THE CITY OF BURLESON TEXAS

City Council
Regular Meeting Agenda

Monday, May 04, 2026
5:30 PM

Live Stream at https://www.burlesontx.com/watchlive

City Hall Council Chambers, 141 W. Renfro, Burleson, TX 76028

1. CALL TO ORDER

Invocation - Rusty Gilliam, Pastor at Cross Timbers Baptist Church

Pledge of Allegiance to the US Flag

Administer Oaths of Office to the newly re-elected officials:
- Mayor Chris Fletcher
- City Council Place 2 Phil Anderson
- City Council Place 4 Larry H. Scott
- City Council Place 6 Adam Russell

2. PUBLIC PRESENTATIONS

A. Proclamations

- A Proclamation recognizing May 4 - May 10 as "Public Service Recognition Week" in the City of Burleson. *(Recipient: City of Burleson Employee Appreciation Committee)*

- A Proclamation recognizing May 4 - May 11 as "Economic Development Week" in the City of Burleson. *(Recipient: City of Burleson Economic Development Staff)*

B. Presentations

C. Community Interest Items
This is a standing item on the agenda of every regular meeting of the City Council. An “item of community interest” includes the following:

-Expression of thanks, congratulations, or condolence;
-Information regarding holiday schedules;
-Honorary recognitions of city officials, employees, or other citizens;
-Reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by city official or city employee; and
-Announcements involving imminent public health and safety threats to the city.

3. CHANGES TO POSTED AGENDA

A. Items to be continued or withdrawn.

B. Items to be withdrawn from the Consent Agenda for separate discussion by the City Council, staff, or members of the public in attendance.

4. CITIZENS APPEARANCES

Each person in attendance who desires to speak to the City Council on an item NOT posted on the agenda, shall speak during this section.

A speaker card must be filled out and turned in to the City Secretary prior to addressing the City Council. Each speaker will be allowed three (3) minutes.

Please note that City Council may only take action on items posted on the agenda. The Texas Open Meetings Act prohibits the City Council from deliberating or taking action on an item not listed on the agenda. City Council may, however, receive your comments on the unlisted item, ask clarifying questions, respond with facts, and explain policy.

Each person in attendance who desires to speak to the City Council on an item posted on the agenda, shall speak when the item is called forward for consideration.

5. CONSENT AGENDA

All items listed below are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of the items. Approval of the consent agenda authorizes the City Manager to implement each item in accordance with staff recommendations.

A. Consider and take possible action on the minutes from the April 14, 2026 special Joint Council and Planning & Zoning Commission meeting and April 20, 2026 regular council meeting. *(Staff Contact: Monica Solko, Deputy City Secretary)*

B. Consider and take possible action on a 28-month sole source agreement with Core & Main, LP for the purchase of water meters and associated parts in the amount of $600,000. *(Staff Contact: Daryl Uptmore, Deputy Director of Public Works)*

C. Consider and take possible action on a two-year contract with Stripe-A-Zone, Inc. for road surface markings in various locations in the amount of $500,000. *(Staff Contact: James Bailey, City Traffic Engineer)*

D. Consider and take possible action on an Interlocal Agreement and a Statement of Responsibility with the Texas Municipal League Insurance Risk Pool (TMLIRP) to commit funds to acquire a group critical illness supplemental income benefit insurance policy through MetLife/Amwins for eligible peace officers and firefighter retirees in compliance with Tex. Gov't Code § 607.153 at a cost of $90,000 for 3 years. *(Staff Contact: Wanda Bullard, Deputy Director of Human Resources)*

E. Consider and take possible action on a resolution adopting the revised FY2025-2026 employee handbook dated May 4, 2026, adding the critical illness supplemental income benefit required by state law in Chapter 12.3 Retirement Benefits. *(Staff Contact: Wanda Bullard, Deputy Director of Human Resources)*

F. Consider and take possible action on the Second Amendment to the Professional Services Agreement (CSO#4086-01-2023) with Freese and Nichols, Inc. for the Stone Rd. / Village Creek Parkway Widening and Reconstruction Project in the amount of $120,500.00, for a total contract amount of $510,885.00 (Project ST2309). *(Staff Contact: Randy Morrison, PE, Director of Capital Engineering)*

G. Consider and take possible action to approve a contingent fee contract with Perdue Brandon Fielder Collins and Mott, LLP, pursuant to Section 6.30 of the Texas Property Tax Code and written finding related to said contract, said contract being for the collection of delinquent government receivables owed to the City of Burleson and notice of said contract is posted with the agenda in accordance with Section 2254 of the Texas Government Code. *(Staff Contact: Matt Ribitzki, Sr. Deputy City Attorney/Director of Legal Services)*

H. Consider and take possible action on a resolution authorizing an additional penalty on delinquent taxes for Tax Year 2026 and subsequent tax years as provided by Section 33.11, Texas Tax Code, in the amount of 20% of the delinquent tax, penalty, and interest if the tax becomes delinquent on or after February 1 of a year and remains delinquent on the 60th day thereafter. *(Staff Contact: Matt Ribitzki, Sr. Deputy City Attorney/Director of Legal Services)*

I. Consider and take possible action on an ordinance amending Section 50, "Definitions," of Article II of Appendix B, "Zoning," of the Code of Ordinances by amending the definition of Home Occupation by adding a new definition of No-Impact Home Based Business in accordance with State law. *(Final Reading) (Staff Contact: Tony D. McIlwain, Development Services Director)*

J. Consider and take possible action on an ordinance amending the City's zoning ordinance codified in Appendix B of the City of Burleson Code of Ordinances relating to a Heavy & High Energy industrial district. *(Final Reading) (Staff Contact: Tony D. McIlwain, Development Services Director)*

K. Consider and take possible action of a resolution for the nomination of City of Burleson Council Place 3, Alexa Boedeker to the North Central Texas Council of Governments 2026-2027 Executive Board in the population category of a city with 50,000-100,000. *(Staff Contact: Janalea Hembree, Assistant to the City Manager)*

6. DEVELOPMENT APPLICATIONS

A. 3425 SW Wilshire (ZC26-002): Hold a public hearing and consider and take possible action on an ordinance for a zoning change request from "GR" General Retail to "C" Commercial with a Specific Use Permit (SUP) for a tattoo studio. (First and Final Reading) (*Staff Contact: Tony McIlwain, Development Services Director) (The Planning and Zoning Commission action was unable to pass a motion for or against this item.)*

7. GENERAL

A. Consider and take possible action on an ordinance amending the FY26 – 30 Capital Improvement Program (CIP). (First and Final Reading) (*Staff Contact: Eric Oscarson, Deputy City Manager)*

B. Consider and take possible action on an amendment to a Guaranteed Maximum Price (GMP) contract (CSO#5871-08-2025) with Byrne Construction Services for the Police Headquarters Expansion and Remodel in the amount of $1,490,166. (FA2301) (*Staff Contact: Eric Oscarson, Deputy City Manager)*

C. Consider and take possible action on a three year agreement with Sports Facilities Management for the management and operation of concessions at Bartlett Soccer Complex. *(Staff Contact: Jen Basham, Director of Parks and Recreation)*

D. Consider and take possible action on a resolution adopting a sports facility use policy. *(Staff Contact: Jen Basham, Director of Parks and Recreation)*

8. CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS AND REPORTS

9. RECESS INTO EXECUTIVE SESSION

In accordance with Chapter 551 of the Texas Government Code, the City Council may convene in Executive Session in the City Council Workroom in City Hall to conduct a closed meeting to discuss any item listed on this Agenda. The City Council may reconvene into open session and take action on posted items.

A. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071, Texas Government Code

-Receive a report and hold a discussion regarding various development agreements

-Receive a report and hold a discussion regarding Article VIII "Regulation of Sex Offender Registry" of Chapter 54 "Miscellaneous Offenses" of the Code of Ordinances, City of Burleson, Texas

B. Discussion regarding possible purchase, exchange, lease, or value of real property pursuant to Section 551.072, Texas Government Code

C. Deliberation regarding commercial or financial information received from or the offer of a financial or other incentive made to a business prospect seeking to locate, stay or expand in or near the territory of the City and with which the City is conducting economic development negotiations pursuant to Section 551.087, Texas Government Code

10. ADJOURN

CERTIFICATE

I hereby certify that the above agenda was posted on this the 23rd of April 2026, by 5:30 p.m., on the official bulletin board at the Burleson City Hall, 141 W. Renfro, Burleson, Texas.

Amanda Campos

City Secretary

BUDGET STATEMENT

Pursuant to Section 551.043, Government Code, the following taxpayer impact statement must be on the City Council meeting agenda at which the City Council will discuss or adopt a budget for the City of Burleson: For a median-valued homestead property ($306,724), the City's portion of the property tax bill in dollars for the current fiscal year (FY24-25) is $2,032.66, the

City's portion of the property tax bill for the upcoming fiscal year (FY25-26) for the same property if the proposed budget is adopted is estimated to be $2,213.93, and the City's portion of the property tax bill in dollars for the upcoming fiscal year (FY25-26) for the same property if a budget funded at the no-new-revenue rate under Chapter 26, Tax Code, is adopted is estimated to be $2,021.62.

ACCESSIBILITY STATEMENT

The Burleson City Hall is wheelchair accessible. The entry ramp is located in the front of the building, accessible from Warren St. Accessible parking spaces are also available in the Warren St. parking lot. Sign interpretative services for meetings must be made 48 hours in advance of the meeting. Call the A.D.A. Coordinator at 817-426-9600, or TDD 1-800-735-2989.

City Council Regular Meeting

DEPARTMENT: **City Secretary's Office**

FROM: **Monica Solko, Deputy City Secretary**

MEETING: **May 4, 2026**

SUBJECT:

Consider and take possible action on the minutes from the April 14, 2026 special Joint Council and Planning & Zoning Commission meeting and April 20, 2026 regular council meeting. *(Staff Contact: Monica Solko, Deputy City Secretary)*

STRATEGIC PRIORITY AND GOAL(S):

Strategic Priority	Strategic Goal
High Performing City Organization Providing Exceptional, People Focused Services	1.2 Continue to improve the efficiency and productivity of operations 1.3 Deliver high-quality service and communications to external and internal customers

SUMMARY:

The City Council duly and legally met on April 14, 2026 special joint Council and Planning & Zoning Commission meeting and April 20, 2026 for a regular council meeting.

RECOMMENDATION:

Council may approve the minutes as presented or approve with amendments.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

N/A

REFERENCE:

N/A

FISCAL IMPACT:

N/A

STAFF CONTACT:

Monica Solko, TRMC
Deputy City Secretary
msolko@burlesontx.com
817-426-9682

BURLESON SPECIAL JOINT CITY COUNCIL AND PLANNING & ZONING COMMISSION MEETING
APRIL 14, 2026
MINUTES

ROLL CALL

COUNCIL PRESENT:

Alexa Boedeker
Chris Fletcher
Larry Scott
Dan McClendon
Adam Russell

COUNCIL ABSENT:

Victoria Johnson
Phil Anderson

COMMISSIONERS PRESENT:

David Hadley
Dan Taylor
Cynthia Plonien
Ashley Brookman
Michael Tune
Beth Lytner

Michael Kurmes
Bobby Reading

COMMISSIONERS ABSENT:

Clint Faram
Brandon Crisp

Staff present
Tommy Ludwig, City Manager
Harlan Jefferson, Deputy City Manager
Eric Oscarson, Deputy City Manager
Amanda Campos, City Secretary
Allen Taylor, City Attorney
Matt Ribitzki, Deputy City Attorney

1. CALL TO ORDER - Time p.m.

Mayor Fletcher called the Council meeting to order. **Time: 5:31 p.m.**
Chair Tune called the Planning & Zoning meeting to order: **Time: 5:31 p.m.**

2. CITIZEN APPEARANCES

There were no speakers

3. REPORTS AND PRESENTATIONS

A. Receive a report, hold a discussion and provide staff direction on purposed amendments to the 2020 Midpoint Update of the Comprehensive Plan, Future Land Use Map, and the zoning code. *(Staff Contact: Tony D. McIlwain, Development Services Director)*

Tony McIlwain, Development Services Director introduced Lidon Pearce, Principle Planner, who presented the amendments to the 2020 Midpoint Update of the Comprehensive Plan, the Future Land Use Map, and the zoning code.

Lidon reviewed the background on these items and the request for a joint meeting between the council and the commission to discuss these matters. The purpose of the joint meeting is to better understand and align with the council's direction and vision.

Accessory Dwelling Unit (ADU). ADU were discussed with the following points and requirements questioned. After discussion and clarifications both the council and the commission agreed on the requirements.

- The primary resident and the ADU will only be occupied by the owner or member of the family. The ADU will not be available through the rental market
- Gross Floor Area should not be larger than 900 sq ft or ½ of the GFA of the primary dwelling
- Zoning requirements and setbacks will be in full force
- Limit 1 ADU per lot
- There is no need for short-term rentals to be issued, these are not market rentals
- 1 additional off-street parking space, accessible from driveway shall be required
- The primary address will be used for the ADU no separate address
- No additional utility meters.
- In a Nonresidential zoned district, a SUP will be required - mixed used development where the ADU is part of the building on a separate floor the tenant shall be the owner of the building or owner of business The ADU cannot be a business only residential

The council and commission heard a report on drive-thru designs and stacking requirements and agreed with staff. This report was previously discussed by the commission and the council Infrastructure & Development Committee prior to this meeting and all comments and suggestions were incorporated.

- All drive-thru facilities shall provide stacking lanes
- Minimum width of stacking lanes is 9ft and a depth of 20 feet
- Restaurants with drive-thru shall designate 1 parking spot per lane for customers waiting on orders
- Directional signage and pavement markings to indicate flow of vehicle
- Drive-thru entrance/exit minimum of 50 feet from intersection of public right-of-way
- Designate 9 foot wide escape lane for emergency

Vehicle Parking Regulations, Section 134 were reviewed and discussed.

- Recommendation to consider: Residential
    - Front entry – minimum 36 feet or 20 feet. Want to eliminate vehicle overparked blocking sidewalks
    - Side entry – minimum driveway pad at the entrance 20 feet by 30 feet and connecting drive to pad be at least 12 feet wide
    - Side entry – side yard between the outside edge of the driveway and property line of no less than 5 feet in width
- Recommendation to consider: Nonresidential
    - Remove parking requirements for properties along the following corridors; Wilshire, John Jones, Alsbury, Hidden Creek, I-35, and Old Town
    - Still require ADA compliance, off street parking for deliveries, shared parking agreement for multi-tenant developments
    - If parking exceeds 110% of parking outlined in Appendix B, Section 134, additional 100 sq ft of landscaping in front yard of each addition space

The development community has not been engaged concerning these recommendations and proposed changes but will be.

Amendments to 2020 Midpoint Update

Regional Office/Commerical/Multifamily adding new text for apartment complexes regarding their suitability within IH-35 overlay. Zoning Districts GR and C add multi family (MF1&2) and Planned Development.

Chisholm Trail Corridor adding new text medium to high density single-family and multifamily residential may be allowed as part of a mixed-use developments on non major intersection parcels as adequate infrastructure and connectivity becomes available. Zoning Districts GR and C add Planned Development.

Re-designating Transit Oriented Development – incorporate areas along Alsbury and SW Hulen intersection into Community Central and re-designate remaining area into new Mixed Use FLUM category. Neighborhood Services and General Retail add Planned Development.

- New text: Community Commercial is generally located along major streets and at significant nodes. This category is intended to provide suitable areas for the development of light to medium intensity commercial uses to support surrounding urban development.
- New text: Mixed-use developments consisting of office, retail, cultural facilities, and housing are encouraged. Housing options include a range of medium-to-high density single-family and multifamily residential.
- New text: Mixed use developments should be integrated at key nodes, focusing on placemaking and walkability, both within the node and from surrounding neighborhoods.
- New text: Landscaping and urban design should enhance visitors' experiences, separate sidewalks from major roads and define pedestrian routes to promote connectivity and walkability.

Industrial/Heavy Industrial Employment Growth Center will incorporate changes to 2020 Midpoint to align with council's direction on a new Heavy Industrial zoning district.

Zoning Code Highlights for June and July- shifted from specific land use lists to streamlined use categories, staff consolidated 200+ uses into roughly 30 broad land use categories. Updated definitions language and removed definitions that are no longer relevant and converted IH-35 and Business Park overlays into new base zoning districts named as Interstate Commercial & Business Park Districts. Added development area regulation tables and lot yard setback graphics to zoning district and altered Planned Development language and criteria.

Supplemental Regulation updates – staff is finalizing updates for Article V of the Zoning code dealing with supplemental regulations. The following will be reviewed and revised if necessary, Landscape, fencing/screening, parking, site plans, and sign standards. There is currently no definitive schedule for these items.

4. RECESS INTO EXECUTIVE SESSION

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A. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071, Texas Government Code

12. ADJOURNMENT

Motion made by Adam Russell and seconded by Alexa Boedeker to adjourn.

Motion passed 5-0, with Phil Anderson and Victoria Johnson absent.

Mayor Chris Fletcher adjourned the meeting.

Time: 7:01 p.m.

Chair Michael Tune adjourned the Planning and Zoning Commission.

Time: 7:02 p.m.

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Amanda Campos
City Secretary

BURLESON CITY COUNCIL REGULAR MEETING
APRIL 20, 2026
DRAFT MINUTES

ROLL CALL

COUNCIL PRESENT:
Victoria Johnson
Phil Anderson
Alexa Boedeker
Chris Fletcher
Larry Scott
Dan McClendon
Adam Russell

COUNCIL ABSENT:

Staff present
Tommy Ludwig, City Manager
Harlan Jefferson, Deputy City Manager
Eric Oscarson, Deputy City Manager
Amanda Campos, City Secretary
Monica Solko, Deputy City Secretary
Matt Ribitzki, Deputy City Attorney

1. CALL TO ORDER - Time 5:30 p.m.

Mayor Fletcher called the meeting to order. **Time: 5:30 p.m.**

Invocation led by Karl Jones, former pulpit minister at Burleson Church of Christ

Pledge of Allegiance to the US Flag led by Cub Scout Troop Pack 925

2. PUBLIC PRESENTATIONS

A. Proclamations

- **A Proclamation recognizing April 19 - 25, 2026 as "National Library Week" in the City of Burleson.** ***(Recipient: Library staff and Friends of the Library)***

- **A Proclamation recognizing April 20 - 24, 2026 as "Work Zone Awareness Week" in the City of Burleson.** ***(Staff Contact: Harlan Jefferson, Deputy City Manager, Recipient: Brandy Stigler, Public Works Department Administrator)***

- **A Proclamation recognizing The Keep Burleson Beautiful Board for achieving Gold Level recognition from Keep Texas Beautiful.** ***(Recipient: Keep Burleson Beautiful Board)***

B. Presentations

- **None.**

C. Community Interest Items

- Mourning the loss of former council member Jim Wadlow, who served as Council, Place 2 from May 2008-2010. He also served on Old Town Design Standards board from October 2011 to September 2017, including serving as board chair from 2011-2013.
- Councilmember shared updates from recent meetings with state officials.
  - Texas Water Development Board - emphasizing ongoing efforts to pursue grant opportunities. Noting that while the city has achieved 100% compliance on TCEQ reports, current funding priorities favor communities with violations, requiring Burleson to continue advocating and submitting requests. Emphasized that persistence is critical, as maintaining visibility and consistently requesting funding increases the likelihood of future awards.
  - Reported on coordination with TxDOT leadership, noting Burleson is positioned for potential funding pending completion of a federal air quality test. Acknowledged that state and federal processes are lengthy but expressed confidence that the City is gaining recognition and maintaining a strong presence at those levels.
- Join the Burleson Police Department, for Stand Burleson Safety Summit on Saturday, May 2 at Pathway Church in Burleson.
- Support, The Friends of the Burleson Public Library are raising funds to bring picture book browsing bins to the children's area of the Burleson Public Library.
- Shout out to First National Bank of Burleson on their 45th Anniversary in business.

3. CHANGES TO POSTED AGENDA

- **Items to be continued or withdrawn**
  - None.

- **Items to be withdrawn from Consent Agenda for separate discussion or items to be added to the Consent Agenda.**
  - None.

4. CITIZEN APPEARANCES

- Barbara Tosaino, 1057 English Oak Drive, spoke on Library fundraiser for browsing bins for the Burleson Library.

5. CONSENT AGENDA

A. Minutes from the April 6, 2026 regular council meeting. *(Staff Contact: Monica Solko, Deputy City Secretary)*

Motion made by Victoria Johnson and seconded by Alexa Boedeker to approve the consent agenda.

Motion passed 7-0.

B. CSO#6107-04-2026, minute order ratifying a Community Service Development Corporation (Type B) resolution amending the corporation's operating budget (Resolution 4B081825AnnualBudget) for Fiscal year 2025-2026 by increasing appropriations in the 4B Fund in the amount of $195,607, by increasing

appropriations in the newly established Bartlett Park Soccer Complex Fund in the amount of $260,757, and by increasing anticipated revenues in the Bartlett Park Soccer Complex Fund by $260,757. (*Staff Contact: Kevin Hennessey, Deputy Director of Finance*)

Motion made by Victoria Johnson and seconded by Alexa Boedeker to approve the consent agenda.

Motion passed 7-0.

C. CSO#6108-04-2026, minute order ratifying the Burleson Community Service Development Corporation amendment to Resolution 4B032326AmendAnnualBudget by amending the Capital Improvement Plan. *(Staff Contact: Randy Morrison, P.E., Director of Capital Engineering)*

Motion made by Victoria Johnson and seconded by Alexa Boedeker to approve the consent agenda.

Motion passed 7-0.

D. CSO#6109-04-2026, ordinance amending the five-year Capital Improvement Plan for Fiscal Year 2026-2030. (Final Reading) *(Staff Contact: Randy Morrison, P.E., Director of Capital Engineering)*

Motion made by Victoria Johnson and seconded by Alexa Boedeker to approve the consent agenda.

Motion passed 7-0.

E. CSO#6110-04-2026, minute order approving an excused absence for Council Place 6 Adam Russell, for the May 18, 2026 and June 1, 2026 regular council meetings. *(Staff Contact: Amanda Campos, City Secretary)*

Motion made by Victoria Johnson and seconded by Alexa Boedeker to approve the consent agenda.

Motion passed 7-0.

F. CSO#6111-04-2026, resolution authorizing participation in a new opioid settlement with the six remnant defendants (CL-2025065) and authorizing the City Manager to execute all necessary documents, including the subdivision participation and release form, in connection with the same. *(Staff Contact: Matt Ribitzki, Sr. Deputy City Attorney/Legal Services Director)*

Motion made by Victoria Johnson and seconded by Alexa Boedeker to approve the consent agenda.

Motion passed 7-0.

G. CSO#6112-04-2026, ordinance amending Section 10-104, "Contractor Registration Procedures," of Division 4, "Electrical Licensing and Contractor

Registration," of Article II, "Administration," of Chapter 10, "Buildings and Building Regulations," of the Code of Ordinances. (Final Reading) ***(Staff Contact: Tony D. McIlwain, Development Services Director)***

Motion made by Victoria Johnson and seconded by Alexa Boedeker to approve the consent agenda.

Motion passed 7-0.

6. DEVELOPMENT APPLICATIONS

A. Ordinance amending the City's zoning ordinance codified in Appendix B of the City of Burleson Code of Ordinances relating to a Heavy & High Energy industrial district. (First Reading) ***(Staff Contact: Tony D. McIlwain, Development Services Director)***

Tony McIlwain, Development Services Director, presented an ordinance to the city council. The Planning and Zoning Commission recommended approval of the ordinance, with the following revisions:

(j) Buffer: The closest portion of any building, vertical subordinate equipment, or other structure requiring approval of a specific use permit shall be five hundred (500) feet from the nearest boundary of any district allowing residential uses and two hundred and fifty (250) feet from the nearest boundary of any retail or commercial zoning district.

Mayor Fletcher opened the public hearing. **Time: 5:59 p.m.**

Mayor Fletcher closed the public hearing. **Time: 6:00 p.m.**

Motion made by Adam Russell and seconded by Alexa Boedeker to approve with P&Z recommendations.

Motion passed 7-0.

B. Ordinance amending Section 50, "Definitions," of Article II of Appendix B, "Zoning," of the Code of Ordinances by amending the definition of Home Occupation by adding a new definition of No-Impact Home Based Business in accordance with State law. ***(First Reading) (Staff Contact: Tony D. McIlwain, Development Services Director)***

Tony McIlwain, Development Services Director, presented an ordinance to the city council.

Mayor Fletcher opened the public hearing. **Time: 6:03 p.m.**

Mayor Fletcher closed the public hearing. **Time: 6:04 p.m.**

Motion made by Victoria Johnson and seconded by Alexa Boedeker to approve.

Motion passed 7-0.

7. GENERAL

A. CSO#6106-04-2026, resolution authorizing the filing of eminent domain proceedings for the purpose of obtaining the necessary real property for the Town Creek Basin Parallel Interceptor Sewer Line project (WW2301) to serve existing and new development in the City. *(Staff Contact: Randy Morrison, PE, Director of Capital Engineering)*

Randy Morrison, Director of Capital Engineering, presented a resolution to the city council.

Motion made by Dan McClendon and seconded by Alexa Boedeker that the City Council of the City of Burleson authorize the use of the power of eminent domain to acquire the permanent sanitary sewer easements and temporary construction easements described in Resolution Number 6106-04-2026, as presented, specifically:

- a 0.0590 acre (2,568 Square Foot) permanent sanitary sewer easement on property described in Instrument Number D219296596, Official Public Records of Tarrant County, Texas, being more fully described in Exhibit A – Permanent Drainage Easement #1 to the Resolution;

- a 0.0249 acre (1,083 square foot) permanent sanitary sewer easement on property described in the document recorded in Volume 1999, Page 618, Official Public Records of Johnson County, Texas, being more fully described in Exhibit A – Permanent Drainage Easement #2 to the Resolution;

- a 0.0537 acre (2,339 square foot) permanent sanitary sewer easement on property described in the document recorded in Volume 1999, Page 618, Official Public Records of Johnson County, Texas, being more fully described in Exhibit A – Permanent Drainage Easement #3 to the Resolution;

- a 0.0903 acre (3,935 square foot) permanent sanitary sewer easement on property described Instrument Number 2020-34764, Official Public Records of Johnson County, Texas, being more fully described in Exhibit A – Permanent Drainage Easement #4 to the Resolution;

- a 0.1152 acre (5,018 square foot) permanent sanitary sewer easement on property described in the document recorded in Volume 3815, Page 917, Official Public Records of Johnson County, Texas, being more fully described in Exhibit A – Permanent Drainage Easement #5 to the Resolution;

- a 0.2486 acre (10,829 square foot) permanent sanitary sewer easement on property described in the documents recorded in Volume 3747, Page 114, Deed Records of Johnson County, Texas, and in Instrument Number 2010-22820, Official Public Records of Johnson County, Texas, being more fully described in Exhibit A – Permanent Drainage Easement #6 to the Resolution;

- a 0.1285 acre (5,599 square foot) temporary construction easement on property described in the document recorded in Volume 3815, Page 917, Official Public

Records of Johnson County, Texas, being more fully described in Exhibit A – Temporary Construction Easement #1 to the Resolution;

- a 0.1199 acre (5,223 square foot) temporary construction easement on property described Instrument Number 2020-34764, Official Public Records of Johnson County, Texas, being more fully described in Exhibit A – Temporary Construction Easement #2 to the Resolution;

- a 0.5659 acre (24,651 square foot) temporary construction easement on property described in the document recorded in Volume 1999, Page 618, Official Public Records of Johnson County, Texas, being more fully described in Exhibit A – Temporary Construction Easement #3 to the Resolution;

- a 0.5668 acre (24,692 square foot) temporary construction easement on property described in the document recorded in Volume 2332, Page 615, Official Public Records of Johnson County, Texas, being more fully described in Exhibit A – Temporary Construction Easement #4 to the Resolution;

- a 0.5351 acre (23,310 square foot) temporary construction easement on property described in Instrument Number 2022-16540, Official Public Records of Johnson County, Texas, being more fully described in Exhibit A – Temporary Construction Easement #5 to the Resolution;

- a 0.0850 acre (3,704 square foot) temporary construction easement on property described in the document recorded in Volume 1242, Page 203, Official Public Records of Johnson County, Texas, being more fully described in Exhibit A – Temporary Construction Easement #6 to the Resolution;

- a 0.0702 acre (3,057 square foot) temporary construction easement on property described in the document recorded in Volume 1241, Page 460, Official Public Records of Johnson County, Texas, being more fully described in Exhibit A – Temporary Construction Easement #7 to the Resolution;

- a 0.0079 acre (344 square foot) temporary construction easement on property described in the document recorded in Volume 1215, Page 740, Official Public Records of Johnson County, Texas, being more fully described in Exhibit A – Temporary Construction Easement #8 to the Resolution;

- a 0.4763 acre (20,750 square foot) temporary construction easement on property described in the document recorded in Volume 1215, Page 740, Official Public Records of Johnson County, Texas, being more fully described in Exhibit A – Temporary Construction Easement #9 to the Resolution;

- a 0.2446 acre (10,655 square foot) temporary construction easement on property described in the document recorded in Volume 1240, Page 856, Official Public Records of Johnson County, Texas, being more fully described in Exhibit A – Temporary Construction Easement #10 to the Resolution;

- a 1.1384 acre (49,587 square foot) temporary construction easement on property described in Instrument Number 2021-31249, Official Public Records of Johnson

County, Texas, being more fully described in Exhibit A – Temporary Construction Easement #11 to the Resolution;

- a 2.4588 acre (107,105 square foot) temporary construction easement on property described in Instrument No. D219015491, Official Public Records of Tarrant County, Texas, being more fully described in Exhibit A – Temporary Construction Easement #12 to the Resolution; and

- a 0.2829 acre (12,322 square foot) temporary construction easement on property described in the document recorded in Volume 1160, Page 106, Official Public Records of Johnson County, Texas, being more fully described in Exhibit A – Temporary Construction Easement #13 to the Resolution;

for the purpose of construction and maintenance of the Town Creek Basin Parallel Interceptor Sewer Line Project (WW 2301) to serve existing and new development in the city and for other public purposes as permitted by law, and further move to adopt Resolution Number 6106-04-2026, as presented. The first record vote will apply to all units of property to be condemned.

Motion passed 7-0.

B. CSO#6113-04-2026, ordinance amending the City operating budget (CSO#5910-09-2025) for Fiscal Year 2025-2026 by increasing appropriations in the General Fund in the amount of $13,430, by increasing appropriations in the Public Safety Grant Fund in the amount of $31,070, by increasing appropriations in the 4B Fund in the amount of $195,607, by increasing appropriations in the newly established Bartlett Park Soccer Complex Fund in the amount of $260,757, by increasing anticipated revenues in the Public Safety Grant Fund by $31,070, and by increasing anticipated revenues in the Bartlett Park Soccer Complex Fund by $260,757; and finding time is of the essence. (First and Final Reading) *(Staff Contact: Kevin Hennessey, Deputy Director of Finance)*

Kevin Hennessey, Deputy Director of Finance, presented an ordinance to the city council.

Motion made by Victoria Johnson and seconded by Dan McClendon to approve.

Motion passed 7-0.

C. CSO#6114-04-2026, ordinance amending the five-year Capital Improvement Plan for Fiscal Year 2026-2030. (First and Final Reading) *(Staff Contact: Randy Morrison, P.E., Director of Capital Engineering)*

Randy Morrison, Director of Capital Engineering, presented an ordinance to the city council.

Motion made by Victoria Johnson and seconded by Adam Russell to approve.

Motion passed 7-0.

8. REPORTS AND PRESENTATIONS

A. Receive a report, hold a discussion, and provide staff direction on street light requests. *(Staff Contact: Tony D. McIlwain, Development Services Director)*

Tony McIlwain, Director of Development Services, presented a request for an additional streetlight on Tinker Trail in the Heritage Village neighborhood, outlining staff's review, which included nighttime field observations confirming four operational streetlights spaced generally within current standards (approximately 500–610 feet). Staff reported that the city lacks a formal streetlight request policy and based on existing design standards, did not recommend adding a light at this time but sought council direction on whether to establish a formal request process or program. Staff also noted ongoing updates to design standards that may incorporate photometric studies for future development, while changes would not apply retroactively to existing neighborhoods.

Council discussion reflected support for reevaluating current spacing standards, considering safety-driven requests without requiring neighborhood petitions, and exploring a more formalized evaluation process, while acknowledging challenges with retrofitting older neighborhoods and balancing adequate lighting with impacts such as light pollution.

B. Receive a report, hold a discussion, and provide staff direction on a nomination for the North Central Texas Council of Governments 2026-2027 Executive Board. *(Staff Contact: Janalea Hembree, Assistant to the City Manager)*

Janalea Hembree, Assistant to the City Manager, discussed nominations for the North Central Texas Council of Governments 2026–2027 Executive Board, noting that any officer nominations would return to council for formal action.

Council expressed support for nominating Alexa Boedeker for a position, and staff will bring back a resolution for consideration.

9. CITY COUNCIL REQUEST FOR FUTURE AGENDA ITEMS AND REPORTS

- None.

10. RECESS INTO EXECUTIVE SESSION

In accordance with Chapter 551 of the Texas Government Code, the City Council may convene in Executive Session in the City Council Workroom in City Hall to conduct a closed meeting to discuss any item listed on this Agenda. The City Council may reconvene into open session and take action on posted items.

A. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071, Texas Government Code

- Negotiations and potential eminent domain action for the acquisition of real property interests for the construction and maintenance of the Town Creek Basin Parallel Interceptor Sewer Line Project (WW 2301) to serve existing and new development in the City and for other public purposes permitted by law
- Receive a report and hold a discussion regarding a performance agreement with 2525 FTG – Tulsa, LLC, as amended

B. Discussion regarding possible purchase, exchange, lease, or value of real property pursuant to Section 551.072, Texas Government Code

- Deliberation regarding the purchase, exchange, lease, or value of real property to be acquired for the construction and maintenance of the Town Creek Basin Parallel Interceptor Sewer Line Project (WW 2301) to serve existing and new development in the City

C. Deliberation regarding commercial or financial information received from or the offer of a financial or other incentive made to a business prospect seeking to locate, stay or expand in or near the territory of the City and with which the City is conducting economic development negotiations pursuant to Section 551.087, Texas Government Code

- Project Facelift
- Project Bistro

Mayor Fletcher announced that the Council would convene into Executive Session. **Time: 6:58 p.m.**

Mayor Fletcher announced that the Council would reconvene into open session. **Time: 7:23 p.m**.

11. ADJOURNMENT

Motion made by Adam Russell and seconded by Victoria Johnson to adjourn.

Motion passed 7-0.

Mayor Chris Fletcher adjourned the meeting.

Time: 7:24 p.m.

_____

Monica Solko
Deputy City Secretary

City Council Regular Meeting

DEPARTMENT: **Public Works**

FROM: **Daryl Uptmore, Deputy Director of Public Works**

MEETING: **May 4, 2026**

SUBJECT:

Consider and take possible action on a 28-month sole source agreement with Core & Main, LP for the purchase of water meters and associated parts in the amount of $600,000. *(Staff Contact: Daryl Uptmore, Deputy Director of Public Works)*

STRATEGIC PRIORITY AND GOAL(S):

Strategic Focus Area 1	Strategic Goal
High Performing City Organization Providing Exceptional, People Focused Services	1.3 Deliver high-quality service and communications to external and internal customers

SUMMARY:

The City's water meter system consists entirely of Neptune meter bodies, registers, and meter reading equipment. The automatic meter reading system currently deployed allows greater meter reading efficiency by driving each street and collecting meter data through radio transmission compared to the previous traditional and labor-intensive approach of manual reading of each individual meter. Core and Main, L.P. is the sole authorized distributor for Neptune Technology Group in the State of Texas.

Our current mechanical water meters lose accuracy as they age resulting in non-billed water loss. The City's Water Conservation Plan includes that all 1" and smaller water meters (primarily residential meters) be replaced every 10 years. The plan also includes that all 1-1/2" and 2" meters be tested every three years and annual testing for meters larger than 2". Beginning Fiscal Year 2027, the City will transition to solid state, ultrasonic water meters as the standard for all new meter sets and replacements. These meters are more durable and provide higher

accuracy, especially at low flows where most residential non-billed losses occur. The proposed contract is used to purchase meters for replacements as well as for new installations.

In September 2022, City Council awarded a three-year contract for these items to Core & Main, L.P. in an amount not to exceed $553,032. Due to the city's continued growth and market conditions, an additional $215,000 was authorized by City Council in October 2024. A $90,000 agreement with this vendor was administratively approved in October 2025.

PROCUREMENT METHOD:

This procurement is exempt from the competitive bidding requirements of Texas Local Government Code Chapter 252, in accordance with Section 252.022(a)(7)(A), which permits sole source purchases when the item is available from only one source. Staff has determined that this purchase qualifies as a sole source because it is available only from a single supplier. Staff has reviewed the purchase and confirmed that Core & Main, LP is the only practical source for the required goods/services.

RECOMMENDATION:

Staff recommends approval as presented.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

N/A

REFERENCE:

N/A

FISCAL IMPACT:

Proposed Expenditure/Revenue: $600,000
Project Number: N/A
Fund: Water and Wastewater Fund
Account Number(s): 501-70-71-7101-0000-61530
Account Description: Meters

STAFF CONTACT:

Daryl Uptmore
Deputy Director of Public Works
duptmore@burlesontx.com
817-426-9600

Water Meter Supply Contract with Core & Main, L.P.

Background

- Water meters lose accuracy with age resulting in non-billed water loss
- Burleson's Water Conservation Plan includes initiatives designed to help reduce non-billed water loss and maintain accuracy of deployed water meters
  - Meters 1" and smaller replaced every 10 years
  - Meters 1-1/2" to 2" tested for accuracy every three years
  - Meters larger than 2" tested for accuracy annually
- Meter purchases averaged $201k/year over the past four years in support of:
  - Periodic meter replacements
  - New meters for growth / new development
  - Routine meter maintenance activities



Proposed Meter Purchase Agreement and Recommendation / Action Requested

- Burleson currently uses Neptune meters for the entire inventory of nearly 17,000 meters
- Core & Main, LP is the sole authorized distributor of the Neptune meter system in Texas that Burleson uses



Recommendation and Action Requested:

Approve a 28-month sole source agreement with Core & Main, LP for the purchase of water meters and associated parts in the amount of $600,000.

Questions / Discussion

Errick Thompson

Public Works Director

ethompson@burlesontx.com

817-426-9610

City Council Regular Meeting

DEPARTMENT: **Public Works**

FROM: **James Bailey, City Traffic Engineer**

MEETING: **May 4, 2026**

SUBJECT:

Consider and take possible action on a two-year contract with Stripe-A-Zone, Inc. for road surface markings in various locations in the amount of $500,000. *(Staff Contact: James Bailey, City Traffic Engineer)*

STRATEGIC PRIORITY AND GOAL(S):

Strategic Priority	Strategic Goal
High Performing City Organization Providing Exceptional, People Focused Services	1.2 Continue to improve the efficiency and productivity of operations 1.3 Deliver high-quality service and communications to external and internal customers

SUMMARY:

This item proposes a two-year, $500,000 contract with Stripe-A-Zone, Inc. (based on the City of Grand Prairie's procurement). City Crews install heat applied preformed thermoplastic pavement markings in small areas such as crosswalks, stop bars, arrows and symbols. A paint cart is used for small areas and paint lasts about a year depending on traffic volumes. In comparison, long line thermoplastic requires a specialized markings truck for cost effective installation of double yellow centerlines, white lane lines, and bicycle lanes. Thermoplastic with glass beads lasts three to five years depending on traffic volumes. The current Traffic Maintenance operating budget for contract pavement marking is approximately $75,000. The proposed contract is anticipated to be used to support projects in the annual Street Maintenance Program and provide pavement markings for those streets (approximately $150,000 in the summer of 2026).

The original term of the existing contract was one year with four, one-year renewal options. The fourth renewal option was exercised in August 2025 and expires July 31, 2026. The contract with Grand Prairie has fixed unit prices with no guaranteed spend. Individual work orders will be authorized as funding allows.

RECOMMENDATION:

Approve a two-year contract with Stripe-A-Zone, Inc. for road surface markings in various locations in the amount of $500,000.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

N/A

REFERENCE:

N/A

FISCAL IMPACT:

Proposed Expenditure: $500,000

Account Number(s): 1013006-62050
Fund: General Fund
Account Description: Other Outside Services

Account Number(s): 2203004-62050
Fund: Street Maintenance Fund
Account Description: Other Outside Services

Procurement Method: Interlocal Agreement

This procurement is being conducted under the authority of the Texas Government Code Chapter 791, Interlocal Cooperation Act. The City of Burleson is piggybacking on an existing contract between The City of Grand Prairie and Stripe-A-Zone, Inc. Interlocal agreements allow political subdivisions to share resources and leverage existing competitively awarded contracts to achieve efficiencies and cost savings. Staff verified that the underlying contract was solicited and awarded in compliance with applicable law. In addition, staff compared the proposed vendor's pricing with available prevailing market rates and concluded that the recommended vendor offers competitive pricing.

STAFF CONTACT:

James Bailey
City Traffic Engineer
jbailey@burlesontx.com
817-426-9230

Pavement Markings Contract

May 4, 2026

Markings by City Crews for Smaller Areas



(Contrast Crosswalks)



(Green Bike Lane Markings)



(Don’t Block the Box)

City crews use preformed heat applied thermoplastic for crosswalks, stop bars, arrows and symbols.
A paint cart is used for smaller areas. Paint lasts about a year depending on traffic volumes.
Glass beads provide the reflectivity at night.

Pavement Markings Contract – Long Line Work

- Long line work such as double yellow centerlines and lane lines are typically contracted and use thermoplastic markings that last 3-5 years depending on traffic volumes.
- Glass beads and reflective markers provide reflectivity at night.
- The contract provides unit pricing for removal of remnants of previous markings, surface preparation, pavement sealer, and various types of markings.
- This proposed contract is intended to support the annual Street Maintenance Program (approximately $150,000 in summer 2026).
- The current Traffic Maintenance operating budget for contract pavement marking is approximately $75k.



Candler Dr Bike Lane Restripe



Example Thermoplastic Truck
(Burleson does not have one)

Pavement Markings Priority List

Rank	Roadway	Estmated	From	To	Existing	Bicycle	311 Concern & Comments
1	NE McAllister Rd	$75,000	Hemphill	Renfro	Buttons/Markings	Add	Faded Bike Lanes, Exend bike lanes
2	NW Summercrest Blvd	$52,500	John Jones	Cedar Ridge	Buttons Only	Add	Add Center Turn Lane, 4 to 3 lanes
3	Newton Dr	$15,000	Wilshire	Johnson	No Markings	No	Add Center Turn Lane
4	SW Thomas St	$15,000	Renfro	Tarrant	No Markings	No	Pathway Church Add Center Lane
5	SW Johnson Ave	$67,500	Gardens	Renfro	Buttons Only	Add	Add Center Turn Lane, 4 to 3 lanes
6	Alsbury Blvd	$67,500	Renfro	Summercrest	Buttons Only	No	Replace Buttons with Thermo Markings
8	Hidden Creek	$30,000	Wilshire	Irene	Buttons Only	No	Replace Buttons with Thermo Markings
	Total	**$322,500**					

The table above highlights some of the existing higher priorities for pavement marking updates. Additional funding is being requested in the FY27 budget development process to address these needs.

Thermoplastic with glass beads for retroreflectivity needs replacing every 3 to 5 years.

The Manual of Uniform Traffic Control Devices has minimum levels of nighttime reflectivity for safety.

Inter-local Agreements and Cooperative Purchasing

State Law authorizes local governments to participate in cooperative purchasing via Inter-local agreements

- City of Grand Prairie Contract:
  - Open procurement resulted in contract award to Stripe-A-Zone, Inc. of Grand Prairie, TX in August 2021
  - Original term was one year with four, one-year renewal options - the fourth renewal option was exercised in August 2025 and expires July 31, 2026
  - Unit price contract for various types of pavement marking
- Proposed Burleson two-year contract (based on Grand Prairie's procurement) - $500,000 maximum through July 2028
  - Fixed unit prices from the City of Grand Prairie contract
  - No guaranteed contract spend, individual authorizations per project as funding allows
- Funding: Traffic Maintenance operating budget & Street Maintenance fund

Recommendation / Action Requested

Approve a two-year contract with Stripe-A-Zone, Inc. for road surface markings in various locations in the amount of $500,000

Questions/Discussion

James Bailey, PE

City Traffic Engineer

jbailey@burlesontx.com

817-426-9230

City Council Regular Meeting

DEPARTMENT: **Human Resources**

FROM: **Wanda Bullard, Deputy Director of Human Resources**

MEETING: **May 4, 2026**

SUBJECT:

Consider and take possible action on an Interlocal Agreement and a Statement of Responsibility with the Texas Municipal League Insurance Risk Pool (TMLIRP) to commit funds to acquire a group critical illness supplemental income benefit insurance policy through MetLife/Amwins for eligible peace officers and firefighter retirees in compliance with Tex. Gov't Code § 607.153 at a cost of $90,000 for 3 years. *(Staff Contact: Wanda Bullard, Deputy Director of Human Resources)*

STRATEGIC PRIORITY AND GOAL(S):

Strategic Priority	Strategic Goal
High Performing City Organization Providing Exceptional, People Focused Services	1.1 Develop a high-performance and diverse workforce 1.4 Be a responsible steward of the city's financial resources.

SUMMARY:

Effective on September 1, 2025, HB 4144, codified at Tex. Gov't Code § 607.153 requires political subdivisions with 50 or more peace officers or firefighters to provide a critical illness supplemental income benefit to eligible peace officers or firefighters that retire on or after January 1, 2026 forward. The benefit applies when a retiree is diagnosed with certain cancers, heart attack or stroke within three years after retirement. The required benefit amount is currently the lesser of the retiree's final annual salary or $100,000, but the $100,000 minimum will be adjusted for inflation every 10 years by the Texas Commissioner for Workers Compensation.

The administrative partners bringing forward this product are TMLIRP - the main policy holder, MetLife - the insurance carrier providing the product, and Amwins – exclusive third-party administration handling the application, billing and premium administration. A competitive

procurement was completed to provide political subdivisions with an insurance product that meets the requirements of Tex. Gov't Code § 607.153.

The interlocal agreement and insurance policy structure are as follows:

- Municipalities and counties voluntarily enroll to provide coverage for peace officers and firefighters.
- Once committed to the interlocal, the City is required to enroll all eligible peace officer and firefighter retirees beginning on date of retirement for the full 36-month period.
- Coverage is retiree-only and applies to retirees that retire on/after January 1, 2026.
- The payable benefit is the lesser of the retiree's final annual salary or $100,000.
    - The maximum benefit is 7x the initial benefit (in the event there is more than one qualifying diagnosis experience for a retiree during the 36-month period).
- Monthly premium rates are age-banded and billed per $1,000 of covered salary.
- Program is fully insured with a four-year rate guarantee.
- There is no medical underwriting required for participants/retirees.
- Retroactive coverage is allowed back to 1/1/2026 for eligible retirees if enrolled by 5/31/2026.

Once a retiree is enrolled, the City is required to maintain the retiree's coverage for the full 36-month period regardless of whether another product is procured in the future. In that case, should the City provide notice to terminate the policy and discontinue the interlocal agreement for the coverage, the City will still be obligated to complete the 36-month commitment for any retiree(s) that have coverage under this product. If this were to occur, the City would request City Council to fund the remaining obligated coverage through TMLIRP via MetLife/Amwins to satisfy the 36-month obligation. In addition, in the event the city terminates their current policy, an alternate insurance provider would be presented to Council to ensure any new retirees are covered moving forward. This arrangement would not result in paying duplicate coverage. Retirees would be under one plan or the other.

Given the critical illness supplemental income benefit is newly enacted, there is a 3-year period to realize the full, ongoing cost of the insurance policy as exampled below:

Timeframe	Estimated Annual Premium
Year 1 - 2026	$15,000
Year 2 - 2026/2027	$30,000
Year 3 - 2026/2027/2028	$45,000
TOTAL	**$90,000**

The $90,000 over a 3-year period is a cost estimate only using the City's average number of peace officer and firefighter retirements and average age at retirement. The actual cost will vary based on the number of retirees each year and the age of each retiree. The City will monitor the actual experience each year for any adjustments that may be required, if necessary.

Without a critical illness supplemental income benefit insurance policy, the city would be responsible for paying the lesser of the retiree's final annual salary or $100,000 should the retiree be diagnosis with certain cancers, heart attack or stroke within three years after retirement.

RECOMMENDATION:

Staff recommends approving an Interlocal Agreement and a Statement of Responsibility with the Texas Municipal League Insurance Risk Pool (TMLIRP) to commit funds to acquire a group critical illness supplemental income benefit insurance policy through MetLife/Amwins for eligible peace officers and firefighter retirees in compliance with Tex. Gov't Code § 607.153 at a cost of $90,000 for 3 years.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

None

REFERENCE:

Tex. Gov't Code § 607.153

FISCAL IMPACT:

Proposed Expenditure/Revenue: $90,000
Account Number(s): 6201025-66100 (Year 1, Year 2+ will be expensed to Police and Fire department accounts)
Fund: 620
Account Description: Health Insurance Fund – Miscellaneous Expense
Procurement Method: Competitive Bid

STAFF CONTACT:

Wanda Bullard
Deputy Director of Human Resources
wbullard@burlesontx.com
817-426-9644

Item 5D - Texas Gov’t Code § 607.153 - Critical Illness Coverage
Item 5E - Applicable Employee Handbook Revision

PRESENTED TO THE CITY COUNCIL – MAY 4, 2026

WANDA BULLARD, DEPUTY DIRECTOR OF HUMAN RESOURCES

ITEM 5D BACKGROUND

TEXAS GOV'T CODE § 607.153: CRITICAL ILLNESS SUPPLEMENTAL INCOME BENEFIT

THE CITY OF BURLESON TEXAS

LEGISLATIVE REQUIREMENT - TEXAS GOV'T CODE § 607.153

- Enacted 9/1/2025
- Applies to entities with 50+ peace officers or 50+ firefighters
- Effective 1/1/2026 for peace officers and firefighters that retire on or after 1/1/2026
- Supplemental Income payment required if retiree diagnosed with certain cancers, heart attack, stroke
- Lump sum payment upon diagnosis of lesser of final annual salary or $100,000
- Coverage period is for 3 years post-retirement

Texas Gov't Code § 607.153 - Supplemental Income Benefit – Group Critical Illness Coverage

Proposed Insurance Solution:

- Interlocal Agreement with Texas Municipal League Insurance Risk Pool (TMLIRP) and partners
  - TMLIRP = Main Policyholder
  - MetLife = Insurance Provider
  - Amwins = 3rd Party Administrator
- Competitively bid, fully insured program
- 4 Year Rate Guarantee
- No medical underwriting for qualifying peace officer/firefighter retirees

Texas Gov’t Code § 607.153 - Supplemental Income Benefit – Group Critical Illness Coverage

Insurance Policy Structure/Benefit:

- Retiree-only coverage
- Mandatory enrollment of all eligible peace officer/firefighter retirees beginning on retirement date on or after January 1, 2026
- 36-month coverage commitment for retiree(s)
- Age-banded premiums per $1000 of coverage
- If qualifying diagnosis, retiree receives payment lesser of: final annual salary or $100,000
  - Benefit maximum payable up to 7x the benefit level per category in the event of multiple qualifying diagnoses within 3 year period of coverage
- Retroactive coverage allowed back to 1/1/2026 for eligible retirees if enrolled by 5/31/2026

Texas Gov’t Code § 607.153 - Supplemental Income Benefit – Group Critical Illness Coverage

Cost Impact:

- 3 years estimated at $90,000
  - Used average # of peace officer/firefighter retirements & average age at retirement
- Cost will vary based on the actual # of retirees each year and age of each retiree
- 1st year expensed to health insurance fund.
- Forward years budgeted and expensed to Police and Fire depts

Timeframe	Estimated Annual Premium
Year 1 - 2026	$15,000
Year 2 - 2026/2027	$30,000
Year 3 - 2026/2027/2028	$45,000
TOTAL	**$90,000**

Texas Gov’t Code § 607.153 - Supplemental Income Benefit – Group Critical Illness Coverage

Risk Without Coverage:

- City pays claims directly
- Up to $100,000 per retiree
- Unpredictable financial exposure

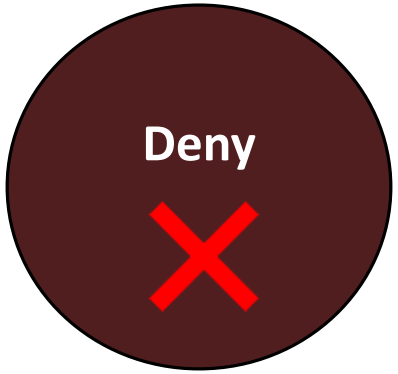
Future Considerations:

- Staff to monitor marketplace for competing products
- City can discontinue TMLIRP coverage with contractual notice; obligated for retirees enrolled for their 36-month period
- Implementation of new provider would not duplicate retiree(s) coverage or cost

City Council Considerations and Actions:

Consider and take possible action on an Interlocal Agreement and a Statement of Responsibility with the Texas Municipal League Insurance Risk Pool (TMLIRP) to commit funds to acquire a group critical illness supplemental income benefit insurance policy through MetLife/Amwins for eligible peace officers and firefighter retirees in compliance with Tex. Gov't Code § 607.153 at a cost of $90,000 for 3 years.





