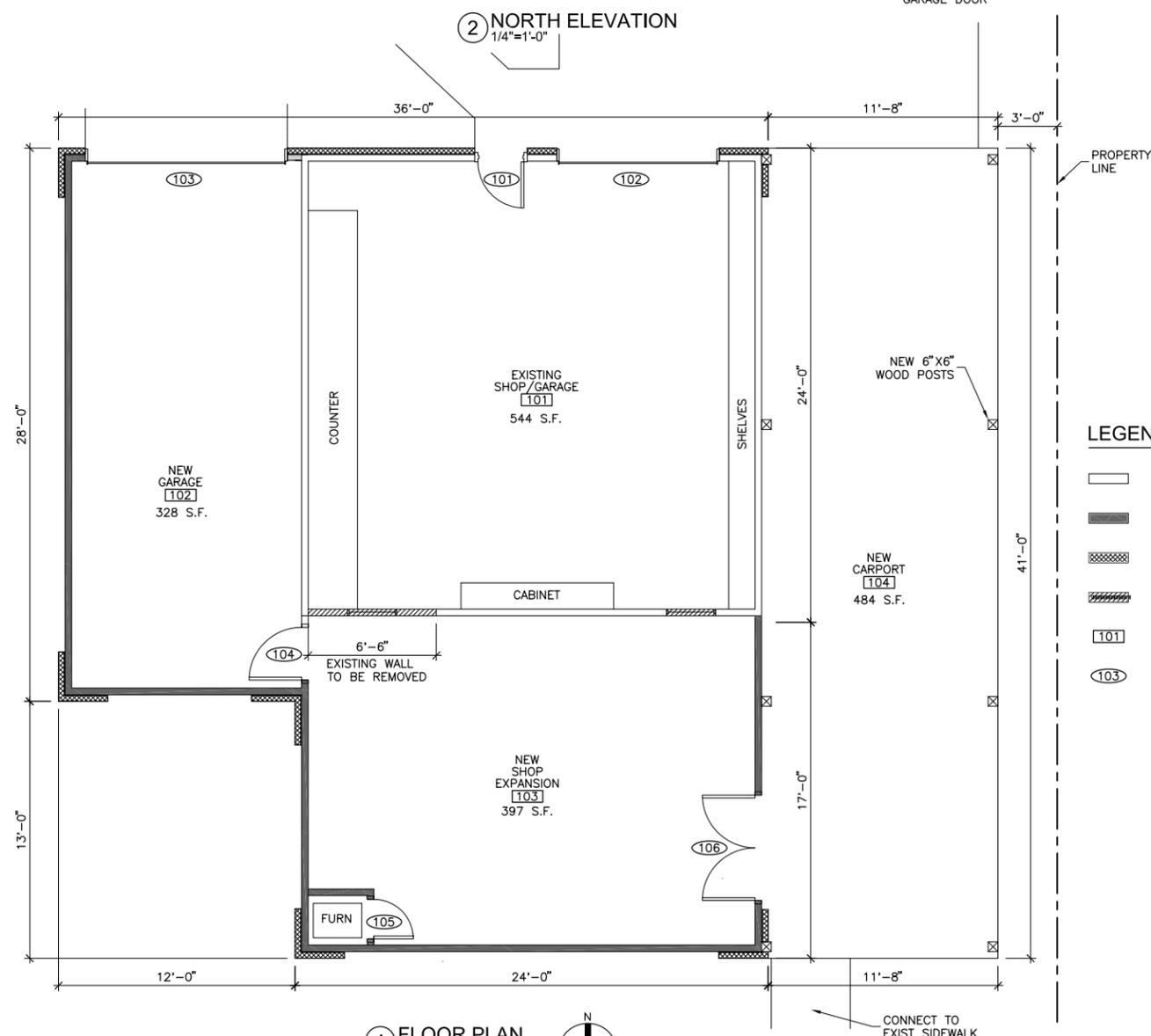
LOT 19 - TOLER RIDGE ADDITION
DALLAS COUNTY, TEXAS
6 JAN 2015