ITEM 5E RESOLUTION

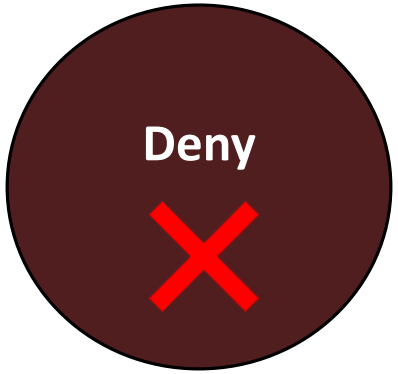
City Employee Handbook Revision: Texas Gov’t Code § 607.153 Illness Supplemental Income Benefit

- Based on Tex. Gov’t Code § 607.153 legislative requirement for a new retiree benefit for qualifying peace officers and firefighters, the City recommends to update the City of Burleson Employee Handbook:
  - Revision effective date 5/4/2026
  - Chapter 12.3 Retirement Benefits
  - Outline the critical illness supplemental income benefit in accordance with Tex. Gov’t Code § 607.153
  - Provides option for insurance solution to satisfy statutory requirement

City Council Considerations and Actions:

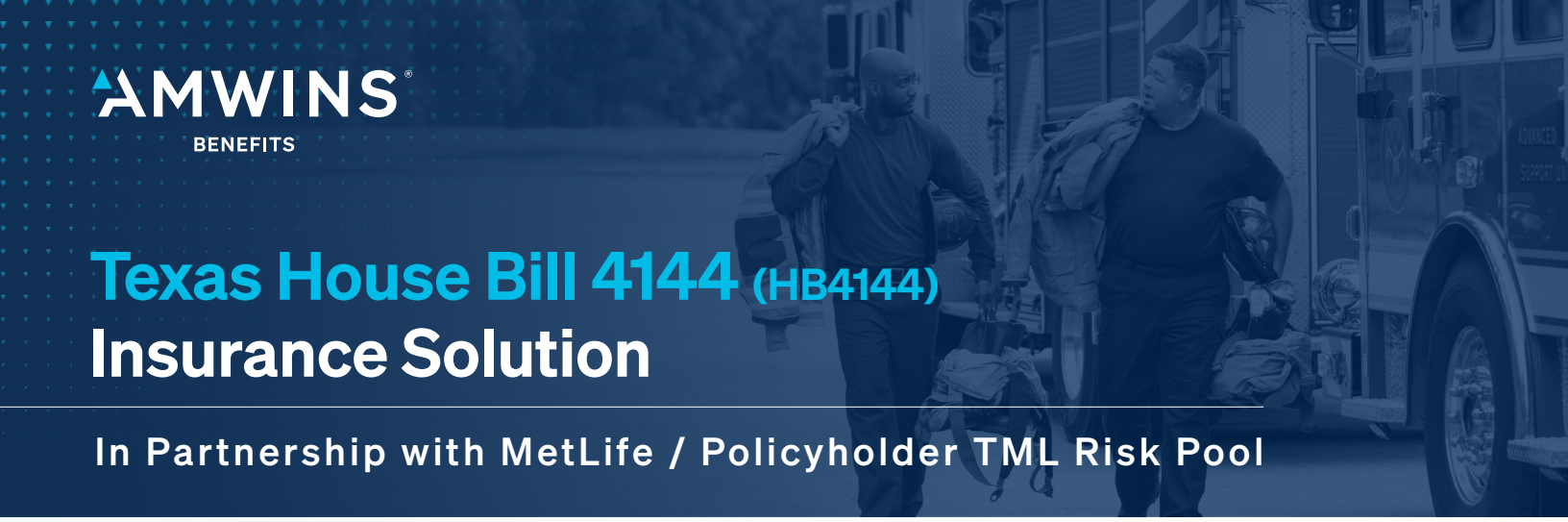
Consider and take possible action on a resolution adopting the revised FY2025-2026 employee handbook dated May 4, 2026, adding the Tex. Gov't Code § 607.153 critical illness supplemental income benefit in Chapter 12.3 Retirement Benefits





Questions / Comments

Wanda Bullard
Deputy Director of Human Resources
wbullard@burlesontx.com
817.426.9644



AMWINS BENEFITS

Texas House Bill 4144 (HB4144) Insurance Solution

In Partnership with MetLife / Policyholder TML Risk Pool

Overview of Texas HB4144

Texas House Bill 4144 mandates Texas political subdivisions with at least 50 Firefighters or Peace Officers to provide financial protection, for eligible first responders retiring on or after 1/1/26, who develop certain serious health conditions within three years of retirement. These include certain cancers, stroke and heart attack, as defined in HB4144.

MetLife* and **Amwins**, after a full RFP and market analysis, have partnered to deliver the market-leading Critical Illness solution for public entities in the State of Texas. MetLife will provide the fully insured solution, Amwins will provide the benefit administration support, and the **TML Risk Pool** serves as the master policyholder.

MetLife's Insured Solution

MetLife has designed a **Critical Illness insurance product** tailored to meet HB4144 coverage requirements.**

Key elements of the solution include:

- **Employer paid coverage** offered to eligible retirees of cities, counties, and other political subdivisions for 3 years.
- **Covered conditions** are based on HB4144 requirements, which include cancer[1], heart attack[2], and strokes.
- **Benefit level** follows the statutory requirement, the lesser of the retiree's final salary or $100,000.
- **The benefit maximum** is payable up to 7 times the benefit level per category. *See coverage benefit summary for more details.*
- **All political subdivisions required to comply** with HB4144 will have access to this benefit. This policy is not restricted to current TML Risk Pool members.
- **Non-members of TML Risk Pool who wish to obtain this coverage** may join TML Risk Pool through a simplified process, solely for the purpose of obtaining coverage to satisfy the mandate under Texas House Bill 4144.
- **Fully Insured Premium will be collected** on a monthly basis, with no advance payment required.
- **MetLife has agreed to allow temporary retroactive coverage** to 1/1/26 solely to address the delayed regulatory approval. Coverage for any eligible retired firefighter or peace officer will begin on the later of 1/1/2026, or the individual's actual retirement date.
- **Amwins will serve as the benefit administrator** for all recordkeeping functions. Services include: Marketing, Implementation, Enrollment, Eligibility Management, Billing & Premium Administration, Broker & Underlying Client Support.
- **Brokers and Consultants** – This product is also available to any broker or consulting firm and their clients who must comply with HB4144.

For Marketing Support and Additional Information,
Contact Amwins TX HB4144 Support Team

txhb4144@amwins.com
800.313.7008

AMWINS BENEFITS

Texas House Bill 4144 (HB4144) Insurance Solution

Footnotes

1. Please review the certificate for specific information about cancer benefits. Not all types of cancer are covered.
2. The Heart Attack Covered Condition pays a benefit for the occurrence of a myocardial infarction, subject to the terms of the certificate. A myocardial infarction does not include sudden cardiac arrest.

* METLIFE CRITICAL ILLNESS INSURANCE (CII) IS A LIMITED BENEFIT GROUP INSURANCE POLICY. Like most group accident and health insurance policies, MetLife's CII policies contain certain exclusions, limitations and terms for keeping them in force. MetLife's Critical Illness Insurance is not intended to be a substitute for Medical Coverage providing benefits for medical treatment, including hospital, surgical and medical expenses. MetLife's Critical Illness Insurance does not provide reimbursement for such expenses. A more detailed description of the benefits, limitations, and exclusions applicable to MetLife's CII product can be found in the applicable Disclosure Statement or Outline of Coverage/Disclosure Document available at time of enrollment. For complete details of coverage and availability, please refer to the group policy form GPNP15-3T-CI-TRUST-NER or contact MetLife for more information. Benefits are underwritten by Metropolitan Life Insurance Company, New York, New York.

** The product has been approved by the State of Texas Department of Insurance.

Critical Illness Insurance

Benefits you can use as you see fit, such as to help cover expenses that are not covered by your medical plan.

Critical Illness Insurance Benefits

Eligible Individual	Benefit Amount	Requirements
Coverage Options		
Peace Officer and/or Firefighter Retiree members of Texas Municipal League Intergovernmental Risk Pool	**The lesser of one times the basic annual earnings on file prior to retirement rounded to the next higher $1,000, or $100,000**	3 Years of consecutive coverage is provided as Employer Paid when you have retired on or after 1/1/2026

Benefit Payment

Your plan pays a lump-sum benefit upon the first verified diagnosis of each Covered Condition that occurs within the first three years of your retirement. Please refer to the table below for the percentage benefit payable for each Covered Condition.

Covered Conditions*	One Time Benefit
Cancer Category	
Type A Cancer: cancer that originates at the stomach, colon, rectum, skin (excluding malignant melanoma), prostate, testis, or brain	100% of Benefit Amount
Type B Cancer: non-Hodgkin's lymphoma	100% of Benefit Amount
Type C Cancer: multiple myeloma	100% of Benefit Amount
Type D Cancer: malignant melanoma	100% of Benefit Amount
Type E: renal cell carcinoma	100% of Benefit Amount
Heart Attack Category	
Heart Attack	100% of Benefit Amount
Stroke Category	
Stroke	100% of Benefit Amount

* Notes Regarding Covered Conditions

MetLife will not pay a benefit for a Covered Condition that is diagnosed prior to the coverage effective date.

- Cancer – Please review the certificate for specific information about cancer benefits. In most states, not all types of cancer are covered.
- Heart Attack – The Heart Attack Covered Condition pays a benefit for the occurrence of a myocardial infarction, subject to the terms of the certificate. A myocardial infarction does not include sudden cardiac arrest.
- Stroke – In certain states, the Covered Condition is Severe Stroke.

Critical Illness Insurance

Example of How Benefits are Paid

The example below illustrates a retiree who has a Benefit Amount of $100,000.

Illness – Covered Condition	Payment
Heart Attack — first verified diagnosis, year one of coverage	Initial Benefit payment of $100,000 or 100%
Stroke – first verified diagnosis, year two of coverage	Initial Benefit payment of $100,000 or 100%

This example is for illustrative purposes only. The MetLife Critical Illness Insurance Policy and Certificate are the governing documents with respect to all matters of insurance, including coverage for specific illnesses. The specific facts of each claim must be evaluated in conjunction with the provisions of the applicable Policy and Certificate to determine coverage in each individual case.

Question & Answer

Q. Who do I call for assistance?

A. Call 1-800-313-7008 or email at *texashb4144@amwins.com*

Insurance Rates

MetLife offers group rates, your retiree rates are outlined below.

Monthly Premium per $1,000 of Coverage

Age	Employee Only
<25	$0.06
25–29	$0.08
30–34	$0.14
35–39	$0.25
40–44	$0.46
45–49	$0.73
50–54	$1.15
55–59	$1.73
60–64	$2.41
65–69	$3.14
70–74	$4.01
75-79	$4.75
80-84	$5.30
85+	$5.54

Rates will increase when a Covered Person reaches a new age band.

Rates are subject to change.

METLIFE CRITICAL ILLNESS INSURANCE (CII) IS A LIMITED BENEFIT GROUP INSURANCE POLICY. Like most group accident and health insurance policies, MetLife's CII policies contain certain exclusions, limitations and terms for keeping them in force. Product features and availability vary by state. There may be a preexisting condition exclusion. There may be a Benefit Reduction Due to Age provision. There may be a Benefit Suspension Period between recurrences of the same Covered Condition or occurrences of different Covered Conditions. Attained Age rates will increase when a Covered Person reaches a new age band. Rates are subject to change. A more detailed description of the benefits, limitations, and exclusions applicable to MetLife's CII product can be found in the applicable Disclosure Statement or Outline of Coverage/Disclosure Document available at time of enrollment. For complete details of coverage and availability, please refer to the group policy form GPNP07-CI, GPNP09-CI, GPNP10-CI, GPNP14- CI, GPNP19-CI or contact MetLife for more information. Please contact MetLife for more information. Benefits are underwritten by Metropolitan Life Insurance Company, New York, New York.

MetLife's Critical Illness Insurance is not intended to be a substitute for Medical Coverage providing benefits for medical treatment, including hospital, surgical and medical expenses. MetLife's Critical Illness Insurance does not provide reimbursement for such expenses.

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City Council Regular Meeting

DEPARTMENT: **Human Resources**

FROM: **Wanda Bullard, Deputy Director of Human Resources**

MEETING: **May 4, 2026**

SUBJECT:

Consider and take possible action on a resolution adopting the revised FY2025-2026 employee handbook dated May 4, 2026, adding the critical illness supplemental income benefit required by state law in Chapter 12.3 Retirement Benefits (Staff Contact: *Wanda Bullard, Deputy Director of Human Resources)*

STRATEGIC PRIORITY AND GOAL(S):

Strategic Priority	Strategic Goal
High Performing City Organization Providing Exceptional, People Focused Services	1.1 Develop a high-performance and diverse workforce 1.4 Be a responsible steward of the city's financial resources.

SUMMARY:

Effective on September 1, 2025, HB 4144, codified at Tex. Gov't Code § 607.153 requires political subdivisions with 50 or more peace officers or firefighters to provide a critical illness supplemental income benefit to eligible peace officers or firefighters that retire on or after January 1, 2026 forward. The benefit applies when a retiree is diagnosed with certain cancers, heart attack or stroke within three years after retirement. The required benefit amount is currently the lesser of: the retiree's final annual salary or $100,000, but the $100,000 minimum will be adjusted for inflation every 10 years by the Texas Commissioner for Workers Compensation.

Given that the city is adding a retirement benefit for statutory compliance, we recommend revising the Employee Handbook in Chapter 12.3 Retirement Benefits outlining the addition of the critical illness supplemental income benefit for qualifying peace officer and firefighter retirees.

RECOMMENDATION:

Staff recommends approving a resolution adopting the revised FY2025-2026 employee handbook dated May 4, 2026, adding the critical illness supplemental income benefit in Chapter 12.3 Retirement Benefits.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

None

REFERENCE:

Tex. Gov't Code § 607.151

FISCAL IMPACT:

Proposed Expenditure/Revenue: N/A
Account Number(s): N/A
Fund: N/A
Account Description: N/A
Procurement Method: N/A

STAFF CONTACT:

Wanda Bullard
Deputy Director of Human Resources
wbullard@burlesontx.com
817-426-9644

Item 5D - Texas Gov’t Code § 607.153 - Critical Illness Coverage
Item 5E - Applicable Employee Handbook Revision

PRESENTED TO THE CITY COUNCIL – MAY 4, 2026

WANDA BULLARD, DEPUTY DIRECTOR OF HUMAN RESOURCES

ITEM 5D BACKGROUND

TEXAS GOV'T CODE § 607.153: CRITICAL ILLNESS SUPPLEMENTAL INCOME BENEFIT

THE CITY OF BURLESON TEXAS

LEGISLATIVE REQUIREMENT - TEXAS GOV'T CODE § 607.153

- Enacted 9/1/2025
- Applies to entities with 50+ peace officers or 50+ firefighters
- Effective 1/1/2026 for peace officers and firefighters that retire on or after 1/1/2026
- Supplemental Income payment required if retiree diagnosed with certain cancers, heart attack, stroke
- Lump sum payment upon diagnosis of lesser of final annual salary or $100,000
- Coverage period is for 3 years post-retirement

Texas Gov't Code § 607.153 - Supplemental Income Benefit – Group Critical Illness Coverage

Proposed Insurance Solution:

- Interlocal Agreement with Texas Municipal League Insurance Risk Pool (TMLIRP) and partners
  - TMLIRP = Main Policyholder
  - MetLife = Insurance Provider
  - Amwins = 3rd Party Administrator
- Competitively bid, fully insured program
- 4 Year Rate Guarantee
- No medical underwriting for qualifying peace officer/firefighter retirees

Texas Gov’t Code § 607.153 - Supplemental Income Benefit – Group Critical Illness Coverage

Insurance Policy Structure/Benefit:

- Retiree-only coverage
- Mandatory enrollment of all eligible peace officer/firefighter retirees beginning on retirement date on or after January 1, 2026
- 36-month coverage commitment for retiree(s)
- Age-banded premiums per $1000 of coverage
- If qualifying diagnosis, retiree receives payment lesser of: final annual salary or $100,000
  - Benefit maximum payable up to 7x the benefit level per category in the event of multiple qualifying diagnoses within 3 year period of coverage
- Retroactive coverage allowed back to 1/1/2026 for eligible retirees if enrolled by 5/31/2026

Texas Gov’t Code § 607.153 - Supplemental Income Benefit – Group Critical Illness Coverage

Cost Impact:

- 3 years estimated at $90,000
  - Used average # of peace officer/firefighter retirements & average age at retirement
- Cost will vary based on the actual # of retirees each year and age of each retiree
- 1st year expensed to health insurance fund.
- Forward years budgeted and expensed to Police and Fire depts

Timeframe	Estimated Annual Premium
Year 1 - 2026	$15,000
Year 2 - 2026/2027	$30,000
Year 3 - 2026/2027/2028	$45,000
TOTAL	**$90,000**

Texas Gov’t Code § 607.153 - Supplemental Income Benefit – Group Critical Illness Coverage

Risk Without Coverage:

- City pays claims directly
- Up to $100,000 per retiree
- Unpredictable financial exposure

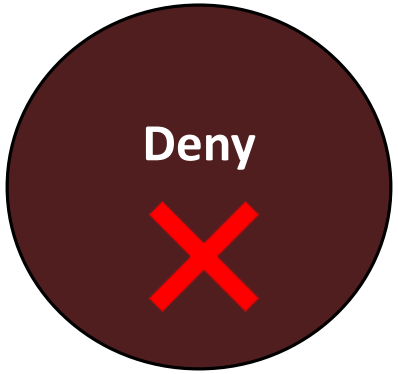
Future Considerations:

- Staff to monitor marketplace for competing products
- City can discontinue TMLIRP coverage with contractual notice; obligated for retirees enrolled for their 36-month period
- Implementation of new provider would not duplicate retiree(s) coverage or cost

City Council Considerations and Actions:

Consider and take possible action on an Interlocal Agreement and a Statement of Responsibility with the Texas Municipal League Insurance Risk Pool (TMLIRP) to commit funds to acquire a group critical illness supplemental income benefit insurance policy through MetLife/Amwins for eligible peace officers and firefighter retirees in compliance with Tex. Gov't Code § 607.153 at a cost of $90,000 for 3 years.





ITEM 5E RESOLUTION

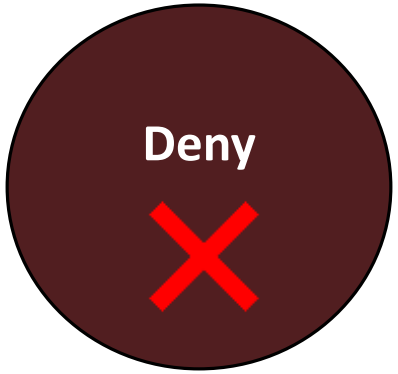
City Employee Handbook Revision: Texas Gov’t Code § 607.153 Illness Supplemental Income Benefit

- Based on Tex. Gov’t Code § 607.153 legislative requirement for a new retiree benefit for qualifying peace officers and firefighters, the City recommends to update the City of Burleson Employee Handbook:
  - Revision effective date 5/4/2026
  - Chapter 12.3 Retirement Benefits
  - Outline the critical illness supplemental income benefit in accordance with Tex. Gov’t Code § 607.153
  - Provides option for insurance solution to satisfy statutory requirement

City Council Considerations and Actions:

Consider and take possible action on a resolution adopting the revised FY2025-2026 employee handbook dated May 4, 2026, adding the Tex. Gov't Code § 607.153 critical illness supplemental income benefit in Chapter 12.3 Retirement Benefits





Questions / Comments

Wanda Bullard
Deputy Director of Human Resources
wbullard@burlesontx.com
817.426.9644

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, ADOPTING THE CITY'S REVISED EMPLOYEE HANDBOOK FOR FISCAL YEAR 2025-2026.

WHEREAS, the City of Burleson, Texas ("City"), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City has evaluated its employee handbook for a required legislative update for regulatory compliance and organizational needs; and

WHEREAS, the City Council has reviewed and desires to approve the revised employee handbook dated May 4, 2026, for FY 2025-2026.

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

Section 1.

The revised employee handbook dated May 4, 2026, for FY 2025-2026 is approved. The employee handbook is attached as Exhibit "A".

Section 2.

This resolution shall take effect immediately from and after its passage.

PASSED, APPROVED, AND SO RESOLVED by the City Council of the City of Burleson, Texas, on the _____ day of _____, 20_____.

_____
Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

_____
Amanda Campos, City Secretary

APPROVED AS TO LEGAL FORM:

_____
E. Allen Taylor, Jr., City Attorney

Dear Fellow Employees:

Welcome to the City of Burleson! This handbook will serve as a starting point to answer many employment and conduct related questions. We encourage you to seek out your supervisor, Department Manager, Director, or the Human Resources department if you have additional questions.

There are many aspects of the manual that are important, including the City's basic employment related policies. A separate City of Burleson safety manual is also available for your review, located at www.burlesontx.com/employeeforms.

Ongoing updates to policies and employee related events can be found on the City's website at www.burlesontx.com/employeeforms.

If you have a city-issued email address, be sure to check it regularly for communications from Human Resources about benefits, policies, upcoming events, and other important notices. We look forward to working with you to maximize your employment with the City of Burleson.

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City of Burleson

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***Note: This version of the manual supersedes prior versions of the Human Resources Policy Manual**

Chapter 1: Administration and General Information

1.1 Administration. (revised 11/01/16) (01/01/19)

Responsibility: The City Manager is designated as the chief executive officer. As the head of the administrative branch of city government, the City Manager is responsible to the city council for the administration of all affairs of the city, including the hiring, and when necessary, removal of any employee, per city charter. The Deputy City Managers are appointed by the City Manager and assist the City Manager in administering the affairs of the city by performing assigned functions and providing general oversight to the directors of departments as designated on the city's organizational chart. Throughout this manual when the City Manager is noted, the Deputy City Manager is authorized to make decisions in the City Manager's place, if so designated by the City Manager or is the City Manager is physically incapacitated and unable to make such related decisions.

The Director of Human Resources is responsible for administering the regulations of this policy in cooperation with department managers and directors. Directors are responsible for the proper and effective administration of this policy within their departments. Routine matters and duties, such as maintaining records and preparing reports may be assigned to another department staff member.

This policy prevails over any individual department policy that may be contradicting.

The City reserves the right to interpret, change, suspend, cancel or dispute all or any part of the policies contained herein.

1.2 Department Policies. (revised 12/31/15)

(a) It shall be the prerogative of each department director and the Deputy City Managers, with the approval of the City Manager, to develop and implement departmental policies and/or practices which are separate from or in addition to these policies. If a departmental policy is inconsistent, in conflict or incompatible with any provision contained herein, the provision in this manual shall control. Directors shall review departmental policies and correct any inconsistencies, conflicts or incompatible provisions following the approval of any future amendments to this manual.

(b) Directors may choose to reorganize department operations and assign employees to new job duties and/or positions without posting job openings for City employees or public review, if they deem such a reorganization to be in the best interest of the department. Such decisions should be discussed with the City Manager, or designated Deputy City Manager, in advance. After CMO approval, the Director will communicate the circumstances to the Director of Human Resources if job openings are not posted and made available for application or transfer.

1.3 Amendments to This Policy.
The City Manager may make revisions to this policy which do not involve a change in benefits offered or changes which would require an amendment to the city's current "Annual Operating Budget." The city council must approve all changes involving employee benefits and/or budget amendments. Any new rules or regulations issued supersede these regulations and are fully binding on all employees.

1.4 Policy Distribution. A copy of this policy shall be made available to all city employees.

1.5 Personnel Records.

(a) Retention and inspection. The Human Resources Department will maintain the personnel file for each employee and retain those records in accordance with the city's records retention schedule. An employee's record is available for inspection in the Human Resources Department by that employee and the employee's immediate supervisor, manager, director, Deputy City Manager or the City Manager. In some instances, information in these files is available to the public, per open records state statutes.

(b) Information update. Each employee shall report to the Human Resources Department any change in address, telephone number, or family status, to be included in the employee's personnel file.

(c) Retention of Applications.
Whether or not an applicant is hired, promoted, or transferred, the application shall not be returned, but shall be retained by the city in accordance with the city's records retention schedule.

1.6 Fair Employment Practices.

(a) Responsibility- All City Employees: The city workforce exists to provide essential municipal services to the community. The city organization is committed, within its financial constraints, to maintaining a workforce of the most qualified workers to provide reliable, quality, and cost efficient services to the community in a respectful and friendly manner.

(b) Management responsibilities:
in keeping with the respect due each employee, city management is committed to:

- provide effective and efficient delivery of services;
- compensate employees fairly for work done;
- provide safe, healthy, work conditions in accordance with provisions of all applicable law;
- adequately instruct and train employees in their duties;

- supply necessary tools and equipment (except those customarily provided by employees);
- provide reasonable opportunities for development experience and competitive advancement; and
- actively engage in equal opportunity activities.
- City management shall not dismiss an individual, fail or refuse to hire an individual, or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, color, age, religion, sex (includes gender, gender identity, sexual orientation, pregnancy) , national origin, disability, pregnancy, military status, political opinions, or affiliations.

(c) Employee responsibilities:
An employee shall:

- be loyal to and meet the reasonable expectations of city management and the citizens of the city,
- report to work regularly and at the time specified by their supervisor;
- consistently meet or exceed performance standards established for the employee's job;
- work in a professional, cooperative, safe, and friendly manner; and
- get along well with co-workers and citizens.

1.7 Prohibition of Discrimination and Harassment. (01/01/19) (10/01/23) (10/06/25)

(a) The City of Burleson does not condone, endorse, or tolerate conduct by employees, vendors, volunteers, elected officials or citizens that would constitute discrimination or harassment (including sexual harassment) based on race, color, religion, national origin, sex (includes gender, gender identity, sexual orientation, pregnancy), age, the existence of a physical or mental disability, military service status or any other state or federally protected right. Employees who feel there is a problem in this area should refer to Standards of Conduct Chapter for further guidelines on how to address this concern and should report the problem to a member of city management immediately.

(b) Hair discrimination - at no time will the city allow any hiring, advancement, other employment or grooming policy or practice be made because of or on the basis of an employee's hair texture or protective hairstyle (braids, locks, and twists) commonly or historically associated with race.

(c) Harassment of any kind is strictly prohibited at the City of Burleson.

1.8 Expressing Breast Milk in the Workplace:

(a) It is the policy of the City of Burleson to follow mandates issued by the State of Texas (Texas Government Code, title 6, chapter 619) and the Federal Fair Labor Standards Act (Section 7) related to a mother's right to express breast milk in the workplace.

(b) It is the policy of the City of Burleson to support the practice of expressing breast milk and to make a reasonable accommodation for the needs of employees who express breast milk.

(c) The City of Burleson will provide;

1. a reasonable amount of break time for an employee to express breast milk each time the employee has need to express the milk; and
2. a place, other than a bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk. The location provided must be functional as a space for expressing breast milk. If the space is not dedicated to the nursing mother's use, it will be available when needed in order to meet the statutory requirements of the Department of Labor/FLSA regulations.

3. Designation of Space: The Department Director or Manager will work with any employee to designate an appropriate space for expressing breast milk in accordance with #2 above.

(d) Responsibility: It is the responsibility of department management to work with an employee who has a need for accommodation for expressing breast milk. It is the responsibility of the employee to communicate with management regarding the need for accommodation.

(e) Breaks for Expressing Breast Milk: The City is not required to compensate nursing mothers for breaks taken for the purpose of expressing milk. However, where departments already provide compensated breaks, an employee who uses that break time to express milk will be compensated in the same way that other employees are compensated for break time. The provision to compensate employee for this break time applies only to non-exempt employees.

(f) Per section 619.005 of the Texas Government Code, Discrimination Prohibited. A public employer may not suspend or separate the employment of, or otherwise discriminate against, an employee because the employee has asserted the employee's rights under this chapter.

Chapter 2: New Employee Information

2.1 Application and Initial Employment.

(a) The Human Resources Department will coordinate the process of recruiting employees, posting job openings, testing employees, assisting management with interviews, checking references, and making job offers. Supervisory and management employees should refer to internal written protocols for hiring new employees within the approved guidelines and the budget allocations.

2.2 Probationary Employment Period.

(a) All new employees will serve a six-month probationary period (note differentiation when the probationary period begins for sworn public safety in subsection (1) below). During this time the employee is working to learn job skills and demonstrate an ability to perform the job in an acceptable manner. This is the period of time in which supervisory staff are assessing competency and training the employee. Throughout this handbook various benefits are explained and are made available to qualified employees. Successful completion of the six-month probationary period is required in order to secure these benefits. Employees may be given a brief written evaluation at the end of the probationary period:

(1) The six-month probationary period for commissioned peace officers in the Police Department, public safety telecommunicators, and sworn firefighters working in the Fire Department begins at the conclusion of the departments' field training/orientation period.

(b) No portion of the probationary period requirement alters the city's right to exercise the "at-will" employment option (see the Federal, State, and Local Law Notices). If an employee elects to quit during the probationary period a two week written notice is still required in order to be rehired, but may be waived by the employee's director following review with Human Resources should it be in the city's best interest.

(c) New employees (not police officers) are required to complete six months of employment in the department in which they are initially hired before being eligible for consideration for transfer within city employment.

(d) Completion of the probationary period does not guarantee continued employment or alter the employment "at-will" employment option. See the Federal, State, and Local Law Notices Chapter for more information on conditions of employment.

2.3 Nepotism. (05/13/19) (10/01/21)(10/06/2025)

(a) City Charter Requirement. In keeping with Section 134 of the Charter of the City of Burleson, no person who is related within the second degree of affinity or within

the third degree of consanguinity to a member of the city council or to the City Manager is eligible for any office, position or service with the city or to the Zoning Board of Adjustment or the Planning and Zoning Commission. This prohibition does not affect an officer or employee within the named degree, who is already serving or employed by the city for 30 days prior to an appointed position and 6 months prior to an elected position from when the member of the city council or the City Manager takes office.

(b) Other than prohibited nepotism in the City Charter, employment of relatives is permitted. Relatives of employees of city departments that provide an internal service to employees shall not be hired without prior approval of the City Manager. These departments include Finance, Human Resources, and Information Technology. In addition, employees in any department may not appoint or employ family members, nor use their position to influence their appointment or employment. Employees shall not be placed in positions in which they would supervise or be supervised by a family member; or be in a position where family members could affect each other's employment, promotion, salary administration, work assignments, or other related management or personnel decisions and transactions. For applicable employment relationships existing prior to the policy, appropriate controls and oversight will be put in place with the Department Director and Human Resources to ensure no conflict of interest.

(c) To the extent possible, family members working in the same department will not be assigned to the same work group or shift. If not practical, approval is required by the Department Director and Human Resources.

(d) In situations where pending family relationships are being considered between employees post-employment that would violate the nepotism policy, a meeting between the employees, the department head(s) and the Director of Human Resources will need to occur. The continuance of employment of both employees will be determined based upon supervisory roles and conflict of interest that could occur if both are retained in their current roles and/or department. A transfer or separation could be the result of the meeting.

Chapter 3: Federal, State, and Local Law Notices and Public Information Policy

3.1 Equal Opportunity Policy. (01/30/2020)

No officer or employee of the city shall discriminate in employment practices based on race, color, religion, national origin, sex (includes gender, gender identity, sexual orientation, pregnancy), age, the existence of a physical or mental disability, military service status or any other state or federally protected right. The equal opportunity policy of the city applies to all areas of employment, including, but not limited to recruitment, hiring, job assignments, pay, training, promotions, privileges, and conditions of employment.

3.2 Conditions of Employment

(a) These Policies are not a Contract;

At-will employment. All employees of the city serve at the will and pleasure of the city. Neither this policy nor any other policy of the city nor any statement of a city official, shall be construed as granting a property interest in employment with the city. The existence of this policy does not constitute any limitation on the rights of the city to manage its affairs. The city reserves the right to interpret, change, suspend, cancel or dispute all or any part of this policy.

(b) Requirements for continued employment. Although adherence to this policy is considered a condition of continued employment, nothing in this policy alters an employee's status, and this policy shall not constitute a contract or promise of employment. Employees are expected to continue to meet job performance standards, observe departmental regulations, and observe city rules of conduct in order to continue employment with the city.

3.3 Compliance with Regulations and Laws.

An employee shall comply with the provisions of the charter and ordinances and resolutions of the city, with this policy and with departmental policies; failure to do so may result in corrective action measures.

3.4 Public Information Policy.

(a) Policy statement. The city recognizes that the public should have accurate, authentic information concerning events that affect the public welfare or the public interest. This information should be provided, when possible to do so, without interfering with the performance of services and without jeopardizing results of investigations or other pending matters. The city and all its departments are tax supported and must merit and retain public support. The city has the obligation to follow legal guidelines in providing public information as established in the Texas Public Information Act.

(b) Public information coordinator. The City Manager and city council have, by ordinance, designated the city secretary to be Burleson's public information coordinator, responsible

for administering the city's responsibilities under the Texas Public Information Act. The public information coordinator will coordinate requests for information with the various department directors to ensure compliance with all public information laws.

(c) Referral of requests. Departments shall refer requests for information to the city secretary's office for required legal handling to ensure the city's compliance with open records statutes.

3.5 Media Relations Policy.

(a) Policy statement. This policy establishes procedures and guidelines for all city employees concerning communication with members of the news media when the employee is on the job or acting as a city employee. The city seeks to provide consistent, accurate, and timely information to the media while keeping city officials informed of emerging media issues. To accomplish this goal, the city maintains a systematic, well-coordinated communications policy.

(b) Public information officer (PIO). The City Manager shall designate a staff member as the city's PIO. The PIO is the city's official spokesperson for all city departments except the police department or as directed by the City Manager. The PIO promotes and provides background information about city issues, projects, and services to both the news media and the public.

(1) The PIO is on-call 24 hours a day in order to facilitate the city's media relations policy, answer questions, respond to developing situations, and offer assistance as needed.
(2) The PIO is available to all employees for advice, consultation, and assistance in media relations. Upon request, the PIO can be present for any arranged interviews with media personnel.
(3) When the PIO is unavailable to serve as the city's spokesperson, an alternate spokesperson shall be designated by the City Manager.

(c) Public safety. The Police Chief shall designate a member of that department to serve as the city's official spokesperson for police-related incidents, including but not limited to criminal reports. The city PIO shall serve as the fire department PIO until such time as the Fire Chief chooses to designate a spokesperson from within that department and has such designation approved by city management. The city, police department, and fire department shall jointly coordinate the release of all other material to news media outlets. On the scene of an active police or fire incident, the incident commander shall serve as the media contact until the departmental or city spokesperson is present, or unless an alternate spokesperson is designated by the Chief.

(d) Application to staff. An employee shall not initiate a contact with the news media relating to city business without permission of the department director and coordination with the public information officer.

(1) A department director may respond to simple inquiries from the news media, but must immediately notify the public information officer and the Deputy City Manager or the City Manager, whichever is appropriate, of the date, time, subject matter, and news media personnel who made the inquiry.

(2) Readily Available Requests. When an employee other than a PIO or department director is contacted by the media requesting readily available information about city operations that is known to be public, the employee shall make a reasonable effort to provide it. Such information includes, but is not limited to, city staff names, titles and extensions; public meeting dates, locations and agendas; provisions of city ordinances or city charter; and copies of materials prepared by the city for public distribution. If the employee is unsure whether the requested information is considered public, the employee shall forward the request to the appropriate department director.

(3) Other Requests. When an employee other than a PIO or department director is contacted by the media for information about city operations that is not readily available, the employee shall refer the request to the appropriate department director or the PIO.

(4) News media personnel who visit city facilities will not be permitted in controlled access areas without the department director's authorization.

(e) News releases**.**

(1) All departments are encouraged to disseminate news releases that reflect positively on the city and its image. A list of appropriate media contacts will be maintained by the PIO.

(2) News releases shall be submitted to the departmental director for approval before being forwarded to the PIO for formal issuance to the news media.

(3) The appropriate process for composition and distribution of news releases from the police department will be determined by department general orders.

(f) Formal media interviews.

(1) An employee who receives a request from the media for scheduled interviews, tapings or recordings shall immediately forward the request to the PIO, who shall notify the City Manager as needed.

(2) Employees shall work with the PIO to provide a timely and thorough response to all interview requests, but the city may ask for and expect to be afforded additional time to research the relevant issues and to prepare for the interview.

(3) The PIO is the official spokesperson for the city. However, if it is determined to be more appropriate to have another staff member interviewed, as a subject matter expert, the PIO will be available to advise the employee on interviewing with the media.

(4) Upon termination of a formal media interview, the employee shall promptly discuss the topic with his or her departmental director and/or the PIO to determine if any further action should be taken.

(5) The appropriate process for conduct of a media interview on police matters will be determined by department general orders.

(g) A city employee violating this policy is subject to corrective action up to and including separation.

Chapter 4: Standards of Conduct

4.1 Anti-Harassment Policy And Procedures: (revised 11/01/16) (01/01/19) (10/01/23)

The purpose of this policy is to provide all employees a work environment that is free from harassment, including sexual harassment and any other form of illegal harassment or intimidation. Any conduct between a City employee and a volunteer or citizen that may be deemed harassment is also strictly prohibited. See the Administration and General Information Chapter for further policy statements related to this matter.

Director of Human Resources. The director of Human Resources will receive training about harassment and this policy, and will be responsible for investigating harassment complaints.

Distribution of policies. The director of Human Resources will distribute this policy to all employees. Employees are encouraged to read this policy and adhere to its provisions at all times.

Amendments. The City Manager reserves the right to amend this policy at any time. The director of Human Resources will notify employees of changes to this policy.

Training. The city shall provide mandatory training in harassment matters for supervisors.

(a) Harassment Definitions:

(1) Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based on a person's race, color, ancestry, religion, national origin, age, sex (includes gender, gender identity, sexual orientation, pregnancy) marital status, disability, genetic information, or veteran status.

(2) Sexual Harassment consists of unwelcome sexual advances, requests for sexual favors, verbal, visual, or physical acts of a sexual or sex-based nature, or other misconduct directed at a person's sex.

(A) Harassment becomes unlawful where:

- enduring the offensive conduct becomes a condition of continued employment or a submission or rejection of the conduct is a basis of employment decisions
- the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

(b) Prohibited conduct:

The city considers the following conduct to represent the types of acts which violate this policy regardless if the behavior was intended to harass. The conduct listed below is not an all-inclusive list:

(1) Physical Harassment: Any actual or attempts at intentional physical contact, assault, impeding or blocking movement, leering; or the physical interference with normal work, privacy or movement when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex (includes gender, gender identity, sexual orientation, pregnancy), age, or veteran status. This includes pinching, patting, grabbing, rape, sexual battery, molestation, brushing against another person's body, poking another person's body, or making explicit or implied threats or promises in return for submission to physical acts.

(2) Verbal Harassment: Inappropriate gestures, rumors, code words, slurs, jokes, unwanted advances, propositions, and other offensive words or comments on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex (includes gender, gender identity, sexual orientation, pregnancy), age, or veteran status whether made in general, directed to an individual, or to a group of people.

(3) Visual Forms of Harassment: Inappropriate gestures, or demeaning, derogatory, prejudicial, stereotypical, or otherwise offensive written documents or publications such as posters, photographs, cartoons, notes, magazines, calendars, graffiti, bulletins, drawings or pictures on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex (includes gender, gender identity, sexual orientation, pregnancy), age, or veteran status. A picture is presumed sexually suggestive if it depicts a person who is not fully clothed or in clothes that are not suited to a professional workplace, or displaying or drawing attention to the private portions of the body. This applies to both posted material and material maintained in or on equipment or personal property in the workplace.

(4) Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward is prohibited.

(5) Subjecting, or threats of subjecting, an employee to unwelcome conduct when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex (includes gender, gender identity, sexual orientation, pregnancy), age, or veteran status; or intentionally making performance of the employee's job more difficult because of that employee's rejection of such misconduct is prohibited.

(6) Other acts of a similar nature on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex (includes gender, gender identity, sexual orientation, pregnancy), age, or veteran status.

(c) Retaliation Prohibited:
Retaliation for harassment complaints, such as disciplining, changing work environments, providing inaccurate work information, or refusing to cooperate or discuss work related matters with an employee because that employee has complained about or resisted harassment, discrimination or retaliation.

(d) General Provisions:
Employees who make repeated, false, or unfounded complaints for the sole purpose of attempting to invoke corrective action on another employee or attempting to disrupt the workplace without merit will be counseled and may also be subject to corrective action as appropriate.

(e) Complaint Procedure for Harassment:

(1) The city encourages employees who encounter harassment to firmly and promptly notify the offender that the behavior is unwelcome and that the conduct must stop.

(2) An employee who experiences or observes behaviors that are or could be construed as harassment or retaliation must report the incident to a supervisor, Department Director, the Director of Human Resources, or the City Manager. See the Corrective Action, Appeal, Complaints and Grievance Procedures Chapter for details on how grievances related to protected employee rights are handled.

(3) The Director of Human Resources will report all harassment and retaliation complaints to the City Manager.

(4) Each complaint, including anonymous complaints, will be promptly and thoroughly investigated to determine if harassment occurred. To the extent practical and allowed by the Texas Public Information Act, the city will keep complaints and the terms of their resolution confidential.

(5) An employee will not be subject to retaliation or corrective action for reporting or pursuing a harassment complaint. If the employee believes they are being retaliated against during or as a result of this process, they will report this to the Human Resources Department or the City Manager immediately.

(f) Responsibility of employees:
An employee or applicant for employment who has been harassed or knows of or suspects harassment in the workplace, sexual or otherwise, has the responsibility to report the conduct to a Supervisor, Department Director, the Director of Human Resources, the City Manager, or the Deputy City Manager.

(g) Duties and responsibilities of supervisors:

(1) Supervisors must treat all complaints seriously and confidentially. Each case will be thoroughly investigated to determine whether the harassment complained of occurred.

(2) All reports or suspicions of harassment, sexual or otherwise, which come to a supervisor's attention must be referred immediately to the Director of Human Resources and/or City Manager.

(h) Corrective action for harassment:

An employee found to have violated this policy will be subject to corrective action, including written reprimands, transfer, demotion, suspension, or separation. By enforcing this policy, the city will preserve the right of every employee and applicant to enjoy a workplace free of harassment of any type. Reports of harassment will be investigated; however, corrective action as a part of resolution of the matter is not automatic nor understood. Each matter will be handled on its own merits, and corrective actions taken will depend upon the specific circumstances surrounding the complaint. Validated misconduct that does not meet the criteria of harassment will still be addressed as a policy violation in our Standards of Conduct.

4.2 Replacement and Disposal of City Equipment:

(a) If an employee loses or damages city equipment, the employee must make a written report, documenting the circumstances, to the employee's immediate Supervisor who will submit the report for review by the Department Director. In the event of loss or damage to city electronic/technology equipment, a notification should also be submitted to BTX-IT. Determination of an employee's financial responsibility for replacement or repair of the equipment will be made by the Department Director.

(b) All employees are expected to follow specific protocols for disposal of equipment that is being replaced or discarded. All electronic/technology equipment must be returned to BTX-IT for disposal. Employees do not have authority to claim discarded city equipment without prior written permission. Capital equipment as well as incidental supplies, furniture and equipment will be properly disposed of or stored for auction when they are no longer in service.

4.3 Solicitations: (revised 01/01/13)

Solicitation will be limited to the following. Exceptions or additions to this policy will be brought to the attention of the City Manager's office for approval.

(a) Employee solicitations for personal gain or fund-raisers: Solicitation for the purpose of making additional money (i.e. personal product sales) or for fund-raising (i.e. for schools, churches, clubs) during working hours on city property is permitted only with the approval of the appropriate Department Director (or designee). Under no circumstances should

employees be approached individually regarding the purchase of products. However, the Director may approve employees placing items in a break room, on a table in the area, etc. making employee participation voluntary.

(b) City sponsored events may prompt solicitation to employees who want to voluntarily contribute (i.e. United Way, Heart for Kids, Harvest House, school supplies, diaper drives, etc.). These activities are intended to provide the employee base an opportunity to make a positive impact in the community and are not considered solicitation.

(c) Community Businesses: Community businesses, charities and churches will not be allowed to solicit to City employees in the workplace. This includes pamphlets, coupons, letters, etc. If a business wants to provide a discount to the entire employee base, they may submit a one-page announcement to the Human Resources Department that will be posted for a designated period of time (not to exceed 90 days) on the City's intranet. Employees can voluntarily visit the appropriate intranet location and opt to participate in the promotional offer.

4.4 Employee Conduct. (revised 01/15/12)

(a) **Performance standards.**

An employee is expected to consistently maintain satisfactory performance standards. Whenever work habits, attitude, production, or personal conduct of an employee falls below a desirable standard, the problem should first be addressed by the mutually cooperative efforts of the Supervisor and the employee. Those efforts include but are not limited to:

(1) an analysis of the problem;
(2) a determination of needed changes and assistance; and
(3) implementation of a corrective plan of action and establishment of achievement dates.
(4) Instruction on the consequences of the employee's failure to correct behavior.

(b) If performance standards are not met within a reasonable period of time, the employee, depending upon the documented reasons for failure, may be either transferred, demoted, suspended without pay, or separated. See the Corrective Action, Appeal, Complaints and Grievance Procedures Chapter for more information on protocols for such employment actions.

(c) **Unacceptable conduct**.

The following types of conduct are unacceptable and may be the reason for corrective action in the form of reprimand, suspension, demotion, or separation, depending upon the facts and circumstances of each case. These are merely examples of unacceptable conduct. The examples given are typical but not all-inclusive.

(1) Unsatisfactory attendance exemplified by, but not limited to, the following violations:
  (A) unexcused absence or tardiness;
  (B) failure to give notice of an absence or tardiness to the Supervisor from within two hours before to within 30 minutes after starting time;
  (C) absences or tardiness which lack sufficient justification;
  (D) excessive amounts of time off the job, regardless of the reason.

(2) Job abandonment occurs when an employee deliberately, and without authorization, is absent from the job for two consecutive work days or refuses a legitimate order to report to work. The employee is considered to have abandoned the employee's job and voluntarily resigned without notice. See Employee Separations and Vacation, Sick, Leaves of Absences, and Other Absences from Work Chapters for more information.

(3) Inability or unwillingness to perform assigned work satisfactorily is exemplified by, but not limited to, the following violations:
  (A) failure to follow routine written or verbal instructions;
  (B) arguing over assignments or instructions; or
  (C) an accumulation of other deficiencies indicating the employee's continuing failure to adequately perform in a productive, efficient and competent manner.

(4) Indifference towards work is exemplified by, but not limited to, the following violations:
  (A) inattention, inefficiency, loafing, sleeping, carelessness or negligence;
  (B) failure to remain at one's work station, leaving work without permission, or taking excessive time or more time than allowed for meal or rest periods;
  (C) performance of personal business;
  (D) excessive use of cell phones or city phones for personal business.
  (E) interference with the work of others; or
  (F) discourteous or irresponsible treatment of the public or other employees.

(5) Sabotage is exemplified by, but not limited to, the following violations:
  (A) deliberate damage to or destruction of city equipment or property;
  (B) defacing of city property;
  (C) unauthorized alteration, removal, destruction, or disclosure of city records or city property;
  (D) advocacy of or participation in unlawful trespass or seizure of city property;
  (E) encouraging or engaging in slowdowns, sit-ins, strikes, or other concerted actions or efforts to limit or restrict employees from working;
  (F) interference with the public use of or access to city services, properties, or buildings; or
  (G) threats to commit any act of sabotage as defined in this subparagraph.

(6) Safety violations are exemplified by, but not limited to, failure to follow city or departmental safety regulations.

(7) Dishonesty is exemplified by, but not limited to, the following violations:
   (A) acceptance of money or anything of value from a person subject to regulatory decision making or supervision of the employee. See the regulations related to gifts described in the Conflict of Interest policy of this manual.
   (B) cheating, forging, or willful falsification of official city business matters, reports or records;
   (C) false reporting of the reason for paid leave of absence; or
   (D) any other falsifying action detrimental to the city or fellow employees.

(8) Theft regardless of property value, is exemplified by, but not limited to, the following violations:
   (A) unauthorized taking of city property or the property of others;
   (B) unauthorized use of city or employee funds;
   (C) using or authorizing the use of city equipment or employee services for other than official city business; or
   (D) using or authorizing the use of city equipment or employee services without proper authority.

(9) Insubordination is exemplified by, but not limited to, the following violations:
   (A) willful failure or refusal to follow the specific orders or instructions of a Supervisor or higher authority; or
   (B) pursuit of a denied request to a higher authority without revealing the lower level disposition; provided that:

   - if the employee believes an instruction or order is improper, he should obey the instruction or order and file a complaint; or
   - if the employee believes the instruction or order, if followed, would result in physical injury to the employee or others or damage to city equipment, the employee should request approval by the next higher level of supervision before performing the work, unless the danger complained about is inherent to the job.

(10) Abuse of drugs or alcohol related to any use of illegal drugs, alcohol or controlled substances. Employees should refer to the Drug Free Workplace Chapter in this manual for details of the rules.

(11) Disturbance is exemplified by, but not limited to, the following violations:
   (A) fighting or boisterous conduct;
   (B) deliberate causing of physical injury to another employee or citizen;
   (C) intimidation;
   (D) unnecessary disruption of the work area;
   (E) use of profane, abusive, threatening, or loud and boisterous language
   (F) spreading of false reports or rumors;

(G) offensive behavior or disruption of the harmonious relations among employees or between employees and the public.

(12) Harassment, discrimination or retaliation against any employee, volunteer, or citizen, or any other Anti-Harassment policy violations as described in the Administration and General Information and Standards of Conduct Chapters of this manual are strictly prohibited.

(13) Abuse of city property is exemplified by, but not limited to, the following violations:
(A) negligent damage or destruction of city equipment or property;
(B) waste of materials or negligent loss of tools or materials;
(C) improper maintenance of equipment; or
(D) damage caused by use of tools or equipment for purposes other than that for which the tool or equipment was intended.

Administrative Note: In addition to appropriate corrective action, damage caused by proven intent will cause the employee to be responsible for the repair or replacement of any damaged property. Failure to reimburse the city is cause for dismissal.

(14) Misconduct is any criminal offense or immoral conduct, during working hours (or while off duty), which could have an adverse effect on the city or on the confidence of the public in city government.

(15) Disregard of public trust is any conduct, during working hours (or while off duty), which could impair the public's confidence or trust in the operation of city government.

(16) Failure to report a violation is exemplified by, but not limited to, failure to report to the proper authority any known violation described in this manual.

(17) Unauthorized or abusive use of official authority.

(18) Abuse of sick, vacation, or other leave privileges.

(19) Violation of rules as described in the Human Resources policy manual (known as employee handbook).

(20) Inappropriate interactions or conduct with citizens who are participating in Community or Volunteer programs coordinated through the City of Burleson.

(21) Conduct that is considered prejudicial to good order may result in employment action taken in order to uphold the city's commitment to employees conducting themselves in a manner that is for the good of public service.

(22) Purchasing of personal items through city accounts or vendors is strictly prohibited. All purchases from companies such as ABC Distributing, LTD Commodities, and Oriental Trading Company (and others) are to be for city-related business only (no personal purchases) and are to be directed through the city's purchasing office.

(d) Corrective and legal actions. Where the evidence supports a violation of this manual, corrective action may be taken independent of and before any legal action or criminal conviction.

(e) Illegal Conduct Charges.

(1) Employees are expected to report any arrests and/or formal charges for illegal conduct (other than minor class C traffic violations) to the appropriate Director within five business days of the arrest or filing of charges. Regular reports of the disposition of the charges or court case will be required by the employee to the Director.

(2) The employee's Director is required to document the employee's circumstances, and submit the written report to the Director of Human Resources.

4.5 Social Media Policy Guidelines (10/01/2011) (10/01/2023)

Purpose

To define the social networking and social media policy for the City of Burleson. This policy establishes a framework for the use of social media and is intended to supplement existing policy regulation and law, where applicable. The city allows the use of social media to further the goals of the city and the missions of its departments, where appropriate and when approved. The city has an overriding interest and expectation in deciding what is "spoken" on its behalf on social media sites.

Definitions

A. Social Media: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, Instagram, Glassdoor, Nextdoor); microblogging sites (Twitter); photo and video sharing sites (Flickr, Snapchat, Tumblr, Tik Tok, Yik Yak, WeChat, YouTube, Periscope, Facebook Live); messaging apps (Whats App, Kik, Skype, Facebook Messenger); wikis (Wikipedia); blogs; and news sites (Digg, Reddit).

B. Obscene: Content that the average person, applying contemporary community standards, would find that (a) the work, taken as a whole, appeals to the prurient interest; (b) the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and (c) the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

City Employee Professional Use
All official city-related communication through social media and social networking outlets must remain professional and always be conducted according to the city's communications policy and best practices. Employees who have access to official city sites are prohibited from using official city social media or social networking sites for political purposes, for conducting private commercial transactions, engaging in private business activities, or for personal, non-city-related use. Inappropriate usage of official city social media and social networking sites could be grounds for corrective action, up to and including separation. If social media and social networking sites are used for official city business, all such sites, regardless of personal views, must comply with city policy and standards. Only individuals authorized by the city may publish content to a city website, social networking outlet, or other technology platforms.

Approval and Registration
All new city social media sites shall:

A. Be approved by the Community Services Department.
B. Be published using approved social networking platforms and tools.
C. Grant administrative rights to a designated member of the Community Services Department.
D. Operate with a written social media strategy and content calendar.
E. Be administered by the contact or their designee.

A written social media strategy, content calendar and training with the Community Services Department must be completed before a new social media channel is authorized. Each city employee authorized to post on city social media sites must first complete required training with the Community Services Department. Only city employees are authorized to post to city social media sites.

Oversight and Enforcement
Employees representing the city through social media outlets or participating in social media features on city websites must maintain a high level of ethical conduct and professional etiquette. Failure to do so is grounds for revoking the privilege to participate in city social media sites, blogs, or other social media features.
The information must be presented following professional standards for good grammar, spelling, brevity, clarity and accuracy, and avoid jargon, obscure terminology, or acronyms. Posts should reflect the tone of the city:

- Positive
- Aspirational
- Confident in pursuit of excellence
- First-person (but always "we," and never "I")
- Warm, as if "friends"
- Engaging
- Humorous, when appropriate

- Educational
- Trendy, as appropriate

City employees recognize that the content and messages they post on social media websites are public and may be cited as official city statements. As city employees, pay special attention to sources when sharing other posts and/or retweeting. Social media must not be used to circumvent other city communication policies, including news media policy requirements. City employees may not delete or hide public comments unless they violate the City of Burleson Site Terms and Conditions. City employees may not block or mute followers on social media unless they violate the City of Burleson Site Terms and Conditions.

A. Authorized staff shall utilize their city email account to administer social media accounts.
B. Authorized staff may only post to city approved social media platforms.
C. Employees may not use their personal social media accounts to post official comments on behalf of the city.
D. Any posting or comment from a city employee shall be for professional purposes. Posts shall be factual and never contain opinions.
E. Posts should provide sufficient information to describe the news event, topic, event or program being discussed. Whenever possible, content posts shall link or refer visitors to the city's official website at www.burlesontx.com or the department's official webpage.

City employees may not publish information on city social media sites that includes:

A. Confidential or proprietary information
    - An example would be pages of a vendor's bid marked confidential that has proprietary information.
    - Another example would be publishing or posting private facts and personal information (date of birth, driver's license, social security number) about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person.
B. Content that violated a legal ownership interest in another party
    - Using another's trademark, logo or likeness without their permission would be an example of this.
    - Another example would be publishing the creative work of another or photography without permission or giving proper copyright credit.
C. Profanity, racist, sexist, obscene or derogatory content or comments
    - An example of profanity would be language considered vulgar by societal standards.
    - An example of racist, sexist or derogatory content would involve comments made toward co-workers and/or members of the public that denigrates a particular race, religion, national origin, sexual orientation or gender identity.
D. False or defamatory comments

- These would include instances where comments aimed at co-workers and/or members of the public denigrate a person's character or reputation and are untrue.
- Another example would be publishing or posting false information that harms the reputation of a group or organization.

E. Comments in support of or opposition to political campaigns or ballot measures
   - An example of this would be to post campaign materials in support of a political candidate in the comment section of a city social media post.

F. Content that solicits or promotes commercial services or products
   - An example of this would include posting an advertisement on a city-sponsored social platform, excluding content developed for economic development.
   - Promoting a business outside of a documented sponsorship agreement would also be an example of this.

G. Legal information: anything to do with pending litigation or legal issue, including attorney-client privileged communications and/or attorney work product
   - This would include pending litigation matters where the city is a party.

H. Information not subject to disclosure under the Texas Public Information Act and other relevant state and federal law
   - Examples would include social security numbers and protected health information.

I. Threat of physical harm or intentional disruption of city operations
   - An example of this includes information that may compromise the safety or security of the public, public systems, or employees.

J. Advocating for or causing the damage or destruction of city property, illegal discrimination, or harassment (including sexual harassment).

Emergency Communications

In an emergency, refer to the Crisis Communications Plan provided by the Community Services Department. Suspend all prescheduled posts until cleared to resume normal posting.

Records Retention and Open Records

Social media sites contain communications sent by and received by the city and its employees. These interactions are considered public records subject to disclosure, in accordance with the Texas Public Information Act. Regular retention requirements apply regardless of the form of the record (for example, digital text, photos, audio, and video). The city preserves records pursuant to a relevant records retention schedule for the required retention period in a format that preserves the integrity of the original record and is easily accessible.

City Employee Use of Personal Social Media Accounts

A. It is not the intent of the City of Burleson to prohibit employees from participating, accessing, or posting to personal social media sites during off-duty time. However, off-

duty conduct related to social media may not infringe upon the integrity or security of the City of Burleson's operations. City personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair or impede the performance of duties, impair discipline and harmony among co-workers, or negatively affect the public perception of the City or department. No portion of this social media policy will affect the employee's right to engage in concerted protected activities, affect protections afforded employees under Federal Whistleblowing guidelines, nor prohibit an employee's written expression regarding a matter of public concern.

B. Employees are not authorized to represent the city on their personal social media sites unless explicitly authorized by their Department Director, and approved by the Community Services Department, to do so. It is paramount for the audience to know the difference between your personal opinion and the official view of the city. State that the views expressed in your postings are your own by using a disclaimer such as: "The postings on this site are my own and don't reflect or represent the opinions of the City of Burleson." If you happen to be a Burleson resident speaking in a personal capacity, state that you are posting based on your status as a Burleson resident alone and not in the capacity of a city employee.
C. The City of Burleson recognizes that many individuals use social media sites for their own purposes. Personal sites may not be designed in such a way as to cause users to believe the site is a city-administered or city-endorsed site, including the unauthorized use of the City of Burleson logo and trademarks.
D. The use of official employment insignias, logos, uniforms or similar identifying items are prohibited for personal use on any social media site.
E. Unless the employee is a designated site administrator for an official City of Burleson social media site, the employee shall not use the city e-mail account in conjunction with a personal social networking site nor use City resources to post to personal accounts.
F. Employees are prohibited from disclosing confidential information with regards to the City of Burleson's computer systems, projects, facilities, or employees on any personal social media in any way. This includes photographs or depictions of activities, including investigations and incidents.

Monitoring

If you come across positive or negative comments about the city, consider forwarding them to the Community Services Director.

Media Inquiries

Personal blog and website postings may generate media coverage. If a member of the media contacts you about a city-related posting or requests city information of any kind, contact the Community Services Director.

Employee Responsibilities
Failure to adhere to this policy may result in corrective action.

4.6 Dress Code: (Revised: 01/01/13) (09/08/16) (10/01/24)

(a) **General Policy Statement:** All employees must maintain a clean, neat, and appropriate appearance while on duty and dress in a manner that (i) creates public confidence in the competence of the City and its employees and (ii) is appropriate for the type of services being provided by the employee, consistent with the expectation of customers served, and in keeping with professional practices. Department Directors may implement supplemental dress code requirements for their department(s) based on operational needs and/or regulatory requirements. Supplemental dress codes must be reviewed by the HR Director.

(b) **Responsibilities:**

(1) Directors / Managers: It is the responsibility of directors, department managers and front-line Supervisors to ensure employee compliance with this dress code and to treat employees fairly in the enforcement of it. Human Resources will be available to assist with more formal corrective action if verbal conversations with employees regarding failure to follow the dress code are not effective.

(2) Employees: Employees are responsible for complying with this Policy.

(c) **Dress Code: General Description**

Administrative employees may use casual dress code Monday-Friday. When outside meetings or events are occurring in which the employee is representing the city in a more business formal capacity, the employee is expected to dress in a more professional manner than casual dress as described below. Managers have the option to cancel a casual dress day if a special event or meeting warrants such a change on a given business day.

Samples of appropriate casual dress include:
Slacks, Docker-style pants, jeans, shirts (preference should be given to logo shirts when available), sweaters. athletic shoes, loafers, casual shoes. Athletic shoes should be clean and in good repair.

(d) **Exceptions:**

The City Manager may make an exception to this policy as the City Manager deems appropriate.

(e) City Wide Standards:

(1) Hygiene: All employees shall be aware that appropriate hygiene is required at all times. Hair should be clean and appropriately kept. Beards and mustaches should be kept clean and neatly trimmed.

(2) Jewelry and body art: Inappropriate visible tattoos will be required to be covered. Tongue rings, brow rings, facial piercings, ear gauges, or visible belly-button rings may be permitted depending upon the position and if done so in a way that represents a professional appearance at work. Religious accommodations may be made for some form of body jewelry or piercing, but will be discussed with department management and Human Resources should a religious accommodation be requested by the employee.

(3) City Uniforms/Logo Apparel Off-duty: Clothing with city logos or other uniforms or clothing items that identify a person as a city employee will not be worn to bars, night clubs, adult entertainment establishments, while consuming alcohol in public, or at any off-duty location in which a person of reasonable sensibilities would view as inappropriate for a city employee.

(4) Boots/Shoes: Foot protection may be regulated as needed and uniform or steel-toe boots may be required to prevent employee injury. Employees who are approved by the Director to purchase city provided boots, may be allowed an allowance equivalent to an entry level model of steel-toe boot by Redwing or equivalent. If additional City funds are spent on boots, Director approval is required and should be documented for the Finance Department.

(5) Directors who have field personnel that have job duties in which wearing of dress clothes is not functional due to outdoor job duties or duties related to moving heavy equipment may designate positions in which denim is allowed during the week

(f) Prohibited and Restricted Clothing:

Prohibited Items (at all times): No employee may wear sweats, wind-suits, athletic wear (excluding tennis shoes), flip-flops, beach/water shoes, skorts, skirts more than two (2) inches above the knee, overalls/coveralls, leggings/stirrup pants, tank tops, tube/halter tops, midriff tops (or any clothing which exposes the abdomen), “baggy” or “sagging” pants, clothing with holes or tears, clothing which advertises any product or displays writing or logo(s) of any kind other than the official logo/name of the City of Burleson or one of its Departments (note: discreetly placed name/logo of the clothing manufacturer are accepted).

Restricted Items:

(1) Sleeveless shirts/blouses/tops, sundresses, and spaghetti straps of any variety may be worn only if covered by a jacket, sweater, or top-shirt.

(2) Shorts, T-shirts and Jeans (Denim): Departmental Directors may permit these items to be worn when the Director determines wearing of such clothing is in keeping with the General Policy Statement above.

(g) **Fire and Police Sworn Personnel:** Sworn Fire and Police Personnel shall comply with the code established by their respective Chiefs.

4.7 **Uniform Policy.** (revised 03/09/15)

(a) City employees are required to have approval from their respective Directors in advance of spending City funds for any clothing, boots, or uniforms.

(b) This policy does not address specifics regarding Personal Protective Equipment (PPE). Employees should refer to the Safety Policy and their department management for directives regarding safety gear.

(c) All shirts purchased with City funds will have the City of Burleson name and/or logo printed on them.

(d) No undergarments (i.e. thermal underwear) will be purchased by City funds.

(e) Jackets and/or rain gear purchased will include the City logo.

(f) All employees are required to complete the appropriate uniform/clothing forms. The city grosses up the cost of uniforms/clothes and reports this to the IRS as a taxable benefit in accordance with the law. When the cost of the uniform is deducted from the grossed-up pay, the City has effectively paid a large portion of the tax on behalf of the employee. This amount can vary with each employee's individual tax situation.

(g) Employees working in position for which uniforms are required are expected to assure all uniforms are clean and in good repair.

(h) The Department Directors will determine which Supervisory positions, if any, in the department are required to wear uniforms.

(i) Departmental logos on clothing may be approved in lieu of the logo, pending approval by the Deputy City Manager or City Manager. Directors will work to communicate to the City Manager's office regarding alternative department specific logos that would be used in lieu of the official City logo.

(j) Employees are prohibited from wearing City logo clothing in social situations unrelated to City business (i.e. clubs, parties, fund-raising events for political or religious affiliations). Clothing with City logos may be worn to economic development activities. Shirts worn by Hidden Creek Golf personnel that are sold from the pro-shop and do not indicate a person is a City employee do not apply to this restriction.

(k) Upon separation from the City, employees may be required to return any shirts, jackets, or hats purchased with City funds.

(l) Civilian clothing purchases may be approved for the purchase of under-cover police officers and the Chief of Police discretion, within the Police Department operating procedures.

(m) The Finance Department maintains the written schedule of reimbursement for uniforms. Employees should refer to Finance for the appropriate reimbursement amounts.

4.8 Conflict of Interest. (05/13/19) (10/01/20)

(a) **Policy**. It is the policy of the city that the proper operation of democratic government requires that:

(1) public employees be independent and impartial, and responsible only to the people of the city;

(2) governmental decisions and policy be made using the proper procedures of the governmental structure;

(3) no member of City Council, City Manager, Deputy City Manager, City Secretary, department heads, or deputy department heads of the city shall have a substantial financial interest in any contract with the city or be substantially interested in the sale to the city of any land, materials, supplies or services; except as provided by the City Charter in subsection 132(d). City Charter subsection 132(d) states the prohibition shall not apply to the acquisition of easements for right-of-way for public purpose when fair market value is established and paid for the acquisition. For purposes of this provision, substantial interest is established when:

- the official owns 10% or more of the total voting stock or shares of the business entity;
- the official owns either 10% or more or $15,000 or more of the fair market value of the business entity;
- the official received more than 10% of the official's gross income for the previous year from the business entity, or;
- a relative of the official within the second degree by consanguinity or affinity has any of the preceding interests.

(See Section 132 – Burleson City Charter)

(4) no employee or applicant for employment be delinquent in the payment of taxes or other payment due the city. Any person who becomes delinquent is ineligible to serve the city in any capacity for which compensation is paid if the delinquency continues after reasonable notification and opportunity to pay (see Section 132 - Burleson City Charter).

(b) **Ethical Standards**. In order to maintain the public trust in city government, an employee of the city shall not:

(1) accept or solicit a benefit that might reasonably tend to influence the employee in the discharge of the employee's official duties;

(2) use the employee's official position to secure special privileges or exemptions for the employee or others;

(3) grant any special consideration, treatment or advantage to a person or organization beyond that which is available to every other person or organization. This shall not prohibit the granting of fringe benefits to city employees as a part of their employment or as an added incentive to the recruitment or retention of employees.

(4) disclose information that could adversely affect the property or affairs of the city, or directly or indirectly, use any information understood to be confidential which was gained by reason of city employment for the employee's own personal gain or benefit or for the private interest of others;

(5) transact any business on behalf of the city in the employee's official capacity with any business entity with which the employee is an officer, agent, or member or in which the employee has a financial interest. In the event that such a circumstance should arise, then they shall make known their interest, and turn the matter over to their superior for reassignment, state the reasons for doing so and have nothing further to do with the matter involved;

(6) personally provide services for compensation, directly or indirectly, to a person or organization who is requesting an approval, investigation, or determination from the department of which the employee is a member in a decision making position;

(7) accept other employment or engage in outside activities incompatible with the full and proper discharge of the employee's duties and responsibilities with the city, or which might impair the employee's independent judgment in the performance of the employee's public duty;

(8) receive any fee or compensation for services as an employee of the city from any source other than the city, except as may be otherwise provided by law. This shall not prohibit an employee from performing the same or other services for a public or private organization that are performed for the city if there is no conflict with the employee's city duties and responsibilities;

(9) knowingly perform or refuse to perform any act in order to deliberately thwart the execution of city ordinances, rules, or regulations or the achievement of official city programs**;**

(10) use city supplies, equipment or facilities for any purpose other than the conduct of official city business without proper authorization; or

(11) engage in any dishonest or criminal act or any other conduct prejudicial to the government of the city or that reflects discredit upon the government of the city.

(12) when in a management or supervisory position, engage in any outside business ventures with a subordinate employee within their chain of command or have an intimate, amorous or romantic relationship with a subordinate employee within their chain of command that (a) compromises (or is perceived to compromise) the manager's or supervisor's ability to objectively perform their job duties or (b) demonstrably has a negative effect on the work environment and operations of the City. For specific requirements, see the Employee Business Relationships and Workplace Relationships sections in the Standards of Conduct Chapter.

(c) Gifts policy. (05/13/19)

(1) Prohibition. Except where otherwise allowed by law, employees are prohibited from soliciting, accepting or agreeing to accept a gift or benefit from any person, firm, corporation, partnership, or association which transacts or solicits business of any type with the city.

Section 133 of the City Charter provides that, "During term of office of a member of the city council or while employed with the city except as may be authorized by state law or ordinance, a member of the city council or employee of the city shall not accept a gift, favor, benefit, nor employment from any corporation, contractor, or franchise who conducts business with the city or a person the officer or employee knows to be subject to regulation, inspection, or investigation by the officer, employee, or his agency. Any officer or employee of the city who violates the provisions of this section is guilty of a misdemeanor and may be punished by a fine that may be prescribed by ordinance for this offense, and upon conviction shall immediately forfeit office or employment."

(2) Required Protocol: At any time an employee is offered a gift or token of appreciation from a citizen, company, or any other person in contact with the city, the employee is required to report the offering to the employee's manager. It will be decided by the appropriate director if such a gift is appropriate or is in any fashion considered of greater than nominal value. In addition, the director is bound to use discretion in discerning if public perception would in any way be affected by accepting the gift, regardless of value. If the director is uncertain, the director should discuss the matter with the City Manager's office before allowing the employee(s) to accept the offered gift.

(d) **Tips/Gratuities:** Tips given to an employee engaged in serving food or beverages to customers at the Hidden Creek Golf Course or in providing any other individualized service related to approved golf course activities are permissible. Golf course employees are expected to communicate with golf course management to fully comply with the standards set by city management regarding tips.

(e) Employees will review the conflict of interest statement upon hire. A reminder notice will be sent on an annual basis in which employees are expected to review and report if any conflict of interest arrangements (i.e. outside employment) have been (or are being) performed. See Conflict of Interest policy for more details.

4.9 Political Activity.

The city encourages its employees to fully exercise their constitutional rights as citizens to vote and participate in political activities. Except as may be otherwise provided by law, the following restrictions on political activity shall apply to all city employees.

(a) An employee who becomes a candidate for election to the Burleson city council must take an unpaid leave of absence during the campaign or resign from city employment.

(b) If an employee is elected to the Burleson City Council, the employee will be considered to have voluntarily resigned their employment, and it will be considered a resignation in good standing.

(c) City employees are permitted to hold office in other jurisdictions (i.e. other Cities, school boards, Counties, etc.) as long as such office does not pose a conflict of interest related to their job duties, authority, work hours, or other related aspects of employment. Managers and Supervisors may be prohibited from holding some offices in which such an arrangement would impair the employee's ability to conduct the duties of office and the duties of employment without a potential conflict of interest or perception of impropriety. Employees in such positions are expected to contact the appropriate director or the City Manager to discuss the circumstances prior to running for or accepting office.

(d) City employees shall not perform or be involved in political activities, campaigning, or related activities on behalf of or against any candidate for public office or any referendum or petition on a public issue in any jurisdiction during working hours.

(e) City employees shall not use city owned equipment, vehicles, computers, uniforms, insignia, city letterhead, or other property on behalf of or against any candidate for public office or any referendum or petition on a public issue in any jurisdiction.

(f) City employees shall not use their official authority or influence on behalf of or against any candidate for public office or any referendum or petition on a public issue in any jurisdiction. This includes no use of official city logo or letterhead on correspondence related to political activity. In addition, an employee shall not use their job title for the purpose of influencing any political decisions.

(g) Any employee who is appointed to a board, commission, committee, or task force of a political nature should fulfill such duties of office on the employee's own personal time, and the employee is expected to make every effort (real and perceived) to separate the duties of office and the duties of employment.

4.10 Outside employment. (revised 01/01/13) (10/01/20)

(a) Though employees are allowed to have additional employment other than the City of Burleson, employees are responsible for assuring this employment does not create a Conflict of Interest (see the Conflict of Interest Policy in the Standards of Conduct Chapter)

(b) If at any time the employee engages in outside employment that is deemed to create a conflict of interest, the employee is subject to corrective action.

(c) It is the responsibility of the employee to communicate with the department management and Human Resources regarding any outside employment that may be problematic. The Request for Outside Employment form should be completed and reviewed for approval then retained in the employee's personnel record.

4.11 Possession of Weapons. (10/01/21)(10/06/25)

It is the City's intent to provide a safe and secure working environment for its employees. As such, the city prohibits possessing or carrying concealed or other weapons while on City business, onto the City's premises or in its vehicles. This policy applies regardless of whether the employee is legally licensed to carry a concealed or open-carry firearm under state law. City peace officers are exempt from this policy and governed by the rules of their departments. This policy does not prohibit an employee licensed by the State of Texas to carry a handgun from storing a weapon in the Employee's locked personal vehicle parked on the City premises.

For purposes of this policy, "Weapon" is defined as any device or object capable of causing serious bodily injury or death to another person, including, but not limited to, handguns, shotguns, rifles and explosive devices.

Knives with blades more than five and a half inches in length are considered a weapon under this policy unless approved for use by the employee's supervisor as part of the employee's duties.

"Weapon" does not include mace, pepper spray or other similar device intended to temporarily disable a person, or knives with blades five and a half inches in length or shorter.

"Possessing" or "Carrying" means to exercise care, custody, control or management over, whether directly or indirectly, in one's physical possession.

The City reserves the right to conduct searches to enforce this policy, including searches of any City property, such as desks, storage areas, lockers, and City vehicles. Employees are reminded that they do not have a right to privacy in City-owned areas, or with possessions stored there.

4.12 Workplace Violence.

(a) **Prohibition**. The city prohibits any acts or threats of violence by any citizen, visitor, customer, volunteer, employee, or former employee against any other person in or about the city facilities or work sites.

(b) **Employee responsibility.** Employees have a duty to warn or notify the appropriate management personnel and the police department if they become aware of or suspect any workplace activity, situation, or incident that could lead to a violent confrontation. This would include threats, acts of violence, aggressive behavior, or offensive acts or comments. Employee reports made pursuant to this policy will be held in confidence to the maximum extent possible. Retaliation, in any form, against an employee who makes a report under this policy, will not be tolerated.

(c) **Supervisor responsibility**. Supervisors must remain alert to behavior that indicates a person is under excessive stress, is contemplating violent action, or is otherwise unduly disturbed. Supervisors must take seriously, reports from employees concerning potential violence and, when they arise, discuss them with the Department Director, the Deputy City Manager, the City Manager, or the director of Human Resources.

(d) **Management Crisis Team**. In the event of serious actions or threats against individuals or the city, the city's management crisis team may be assembled to take responsibility for handling the situation, including ensuring the safety of the workplace, determining the effect of the incident on the workplace and coordinating appropriate actions in response to the incident. The crisis team will be composed of the City Manager, the Deputy City Manager, the chief of police, the director of Human Resources and the director of the

affected department, and other individuals needed as determined by the City Manager (i.e. fire chief, etc.).

(e) **Corrective action.** If violent acts or threats are committed by an employee of the city, depending on the nature of the acts or threats, action taken may include suspension to allow time for fact finding, written warning or other corrective action up to and including separation.

(f) **Documentation.** Any materials relevant to the incident are to be placed in the keeping of the director of Human Resources who will be responsible for maintaining a complete and detailed log of events.

(g) **Media communications**. All communications with the news media concerning a workplace violence incident will be handled by the City Manager or designee, in coordination with the Public Information Officer, chief of police and the city's legal counsel.

(h) **Threats:** Threats of physical violence will be taken seriously and will be subject to the same corrective action procedures and consequences (up to an including suspension without pay or separation) as actual acts of violence.

4.13 Relations with City Council.

Employees are expected to be respectful, courteous, and cooperative with the mayor and council members and to do all that is possible to answer their questions. Article III, Section 26(b) of the city charter provides that "...except for the purpose of inquiry the city council and its members shall deal with the administrative service of the city solely through the City Manager and neither the city council nor any council member shall give orders to a subordinate of the City Manager, either publicly or privately."

4.14 Employee Business Relationships.

(a) **With Supervisors**. An employee shall not engage in private employment or business with the employee's supervisor which may adversely affect the normal employee and supervisor working relationship. This prohibition includes the lending of money, the co-signing of bank notes, or any other activity that will distort the accuracy or objectivity of performance evaluations.

(b) **Small loans.** This policy is not intended to prevent employees from aiding a fellow employee for lunch or gasoline expenses not to exceed $25.00 loaned not more than once a month.

4.15 Tobacco in the Workplace. (revised 03/12/12)

(a) **Background:** According to the U.S. Government's Centers for Disease Control and Prevention, tobacco use leads to disease and is the leading preventable cause of death.

Smoking tobacco products produces "second hand smoke" which credible studies have linked to disease in persons who are not smokers themselves. For these reasons, use of any tobacco products by any employees is strongly discouraged at all times out of concern for (a) the health of employees, their loved ones, and their fellow citizens and (b) the negative impact of tobacco usage by employees on the city's health insurance costs. Employees who would like assistance in quitting tobacco are encouraged to contact their physician or Human Resources

(b) **Prohibitions:** In an effort to preserve the health of non-smokers, protect private and public property and the public's investment in buildings and equipment owned by the city, employees are prohibited from smoking (or possessing a burning tobacco product).

(1) inside a building owned, operated, leased, or managed by the city or within 20 feet of an entrance to or exit from said building(s).
(2) inside or on a vehicle owned or leased by the city;

(3) at any location while on duty in which smoking (or possessing a burning a tobacco product);

(4) causes, or could cause, injury to any person or damage to property, or

(5) exposes a person of ordinary sensibilities to second hand smoke.

(c) **Permissible Usage**: Employees who use tobacco during working hours must do so**:**
(1) during their lunch break or at other such times as their departmental Director may allow, provided said usage is in compliance with the Tobacco in the Workplace policy and

(2) in a responsible manner, complying with all applicable ordinances and laws, and with respect for the environment as well as the health, safety, and welfare of fellow employees and the public.

4.16 Fitness for Duty.

(a) Employees may be required to submit to a fitness for duty exam if the Director, Manager, or Supervisor has reason to believe that the employee is unfit to perform essential functions and the employee's presence at the workplace may place the employee or others at risk of injury or harm. This will be required if the Department Director has reason to believe that the physical condition of the employee could result in danger to persons or property or that the physical condition interferes with normal work performance.

(b) The initial exam to determine fitness may be done by the employee's physician with documentation providing clearance to work. If, however, it is in the City's best interest, the employee may be required to be examined by a City designated physician/clinic. If

the employee and physician find a medical condition that requires additional medical treatment, tests, or follow-up, medical expenses will the responsibility of the employee. Fitness for Duty exams are for the sole purpose of assuring an employee is safe in the work place, and will be conducted only after careful analysis by senior management, Human Resources and the City Manager's office.

4.17 Animals or Pets in the Workplace. (01/01/13)

(a) Personal animals or pets brought to the workplace by employees need to be approved by the appropriate Director. Any animal brought to the job site should have the appropriate vaccinations, and employees may be required to show current vaccination records upon request. Further, employees will be required to sign a liability waiver holding the City harmless in the event that any person is injured or any property is destroyed by a visiting pet or animal.

(b) Employees should be mindful of any person who may be uncomfortable around visiting pets or animals. Further employee and visitor allergies may prohibit the visit of some animals to the department.

4.18 Workplace Relationships. (01/01/19)

(a) The City encourages employees to build camaraderie and become effective team members. However, certain personal relationships can erode that camaraderie, create division among the team, expose the city to liability, and negatively affect the efficiency and effectiveness of City business operations. In keeping with the requirements of the Standards of Conduct Chapter and Conflicts of Interest sections, employees must not allow their personal relationships to create a conflict of interest that demonstrably affects, in a negative way, the City's operations or the City's workforce.

(b) Certain Personal Relationships Prohibited:

(1) An intimate, amorous or romantic relationship that demonstrably exists between a management or supervisory level employee and their subordinate within their chain of command, whether on or off duty, is prohibited. A "subordinate" is an employee in lower rank or position that (a reasonable person of ordinary sensibilities would believe) is within the manager's or supervisor's span of control and influence.

(2) Disclosure Required: Should any manager or supervisor be involved in (or wish to become involved in) an intimate, amorous, or romantic relationship with a subordinate, it is the duty of the manager or supervisor to immediately report the relationship to their direct report and to the Director of Human Resources.

(3) Corrective Action: A manager or supervisor who fails to report an intimate, amorous, or romantic personal relationship as required or chooses to continue such

relationship after being directed to terminate the relationship faces corrective action up to (and including) separation of employment.

(4) Remedial Action: Provided the relationship is disclosed as required, when possible, the City Manager may choose to take action to preserve the employment of the parties involved while eliminating the conflict created by the relationship. Such resolution must be fair and equitable to all parties involved and be in the best interest of the City, as such is determined by the City Manager.

4.19 Cell Device Usage and Allowance. (10/01/20) (10/06/25)

(a) It is the policy of the City of Burleson to provide cellular telephones to designated employees, or an allowance for employees to purchase and maintain such devices, in order to improve productivity, enhance customer service to our citizens, and/or to enhance public safety services.

It is also the policy of the City to maintain the right to access and disclose any and all messages communicated through electronic means when City-owned equipment is used, or communication is used to communicate City related business.

Decisions regarding the use of City cellular telephones or an allowance, which are not explicitly stated herein will be left to the discretion of Human Resources, as authorized by City Management. The Information Technology department will administer, provide guidance on, and assure compliance with the features of this policy.

(b) Applicability.
Departments which use cellular telephones, or which have cellular telephones assigned to vehicles or positions instead of individuals, may develop departmental policies and procedures and/or regulations, which provide greater direction to their employees, as long as that direction is consistent with city and Information Technology department's policies.

(c) Eligibility and Other Criteria.
The Human Resources Department, as approved by City Management, will maintain the list of all designated eligible positions with job functions that require access to a cellular telephone and text messaging along with the approved allowance rate tier. Eligible positions and allowance rates as a part of this policy are subject to change. Annual allowance tiers are calculated and paid out each pay period in payroll.

Employees are ineligible to receive an allowance if they use a City-owned device.

(d) Responsibilities.
(1) City Management is responsible for:

i. Approving positions eligible for cellular devices and allowance rates.

(2) Human Resources, Information Technology, and Department Directors are responsible for:
   i. Ensuring that all persons assigned a city-owned cellular telephone, or allowance, are provided access to a copy of this policy, and that the individual is in compliance with it;
   ii. Conducting periodic inventories of cellular telephones and other wireless Communications devices within their respective departments to ensure accountability;
   iii. Conducting annual reviews of assigned devices to determine if such assignments continue to be justified; and
   iv. Informing appropriate employees responsible for city communications of all reassignments of cellular telephones and/or other wireless personal communications devices.

(3) Department Directors or their designees are responsible for:
   i. Requesting and issuing devices as approved and timely collecting devices when no longer needed.
   ii. Timely notifying Human Resources when an allowance needs to begin, be discontinued, or updated rate tier based on an approved position change and eligible allowance for that position in accordance with this policy.

(4) Human Resources is responsible for:
   i. Timely entry of allowance changes as submitted.

(5) Employees who are assigned the use of city-owned cellular telephones or other wireless communications devices are responsible for the following:
   i. Ensuring the physical security of such devices;
   ii. Maintenance and operation
   iii. Ensuring that any personal information is not saved, or used on the device.

(6) Employees who receive an allowance to provide payment toward the cost of cellular telephone service and associated taxes are responsible for the following:
   i. Ensuring the security of all business-related messaging is communicated through the application the City is utilizing for retention purposes.
   ii. Maintaining constant, uninterrupted service; and
   iii. Notifying Human Resources and Information Technology of any changes to the cellular phone number.

(e) Authorized Usage and General Statements on Use of Wireless Communications Devices.

(1) Use of a log-on or password does not imply any right to employee privacy of communication.
(2) On city-owned wireless communications devices, the City or department reserves the right to monitor and record communications traffic at any time, without notice to any employee. In addition, the City reserves the right to monitor and record communications flowing through a City owned server, without notice to any employee, regardless of the ownership of the device used.
(3) City-owned cellular telephones and other wireless communications devices are intended primarily for City business with personal use kept to a minimum. Incidental personal use should not increase direct costs to the city, interfere with efficient operations or productivity, be used for the benefit of outside employment or other financial business interests, discredit the city, or violate any other conduct standards including policies against inappropriate behaviors, harassment, discrimination, and improper social media use. Inappropriate use of city-owned devices will be considered misconduct, resulting in possible corrective action, up to and including separation. An employee may also be held responsible for any resulting costs to the City if applicable.
(4) Employees must notify Information Technology immediately if a city-owned device, or personal device connected to the City network, is lost or stolen. If a device that is connected to the network via e-mail or other applications is lost or stolen, Information Technology reserves the right to remotely wipe the device of all data.
(5) Employees that are not required to use their personal wireless communication device, but voluntarily opt to communicate city business using such personal device, must retain all city communication as required by law and the City's record retention schedule (including voice mail, text messages, emails using a personal account, etc.). Employees must be able to produce any city communications on personal devices upon request. Employees may routinely save copies of city communications and provide to department records retention designees or as budget allows, install and utilize the City application for recordkeeping of city communications.

(f) Disclosure of Information.

The City will disclose the contents of retrievable wireless communication messages, upon receipt of a valid court order or legal request, including Public Information (open records) requests. This may include business-related messages that are sent or received from a personal device. The City may disclose the contents of retrievable wireless communication messages if the information will assist in official internal or criminal investigations.

Chapter 5: Corrective Action, Appeals, and Grievance Procedures. (01/01/19) (10/01/24)

5.1 Corrective Action . (01/01/19)(10/01/24)(10/06/25)

(a) Policy. It is the policy of the city that before the imposition of corrective action , the following measures should be taken in the interest of ensuring that the department director has all necessary information, and in the interest of ensuring that mistakes in judgment are not made due to a lack of information. In all cases the Director of Human Resources, City Manager or Deputy City Manager will be notified by the department director or department manager prior to suspensions without pay, demotion, or separation of employment in order to assure all documentation is in proper order before taking action. The City does not have a progressive corrective action policy, which means the City may determine that a violation of policy starts at any level of corrective action up to and including separation based on the circumstances.

(b) Due to the severe nature of events that can occur in the workplace, the supervisor, manager, or director may have a need to immediately clear the work-site. Management may send an employee home effective immediately on a suspension with pay if doing so would be in the best interest of employee safety or in order to restore a professional work environment. Management should tell the employee what time to report back to work for further discussion of the incident and secure a phone number where the employee can be reached before sending the employee home.

(c) Types of corrective action. The severity of a violation and the appropriate counseling may be determined by the department director, Director of Human Resources and City Manager. The following guidelines are used when considering types of corrective action:

(1) Verbal reprimand (documented) is best suited to the first occurrence of a minor rule infraction, incident of substandard performance, or after continued issues of a minor infraction following informal coaching. The supervisor will compose a memo providing an explanation of incident details, expectations, and consequences for future problems. A record of this reprimand should be maintained by the supervisor and the Human Resources Department (in the employee's personnel file). Note: Written notes the supervisor makes for their own files to record informal coaching are not required to be sent to the HR Department, but may be shared if issues continue.

(2) Written reprimand is used for the repeated instances of a minor offense or a first occurrence of a more serious incident. The written reprimand is a memo used as a formal warning of suspension or separation should the

violation recur. The written reprimand may also be classified as a final written reprimand depending on the nature of the violation or pattern of violations. The supervisor will compose a memo providing an explanation of incident details, expectations, and consequences for future problems. A record of this reprimand will be maintained by the supervisor and the Human Resources Department (in the employee's personnel file). A documented Performance Improvement Plan (PIP) is a form of a written reprimand.

(3) Suspension without pay is used to bring about a change in behavior. The length of time for the suspension is determined by the director and is reflective of the seriousness of the circumstances. A written memo will be provided as described in #2 above.

(4) Administrative leave may be with or without pay during the investigation, hearing or trial of the employee in any civil matter, on any criminal charge, or for any city policy violation when it is in the best interest of the city.

(5) Demotion or reassignment as a result of corrective action for a flagrant disregard or violation of personnel rules or policies, or for repeated refusal or inability to improve performance. This action may be taken by a department director after consultation with the director of human resources. Documentation will be signed by both parties and retained in the employee's personnel file. Demotions or reassignments may be permanent or for a specified period of time. Demotion or reassignments may be accomplished by reducing an employee's pay within the classification of the position held, by assigning the employee to a position of a lower classification, or both. It is noted that the City of Burleson is not obligated to demote or reassign an employee in order to continue the employment relationship.

(6) Re-training may also be used in any corrective action step.

(7) Separation. A director, after consultation with the director of human resources or City Manager, may separate an employee in accordance with these policies. A written memo will be provided as described above.

(d) Procedures and notices. The procedures for a corrective action including reprimand, suspension, demotion, reassignment, or separation include the following:

(1) Suspension, demotion, reassignment and separation. A department director has the authority to suspend, demote, reassign or separate an

employee following review of documentation by the Director of Human Resources or their designee. When one of these corrective actions is taken, the employee should be given written notice stating:

(A) the type of corrective action taken;
(B) the rule violated;
(C) the specific acts of the employee which were in violation of the rule or are considered unacceptable;
(D) the expectations from the employee for the future, and
(E) the consequences if the employee makes a choice not to follow the directive.

5.2 Employee Grievance-Guideline (10/06/25)

In the interest of employee efficiency and morale, employees have the opportunity to discuss grievances with their employer after decisions are made or actions occur that present a problem. In order to ensure this opportunity, the City has adopted the following protocols:

(a) Purpose: The purpose of this procedure shall be to settle matters on as low an administrative level as possible, as soon as possible after the applicable event, and to discover, whenever possible, mutually satisfactory solutions to problems which arise.

(b) Grievance Defined: an allegation that an employee's employment conditions or protected rights have been adversely affected. Example grievances, if unresolved within the department management include (but not limited to);

(1) hours of work/schedule,
(2) procedures,
(3) daily operations,
(4) department specific rules,
(5) performance evaluations,
(6) discriminatory application of a policy or rule,
(7) general treatment that rises to the level of a hostile work environment,
(8) disagreements among employees that have not been resolved within the department,
(9) corrective actions taken (including separation),
(10) discrimination or harassment based upon a protected right
(11) retaliation for participation in an investigation or filing a grievance

(c) Probationary and Temporary Employees: Probationary and temporary employees may not use this procedure in cases involving their performance evaluation or separation. However, in cases where the employee considers performance

evaluations or separation to be improperly based upon one of the employees' s protected rights such as age, sex (includes gender, gender identity, sexual orientation, pregnancy), race, religion, national origin, disability, military service status or harassment (including sexual harassment), the employee has the right to file a grievance for consideration.

(d) Unlawful Discrimination/Harassment Grievance: Any employee who feels that they have been unlawfully discriminated against or harassed in matters relating to working conditions or other conditions of employment, because of the employee's age, sex (includes gender, gender identity, sexual orientation, pregnancy), race, religion, national origin, disability, military service status, or harassment (including sexual harassment) shall have the right to file a grievance directly with human resources or the City Manager. Employees are encouraged to provide a copy of the complaint to the appropriate director. If the allegation is against the director, the employee should contact the Human Resources Department or City Manager's Office directly.

(e) Harassment and Sexual Harassment: If an employee feels the employee is subject to harassment (including sexual harassment), an immediate report should be made in order to rectify the problem as soon as possible. Harassment of any kind is strictly prohibited at the City of Burleson.

5.3 Employee Grievance Procedure (10/01/23)(10/06/25)

The following procedure will be followed in the event an employee elects to present a grievance.

(a) Timely Initiation: In order to be considered, grievances will be filed promptly after the situation occurs. Grievances must be presented to the employee's immediate supervisor within ten business days from the occurrence, or from the time the employee first became aware (or with the exercise of reasonable diligence should have become aware) of its occurrence. The requirement of presentation of a grievance within ten days may be waived in the case of harassment or discrimination based upon protected rights, at the discretion of the City Manager, Deputy City Manager, or Director of Human Resources. Reasons for waiving the ten-business day requirement will be documented and become a part of the grievance records.

(b) Procedural Step One: Oral Presentation
Grievances that do not involve separation should be initially presented orally to the employee's immediate supervisor. The grievance will be thoroughly discussed in this step by the parties concerned in order that every effort can be made to resolve the matter to the mutual satisfaction of the employee(s) and supervisor. If resolution

does not occur, the employee has the option to file a formal written grievance as explained below. Separation grievances will start at procedural step two.

Discrimination and harassment grievances (as defined above) are to be taken directly to the Human Resources Department and/or City Manager (see 5.2).

(c) Procedural Step Two: Written Presentation

If verbal discussions do not resolve the matter or in the event of a separation, the employee has the option to file a formal written grievance with the employee's director. This must be done within ten business days after the discussion with the immediate supervisor or within ten business days of the date of separation.

Though employees are encouraged to make a written report, the employee has the option to report violation(s) of protected rights verbally. Every effort will be made to work with the employee to prepare a written summary of the concerns, if the employee has not already prepared a written report.

In presenting the written grievance the following information should be stated with reasonable clarity in the written report:

- The identity of the employee making the complaint (name, title, department).
- The nature of the complaint (what happened?).
- The dates in which the problem occurred (or as reasonably close to the date as possible).
- The names of other parties involved, if known.
- The outcome or remedy the employee is seeking. What resolution is requested?
- The complaint / grievance will be signed and dated.

The director shall meet with the employee and the employee's immediate supervisor, Department Manager, and any other member of management necessary to discuss the matter thoroughly. The decision of the director will be presented in writing to the employee within ten business days of the signed and dated grievance. If circumstances warrant and with the Director of Human Resources or their designee approval, the grievance may go to procedural step three without completing procedural step two.

(d) Procedural Step Three: Second Level Written Presentation.

If the employee is not satisfied with the resolution of the matter related to a grievance, the employee has ten business days to file further appeal to the Deputy

City Manager. The decision of the Deputy City Manager will be presented in writing to the employee within ten business days of the signed and dated grievance. If circumstances warrant and with the Director of Human Resources or their designee approval, the grievance may go to procedural step four without completing procedural step three.

(d) Procedural Step Four: Final Resolution.

If the employee is not satisfied with the resolution of the matter related to a grievance, the employee has ten business days to file further appeal to the City Manager. At the City Manager's discretion, a review committee may be appointed to review further details related to the grievance. Appointed committee members may include legal counsel, other directors, or employees as appropriate to achieve a resolution to the grievance.

Further, the City Manager may simply review the initial complaint, related documentation, and discuss the matter with others as needed making a final determination. If the City Manager feels it is prudent, the City Manager may elect to meet with the employee filing the grievance. A request for an appeal does not automatically result in a meeting with the City Manager.

At any stage, the City Manager may review the decision of Directors and/or Deputy City Manager, request more information, speak with parties involved, or issue another appropriate decision that brings the matter to a close. The decision of the City Manager is considered final, and will be submitted to the employee within ten business days of receiving an appeal request.

5.4 Attendees at Grievance Meetings:

City employees and other persons who were directly involved with a grievance are the only persons authorized to be present at grievance related meetings. Though spouses, friends, other family members, or attorneys may join the employee to the meeting, they are required to wait outside the meeting room during meetings/hearings.

5.5 Administrative Notes:

(a) Documentation related grievances will be maintained in the Director of Human Resources's files and retained in accordance with required records retention of such investigations. Should a complaint or grievance result in corrective action of any employee, the corrective action memo will be filed in the employee's personnel file.

(b) If the Director of Human Resources determines that an employee is abusing the grievance procedure, the Director of Human Resources will provide the grievant with written notice of the finding and the basis for the finding and shall take appropriate action.

(c) Grievances against directors: In the event that an employee's immediate supervisor is the director and the director is the subject of the complaint or grievance, the employee should submit the complaint directly to the Director of Human Resources and City Manager.

(d) Failure to Follow Procedures: Failure of an employee to follow the procedures set out above, or failure to appear at meeting(s) related to the grievance, shall result in the loss of further appeal rights by the employee.

(e) Time Limits: Time limits specified in this procedure may be lengthened if necessary due to holidays, vacations, sick leave, or other similar reasonable delays. The Director of Human Resources will make appropriate adjustments if needed for unusual circumstances.

(f) Failure to Answer Grievance: If a grievance is not answered within the time limits as specified, the employee may proceed to the next step in the process.

(g) Reprisal or Retaliation: An employee will not be retaliated against or experience any form of reprisal or corrective action for exercising the employee's good faith efforts under this policy. If the employee believes the employee is being retaliated against during or as a result of this process, the employee will report this to the Human Resources Department or the City Manager immediately.

(h) Effect of Procedure: The existence of and access to this procedure shall not constitute any limitation on the rights of the City of Burleson to manage its affairs. All employees hold their positions at the will and discretion of the City.

(i) Failure to Follow Procedures: Failure of an employee to follow the procedures set out above, or failure to appear at a Grievance Committee meeting shall result in the loss of further appeal rights by the employee.

Chapter 6: Vacation, Sick, Leave of Absence, and Other Absence from Work.
Revised (01/01/13) (10/01/14) (12/31/15) (11/15/16)(02/13/18) (03/28/18) (01/01/19) (10/01/20)(10/01/21)(10/01/23) (10/01/24)

All paid time off/leave benefits are not considered hours worked for purposes of calculating overtime unless otherwise stated in the compensation policies. Employees may not take unpaid leave when they have a paid leave benefit or applicable paid leave balance available where policy provisions allow for the benefit to be used for the employee's absence reason (excludes unpaid suspension, unpaid administrative leave, or when the employee is on short/long term disability). An exiting employee, resigning or retiring from the city, may not extend their last day of employment with the city using paid or unpaid leave except in the event of the employee being on an approved administrative leave or a medical leave of absence where the employee is unable to return to work.

6.1 Holidays (excluding Golf and Public Safety Non-Administrative First Responder Shift employees; policies for those work groups are included in this section separately). (10/01/20)(10/01/2023)(10/01/24)

(a) Worked holiday. As many employees as possible shall be given each holiday off without loss of pay. Employees required to work on the holiday shall be paid as follows:

(1) Full-time: employees will be paid for the holiday plus all hours worked, unless the time off for the holiday is rescheduled for another regularly scheduled workday in the same week. If the full-time employee does not work on the designated holiday, they will get paid only for the holiday.

(2) Part-time: regular part-time employees working year-round will be eligible to earn holiday pay after five years of service at the Director's discretion. If awarded holiday pay, the employee will earn four hours of holiday pay if the facility is closed for a holiday and the employee does not work.

(3) The department director makes the final decision regarding granting holiday pay or rescheduling the holiday.

(4) Seasonal and temporary employees are not eligible for holiday pay benefit.

(b) Holiday value:

- Fire (2912 shift) - 12 hours
- All Others (2080 shift) – 8 hours

(1) Non-exempt employees scheduled to work more hours than the value listed above will need to either use compensatory time or vacation time to account for the full scheduled day. Upon Director approval, employees may work a different schedule in order to make up the time if it occurs in the same week as the holiday.

(c) Loss of holiday pay. An employee will not receive pay for a holiday if the employee is:

(1) terminating employment with the city, and the last day as a paid employee is the work day before or the day of a paid holiday (the last day of employment cannot be a paid holiday);

(2) on unpaid leave the work day before or following the paid holiday; or

(3) absent without approved leave on a holiday when the employee is scheduled to work.

(d) Holidays designated. The following days are the official paid holidays for the city:

(1) New Year's Day (January 1);
(2) Martin Luther King Day (3rd Monday in January)
(3) Memorial Day / September 11th Remembrance (Fourth Monday in May);
(4) Independence Day (July 4);
(5) Labor Day (First Monday in September);
(6) Thanksgiving Day (Fourth Thursday in November);
(7) Day after Thanksgiving Day (Fourth Friday in November);
(8) Christmas Eve (December 24);
(9) Christmas Day (December 25);
(10) Personal holiday (1)

(e) Holidays will be reviewed on an annual basis by the City Manager. If a designated holiday falls on a Saturday or Sunday, the City Manager will determine when the holiday will be observed. Holidays may be flexed to accommodate a four-day weekend during the Christmas Holiday week, if it is deemed advantageous by the City Manager. Appropriate announcements will be made as far in advance as possible, if such a change is made

(f) Personal Holiday.

(1) The use of the Personal Holiday will be coordinated through the Department Director, Department Manager (or their designee). Department Managers should make efforts to allow employees to use their Personal Holiday for a holiday of significance to the employee that is not on the list of closed office holidays where practical and does not create a continuity of operations issue. Denial of a religious or generally recognized non-religious holiday should not occur unless there has been unsuccessful efforts made to allow it and consultation with Human Resources showing there is a serious hardship for the department or work group.

(2) Maximum value of the Personal Holiday is equal to the holiday values in 6.1(b).

(3) The Personal Holiday can be used in partial day increments, depending on Department Director/manager approval and business needs of the department.

(4) All Personal Holidays will be forfeited on September 30th each year if not used during the prior fiscal year (October-September).

(5) Part-time employees: The Directors may elect to grant the Personal Holiday to the regular part-time employees (does not include seasonal or temporary) in their department. 4 hours (or 50%) will be granted, if approved. If the holiday is granted to one regular part-time employee, it should be consistently granted to all regular part-time in that Department. It is the Director's responsibility to notify Human Resources if the part-time employees will be granted the personal holiday in their area.

(6) The Personal Holiday is not paid when an employee leaves the City of Burleson employment.

(g) Golf Holiday Plan: Employees of the Hidden Creek Golf Course (HCGC) will follow the holiday plan as listed below:

(1) The full-time and part-time employees of the Hidden Creek Golf Course will earn 10 paid holidays each year. The following holiday pay plan goes into effect on October 1, 2007 (as revised 7/1/2010) for all full-time and part-time paid employees, based upon holidays approved by City Council for each fiscal year (October – September).

(2) Benefit:

(A) Full-time Golf employees will be credited with 56 hours of holiday pay at the beginning of the fiscal year. Time off requested (not for sick) will be deducted from holiday pay.

(B) Part-time Golf employees with benefits will be credited with 4 hours of Holiday leave time for each city holiday which occurs during the time they are employed with the City (maximum 40 hours annually), after six months of employment. Part time employees with benefits may utilize their holiday leave time in accordance with the terms of paragraphs 4-6 below.

(3) Designated Golf Holidays: Thanksgiving Day, Christmas Eve and Christmas Day will be designated holidays (included in the ten approved holidays), and the golf course will be closed.

(4) Employee Scheduled Holidays: The Golf course is closed for Thanksgiving Day, Christmas Eve, and Christmas Day. Employees will be required to schedule the seven remaining holidays with prior management approval. Employees will be expected to request the holidays off in writing in advance with a form as designated by the Director and should be used in increments of not less than four hours at a time. Advance approval of the time off is required. In general, no more than two holiday shifts may be used at one time.

(5) Failure to schedule and use holidays: Holidays do not accumulate or carry over from year to year. Failure to use holidays by the established cut-off date, as set by Human Resources, will result in loss of the holiday benefit.

(6) Holidays used in advance during the year the employee leaves the employment of the City of Burleson will deducted from available vacation hours when calculating the final paycheck.

(7) New Hires: New, full-time employees will be allowed to schedule however many holidays remain on the actual city holiday calendar for the fiscal year once they join the organization. No holidays will be scheduled for the fiscal year for employees hired after July 4th each year. For example, an employee who joins the organization on May 15, will be allowed to schedule two holidays between hire date and September 30th of the same year.

(8) Exiting Employees: Full time employees who leave the employment of the City prior to the end of the fiscal year (September 30th) and have used more holiday hours than have passed on the calendar, will have those excess hours deducted from their vacation balance.

(h) Public Safety Shift Employees Holiday Leave Plan (Fire, Police and Public Safety Communications): Non-administrative, first responder and/or shift employees of the public safety departments will have a holiday leave bank of hours in accordance with the policy as outlined below. Due to varying operational differences, each public safety department in conjunction with Human Resources will designate the work groups within the department that will have a holiday leave bank of hours versus using the established city observed closed office holiday schedule.

(1) Full-time employees will earn hours of holiday equivalent to the same number of paid holidays each calendar year observed by the City (including the personal holiday) multiplied by the holiday value for the employee in 6.1 (b), which is 12 hours for Fire on an annual 2912 schedule and 8 hours for all other employees on an annual 2080 schedule. Employees hired during the calendar year will be credited a prorated amount of holiday hours equivalent to the observed holidays remaining for the calendar year from the date of hire or

transfer. Each department may establish in their department procedures if holiday leave time may be used in partial shift increments with a minimum usage, with the exception of FML. If holiday leave is being used for FML, holiday leave may be used in quarter hour increments.

(A) Public safety departments may require advanced scheduling of holidays and holiday leave for proper staffing plans.

(B) If requesting time off on an actual holiday or observed closed office holiday, holiday leave bank hours are required to be used first and will be deducted from the holiday leave bank, if holiday leave is not exhausted.

(C) If requesting holiday leave on another date, the holiday leave hours requested will be deducted from the holiday leave bank.

(D) Employees can request to be paid out for the holiday throughout the calendar year in lieu of scheduling to take the hours off. Employees can only request to be paid out throughout the year for a holiday at the time of the actual or closed office observed holiday. Lump sum holiday leave payout will only be made as outlined in 6.1 (h) (2) and (3).

(E) It is the responsibility of employees to accurately request and document the proper use of the holiday leave hours bank (i.e. paid out, taken on the holiday/closed office observed holiday, or scheduled for another day).