2 NORTH ELEVATION
1/4"=1'-0"



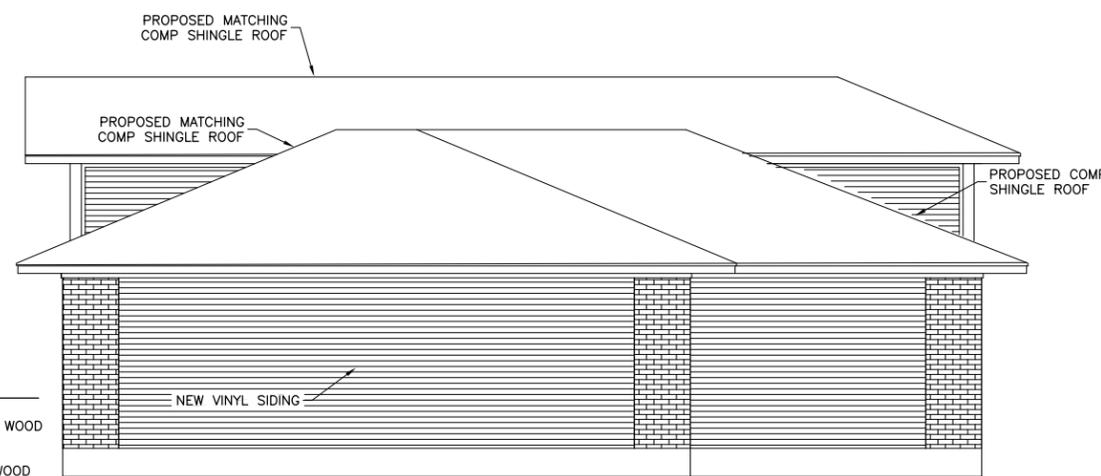
3 EAST ELEVATION
1/4"=1'-0"



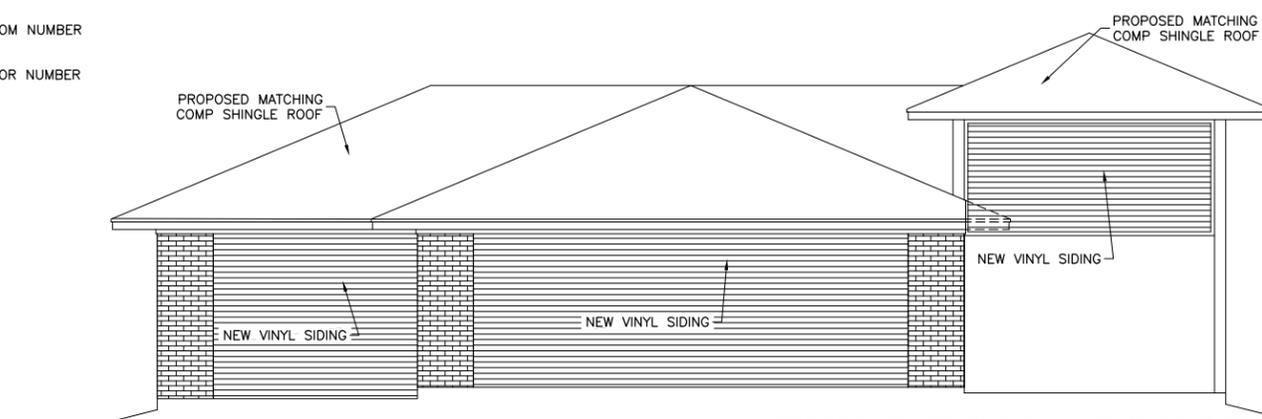
1 FLOOR PLAN
1/4"=1'-0"

LEGEND

- EXIST. 2"X4" GYP BD WALL ON WOOD STUDS
- NEW 2"X4" GYP BD WALL ON WOOD STUDS
- FACE BRICK
- TO BE REMOVED
- ROOM NUMBER
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EXHIBIT "A" - CONCEPT PLAN
Shop, Garage & Carport Expansion