(2) End of Year Holiday Leave Balance: Holidays do not accumulate or carry over from year to year. Any remaining holiday leave balance that is not scheduled as time off or paid out at the time of the holiday will be paid to the employee at the end of the calendar year on the established pay out date.

(3) Exiting Employees: Employees who leave employment prior to the end of the year and have used more holiday hours than have passed on the calendar, will have those excess hours deducted from their vacation or compensatory time balance. Employees that leave employment with more holiday hours in their bank than what is left with holidays remaining in the year, will be paid out for the equivalent of holidays that had passed and were not taken or paid out. The equivalent holiday hours for the remaining, future holidays that have not occurred at the time the employee leaves the city are not eligible to be paid out. An employee cannot use their last date of employment as a paid or paid out holiday in accordance with paid leave provisions for exiting employees.

6.2 Vacation Leave. (revised 04/05/21) (10/01/21)

(a) Eligibility. A full-time employee accrues vacation leave in accordance with this section, but vacation leave may not be taken until the employee has completed at least six months of service with satisfactory performance. Vacation leave does not vest during the first twelve months of employment, and vacation leave is forfeited if the employee separates employment before completing twelve months of service.

(b) Vacation annual accrual, balance cap, and payout.

Non-Fire Shift Employees – 2080 Annual Schedule
(equivalent of 8 hour shift/40 hour work week/80 hour period):

Tenure with City Service (years)	Hours Accrued Per Year	Vacation Accrual Cap	Earned, Unused Maximum Paid Upon Exit
0-<1	120	120	0
1-9	120	240	240
10-19	160	320	320
20 +	200	400	400

Fire Shift Employees – 2912 Annual Schedule
(16 and 8 shift {or 24 hour shift/48 hour tour}):

Tenure with City Service (years)	Hours Accrued Per Year	Vacation Accrual Cap	Earned, Unused Maximum Paid Upon Exit
0-<1	180	180	0
1-9	180	360	360
10-19	240	480	480
20+	300	600	600

(1) Accruals are earned in per pay increments each pay period beginning from date of hire.

(2) Accrual cap: the vacation leave balance is capped at two (2) times the annual accrual. Once the vacation leave balance reaches the cap, no more vacation time will accrue until vacation time is taken and the balance is below the cap. All hours accrued are available to be used while employed except during an unpaid corrective action suspension or during the notice period (see payment upon separation below).

(3) Employees who have a vacation leave overage bank from vacation leave policies prior to 04/05/2021, may use such vacation leave during their active

employment with department approval as normal. Vacation overage for the policy change effective 04/05/2021 is a one-time only transfer of vacation leave hours just at the onset of the policy for earned, unused vacation hours within 6 months of the cap and hours over the cap, if applicable. Employees may use vacation time from their normal vacation bank or the overage bank in any order. Hours in vacation overage may be paid out upon exit provided the payout criteria is met and the payout in both vacation banks combined do not exceed the maximum paid upon exit outlined in 6.2b. Following the payroll for paycheck dated 04/09/2021, calculations will be finalized for overage amounts, overage bank established and hours moved for each applicable employee, and employees notified.

(4) Accrual of vacation hours will not occur during a pay period in which the employee is on corrective action suspension without pay or for any periods where vacation leave has been exhausted (excluding the last earned accrual on the pay date when accrued leave is exhausted) and employee is on leave without pay status.

(5) Payment upon separation. An employee who has completed at least twelve months of service with the city upon separation from employment and meets the separation requirements in the Employment Separation chapter, will be paid for accrued vacation leave in accordance with the maximum paid upon exit (see 6.2b). Vacation payout will be paid from the vacation leave bank first, then the vacation overage bank, if applicable, not to exceed in total the maximum paid upon exit limit. An employee may not extend their last date of active employment by taking vacation during a notice period for purposes to extend benefit coverage or use vacation overage that exceeds caps prior to policy change.

(c) Taking vacation leave.

(1) Vacation leave may be taken in the following increments:

(a) Fire Shift – 12 Hour increments (0800-2000 or 2000-0800) except as follows:

i. Paid intermittent or reduced schedule leave under a qualified, approved FML reason may be taken in one hour increments.

ii. Short duration urgent/emergency leave can be approved by the staffing officer on a case by case basis depending on circumstances.

(b) All Other City Employees - not less than one-quarter hour, unless the department director establishes a greater minimum increment of no more than one hour

(2) Vacation leave shall be taken only at a time approved by the department director or their assigned supervisory staff.

(3) Directors are to advise the City Manager or Deputy City Manager if an employee requests the use of more than one year's accrual of vacation in consecutive days.

6.3 Sick Leave. (revised 12/31/15) (10/6/17) (10/01/20) (04/05/21) (10/01/23) (10/06/25)

(a) Eligibility. Sick leave is intended to provide full-time employees with accrued leave to assist them, when needed, in keeping with the provisions of this policy. All full-time employees accrue sick leave in accordance with this section, but sick leave may not be taken until the employee has completed at least two months of service. Sick leave does not vest during the first five years of employment, and sick leave is forfeited if the employee separates employment before completing five years of service.

(b) Sick annual accrual, balance cap, and payout.

Non-Fire Shift Employees (working equivalent 8 hr shift or 40 hr work week):

Tenure with City Service (years)	Hours Accrued Per Year	Sick Accrual Cap	Earned, Unused Maximum Paid Upon Exit
0-4	104	unlimited	0
5-9	104	unlimited	240
10-14	104	unlimited	480
15-19	104	unlimited	600
20+	104	unlimited	720

Fire Shift Employees (16 and 8 Shift {or 24 Hour Shift}):

Tenure with City Service (years)	Hours Accrued Per Year	Sick Accrual Cap	Earned, Unused Maximum Paid Upon Exit
0-4	156	unlimited	0
5-9	156	unlimited	360
10-14	156	unlimited	720
15-19	156	unlimited	900
20+	156	unlimited	1080

- Accruals are earned each pay period for the total of the annual accrual (4 hours per pay or 6 hours per pay period).

- There is no cap on the sick leave accrual balance.

- Accrual of sick leave will not occur during a pay period in which the employee is on corrective action suspension without pay or for any periods where sick leave has been exhausted (excluding the last earned accrual on the pay date when accrued leave is exhausted) and employee is on leave without pay status or using donated time.

- Payment upon separation. An employee who has completed at least five years of service with the city upon separation from employment and meets the separation requirements in the Employment Separation chapter, is entitled to be compensated for their accumulated unused sick leave according to the maximum paid upon exit in 6.3b unless otherwise noted below:

  (a) Employees classified as "grandfathered" employees as of the sick leave payout policy change on 4/5/2021, will be paid according to their individual established earned, unused maximum paid upon exit. Grandfathered employees are those that would have a larger payout of sick leave hours using the 2016 sick leave policy payout formula calculated on the earned, taken and credited donated sick leave hours through 4/4/2021 than that of the updated policy payout maximum top level of 720 and 1080. The larger sick leave hours amount is locked as the individual grandfathered employee's earned, unused maximum paid upon exit when they leave employment with the City. Any employees that had a payout calculated equal to or under the updated maximum paid upon exit of 720 and 1080 effective 04/05/2021 are not grandfathered and will be paid according to policy effective 04/05/2021. Following the payroll for paycheck dated 04/09/2021, calculations will be finalized, employees will be notified of their grandfathered status and grandfathered sick leave payout maximum, and a record kept for ongoing administration. Accordingly, active use of the 2016 payout formula is discontinued for all employees effective 04/05/2021.

  (b) For current fire department employees, actively employed as of February 1, 2021, the City is adding the applicable calculated sick leave hours for those that were on a 24 hour fire shift from 10/1/2002 to 12/31/2015 to adjust for a 1.38 per pay period difference in fire accrual of 4.62 (120 annual accrual beginning 10/1/2002) to 6.00 (156 annual accrual beginning 1/1/2016). This accrual adjustment is not applicable for inactive fire department employees.

(c) Taking sick leave. After an employee has been employed for two months, the employee may request with supervisor approval to take (use) their accumulated sick leave, with pay, when:

(1) the employee is unable to work due to an illness, surgical procedure, or injury

(2) the employee is unable to work due to attending a funeral or to supplement bereavement leave;

(3) a medical, dental, or optical examination or treatment is necessary;

(4) the employee is unable to work due to pregnancy, miscarriage, or childbirth;

(5) the employee has been exposed to a contagious disease that would warrant quarantine by a health officer, and the employee's presence on the job would jeopardize the health of others;

(6) the employee needs to remain with a sick family member living in the employee's household; or

(7) any applicable FMLA qualifying leave; or

(8) any member of the employee's immediate family is hospitalized (includes care needed for outpatient surgery)

(d) Increments taken. Sick leave may be taken in the following increments:

- Fire Shift – 12 Hour increments (0800-2000 or 2000-0800) except as follows:
  (a) Paid intermittent or reduced schedule leave under a qualified, approved FML reason may be taken in one hour increments.
  (b) Short duration urgent/emergency leave can be approved by the staffing officer on a case by case basis depending on circumstances.

- All Other City Employees - not less than one-quarter hour, unless the department director establishes a greater minimum increment of no more than one hour.

- When an employee has a need to use sick leave, the employee will be allowed to use only hours worked and available sick leave to total the regular scheduled work day (i.e. 8 hours, 10 hours, or 12 hours only – depending upon regular work day schedule). For example, an eight-hour employee may work 3 hours and go home sick; sick time used will be 5 hours for a total of 8.

(e) Use of other leave. Upon request of the employee and approval by the supervisor, accrued paid leave may be used when absence due to reasons described above, exceeds the amount of accrued sick leave. When on approved leave after exhaustion of sick benefits, employees are required to use available vacation, earned compensatory benefit time, or other available paid leave.

(f) In the event of an employees' approved Short-Term Disability, employees will be required to use at least the equivalent amount of sick time to compensate the portion of unpaid,

base compensation. For example, if Short-Term Disability compensates 60% base wages, employees are required to use leave hours equivalent to 40% base wages. Employees may use up to the maximum amount of leave up to their normal work schedule.

(g) No available leave hours: Employees who have no available sick or vacation hours and who call in absent, do not work, or do not report to work, will be unpaid. Should this event occur repeatedly, the employee, whose absence is not due to an approved FMLA qualifying event or other reasonable need, may be subject to corrective action in accordance with the Standards of Conduct policy for unsatisfactory attendance. Supervisors are responsible for documenting this event to assure the correct paid or unpaid status and to record the incident.

(h) Physician's statement. An employee may be required to furnish a statement from an attending physician when:

- there is reasonable cause to question the merits of an employee's claim that an absence is due to a qualifying reason;
- the employee's safety or ability to work is in question;
- when the employee is initiating Family Medical Leave or other regulatory requirements such as review of reasonable accommodations (see Family Medical Leave Act Benefits Chapter for information on Family Medical Leave); or
- department procedure requires it consistently for all employees. Physician notes may be turned in to Human Resources if there is private health information in the note.

6.4 Paid Parental Leave. (04/01/2021) (10/06/2025)

Paid Parental Leave (PPL) is a benefit provided to qualifying full-time employees in recognition of the importance of work/life balance and to offer new parents and foster parents the opportunity to bond with a new child residing in the home.

(a) PPL is provided to eligible employees who are parents of a newborn child, or who are the adopting parents for whom a child has been legally placed for adoption, or who are the new foster parents of a child under 18 years of age named in a placement agreement with the Texas Department of Family and Protective Services (TXDFPS). Surrogate mothers and sperm donors are not eligible for PPL.

(b) There is no waiting period for an employee to be eligible for PPL.

(c) Employees with less than one (1) year of continuous service are eligible for 40 hours of PPL for non-fire shift and 56 for fire shift. Employees with one (1) year or more of continuous service are eligible for 80 hours of PPL for non-fire shift and 106 for fire shift.

(d) PPL shall be taken immediately following:
(1) the birth of the employees' child
(2) the placement of a child for adoption
(3) the placement of a child for foster care

(e) An eligible employee cannot receive PPL benefits more than twice in their lifetime, regardless of the number of positions held by the employee or the separate number of times that they are employed by the City of Burleson.

(f) FML and PPL will run concurrently. The concurrent use of PPL and FML will not increase, in whole or in part, the amount of FML or PPL time available to employees.

(g) Pay for PPL will be at 100 percent of the employee's base pay rate and will not reduce any accrued vacation or sick leave balances or accruals.

(h) Multiple births, adoptions or foster care placements occurring at the same time do not increase the length of PPL or the number of times that PPL may be received by an employee.

(i) PPL may not be retained for future use or used intermittently, and any balance will not be paid out at upon separation of employment with the City of Burleson.

(j) PPL must be taken first and exhausted before other forms of paid and unpaid leave allowed under FML may be used. Holidays occurring during this time will not increase PPL time.

6.5 Compensatory Leave. (10/06/2025)

(a) Eligibility. Nonexempt employees, at their option, may take accrued compensatory leave.

(b) When taken. Compensatory leave may be taken only when approved by the department director. Leave requests must be submitted in compliance with established departmental guidelines. The department director may refuse the leave request if it would be unduly disruptive to departmental operations. The city reserves the right to require nonexempt employees to use compensatory leave.

(c) Payment. Payment for accumulated compensatory leave shall be paid to a nonexempt employee or nonexempt employee's estate upon separation or death in accordance with the retirement system protocols related to beneficiary payouts. The city may pay a nonexempt employee anytime for all or part of accumulated compensatory leave upon

approval of the City Manager. In the event a non-exempt employee transfers to an exempt position, the accrued compensatory time will be automatically paid out to the employee at the time of the classification change unless there is an arrangement to take the compensatory time prior to the effective date of the change. If not all compensatory time is taken, the remaining time will be automatically paid out. At Department Director discretion, an exception may be granted to employees with a specific plan to use compensatory time within a reasonable future time period after the classification change, however, any excess compensatory time beyond what is approved for the specific purpose will be automatically paid out at the time of the classification change. It is the employee's and Department Director's responsibility to notify Human Resource and Payroll about such arrangements for proper handling.

(d) Exempt employees. Extra hours of work are generally common for exempt employees, but these employees do not record overtime hours nor accumulate compensatory time. Exempt employees may take time off from work in recognition of extra hours worked, upon approval of the City Manager or Deputy City Manager, whichever is applicable. As such, compensatory leave payments are not applicable to an exempt employee nor to an exempt employee's estate upon separation or death.

(e) Records. Records of compensatory leave taken are kept in the time and attendance software system.

(f) Maximum accruals: Fire personnel working 16 and 8 Hour Shifts may accumulate a max of 72 hrs of compensatory hours. SRO/CRO/Task Force in PD may accumulate up to 80 hrs. All other employees may accumulate up to 48 hrs.

6.6 Injury Leave.

Note: For more information on work related injury leave, see Work Related Injury or Illness chapter in this manual.

6.7 Military Leave. (revised 02/15/18)(10/01/21)(09/01/25)

In accordance with USERRA and Texas Government Code, employees are eligible for Military Leave; one or both regulations provide employment protection, income protection and a means to secure time off when called to any form of military training and service including duty performed on a voluntary or involuntary basis. All provisions of the Federal rules (USERRA) and State Local government code will be followed to afford employees full rights and responsibilities for military leave.

(a) Eligibility: An employee who joins or is a reserve member of the state's military forces, National Guard or United States armed forces shall, upon notification to the department director and submission of appropriate documentation, be granted leave for the period required to perform any military training, duty, or service including days needed to complete military pre-induction physical examinations.

(b) Paid Military Leave: Employees will be eligible to receive up to 15 paid military leave days a year with carry over allowed from one year to the next for unused days up to 45 days net accumulated leave including the current year's accrual. Paid military leave days will be paid out in hours based on shift hours the employee typically works. Paid military leave may only be granted to an employee for the days the employee would otherwise have worked and received pay. For the purposes of calculating the amount for the paid military leave of absence for a fire shift employee, a 48-hour work schedule constitutes one work day. Military orders are required to be turned in for payment. The employee's Director will work with Human Resources and Payroll to ensure the employee's paid military leave days are documented and paid correctly.

(c) Notice to department director: An employee shall give as much advance notice as possible to his supervisor regarding dates for military leave, as well as provide copies of the orders. Annual or quarterly training schedules should be given to the department director as the schedules become available to the employee.

(e) Use of Military Leave and Vacation Leave: While serving military duty, an employee may use any accrued vacation once paid military leave exhausts.

(f) Group health benefits: An employee on military leave less than 30 days is eligible to remain on the city group health plans same as any active employee. For extended military leave over 30 days, employees may continue the city group health plan coverages under COBRA for up to 24 months (or enroll in the military insurance benefits). Medical opt out benefits, if applicable, will cease for extended military leave after 30 days as well.

(g) Once on unpaid military leave, an employee is not eligible to accrue time off or receive certification/incentive pays.

(h) Rescheduled work days: With the approval of the department director, a full-time employee who participates in weekend military training that occurs on a scheduled work day may reschedule a work day rather than have the absence charged to military leave, if the employee reschedules the work day within the same work period.

(i) Re-employment: In accordance with '4312, Title 38, United States Code, an employee may serve, in most cases, a total of five years on active duty in the armed forces and still be eligible for reemployment. An employee's right to reemployment is not protected for cumulative periods of military active duty longer than five years, in most cases.

(1) Temporary Fill-in for Absent Employee: The Director and/or Department Management will work with the Human Resources Department to determine if there is a need to hire a temporary employee to fill-in for the absent employee. Any arrangements for fill-in employees will be on a temporary basis.

(2) Position and Benefits Reinstatement. An employee who returns from active duty in the armed forces of the United States is entitled to reemployment in the same position held upon entrance to active duty, or in a position of comparable status and pay, as well as restored benefits the employee would have attained had they not been absent due to military service (generally health plans will not have waiting periods or exclusions), if the employee:

(A) is physically and mentally qualified to perform the duties of the position;

(B) was discharged, separated, or released from military active duty under honorable or general conditions;

(C) the cumulative length of all absences from employment with the city by reason of service in the uniformed services does not exceed five years, in most cases; and

(D) makes written application for reemployment within required USERRA guidelines based on military service period after discharge, separation, or release from military active duty and presents evidence of the discharge, separation, or release from military active duty:

- Service of 1 to 30 days - Employee must report to his or her employer by the beginning of the first regularly scheduled work period on the day following completion of service, after allowing for safe travel home and eight hours of rest.

- Service of 31 to 180 days - An application for reemployment must be submitted no later than 14 days after completion of a person's service. If submission of a timely application is impossible or unreasonable through no fault of the person, the application must be submitted as soon as possible.

- Service of 181 or more days - An application for reemployment must be submitted no later than 90 days after completion of a person's military service.

- Injury or illness occurring or aggravated during a period of service - The reporting or application deadlines are extended for up to two years from the date of completion of service for persons who are hospitalized or convalescing because of an injury or illness occurring or aggravated during a period of service. The two-year period will be extended by the minimum time required to accommodate a circumstance beyond an individual's control that would make reporting within the two-year period impossible or unreasonable.

6.8 Inclement Weather/Condition Policy. (10/01/23) (10/06/25)

(a) Essential employees. In the event of a natural disaster, severe weather conditions, or other extraordinary conditions beyond the employee's control, certain employees will be assigned to perform essential duties. Based on a department's role during an inclement weather event or condition, staff that may initially be in a non-essential service may be upgraded to essential employee(s) if the severity of the event increases. Departments should have advanced plans with staff on what to expect for the different stages of an event. Employees categorized as essential will be paid for all hours worked in accordance with standard payroll procedures.

(b) During a closure event outlined by this section, some employees in essential and non-essential services, if practical, may be required to remote work.

(c) Employees sent home. Employees who report to work, but are sent home prior to the end of their normal work day and are unable or not required to remote work, will be paid for their scheduled time for that day without having to use accrued leave time.

(d) Unable to report/remote work. Except as provided in Subsection (e), employees who are unable to report to their work station or remote work due to severe weather or other extraordinary conditions, will be paid only for those hours actually worked. Accrued vacation, compensatory, or holiday leave may be used to cover the lost time, or, when possible, employees will be allowed to work extra hours during the same and following pay period to make up for hours missed. Hours worked in excess of the maximum hours per work period, will be credited at the overtime rate.

(e) Non-essential city operations closed. If the City Manager determines that due to the severity of the conditions, it is necessary to close non-essential city operations, this decision will be reported in keeping with protocols set by the City Manager's office. Employees are expected to check with the appropriate director and/or manager for clarification on closing protocols, dependent upon inclement conditions. When the City Manager closes non-essential city operations, and the media announcement is made, employees in the closed operations and unable to remote work will be paid for their scheduled time for that day without having to use leave time.

(1) At the request of an employee or supervisor, Human Resources will review the appropriate paid leave to be used in the event any employees had scheduled a pre-planned day off if they were scheduled to work.

(A) If an employee had a pre-planned day off, and they were unable to complete the purpose of that day off because businesses were shut down, unsafe road conditions, or other related factors, HR will review the request to be revised to "Weather Closing" instead of the originally requested paid leave.

(B) If an employee was able to complete their purpose for the preplanned time off, then the requested leave time will still be used since employees were not on the schedule and not available to work regardless of weather. These circumstances include being able to leave and take scheduled vacation plans, keep appointments scheduled, already out on a medical or personal leave of absence and unavailable to work.

(C) The City retains the right to interpret and determine intent of the policy to apply the policy guidelines consistently.

(f) Closure Protocol. In general, the closure protocol will be handled as follows;

The City Manager will use two primary methods for informing citizens and employees of changes to city non-essential operational hours. In cases of inclement weather or other conditions, city management will post a notification on the website and the phone system prior to the start of non-essential operations for the day in question, or as soon as practical. This notification will be posted no later than 6:30 a.m., if conditions are known prior to the start of the business day. Absent a notification on the website and the phone system by 6:30 a.m., citizens and employees should conclude normal operational hours will occur.

While the official notification will be posted on the website, secondary notifications may also be provided via:

- an automated message to each employee at the phone number provided by the employee to the Human Resources Department. It is important that employees make sure Human Resources has current telephone number(s) in order for this method to be effective.

- the City's social media pages.

- An "Everybody" email sent to all city email accounts.

NOTE: These secondary notifications are provided to employees as a secondary means of notification and should not be relied on for official notification. Employees should always go to the city's website or call the main number to learn the official status of non-essential operations.

If the City Manager does not close or delay non-essential operations, employees should use their best judgment on whether it is safe to drive to work. Section 6.8 (c) of the Policy Manual will be followed in such circumstances.

6.9 Other Leave with or without Pay. (Revised 11/01/16) (10/01/21) (10/01/23) (10/01/24) (10/06/25)

(a) Family Medical Leave. Employees who qualify will be afforded Family Medical Leave benefits in accordance with Federal statute. See Family Medical Leave Act Benefits chapter in this manual for a detailed policy on this benefit.

(b) Jury service and court appearances. An employee formally summoned to serve on jury duty or to appear in court on a scheduled work day, shall be excused from work and receive pay for the hours required for the jury duty or court appearance not to exceed 40 hours in any one week. Proof of jury service or court appearance satisfactory to the city, must be produced upon request. This benefit does not extend to employees summoned to court for testimony, domestic court appearances, witness to a civil or criminal case, related to non-work related personal business. The employee is required to use available compensatory time or vacation leave for these court appearances. Court appearances by police, code enforcement, and animal control personnel which are required in the scope of their duties are not included in this provision.

(c) Voting. Employees are encouraged to exercise their right to vote in elections. An employee eligible to vote in a national, state, county, or municipal election, shall, when necessary, be allowed sufficient leave with pay to exercise this right. If the polls are not open on election day for voting for two consecutive hours outside of the employee's working hours, the employee will be permitted reasonable time with pay to vote during working hours. It is the responsibility of the employee to notify the employee's immediate supervisor of the time chosen to vote in advance. The supervisor and employee may select another time if the one chosen conflicts with departmental duties.

(d) Bereavement Leave. Bereavement leave may be used for those relatives of employees related by affinity (within the second degree) and by consanguinity (within the third degree) and will include miscarriages. See the glossary for more detailed definitions of these relationships. 24 hours per qualifying incident may be approved for non-Fire shift personnel. Fire shift personnel may be approved for 36 hours per qualifying incident. Employees will request bereavement leave using the normal paid leave request process.

(e) Safety Leave. In keeping with the city's safety policy, non-sworn personnel will be required to be off the clock at least six hours for each 24-hour period. If a director needs to authorize safety leave for the express purpose of allowing sleep time for an employee who is assisting during Public Works or other related emergencies, the director may do so. Safety leave is for non-exempt employees who are called back to work outside of the scheduled work hours and who are on duty for an extended

period of time. The affected employee(s) will be paid straight time for up to six hours. This time period will be classified as Safety Leave, and coded as such on the employee's time sheet. This will be used on a limited and select basis for the express purpose of addressing emergencies while still assuring adequate rest for essential personnel.

(f) Administrative Leave With or Without Pay: The City Manager or Deputy City Manager may grant up to four weeks of Administrative leave (with or without pay) when such leave is in the best interest of the City of Burleson. Examples (not an exhaustive list) of use of such leave would be to allow senior management time to investigate a matter of employee conduct, or to allow an employee time to resolve a matter of significant personal business.

A Director who wishes to request administrative leave with or without pay should make a written request to the City Manager's office stipulating the amount of leave requested and the reasons for the request.

It is the responsibility of the Director and City Manager's office to advise Human Resources when administrative leave has been granted and the related circumstance. Human Resources will assure related documentation is made and Payroll is notified, if necessary.

No portion of the administrative leave with or without pay policy will disrupt or affect the absence control policy below. This policy is intended for the convenience of City management in order to address specific issues in which administrative leave maybe the most appropriate option.

(g) Wellness Day. Employees may earn a paid day off if they meet certain criteria outlined each year in the Wellness Program. Wellness days may be used in partial or whole day increments, depending on Department Director/manager approval and business needs of the department. Wellness days, amounts, and criteria are subject to change each year at City discretion and/or based on budgetary funding. Wellness days not taken by the end of the calendar year will be lost. Wellness days are not eligible for pay out in the event an employee leaves the City.

(h) Quarantine Leave. The purpose of this policy is to provide guidance in accordance with Section 180.009 of the Local Government Code regarding paid quarantine leave for Firefighters, Peace Officers, Detention Officers and Emergency Medical Technicians. The quarantine leave will be used to quarantine or isolate Firefighters and Peace Officers due to a possible or known exposure to a communicable disease while on duty. This policy will be applied with the Workers Compensation Policy, as this leave is granted only for on-duty exposures.

1.) Eligibility:

(a) "Firefighter" means a paid employee of the fire department who:

- holds a position that requires substantial knowledge of firefighting;
- has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and
- performs a function listed in Section 143.003(4)(A).

(b) "Health authority" has the meaning assigned by Section 121.021, Health and Safety Code.

(c) "Peace officer" means an individual described by Article 2.12, Code of Criminal Procedure, who is elected for, employed by or appointed by the City.

2.) Procedure:

The use of quarantine leave will be granted to a Firefighter and/or a Peace Officer who is ordered by the City's Health Authority or City Management to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty. The political subdivision's health authority will determine when a threat of highly communicable or life-endangering diseases are immediately present and may release orders for applicable/essential workers to follow general quarantine protocols. When this occurs, department supervisors will allow for the use of quarantine leave based on the health authority's protocols for appropriately dealing with the disease and/or its prevention of community spread. Employees will be released from quarantine leave based on guidance from the local health authority.

Employees are required to file all workers compensation notifications, as this leave will run concurrently with the worker's compensation process.

Applicable employees on paid quarantine leave will be treated consistently with other worker's compensation claims and continue to be eligible for all employment benefits and compensation, including continuing their leave accrual, pension benefits and eligibility for health benefit plan benefits for the duration of the leave. While on quarantine leave, the employee may not use any other paid leave type (vacation, sick, holiday).

When applicable, employees who must be quarantined may be eligible for reimbursement for reasonable costs related to the quarantine, including lodging, medical (in accordance with Worker's Compensation protocols) and transportation. The employee must receive approval from Human Resources prior to incurring quarantine expenses. Employees will be expected to provide receipts for

reimbursement, which will be presented to Human Resources for appropriate review and processing in coordination with Finance.

(i) Mental Health Leave for Peace Officers, Firefighters, and Public Safety Communications. City Peace Officers, Firefighters, and Public Safety Communications, may be eligible for confidential, paid mental health leave following a traumatic event as outlined in the department standard operating procedures.

(j) Personal Day. Full-time employees will receive one (1) paid Personal Day off each fiscal year. The Personal Day may be used in partial or whole day increments, depending on Department Director/manager approval and business needs of the department. If the Personal Day is not taken on or before the last day of the fiscal year, it will not carry over and will be forfeited. The Personal Day is not eligible for pay out in the event it is unused and an employee leaves the City.

6.10 Absence without Leave and Job Abandonment.

Unauthorized absence without leave for two or more working days or failure to return for a period of two or more working days at the expiration of authorized leave is considered job abandonment. A job abandonment may be rescinded by the department director if the employee presents satisfactory reasons for the absence within two working days of the date the job abandonment became effective**.**

6.11 Absence Control Policy (effective 10/01/12)(04/01/21)

With full recognition that a leave of absence may occur for a variety of reasons, the City has an absence control policy. Employees who have accumulated paid time off such as sick or vacation hours may use them with approval.

(a) The employment status of an employee will not be determined by available leave balances or lack of leave balances or other paid leave programs. The employment status of an employee will be determined based on Federal, State and local regulations such as FMLA and the ADA, and in consideration of the expectation of the employee's ability to return to work in a reasonable timeframe in their position or to another open, available position for which they are qualified to perform with or without a reasonable accommodation with appropriate documentation, interactive meetings with the employee, and interview and selection.

(b) Employees with qualifying conditions under the Americans with Disabilities Act (ADA) will be evaluated on an individual basis.

(c) Circumstances that may lead to separation of employment under the Absence Control Policy will be reviewed by the employee's Department Director, the Director of Human Resources and the Deputy City Manager or City Manager. A decision related to separation will be issued in writing to the employee after such review.

(d) Employees separated under the absence control policy are considered separated in good standing, and may apply for employment in the future, if they are qualified for jobs posted and can perform the essential functions of the job with or without a reasonable accommodation. This policy does not guarantee reemployment or reinstatement of employment.

(e) This policy does not apply to those on leave serving in the United States military (see military leave) or absences which violate the Standards of Conduct such as job abandonment or normal absenteeism issues.

6.12 Return from Leave (revised 11/2009)

Modified Duty.

(a) Purpose. The purpose of this section is to provide a process by which employees who have been on leave due to illness or injury may receive temporary work assignments that will benefit their full recovery. It is not intended nor to be used as a disability program.

(b) Evaluation of injured or ill employee. When an employee is required to be absent from work because of an extended period of recovery from injury or illness, the employee's case will be reviewed by the department director and the director of human resources. An examination and evaluation conducted by the attending physician or the city-designated physician will be used to determine the capabilities and prognosis for recovery of the injured or ill employee. A review of the potential work assignments will be conducted by the employee's director and the director of human resources to determine if an assignment is available which matches the injured or ill employee's training, skills and capabilities, as determined by the physician.

(c) Work assignment. A modified duty work assignment will be offered to an injured or ill employee if:

(1) a modified duty work assignment would enhance the recovery of an injured or ill employee and facilitate the employee's return to the regular duty work assignment held before the injury or illness; and

(2) the employee's department director determines that modified duty is available. If no modified duty can be found within the department, the employee may be temporarily assigned to work in another department, if there is an existing opening for which the employee is qualified and that meets the employee's work restrictions. A temporary assignment does not constitute the creation of regular or long-term employment in the assigned position. The salary of an

employee on modified duty will be paid by the employee's department and the employee will be returned to the original position and department when released for full duty. If modified duty cannot be found, the city will not create a position and the employee will remain on leave.

(d) Length of modified duty work assignments. A modified duty work assignment may last until the time that the attending physician or city physician has set as the expected date of return to the employee's previous work assignment or until temporary work duties are completed, but not to exceed three months unless the City Manager gives written approval for a longer period.

(e) Conditions of modified duty. As a condition of continuing in a modified duty work assignment, an employee must:

(1) adhere to prescribed treatment and make reasonable efforts toward rehabilitation;
(2) accept progressively more demanding assignments as the employee's condition improves; and
(3) make visible progress in returning to full performance capability.

(f) Termination of modified duty. An employee's modified duty work assignment will be separated if:

(A) the employee is found performing beyond the modified duty restrictions;
(B) the work assignment is completed;
(C) the employee performs unsatisfactorily in the position;
(D) budgetary constraints do not allow continuation of the position; or
(E) the employee's medical condition worsens.

(g) Reassignments. If an employee's injury or illness will permanently prevent the employee from performing the essential functions of the employee's regularly assigned duties, the director of human resources in conjunction with the employee's director shall attempt to locate a suitable city position for the employee. Such position must be authorized and vacant and the individual must be qualified to perform the essential functions of the position. If no position is available at the time the individual is determined physically unable to perform the essential function of the employee's job, or, should the employee refuse to accept an available position, then separation of employment will occur. The city will not create a position.

6.13 Catastrophic Leave Pool (10/01/24) (10/06/25)

(a) Purpose. The City of Burleson recognizes that employees may have a personal or family medical emergency, resulting in a need for additional time off more than their available paid leave. To address this need, all eligible employees may donate accrued vacation and/or sick time hours from their unused balance to the City's Catastrophic Leave Pool ("the Pool"), which helps their co-workers in need of additional sick time off, in accordance with the policy outlined below. This policy is strictly voluntary. To ensure leave donations are handled consistently, fairly and confidentially, employees are not able to donate directly to individuals outside of this program.

(b) Eligibility. Employees must be employed with the City of Burleson in a regular, full-time position to be eligible to donate and/or receive donated paid time to use leave from the Pool. The employee must be a "member" of the Catastrophic Leave Pool to receive donated time from the Pool. Membership is defined as having enrolled in Catastrophic Leave Pool by contributing 8, 16, 24, 32, or 40 hours of vacation and/or sick time off to the pool. Employees must re-enroll annually to remain a member of the Pool for the calendar year. To be eligible to receive donated time off, a Pool member must exhaust all accrued paid leave. The pool member is not eligible to receive or be paid for an amount of donated leave that exceeds the amount of time worked or paid during the employee's base work schedule when combined with paid disability benefits.

(c) Guidelines. An employee who would like to make a request to receive time off from the Pool must have a situation that meets the following criteria:

(1) Medical emergency, defined as a medical condition of the employee or an immediate family member that will require the prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave including disability benefits or while in a waiting period for disability benefits. Immediate family for this section includes children or any person who is incapable of self-care because of a mental or physical disability, and for whom the employee has actual day-to-day responsibility for care, including a biological, adopted, foster or stepchild. Immediate family also includes the employee's spouse, parent, in-laws, or siblings residing within the employee's household.

(d) Contribution of Hours and Membership Terms. Each annual contribution provides employee with one year of membership in the Pool (calendar year). An employee who resigns or retires from employment with the city may donate a portion of their vacation and/or sick time to the Pool at the time of resignation or retirement.

What is an acceptable number of hours will be determined by the city and the employee at time of resignation/retirement.

(e) Donation of Paid Time Off. Employees may donate accrued vacation and/or sick paid time off hours to the Pool during annual benefits open enrollment. Eligible members may donate vacation and/or sick paid time off hours with different benefit amounts, as shown below:

Donation Hours Increment	**Maximum Pool Hours Member May Receive per Year (or one-third of pool balance, whichever is less)**
8	80
16	160
24	240
32	320
40	400

(1) The donation of vacation and/or sick paid time to the Pool is strictly voluntary.

(2) Members cannot stipulate who will receive donated hours.

(3) Donated hours become the property of the Pool. Donated vacation and/or sick paid time off will go into the Pool for use by eligible recipients and may not be withdrawn once submitted. Any balance of vacation and/or sick paid time off in the Pool will automatically carry forward to the following year.

(4) If the Pool is dissolved by the city in the future, no additional hours will be donated and the remaining paid time hours will continue to be used by employees until the hours are depleted. In this scenario, eligible employees would include any employee who has donated paid time into the Pool.

(5) Recipient identity will not be disclosed to members.

(6) The donation of sick paid time off is on an hourly basis, without regard to the dollar value of the donated or used leave.

(7) Employees must have the desired donation amount available in their balance to donate. Employees cannot borrow against future vacation and/or sick paid time off to donate. Employees at their maximum accrual of hours, cannot donate future accruals that they are not eligible to receive by being at the maximum accrual limit.

(8) The hours that a Pool member may be eligible to receive is on a calendar year basis and is not cumulative.

(9) Employees may donate vacation and/or sick paid time off annually during benefits open enrollment, which is October or November each year. The donated vacation/sick paid time off will be transferred from the donor to the leave Pool on the following January 1st to begin the new calendar year's membership.

- Employees who are on an approved leave of absence during the donation period cannot donate vacation and/or sick paid time off. Employees will be eligible to donate for two weeks after their return from a Family Medical Leave of Absence if they were on leave during the donation period.

(10) Newly hired full-time employees who are hired prior to or during open enrollment may also donate during the annual open enrollment for the following year. Employees hired after annual open enrollment closes are not eligible to donate until the following year during open enrollment.

(f) Requesting Sick Paid Time Off from the Pool.

(1) Members who would like to request sick paid time off from the Pool must complete a Request Form and submit to Human Resources.

(2) Members seeking donated time for a medical emergency must provide medical documentation as necessary to determine whether the employee's situation meets the criteria for donated sick paid time off.

(3) Requests for donations of Pool sick paid time must be approved by Human Resources.

(4) If the recipient employee has available paid leave in their leave balance, this time must be used prior to any donated sick paid time off. Donated sick paid time off may only be used for time off related to the approved request.

(5) Nothing in this policy will be construed to limit or extend the maximum allowable absence under the Family and Medical Leave Act (FMLA) or other City of Burleson policies.

(g) Administration of the Catastrophic Leave Pool. The Pool shall be administered by the "Pool Administrator," who shall be a member of the Human Resources Department.

(h) Appeal Procedure. A member who disagrees with a decision to deny a request for donated sick leave or with the amount of donated sick leave granted in response to a request may file an appeal with the City Manager or designee. The appeal must be in writing and must be filed within five business days from the disputed decision. The appeal should avoid any personal health/medical information to protect the employee's privacy. The decision of the City Manager or designee is considered final and will be submitted to the employee within ten business days of receiving an appeal request.

(i) For those employees that are not members of the catastrophic leave pool and have exhausted paid leave, the Human Resources department will review options upon request on a case by case basis for paid and non-paid leave.

Chapter 7: Performance Evaluations

7.1 Purpose.

Performance evaluations are used to acknowledge good performance and recognize areas in which improvement is needed. Evaluation aids in more effective planning of the work of city departments and enables supervisors to identify common training and development needs. Evaluations promote fair treatment of employees by supervisors and provide increased communication between employees and supervisors.

7.2 Procedures, Method, and Forms.

Employee evaluations shall be conducted following procedures prescribed by the Director of Human Resources.

7.3 Rating Period. (revised 01/01/13)

(a) Each full-time employee's work will be evaluated annually.
(b) Part-time employees may be evaluated annually, at Director's discretion.
(c) At the Director or department manager's option, a six month evaluation may be conducted for any employee.

7.4 Notice to Employee.

An employee shall be given a copy of each evaluation report as soon as it is complete. No use may be made of the evaluation results until the evaluator reviews the report with the employee.

7.5 Use of Evaluation Results. (01/01/19)

The results of employee evaluations shall be considered for the following purposes:

- making salary adjustments;
- giving merit pay increases;
- grounds for promotions, demotions, and support for re-assignment; and
- to determine whether corrective action is warranted against an employee (not intended to present a corrective action notice to an employee during a performance evaluation, but merely to review past evaluations to see if issues were documented prior to determine if a corrective action matter is new or ongoing; what efforts had been taken to make the employee aware of the issues).

7.6 Employee Coaching

As frequently as necessary, a supervisor may conduct an employee counseling interview. The supervisor should communicate frankly the supervisor's assessment of the employee's conduct and performance. The supervisor should offer positive assistance in correcting any deficiency. This informal conference requires no communication with the director of human resources.

Chapter 8: Transfers, Promotions, Training

8.1 Promotions and Transfers.

Policy. It is the policy of the city to allow the transfer of employees between positions and departments to promote from within, where possible, when filling vacant or newly created positions. Employees that meet the following criteria are eligible to apply for another open position within the City:

- have been with the City and in current position at least 6 months,
- are satisfactorily performing their duties,
- no documented verbal reprimands within ninety (90) days,
- no written reprimands within six (6) months,
- no documented final written reprimands, suspensions, or corrective action demotions within last twelve (12) months.

Employees interested in available opportunities for promotion or transfer should review job postings as available on area bulletin boards, the city's web-site or in the Human Resources Department. A letter of interest and an updated resume should be turned in to human resources prior to any posted closing date for openings.

This policy statement does not, in any manner, guarantee an employee promotion or create a contract of employment (expressed or implied).

Notice to department. If selected for transfer or promotion, the employee must give at least two weeks' notice to the employee's current department, unless waived by the employee's department director.

Unless there are extenuating circumstances, managers who are considering a transfer or promotion of another employee from another department should contact the manager who is subject to losing the employee and advise them of the application status as a professional courtesy. Managers are expected not to retaliate against employees who are striving to change or better their employment circumstances.

Employees that are selected or placed in a different position within the City will be on a six (6) month evaluation period to ensure adjustment and adaptation to the new position in terms of learning the job requirements and department. This evaluation period doesn't negate any provisions employees obtained once successfully completing their new hire probationary period.

The City may make exceptions to these standards to meet the business needs of the City, as it deems appropriate with Department Director(s), Human Resources, and Deputy City Manager review and approval.

8.2 Training and Development.

The city endeavors to provide training and development programs to meet specific organizational needs. Training programs will encourage high quality performance, prepare employees for new or increased responsibilities, and extend opportunities for job-related growth and development. The Human Resources Department will assist departments in developing and conducting training programs to meet specific departmental needs and will identify resources and programs to increase employee productivity, knowledge, and safety and departmental efficiency and effectiveness.

8.3 City Internship Policy. (10/01/23)(10/06/25)

The intent of the internship program is to allow students the opportunity to receive first-hand experience in specific areas of study and to get a better understanding of particular career fields.

(a) The interns need to be students or recent graduates.

(b) Department heads are responsible to submit an intern request in advance through the Director of Human Resources in order to be sure the City Manager's Office approves the internship. Departments using a formal university or higher education internship program, must submit the program requirements to Human Resources along with the request to ensure the city mutually agrees with the criteria. Any administrative processes required by the educational institution will be reviewed to ensure responsible parties are assigned in advance at the city (i.e. performance feedback, hours reporting, etc).

(c) Internship duration will be evaluated based on the internship requirements for the course, budgeted approval, and department needs. Those participating in an internship will be considered temporary seasonal employees without benefits.

(d) Interns will work no more than 20 hours weekly and at a set rate of pay per hour determined annually by the HR Department. Costs will be funded by the specific department in which the intern is assigned. Alternate work schedules must be requested and approved in advance through Human Resources to ensure compliance with applicable regulations.

(e) All interns are to apply through the city website and must pass the standard hiring process and background checks.

(f) At the end of the internship assignment (season), the intern will be separated from employment and cannot rehire with the city for a period of one year as an intern. The internship program is not to be construed as a guarantee of employment for a specific time period or alter the at will nature of employment. Assignments may

be ended early by either party. Requests to end the internship early by the department must be requested through the Human Resources Department to ensure compliance with regulations and/or the educational institutions requirements, if applicable.

(g) Students will be considered for an internship as an unpaid volunteer if the educational institution prohibits paid internships for course credit. In this event, the timeframe and schedule of work will be evaluated based on the internship requirements for the course and department needs.

(h) Job shadowing and career observation requests are unpaid opportunities. Department heads may submit requests to the Human Resources department for the appropriate waiver and background checks, as applicable.

Chapter 9: Compensation and Wage Administration

9.1 Work Periods. (revised 12/14)(12/31/15; 11/01/15)(03/01/2022)(10/01/24)

(a) Standard work periods. Standard work periods are established for purposes of compliance with the Fair Labor Standards Act. For payroll purposes the following work periods are established for city employees:

(1) Civilian personnel (non-public safety) working a 9/80 schedule: the work period begins at noon on Friday and runs through 11:59 a.m. Friday morning.

(2) Civilian personnel (non-public safety) not working a 9/80 schedule: the work period begins at midnight on Monday and ends at 11:59 p.m. on Sunday.

(3) Sworn employees of the police department: the work period shall begin at midnight on Monday and ends at 11:59 p.m. on Sunday 14 days later.

(4) Sworn employees of the fire department: the work period shall begin at 8:00 a.m. Sunday and runs 28 consecutive days until 7:59 a.m. Sunday. Details of the two 14-day pay cycles are documented within the Burleson Fire Department standard operating procedures. Sworn employees of the fire department will work a 48/96 work schedule.

(b) Meal periods. Except for sworn employees of the fire and police departments, the standard work day does not include approved meal periods. Meal periods for nonsworn employees are time off without pay. Meal periods for Police Department telecommunications staff are considered hours worked.

(c) Rest periods. The standard work day may include two 15-minute rest periods each work day if authorized by an employee's immediate supervisor. A rest period is not guaranteed and is considered a privilege. Breaks shall not interfere with proper performance of the work responsibilities and schedules of a department. Rest periods or breaks do not accumulate if not taken.

(d) 40-Hour Work Schedules: In general, Directors and Managers may set hours of work most appropriate to assure job tasks are performed and the work week remains 40 hours per week (except Fire Department). Work schedules may include combinations such as:

Schedule A: 8 hours per day; 5 days per week.
Schedule B: 10 hours per day; 4 days per week.
Schedule C: Combination of 9, 8 , and 4 hour shifts to equal 40 hours per work period.

(e) Time Sheets: At the end of every pay period, non-exempt employees are required to review and approve their own timesheet using the employee approval method in the electronic timekeeping system, or with their signature or initials if using manual timesheets. The immediate supervisor will then review and approve the timesheet prior to processing by Finance. Any adjustments or corrections after the

initial employee approval will require a subsequent approval/signature by both the employee and supervisor prior to processing by Finance. In the event an employee does not approve their timesheet by the payroll deadline, the supervisor or another member of management is authorized to approve the timesheet on behalf of the employee so payroll can be processed timely. As a general rule, the City may still require full-time employees to approve their own timesheet even after a supervisor approves on their behalf whereas part-time employees' approvals may be waived given the variable work schedule. All employees are responsible for their own timesheet and/or reporting issues with their payroll to their department, HR or Finance, if any, regardless if another had to approve a timesheet on an employee's behalf.

9.2 Hours of Work.

Department directors may establish working schedules to meet their specific needs; provided the standard schedule is for no more than 80 hours per work period for sworn employees of the police department, 212 hours per work period for sworn employees of the fire department, or 40 hours per work period for all other employees. The hours during which city offices are open for business shall be determined by the City Manager. The fire department 24-hour personnel work 2912 hours per calendar year. All other full-time employees work 2080 hours per year.

9.3 Job Sharing.

Some full-time positions may be approved for job-sharing. Job sharing includes two employees sharing the duties and benefits of one full-time position. Directors and Managers will have the authority to determine which positions will be approved for this work arrangement. A more detailed policy regarding Job Sharing is available in Human Resources for management and employee review.

9.4 Compensation. (Revised 12/31/15)(01/01/19)(10/01/20)(10/01/21)(08/03/2022) (10/01/22)(10/01/24)

(a) Salaries. All wage ranges of city employment shall be identified in the wage schedule approved by the city council. Generally, changes in the schedule are made through adoption of the annual operating budget.

(b) Exempt Employees-Function and pay. An employee who performs an executive, administrative, or professional function is an exempt employee. In keeping with Fair Labor Standards Act – Department of Labor guidelines positions are determined to be exempt or non-exempt by the Human Resources Department. This designation is based on work performed, not job title or job class. An exempt employee is paid on a weekly wage basis regardless of the number of hours worked unless the employee is absent and:

(1) permission has not been sought or has been sought and denied;

(2) accrued leave has been exhausted; or

(3) the employee requests to use leave without pay (requires approval by director).

(4) in order to request and record the use of benefit time, exempt employees are required to submit their leave requests using the established method in the time and attendance system for approval by the appropriate supervisor.

(c) Prorated Wage. If part of a week is taken as leave without pay, a proportionate part of the weekly wage will be paid to an exempt employee for the part of the week worked. A proportionate part of the weekly wage will also be paid to an exempt employee for the part of the week worked in the initial or last week of employment.

(d) Compensation for Overtime Work.

(1) Overtime pay. Nonexempt employees, other than sworn employees of the fire and police departments, are entitled to overtime pay or overtime compensatory leave for all hours worked in excess of 40 during a seven-day work period. Sworn employees of the police department are entitled to overtime pay or overtime compensatory leave for all hours worked in excess of 80 hours in a 14-day work period. Sworn employees of the fire department are entitled to overtime pay or overtime compensatory leave for all hours worked following a 28-day work cycle as permitted under the Fair Labor Standards Act. This policy is adopted pursuant to Section 207(k) of the Fair Labor Standards Act. Working of overtime hours must be approved in advance by the appropriate supervisor.

(2) Compensatory leave. Nonexempt employees will be granted compensatory leave at the rate of one and one-half times the actual overtime hours worked, upon approval of the employee's supervisor, if the supervisor determines the leave will not be unduly disruptive to the department. Compensatory leave may be accrued to a maximum of: 48 overtime hours worked unless special arrangements are made by the department director, 16 and 8 Hour Shift Personnel in the Fire Department may accrue up to 72 hours, and school resource officers, task force staff, and community resource officers in the Police Department may accrue up to 80 hours.

Compensatory leave may be taken in increments of not less than one-quarter hour, unless the department director establishes a greater minimum increment of no more than one hour. The city may, at its discretion, pay a nonexempt employee at any time for all or part of accumulated compensatory leave or may require that a nonexempt employee take accumulated compensatory leave, except for members of

police or fire department as defined by state regulation. For members of police or fire department as defined by state regulation, compensatory time may be taken or paid out when there is mutual agreement by the city and the employee. The accrual of compensatory leave is governed by the Fair Labor Standards Act and also by the local government code for members of the police and fire departments as defined in the code.

(e) Exempt employees. Exempt employees do not receive overtime pay nor accrue compensatory leave. However, Exempt employees may take time off from work in recognition of extra hours worked, upon manager approval.

(f) Recording compensatory leave. If an employee works in excess of the number of hours in the employee's shift during the same work period as the employee takes compensatory leave, the amount of time the employee worked in excess of the shift on all worked days, is subtracted from the amount of time the employee actually took compensatory leave, when the compensatory leave taken is recorded in the leave records.

(g) Paid Time Off/Paid Leave in Calculating Overtime Hours.
Paid time off benefits/paid leaves are not considered hours worked for purposes of calculating overtime hours including Holiday:

(1) An employee is charged with paid time off/paid leaves only on days the employee would otherwise have been scheduled to work. No more than 40 hours paid time off/paid leave may be charged in one seven-day work period.
(2) If an employee takes any form of paid leave in the work week/work period and works over in another part of the week/period, the paid leave hours are not required to be reduced by the amount worked over unless the arrangement was considered a flexible schedule, hours worked over were not approved nor deemed necessary by the supervisor, or hours were worked during the employee's normal shift while on leave (the combined hours worked during the shift and on leave for the shift will not exceed the scheduled shift). Departments may implement staffing and schedule guidelines to manage the use of paid leave and hours worked within the work period.

(h) Fire Department personnel: Paid time off benefits/paid leaves are not considered hours worked for purposes of calculating overtime hours except for Holiday. Protected overtime is paid every pay period, and the FLSA overtime is paid at the end of the 28-day cycle as permissible by the Department of Labor under the Fair Labor Standards Act provisions. For more information, Fire Department personnel should refer to the payroll section of the finance department and/or the fire chief.

(i) Police Department Commissioned Personnel: Overtime is paid based upon a 14-day duty schedule, which is permissible by the Department of Labor, Fair Labor

Standards Act. Holidays are paid as straight time and are not included in the calculation of overtime.

(j) Overtime Rate.
A nonexempt employee will be paid for overtime worked at the rate of 1-1/2 times the employee's regular hourly rate of pay. For purposes of calculating overtime pay, this hourly rate shall include base, merit, incentive, and longevity pay and stand-by pay.

(k) Authorization for Overtime. An employee shall not be permitted to work overtime unless authorization has been given by the department director in advance. The department director or designee has the responsibility to determine that funds are available before authorizing overtime work. A department director may authorize overtime under the following circumstances:

(1) hours worked in excess of the number of regularly scheduled hours for the work week;

(2) a call back for an emergency, if otherwise off duty; or

(3) attendance at an approved training class or city sanctioned meeting, required by the department director, if time for attendance is in addition to the employee's regular work schedule.

(l) Documentation of Overtime.
Human Resources or Payroll shall keep records of all overtime worked and compensatory time accrued and taken by nonexempt employees using the established time and attendance system, except for Fire 2912 Operations. The Fire Department maintains the timekeeping records for nonexempt Fire 2912 Operations staff. Department directors should report overtime hours worked in their departments, with departmental payroll records. The records must include the following information:

(1) number of overtime hours worked each work week or work period;

(2) number of overtime hours paid each work week or work period;

(3) number of compensatory hours accrued and used each work week or work period;

(4) number of compensatory hours compensated monetarily, the amount paid, and the date of payment; and

(5) any written understandings or agreements with respect to the accrual and use of compensatory time.

(m) Call Backs and Scheduled Overtime. (revised 12/31/15) (01/01/19)(10/01/20)(10/01/21)(10/01/22)

(1) This policy applies to the divisions and departments that participate in a weekly On-Call program or standby pay practices.

(2) Responsibility:

(A) Directors/Managers: Oversee the record keeping, assignment of on-call or standby status, and the other procedural decisions related to paying an employee to be on-call or in a standby status in order to respond to emergencies, repairs, etc.

(B) Employees: Accurately record incidents of call-back assuring that department management is kept informed when situations arise warranting an on-call or call-back status.

(3) Requirement for on-call status. An employee who provides essential services to the public is expected to respond to a reasonable assignment by the employee's supervisor to be in "on-call status" periodically. The employee is free to pursue personal activities, but must respond to a call back within designated guidelines, set by the department director. On-call status is not considered time worked and will not be counted in the total number of hours the employee works during the work period. However, employees will receive a flat rate of on-call pay for each week they are in "on-call status."

(4) Policy Elements.

(A) Designation of “on call”: An employee will be considered to be officially scheduled and designated as "on-call" when an on-call need has been identified by the department director, instructions have been communicated by the supervisor to the employee concerned and the employee has acknowledged the on-call status and availability instructions; and the employee indicates to the supervisor how the employee can be contacted by phone.

(B) Timeline for On-call Status: Employees are in “on-call status” for a calendar week.

(5) Pay for On-Call/Call Backs (except Police Department).

(A) Employees called out 1 or fewer times per week will be paid $100 for being in an on-call status.

(B) Employees called out 2 or more times per week will be paid $200 for being in an on-call status.

(C) When an employee who is designated as “on-call” is called back to work, they will receive a minimum of one-hour of pay. When an employee is not in an “on-call” status but is called back to work, the employee will get a minimum of two hours of pay. Time worked during the call backs will be at overtime rate even if hours worked during the week had not reached the minimum hours worked for overtime in the work period, provided the employee had actually left work for the day and was required to physically return back to the worksite.

(D) Employees who are called back into work will have the Call Back event protected and can be paid for the event in excess of the normal scheduled hours on the timesheet. However, employees who are scheduled to use leave in the week called back may elect to reduce the leave hours equal to the call back hours worked and use that leave time on a future date as approved under the normal leave approval process. Holidays/Weekends - No additional pay or arrangements are paid for holidays or weekend except as noted in (E).

(E) Full-time employees that would typically have been off on a holiday with the rest of a department or work group, but are required to work either on an actual holiday (or observed holiday as substitute) to support city services or events will be paid at overtime rate for hours worked on such holiday as call back (excludes Golf and Police/Fire normal scheduled operational shifts).

(6) Pay for On-Call (Police Department).

(A) Employees designated on call for the week will be paid a flat rate of $100 for 1 or fewer call backs, $200 for 2 or more call backs, and any time worked while called back in to work. Hours worked will be paid in accordance with the normal regular and overtime rates based on hours worked in the period.

(B) Certain police assignments with advanced approval may receive call back pay when not designated on call for the week. When an employee is in an approved assignment for this arrangement, the employee will get a minimum of two hours of pay when called back, and the time worked during the call back will be at overtime rate.

(n) Longevity Pay.

(1) Fire and police departments. In accordance with the requirements of state law, sworn employees of the fire and police departments shall be paid longevity pay at the rate of $4.00 per month for each completed year of full-time service to a maximum of 25 years of service.

(2) Other employees. All other full-time employees shall be paid longevity pay after five years of service at the rate of $4.00 per month for each completed year of full-time service to a maximum of 25 years.

(3) Longevity payments will be paid on a per pay period basis except for those employees that are grandfathered with an annual lump sum payment method.

(o) Incentive or Certification Pay. (revised 10/01/20)(10/01/21)
An employee who obtains a specialized certification that is recognized by the City Manager as beneficial to performance of the employee's duties, may be paid a flat annual rate, calculated and paid out per pay period, in addition to the employee's regular pay. The rate of payment for incentive pay and eligibility to receive incentive pay will be established through adoption of the annual operating budget. Director level positions and above are not eligible to receive incentive pay. Employees on an unpaid leave of absence are also not eligible for incentive or certification pay for pay periods where there is no compensation paid to the employee. Human resources will maintain the official list of positions and employees qualifying for incentive pay.

9.5 Payment of Compensation upon Employee's Death.
(revised 10/01/20)(10/01/21)(10/06/25)

(a) A deceased employee's wages are the property of the deceased person's estate and payment can be made to the executor/administrator of the estate upon receipt of a probate court issued letters testamentary or letters of administration, confirmation of the identity of the executor/administrator, and having executor/administrator sign for receipt of the wages. In the case of a deceased employee that was married at the time of death, the payment may be made to the surviving spouse if that person presents a suitable affidavit that no executor or administrator has been appointed.

(b) Vacation and sick will be paid according to leaves policies with the exception of waiving the waiting period and length of service provisions for those with less than 1 year of service for vacation and less than 5 years of service for sick; in this case, the employee's estate will be paid based on the minimum level of payout for their earned, unused balances.

9.6 Compensation Plan Design

(a) All employees of the city are compensated on the basis of one or more position classification and compensation plans. These pay plans are based on wage schedules adopted annually by the city council as part of the budget. The wage schedule consists of a series of pay grades to which city positions are assigned according to the type of work, difficulty, and responsibility entailed.

9.7 Temporary Assignments. (revised 01/01/13) (10/01/18)

(a) Non-public safety personnel: A department director may designate an employee to fill a position on a temporary basis. A person temporarily filling a position in a higher classification shall be paid the base wage of the higher position or a wage that would provide at least five percent increase, during the time the employee performs the duties of the higher position. The wage paid will be dependent upon the scope of temporary duties and the length of time the temporary assignment is in place.

(b) Public Safety commissioned staff who are responsible for serving as Officer in Charge (OIC) during a shift(s) will be paid in accordance with the Public Safety Step Plan- see Public Safety Step Plan for OIC pay matrix. (effective 12/1/12) (10/01/18)

(c) Officer In Charge (OIC) compensation is subject to budgetary review on an annual basis. This compensation is subject to change.

9.8 Temporary and Part-time Employees.

An employee who regularly works less than the established hours of employment for each month, may be paid by the hour or pursuant to a wage scale proportional to the amount of time worked. The Wage or hourly rate will be determined during the budget process.

9.9 Wage upon Promotion or Demotion. (10/01/22)

(a) **Promotion**:

i. Non-sworn personnel who are promoted to a position in a higher pay range and are below starting pay for the promotional position, shall be paid at least the minimum of the position's internal starting pay or 5%, whichever is greater. Otherwise, those who are above the internal starting pay for the new position will have pay determined based on current pay in the new pay range, skills, experience, and pay compression with others currently in the new position with the same or similar skills, without going over the maximum of the pay range. Compensation above the minimum standards must be reviewed with the Director of Human Resources and approved up to the City Manager.

ii. Sworn personnel who are promoted are paid based upon a pre-determined matrix.

(b) **Demotion:** Employees who are demoted (voluntarily or involuntarily) will be paid no more than the maximum of the pay grade to which the employee demotes.

9.10 Wage upon Transfer.
If an employee is transferred from one position to another in the same classification or the same wage range, the wage and merit eligibility date shall not change.

9.11 Maximum Base Wage.
Newly-hired employees are generally brought in at the entry level in the pay grade for the employee's position. At director discretion an employee may be hired at a base pay higher than entry level if the director documents the experience, skills, qualifications that warrant a higher pay and advise the Director of Human Resources of the pay structure planned. Internal equity for other employees will be taken into consideration during these decisions.

An employee shall not be compensated at a base rate higher than the maximum for the position unless the employee was above the maximum wage for the position at the time the plan was adopted.

9.12 Additional Taxable Benefits.
Some city-provided benefits are subject to being taxed on the value of the items. The Internal Revenue Service considers this benefit a form of compensation. As a result, applicable employees receiving city-issued clothing will be required to document the items received on a form (generated by the Finance Department), and the appropriate taxes will be deducted from employee wages. Other items provided to employees for their use, as designated by the Internal Revenue Service, may fall under this provision. When this occurs, the employee will be notified as soon as possible.

9.13 Safety Leave Pay.
In keeping with the city's safety policy, non-sworn personnel will be required to be off the clock at least six hours for each 24-hour period. If a director needs to authorize safety leave for the express purpose of allowing sleep time for an employee who is assisting during Public Works or other related emergencies, the director may do so. Safety leave is for non-exempt employees who are called back to work outside of the scheduled work hours and who are on duty for an extended period of time. The affected employee(s) will be paid straight time for up to six hours. This time period will be classified as Safety Leave, and coded as such on the employee's time sheet. This will be used on a limited and select basis for the express purpose of addressing emergencies while still assuring adequate rest for essential personnel.

9.14 Pay Periods.
Wages shall be paid on alternating Fridays with 26 paychecks per year. If a scheduled payday falls on a holiday or weekend, paychecks will be issued on the last work day preceding the holiday or weekend.

9.15 Pay Methods

All employees will be paid their wages via direct deposit.

9.16 Separation Pay. (revised 12/31/15) (01/01/19) (10/01/20) (10/01/21)

(a) Employees that separate from City employment will be eligible for certain payments in their final check, which is paid in the next normal pay schedule, as follows:

(1) accrued, unused compensatory time, if applicable, regardless of length of service or reason separating employment with the City.

(2) accrued, unused vacation time up to maximum paid upon exit criteria if employee completes one year of employment with the City and meets the separation requirements listed in Employment Separation Chapter.

(3) accrued, unused sick leave according to maximum paid upon exit criteria if employee completes five years of employment with the City and meets the separation requirements listed in Employment Separation Chapter.

(4) Retirement or resignation notice periods are paid as long as the employee works the notice period in accordance with normal pay practices and provisions. Pay in lieu of working the notice period is not typical and will be determined by the City. Pay in lieu of a working a notice period requires Department Director, Deputy City Manager or City Manager, and HR Director approval.

(5) Any indebtedness to the City, which the employee has incurred in the course of employment, shall be deducted from the final paycheck, in accordance with the limitations of the Fair Labor Standards Act (FLSA).

9.17 Payroll Records.

Nonexempt employees shall prepare an accurate record of all hours worked, to be submitted to the Finance department using the established time and attendance system on the scheduled established with human resources and payroll.

9.18 Reporting Questions or Errors.

Employees who have reason to believe an error has been made in calculation of time or payment of wages should contact the Finance Department (Payroll) or the Human Resources Department. Every effort will be made to correct errors and update records accurately.

9.19 Use of City Vehicles After Hours. (01/01/19)

Management has adopted the following policy regarding personal use of City-owned vehicles:

(a) For business reasons, certain employees have been designated to drive a City-owned vehicle to and from their residence. This shall be the only authorized personal use of the vehicle. Individuals driving City vehicles may have occasions where an incidental stop is necessary between business stops. Such use shall not be considered to be in violation of this policy.

(b) Unless required in the course of conducting official city business (i.e. police department transfer of an individual), no employee may transport any other person in a city vehicle. As an exception to this policy for special or unique circumstances, an employee may, in advance of transporting another person for non-business reasons, sign an insurance waiver in a form acceptable to the City's insurance carrier. These forms are available in Human Resources.

(c) City vehicles cannot be used for supplemental income purposes, and only incidental personal items may be stored in the vehicle.

(d) When applicable, the City will compute a daily value for the commuting which will be included in the employee's biweekly pay and reported on Form W-2 for the fringe benefit at the end of the calendar year. Such amount will be the minimum allowed by federal income tax laws.

(e) In general, company vehicles allowed to be driven home are considered a convenience to the employee and the normal time commuting home to work and work to home at the beginning and ending of the shift is not considered hours worked for payroll compensation. There are exceptions when travel time is outside normal commute and when this occurs, such travel time will be paid according to federal and state pay regulations. Contact Human Resources for further guidance.

(f) Note: Internal Revenue Service regulations require the City to maintain evidence which would enable the Internal Revenue Service (IRS) to determine whether use of the vehicle is in accordance with policy maintained by the City.

9.20 Work Related Training. (01/01/19)

(a) If an employee receives approval for training including those offsite or out of area, which are required for their position or some other continuing education for the City and City related business, the pay will be considered regular hours worked (using training pay code for hourly employees) and will be paid according to federal and state wage and hour regulations. Actual expenses to attend such training,

professional conferences, conventions or short schools, or to visit other cities for the benefit of the City will be paid or reimbursed at Director discretion based on approved budgeted expenses and in accordance with expense policies. All training costs and time must be approved in advance.

(b) In the event a training or conference is not approved, employees that wish to attend may do so at their own cost and time by requesting vacation or comp time subject to manager approval as normal.

Chapter 10: Travel

10.1 Purpose and Penalty.

(a) Purpose. The purpose of this travel policy is to regulate expenses for out-of-town travel, local meetings, entertainment, personal car mileage, and other travel related expenses. The policy applies to all employees of the city who are authorized to officially represent the city at various conferences, meetings, conventions, seminars, and other functions. The policy:

(1) governs and regulates the financing and reimbursement of allowable expenses incurred by city employees in their official capacity as a representative of the city; and

(2) provides uniform guidelines and procedures for submission and processing of allowable expenditure requests and establishes proper accounting for approved, allowable expenses, including travel advances and cash expenditures, made for the purposes authorized by this policy.

(b) Penalty for Non-Compliance. Failure to comply with all provisions of this policy may result in corrective action up to and including separation.

(c) At all times employee conduct while on travel will be exemplary and will reflect positively on the city. This includes conduct at parties and dinners, decisions related to what establishments will be frequented and other related behavior.

10.2 Responsibility for Administration of this Policy.

(a) City Manager. By city charter, the City Manager is designated as the employee who has financial responsibility for administration of funds. The City Manager may designate the Finance department to oversee daily administration of this policy. However, questions that arise related to expenses for travel outside the scope of what is covered here will ultimately be resolved by the City Manager.

(b) Department director. The department director is responsible for communicating and administering the provisions of this regulation to employees and approving expenses as legitimate business related items. Directors may delegate the on-going administration of this policy to managers and other subordinate personnel. However, each director is ultimately responsible for the proper administration of the policy. Furthermore, any recommended deviation or exception to the provisions of the policy may not be delegated and must be specifically submitted in writing by the department director.

(1) Prior to allowing any employee to register for training, schedule business related trips, make accommodations for lodging, or otherwise incur financial obligation as a representative of the city, directors shall require

employees to be advised that they are expected to understand the entire travel policy. These employees shall be provided reasonable opportunity to review the policy and ask questions regarding its content, as they determine necessary. Furthermore, all employees must acknowledge such understanding and opportunity before traveling on behalf of the city. Finally, upon completing travel, employees are expected to acknowledge in writing, that they have in fact, complied with the terms of the policy.

(2) For purposes of this policy, whenever the employee requesting the reimbursement or advance, is a director, the term "department director" shall refer to the Deputy City Manager or the City Manager, whichever is applicable. Likewise, whenever the employee requesting reimbursement is the Deputy City Manager, the term "department director" shall refer to the City Manager. The City Manager's reimbursement or advance requests shall be submitted to the Deputy City Manager for policy compliance review only.

(c) Director of Finance. The Director of Finance is responsible for the overall administration of the provisions of this travel policy. The Director of Finance and the department director, as well as any other employee, shall have the responsibility to report any abuse or misuse of travel and training funds to appropriate members of management.

10.3 Expenses and Documentation.

(a) Expenses must be reasonable. The allowance for expenses shall consist of the actual costs which a reasonable and prudent person incurs related to travel and local meeting attendance. Employees are expected to be conservative in their expenditures; as if such costs were being paid by themselves.

(b) Extraordinary costs. The city recognizes that the "cost of living" in some regions of the country may be sharply greater than corresponding prices typical throughout the Metroplex and the State of Texas. It is beyond the scope of this policy to detail or index a set of specific guidelines appropriate for all locales, at all times, in all circumstances. Whenever trips to such destinations (typically in the large northern metropolitan areas and along either coast) are anticipated, the department director may arrange for increased spending limits, by obtaining in advance, the written authorization of the City Manager or Deputy City Manager.

(c) Department restrictions. Due to budgetary constraints or unique situations existing within the various operations of the city, department directors may adopt more restrictive allowances and practices than those specified within this policy. These directives may be imposed within the departments on either a "standing" or "case-by-case" basis. Otherwise, the general guidelines outlined in this policy

shall apply. (Each department has the sole responsibility to monitor compliance with any special, more restrictive procedures which they may impose from time-to-time. The finance department monitors only the requirements of this policy and the exceptions appropriately authorized.)

(d) Meal expense documentation. In general, employees will be allowed a per diem amount to cover meals during travel. Any circumstances that fall out of the norm as described in meal allowance below will require receipts and/or documentation.

(e) Documentation of hotel, transportation or extraordinary expenses. Requests for reimbursement shall be returned to the originating department for further clarification whenever acceptable documentation is not provided. Acceptable documentation is a service provider name or logo printed receipt, where available. No reimbursement will be made for costs in excess of the maximum allowances except for "extraordinary expenses" as covered by this policy. Expenses in excess of maximum allowances are the responsibility of the employee. If receipts are lost or otherwise unavailable for submission with the claim for reimbursement, claimed expenses are subject to denial at the discretion of the Deputy City Manager or the City Manager, if applicable.

(1) Employees are expected to exert reasonable efforts to obtain and turn in original receipts for hotel, transportation, and extraordinary expenses. If a receipt is lost or otherwise unavailable, the employee may in some cases, be reimbursed. Such reimbursement may be granted if the employee provides adequate, reasonable, persuasive, and detailed documentation addressing the absence of the items. Reimbursement will be denied to the extent that the absence of receipts results from the carelessness or inattention of the employee. If a service provider does not present a receipt, the employee is expected to request documentation. An employee who asserts that documentation was "unobtainable" will be presumed to have performed such attempts and the supporting documentation should specifically refer to the employee's unsuccessful efforts.

Note: Most service providers will produce receipts and itemize charges (although some must be specifically requested to do so).

(2) Although employees are not expected to go to unreasonable measures to obtain detailed receipts for hotel, transportation or extraordinary expenses, extra effort is expected when documenting items which cannot be supported by receipts or other vouchers created by service providers. In no case, should an employee ever personally create and submit documents which:

(A) have the appearance of material provided by a service provider; or

(B) could reasonably be presumed by a reviewer of the reimbursement request to be the documentation provided by a service provider when in fact, the item was created by the employee.

(3) Without exception, such activity will be viewed as deceptive and a violation of this policy. Reviewers of reimbursement requests presume that items bearing the appearance of documentation typically obtained from service providers were in fact obtained from the service providers. Employees should take care that their own personal record keeping efforts will not reasonably be confused with the documentation of service providers.

10.4 Allowable Travel Expenses.

(a) Generally. Actual, reasonable, and appropriate living expenses, within the specified limits, may be claimed by all city employees when they are representing the city on official business away from the city. Living expenses that will be reimbursed include the items listed and explained in this section.

(b) Lodging. Employees must seek reasonably priced hotel rooms of acceptable quality. Employees must consider transportation costs, time, and other relevant factors in selecting the most practical and economical accommodations. This provision should not deter an employee from staying in a hotel where the meeting or convention to be attended is held. Overnight accommodations for conferences and training sessions and other meetings within the Metroplex must be justified in writing and approved by the department director.

(c) Meals. Employees will be authorized a maximum per diem allowance for overnight travel only as stipulated in the most current Internal Revenue Service publication #1542, "Per Diem Rates" for meals during travel. The correct rate will be the meal and incidental expense (MandIE) per diem amount under the high-low substantiation method effective for the fiscal year in which the travel occurred. Any per diem allowed above the maximum as published in the IRS regulations will be itemized and substantiated with receipts.

The daily per diem is intended to cover the costs of meals, snacks, and gratuities. The amount allowed per diem is determined by the time of day of travel (see below). In some cases, advances will be given for meal per diems, and in some cases the city credit card will be used. If a city credit

card is used for per diem expenses, receipts should not exceed the daily per diem rate.

(d) Partial day Allowance (over-night travel only). Partial per diem rates shall be provided based on the time of travel. Per diem for travel days will be set at 75% of the daily rate for the business trip.

(e) Allowances (same day round trip travel). Advance issue of funds for meals for same day round trip training or travel may be approved at director discretion. These funds will be subject to withholding for income tax purposes and are considered compensation/income. See the Travel Chapter for procedures on securing advance funds.

(f) Receipts: Receipts are not required to be turned in for meals, snacks and tips when cash is used. Receipts are required when the city credit card is used in keeping with the city's purchasing card processing policies.

(g) Allowances at Training and Seminar Events (overnight travel only). A per diem allowance will be given for conference/seminars that do not include meals as a part of the registration fee. If meals are included, per diem will be reduced accordingly for each meal provided.

(h) Ground Transportation. Employees may claim reasonable actual ground transportation expenses, including shuttle services and taxis, if documentation for these expenses is submitted along with the written approval of the department director.

(i) Parking. Employees may claim actual parking expenses. Whenever possible, receipts should be submitted for parking fees. For parking meters or parking lots where receipts are not offered, the employee should submit a handwritten, signed, accounting of the expense.

10.5 Non-allowable Travel Expenses.

The cost of alcoholic beverages, laundry, dry cleaning, in room movies, limousines, tours, personal entertainment, or other recreational activities that are not included in the cost of the registration or that are not an integral part of the conference or training session will not be reimbursed by the city. When an employee is accompanied by a spouse, family member or other guest, the employee will be responsible for all the guest's expenses and will be reimbursed only the expenses the employee would have incurred traveling alone.

10.6 Transportation.

(a) Selecting transportation. Employees shall be flexible as to time of day, carrier selection, and routing in order to minimize total travel costs. Reimbursement may

be made for travel performed by public motor vehicle, common carrier, chartered vehicle or privately owned vehicle. The principal mode of travel shall be approved in advance by the department director, taking into account such factors as parking, distance to and from airports, and the location of the event. The department director should generally designate the most economical mode of travel, taking into consideration the following factors:

(1) the nature of the business;

(2) the time of the travel, cost of transportation and meals, lodging, and incidental expenses required; and

(3) the number of persons traveling and the equipment and material to be transported. Whenever an employee, for the employee's own convenience, chooses a mode of transportation which is not the most economical option, the city will reimburse only the amount of the least expensive alternative.

(b) Airline. Except for reasons of time, or extenuating circumstances, trips of 200 miles or less (one way) shall be by city or personal vehicle, not air travel. Exceptions must be approved in writing by the department director. Airfare will generally provide more economical transportation between more distant destinations. If an employee chooses to travel by personal vehicle, the total mileage reimbursement may not exceed the price of a coach airfare ticket for the same distance traveled. Those employees receiving a car allowance will have the roundtrip reimbursement mileage reduced by 60 miles to account for Metroplex mileage. The price of airfare used for mileage comparison should be the rate listed as of at least two weeks prior to the first day of travel. Exceptions may be made if the employee can demonstrate that notwithstanding the fact that the mileage reimbursement rate exceeded the price of coach airfare, that all factors considered, the total cost to the city was lower when using a personal vehicle as opposed to air travel.

(c) Passenger Car. Whenever practical, employees traveling within the Metroplex, are encouraged to use a vehicle assigned to their department or if necessary and practical, arrange for the use of another city vehicle. Otherwise, the employee's personal car may be used. For purposes of this policy, the Metroplex is composed of two Primary Metropolitan Statistical Areas (PMSA). Dallas PMSA (Collin, Dallas, Denton, Ellis, Henderson, Hunt, Kaufman, Rockwall) and Fort Worth PMSA (Hood, Johnson, Parker, Tarrant).

(1) Mileage will be reimbursed at the rate established by the Internal Revenue Service.

(2) When travel is by indirect route for the traveler's own convenience, reimbursement for expenses shall be based only on such charges as would have been incurred over the most direct route.

(3) Employees who receive a car allowance will not receive mileage reimbursement for travel within the Metroplex.

(d) Rental Cars. Under ordinary circumstances, the cost of rental cars will not be reimbursed except when ground transportation is not available or economical. Approval of a rent car must be obtained from the department director prior to making the trip. Documentation must be provided to support this request. Employees should waive the liability/collision option typically offered at an additional cost, by the rental agency as this coverage is provided under the city's insurance coverage.

10.7 Extraordinary Expenses

There may be isolated occasions when extraordinary expenses beyond ordinary living costs can be justified as having a direct bearing upon city programs or which otherwise could be of benefit to the city. Expenses not specifically addressed in this policy that are incurred by an employee are allowable when determined by the department director to be reasonable and necessary for the conduct of city business. These expenses must be individually reviewed by the director and recommended as reasonable and proper and incurred in the pursuit of city business. In such cases, approval for reimbursement of expenditures may be secured if adequate written justification is submitted to the finance department. Notwithstanding the responsibilities and duties of the department director, the finance director may forward expenditures which, in the finance director's judgment might be questionable, to the Deputy City Manager or the City Manager for approval.

10.8 Fraudulent Claims

The city will fund or reimburse reasonable expenses as described in this policy, that are incurred by employees at conferences, meetings, conventions, seminars, and other functions, to the extent that the amounts are: 1) authorized, 2) incurred, and 3) documented. Every claim submitted pursuant to this policy shall be substantiated by a receipt or voucher and shall contain a statement that the expenses are actually incurred by the traveler as necessary in the performance of their official duties. Each claim shall be accompanied by a written declaration that the claim is true and correct as to every material matter and that the employee has read and understands the city's entire travel policy. Any person who willfully makes and subscribes to any claim which they do not believe to be true and correct as to every material matter or who willfully aids or advises others in falsifying claims, will themselves be in violation of this policy. Whomever shall receive an allowance or reimbursement by means of a false claim shall be personally liable in the amount of the fraudulent payment for the reimbursement to the public funds from which the claim was paid. Fraudulent claims may also result in additional corrective action procedures up to and including separation.

For a definition of fraud, see the glossary in this manual.

10.9 Requests for Travel Advances.

(a) When requested. When it becomes necessary that an employee travel in the interest of the city, the department director may request an Advance Payment Request Form from the finance department. The request should be prepared and submitted at the earliest practical time but preferably no less than seven full working days prior to departure.

(b) Authorization. The Advance Payment Request Form shall include information indicating the name of the prospective traveler, amount requested, purpose of the trip, date(s), account number to be charged, and any other pertinent information. The employee shall sign the form indicating that the employee understands and agrees to follow this policy. The form shall then be signed by the department director and the City Manager or the Deputy City Manager of administration.

10.10 Filing Expense Reports.

(a) Complete the Expense Report Promptly. Upon return from travel, the employee shall fill out an expense report for approval by the department director within 10 working days. If additional time is taken, it must be approved in writing by the department director, and the department director's approval must accompany the expense report at the time it is ultimately submitted.

(b) Itemized Expenses. Each claim for expenses must be supported with an acceptable receipt. Miscellaneous items, such as pay telephones and parking meters, for which no receipt is available require hand written justification. Do not use guest receipts which are not original items provided by third party service providers or forms or vouchers which might reasonably appear to have been provided by third parties. Use only hand written documentation which is specifically acknowledged to have been produced by the employee. If an employee fills in an amount on a pre-printed "guest receipt", that figure should be initialed by the employee. Expense claims not supported by pre-printed receipts will be rejected unless written justification initiated by the department director is submitted. If a credit card is used for payment, whenever possible, the provider's bill/receipt/ticket should be submitted instead of the credit card receipt.

Whenever personal credit card receipts are used for documentation, employees should take care to fully obscure credit card numbers (for reasons of personal financial security).

(c) Expenses of non-employees. Only department directors will be allowed to pay an expense not incurred directly by a city employee. Even in these instances, the directors must provide a detailed written explanation supporting the "business purpose" of the expense. Exceptions to this general rule must be documented by advance written approval of the department director.

(d) Submit to department director for approval. The department director shall review, sign, and submit the expense report to the finance department within five working days of its receipt from the employee. When payment or documentation is not received within the required time, the finance department will discontinue any advances to that employee, and will provide a list to the Deputy City Manager or City Manager, of employees who are delinquent and whose privileges have been revoked. The department director is also responsible for ensuring that all expense reports are completed in accordance with this policy.

(e) Return of Unused Funds. In instances where an advance of city funds was made and not entirely used, or if the trip was not taken, the employee shall return the unused funds to the finance department for credit to the proper fund. The original receipt of this refund transaction must be attached to the expense report and submitted to the finance department.

(f) Finance department review. The finance department shall review the items submitted and determine their mathematical accuracy and compliance with this policy. The finance department will make any corrections under this policy determined necessary by its review.

(g) Appeals. Disagreement as to whether an expenditure is allowed, may be appealed by the employee or the department director, the Deputy City Manager, or the City Manager, if applicable. The provisions of this policy will be the guideline in the final decision.

Chapter 11: Employment Separation, Reduction in Force and Rehire/Reinstatement (01/01/19) (04/01/21) (10/01/21)

11.1 Separation Requirements.

(a) Employees must provide a written notice period for voluntary separation of employment as follows:

(1) Retirement notice – Employees must give a written, 30-day notice and be available to work during the notice period.

(2) All other resignations - Employees must give a written, 2-week notice and be available to work during the notice period. An employee may not extend their last day of employment with the city using paid leave except in the event of the employee being on an approved paid administrative leave of absence or a medical leave of absence where the employee is unable to return to work.

(3) The Department Director, City Manager, or Deputy City Manager may adjust the notice period or waive a notice requirement as described in (1) and (2) above after receiving a written resignation should such an adjustment be beneficial to the City. If the notice period is waived, the City shall determine if the employee is still considered to be eligible for vacation and sick leave payout.

(b) Employees must return all city issued equipment, devices, uniforms, access badges and/or keys, and all other items at the time of leaving employment.

(c) Vacation and sick leave payout eligibility at separation. An employee who meets the separation requirements below shall be entitled to payment of certain earned, unused vacation and sick leave as outlined in the chapter - Vacation, Sick, Leave of Absence, and Other Absence from Work. If an employee fails to meet the separation requirements, they shall not receive those payments. Unless other arrangements are made by the City Manager's office, department director, employee, and director of human resources, an employee must:

(1) meet the length of service requirements in the leave policy for payout.

(2) provide the proper written notice for voluntarily separations and return city-issued items noted in Separation Requirements (a) and (b) above.

(3) not be separating employment due to or in conjunction with circumstances involving an extreme or significant violation by the employee that could bring financial or other grievous harm to the City. Such violations include, but are not limited to theft, fraud, embezzlement, workplace violence, criminal acts against the City, or other serious matters as determined by the City. Any matter under investigation at the time of employee separation that could impact eligibility for payout will be fully investigated prior to making sick and/or vacation payments. All other compensation

owed for hours worked and compensatory time will be paid out in the normal pay cycle in accordance with federal, state, and local regulations.

(d) For other final pay provisions, see the Compensation Chapter under Separation Pay.

11.2 Reduction In Force (Layoffs). (01/01/19)

(a) Procedures. Layoff of employees may occur when changes in duties, organization, or lack of work or funds necessitates such action. The order of layoff shall be determined by multiple factors to include the current operating needs of the City, employees' knowledge, skills, abilities, performance patterns, corrective action history, and compliance with the City's guideline and standards. Length of service may be used as a determining factor when a decision needs to be made between employees of equal standing on those varying factors. When possible, employees to be laid off will be given 30 calendar days' notice. The Human Resources Department will coordinate all layoff actions with the affected departments.

(c) Placement. When layoffs are required, every effort shall be made to place affected employees in other open positions for which they are qualified. A laid-off employee may elect to officially separate employment with the City versus accepting reassignment with all of the rights of an employee resigning in good standing.

(d) Re-Employment After Layoff. Employees are eligible for rehire when laid off. The City does not have recall rights. An employee may reapply with the City for open positions and will be considered along with other qualified applicants.

11.3 Rehire/Reinstatement. (01/01/19)

(a) Rehire. Rehire of a former employee may be granted to applicants who can demonstrate acceptable prior service and meet current qualifications for the position. Rehire is at the sole discretion of the City.

(b) Rehire when laid off. Providing an employee was laid off and accepts the first offer of rehire with the City, they will be reinstated with full service credit up to the time of layoff for purposes of longevity pay and vacation/sick accrual benefits. The accrual amount will be based on the new position for which rehired. Retirement benefits are managed at reinstatement in accordance with the policies of the Texas Municipal Retirement System regardless of rehire provisions above. Group health or other benefit eligibilities will be based on the re-employment date.

(c) Other Rehires. Providing an employee left in good standing and rehires within ninety (90) days of separation, they will retain the same level of seniority for purposes of accruing vacation/sick benefits. The accrual amount will be based on

the new position for which rehired. Employees rehired after (90) days of separation will not maintain seniority for purposes of accruing vacation/sick benefits. Retirement benefits are managed at reinstatement in accordance with the policies of the Texas Municipal Retirement System regardless of rehire provisions above. Group health or other benefit eligibilities will be based on the re-employment date.

Chapter 12: Employee Benefits

12.1 Benefits – Regular Employees (excluding Retirement). (revised: 8/2013) (01/01/19) (10/01/20)

(a) Employees who are in positions that are budgeted for benefits (full-time and some part-time employees working 20 or more hours per week) receive a core benefits package inclusive of health, dental, LTD, life, employee assistance programs, vacation, sick, holiday pay, and other paid time off leaves as described in the Handbook. Other supplemental benefits may include options to purchase additional life for self and dependents, vision insurance, participation in deferred compensation and other related benefits.

(b) Benefits are not guaranteed, and no part of the employment arrangement affords an expressed or implied guarantee of benefits. The availability of any and all benefits is contingent upon available budgeted funds and the approval of that budget by the City Council following recommendations by the City Manager and Human Resources office.

(c) A summary of benefits is available for all employees to review in the Human Resources Department.

(d) All full-time employees are required to be covered on the health plan. Some employees may be eligible for an opt-out provision if the employee has coverage from another employer-based plan (i.e. spouse's plan), the United States military, or retiree coverage provided from a prior employer/military.

(e) Employees that leave City employment and are re-employed, will be required to meet the normal group health waiting period from the re-employment date.

(f) In the event of an employee death, the City will provide six (6) months of COBRA coverage for medical, dental and vision for the current enrolled dependents and coverages as applicable; different or additional benefits may be available in accordance with state law for an in line of duty death.

12.2 Tuition Reimbursement. (revised 10/01/2023)(10/01/24)

Tuition reimbursement is intended to assist active, regular full-time and regular part-time employees in obtaining additional education to develop their careers within the City as well as improve performance in their current positions.

Eligibilities:

Employee Participation: In order to receive tuition reimbursement, an employee must have:

- Completed the six-month probation period prior to beginning of the course
- Be a regular, full-time or regular, part-time employee (working year round)
- Received an overall "meets expectations" on the employee's most recent performance evaluation

Coursework: The City will reimburse for coursework as follows:

- Pursuit of an associate's, bachelor's or master's degree from an accredited or recognized secondary educational institution that benefits the City.
- Participation in individual coursework (e.g. computer courses) directly related to the position currently held by the employee. The employee must have prior approval of the Department Director.
- Involvement in Spanish or GED courses (a degree plan is not required).
- Participation in online courses that meet the requirements of this policy taken from an accredited institution of post-secondary education as certified through a commission on higher education of a regional educational agency for colleges and universities.
- Participation in academies or other educational institution(s) that help foster career growth for current employees.

Courses not stated in the above specifications, continuing education courses, as well as training or education necessary for an employee's continued employment are not eligible for this reimbursement.

Grade Requirement: To be eligible for reimbursement, an employee must submit proof of a grade of "C" or higher or passing for pass/fail courses. For courses where grades are not assigned, a certificate of completion by the institution will serve as proof of satisfactory for course completion.

Expenses: Expense eligible for reimbursement are tuition and mandatory fees. Books, optional fees, and late fees are not eligible for reimbursement.

Reimbursement amounts and application process:

Maximum Reimbursement: Employees are eligible to be reimbursed up to $1200 per semester for qualified undergraduate out of pocket expenses and $1500 per semester for qualified graduate out of pocket expenses. Reimbursements are limited to three semesters annually: Spring (January through May), Summer (June through August), and Fall (September through December). Institutions with other semester terms will be

aligned into one of the recognized semester periods for purposes of reimbursement eligibility.

The maximum reimbursement will be reduced by any amount received from other third party sources such as a grant, scholarship or tuition reimbursement from another employer, but does not include student or short-term loans.

Reimbursements are made dependent upon the availability of approved funds and per semester reimbursement amounts are subject to change per the approved budget. Reimbursements may be considered as taxable income as determined by federal tax laws.

Application, submission, and reimbursement procedure:

1. Employees must provide the following at least 30 days prior to beginning of each semester:
    a. A completed tuition reimbursement request form signed by the employee and the employee's Department Director.
    b. An official and current degree plan (only needs to be submitted once at the time of the first reimbursement request or as updated) to be kept on file with Human Resources for intended coursework approved by the Department Director.
    c. A copy of the registration form listing the current semester's coursework.
    d. A copy of the paid receipt itemizing tuition, fees, and any financial assistance for the current semester's coursework, if available. An itemized, paid receipt must at least be provided when submitting the passing grade for the actual reimbursement.
2. An acknowledgement will be sent to the employee informing him or her of the coursework tentatively approved.
3. Reimbursement requests will be date stamped as they are submitted. Allocations will be made for such requests in the order they are received according to policy until the amounts budgeted for the operating year have been exhausted.
4. Employees must submit a copy of the passing grade report (or certificate) and itemized, paid receipt (if not provided with the original request) to Human Resources no later than 30 days after the completion of coursework to complete the reimbursement request or reimbursement may be forfeited.
5. HR will review, process approved reimbursements, and notify employee of status.
6. Employees will receive reimbursement as a separate check generated through Finance.

7. In order to receive tuition reimbursement, employees must maintain an active status until reimbursement is issued.

Service Requirement:

An employee must fulfill a 24-month service requirement with the City, which begins from the date of each reimbursement. The employee must agree to execute a written agreement that provides that if the employee voluntarily separates employment with the City prior to fulfilling the 24-month service requirement, any reimbursements paid by the City shall be repaid either by personal check or, with prior authorization, from the employee's paycheck.

The City reserves the right to modify, amend, suspend or terminate this policy, its standard practices, and its administrative procedures at any time, at its sole discretion. Payment of reimbursement does not constitute an agreement of continuation of employment with the City.

12.3 Retirement Benefits. (01/01/12)(02/04/13)(06/06/16)(10/01/21)(10/01/23)

(a) Retirement pension system. The city participates in the Texas Municipal Retirement System (TMRS). All employees regularly scheduled 1000 hours per year or more are required to be members of and contribute to TMRS. Employee contributions to TMRS are deducted from the employee's paycheck each payroll period. The city also makes a contribution on behalf of the member employee. All retirement activities are governed by the Texas Municipal Retirement System Act.

(b) Deferred Compensation. The city will participate in deferred compensation plans on a pre-tax or post tax basis for optional employee only contributions so employees may have the ability to build retirement income outside the city provided pension plan.

~~(c)~~ (c) Insurance Benefits Policy for Retiring City Employees.

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General Policy Statement: This policy outlines the benefits offered to retirees from the City of Burleson, the qualifications for eligibility, and the administration of retiree benefits. All elements of this policy are subject to change by action of the City Council. This policy applies to persons retiring on or after January 1, 2012. Exceptions made to this policy must be approved by formal vote of the City Council and maintained in the retiring employee's personnel file.

(1) Responsibility

(A) It is the responsibility of the City Manager (or designee) and the Director of Human Resources to review, update, and administer this policy, having briefed Council as appropriate.

(B) It is the responsibility of the Finance Director to maintain budgetary records as needed and accurately report retiree benefits in financial reports.

(C) It is the responsibility of retiring employees to utilize this policy in good faith and to regularly and completely disclose needed information upon retirement and following retirement to assure the policy's intent is followed.

(2) Qualifying for and Administering Retiree Insurance Benefits

(A) An employee must be qualified to retire under the standards of retirement as established by TMRS to qualify for any medical, dental, vision or other insurance benefit for retirees at the City of Burleson, and

(B) An employee must have completed five (5) years of consecutive service immediately prior to retirement with the City of Burleson and/or meet whatever vesting requirement is in place with TMRS (whichever is greater) at the time of retirement,

(C) An employee must provide a 30-day written notice of retirement to their supervisor and Human Resources. The notice period timeframe may be waived without affecting eligibility due to reasonable circumstances as determined at the discretion of the City.

(D) The retiring employee must inform the City, not later than the day on which the person retires, that the person elects to continue insurance coverage with the City. Failure to advise the City of this election on or before the day on which the person retires will result in individual being ineligible for retiree insurance benefits.

(E) Retirees are eligible to participate in retiree health insurance with the City of Burleson only until Medicare eligibility or as long as the retiree does not have access to other coverage as outlined in (F).

(F) Pre-Medicare Eligible Retirees

1. Pre-Medicare retirees are not eligible to be on the City's medical and/or dental plan if they have access to health and/or dental coverage upon or after retirement through another group plan/employer's plan or have voluntarily chosen coverage under another individually held private health plan.

2. Retirees will be required to sign an affidavit upon electing initial retiree coverage and annually thereafter affirming they are eligible to be on the City's insurance plan.

3. Retirees that meet eligibility requirements to be on another group plan/employer's health and/or dental plan or chooses to obtain an individually held private health plan at any point after initial retiree enrollment must notify the Human Resources department immediately to discontinue the City's medical and/or dental retiree insurance coverage at the time they cease to be eligible.

(G) Medicare Eligible Retirees

1. Retirees or dependents that are Medicare eligible will be unenrolled from the primary health insurance plan upon Medicare eligibility.

2. Upon eligibility for Medicare, a retiree and/or eligible dependent may elect optional Medicare supplement coverage with a 100% of the premiums being paid by the retiree. The Medicare supplement plan will be reviewed annually in the budget and benefits review process.

3. If dependents are not yet Medicare eligible, a retiree may continue, at their own expense, dependent coverage options that they elected upon retirement after they become eligible for Medicare.

(H) Enrollment After Retirement

1. Retirees and retiree dependents may not enroll in the City of Burleson health plan at a later date unless item (G)(3.) applies below.

2. A retiree may continue coverage that is in place at the time of retirement until Medicare eligibility, but they may not elect new coverage.

3. Retirees who elect to enroll in a Public Exchange upon retirement, will be allowed to return to the City's retiree benefit plan during open enrollment, if their Public Exchange carrier ceases to participate in the Affordable Care Act Public Exchange system. The retiree is responsible for showing proof of enrollment in public exchange system and proof that the carrier has elected not to participate in the Exchange system going forward.

4. If the retiree loses coverage mid-year due to the carrier pulling out of participation in the Public Exchange system under the Affordable Care Act, the retiree has 30 days to re-enter the City health plan. This loss of coverage will be treated as a qualifying event.

(I) Ancillary Coverages (other than health)

1. A qualifying retiree (as defined above) may elect, upon retirement, the dental and other insurance products at their expense if they are utilizing Federally sponsored Medicare/Medicaid health insurance as their primary health provider as dental and other insurance products are not offered with Medicare/Medicaid benefits.

(3) Service Benefit: Those employees who retire on or after January 1, 2012 and have extended years of service may be eligible for a retiree service benefit. This benefit is subject to annual appropriation by the City Council during the budget process. Subject to available funding, employees with service as outlined below will have a portion of their premium paid by the city (retiree premium only) for health and dental coverage for five years.

Years of Service with the City of Burleson	**Percent of Retiree Only Premium Paid by the City**	**Maximum Years of Benefit**
20 years of service	50%	Lesser of 5 years or until Medicare eligible
25 years of service	60%	Lesser of 5 years or until Medicare eligible
30 years of service	75%	Lesser of 5 years or until Medicare eligible

(A) This benefit applies to non-contract employees. Employees with a written contract with the City Council should refer to their contract agreement for retirement benefit details.

(B) This service benefit ceases and will not resume if during the five year period the retiree (a) obtains coverage through either their employer or their spouse's employer, or (b) becomes Medicare eligible.

(4) Financial Responsibility

(A) The retiree is responsible for 100% of premium costs for retiree and dependent health, dental, supplement policy, and any other insurance

products offered for retirees. A retiree who elects coverage and fails to pay premiums or makes the decision to drop coverage for any insurance products elected upon retirement, will not be allowed to elect coverage later.

(B) The retiree is responsible for payment of insurance premiums in a timely manner as established by Human Resources. It will be assumed that those retirees who have not paid monthly premiums by the last day of the month are voluntarily dropping previously elected coverage. Re-election of coverage will not be possible.

(5) Plan Design

(A) The plan design for retirees is subject to change. As plans and premiums change, retirees will be required to re-elect existing coverage during open enrollment. Retirees are not guaranteed premium rates for future years upon enrollment.

(B) Retirees are eligible to re-enroll each plan year only for coverages they elected upon retirement and only if the retiree affirms they do not have access to other coverage as noted in 12.3 (c)(2)(F)(1). Additional coverages not elected upon retirement may not be added during annual open enrollment.

(6) Upon the Retiree's Death

(A) Surviving spouses who were covered under the retiree's benefits upon the retiree's death may remain in the health insurance plan. Premiums for the spouse will be the same as the premium cost for the retiree. If surviving children remain on the plan, the surviving spouse will be required to pay separately for the dependent coverage at the existing rate (retiree rate + dependent rate = total premium).

(7) Policy Revisions

(A) Procedural aspects of this policy related to annual open enrollment procedures may vary from year to year in order to fulfill the elements of this policy. However, the content and eligibility does not change without City Council approval.

(d) Critical Illness Supplemental Income Benefit for Retired Peace Officers and Firefighters

General Policy Statement: The City will provide qualifying peace officer and firefighter retirees who directly retire from the City on or after January 1, 2026, with a critical illness supplemental income benefit. This benefit applies to qualifying diagnoses that occur within three (3) years of retirement in accordance with the requirements of Tex. Gov't Code § 607.153. For purposes of this policy qualifying peace officer and firefighter retirees are defined as meeting all of the following criteria:

(1) Qualified to retire under the standards of retirement as established by TMRS,
(2) Has completed five (5) years of consecutive service immediately prior to retirement with the City of Burleson and/or meet whatever vesting requirement is in place with TMRS (whichever is greater) at the time of retirement,
(3) Provides a 30-day written notice of retirement to their supervisor and Human Resources (notice period timeframe may be waived without affecting eligibility due to reasonable circumstances as determined at the discretion of the City), and
(4) Prior to their last day of employment with the City of Burleson, the employee takes the steps necessary to draw retirement benefits from TMRS immediately following separation from the City.

The Critical illness supplemental income benefit provided for herein provides a payment upon diagnosis of a covered critical illness (e.g., certain cancers, heart attack, stroke).

(1) The benefit amount will not exceed the lesser of: the retiree's final yearly salary or $100,000 (or amount determined by the Texas Commissioner of Workers' Compensation in accordance with Tex. Gov't Code § 607.153(d))
(2) The benefit may be delivered through a City approved insurance plan in which qualifying police officer and firefighter retirees will be automatically enrolled for 3 years (or 36-months) post-retirement.
(3) Qualifying retirees will receive detailed information, including guidance for education and submitting for the payment in the event of a qualifying diagnosis.

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Chapter 13: Fraud

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13.1 Purpose

The purpose of this policy is to establish a fraud policy to convey, both internally and externally, the intent and conviction that all City business is conveyed with integrity using the highest ethical standards possible. To accomplish this purpose, this policy seeks to establish rules that clearly define unacceptable behavior, prevent fraud and outline the appropriate response to allegations of fraud in connection with City programs, functions or activities. This policy applies to all City employees.

13.2 Scope

This policy establishes three key expectations of the City of Burleson:

(a) Since to "guard the public's trust" is one of the core values of the city's ethics mission statement, it is important to discourage and prevent fraudulent activity and report suspected fraud.

(b) Strong procedures, outlined in this policy, will respond to allegations of fraud.

(c) Investigation procedures ensure objective review of each situation.

13.3 Definitions

(a) Fraud: The intentional misappropriation of City assets by any act including, but not limited to, theft, embezzlement and intentional misrepresentation. Acts constituting fraud include but are not limited to:

(1) Forgery or alteration of any document or account belonging to the City.

(2) Forgery or alteration of a check, bank draft or any other financial document representing funds belonging to the City.

(3) Misappropriation of funds, securities, supplies or other assets of the City.

(4) Impropriety in the handling or reporting of money or financial transactions involving the City and any other entity.

(5) Profiteering as a result of insider knowledge of City activities.

(6) Disclosing confidential and proprietary information to outside parties.

(7) Accepting or seeking anything of material value from contractors, vendors or persons providing services/materials to the City in return for a referral of business.

(8) Unauthorized destruction, removal or personal use of records, furniture, fixtures and equipment belonging to the City.

(9) Embezzlement, larceny or any other misapplication of City funds.

(10) Any official misconduct including the misapplication or misuse of City funds, property or information.

(b) Appropriate law enforcement authority: A part of a state or local governmental authority or of the federal government that an employee in good faith believes is authorized to:

(1) Regulate or enforce the law alleged to be violated in the report; or

(2) Investigate or prosecute a violation of criminal law.

13.4 Policy

Fraudulent activity is prohibited. All allegations of fraudulent activity will be investigated. If it is determined that any employee has engaged in fraudulent activity, the employee will be subject to corrective action, up to and including separation of employment, and referral may be made to an appropriate law enforcement authority.

Retaliation against any employee for reporting what is believed to be fraudulent activity or for participating or cooperating in an investigation of an allegation of fraud, is prohibited.

13.5 Roles and Responsibilities

(a) City Manager:

The City Manager has overall responsibility for compliance with this policy. As a public official, the City Manager has a duty to disclose all evidence of fraud. For this reason, when determined necessary, the City Manager, in consultation with an appointed Investigation Committee, if set up under Sec. 13.5 (g) below, will refer information to the appropriate law enforcement authorities on items that may result in criminal prosecution. Where it does not impede or interfere with a criminal investigation or prosecution, the City Manager may provide information to the City Council concerning a particular fraud investigation.

In the event that allegations of fraudulent activity involve the City Manager, the allegations shall be reported to the Mayor and City Attorney. The City Council will investigate allegations of fraudulent activity involving the City Manager in the manner as set out in the City of Burleson Home Rule Charter.

(b) Department Directors:

Department Directors have a responsibility to uphold the City's policy and to communicate the organization's values. They are expected to initiate appropriate preventative measures, implement necessary controls, encourage employees to attend training sessions and initiate investigations.

Department Directors will promptly report allegations or suspicions to the Director of Human Resources and will cooperate in investigations. This will be done prior to taking personnel action toward the employee(s) involved. Failure to report allegations or initiate investigations will result in corrective action.

Department Directors are responsible for conducting reviews/investigations of alleged fraud when the Director of Human Resources feels it is appropriate for the Department Director to do so. If the Director of Human Resources conducts the investigation, Department Directors will provide all necessary assistance.

Department Directors are responsible for determining and enforcing corrective action with the aid of the Human Resources Department.

(c) Supervisors and Managers:

(1) Supervisors and Managers have a responsibility to uphold the City's policy. In consultation with the Department Head's they are expected to initiate

(2) Appropriate preventative measures, implement necessary controls and initiate investigations by promptly reporting allegations to the department director or Director of Human Resources when they observe behavior that violates this policy and/or when they receive complaints alleging fraud.

(3) Supervisors and Managers are also expected to cooperate in all investigations.

(d) Director of Human Resources:

(1) The Director of Human Resources has the responsibility to ensure allegations of fraud are investigated in a timely manner.

(2) The Director of Human Resources is also responsible for conducting reviews/investigations of alleged fraud or notifying the Department Head that the Department Head should proceed with the review/investigation.

(3) The Director of Human Resources will develop and implement training programs designed to educate employees about this policy.

(e) Human Resources Department:

(1) The Human Resources Department will track cases and their disposition.

However, if the case is a criminal investigation, no information made confidential by law or by discretion of the investigating officer will be maintained in the Human Resources Department to avoid impeding the criminal investigation. All criminal case information and documentation will be maintained by the investigating law enforcement authority. All administrative investigation case files will be maintained by the Human Resources Department.

(2) The Human Resources Department is responsible for advising City personnel in the determination and enforcement of corrective action.

(f) Employees:

(1) Employees will not engage in fraudulent activity;

(2) Employees who are contacted by citizens with evidence or written allegations of fraud shall immediately report it to their department director, the Human Resources Department, a Deputy City Manager or the City Manager

(3) Employees who suspect fraud shall immediately report their suspicions to their supervisor for appropriate action, or as provided in 3.a or 3.b below. Immediately shall mean as soon as the employee has the means to contact their supervisor or the alternatives, but shall be no longer than twenty-four hours after the employee becomes aware of the suspected fraud.

(A) As an alternative, City employees can go outside the normal chain of command and report suspected fraud directly to their department director, the Human Resources Department, the Police Chief, a Deputy City Manager, or the City Manager.

(B) Employees may also make anonymous reports via the employee anonymous reporting hotline. Details of the anonymous reporting will be placed in this Handbook as an addendum and distributed to all employees. In order to assure that this type of report may be appropriately responded to, employees are discouraged from making anonymous reports via means other than the reporting hotline (notes, phone message, letters, etc.).