LOT 19 - TOLER RIDGE ADDITION
DALLAS COUNTY, TEXAS

6 JAN 2015

APPLICANT & OWNER:
JOE T. MILLICAN
3802 HIDDEN VALLEY CIR.
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214-616-2662

3802 Hidden Valley Circle



3802 Hidden Valley Circle



3802 Hidden Valley Circle



3802 Hidden Valley Circle





Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Special Use Permit

LOCATION: The subject property is located at 3802 Hidden Valley Circle being further described as Lot 19, Block 1 of the Toler Ridge Addition in the City of Rowlett, Texas. 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 is proposing to increase the size of the existing detached garage that will also include attaching a carport to the side of the structure. A Special Use Permit is needed as the applicant's proposal will not meet the size, side yard setback, height and architectural integration requirements. (Case Number SUP 15-760).

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

COMMENTS: THIS PROJECT WILL NOT AFFECT MY PROPERTY.

PROPERTY OWNER NAME (print): JESSE CHAVOYA

SIGNATURE: 

ADDRESS: 3705 SLOTT PL. 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 7:00 p.m. on the 10th day of March, 2015, and that the City Council will hold a public hearing at 7:30 p.m. on the 7th day of April, 2015. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. Your response must be received in the Development Service Department by 5 pm on Wednesday, March 4, 2015, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, April 1, 2015, to be included in the City Council packet. All responses received by April 1st will be forwarded to the Council as well; it is not necessary to respond twice. Responses received after the times noted above shall not be counted in the record of response.

Any owner of property subject to a proposed rezoning or affected by a proposed rezoning 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.

<p>If you have any questions concerning this request, please contact the Department of Development Services</p> <p>Phone 972-412-6166 FAX 972-412-6228 glangford@rowlett.com</p>	<p>RETURN BY FAX OR MAIL</p> <p>City of Rowlett Development Services PO Box 99 Rowlett, TX 75030-0099</p> <p>03-03-15A09:53 RCVD</p>
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Department of Development Services

NOTICE OF PUBLIC HEARING

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

COMMENTS: It is his property and it is to be used in a reasonable manner with the new additions

PROPERTY OWNER NAME

(print):

SIGNATURE:

ADDRESS:

Jeff Loft
Jeff Loft
3801 Hidden Valley Circle 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:

they're our neighbors!

PROPERTY OWNER NAME

(print):

DAVID THOMAS

SIGNATURE:

David Thomas

ADDRESS:

3803 Hidden Valley

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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: Restrictions are in place for a reason - to keep the residential areas residential. This house already looks like a commercial property

PROPERTY OWNER NAME (print): Gang 3 Linda Sandhoff
SIGNATURE: [Handwritten Signature]
ADDRESS: 3713 Scott Dr, Rowlett TX 75088

and more building on it will just make it worse!

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03-04-15A10:55 RCVD



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

COMMENTS: *THE PLANS FOR THE NEW CONSTRUCTION appear to be well integrated into the existing structures. A wall on the east side of the proposed car port would eliminate the view of the RV from vneems way & neighboring backyards.*

PROPERTY OWNER NAME (print): Dennis & Stacy O'Riley
SIGNATURE: D O'Riley
ADDRESS: 3810 Hidden Valley, Rowlett, TX

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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 am in favor of the request because from where I live, I cannot view the development and it is no bother.*

PROPERTY OWNER NAME (print): Diane Herrmann
SIGNATURE: Diane Herrmann
ADDRESS: 1905 SCOTT Dr., Rowlett, TX 75088

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

COMMENTS: I made need Joe Millicans help in the future. Karen Jerome

PROPERTY OWNER NAME

(print):

SIGNATURE:

ADDRESS:

Karen Jerome
3812 N. FM 14 Dultman TX 75283

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

COMMENTS: I see no detrimental affect on my property

PROPERTY OWNER NAME (print): Carol J. Mattiv
SIGNATURE: [Signature]
ADDRESS: 3305 Weems Way

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Table with 2 columns: Contact information for questions (phone, fax, email) and Return by fax or mail address (City of Rowlett, Development Services, PO Box 99, Rowlett, TX 75030-0099).