(C) Employees are required to cooperate fully during any City review or investigation of an allegation of fraud. Anyone informed of an investigation in progress shall ensure that strict confidentiality is observed so as to not prejudice the investigation. During an investigation, any employee contacted by the media should refer all questions to the Director of Marketing & Communications. Employees should be aware that:

(1) They are to maintain the confidentiality of the information they receive (except in the event of a public information request, court order or otherwise authorized by law).

(2) They will not be subject to retaliation for cooperating.

(3) The Human Resources Department is available to provide advice related to the City's personnel policies.

(4) If they have questions concerning legal consequences to them personally, they should consult with a personal attorney at their own expense.

(5) Failure to comply with this policy could result in corrective action pursuant to the City of Burleson Employee Handbook.

(6) Employees who intentionally or knowingly make false accusations and/or provide false information concerning instances of fraud will be subject to corrective action up to and including separation.

13.6 Investigation Committee:

(1) Many issues may be handled through normal corrective action procedures; however, when warranted, the City Manager may appoint an Investigation Committee to respond to fraud allegations.

(2) The Investigation Committee could include but is not limited to the:

City Attorney, Deputy City Manager, Department directors, Representatives from the Human Resources Department, and/or a third-party consultant with expertise in the area of concern.

(3) The committee's responsibilities will be to:

(A) Respond to fraud allegations through coordination of necessary resources in determining future actions regarding the investigation.

(B) Communicate all committee findings and recommendations to the City Manager.

(C) Refer all allegations suspected to be criminal in nature to the appropriate law enforcement authority.

(D) Maintain accurate records of all matters related to the investigation.

13.7 Investigation Types

Depending on the seriousness and scope of the allegation, three types of investigations could be conducted. Some allegations may be considered less serious and can be handled by a Department Director while others may touch multiple departments and require an Investigation Committee.

If at any point within an investigation it becomes suspected that criminal activity may have occurred, whomever is leading the investigation shall promptly notify the appropriate law enforcement authority as well as the City Manager who will determine if the case should still be pursued as an administrative investigation in addition to any criminal investigation.

The three types of investigations are:

(a) Department Director Review

(1) The Department Director, or designee, shall initiate an investigation within five (5) working days after the allegations have been received. All allegations shall be reported to the Director of Human Resources. The Human Resources Department will initially determine if a Department Director Review is appropriate and, if so, may assist in the investigation if the Department Director deems it necessary.

(b) Human Resources Review

(1) The Director of Human Resources, or designee, shall initiate an investigation within five (5) working days after an allegation has been received. The Director of Human Resources or designee shall meet with the Department Director or designee to discuss the allegations and shall promptly report the allegations to the City Manager. The City Manager will make a final determination as to whether or not an Investigation Committee is warranted and if so, who will serve on that committee.

(c) Investigation Committee Review

(1) When deemed necessary, an Investigation Committee appointed by the City Manager will prepare an investigation plan and coordinate with the individuals necessary to conduct different areas of the investigation.

(2) If the committee suspects the conduct to be criminal in nature, the committee will forward all information to the appropriate law enforcement authority to take charge of any criminal portion of the investigation. If necessary, the Investigation Committee will serve as a resource.

(3) The Investigation Committee will notify the Department Director of any allegations submitted to them that require an on-site investigation, when

appropriate, unless it is determined that such notification will harm the investigation. When the investigation requires the inspection of City facilities and for equipment, the City may initiate a search in compliance with federal and state law.

13.8 Investigation Procedures

(a) The following procedures apply to all investigations, regardless of whom is leading the investigation:

(1) An investigation shall be planned in coordination with the Human Resources Department and initiated within five (5) working days after the allegations have been received.

(2) After all relevant information has been collected, a written report of findings regarding the allegations of fraud shall be completed. The Director of Human Resources and Department Director shall meet to confer about the findings and discuss the nature of appropriate action. Provided the investigation is not related to the City Manager the findings will be reviewed with the City Manager prior to final determination of corrective actions to be taken.

(3) A determination regarding the reported conduct will be made and communicated to the complainant, if necessary, and the accused employee.

(4) Based on the findings, the appropriate supervisor will administer the appropriate corrective action, including but not limited to, counseling, mandatory training, reprimand, suspension or separation of employees violating the provisions of this policy.

(5) Any corrective actions resulting from the application of this policy will be handled in accordance with the City's Employee Handbook.

(6) A copy of the findings report shall be provided to the accused employee(s), the appropriate department director, the Director of Human Resources, the Deputy City Manager, the City Manager and the complainant, if deemed appropriate. A copy shall also be placed in the personnel file(s) of the accused employee(s).

(7) To the extent allowed by law, all documentation and matters regarding the investigation shall be handled with due sensitivity and confidentiality appropriate to the circumstances.

Chapter 14: Work Related Injury or Illness (Revised 11/01/16)

14.1 Injury on the Job:

(a) Medical Care. The supervisor is responsible for ensuring that an employee who is injured during the course of employment receives appropriate initial medical care. When notified that an employee has been injured, a supervisor shall:

(1) Assure that first aid is given, if qualified personnel are available.
(2) Call for emergency medical assistance, if the injury is serious, as may be indicated by, but not limited to, profuse bleeding, broken bones, unconsciousness, or shock; or
(3) Transport the employee to the emergency care facility designated by human resources or an approved physician, if the injury requires medical care but does not warrant emergency transport.

(b) Reports. Regardless of the severity of the injury, an employee who is able must report immediately to the supervisor any injury incurred in the course of employment with the city. The immediate supervisor is responsible for filing the following reports with the Human Resources Department for inclusion in the employee's personnel file:

(1) Employee's First Report of Injury or Illness: must be filed within 72 hours of the occurrence of injuries resulting in medical treatment or lost time;
(2) Supervisor investigation report: an incident report to be filed within 72 hours of the occurrence of an injury, regardless of severity.

(c) Family Medical Leave and Injury Leave: Employees with a serious work related injury or illness that results in a physician authorized absence of greater than three days, will have the absence designated as Family Medical Leave. Injury leave and Family Medical Leave will run concurrently.

(d) Physical Exam; Fitness for Duty

An employee who has been injured at work shall obtain a physical examination from an approved physician if the employee has received emergency treatment at a hospital; or) the department director has reason to believe that the physical condition of the employee could result in danger to persons or property or that it interferes with normal work performance, and the department director instructs the employee to report for examination.

(e) Employees who receive treatment (non-emergency) from a doctor are required to seek care from a physician that is approved through the City's workers' compensation insurance carrier, Texas Municipal League (TML). TML has formed an "Alliance" with numerous area doctors, and employees are to see one of the designated doctors in the Alliance. If a specialist is needed, the employee will be referred through the Alliance physician. More information is available in Human Resources, and employees will work with department management and Human Resources and the TML carrier to follow required protocols.

(f) Physician's release. If an employee receives treatment from a clinic or doctor, the employee must obtain a written release from the attending physician or the city-designated physician, indicating the employee's fitness to return to duty. The release must stipulate what kind of duty is permitted, specify limitations, if any, and state the date of the employee's release from medical care.

(g) Physician Determination. If the physician determines that an employee is not able to perform all of the duties of the employee's position, as set forth in the job description, the physician will document the limitations.

(h) Modified Duty.

(1) Purpose. The purpose of this section is to provide a process by which employees injured at work may receive temporary work assignments that will benefit their full recovery. It is not intended nor to be used as a disability program.

(2) Evaluation of injured or ill employee. When an employee is required to be absent from work because of an extended period of recovery from injury or illness, the employee's case will be reviewed by the department director and the Director of Human Resources. An examination and evaluation conducted by the attending physician or the city-designated physician will be used to determine the capabilities and prognosis for recovery of the injured or ill employee. A review of the potential work assignments will be conducted by the employee's director and the director of human resources to determine if an assignment is available which matches the injured or ill employee's training, skills and capabilities, as determined by the physician.

(3) Work assignment. A modified duty work assignment will be offered to an injured or ill employee if:

(A) a modified duty work assignment would enhance the recovery of an injured or ill employee and facilitate the employee's return to

the regular duty work assignment held before the injury or illness; and

(B) the employee's department director determines that modified duty is available. If no modified duty can be found within the department, the employee may be temporarily assigned to work in another department, if there is an existing opening for which the employee is qualified and that meets the employee's work restrictions. A temporary assignment does not constitute the creation of regular or long-term employment in the assigned position. The salary of an employee on modified duty will be paid by the employee's department and the employee will be returned to the original position and department when released for full duty. If modified duty cannot be found, the city will not create a position and the employee will remain on leave.

(C) Employees who receive a bona fide offer of temporary employment within a light duty assignment that complies with the physician's medical orders, may not refuse the work assignment. Refusal of the assignment will be considered insubordination and will subject the employee to corrective action. Failure to report to duty for a light duty assignment will be considered absence without approved leave and further subjects the employee to corrective action.

(4) Length of modified duty work assignments. A modified duty work assignment may last until the time that the attending physician or city physician has set as the expected date of return to the employee's previous work assignment or until temporary work duties are completed, but not to exceed three months unless the City Manager gives written approval for a longer period.

(5) Conditions of modified duty. As a condition of continuing in a modified duty work assignment, an employee must:

(A) adhere to prescribed treatment and make reasonable efforts toward rehabilitation;
(B) accept progressively more demanding assignments as the employee's condition improves; and
(C) make visible progress in returning to full performance capability.

(6) Termination of modified duty. An employee's modified duty work assignment will be terminated if:

(A) the employee is found performing beyond the modified duty restrictions;
(B) the work assignment is completed;
(C) the employee performs unsatisfactorily in the position;
(D) budgetary constraints do not allow continuation of the position; or
(E) the employee's medical condition worsens.

(7) Reassignments. If an employee's injury or illness will permanently prevent the employee from performing the essential functions of the employee's regularly assigned duties, the director of human resources in conjunction with the employee's director shall attempt to locate a suitable city position for the employee. Such position must be authorized and vacant and the individual must be qualified to perform the essential functions of the position. If no position is available at the time the individual is determined physically unable to perform the essential function of the employee's job, or, should the employee refuse to accept an available position, then separation of employment will occur. The city will not create a position.

14.2 Wages During Work Related Injury Leave (revised 01/01/2013)(10/01/2023)

(a) Eligibility. A full-time employee, injured in the course of employment with the city is eligible for injury leave for 60 calendar days during the period of time the employee is unable to work due to the injury.

(1) The Texas Workers' Compensation Commission will approve the workers' compensation insurance carrier to pay wages only for serious injuries. In general, a serious injury is one that a physician documents the employee is unable to work for more than eight calendar days. The City of Burleson relies on the physician to determine any physical work restrictions and when the employee can return to a full-duty status.

(2) It is the responsibility of the designated supervisor or timekeeper to code all timesheet records appropriately during missed time.

(3) The City of Burleson pays the injured employee's wages as a benefit on the day of injury and the first eight calendar days, if the above conditions apply.

(4) If the employee is approved to receive wages from the Texas Worker's Compensation Commission, the salary continuation benefit (see A.2, b, below) may apply, if the employee is unable to work after the eighth calendar day.

(b) Salary Continuation Benefit for Non-First Responders. An employee who takes injury leave receives the following benefits:

(1) The employee continues to receive the employee's current rate of pay, exclusive of overtime, for not to exceed the number of work periods in 60 calendar days. In exchange for salary continuation, the employee must endorse the employee's workers compensation wage benefits over to the city. It is the responsibility of the employee to turn in state issued workers' compensation wage to the Finance department. If an employee is unable to come to the department due to injury, alternative arrangements will be made via the Human Resources Department to assure the wages are exchanged.

(2) If at any time the employee abuses the privileges related to the salary continuation benefit, their employment may be separated immediately.

(3) At the end of 60 calendar days, the employee may elect to supplement workers' compensation wage benefits by using accrued vacation, compensatory leave, or sick leave to make up the difference between workers compensation payments and the employee's full rate of pay.

(4) After all accrued leave has been exhausted the employee shall receive only workers' compensation benefits as authorized by state law.

(c) Salary Continuation Benefit for Injured First Responders (as required by law). (10/01/2023)

(1) If a sworn member of the Police or Fire Department are injured specifically related to the line of duty and becomes incapacitated, the city shall place the injured employee on a paid leave. The leave provided will be fully paid for a period commensurate with the nature of the illness or injury and, if "medically" necessary, the leave must continue for at least one year.

(2) If, upon the expiration of the initial leave and any extension(s), the employee remains disabled by a line of duty illness or injury, then the employee may use any accrued sick leave, vacation time or other benefits before being placed on temporary leave. If the employee exhausts any sick leave, vacation time, or other benefits and still requires additional leave, the employee must be placed on temporary leave.

(3) If able, the firefighter, police officer or emergency medical services personnel may return to light duty while recovering from a temporary disability.

(4) Medical documentation, completed by the employee's healthcare provider, will be provided to Human Resources noting any limitations and exclusions required of the employee will be used in determining any possible light duty work, if available.

(5) After recovery from a temporary disability, a firefighter, police officer or emergency medical services personnel shall be reinstated at the same rank and with the same seniority the person had before going on temporary leave.

(6) During this one year of temporary leave for the on-duty illness or injury, the City will be responsible for the full pay for the employee, and the employee must endorse the employee's workers compensation wage benefits over to the city as normal.

(d) Responsibility. An employee on injury leave is responsible for contacting the employee's supervisor, either in person or by phone, at least once every workweek.

(e) Benefits and Accrual. An employee on injury leave is not eligible for merit raises or promotions. During salary continuation, the employee will continue to accrue vacation and sick leave at the normal level. After salary continuation, the accrual will continue only as long as the employee is using other available leave. When all available leave is exhausted, the employee will cease accruing vacation and sick leave until the employee returns to work.

(f) Return to work. Before an employee returns from injury leave or Family Medical Leave (FML), the employee must present a written release to work to the director of human resources from the employee's treating physician.

14.3 Life-Threatening Illness and Injury:

(a) Fair and equal treatment. Pursuant to its commitment to providing fair and equal opportunity to all employees while providing a safe work environment, the city will treat employees with life-threatening illness like other employees as long as they meet performance standards, are able to perform the essential functions of their position, and medical and other information indicates that their condition is not a threat to themselves or to others. The city will attempt to reasonably accommodate these employees whenever practical.

(b) Confidentiality and sensitivity. If an employee contracts a life-threatening illness, or if an employee discovers a fellow worker has contracted a life-threatening illness, all reasonable efforts should be exercised to ensure that this information

remains private and confidential. All employees should treat employees with a life-threatening illness with compassion and understanding.

(c) Physical examination. To assure the city that an employee with a life-threatening illness is not a danger to anyone, the city may require the employee to be examined by a physician. All information related to the examination will be confidential and will be disclosed to the department director and/or supervisor only when necessary.

Chapter 15: Drug Free Workplace

The City is committed to maintaining a drug-free work place in order to provide a safe environment for all city employees and the citizens we serve. In doing so, the City prohibits the unlawful manufacture, distribution, dispensing, possession, sale, purchase, use, or presence of prohibited substances, illegal drugs, controlled substances without a valid prescription, alcoholic beverages, or drug paraphernalia in the work place, during working hours, or in/on a city vehicle**.** This policy applies to all employees and job applicants.

A. Prohibited activities – The following acts are prohibited and employees or applicants for employment who commit these acts shall be subject to immediate separation from City employment, or being discontinued in the hiring process/rescinding an offer of employment if not yet employed.

1. Consumption of illegal drugs or controlled substances, for which the employee does not have a valid prescription. Employees may be tested anytime they are on-duty in accordance with Subsection D of this policy; and off-duty use may result in on-duty positive.
2. Consumption of alcohol:
   a. While on duty (includes hours worked and breaks)
   b. Prior to reporting to work, in an amount and timeframe where there is still a prohibited alcohol level detectable in the employee's system
   c. Until tested following an accident
   d. During on-call status
   e. While off duty and wearing City of Burleson apparel/uniforms
3. Being impaired or under the influence of alcohol or illegal drugs while representing the City, or while operating a City vehicle, equipment, or while operating a personal vehicle and conducting City business.
4. The use or possession of alcohol or illegal drugs in a City vehicle (whether on or off duty) is prohibited.
5. Unlawful manufacturing, distribution, dispensing, possessing or using controlled substances in the workplace.
6. Possessing any drug paraphernalia in a city facility, city vehicle, whether on or off duty, or possessing drug paraphernalia in a personal vehicle while representing the city on official city business.
7. Employees designated for "on-call status" who fail to report for a call to duty because of being impaired, or who report for duty under the influence of drugs or alcohol (employees on call are expected to be free of alcohol or illegal drugs, and available to report to work for the duration of their on-call status).
8. Refusing to consent and/or submit to a drug and/or alcohol test when required by this Policy.

It is not the city's intent to intrude upon the private lives of its employees. The city does, however, reserve the right to take corrective action, up to and including separation, in the event that an employee's off-duty involvement with illegal drugs or alcohol is damaging to the city's reputation or business, or interferes with the employee's job duties.

Employees attending a city sponsored social function or in conjunction with a training and/or conference may consume a moderate amount of alcoholic beverages if the function permits it, does not involve the use of a City vehicle or driving a personal vehicle on city business, and the employee's conduct does not reflect poorly upon the City.

The City recognizes that employees who are not designated for on call may be requested to report for emergency or unexpected duty. Employees who may be under the influence of alcohol or legally obtained medication must report this fact to their supervisor and may decline calls for emergency duty. In this event, the employee will not be subject to any corrective action or penalty.

B. Testing type to be performed

1. Drug testing is conducted by a valid salvia test kit by trained, in-house city staff, and/or by a certified lab analysis of an employee's urine specimen collected by a credentialed third party collection site. In the event a salvia test kit yields a positive result, the employee may be sent to the City's third party urine collection site for a certified urine lab test.
2. Alcohol testing will be conducted either by a valid salvia test kit by trained, in-house city staff, and/or by breath analysis. In the event a salvia test kit yields a potential positive result, the employee may be sent to the City's third party testing vendor to perform a breath analysis test (BAT).
3. The testing method used will be at the discretion of the City based on what it believes would yield the most accurate result based on the circumstances of the testing reason.

C. Consent

Anyone over the age of 18 submitting a sample for a drug and/or alcohol test is considered to have consented to a drug and/or alcohol test, as well as their signature on the collection forms affirms consent. The form is available in the Human Resources department.

Minors under the age of 18 must have signed consent from a parent or legal guardian prior to a drug and/or alcohol test and is received on the collection forms.

D. Testing reasons – the city will conduct testing for prohibited drugs, drug metabolites, and alcohol in the following circumstances:

1. Pre-Employment - All applicants are subject to post offer, pre-employment test.

a. All employment offers are contingent upon successfully passing a drug/alcohol test.
b. Any applicant who refuses the pre-employment test or yields a positive result will not be considered for employment.
c. If a pre-employment test is cancelled for any reason, the applicant will be required to take another one with a verified negative result.
d. Applicants, who were tested more than 90 days prior to beginning employment, must have a new post-offer, pre-employment test performed with a negative result.

2. Post Accident - All City employees who are involved in an on the job accident involving a motorized apparatus are subject to post accident drug/alcohol testing, including those whose performance could have contributed to the accident. Motorized apparatus includes, but is not limited to fleet vehicle, personal vehicle on city business, riding lawnmower, backhoe, golf cart, etc.
   a. All employees must remain readily available for drug and alcohol testing after an accident. The test must be conducted immediately following the accident unless urgent medical care is required first. If urgent medical care is required, they City will notify the provider to perform the drug and alcohol test as appropriate. An employee will not return to duty or perform job functions unless a negative drug result is received.
   b. The Director of Human Resources must be consulted before making a determination not to post-accident test. All determinations not to test must be documented.
3. Reasonable Suspicion – an employee will be required to consent to a drug and/or alcohol test when a supervisor, manager, director, or city official has a reasonable suspicion that the employee appears to be under the influence of alcohol, illegal drugs, or other prohibited substances, or otherwise impaired, and unfit for duty.
   a. Circumstances which constitute a factual basis for determining reasonable suspicion may include, but are not limited to:
      1. Direct observation of drug or alcohol use or possession;
      2. Possession of drug paraphernalia;
      3. Observation of physical symptoms of drug or alcohol use, such as slurred speech, odor (or smell), red watery eyes, dilated pupils, unsteady gait, poor coordination or reflexes, drowsiness, or sleeping;
      4. Sudden, unexplained personality changes, abnormal or erratic behavior, drastic mood swings, or changes in personal habits, including inattention to personal hygiene or frequently borrowing money;
      5. Documented deterioration of an employee's job performance, which may include excessive absenteeism or tardiness (performance issues, absenteeism or tardiness alone do not generally meet the criteria for reasonable suspicion; they may be in conjunction with other circumstances for a basis to consider testing);
      6. Information provided by a reliable or credible source, which is independently corroborated;
      7. Involvement in accidents or injuries in which obvious precautions were not taken, improper or careless orders were given, or an unusually reckless attitude is present;

8. Arrest or conviction for a drug or alcohol-related offense on or off the job or the identification of an employee as the focus of a criminal investigation into illegal drug use, possession, or trafficking, and where on duty reasonable suspicion is suspected.

b. Observation, documentation and approvals to test: Unless the supervisor directly observes the possession, consumption or inhalation of alcohol or drugs, a second City supervisor or director must also be notified and concur in the supervisor's reasonable suspicion before testing. In establishing a basis for reasonable suspicion, the department director, manager, or supervisor will interview the employee about possible causes for the observed behavior, and will describe the incident in writing. This process will serve to document the circumstances leading to the conclusion that a test for the presence of an illegal drug or alcohol is warranted. Once the initial interview and written description has been completed, the highest ranking available department official must contact the City Manager, Deputy City Manager, or Director of Human Resources for a review of the documentation. The City Manager, Deputy City Manager, or Director of Human Resources must agree with the department official's recommendation before a drug and/or alcohol test is performed. Outside of regular working hours, or at times when the City Manager, Deputy City Manager, or Director of Human Resources are not available within a reasonable time period, a department director or their designee may order an employee to submit to an immediate drug and/or alcohol test, in accordance with the policy guidelines. The City Manager, Deputy City Manager, or Director of Human Resources must be notified of the testing at the earliest opportunity, and all records relating to the incident will be maintained by the Human Resources Department.

c. Testing process: Employees being ordered for reasonable suspicion testing will either get a saliva test at their worksite by an independent trained staff member outside the employee's department and/or be transported to a testing facility by a supervisor. The employee will not be allowed to drive themselves. If a reasonable suspicion event occurs after normal business hours, the supervisor will coordinate with an independent trained staff member outside the employee's department to perform the saliva test at the employee's worksite and/or transport the employee directly to an established after/hours facility for testing. The City will make arrangements to have the employee transported home after the testing is complete.

d. Return to work and compensation: An employee will be on paid administrative leave pending the outcome of the test. While waiting for the results of a reasonable suspicion test, an employee will not be allowed to return to work or take work home. Access badges and keys to buildings should be collected and network accesses disabled. The employee will not return to the workplace until they have been contacted by Human Resources or their Supervisor.

e. Searches: When reasonable suspicion, as defined by this article, exists, the City reserves the right to conduct unannounced searches for unauthorized substances anywhere on city property, including, but not limited to, lockers, desks, file cabinets, city vehicles and employees' personal vehicles parked on city parking lots. Personal

property on city premises shall be subject to such searches. All such searches must be authorized and conducted under the direction of the City Manager or designee and the grounds for suspicion must be described in writing prior to the search. Employees who refuse to cooperate during unannounced searches shall be subject to corrective action, including separation.

4. Random
   a. Non-DOT Random – The random pool will include all non-DOT employees that work in safety sensitive position. The City will randomly test the equivalent of 10% of the workforce annually.
      1. Safety sensitive positions:
         a. Employees assigned to drive or operate a city-owned vehicle or other motorized apparatus,
         b. Employees assigned to operate heavy machinery,
         c. All licensed peace officers in the police department divisions, licensed firefighters in the fire department divisions, and all licensed public safety communications specialists,
         d. All field staff in the public works department in water-wastewater,
         e. All certified lifeguards, and
         f. All employees in the animal services division.

      2. Random selection and testing process - Random testing selections are made using a scientifically valid method (computer based random number generator) and are spread reasonably throughout all periods of the calendar year (all days and hours of operation). Each employee subject to this policy will have an equal chance of being tested each time random selections are made. Dates and times for random testing are unannounced. The Human Resources Department will ensure all testing is conducted as required. Human Resources will notify supervisors when an employee has been randomly selected. Upon notification, the supervisor will ensure the employee proceeds to the testing site as soon as possible.
   b. DOT Random – The random pool will include all DOT regulated employees in accordance with the Department of Transportation-Federal Motor Carriers Safety Administration's guidelines. The City will randomly drug test the equivalent of 50% of the DOT regulated workforce and alcohol test 10% annually in accordance with regulatory requirements. Should regulatory requirements change, regulation will supersede.
      1. Random selection and testing process - Random testing selections are made through a third party administrator using a scientifically valid method. Selections and testing are spread reasonably throughout all periods of the calendar year (all days and hours of operation). Each employee subject to this policy will have an equal chance of being tested each time random selections are made. Dates and times for random testing are unannounced. The Human Resources Department will ensure all testing is conducted as required. Human Resources will notify

supervisors when an employee has been randomly selected. Upon notification, the supervisor will ensure the employee proceeds to the testing site as soon as possible.

2. DOT drug and/alcohol collections and testing are performed at a credentialed facility and certified lab only using the approved DOT testing panel and testing process.

E. Refusal to test or resigning in lieu of a test - An applicant's or employee's refusal to consent and/or submit to any drug and/or alcohol testing reason will be considered insubordination. If this situation arises, the person will be verbally advised that successful drug/alcohol screens are a condition of employment and refusing will warrant separation (or being discontinued in the hiring process, if relevant). If an employee requests the option to resign prior to taking a drug and/or alcohol test, they may be allowed to do so. Employees separated for refusal to test or that opt to resign in lieu of testing, will not be eligible for rehire, and eligibility for any sick and vacation leave payout will be determined based on the separation requirements guidelines. The following are considered test refusals:

a. Failure to appear for a test within a reasonable time, as defined by the employer.
b. Failure to remain at the testing site until the testing process is complete.
c. Failure to provide a saliva, breath or urine specimen as required.
d. Failure to permit an observed or monitored collection specimen when required.
e. Failure to provide a sufficient amount of volume with no valid medical explanation.
f. Failure or declining to take an additional drug/alcohol test as directed by the employer or collector.
g. Failure to cooperate with any part of the testing process (i.e., refusal to empty pockets, wash hands, remove hat, etc.).
h. The MRO reports the presence of a verified adulterated or substituted test result.
i. Refusal to sign any consent forms or other related testing and collection forms.
j. Leaving the scene of an accident without just cause prior to submitting to a test.

F. Retesting – the following outcomes will result in retesting:

a. Negative dilute (negative dilute with adulteration will be collected under direct observation)
b. Invalid result (Some invalid result reasons where potential positive or adulteration was suspected, will be collected under direct observation)
c. Fatal flaw
d. Lost sample

G. Test results

a. Negative - verified negative drug test result or an alcohol test result less than 0.02. A negative result for drugs includes a result that shows a legal, controlled substance where the individual had a valid prescription (see subsection {G, c} below).

b. Positive – verified positive drug test result, verified adulterated/substituted sample, alcohol test result equal to or greater than 0.02, or a refused drug and/or alcohol test. Employees that receive a positive test result will be immediately removed from their job duties and separated. Employees will be notified in writing of the test results including what substance they tested positive for. Employees will also be eligible to utilize the Employee Assistance Program (EAP) for counseling services post separation for up to six-months. Employees will be provided SAP information for a positive under DOT testing rules.
c. Initial lab testing analysis with substances yielding a potential positive on a urine test will be reviewed by the Medical Review Officer (MRO) who will contact the employee and conduct an interview to determine if there is an alternative medical explanation for the positive test result. If the employee provides appropriate documentation and the MRO determines there is a legitimate medical use of the substance, the test result will be reported to the City as negative. Employees that do not contact the MRO timely or provide appropriate documentation will receive a positive test result.
d. Test results will be held in the strictest confidence. The personal identification of the employee failing to pass the test will not be communicated to anyone other than the employee's chain of command, the employee, the appropriate staff member in Human Resources and the City Manager's office (City Manager or Deputy City Manager). Other employees, on a need to know basis, may be made aware of test results, as determined by the City Manager's office and Human Resources. The information may be released, if required, by court order from any court of competent jurisdiction, as authorized by a signed release for a background check, or as otherwise required by law. Employees who are tested will be provided with a copy of the test results if requested in writing. Dissemination of information relating to the results of any drug test conducted on any employee to any person who has no need to know, may result in corrective action, including dismissal of the person disseminating the information.

H. Test dispute –

a. Urine test dispute - employees may dispute a positive test result and request a retest of the collected sample at their cost. Employees that request a retest must immediately contact the testing facility to arrange to retest and pay the facility's fee. The retest is performed on the same sample collected and will be retested using the testing facility's protocol. The employee must provide proof the retest is in process, at which time the city will place the employee on unpaid leave and disable any city building and computer access until retest results are complete. If the retest is positive, the city will proceed terminating the employee. If the result is overturned to negative, the city will reinstate the employee with pay for any scheduled work days missed.
b. Saliva test dispute - Employees may dispute a saliva test by requesting a new test using a urine test at the City's third party collection site. Employees must request a new test immediately. The city will place the employee on paid administrative leave until collection and test results are complete. Employees will be transported to the site, will

test under a direct observation, and then be transported home after the collection. The employee will be on unpaid admin leave and building and computer access will be disabled until the retest results are complete. If the test is positive, the city will proceed terminating the employee. If the result is negative, the city will reinstate the employee with pay for any scheduled work days missed.

I. Prescription and over-the-counter (OTC) medications - Some prescriptions and OTC medications may adversely affect an employee's ability to perform their job safely. Employees should read all warning labels for OTC medications and should seek alternatives to those that indicate they affect mental functioning, motor skills, or judgment. The employee is responsible for discussing their job duties with their physician and encouraged to provide their job description (can be requested from Human Resources). The physician is responsible for evaluating the employee's ability to safely perform their job duties. Employees who are disqualified from performing their job duties while taking medication will immediately notify their supervisor. All employees are required to notify their supervisor when taking any prescription or non-prescription medication that may interfere with their judgement and/or safe performance of their job duties. The supervisor may either temporarily re-assign them or place them on sick leave. Re-assignment is not to be considered a permanent appointment and is to be temporary in nature with a specific ending date. Failure to comply may result in corrective action up to and including dismissal.

J. Voluntary Admission - An employee may voluntarily admit to drug or alcohol abuse and be able to take leave to seek treatment; provided the employee does not admit at the time of a requested drug and/or alcohol test in order to avoid the testing and corrective action requirements of this policy. The employee must make the admission prior to performing a job function (prior to reporting to duty). After admission, the employee may not perform their job function until the City is satisfied that the employee has been evaluated and has successfully completed educational and treatment requirements. A drug and alcohol abuse evaluation expert, i.e., an EAP professional, SAP, or a qualified drug and alcohol counselor will determine successful completion.

a. The City will provide employees with confidential referral for assistance in resolving or accessing treatment for addiction to, or dependence on, illegal drugs or alcohol. The cost of treatment, counseling, or rehabilitation resulting from referral will be the responsibility of the employee. The City's group health plan may provide benefits for substance abuse treatment.
b. Employee assistance activities, such as referral appointments, will be treated on the same basis as other personal business or health matters with regard to use of sick or compensatory leave and Family Medical Leave. Available leave may be taken as needed with advance arrangements made with the department management for the absence.
c. Prior to the employee performing their job functions, the employee must undergo a return to duty alcohol test with a result of less than 0.02 and/or a return to duty drug test with a negative test result.

d. Employees who have completed a drug or alcohol rehabilitation program will be subject to periodic, unscheduled testing for a period of two years after completion of the program. Employees who successfully complete treatment for use of drugs or alcohol and subsequently are found, during working hours, to be in possession of or under the influence of alcohol or drugs, or test positive at any time will be subject to dismissal from employment.

This section is not intended to provide a means for an employee to avoid any required drug and alcohol testing. Once the process of establishing a test requirement has been initiated, or an accident has occurred, an employee may not seek treatment in an effort to avoid testing and possible corrective action.

K. Drug and/or Alcohol Arrests

a. Any employee who is arrested for criminal activity involving the illegal use or possession of drugs and/or alcohol must notify the employee's supervisor and Human Resources no later than five days after the arrest. Failure to do so may result in corrective action, including separation. Employees may be allowed to remain employed with City until the case is settled. However, employees may be separated from employment depending on the circumstances of their arrest, conviction, nature of their position with the City, and/or ability to be able to continue to perform the job functions.
b. Employees who plead guilty or nolo contendere to a violation of criminal drug and alcohol statutes, which occurred during working hours shall be separated from employment.
c. Except as provided by subsection (K, 2.) above, employees who are convicted under any drug or alcohol statute may be allowed to remain employed by the city, depending on the circumstances of their arrest and conviction, nature of their position with the city, and/or ability to be able to perform the job functions. Continued employment with the city may also be contingent upon the convicted employee's active participation in a recognized treatment program and the employee's work performance. Any convicted employee who is allowed to remain employed will be subject to periodic testing.

Chapter 16: Information Technology – Computer User's Policy

16.1 Purpose:

The city provides computer resources for the purpose of accomplishing tasks related to the City of Burleson's ('city') mission. The purpose of this policy is to establish guidelines to derive the benefits of increased efficiency through the use of the Internet, e-mail, and the City's Home Page, while ensuring the protection of information assets and city integrity. It also provides guidelines for accessing and using publicly accessible networks such as the Internet and the World Wide Web (WWW) using the City of Burleson's computer resources, gateways, and accounts. The city believes the proper use of this technology saves time and money, reduces administrative overhead, and improves service to the community.

This policy is also enacted to preserve the integrity of the city's internal information, ensure compliance with anti-harassment and discrimination policies, and prevent workplace violence.

16.2 Policy Administration: This policy is administered by the Information Technology department.

16.3. Applicability:

This policy applies to all City of Burleson employees, elected officials, volunteers, and other affiliates or persons (collectively, 'users') who use City-provided accounts to access the Internet or WWW, or any other intranet, extranet, or other network (or access to these) provided by the City that may exist now or in the future, regardless of the user's location when accessing the Internet or WWW. This policy uses the following definitions:

A. Computer resources include hardware, software, communications networks, electronic storage media, electronic mail systems, and manuals and other documentation, including those systems administered centrally or within a department, in whatever form, model, or configuration, and using whatever operating systems, platforms, or interfaces, and whether single or multi-user, mainframe, or network server, etc.

B. Data includes all files of any kind, regardless of size, format, or on what media stored or written, including but not limited to e-mail messages, systems logs, databases, documents, and commercial and locally developed software. This term also includes handwritten or printed material in paper form.

C. Users include employees, elected officials, volunteers, and any other affiliate or individual with access to use the City's computer resources. User does not include, however, the public use of the Internet through the Burleson Public Library.

D. Provider includes an entity that provides Internet, e-mail, or other computer resources over a network. An example of a public provider is AOL. An example of a private provider is the City of Burleson.

E. Network includes Internets, intranets, extranets, local- or wide-area networks, and other networks of any kind.

Nothing in this policy should be understood to prohibit public use of the Internet for informational purposes as provided by the Burleson Library.

16.4 Condition of Employment:

A. Users must agree to comply with this policy as a condition of their employment or continued employment with the City of Burleson.

This policy shall be distributed to newly elected, hired, and other users. Each new user will be required to sign a statement acknowledging receipt of this policy. For newly hired employee users, human resources will maintain the statement in the employee's personnel file.

B. For other users, information technology will maintain the statement of receipt. Refusing to sign the statement acknowledging receipt of this policy or refusing to comply with any provision of this policy are grounds for corrective action, up to and including separation.

16.5 General:

Activities of a business nature dealing with the Internet or World Wide Web (WWW) such as home page development, training, setting up Internet accounts and problem resolution, will be coordinated through and approved by the information technology (I.T.) department, prior to being performed. Input from the communications director regarding web content should also be anticipated. Normal day-to-day Internet access is excluded from this provision. An Internet e-mail address will be assigned by the I.T. department to authorized users on the city's computer network. This internet e-mail address is for e-mail purposes only and will not provide the user with browser-based capability on the Internet. Users desiring browser access to the Internet must complete the Internet Access and Justification form.

16.6 Justification:

Each internet user will be required to justify why access to the internet / WWW or internet e-mail is needed. The user will be required to complete the Internet Access and Justification form stating how internet access and e-mail relate to the user's job description and further the city's mission. Users must forward the form to their department director. After review and approval, the director will then forward the

request to the information technology department.

16.7 Policy:

A. Internet access is provided by the city for use in attaining departmental objectives and goals. Use of Internet to perform job and/or enhance job effectiveness is permitted. The city may tolerate incidental and occasional personal use of the Internet and e-mail, provided that such use does not adversely affect business uses and/or productivity and does not involve prohibited uses as explained in this policy, but the city reserves the right to prohibit personal use upon a finding that a user has abused this policy. Users are required to delete personal or non-business related e-mail on city computers weekly. Users do not have an expectation of privacy in city-provided network (including Internet) access or e-mail.

B. Users shall be responsible for any personal charges of any kind arising from use of the city-provided Internet access.

C. The user in whose name the Internet account is issued shall be responsible at all times for its proper use. Users shall not reveal their password or otherwise breach security of the Internet account.

D. I.T. shall maintain a directory of all city internet accounts and monitor the use of such accounts, including URLs (websites) visited by each user. Audits may be performed at any time.

E. Users of city-provided Internet accounts should not assume any level of anonymity. Outside users wishing to identify users associated with the city can do so easily.

F. Utilizing virus software provided by the I.T. department, users shall virus scan all data files downloaded from the Internet. The discovery of viruses must be reported promptly to the I.T. department. Deliberate attempts to degrade or disrupt system performance on any computer system shall be subject to corrective action or separation.

G. Users must contact Information Technology to request downloading of any software applications (i.e. programs) from the Internet. All software installations must be performed by the I.T. Department. Users may not install personal software on city equipment without the express written authorization from the I.T. Department. Only city-approved browsers may be installed or used. The city reserves the right to uninstall any unauthorized software.

H. All electronic messages, files, programs, software, or other computer information are the property of the city and therefore are not considered private. As a routine, the city may monitor electronic mail messages and Internet use. The city reserves the

right to monitor such usage and to access messages, files, programs, software, or other computer information related to the user's computer use as allowed under this Policy and applicable laws, at any time without prior notice. Communications deleted by users may be retrieved and reviewed by the city.

I. Users shall contact I.T. regarding all training needed for accessing the Internet, use of the city's approved Internet browser, or home page development.

J. Departments using the Internet will have one person designated as the Internet Contact person. All requests within a department shall be channeled through the contact person.

K. Use of city computer resources is a privilege, not a right. When using these resources, users must agree to abide by the applicable policies of the city, as well as federal, state and local laws.

L. The city reserves the right to limit, restrict, or deny access to its computer resources at any time, as well as to take corrective action, up to and including separation, and/or legal action against anyone who violates city policies and/or applicable laws.

M. This policy shall not be interpreted to require authorization for individual employees for the purpose of gaining access to Internet-based training, when that training is approved by the employee's department director and is completed under the supervision of an authorized user within said department. In such cases, both the department director and the person administering the training will be accountable for any violation. Further, the person administering the training must have signed the city's internet policy prior to engaging in the Internet-based training.

N. Users have an obligation to report violations of this Policy.

Prohibited Use:

Prohibited uses of the city's computer resources include, but are not limited to, the following:

A. Downloading, uploading, posting, reproducing, retransmitting or distributing material protected by copyright or trademark without permission of the copyright owner.

B. Unauthorized access, use, alteration, duplication, destruction, or disclosure of any of the city's computer resources or proprietary information that compromises the integrity of the city and its business in any way. Confidential or sensitive information should not be sent over the Internet or e-mail system without supervisory approval.

C. Use of Internet access or the electronic mail system for “moonlighting”, job searches, playing interactive games, gaming, gambling, using “Internet chat” programs, solicitation, and/or sending chain letters or pyramid schemes.

D. Use of city computer resources to send e-mail, communications, files, or programs that contain messages or images which are intended to or that in effect do harass, intimidate, disparage, offend, threaten or otherwise inflame another person or group of persons on the basis of race, color, national origin, gender, sexual orientation, age, disability, political beliefs, pregnancy, religion, or any legally protected status.

E. Use of city computer resources to view send or receive email, communications, files or programs that contain text or images which are sexually explicit, racially discriminatory, overtly religious, or messages or images that are otherwise inconsistent with the city’s equal employment opportunity and anti-harassment policies.

F. Personal use of the Internet and e-mail that adversely affects business uses and/or productivity as determined by the user’s supervisors, city management, and/or I.T.

G. Downloading of games and other software applications from the Internet except as provided for by this policy.

H. The utilization of personal Internet accounts on city-owned equipment is strictly prohibited. All such personal accounts and access will be removed. Users shall access the Internet, WWW, and/or e-mail systems solely through the city file server unless approved by a department director or city management. Locally installed modems to access personal internet service provider accounts or services are strictly prohibited. The user is subject to corrective action, up to and including separation for violation.

I. Proxy servers for Internet access, unless configured by authorized personnel in the I.T. Department.

J. Falsifying or actively concealing one’s identity in an e-mail message.

K. Intentionally allowing unauthorized access to a password or Internet account.

L. Any transmission that constitutes or encourages a criminal offense or violates any local, state, federal, or international law.

M. Any intentional transmission that contains a virus, worm, or other harmful component.

N. Use of computer resources to assist with, support, conspire to or commit any criminal

or otherwise illegal acts, or fraud or deceptive practices, solicitations, or representations.

O. Use of city computer resources for personal financial gain or personal commercial purposes, including the transmission of commercial or personal advertisements, solicitations, promotions, or political material except as may be approved in writing by city management through the director of information technology.

P. Attempting to circumvent, evading, compromising, assisting someone else, or requesting that someone else circumvent any security measures or administrative access control that pertains to city computer resources.

Q. Transmitting confidential, personal, or sensitive information of other persons or the city, on the Internet or e-mail system, except for lawful and authorized city business purposes.

R. Any act that endangers, compromises, or damages specific computer software, hardware, programs, data, networks or the system as a whole, whether located at the city or elsewhere on the global Internet.

S. Creating or intentionally allowing a computer or network malfunction or interruption of operation.

T. Sending a message with the intent to disrupt computer city operations or the operations of outside entities, including spam, etc.

U. Use of city computer resources for the unauthorized disclosure of confidential or privileged information. By virtue of their relationship with the city, some users are in a position to obtain documents that may contain information protected by the attorney-client privilege, or otherwise privileged. This information should not be disclosed without the approval of the City Manager. These documents are the property of the city. See TEX. LOC. GOV'T CODE ANN. Chapters 201 and 202. Users are hereby notified that it is an offense under the Texas Public Information Act to distribute information considered to be confidential. TEX. GOV'T CODE ANN. § 552.352. Such an offense is a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000) and/or confinement in county jail for not more than six (6) months. Such a violation also constitutes official misconduct and may subject users to corrective action up to and including separation.

V. Failure to comply with internal policies and procedures that pertain to the use of city

16.8 Privacy Issues:

The City of Burleson desires to notify users of privacy-related issues as follows:

A. A user has no expectation of or right to privacy when using the city's computer resources. A user does not have a privacy right in any matter involving the creation, receipt, or distribution of information and communications through the Internet or e-mail provided through city computer resources. Communications made through the city's computer resources and equipment is not confidential.

B. As provided by the Electronic Communications Privacy Act (18 USC Chapter 119), the city, as a provider of computer resources, is allowed to intercept, disclose, or use a user's communications in the normal course of business while engaged in any activity which involves the protection of rights or property of the city.

C. A user expressly consents to having all computers use monitored. If such monitoring reveals possible evidence of criminal activity, the city may provide that evidence to law enforcement officials without notice to the user.

D. A user's e-mail, electronic communications, and other data that is any way tied to the city's computer resources are company-owned resources of the city of Burleson.

E. All users should understand that the city is unable to guarantee the protection of electronic files, data, or e-mails from unauthorized or inappropriate use, and that the city expressly disclaims any representations or guarantees the integrity or confidentiality of any such files, data, or communications are or will be maintained.

F. A user required to use a unique password to protect access to the city's computer resources shall not constitute or be deemed an implied right to privacy or confidentiality.

G. A user of the city's computer systems should be aware that computer information may be subject to review or disclosure in accordance with, but not limited to, the following:

    1. Response to a public records request, administrative, or judicial order, or request for discovery in the course of litigation.

    2. Audits and administrative review of computer use for security purpose or in regard to policy or legal compliance concern.

    3. Repair, maintenance, or upgrade of computer system and related equipment. Report to BTX_IT Helpdesk for any replacement and/or disposal of city technology equipment.

    4. Investigation of improper or illegal use of resources where there is reasonable suspicion to believe there is use for unauthorized or personal financial gain;

threatening, harassing or illegal e-mail or communications; use which interferes or threatens to interfere with city operations; copyright, trademark, or other intellectual property violations; unlawful activity or criminal acts; or other use/conduct prohibited in this Policy.

5. Suspected use/conduct that is prohibited in this Policy.

6. Any reason that is necessary or appropriate to protect the reasonable interests of the city and other users of the computer system.

16.9 Responsibilities:

A. Management

1. Directors, division heads, elected officials, and any other management and supervisory personnel who oversee employees or volunteers who have Internet access shall be responsible for implementing this Policy.

2. Directors, division heads, and/or I.T. are empowered to deny, limit, prohibit, and regulate internet and e-mail access if they determine that the user's activity adversely affects the conduct of the city's business and/or the user's or other employees' productivity, or otherwise interferes in carrying out the department's or city's mission.

3. Each supervisor should contact I.T. to report any suspected misuse of computer resources.

B. Users

1. Users of the city's computer resources shall be individually liable for implementing this Policy. It is the user's responsibility to read, understand, and implement this Policy. Failure to abide by this Policy may subject the user to corrective action up to and including separation.

2. Access to the internet is discretionary with the city. The ability to access the Internet is not license to access without regard to the priorities set by city management.

3. Any user who becomes aware of misuse of the city's computer resources, including the internet and e-mail systems, must promptly contact their supervisor and report the misuse.

4. The user is encouraged to send messages to the sender of a non-business message

that violates this policy, requesting them to cease. Information Services can assist with this activity.

5. A user must comply with requests made by I.T. in relation to the implementation and enforcement of this Policy.

6. A user is responsible for all usage on their computer account. A user must maintain the secrecy of their password(s).

7. When communicating with others using the city's computer system, the user's communications should reflect high ethical standards, mutual respect and civility.

C. Information Technology

1. I.T. is responsible for receiving and investigating any complaints and/or alleged violations of this policy. Legal counsel and other management personnel may be involved.

2. I.T. reserves the right to audit, monitor, retrieve, and/or distribute communications or information obtained related to the user's use of the city's computer resources as necessary to comply with external investigations, internal compliance audits, or other reason as allowed under this policy.

3. All activities of a business nature dealing with the internet or world wide web (WWW) shall be coordinated through and approved by the Information Technology (I.T.) department prior to being performed.

4. I.T. will establish the necessary rules, policies, and procedures to enforce this policy.

5. I.T. will notify public providers, or other network entities, if a non-city user sends inappropriate communications to a city user.

16.10 Consequences of Violating This Policy:

A. Violation of this policy may result in corrective action up to and including separation of employment or removal from office or duty.

B. Violating this policy may result in the withdrawal or restriction of all or a part of the user's computer privileges.

C. Violating this policy may result in a violation of state, federal, or local laws and may be referred to the appropriate law enforcement agency for investigation and

prosecution under applicable criminal provisions and may also subject the user to civil liability.

16.11 Procedures:

A. Any city employee requesting internet access or internet email will be required to complete the *Internet Access and Justification – Form IT-1*. The employee shall be required to sign the form stating they have reviewed, understands, and will comply with the city's policies on internet/WWW and/or internet email access and usage. The employee shall then forward the completed request to their director. After review and if approved, the director will then forward the form to the applicable member of city management (for internet access) for final approval.

B. Upon receipt of an approved *Internet Access and Justification* form, I.T. will provide the employee with the necessary hardware and software to access the internet and WWW.

C. All departments requesting home page or website creation or development shall forward a completed *Request for Internet Services – Form IT-2* to I.T. All requests must be approved by the director prior to being sent to I.T. The content of all home pages and other website materials is subject to city guidelines. The city's communications director will be involved as required.

D. All departments shall be charged for all fees associated with their city-owned dial-up internet accounts for use when traveling or conducting city business outside city offices.

E. When an employee leaves the city, the director shall notify I.T. immediately, at which point internet access will either be separated or transferred.

F. Departments that do not have internet access may utilize the Information Technology department to obtain information from the internet at any time.

G. Existing internet users are required to sign Form IT-3.

16.13 Training:

Any authorized internet user needing training on the city's approved WWW browser or for home page development will contact I.T. via the *Request for Internet Services – Form IT-2* to arrange for a training session.

16.14 Home Page:

A. All requests to develop a new home page or substantially modify portions of an

official city home page (or other website materials) shall be approved by the director, the applicable City Manager and forwarded to the communications director. A copy of the request will be forwarded to the I.T. director. All such requests should be submitted via the *Request for Internet Services – Form IT-2*.

B. All departmental home pages and other website content that is approved for individual department websites, separate from the city's official home page, will be maintained solely by a designated departmental webmaster.

C. Each departmental internet contact person will be responsible for ensuring information provided is current and accurate.

D. The I.T. web design technician shall provide city management with monthly reports on website activity.

E. All city-related home pages, including department websites, must reside on the city's home page. All system changes shall be performed by the information technology department.

F. All home pages that are maintained by a designated departmental webmaster must be coordinated with the Information Technology webmaster. Failure to do so will result in removal of departmental webmaster duties.

G. All website materials shall be verified by the communications director to be free of materials that may constitute a copyright, trademark or other intellectual property infringement.

16.15 Information Technology Forms Used:

A. Acknowledgement of Receipt and User Agreement Form: IT-3

Chapter 17: Family Medical Leave Act Benefits (FMLA or FML); revised (02/23/09) (12/31/15) (11/01/16) (01/01/19) (10/01/22)(10/01/23)

This policy is a guideline for administration of federally mandated benefits through the Family Medical Leave Act. No part of this policy is intended to contradict the Federal act. If at any point (due to legislative changes or errors in this guideline language) Burleson's protocol conflicts with Federal law, Federal law will prevail.

(a) Federal law. Family Medical Leave (FML) is provided in compliance with the Family and Medical Leave Act of 1993 (as amended 2008). When questions arise concerning FML that are not answered in this section, the department director or director of human resources should refer to federal regulations, 29 C.F.R. Part 825, for additional guidance. These regulations are controlling in any matter on which this policy is silent.

(b) Eligibility. An employee is eligible for FML if the employee has been employed by the city:

(1) for at least 12 months; and

(2) has worked at least 1,250 hours during the previous 12-month period. The 12-month period an employee must have been employed with the City to be eligible for FMLA leave need not be consecutive months. However, prior service which occurred more than seven years prior to the request for leave will not be considered in determining whether the employee worked for the City for at least 12 months.

(c) Expiration of entitlement to leave. Entitlement to FML leave for the birth or placement of a child expires at the end of the 12-month period beginning on the date of the birth or placement.

(d) Leave taken intermittently or on a reduced leave schedule.

(1) Although the City is not required to allow an intermittent or reduced schedule leave for the birth or placement of a child, the Department Director may approve such an arrangement if conducive to business needs.

(2) Other forms of medically necessary leave may be taken intermittently or on a reduced leave schedule according to federal regulations.

(e) Entitlement and reasons for leave-Medical. An employee who is eligible for FML is entitled to take a total of 480 (672 Fire shift personnel) work hours of leave during a 12-month period, measured on a rolling 12-months basis, for one or more of the following reasons:

(1) the birth of a child of the employee, in order to care for the child;

(2) the placement of a child with the employee for adoption or foster care;

(3) to care for the spouse, child, or parent of the employee, if the spouse, child, or parent has a serious health condition; or

(4) a serious health condition, as documented by an approved licensed healthcare provider, that makes the employee unable to perform the functions of the employee's position.

(f) Entitlement and reasons for leave – Military status:

(1) Military Personnel: Those called for deployment and the serviceperson's family will be granted family medical leave in keeping with the National Defense Authorization Act (NDAA) and the Family Medical Leave Act (FMLA) which together govern the regulations related to FML for military purposes.

(2) Military Caregiver Leave: an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered Servicemember who is undergoing medical treatment, recuperation, or therapy, is on out-patient status, or is on the temporary disabled list for injury or illness is entitled to up to 26 weeks of leave in a single twelve-month period to care for the Servicemember.

(3) Military Exigency Leave: Up to 12 weeks (480 hours or 720 for Fire shift personnel) of exigency leave may be granted to an eligible employee whose spouse, son, daughter, or parent is on active duty, or has been notified of an impending call to active duty status in support of a contingency operation.

(4) Qualifying exigency leave includes but is not limited to:
(A) Short notice deployment – seven or fewer days' notice of deployment.
(B) Military events and related activities – official ceremonies
(C) Childcare and school activities – arrange alternative childcare/meet with teachers;
(D) Financial and legal arrangements – powers of attorney/banking authority.
(E) Counseling-provided need arises from call to active duty;
(F) Rest and recuperation – up to five days to spend time with Servicemember.
(G) Post deployment activities – arrival ceremonies and similar activities.
(H) Additional activities – to address other events which arise out of active duty.

(g) Calculation period.

(1) Medical Leave (All Employees Except Fire Personnel Assigned to an ABC Shift): The 12-month period during which an employee is eligible for 480 work hours of leave, will be - a "rolling" 12-month period measured backward from the date of any FML leave usage.

(2) Medical Leave (Fire Employees Assigned to an ABC Shift): The 12-month period during which an employee assigned to an A, B, or C shift schedule in the Fire Service is eligible for 672 work hours of leave, will be a "rolling" 12-month period measured backward from the date of any FML leave usage.

(3) Military Caregiver Leave: An eligible employee is entitled to a combined total of 26 workweeks (1040 hours) of leave for any FMLA qualifying reason during a single 12 month period. However, the employee is not entitled to more than 480 (672 for Fire shift personnel) hours for a traditional family medical leave, even if less than 14 weeks (560 hours) are taken to care for a covered Servicemember. The calculation begins on the first day leave is taken.

(4) Exigency Leave: Eligible employees may take up to 12 weeks (480 hours) of leave because of any qualifying exigency arising from a call to active duty of the employee's spouse, son, daughter, or parent, or has been notified of an impending call to active duty status, in support of a contingency operation. The calculation begins on the first day leave is taken.

(h) Effect of workers compensation leave. FML shall run concurrently with leave taken by an employee as workers compensation leave, if the injury meets the criteria for a serious health condition.

(i) Effect of workers compensation leave; Fire Work Shift Switching. The City of Burleson's Fire Department policy related to allowing employees to switch shifts does not affect eligibility or calculation of time away for a qualifying FML purpose. Management of the Fire Department will make the usual and customary notification of absence (regardless of switching) so that timely Federal Family Medical Leave regulations are followed regarding notice and calculation of leave time.

(j) Use of paid benefit hours accrued. An employee who takes FML must substitute and exhaust all accrued vacation, sick and compensatory leave as part of the 480 work hours (672 hours for Fire shift personnel) of FML, before beginning leave without pay status. In the event of an approved Short-Term Disability or Worker's Compensation, employees will only be required to use at least the equivalent amount of leave to compensate the portion of unpaid, base compensation. For example, if Short-Term Disability compensates 60% base wages, employees are required to use leave hours equivalent to 40% base wages. Employees may use up to the maximum amount of leave up to their normal work schedule.

(k) Duties of employees.

(1) When the necessity for FML under Subsection (c)(1) or (c)(2) is foreseeable because of an expected birth or placement, the employee shall provide the

director of human resources with notice of the employee's intention to take FMLA leave, not less than 30 days before the date the leave is to begin. If the date of the birth or placement requires leave to begin in less than 30 days, the employee shall provide notice as soon as practical.

(2) When the necessity for FMLA leave is foreseeable because of planned medical treatment or qualifying exigency arising from active duty or call to active duty, the employee:

(A) shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of the city, subject to the approval of the health care provider; and

(B) shall provide the employee's department director with not less than 30 days' notice, before the date the leave is to begin. However, if the date of the treatment or qualifying exigency requires leave to begin in less than 30 days, the employee shall provide the notice as soon as practical.

(3) When an employee takes paid or unpaid leave for a reason that qualifies for FMLA leave, the employee shall include in the notice or request given to the department director a description of the reason for the leave.

(4) An employee giving notice for or requesting paid or unpaid leave does not need to expressly mention the FMLA. If the employee states a reason that qualifies for FML, the employee has met the obligation of giving notice.

(5) In the absence of unusual circumstances, nothing herein excuses an employee from complying with the requirement to notify their supervisor of an absence as required.

(l) City's notice to employee.

(1) Upon receipt of an employee's notice requesting FML, the department director shall notify the director of human resources (or their designee):

(2) Within five business days of receipt of notice from an employee requesting paid or unpaid leave, the director of human resources, or designee, shall notify the employee of the employee's eligibility to take FML and the employee's rights and responsibilities for taking FML. This written information must be provided to the employee in a language in which the employee is literate. Leave taken before the date of the director of human resources' notice may be counted against an employee's FMLA entitlement hours.

(3) Within five business days of receipt of enough information to determine whether the leave is being taken for an FMLA-qualifying reason (e.g. after receiving certification) the City must notify the employee whether the leave will be designated and counted as FML. For unusual circumstances involving notice and designation of FML, the Director of Human Resources should refer to 29 C.F.R., Part 825.

(m) Spouses employed by the city. If spouses are both employed by the city, the combined number of hours of FML to which both are entitled is limited to:

(1) 480 work hours (672 hours for Fire shift personnel) during any 12-month period for the birth (or placement) of a child or the care of a child or parent with a serious health condition (employees are not qualified to use FML for the care of parent in-laws); or

(2) 1040 work hours during a single 12-month period to care for an injured or ill Servicemember.

(n) Certification – Medical FML. The Director of Human Resources may require, by giving a written request to an employee, that FML be supported by a certification issued by the health care provider of the employee or the child, spouse, or parent of the employee. A certification must be furnished in a timely manner when requested.

(1) FMLA – medical certification must state:

- the date on which the serious health condition commenced;
- the probable duration of the condition;
- the appropriate medical facts within the knowledge of the health care provider regarding the condition;
- when leave is requested due to the serious health condition of the employee's child, spouse or parent, a statement that the eligible employee is needed to care for the child, spouse, or parent and an estimate of the amount of time that the employee is needed to care for the child, spouse, or parent.

(2) In the case of certification for intermittent leave, or leave on a reduced leave schedule, a statement of the medical necessity for the intermittent leave or leave on a reduced leave schedule, and the expected duration of the intermittent leave or reduced leave schedule is required.

(3) If the City determines that a certification is incomplete or insufficient, the City will provide the employee with seven calendar days to cure any deficiency. If the deficiency is not cured, the City has the right to either deny FMLA leave or contact the health care provider for purposes of clarification and

authentication of the medical certification. Any contact with a health care provider will be made only by a health care provider, the Director of Human Resources, or the City Manager, and when necessary, upon receipt of a HIPAA authorization provided by the employee. If an employee refused to provide a necessary HIPAA authorization and does not otherwise clarify the certification, the City may deny FML leave.

(4) If the second opinion differs from the opinion in the original certification provided, the city may require, at the expense of the city, that the employee obtain the opinion of a third health care provider designated or approved jointly by the city and the employee concerning the need for leave. The opinion of the third health care provider is final and binding on the city and the employee.

(n) Certification-FML-Servicemember Care:

(1) the eligible employee is required to provide certification of the need for leave to be provided by the Servicemember's health care provider. The Department of Labor form WH-385 may be used.

(2) invitational travel orders issued by the military branch to join an injured or ill Servicemember at his or her bedside may be used in lieu of form WH-385.

(o) Certification – Exigency Leave:

(1) Employees are required to provide certification of the need for leave. The Department of Labor form WH-384 may be used for this purpose.

(p) Group Health/Dental/Life Insurance Premiums: During approved FML, the city will continue to provide group health, dental and life insurance on the same terms and conditions as provided other employees. The employee must pay for the employee's share of the dependent health, dental and life insurance premiums during the employee's absence. If the employee's payment of health benefits premium is more than thirty (30) calendar days late, the obligation for the city to maintain the related insurance ceases. If the employee cannot financially afford the premiums due to unpaid leave status, the employee is required to make arrangements with the Director of Human Resources (or her designee) for payment of premiums. Such arrangements will be placed in writing, and should an employee fail to return from leave and resign from employment voluntarily, the employee is still responsible for the financial arrangements. In addition, in the event an employee does not return from leave and the inability to return is within the employee's control, the employee will be responsible to repay the City for the City's share of premiums beginning from the first date of the leave.

(q) Delay or denial of FMLA benefits.

(1) The city may delay the taking of FML under the following circumstances:

(A) if an employee fails to give timely advance notice when the need for FMLA leave is foreseeable, FML may be delayed until 30 days after the date the employee provides notice to the city of the need for FMLA leave;

(B) if an employee fails to provide in a timely manner a requested medical certification to substantiate the need for FML, fails to provide clarification, or cooperate in the City's efforts to seek clarification, the continuation of FML leave may be delayed or denied.

(C) An employee makes it known prior to or during the course of the leave, they do not intend on returning from FML or resigns during the course of approved FML.

(2) If an employee fails to provide a requested fitness-for-duty certification to return to work, which addresses the employee's ability to perform the essential functions of the employee's job, the city may delay restoration until the employee submits the certificate.

(3) If the employment relationship separates, an employee's rights to continued leave, and restoration cease under FML.

(4) If an employee fraudulently obtains FML leave, the city may deny job restoration.

(r) Definitions:

(1) Qualified employee: one who has been employed at least 12 months and who has worked at least 1250 hours during the 12 months. The 12-month period may include time previously worked for the City so long as the time worked was no more than seven years back.

(2) Rolling 12-month period: each time an employee takes FMLA leave, the remaining leave entitlement is the balance of the 12 weeks which has not been used during the immediately preceding 12 months. As the rolling year moves forward, available hours will be gained if they were used more than a year prior due to the look back period change.

Related Forms:
Federal Form WH-381-Eligibility Notice to Employee Under FMLA
Federal Form WH-382-Designation Notice Under FMLA
Federal Form WH-384- Military Exigency Leave
Federal Form WH-385-Military Care of Servicemember

Chapter 18: Reasonable Accommodations for Applicants and Employees

Policy Statement

The City of Burleson is committed to providing equal employment opportunities to all qualified individuals, including those with disabilities, and to complying fully with the Americans with Disabilities Act (ADA), Section 503 of the Rehabilitation Act, and applicable state and local laws. As part of this commitment, the City will provide reasonable accommodations to qualified applicants and employees with disabilities unless doing so would create an undue hardship. This policy applies to:

- All job applicants participating in the recruitment, interview, and selection process.
- All employees throughout the course of their employment.
- All managers, supervisors, and human resources staff involved in employment-related decisions.

Definitions

- Disability: A physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.
- Interactive Process: Collaborative effort between employers and employees with disabilities to determine effective accommodations.
- Qualified Individual: An individual who, with or without a reasonable accommodation, can perform the essential functions of the job.
- Reasonable Accommodation: A modification or adjustment to the job application process, work environment, or job duties that enables a qualified individual with a disability to be considered for a position or perform the essential job functions.
- Undue Hardship: A significant difficulty or expense incurred by the City in providing an accommodation.

Accommodations for Job Applicants

Applicants who require an accommodation to participate in the hiring process (such as completing an application or attending an interview) should contact the Human Resources Department in writing, verbally, or through another accessible means. Applicants should provide a general description of the requested accommodation (medical documentation is not required at the application stage unless job-related and consistent with business necessity). Managers that receive a reasonable accommodation request should forward the request to Human Resources immediately once received.

Upon receiving a request, Human Resources will have an interactive discussion with the applicant as soon as possible to determine appropriate accommodations. Reasonable efforts will be made to modify standard procedures. The applicant may request a review of the

decision regarding accommodations by submitting a written appeal to the Director of Human Resources or City Manager within ten (10) business days. Accommodations will not negatively affect the applicant's consideration.

If, after being offered a position, an applicant determines that they will need a reasonable accommodation to perform the essential functions of the job, they should notify Human Resources as soon as the need is known, preferably before their start date, to allow time for the interactive process.

Accommodations for Job Applicants Post Offer and Current Employees

Job applicants-post offer and current employees who require an accommodation to perform the essential job functions should submit a request to Human Resources in writing, verbally, or through another accessible means. The request should include a description of the nature of the disability and the specific accommodation requested, if known. Note: Supervisors who receive an accommodation request must forward it to Human Resources immediately and maintain confidentiality.

After receiving the request, Human Resources will initiate an interactive, confidential discussion with the applicant or employee. The discussion may involve the applicant or employee, supervisor, and Human Resources to identify:

- The essential functions of the job.
- Limitations created by the disability.
- Possible accommodations.

Additional documentation may be requested to support the need for accommodation including documentation from a licensed healthcare provider outlining the functional limitations that necessitate the accommodation. Human Resources will maintain any medical documentation confidentially and will only disclose what is business need to know to the supervisor. If specific accommodations are not granted, the city will explore alternative accommodations where appropriate.

The applicant or employee will receive a written explanation regarding accommodations that are approved and/or not granted. The applicant or employee may request a review of the decision regarding accommodations by submitting a written appeal to the Director of Human Resources or City Manager within ten (10) business days. The City strictly prohibits retaliation against any applicant or employee who requests a reasonable accommodation, participates in the interactive process, and/or files a complaint regarding discrimination or harassment related to disability status.

Violations of this policy may result in corrective action, up to and including separation of employment.

AFFINITY WITHIN THE SECOND DEGREE (RELATED TO NEPOTISM): includes an employee's spouse, stepparent, father-in-law, mother-in-law, spouse's grandparents, spouse's grandchildren, brother-in law, sister-in-law, son-in-law and daughter-in-law.

ALCOHOLIC BEVERAGES: alcohol, or any liquid containing more than one-half of one percent of alcohol-by-volume that is capable of use for beverage purposes alone or when diluted.

AMERICANS WITH DISABILITIES ACT OF 1990: Title 42 U.S.C. '12101, et seq., as amended.

APPLICANT: a person who has completed a written application form and provided any clarification information requested.

BENEFIT: an employer-sponsored program that includes, but is not limited to, holidays, vacation leave, sick leave, and health and life insurance, but does not include salary, service credit, or seniority.

CALL BACK: the unscheduled return to work outside of normal hours, on a holiday or day off at the request of a supervisor. It does not include overtime or holiday work scheduled in advance.

CHARTER: the Home Rule Charter of the City of Burleson.

CHILD: a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is: under 18 years of age; or 18 years of age or older and incapable of self-care because of a mental or physical disability.

CITY: the City of Burleson, Texas.

CITY MANAGER: the City Manager of the city or the City Manager's designee.

COMPLAINT: A "**complaint**" is an allegation that an employee's nonspecific employment conditions have been adversely affected. Examples include complaints about work schedule, hours of work, procedures, daily operations, department specific rules, performance evaluations, general treatment or disagreements among employees.

CONSANGUINITY WITHIN THE THIRD DEGREE (related to nepotism): includes an employee's great grandparents, grandparents, parents, children, grandchildren, great-grandchildren, brother, sister, nieces, nephews, half-nieces, half-nephews, and aunts and uncles who are sister/brother of a parent of the individual.

CORRECTIVE ACTION: steps taken to correct an issue and prevent recurrence, and is also known as discipline or disciplinary action.

DEMOTION: the movement of an employee to a different classification having a lower maximum rate of pay.

DEPARTMENT DIRECTOR: an employee who is designated as a department director and is responsible for the administration of one or more city departments or the department director's designee.

DISMISSAL: involuntary separation of employment with the city.

DRUG PARAPHERNALIA: equipment, products, or materials, as defined in Chapters 481, 484 or 485 of the Texas Health and Safety Code, that may be used to facilitate the use of controlled substances or inhalants.

DRUG AND ALCOHOL TEST: the entire process of testing an individual for the presence of illegal drugs or alcoholic beverages, beginning with the collection of a specimen of bodily fluids, and continuing through the conclusion of laboratory testing of the specimen or administration of a breath test.

EMPLOYEE: a person employed and paid a salary by the city and includes the following categories, but does not include an independent contractor, city board or commission member, or city council member:

EXEMPT EMPLOYEE: an employee who performs an executive, administrative, professional, computer, or other exempt from overtime function as defined in the Fair Labor Standards Act.

FAIR LABOR STANDARDS ACT: Title 29 U.S.C. '201, et seq., as amended.

FMLA or FML: Family Medical Leave Act or Family Medical Leave; both acronyms are interchangeable.

FRAUD: "An intentional perversion of truth for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or to surrender a legal right; a false representation of a matter of fact, whether by words or by conduct, by false or misleading allegations or by concealment of that which should have been disclosed, which deceives and is intended to deceive another so that he shall act upon it to his legal injury. Any kind of artifice employed by one person to deceive another. A generic term, embracing all the multifarious means which human ingenuity can devise, and which are resorted to by one individual to get advantage of another by false suggestions or by suppression of truth, and includes all surprise, trick, cunning, dissembling, and any unfair way by which another is cheated." – Black's Legal Dictionary

FULL-TIME EMPLOYEE: a person employed by the city to work at least 40 hours a week. Only under the ACA for health benefits, it is a person that works at least 1560 hours per year (30 hours a week) when hours are seasonal or variable.

GRIEVANCE: A "**grievance**" is an allegation that rights or benefits specifically provided by law, policy, personnel rule, or employer action (such as overtime pay, fringe benefits, pay rate, protected employment rights) has been denied or misapplied.

HEALTH CARE PROVIDER:

(1) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices;

(2) podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the state and performing within the scope of their practice;

(3) Nurse practitioners, nurse-mid-wives, and clinical social workers who are authorized to practice under state law and who are performing within the scope of their practice;

(4) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and

(5) any health care provider from whom the city or the city's group health plan will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

ILLEGAL DRUGS: controlled substances, as defined in Chapter 481 of the Texas Health and Safety Code, and inhalants, as defined in Chapters 484 and 485 of the Texas Health and Safety Code.

IMMEDIATE FAMILY: the employee's brother, sister, mother, father, grandchildren, grandparents, child, stepparents, spouse and the spouse's immediate family.

IMPAIRED or IMPAIRMENT: the inability of an employee to perform duties of the employee's position safely and competently due to use of alcohol, illegal drugs, prescription drugs or over-the-counter drugs.

INTERMITTENT LEAVE (related to FMLA or FML): leave taken in separate blocks of time due to a single qualifying reason.

JOB: (see POSITION)

LEGAL GUARDIAN: a person appointed by a court to guard the interests of a child who is a ward.

ON-CALL STATUS: a circumstance in which a department director or supervisor anticipates the need for an employee to report for work at some time other than the employee's regular working hours and in which the employee is expected to respond to a call to work at any time.

PARENT: the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.

PART-TIME EMPLOYEE: a person who works fewer than 40 hours a week and is in a position that by city policy and practice is designated as "part-time."

PERSONNEL FILE: a collection of documents maintained by the Human Resources Department regarding an employee's work history with the city.

POSITION: a collection of tasks, duties and responsibilities regularly assigned to and performed by one person. The term "job" is synonymous with "position" when it is performed by one person.

PROMOTION: the change of an employee from a lower classification to a higher classification with a resulting increase in salary.

REASONABLE SUSPICION: a belief based on objective, particular facts sufficient to lead a reasonably prudent person to suspect that an employee may be under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job may be impaired or so the employee's ability to perform the job safely may be reduced.

REDUCED LEAVE SCHEDULE: a leave schedule that reduces the usual number of hours per work period or work day of an employee.

REINSTATEMENT: the rehiring of an employee who was reduced in classification or separated from employment as a result of a position being vacated or abolished through the annual budget process.

REINSTATEMENT LIST: a list of persons who have been reduced or separated from a particular classification as a result of positions being vacated or abolished through the budget process, ranked in the order of seniority.

REPRIMAND: a statement to an employee by a supervisor describing deficiencies in the employee's performance or acts of the employee that are in violation of the standards of conduct and describes corrective measures which the employee should take. A reprimand is formal if it is in writing.

SEPARATION: any termination of employment with the city.

SERIOUS HEALTH CONDITION: an illness, injury, impairment, or physical or mental condition that involves:

(1) inpatient care in a hospital, hospice, or residential medical care facility; or

(2) continuing treatment by a health care provider, including one or more of the following:

(A) a period of incapacity of more than three consecutive calendar days that requires:

- treatment two or more times by a health care provider or by a provider of health care services under the orders of a health care provider; or
- treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;

(B) any period of incapacity due to pregnancy or for prenatal care even if no treatment is received during the absence;

(C) any period of incapacity or treatment for an incapacity due to a chronic serious health condition even if no treatment is received during the absence;

(D) a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective;

(E) any period of absence to receive multiple treatments by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider.

SMOKING: the combustion of any cigar, cigarette, pipe, or similar article, using any form of tobacco or other combustible substance in any form

SPOUSE: a husband or wife as defined or recognized under state law for purposes of marriage, including common law marriage.

STAND-BY: an employee who is assigned to be available during off hours to respond to emergencies.

SUPERVISOR: an employee having direct authority over other employees; such authority can include assignment of job duties, performance counseling and evaluation and corrective action.

SUSPENSION: an involuntary absence with or without pay imposed by a director for corrective purposes.

SWORN EMPLOYEE: an employee of the police department who is certified by the Texas Commission on Law Enforcement Officer Standards and Education or an employee of the fire department who is certified by the Texas Commission on Fire Protection Personnel Standards and Education.

TEMPORARY EMPLOYEE: a person
(A) whose employment is scheduled to last less than six months;
(B) who holds a seasonal position, even though the employment may last more than six months; or
(C) in a position which, by city policy and practice, is intended to give introductory work experience to a person preparing for entry into the work force.

TERMINATION: the end of employment with the city.

TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS): the retirement system established under the Texas Municipal Retirement System Act, Title 8, Subchapter G, Texas Government Code.

TOBACCO PRODUCT: a cigarette, cheroot, stogie, cigar, snuff, smoking tobacco, chewing tobacco and any article or product made of tobacco substitute.

TRANSFER: a change from one position to another in which departmental or classification lines, or both, may be crossed, but which does not result in either promotion or demotion.

UNDULY DISRUPTIVE: to grant an employee leave would impose an unreasonable burden on the city's ability to provide services of acceptable quality and quantity for the public during the time requested. Inconvenience is insufficient as a basis for determining that leave would be unduly disruptive.

WORK DAY: one shift during which a department is open for business or for which an employee is scheduled to work.

WORKING HOURS: the time during which an employee is on duty, including regular time, overtime, and emergency duty.

WORK PERIOD: a regularly recurring designated period of work which is used in accordance with the Fair Labor Standards Act to determine when a nonexempt employee is entitled to overtime compensation.

WORK WEEK: the number of hours an employee is regularly scheduled to work during a seven-day work period.

City Council Regular Meeting

DEPARTMENT: **Capital Engineering**

FROM: **Randall Morrison, PE, Director of Capital Engineering**

MEETING: **May 4, 2026**

SUBJECT:

Consider and take possible action on the Second Amendment to the Professional Services Agreement (CSO#4086-01-2023) with Freese and Nichols, Inc. for the Stone Rd. / Village Creek Parkway Widening and Reconstruction Project in the amount of $120,500.00, for a total contract amount of $510,885.00 (Project ST2309). (Staff Contact: Randy Morrison, PE, Director of Capital Engineering)

STRATEGIC PRIORITY AND GOAL(S):

Strategic Priority	Strategic Goal
Dynamic & Preferred City Through Managed Growth	2.3 Enhance connectivity and improve mobility 2.4 Implement the city's Capital Improvement Program

SUMMARY:

The scope of this project is to widen and reconstruct approximately 0.5 miles of Stone Rd. / Village Creek Parkway from McCall St. to Alsbury Boulevard. The project will replace the existing two-lane asphalt roadway with a four-lane divided concrete roadway including two lanes in each direction. The project will also include curb and gutter, closed drainage systems, street lights, sidewalks, and a 10’ shared use path.

The original design contract approved with Freese and Nichols, Inc. was approved as a not to exceed amount of $380,595.00, with no contingency. Therefore, any modification to the original agreement, which would encumber additional funds, is required to come back before city council’s review and approval.

The proposed $120,500.00 contract amendment includes additional final design services for scope items not originally contemplated. The list of additional scope items includes landscape and irrigation plans, additional storm drain and water line design, the extension of the Boone Road connection improvements and additional design and coordination with the City of Fort Worth water transmission main project. The limits of work required at the Boone Road connection expanded due to drainage and utility challenges.

The project is currently in the final design and easement acquisition stage of the project. The current schedule is to bid the project in Summer of 2026 and start construction in Fall of 2026.

RECOMMENDATION:

Consider and take possible action on the Second Amendment to the Professional Services Agreement (CSO#4086-01-2023) with Freese and Nichols, Inc. for the Stone Rd. / Village Creek Parkway Widening and Reconstruction Project in the amount of $120,500.00, for a total contract amount of $510,885.00.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

April 12, 2021 - City Council approved a Resolution of Support for the Tarrant County 2021 Bond Program and approval of this Stone Rd. / Village Creek Parkway Widening project for consideration to be included in the Tarrant County 2021 Bond Program. (Item 9.D)

October 3, 2022 - City Council approved a resolution declaring intention to reimburse an amount not to exceed $65,100,000 for capital projects within the CIP for FY22-27. (Item 9.B)

January 9, 2023 - City Council approved a Funding Interlocal Agreement with Tarrant County for the Design and Construction of the Stone Rd. / Village Creek Parkway Widening Project in the amount of $3,030,000. (Item 8.D)

January 9, 2023 - City Council approved an Engineering Services Contract with Freese and Nichols, Inc. for the design of the Stone Rd. / Village Creek Parkway Widening and Reconstruction project in an amount not to exceed $380,595.00. (Item 8.E)

August 7, 2023 - City Council received a report, held a discussion, and provided staff feedback regarding the preliminary design of Village Creek Parkway Widening and Reconstruction project. (Item 3.A)

March 18, 2024 - City Council approved Amendment 1, in the amount of $9,790.00, to the Engineering Services Contract with Freese and Nichols, Inc. for the Stone Rd. / Village Creek Parkway Widening and Reconstruction Project. (CSO#5432-03-2024)

REFERENCE:

CSO#4086-01-2023 Agreement ($380,595.00)

CSO#5432-03-2024 Amendment 1 ($9,790.00)

FISCAL IMPACT:

Proposed Expenditure/Revenue: $120,500.00
Account Number(s): ST2309 4263101-72010
Fund: CO Bond
Account Description: CO Bond Design
Procurement Method: N/A

STAFF CONTACT:

Randall Morrison

Director of Capital Engineering
rmorrison@burlesontx.com
817-426-9612

THE CITY OF BURLESON TEXAS

Stone Rd. / Village Creek Parkway Widening and Reconstruction Project

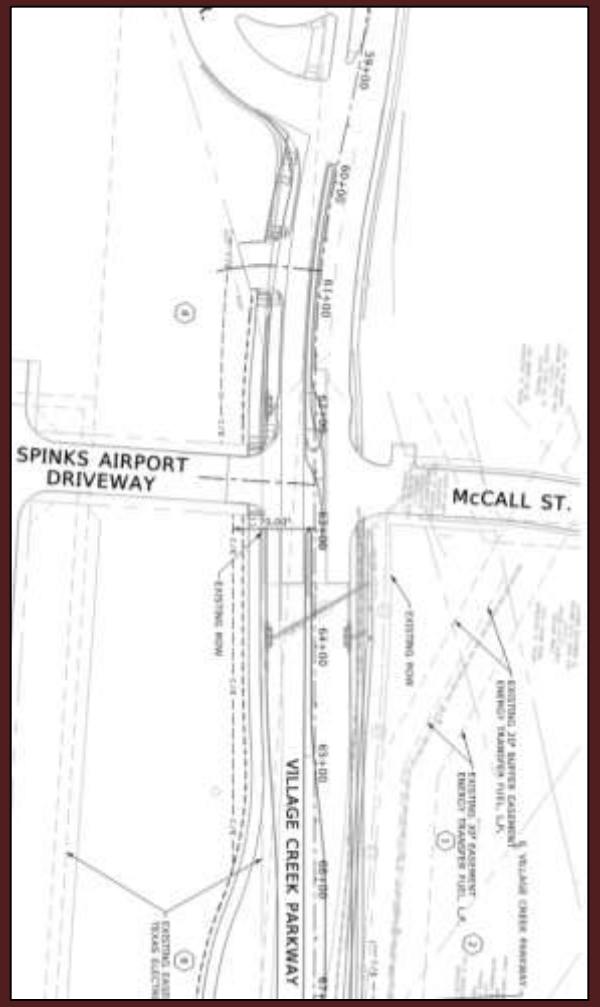
PSA Amendment



PRESENTED TO THE CITY COUNCIL ON

MAY 4, 2026

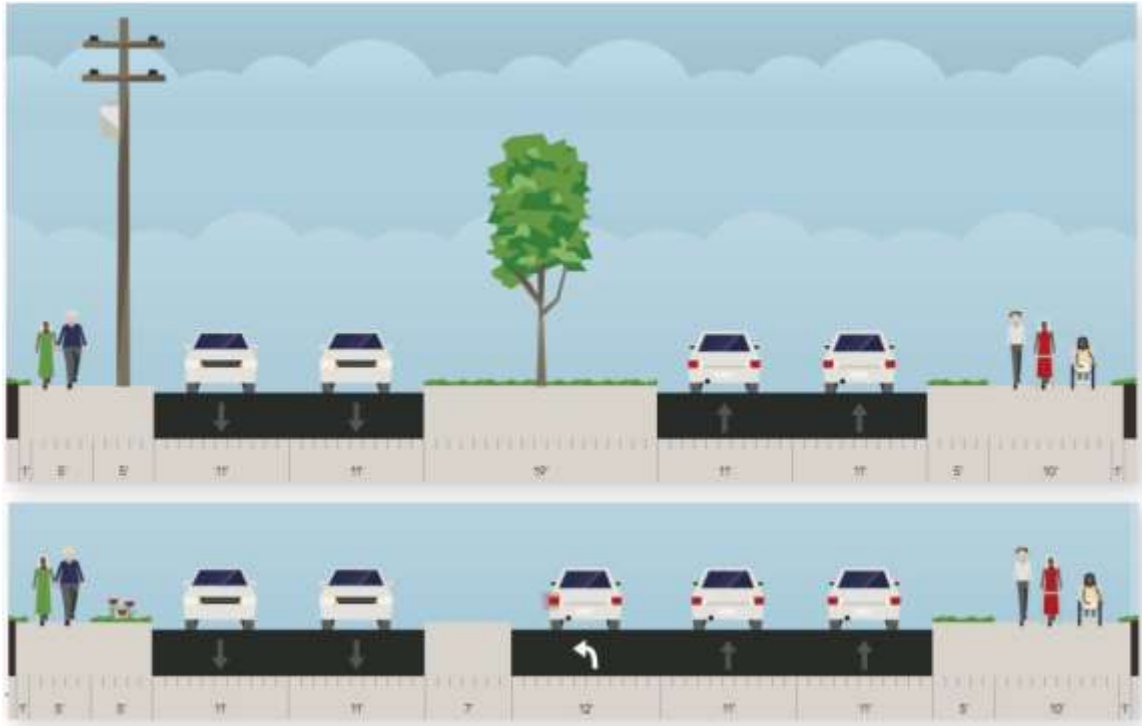
Project Background



- Fall 2021 project was selected for Tarrant County Bond Program (50/50 cost sharing split); Initially included in Burleson's 5-yr CIP in 2022
- January 9, 2023 - City Council approved an Engineering Services Contract with Freese and Nichols Inc. for the design of the Stone Rd. / Village Creek Parkway Widening and Reconstruction project in an amount not to exceed $380,595.00.
- March 18, 2024 - City Council approved Amendment 1, in the amount of $9,790.00, to the Engineering Services Contract with Freese and Nichols, Inc.

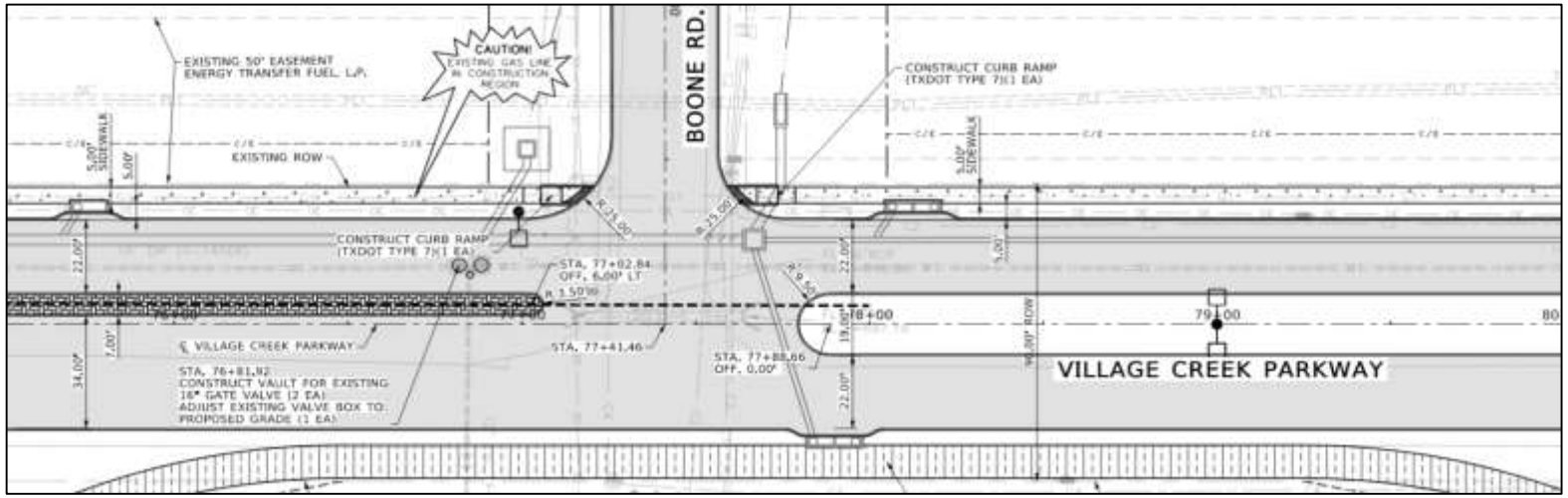
Project Background

- Council's direction from August 2023:
  - 90' ROW section – 4-lane divided roadway with gently meandering 10' Shared Use Path within Oncor Easement
  - Modify McCall intersection to allow for all turning movements from McCall and the Spinks airport driveway



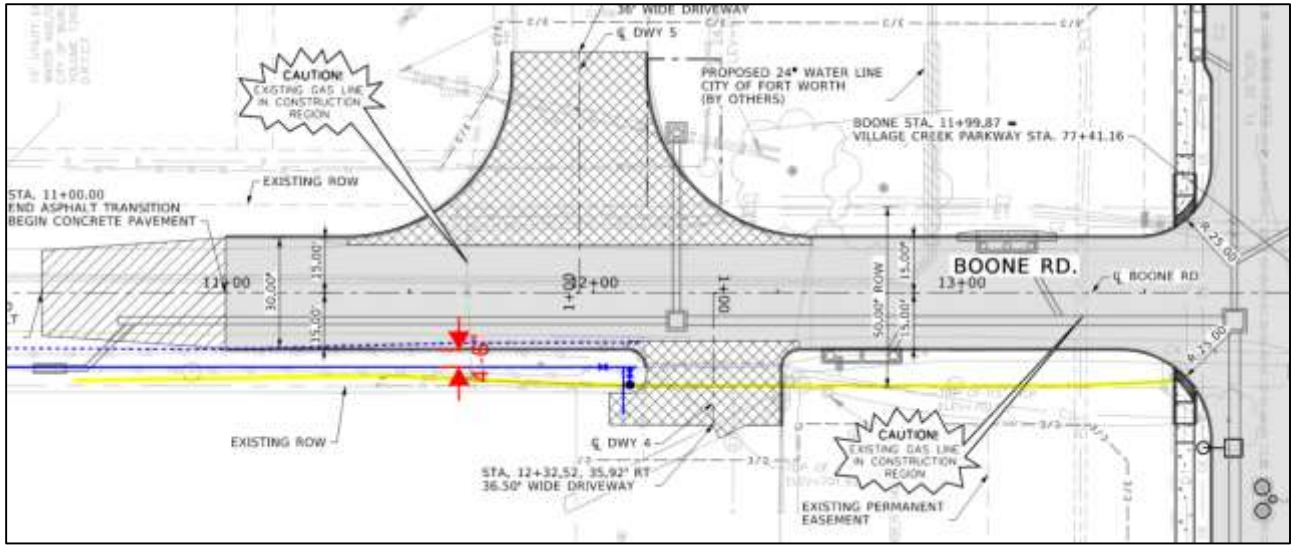
Latest Updates

- Design – Freese & Nichols, Inc. currently working on 95% submittal
  - Anticipate completion by Summer 2026
- Easement Acquisition – ROW Consultant is working on appraisals and acquisitions
  - Coordination with FAA, Fort Worth and third-party utilities
  - Anticipate completion by Summer 2026
- Ongoing coordination with Tarrant County on Interlocal Agreement annual update and reimbursement

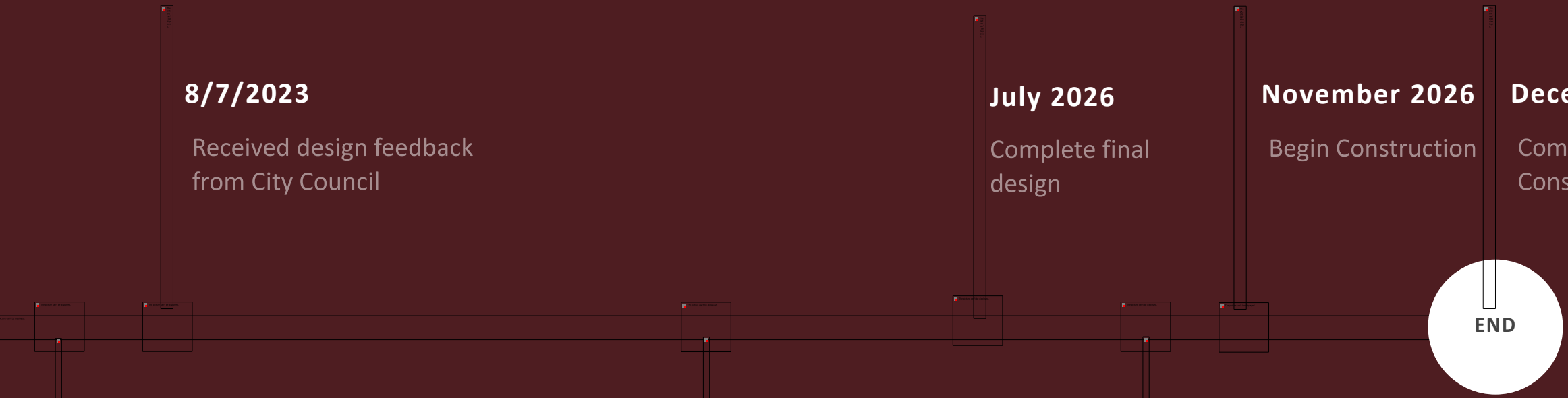


Amendment 2

- The proposed $120,500.00 contract amendment includes additional final design services for scope items not originally contemplated.
  - Design and coordination related to City of Fort Worth SS2 water transmission line
  - landscape and irrigation plans
  - additional storm drain and water line design
  - Boone Road connection improvements
  - Revised total contract amount: $510,885.00
- **Budget**
  - Design = $592,327
  - ROW = $130,418
  - Construction = $6,259,836
  - ED&P = $259,000
- **Current OPCC - $5,988,026**



Project Timeline



1/9/2023

Engineering Services Contract with Freese and Nichols Inc. awarded by City Council

Funding Interlocal Agreement with Tarrant County approved by City Council

8/7/2023

Received design feedback from City Council

November 2025

Began Easement Acquisition

July 2026

Complete final design

October 2026

City Council Award Construction Contract

November 2026

Begin Construction

December 2027

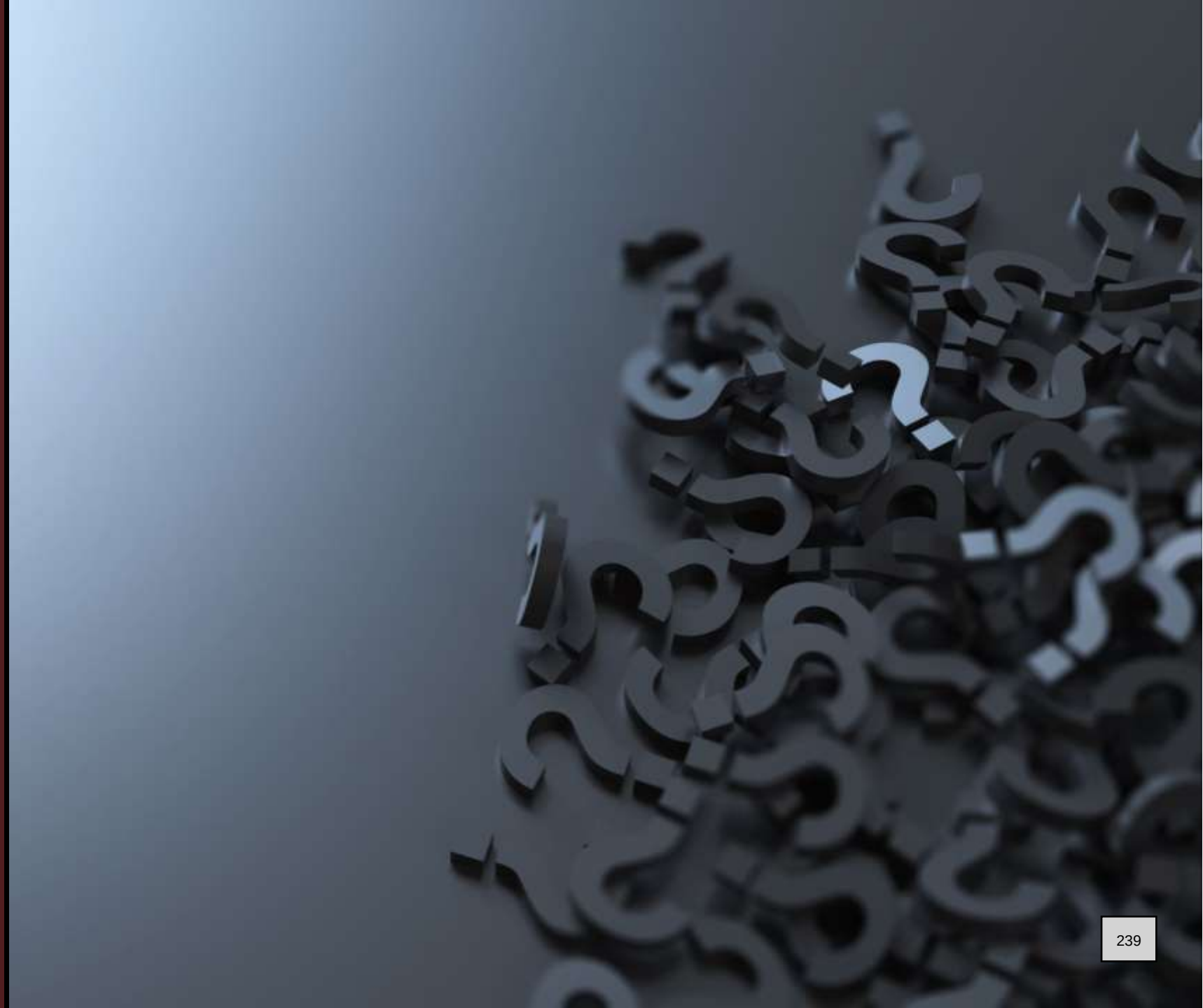
Complete Construction

END

Council Considerations

Consider and take possible action on the Second Amendment to the Professional Services Agreement (CSO#4086-01-2023) with Freese and Nichols, Inc. for the Stone Rd. / Village Creek Parkway Widening and Reconstruction Project in the amount of $120,500.00, for a total contract amount of $510,885.00.

Questions / Comments



City Council Regular Meeting

DEPARTMENT: **Legal**

FROM: **Matt Ribitzki, Sr. Deputy City Attorney/Director of Legal Services**

MEETING: **May 4, 2026**

SUBJECT:

Consider and take possible action to approve a contingent fee contract with Perdue Brandon Fielder Collins and Mott, LLP, pursuant to Section 6.30 of the Texas Property Tax Code and written finding related to said contract, said contract being for the collection of delinquent government receivables owed to the City of Burleson and notice of said contract is posted with the agenda in accordance with Section 2254 of the Texas Government Code. *(Staff Contact: Matt Ribitzki, Sr. Deputy City Attorney/Director of Legal Services)*

STRATEGIC PRIORITY AND GOAL(S):

Strategic Priority	Strategic Goal
High Performing City Organization Providing Exceptional, People Focused Services	1.2 Continue to improve the efficiency and productivity of operations 1.3 Deliver high-quality service and communications to external and internal customers

SUMMARY:

The proposed contract with Perdue Brandon Fielder Collins & Mott, LLP, is brought before the City Council in response to the April 6, 2026, City Council meeting where Council directed staff to retain the services Perdue Brandon Fielder Collins & Mott, LLP.

Proposed Contract

The City of Burleson has contracted with Perdue Brandon Fielder Collins & Mott, LLP, for delinquent property tax collection services since 1989. The proposed contract updates the current contract with Perdue with the following provisions:

1. Term. The current contract with Perdue is an evergreen contract, meaning it has no specific termination date. The term of the proposed contract is three (3) years. The three-year term is consistent with the RFQ put forth by the City in 2025.

2. Collection Fee. The current contract with Perdue allows for a collection percentage of 15%. Under the proposed contract, the collection percentage for tax year 2024 and all prior years remains at 15%, but for tax year 2025 and all subsequent years the collection percentage is 20%. The collection percentage is paid not by the City but by the delinquent taxpayers. The 20% collection fee is consistent with the RFQ put forth by the City in 2025. In 1989, the highest collection rate allowed was 15%; however, in 2001 the state legislature amended the law to allow a collection rate of 20%. The proposed contract allows Perdue to collect the maximum collection fee allowed by law.

3. Business Personal Property Tax. The current contract with Perdue does not allow for collection costs for the early collection of business personal property taxes. The proposed contract allows for this collection cost which will practically allow the City to begin the early collection of business personal property taxes.

4. Termination. Under the current contract, either party may terminate the contract by giving thirty days' notice to the other party, though the firm will have an additional six months to reduce to judgment all tax suits filed prior to termination. Under the proposed contract, during the initial three-year term, the City can terminate essentially after 90 days, though the firm will have an additional six months to reduce to judgment all tax suits filed prior to termination.

Written Findings

In accordance with Chapter 2254 of the Texas Government Code, if the City Council approves the proposed contract with Perdue, the City Council must also approve written findings regarding the contract as follows:

1. There is a substantial need for the legal services specified in the proposed contract with Perdue; and
2. The legal services set forth in the proposed contract with Perdue cannot be adequately performed by the attorneys and supporting personnel of the City of Burleson; and
3. These legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the matter for which these services will be obtained or because the City of Burleson does not have funds to pay the estimated amounts required under a contract providing only for the payment of hourly fees.

City staff believe there are a variety of reasons the above findings are accurate, including the following:

1. There is a substantial need for the legal services specified in the proposed contract with Perdue *because the City needs to collect delinquent ad valorem taxes.*
2. The legal services set forth in the proposed contract with Perdue cannot be adequately performed by the attorneys and supporting personnel of the City of Burleson *because the City currently does not have adequate support staff, computer software/programming, or experience to internally conduct these collection services and acquiring these will result in substantial expense to the City.*
3. These legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the

outcome of the matter, because of the nature of the matter for which these services will be obtained or because the City of Burleson does not have funds to pay the estimated amounts required under a contract providing only for the payment of hourly fees. *This is because the Tax Code allows the assessment of a percentage-based fee to recover the costs of collecting delinquent ad valorem taxes. This percentage-based fee is assessed only against the debtor and not the City or taxpayers of the City. An hourly fee for such work will likely exceed the amount of delinquent ad valorem taxes due. Moreover, the City will bear the cost of these hourly fees and not the debtor, because the Tax Code does not expressly authorize the City to pay for collection services based on an hourly fee.*

City staff prepared written findings consistent with Chapter 2254 to be executed if the City Council approves the contract with Perdue.

Required Notices

City staff prepared and posted the public notices required under Chapter 2254. A copy of the public notice is attached as Exhibit 4.

Recent History of Reviewing Delinquent Tax Collection Services

In 2025, at the direction of the City Manager's Office, the Legal Department, alongside the Purchasing Division, initiated a competitive process to assess the market and confirm the City continues to receive best value for these services. Two highly qualified firms—Linebarger Goggan Blair & Sampson, LLP and Perdue Brandon Fielder Collins & Mott, LLP—submitted proposals. Both firms have extensive experience providing delinquent tax collection services to cities across Texas, with strong references and proven collection performance. Because the evaluation results were exceptionally close and both firms are capable of providing effective services, City staff sought direction from both the Finance Committee and, later, the City Council.

On December 17, 2025, the Finance Committee discussed the issue of selecting a delinquent tax collection firm and requested staff to bring the item to the full City Council without a recommendation from the committee. On January 20, 2026, the City Council discussed the issue as a report and presentation item and heard from both law firms. Ultimately, the City Council directed City staff to secure the services of Linebarger Goggan Blair & Sampson, LLP, for delinquent tax collection services. On March 2, 2026, the City Council discussed the issue and did not take action to begin the process of terminating its contract with Perdue Brandon Fielder Collins & Mott, LLP. At that meeting the City Council directed staff to bring back the item for additional remarks from both vendors before proceeding.

On April 6, 2026, the City Council heard additional remarks from both vendors. Following the presentations from both firms, Council discussed the issue and directed staff to retain the services Perdue Brandon Fielder Collins & Mott, LLP.

RECOMMENDATION:

None.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

On December 17, 2025, the Finance Committee discussed this item and requested staff to bring the item to the full City Council without a recommendation from the committee.

On January 20, 2026, the City Council discussed its delinquent tax collection services during a report and presentation item and heard from both Perdue Brandon Fielder Collins & Mott, LLP, and Linebarger Goggan Blair & Sampson, LLP.

On March 2, 2026, the City Council discussed the issue and did not take action to begin the process of terminating its contract with Perdue Brandon Fielder Collins & Mott, LLP. At that meeting the City Council directed staff to bring back the item for additional remarks from both vendors before proceeding.

On April 6, 2026, the City Council heard additional remarks from both vendors. Following the presentations from both firms, Council discussed the issue and directed staff to retain the services Perdue Brandon Fielder Collins & Mott, LLP.

REFERENCE:

None.

FISCAL IMPACT:

None.

STAFF CONTACT:

Matt Ribitzki
Sr. Deputy City Attorney/Director of Legal Services
mribitzki@burlesontx.com
817-426-9664

Delinquent Property Tax Collection Services

CITY COUNCIL

MAY 4, 2026

Delinquent Tax Collection Services

History of Delinquent Tax Collection Services

Delinquent Tax Collection Services

- The City of Burleson has contracted with Perdue Brandon Fielder Collins & Mott, LLP for delinquent property tax collection services since 1989.
- In July of 2025, a City Council member requested the City Manager bring the City's delinquent property tax collection services to the City Council for review.
- In preparation for the City Council review, City staff released RFQ 2025-002, Delinquent Tax Collection Services, which was posted to the City's Bonfire e-Procurement portal on August 17, 2025 and closed September 11, 2025.
- Two highly qualified firms submitted Statements of Qualifications responsive to RFQ 2025-002, Perdue Brandon Fielder Collins & Mott, LLP, and Linebarger Goggan Blair & Sampson, LLP.
- The RFQ evaluation results from the City staff evaluation committee were exceptionally close.
- City staff sought direction from both the Finance Committee and, later, the City Council.

Delinquent Tax Collection Services

- On December 17, 2025, the Finance Committee discussed the issue of selecting a delinquent tax collection firm and requested staff to bring the item to the full City Council without a recommendation from the committee.
- On January 20, 2026, the City Council discussed the issue as a report and presentation item and heard from both law firms.
- At the January 20th meeting, the City Council directed City staff to bring back future agenda items to terminate the contract with Perdue and to secure the services of Linebarger for delinquent tax collection services.
- On March 2, 2026, the City Council discussed the issue and did not take action to begin the process of terminating its contract with Perdue Brandon Fielder Collins & Mott, LLP. At that meeting the City Council directed staff to bring back the item for additional remarks from both vendors before determining how to proceed.
- On April 6, 2026, the City Council heard a presentation from both firms and directed City staff to retain the services of Perdue.

Delinquent Tax Collection Services

Proposed Contract with
Perdue Brandon Fielder Collins and Mott, LLP
for Delinquent Tax Collection Services

Delinquent Tax Collection Services

- The City of Burleson has contracted with Perdue Brandon Fielder Collins & Mott, LLP, for delinquent property tax collection services since 1989.
- The proposed contract updates the current contract with Perdue with the following provisions:
  - Term. The current contract with Perdue is an evergreen contract, meaning it has no specific termination date. The term of the proposed contract is three (3) years. The three-year term is consistent with the RFQ put forth by the City in 2025.
  - Collection Fee. The current contract with Perdue allows for a collection percentage of 15%. Under the proposed contract, the collection percentage for tax year 2024 and all prior years remains at 15%, but for tax year 2025 and all subsequent years the collection percentage is 20%. The collection percentage is paid not by the City but by the delinquent taxpayers. The 20% collection fee is consistent with the RFQ put forth by the City in 2025. In 1989, the highest collection rate allowed was 15%; however, in 2001 the state legislature amended the law to allow a collection rate of 20%. The proposed contract allows Perdue to collect the maximum collection fee allowed by law.
  - Business Personal Property Tax. The current contract with Perdue does not allow for collection costs for the early collection of business personal property taxes. The proposed contract allows for this collection cost which will practically allow the City to begin the early collection of business personal property taxes.
  - Termination. Under the current contract, either party may terminate the contract by giving thirty days' notice to the other party, though the firm will have an additional six months to reduce to judgment all tax suits filed prior to termination. Under the proposed contract, during the initial three year term, the City can terminate essentially after 90 days, though the firm will have an additional six months to reduce to judgment all tax suits filed prior to termination.

Delinquent Tax Collection Services

Written Findings as to the Contract with
Perdue Brandon Fielder Collins and Mott, LLP
for Delinquent Tax Collection Services

Delinquent Tax Collection Services

- In accordance with Chapter 2254 of the Texas Government Code, if the City Council approves the proposed contract with Perdue, the City Council must also approve written findings regarding the contract as follows:
  1. There is a substantial need for the legal services specified in the proposed contract with Perdue; and
     - *This is because the City needs to collect delinquent ad valorem taxes.*
  2. The legal services set forth in the proposed contract with Perdue cannot be adequately performed by the attorneys and supporting personnel of the City of Burleson; and
     - *This is because the City currently does not have adequate support staff, computer software/programming, or experience to internally conduct these collection services and acquiring these will result in substantial expense to the City.*
  3. These legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the matter for which these services will be obtained or because the City of Burleson does not have funds to pay the estimated amounts required under a contract providing only for the payment of hourly fees.
     - *This is because the Tax Code allows the assessment of a percentage-based fee to recover the costs of collecting delinquent ad valorem taxes. This percentage-based fee is assessed only against the debtor and not the City or taxpayers of the City. An hourly fee for such work will likely exceed the amount of delinquent ad valorem taxes due. Moreover, the City will bear the cost of these hourly fees and not the debtor, because the Tax Code does not expressly authorize the City to pay for collection services based on an hourly fee.*
- City staff prepared written findings consistent with the requirements under Chapter 2254.
- City staff also prepared and posted the required public notices under Chapter 2254.

Action Item

Consider and take possible action to approve a contingent fee contract with Perdue Brandon Fielder Collins and Mott, LLP, pursuant to Section 6.30 of the Texas Property Tax Code and written finding related to said contract, said contract being for the collection of delinquent government receivables owed to the City of Burleson and notice of said contract was posted with the agenda in accordance with Section 2254 of the Texas Government Code.

- Staff Recommendation: None.

Questions or Comments

NOTICE PURSUANT TO GOVERNMENT CODE SEC. 2254.1036

WHEREAS, the City of Burleson ("City"), will consider entering into a contingent fee contract with the law firm of Perdue Brandon Fielder Collins & Mott, L.L.P. ("Firm") and hereby posts this notice pursuant to Sec. 2254.1036 of the Government Code.

WHEREAS, this notice shall be posted before or at the time of giving the written notice required by Government Code Sec. 551.041 for a meeting described by Sec. 2254.1036(a)(2) of the Government Code and shall announce the following:

A. The City is pursuing a contract with the Firm for the collection of delinquent ad valorem taxes owed to the City and through this contract the City seeks to increase recovery of its delinquent debts in as expeditious a manner as possible. GOVT. CODE § 2254.1036(a)(1)(A).

B. The City believes the Firm has the competency, qualifications, and experience necessary to fulfill this contract. GOVT. CODE § 2254.1036(a)(1)(B). The Firm has collected delinquent government receivables for over 50 years, including the collection of delinquent ad valorem taxes. The Firm currently has 15 primary offices and multiple satellite offices throughout Texas, Oklahoma and Florida. It employs more than 350 individuals, including over 60 attorneys. It uses a multi-office, fully integrated team approach allowing the City access to all its offices and resources. Its collection team consists of long-term Firm employees, including attorneys, call center associates, paralegals, law clerks, legal secretaries, collection support personnel and information technology experts. The Firm utilizes proprietary collection software that can be tailored to meet any special need the City may have. This proprietary software also automates many aspects of the collection process, such as: account/debtor research, mailings and phone calls, return mail and address updates, payment notification and processing and workflow.

C. The nature of any relationship between the City and the Firm is as follows. GOVT. CODE § 2254.1036(a)(1)(C).

The Firm has represented the City since 1989 for delinquent ad valorem tax collection. The Firm previously represented the City for fine/fee collections.

D. The City is unable to collect its delinquent ad valorem taxes. GOVT. CODE § 2254.1036(a)(1)(D). The City currently does not have adequate support staff, computer software/programming, or experience to internally conduct these collection services and acquiring these will result in substantial expense to the City.

E. These collection services cannot be provided for an hourly fee. GOVT. CODE § 2254.1036(a)(1)(E). The Tax Code allows the assessment of a percentage-based fee to recover the costs of collecting delinquent ad valorem taxes. This percentage-based fee is assessed only against the debtor and not the City or taxpayers of the City. The collection of delinquent ad valorem taxes is a high-volume practice, requiring a significant amount of research, mailing, and handling of outbound/inbound calls. An hourly fee for such work will likely exceed the amount of delinquent ad valorem taxes due. Moreover, the City will bear the cost of these hourly fees and not the debtor, because the Tax Code does not expressly authorize the City to pay for collection services based on an hourly fee.

F. The City believes this contingent fee contract is in its best interest. GOVT. CODE § 2254.1036(a)(1)(F). Under the contingent fee contract, the Firm will be paid the amount of the percentage-based collection fee, regardless of the number of hours the Firm spends researching, contacting and mailing to collect the delinquent debt. Additionally, the percentage-based collection penalty is a pass-through expense to the debtor and not an expense to the City or taxpayers in the City.

Executed this the ____ day of _____, 2026.

_____

On Behalf of the City of Burleson

Johnson/Tarrant County, Texas

City Council Regular Meeting

DEPARTMENT: **Legal**

FROM: **Matt Ribitzki, Sr. Deputy City Attorney/Director of Legal Services**

MEETING: **May 4, 2026**

SUBJECT:

Consider and take possible action on a resolution authorizing an additional penalty on delinquent taxes for Tax Year 2026 and subsequent tax years as provided by Section 33.11, Texas Tax Code, in the amount of 20% of the delinquent tax, penalty, and interest if the tax becomes delinquent on or after February 1 of a year and remains delinquent on the 60th day thereafter. *(Staff Contact: Matt Ribitzki, Sr. Deputy City Attorney/Director of Legal Services)*

STRATEGIC PRIORITY AND GOAL(S):

Strategic Priority	Strategic Goal
High Performing City Organization Providing Exceptional, People Focused Services	1.2 Continue to improve the efficiency and productivity of operations 1.3 Deliver high-quality service and communications to external and internal customers

SUMMARY:

In order to begin the early collection of business personal property taxes, the City Council must take official action. Currently, delinquent taxes on personal property are not turned over to the City's delinquent tax collection firm until July 1 of a year. In the proposed resolution, pursuant to Section 33.11 of the Texas Tax Code, the City Council moves up the collection date for delinquent personal property taxes from July 1st to 60 days after February 1st. The proposed resolution authorizes an additional penalty of 20% of the delinquent tax, penalty, and interest to defray the expense in collection the tax. The early collection and additional penalty only apply if the City has contracted with an attorney for delinquent tax collection services under Section 6.30 of the Texas Tax Code, and the City's proposed contract with the Perdue law firm is such a contract.

In the end, City staff believe moving up the collection date of delinquent taxes on personal property is advantageous for the City because personal property taxes can be harder to collect than real property taxes since personal property can be moved or sold.

RECOMMENDATION:

None.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

None.

REFERENCE:

None.

FISCAL IMPACT:

None.

STAFF CONTACT:

Matt Ribitzki
Sr. Deputy City Attorney/Director of Legal Services
mribitzki@burlesontx.com
817-426-9664

Early Turnover of Delinquent Personal Property Taxes

CITY COUNCIL

MAY 4, 2026

Early Turnover of Delinquent Personal Property Taxes

- Currently, delinquent taxes on personal property are not turned over to the City's delinquent tax collection firm until July 1 of a year.
- Section 33.11 of the Texas Tax Code allows the City Council to take action to authorize the turnover of delinquent personal property taxes sooner than July 1st.
- In the proposed resolution the City Council moves up the collection date for delinquent personal property taxes from July 1st to 60 days after February 1st.
- The proposed resolution authorizes an additional penalty of 20% of the delinquent tax, penalty, and interest to defray the expense collecting the delinquent taxes.
- The additional penalty is allowed under law only if the City has contracted with an attorney for delinquent tax collection services under Section 6.30 of the Texas Tax Code, and the City's proposed contract with the Perdue law firm is such a contract.
- In the end, moving up the collection date of delinquent taxes on personal property can be advantageous for the City because personal property taxes can be harder to collect than real property taxes since personal property can be moved or sold.

Action Item

Consider and take possible action on a resolution authorizing an additional penalty on delinquent taxes for Tax Year 2026 and subsequent tax years as provided by Section 33.11, Texas Tax Code, in the amount of 20% of the delinquent tax, penalty, and interest if the tax becomes delinquent on or after February 1 of a year and remains delinquent on the 60th day thereafter.

- Staff Recommendation: None.

Questions or Comments

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, AUTHORIZING AN ADDITIONAL PENALTY ON DELINQUENT TAXES FOR TAX YEAR 2026 AND SUBSEQUENT YEARS AS PROVIDED BY SECTION 33.11, TEXAS TAX CODE, IN THE AMOUNT OF 20% OF THE DELINQUENT TAX, PENALTY, AND INTEREST IF THE TAX BECOMES DELINQUENT ON OR AFTER FEBRUARY 1 OF A YEAR AND REMAINS DELINQUENT ON THE 60th DAY THEREAFTER.

WHEREAS, the City of Burleson, Texas ("City"), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City wishes to defray its costs of collection, as authorized by TEX. TAX CODE § 33.11, that it incurs under a contract for collection of delinquent property taxes between said City and a private law firm entered into pursuant to TEX. TAX CODE §6.30; and

WHEREAS, under said Section 33.11, the governing body of the City is empowered to authorize the addition of a collection penalty in an amount that does not exceed the amount of the compensation specified in the contract with the private law firm.

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

Section 1.

The recitals set forth herein are true and correct.

Section 2.

An additional penalty on delinquent taxes for Tax Year 2026 and subsequent years is hereby authorized and imposed, as provided by Section 33.11, Texas Tax Code, in the amount of 20% of the delinquent tax, penalty, and interest if the tax becomes delinquent on or after February 1 of a year and remains delinquent on the 60th day thereafter.

Section 3.

This resolution shall take effect immediately from and after its passage.

PASSED, APPROVED, AND SO RESOLVED by the City Council of the City of Burleson, Texas, on the _____ day of _____, 20_____.

_____
Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

Amanda Campos, City Secretary

APPROVED AS TO LEGAL FORM:

E. Allen Taylor, Jr., City Attorney

City Council Regular Meeting

DEPARTMENT: **Development Services**

FROM: **Tony D. McIlwain, Director**

MEETING: **May 4, 2026**

SUBJECT:

Consider and take possible action on an ordinance amending Section 50, “Definitions,” of Article II of Appendix B, “Zoning,” of the Code of Ordinances by amending the definition of Home Occupation by adding a new definition of No-Impact Home Based Business in accordance with State law. *(Final Reading) (Staff Contact: Tony D. McIlwain, Development Services Director)*

STRATEGIC PRIORITY AND GOAL(S):

Strategic Priority	Strategic Goal
Dynamic & Preferred City Through Managed Growth	2.2 Promote sustainable residential and commercial development through strategic and long-term planning; providing business – friendly environment; continuing efficient development review process; and enhancing partnership with the development community.

SUMMARY:

House Bill (HB) 2464, adopted by the 89th Texas Legislature, amends the Texas Local Government Code to limit how municipalities may regulate certain home-based businesses. The bill aims to reduce "red tape" for entrepreneurs, allowing for easier, lower-cost home-based business operations without needing government permission.

Effective September 1, 2025, the law prohibits cities from requiring rezoning, special permits, or restrictive parking or occupancy standards for a home-based business that qualifies as a “no-impact home-based business,” meaning it does not create additional traffic, noise, or visual impacts beyond typical residential use. The law does not apply to businesses that sell alcohol/illegal drugs, operate as sexually oriented businesses, or violate local noise ordinances. It also does not override private HOA deed restrictions.

The current home occupation regulations of the City of Burleson do not fully comply with this state law. The proposed ordinance amendment would allow home-based businesses that meet the

statutory definition of a “no-impact home-based business” and bring the City’s regulations into compliance with state requirements.

RECOMMENDATION:

Staff recommends approval of the ordinance amendment.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

March 24, 2026: The Planning and Zoning Commission conducted a public hearing and unanimously recommended approval of the ordinance.

April 20, 2026: The City Council conducted a public hearing on the first reading of the ordinance.

REFERENCE:

Texas Constitution and Statutes

FISCAL IMPACT:

None

STAFF CONTACT:

Tony D. McIlwain, AICP,CFM
Development Services Director
tmcilwain@burlesontx.com
817-426-9684

Ordinance Amendment:
Home Occupation/No-Impact Home Based Business

PRESENTED TO CITY COUNCIL– 5.4.26

TONY D. MCILWAIN, AICP, CFM

DEVELOPMENT SERVICES DIRECTOR

BACKGROUND

- House Bill (HB) 2464, adopted by the 89th Texas Legislature, amends the Texas Local Government Code to limit how municipalities may regulate certain home-based businesses.
- The bill aims to reduce "red tape" for entrepreneurs, allowing for easier, lower-cost home-based business operations without needing government permission.
- Effective September 1, 2025, the law prohibits cities from requiring rezoning, special permits, or restrictive parking or occupancy standards for a home-based business that qualifies as a “no-impact home-based business,” meaning it does not create additional traffic, noise, or visual impacts beyond typical residential use.
- The law does not apply to businesses that sell alcohol/illegal drugs, operate as sexually oriented businesses, or violate local noise ordinances. It also does not override private HOA deed restrictions.

PURPOSE

- The current home occupation regulations of the City of Burleson do not fully comply with this state law.
- The proposed ordinance amendment would allow home-based businesses that meet the statutory definition of a “no-impact home-based business” and bring the City’s regulations into compliance with state requirements.
- Specifically, the proposed ordinance adds a new subsection 10 to the definition of **Home Occupation** to read as follows:

“(10) A home occupation that falls under the definition of a No-Impact Home Based Business shall be permitted.”

PURPOSE

➢Additionally, the following definition of **No-Impact Home Based Business** is added:

An occupation conducted in a dwelling unit that:

1) Has at any time on the property where the business is operated a total number of employees and clients or patrons of the business that does not exceed the municipal occupancy limit for the property;

2) Does not generate on-street parking or a substantial increase in traffic through the area;

3) Operates in a manner in which none of its activities are visible from a street; and

4) Does not substantially increase noise in the area or violate the city's noise ordinance.

This definition does not include the sell of alcohol or illegal drugs, structured sober living homes, sexually oriented businesses, or short-term rentals."

Recommendation

- The Planning and Zoning Commission conducted a public hearing and unanimously recommended approval of the ordinance.

- Staff recommends approval of the ordinance amendment.

Questions / Comments

Tony D. McIlwain
Development Services Director
tmcilwain@burlesontx.com
817.426.9684

ORDINANCE

AN ORDINANCE FOR THE CITY OF BURLESON, TEXAS, AMENDING SECTION 50, "DEFINITIONS," OF ARTICLE II, "DEFINITIONS," OF APPENDIX B, "ZONING," OF THE CODE OF ORDINANCES, CITY OF BURLESON, TEXAS, BY AMENDING THE DEFINITION OF HOME OCCUPATION AND BY ADDING A NEW DEFINITION OF NO-IMPACT HOME BASED BUSINESS IN ACCORDANCE WITH STATE LAW; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas, (the "City") is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Texas House Bill 2464, adopted during the 2025 legislative session, limits city authority to regulate no-impact home-based businesses; and

WHEREAS, the City Council desires to amend the City's regulations on home occupations that do not comply with state law; and

WHEREAS, the City Council of the City of Burleson has adopted Ordinance B-582 (A0508), being Appendix B - Zoning Ordinance, Code Of Ordinances, City of Burleson, which establishes zoning regulations and districts in accordance with the City's comprehensive land use plan in order to promote health, safety, morals and the general welfare within the City of Burleson; and

WHEREAS, the City Council finds that this ordinance is a "proposed comprehensive zoning change" in that it will adopt a new zoning code that will apply to the entire municipality by amending the current Zoning Ordinance by adopting a new zoning classification district; and

WHEREAS, the City Council finds that the Planning and Zoning Commission of Burleson, Texas, held a public hearing, notice for said hearing having been given not less than ten (10) days before the date set for the hearing by publication in the Fort Worth Star Telegram, Fort Worth, Texas, a newspaper of general circulation in such municipality, and voted **9** to **0** to recommend approval to the City Council of Burleson, Texas, that the ordinance be approved; and

WHEREAS, the City Council finds that the City Council held a public hearing, said notice was given of the further public hearing to consider the advisability of amending the Zoning Ordinance as recommended by the Planning and Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, such notice of the time and place of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the Fort Worth Star Telegram, Fort Worth, Texas, a newspaper of general circulation in such municipality, and by posting such notice to the City's Internet website; and

WHEREAS, the City Council finds that the City has complied with the notification requirements of the Texas Local Government Code and the Burleson Zoning Ordinance; and

WHEREAS, the City Council finds that all citizens and parties at interest have been given an opportunity to be heard on all the matter of the proposed zoning amendment and the City Council of the City of Burleson, Texas, have found and determined that this amendatory Ordinance should be enacted since its provisions are in the public interest and will promote the health, safety and welfare of the community; and

WHEREAS, pursuant to Section 2-4(b) of the Code of Ordinances, City of Burleson, Texas, the City Council must consider and approve ordinance amendments at two separate sessions of the City Council unless an exception applies, and no such exception applies to amendments of the City's zoning ordinance.

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

SECTION 1.

Section 50, "Definitions," of Article II, "Definitions," of Appendix B, "Zoning," of the Code of Ordinances, City of Burleson, Texas, is hereby amended by adding Subsection 10 to the definition of Home Occupation to read as follows:

"(10) A home occupation that falls under the definition of a No-Impact Home Based Business shall be permitted."

SECTION 2.

Section 50, "Definitions," of Article II, "Definitions," of Appendix B, "Zoning," of the Code of Ordinances, City of Burleson, Texas, is hereby amended by adding a new definition of No-Impact Home Based Business to read as follows:

"**NO-IMPACT HOME BASED BUSINESS**

An occupation conducted in a dwelling unit that:

(1) Has at any time on the property where the business is operated a total number of employees and clients or patrons of the business that does not exceed the municipal occupancy limit for the property;

(2) Does not generate on-street parking or a substantial increase in traffic through the area;

(3) Operates in a manner in which none of its activities are visible from a street; and

(4) Does not substantially increase noise in the area or violate the city's noise ordinance.

This definition does not include the sell of alcohol or illegal drugs, structured sober living homes, sexually oriented businesses, or short-term rentals."

SECTION 3.

This Ordinance shall be cumulative of all provisions of the City, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 5.

This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

AND IT SO ORDAINED.

PASSED AND APPROVED: the _____ day of _____, 20_____.

First Reading: the _____ day of _____, 20_____.

Final Reading: the _____ day of _____, 20_____.

_____
Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

_____
Amanda Campos, City Secretary

APPROVED AS TO FORM & LEGALITY:

_____
E. Allen Taylor, Jr., City Attorney

City Council Regular Meeting

DEPARTMENT: **Development Services**

FROM: **Tony D. McIlwain, Development Services Director**

MEETING: **May 4, 2026**

SUBJECT:

Consider and take possible action on an ordinance amending the City's zoning ordinance codified in Appendix B of the City of Burleson Code of Ordinances relating to a Heavy & High Energy industrial district. *(Final Reading) (Staff Contact: Tony D. McIlwain, Development Services Director)*

STRATEGIC PRIORITY AND GOAL(S):

Strategic Priority	Strategic Goal
Dynamic & Preferred City Through Managed Growth	2.2 Promote sustainable residential and commercial development through strategic and long-term planning.

SUMMARY:

The proposed HI, Heavy & High Energy industrial district is established to accommodate industrial development, which represents a type of economic development appropriate for the diversification of the employment base of the city. The range of industry which may be classified as industrial is rapidly expanding as a result of developments in modern technology. To take full advantage of new industrial potential for clean compatible types of industry, performance standards are specified covering noise, smoke, and particulate matter, other air contaminants, hazardous materials, fire and explosive hazard, glare, and vibration.

This zoning district also incorporates certain businesses, with operations and facilities that may create energy, or require high energy consumption compared to other businesses in other districts, and, if not properly regulated, may create high-noise levels and other negative impacts

The ordinance contains “by-right” primary land use categories as well as categories requiring approval of a specific use permit (SUP) and site plan. The city council shall consider whether additional landscaping, buffering, screening, noise and glare mitigation, or other general

performance standards are required to mitigate noise and/or visual impacts to the community and surrounding neighborhood and properties. Additionally, there is a buffer requirement that is specific to high energy uses.

RECOMMENDATION:

Staff recommends approval of the ordinance.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

January 20, 2026: Staff provided a briefing to the Council on data centers. Staff received direction to begin drafting a Heavy Industrial Zoning District to account for high energy uses.

February 24, 2026: Staff provided a briefing to the Planning and Zoning Commission on data centers.

March 24, 2026: The Planning and Zoning Commission conducted a public hearing and recommended approval of the ordinance.

April 20, 2026: The City Council conducted a public hearing of the first reading of the ordinance.

REFERENCE:

Insert CSO# if applicable
Insert resolution or ordinance change

FISCAL IMPACT:

Proposed Expenditure/Revenue: n/a
Account Number(s): n/a
Fund: n/a
Account Description: n/a
Procurement Method: n/a

STAFF CONTACT:

Tony D. McIlwain, AICP, CFM
Development Services Director
tmcilwain@burlesontx.com
817-426-9684

Heavy & High Energy Industrial District

PRESENTED TO CITY COUNCIL– 5.4.26

TONY D. MCILWAIN, AICP, CFM

DEVELOPMENT SERVICES DIRECTOR

Purpose

- Staff previously briefed the Commission on data centers and Council's direction to implement a new zoning category to account for high energy uses.
- The proposed Heavy & High Energy industrial district (HI) is to incorporate certain businesses, with operations and facilities that may create energy, or require high energy consumption compared to other businesses in other districts, and, if not properly regulated, may create high-noise levels and other negative impacts.
- Performance standards are specified covering noise, smoke, and particulate matter, other air contaminants, hazardous materials, fire and explosive hazard, glare, and vibration.

PRIMARY USE CATEGORIES (“BY RIGHT”)

Aviation and Passage Terminals	Basic Utilities	Commercial Parking	Heavy Industrial Services
Light Industrial Services	Manufacturing and Production	Office	Quick Vehicle Services
Radio Frequency Transmission Facilities	Rail Lines and Utility Corridors	Religious Institutions	Retail Sales and Services
Self Service Storage	Vehicle Repairs	Warehouse and Freight Movement	Wholesales Sales

SPECIFIC USE PERMIT (SUP) CATEGORIES

Detention Facilities	Mining	Sexually Oriented Businesses	Waste Related Collection, Transfer or Disposal Facilities
Coal Power Plant	Data Centers	Electrical Power Plant	Geothermal Power Plant
Hydro/Hydro-Electric Power Plant	Natural Gas Plant	Nuclear Power Plant	Solar Panel Field (Electric Fields)
Thermal Power Plant	Wind Farms		

SITE PLAN REQUIREMENT AND BUFFER

- Any use requiring approval of a SUP also requires approval of a site plan. The city council shall consider whether additional landscaping, buffering, screening, noise and glare mitigation, or other general performance standards are required to mitigate noise and/or visual impacts to the community and surrounding neighborhood and properties.
- Additionally, the closest portion of any building or other structure requiring approval of a specific use permit shall be two hundred (200) feet from the nearest boundary of any district allowing residential uses and one hundred (100) feet from the nearest boundary of any retail or commercial zoning district.

Recommendation

- The Planning and Zoning Commission conducted a public hearing and recommended approval of the ordinance by a vote of 8 to 1, with the following revisions:

(j) Buffer: The closest portion of any building, vertical subordinate equipment, or other structure requiring approval of a specific use permit shall be five hundred (500) feet from the nearest boundary of any district allowing residential uses and two hundred and fifty (250) feet from the nearest boundary of any retail or commercial zoning district.

- Staff recommends approval of the ordinance.

Questions / Comments

Tony D. McIlwain
Development Services Director
tmcilwain@burlesontx.com
817.426.9684

ORDINANCE

AN ORDINANCE AMENDING APPENDIX B ZONING, OF THE CITY OF BURLESON, TEXAS CODE OF ORDINANCES BY ADDING A HEAVY AND HIGH ENERGY INDUSTRIAL DISTRICT; PROVIDING FOR THE INCORPORATION OF THE RECITALS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE CODICIATION INTO THE CODE OF ORDINANCES; FINDING THAT MEETINGS AT WHICH THIS ORDINANCE WERE PASSED COMPLIED WITH LAW; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas ("City"), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Burleson has adopted Ordinance B-582 (A0508), being Appendix B - Zoning Ordinance, Code Of Ordinances, City of Burleson, which establishes zoning regulations and districts in accordance with the City's comprehensive land use plan in order to promote health, safety, morals and the general welfare within the City of Burleson; and

WHEREAS, the City Council finds that this ordinance is a "proposed comprehensive zoning change" in that it will adopt a new zoning code that will apply to the entire municipality by amending the current Zoning Ordinance by adopting a new zoning classification district; and

WHEREAS, the City Council finds that the Planning and Zoning Commission of Burleson, Texas, held a public hearing, notice for said hearing having been given not less than ten (10) days before the date set for the hearing by publication in the Fort Worth Star Telegram, Fort Worth, Texas, a newspaper of general circulation in such municipality, and voted **8** to **1** to recommend approval to the City Council of Burleson, Texas, that the ordinance be approved; and

WHEREAS, the City Council finds that the City Council held a public hearing, said notice was given of the further public hearing to consider the advisability of amending the Zoning Ordinance as recommended by the Planning and Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, such notice of the time and place of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the Fort Worth Star Telegram, Fort Worth, Texas, a newspaper of general circulation in such municipality, and by posting such notice to the City's Internet website; and

WHEREAS, the City Council finds that the City has complied with the notification requirements of the Texas Local Government Code and the Burleson Zoning Ordinance; and

WHEREAS, the City Council finds that all citizens and parties at interest have been given an opportunity to be heard on all the matter of the proposed zoning amendment and the City Council of the City of Burleson, Texas, have found and determined that this amendatory Ordinance should

be enacted since its provisions are in the public interest and will promote the health, safety and welfare of the community.

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

Section 1.

Article III, "Zoning Districts," of Appendix B, "Zoning," of the Code of Ordinances, City of Burleson, Texas, is hereby amended by adding Section 80, "HI, heavy and high energy industrial district" to read as follows:

"**Section 80. HI, heavy and high energy industrial district.**

80-100. Purpose. The HI, heavy and high energy industrial district is established to accommodate industrial development, which represents a type of economic development appropriate for the diversification of the employment base of the city. The range of industry which may be classified as industrial is rapidly expanding as a result of developments in modern technology. To take full advantage of new industrial potential for clean compatible types of industry, performance standards are specified covering noise, smoke, and particulate matter, other air contaminants, hazardous materials, fire and explosive hazard, glare, and vibration. This zoning district also incorporates certain businesses, with operations and facilities that may create energy, or require high energy consumption compared to other businesses in other districts, and, if not properly regulated, may create high-noise levels and other negative impacts. To limit the cumulative impact that these businesses may have on the City, the City has determined that such businesses shall only be permitted within the boundaries of this District. The City will impose conditions on businesses to mitigate impacts from high energy consumption and other environmental impacts that may result from these businesses.

80-105. Primary uses allowed. In the HI, heavy and high energy industrial district no building or land shall be used and no building constructed, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:

(a) Primary uses allowed:
Aviation and Passage Terminals
Basic Utilities
Commercial Parking
Heavy Industrial Services
Light Industrial Services
Manufacturing and Production
Office
Quick Vehicle Services
Radio Frequency Transmission Facilities
Rail Lines and Utility Corridors
Religious Institutions
Retail Sales and Services
Self Service Storage

Vehicle Repairs
Warehouse and Freight Movement
Wholesales Sales

80-110. Specific use permit. See section 130, specific use permit. Unless otherwise stated, the following uses require a site plan meeting the requirements of section 131, site plan regulations, and a public hearing is required before a recommendation is made by the planning and zoning commission and action is taken by the city council. In addition, the following minimum conditions must be met. Such conditions may not be construed as conditions precedent to the granting of the specific use permit.

The city council shall consider whether additional landscaping, buffering, screening, noise and glare mitigation, or other general performance standards are required to mitigate noise and/or visual impacts to the community and surrounding neighborhood and properties. Noise barriers shall use sound absorbing, rather than reflective, materials.

(a) Uses allowed with a specific use permit:

Detention Facilities
Mining
Sexually oriented businesses
Waste related collection, transfer or disposal facilities
High Energy Industrial (as listed below):

1. Coal power plant
2. Data centers (greater than 20,000 sq feet or 20 MW of electricity)
3. Electrical power plant
4. Geothermal power plant
5. Hydro/hydro-electric power plant
6. Natural gas plant
7. Nuclear power plant
8. Solar panel field (Electric fields)
9. Thermal power plant
10. Wind farm

80-115. Height requirements. No building shall exceed two stories or 35 feet except as permitted by section 133, special height requirements.

80-120. Development regulations. In the HI, heavy and high energy industrial district, the following regulations apply to all uses.

(a) Lot size: None.
(b) Depth of front yard: 40 feet minimum.
(c) Depth of rear yard adjacent to commercial or industrial districts: 40 feet minimum.
(d) Depth of rear yard adjacent to residential districts whether separated by an alley or not: 50 feet minimum.
(e) Width of side yard adjacent to commercial or industrial districts: 20 feet minimum.
(f) Width of side yard adjacent to residential district whether separated by an alley or not: 25 feet minimum.
(g) Width of side yard adjacent to side street: 20 feet minimum.
(h) Width of lot: None.

(i) Depth of lot: None.
(j) Buffer: The closest portion of any building or other structure requiring approval of a specific use permit shall be two hundred (200) feet from the nearest boundary of any district allowing residential uses and one hundred (100) feet from the nearest boundary of any retail or commercial zoning district.
(k) Location criteria for sexually oriented businesses: See Chapter 14, Sections 14-473 and 14-474, Burleson Code of Ordinances.

80-125. Landscaping. Landscaping shall be in compliance with [chapter 86 of the Burleson Code of Ordinances].

80-130. Parking. Parking shall be in compliance with section 134, vehicle parking regulations.

80-135. Off-street loading. Off-street loading shall be in compliance with section 135, off-street loading regulations.

80-140. General performance standards HI, heavy and high energy industrial district. All uses in the HI, heavy and high energy industrial district shall conform in operation, location and construction to the performance standards for noise, odorous matter, toxic and noxious matter, glare, smoke, particulate matter and other air contaminants, fire and explosive or hazardous matter, vibration, open storage and glare as contained in this section.
(a) *Smoke.* The requirements of the state law and regulations.
(b) *Particulate matter.* The requirements of the state law and regulations.
(c) *Odor.* No operation shall permit odors to be released which are detectable at the property line and which offensively affect the sense of smell.
(d) *Toxic material.* The emission of toxic and noxious materials shall not produce concentrations exceeding ten percent of threshold limit values for toxic materials in industry as set forth in "Threshold Limit Values" for the current year as adopted at the annual meeting of the American Conference of Governmental Industrial Hygienists, at a zone boundary line.
(e) *Glare.* All artificial light sources shall be shielded so as to prevent direct rays of light from crossing a zoning district boundary line.
(f) *Vibration.* Any industrial operation or activity which shall cause at any time and at any point along the nearest adjacent property line, earth born vibrations in excess of the limits set forth in the table below are prohibited. Vibrations shall be expressed as resultant displacement in inches.

Frequency	Maximum Displacement
(Cycles per Second)	(Inches)
Below 10	0.0008
10-20	0.0005
20-30	0.0002
30-40	0.0002
40 and over	0.0001

This tabulation is for steady state vibration; this is defined as continuous vibration in contrast to discrete pulses. Impact vibration, that is, discrete pulses which do not exceed 100 pulses per minute, must not produce in excess of twice (two times) the displacement stipulated above.

(g) *Noise.* At no point, either on the boundary of the zone or at 125 feet from the property line of the plant or operation, whichever distance is greater, shall the sound pressure level of any operation of plant (other than background noises produced by sources not under control of these plant operation such as the operation of motor vehicles or other transportation facilities) exceed the decibel limits in the octave bands designated below:

Octave Band Frequency (Cycles per Second)	Maximum Permitted Sound Level in Decibels Along Residence District Boundaries or 125Feet from Plant or Operation Lot Line
	Light Industrial
0—75	67
75—150	62
150—300	58
300—600	54
600—1,200	49
1,200—2,400	45
2,400—4,800	41
Above 4,800	37

Sound levels shall be measured with a sound-level meter and associated octave band filter, manufactured and calibrated according to standards prescribed by the American Standards Association. Measurements shall be made using the flat or C network of the sound level meter and the fast meter movement of the octave band analyzer.

Impulsive type noises capable of being so measured, which cause rapid fluctuations of the needle of the sound-level meter must have a variation of no more than plus or minus two decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent users.

(h) *Fire hazards.* The storage, use or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted in accordance with applicable city codes and ordinances. The storage, use or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted in accordance with applicable city codes and ordinances provided the following condition is met:

1. Materials or products shall be stored, used or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

2. The storage, use, or manufacture of flammable liquids or gases which produce flammable or explosive vapors, shall be permitted in [accordance] with (exclusive of storage of finished products in original sealed containers) the city's fire code as interpreted by the city fire marshal.

(i) *Water pollution.* No operation or activity shall discharge or cause to be discharged, liquid or solid waste into public waters unless in conformance with the provisions of the state laws and regulations.

(j) *Liquid or solid waste.* No discharge at any point will be allowed into any public sewer, private sewer disposal system."

Section 2.

The findings set forth above in the recitals of this Ordinance are incorporated into the body of this Ordinance as if fully set forth herein.

Section 3.

This ordinance shall be cumulative of all provisions of ordinances of the City of Burleson, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. To the extent that the provisions of the City of Burleson's various development ordinances conflict with this ordinance, the terms of this ordinance shall control.

Section 4.

The terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

Section 5.

Any complaint, notice, notice of violation, action, cause of action, hearing request, appeal, or claim which prior to the effective date of this Ordinance that has been initiated or arisen under or pursuant to any other ordinance(s) shall continue to be governed by the provision of that ordinance or ordinances, and for that purpose that ordinance or ordinances shall be deemed to remain and shall continue in full force and effect.

Section 6.

That it is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become a part of the Code of Ordinances of the City of Burleson, and that the sections of this ordinance may be renumbered or relettered to accomplish such intention.

Section 7.

That it is hereby officially found and determined that the meetings at which this ordinance is passed were open to the public and that public notice of the time, place, and purpose of said meetings were given as required by law.

Section 8.

Any person, firm, association of persons, company, corporation, or their agents, servants, or employees violating or failing to comply with any of the provisions of this article shall be fined, upon conviction, not less than one dollar ($1.00) nor more than two thousand dollars ($2,000.00), and each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative of other remedies provided by State Law, and the power of injunction as provided in V.T.C.A. Local Government Code 54.012 and as may be amended, may be exercised in enforcing this article whether or not there has been a complaint filed.

Section 9.

Pursuant to Section 36 of the Charter of the City of Burleson, that this ordinance shall take effect after its passage and publication, and that the City Secretary is hereby directed to give notice of the passage of this ordinance by causing the captain or title and the penalty clause of this ordinance to be published once in a newspaper of general circulation in the city and on the city's website.

AND IT SO ORDAINED.

PASSED AND APPROVED: the _____ day of _____, 20_____.

First Reading: the _____ day of _____, 20_____.

Final Reading: the _____ day of _____, 20_____.

_____
Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

_____
Amanda Campos, City Secretary

APPROVED AS TO FORM & LEGALITY:

_____
E. Allen Taylor, Jr., City Attorney

THE CITY OF BURLESON TEXAS

Department Memo

City Council Regular Meeting

DEPARTMENT: **City Manager's Office**

FROM: **Janalea Hembree, Assistant to the City Manager**

MEETING: **May 4, 2026**

SUBJECT:

Consider and take possible action of a resolution for the nomination of City of Burleson Council Place 3, Alexa Boedeker to the North Central Texas Council of Governments 2026-2027 Executive Board in the population category of a city with 50,000-100,000. *(Staff Contact: Janalea Hembree, Assistant to the City Manager)*

SUMMARY:

The NCTCOG Executive Board is composed of officers and representatives from member cities and counties, with seats allocated based on population categories as well as at-large positions. Board members must be locally elected officials, and each member government is limited to one representative on the Board at a time, with the exception of the Past President role. Members serve two consecutive one-year terms, and individuals elected to officer positions continue to represent the category for which they were originally selected.

At this time, several city representative positions are open for nomination, including seats for cities with populations of 200,000–350,000, 50,000–100,000, and 20,000–50,000, as well as at-large positions for cities both above and below 50,000 population. The nomination process includes several key milestones, beginning with Council discussion on April 20, followed by approval of a nomination through resolution on May 4. Final nominations must be submitted by May 12, with the election of the 2026–2027 Executive Board taking place at the NCTCOG General Assembly on June 12. A Nominating Committee, chaired by the current Board President and composed of Past Presidents, will review all submissions and recommend a slate of candidates for election.

RECOMMENDATION:

N/A

PRIOR ACTION/INPUT (Council, Boards, Citizens):

04.20.2026 – City Council gave staff direction to submit the nomination of City Council Place 3, Alexa Boedeker.

STAFF CONTACT:

Janalea Hembree
Assistant to the City Manager
jhembree@burlesontx.com
817-426-9299

North Central Texas Council of Governments Nomination

PRESENTED TO THE CITY COUNCIL – MAY 4, 2026

JANALEA HEMBREE, ASSISTANT TO THE CITY MANAGER

NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS

The North Central Texas Council of Governments (NCTCOG) is a voluntary association of, by and for local governments, established to assist in regional planning. NCTCOG's purpose is to strengthen both the individual and collective power of local governments and to help them recognize regional opportunities, eliminate unnecessary duplication, and make joint decisions.

Programs and Departments

- Transportation Planning
- Environment and Development
- Aging and Disability Resources
- Emergency Preparedness
- Demographic Research
- Regional Training
- Criminal Justice
- 911 Emergency Numbers
- A Regional Police Academy
- And More.....

Mission Statement

We are an association of, for, and by local governments. We assist our members in planning for common needs, cooperating for mutual benefit, and recognizing regional opportunities for improving the quality of life in North Central Texas.

EXECUTIVE BOARD

North Central Texas is a 16-county metropolitan region centered around Dallas and Fort Worth. The region has a population of more than 8 million, and an area of approximately 12,800 square miles. NCTCOG has 235 member governments, including all 16 counties, 170 cities, 20 school districts, and 29 special districts.

Executive Board

- Policy-making body for all activities undertaken by NCTCOG
- Program activities and decisions
- Regional plans
- Fiscal and budgetary policies

The Board is supported by policy development, technical advisory, and study committees

GENERAL INFORMATION

Terms & Members

- Two consecutive one-year terms
- Four largest counties and three largest cities (“dedicated seats”) submit their own nominees
- The current Board President rotates to the position of Past President
- An Executive Board member must be a local elected official from a member’s governing body
- If a director is elected to an officer position, that director will continue to represent the category they were originally elected to serve
- No government may have more than one rep on the Board at any given time unless one is Past President

EXECUTIVE BOARD

Officers

- President
- Vice President
- Secretary-Treasurer

Standing Members

- Past President (does not fill a designated seat)
- Member of the Legislature (non-voting, selected by lottery)

At Large Cities

- Population 50,000 – 350,000
- Population <50,000

Counties (6 Seats)

- One from four largest (Dallas, Tarrant, Collin, and Denton)
- Population of 75,000 – 650,000
- Population of <75,000

Cities (10 Seats)

- One from three largest (Dallas, Fort Worth, and Arlington)
- Population 200,000 – 350,000
- Population 100,000 – 200,000
- Population 50,000 – 100,000
- Population 20,000 – 50,000
- Population <20,000

NOMINATIONS

Current Nominations

- A City with 200,000 – 350,000
- A City with 50,000 – 100,000
- A City with 20,000 – 50,000
- At Large City with 50,000 – 350,000
- At Large City with less than 50,000

Council could endorse a nomination of an elected official in any category, but a City of Burleson elected official can only serve in one of the following:

A City with 50,000 – 100,000

At Large City with 50,000 – 350,000

OFFICERS	2025-2026	2026-2027
President	Victoria Johnson, Councilmember, Burleson	Jennifer Justice, Councilmember, Richardson
Vice-President	Jennifer Justice, Councilmember, Richardson	Brandon Huckabee, County Judge, Erath
Secretary / Treasurer	Brandon Huckabee, County Judge, Erath	Open - Officer Must be a Current Board Member

AT LARGE	2025-2026	2026-2027
50,000 – 350,000	TJ Gilmore, Mayor, Lewisville	Open Seat Unless Person Becomes Officer
<50,000	Kameron Raburn, Mayor, Ennis	Open Seat

STANDING MEMBER	2025-2026	2026-2027
Past President	Chris Hill, County Judge, Collin	Victoria Johnson, Councilmember, Burleson

COUNTIES	2025-2026	2026-2027
Largest - Dallas	Clay Jenkins, County Judge, Dallas	Designated
2ND - Tarrant	Tim O'Hare, County Judge, Tarrant	Designated
3RD - Collin	Darrel Hale, Commissioner, Collin	Designated
4TH - Denton	Bobbie Mitchell, Commissioner, Denton	Designated
75,000 – 650,000	Christopher Boedeker, County Judge, Johnson	Christopher Boedeker, County Judge, Johnson
<75,000	Brandon Huckabee, County Judge, Erath (officer)	Brandon Huckabee, County Judge, Erath (officer)

CITIES	2025-2026	2026-2027
Largest - Dallas	Cara Mendelsohn, Councilmember, Dallas	Designated
2ND - Fort Worth	Carlos Flores, Councilmember, Fort Worth	Designated
3RD - Arlington	Bowie Hogg, Councilmember, Arlington	Designated
200,000 – 350,000	Rick Horne, Councilmember, Plano	Open Seat Unless Person Becomes Officer
100,000 – 200,000	Jennifer Justice, Councilmember, Richardson (officer)	Jennifer Justice, Councilmember, Richardson (officer)
50,000 – 100,000	Victoria Johnson, Councilmember, Burleson (officer)	Open Seat
20,000 – 50,000	David Bristol, Mayor, Prosper	Open Seat Unless Person Becomes Officer
<20,000	Gary Hulsey, Mayor, Haslet	Gary Hulsey, Mayor, Haslet

Election of Officers and Directors

The current President will chair a Nominating Committee, consisting of NCTCOG Past Presidents that will review the nominations and recommend a slate of Officers and Directors for election

April 20

- Discuss nomination options

May 4

- Resolution of nomination

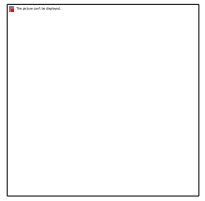
May 12

- Nominations due

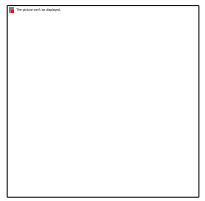
June 12

- 2026-2027 Executive Board will be elected at the annual General Assembly meeting

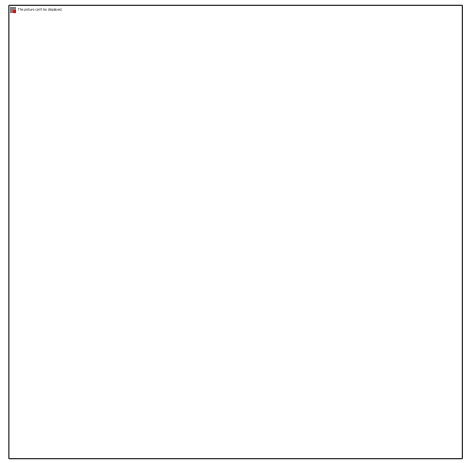
Question / Comments



Approval of a resolution for the nomination of City of Burleson Council Place 3, Alexa Boedeker to the North Central Texas Council of Governments 2026-2027 Executive Board in the population category of a city with 50,000-100,000.



Denial of a resolution for the nomination of City of Burleson Council Place 3, Alexa Boedeker to the North Central Texas Council of Governments 2026-2027 Executive Board in the population category of a city with 50,000-100,000.



Janalea Hembree
Assistant to the City Manager
jhembree@burlesontx.com
817.426.9299

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, AUTHORIZING THE NOMINATION OF CITY OF BURLESON COUNCIL PLACE 3, ALEXA BOEDEKER TO THE EXECUTIVE BOARD OF THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS IN THE POPULATION CATEGORY OF A CITY WITH 50,000 – 100,000.

WHEREAS, the City of Burleson, Texas ("City"), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Officers and Directors for the 2026-2027 Council of Governments' Executive Board will be elected at the annual General Assembly on Friday, June 12, 2026 at the Hurst Conference Center; and

WHEREAS, The City of Burleson believes in enhancing our regional approach and collaboration to make our region more competitive for projects; and

WHEREAS, nominating City of Burleson Council Place 3, Alexa Boedeker could grow representation from our region with the North Central Texas Council of Governments.

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

Section 1.

The City Council hereby approves the nomination of City of Burleson Council Place 3, Alexa Boedeker to the Executive Board of the North Central Texas Council of Governments in the population category of A City with 50,000 – 100,000, and gives the Mayor the authority to fill out the 2026-2027 NCTCOG Executive Board Nomination Form.

Section 2.

This resolution shall take effect immediately from and after its passage.

PASSED, APPROVED, AND SO RESOLVED by the City Council of the City of Burleson, Texas, on the 4th day of May, 2026.

_____
Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

_____
Amanda Campos, City Secretary

APPROVED AS TO LEGAL FORM:

_____
E. Allen Taylor, Jr., City Attorney

NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS

TO: NCTCOG Member Governments **DATE:** April 6, 2026

FROM: Victoria Johnson, President
Councilmember, City of Burleson

SUBJECT: Election of Officers and Directors for 2026-2027 Executive Board

Officers and Directors for the 2026-2027 NCTCOG Executive Board will be elected at the annual General Assembly meeting on Friday, June 12, 2026, at 12:00 p.m. at the Hurst Conference Center. Officials from member governments are invited to submit recommendations for population-based Board positions. I will Chair a Nominating Committee, consisting of NCTCOG Past Presidents, that has been appointed to review the nominations and recommend a slate of Officers and Directors for election at the General Assembly meeting.

Executive Board members representing population-based seats traditionally serve two (2) consecutive one (1) year terms and then rotate off the Board. If, however, a member is nominated and elected to serve as an officer, that person will continue to fill their current population-based seat on the Board. The four (4) largest counties and three (3) largest cities ("dedicated seats") submit their own nominees. The current Board President rotates to the position of *Past President* which does not represent a population category.

We are specifically requesting nominations for the seats representing the following population categories:

- **A City with 200,000 – 350,000**
- **A City with 50,000 – 100,000**
- **A City with 20,000 – 50,000**
- **At Large City with 50,000 – 350,000**
- **At Large City with less than 50,000**

The following items are attached and are also available online for your use and information:

Nomination Form
Executive Board Structure (According to the NCTCOG Bylaws)
Executive Board Open Seats by Population Category
Executive Board Nominating Committee

THE DEADLINE FOR NOMINATIONS IS MAY 12, 2026

You may nominate online using the forms available at www.nctcog.org/nominations or you can return your nomination forms by email to nominations@nctcog.org.

If you have any questions, please contact me or one of the other Nominating Committee members.

2026 – 2027 NCTCOG EXECUTIVE BOARD

NOMINATION FORM

Date: _____

I would like to recommend the following **local elected official** (Mayor, Councilmember, County Judge, County Commissioner) for consideration by the Nominating Committee to serve on NCTCOG's Executive Board.

PRINCIPAL NOMINATOR INFORMATION:	**NOMINEE INFORMATION:**
Name:	Nominee Name:
Title:	Nominee Title:
Local Government Represented:	Nominee Local Government Represented: Nominee Population:
Email:	Nominee Email:
Mailing City/State/Zip:	Nominee Mailing City/State/Zip:
Office Phone:	Nominee Office Phone:
Home/Cell Phone:	Nominee Home/Cell Phone:
(PLEASE ATTACH A RESUME OR ADDITIONAL BIOGRAPHICAL INFORMATION)	
Additional Supporting Comments:	

THE DEADLINE FOR NOMINATIONS IS MAY 12, 2026

PLEASE NOMINATE ONLINE AT www.nctcog.org/nominations
or email the nomination form to the Executive Director's Office at nominations@nctcog.org

Executive Director's Office
North Central Texas Council of Governments

North Central Texas Council of Governments

Executive Board Structure

(According to NCTCOG Bylaws)

OFFICERS

President
(Elected by General Assembly. Must be a member of the Executive Board.)

Vice President
(Elected by General Assembly. Must be a member of the Executive Board.)

Secretary-Treasurer
(Elected by General Assembly. Must be a member of the Executive Board.)

STANDING MEMBERS

1. **Past President**
   (Automatic position on Executive Board, does not fill a designated seat.)
2. **Member of the Legislature**
   (Ex-Officio, non-voting - Selected by Lottery from among those interested.)

DIRECTORS – Categorical Requirements

Counties (6 Seats)

3. – 6. Representatives of the **Four (4) Largest Populated Member Counties**
(One designated by each County: Dallas, Tarrant, Collin and Denton)

7. Representative of a Member **County with a Population of 75,000-650,000**

8. Representative of a Member **County with a Population of <75,000**

Cities (10 Seats)

9. – 11. Representatives of the **Three (3) Largest Populated Member Cities**
(One designated by each City: Dallas, Fort Worth, Arlington)

12. Representative of a Member City with a **Population of Between 200,000 - 350,000**

13. Representative of a Member City with a **Population of Between 100,000 - 200,000**

14. Representative of a Member City with a **Population of Between 50,000 - 100,000**

15. Representative of a Member City with a **Population of Between 20,000 - 50,000**

16. Representative of a Member City with a **Population of <20,000**

At Large Cities

17. Representative of a Member City with a **Population of Between 50,000 - 350,000**

18. Representative of a Member City with a **Population of <50,000**

- ***An Executive Board member must be a local elected official from a member's governing body.***
- *If a director is elected to an officer position, that director will continue to represent the category that the director was originally elected to serve.*
- *No member government may have more than one (1) representative on the Board at any given time unless one of them is serving in the Past President position.*

North Central Texas Council of Governments

Current Executive Board and Open Seats by Population Categories

OFFICERS	2025-2026	2026-2027
President	**Victoria Johnson (2022), Councilmember, Burleson**	**Jennifer Justice (2023), Councilmember, Richardson**
Vice-President	**Jennifer Justice (2023), Councilmember, Richardson**	**Brandon Huckabee (2024), County Judge, Erath**
Secretary/Treasurer	**Brandon Huckabee (2024), County Judge, Erath**	**Officers Must be a Current Board Member**
DIRECTORS		
Population Categories	2025-2026	2026-2027
COUNTIES		
1. **Largest** Designated by Dallas County	Clay Jenkins (2011), County Judge, Dallas	Designated
2. **2nd Largest** Designated by Tarrant County	Tim O'Hare (2023), County Judge, Tarrant	Designated
3. **3rd Largest** Designated by Collin County	Darrel Hale (2025), Commissioner, Collin	Designated
4. **4th Largest** Designated by Denton County	Bobbie Mitchell (2015), Commissioner, Denton	Designated
5. **75,000 - 650,000**	Christopher Boedeker (2025), County Judge, Johnson	**Christopher Boedeker (2025), County Judge, Johnson
6. **<75,000**	Brandon Huckabee (2024), County Judge, Erath (officer)	Brandon Huckabee (2024), County Judge, Erath (officer)
CITIES		
7. **Largest** Designated by City of Dallas	Cara Mendelsohn (2021), Councilmember, Dallas	Designated
8. **2nd Largest** Designated by City of Fort Worth	Carlos Flores (2022), Councilmember, Fort Worth	Designated
9. **3rd Largest** Designated by City of Arlington	Bowie Hogg (2023), Councilmember, Arlington	Designated
10. **200,000 - 350,000**	**Rick Horne (2024), Councilmember, Plano	✓***
11. **100,000 - 200,000**	Jennifer Justice (2023), Councilmember, Richardson (officer)	Jennifer Justice (2023), Councilmember, Richardson (officer)
12. **50,000 - 100,000**	Victoria Johnson (2022), Councilmember, Burleson (officer)	✓ Open Seat
13. **20,000 - 50,000**	**David Bristol (2024), Mayor, Prosper	✓***
14. **<20,000**	Gary Hulsey (2025), Mayor, Haslet	**Gary Hulsey (2025), Mayor, Haslet
AT LARGE CITIES		
15. **50,000-350,000**	**TJ Gilmore (2024), Mayor, Lewisville	✓***
16. **<50,000**	**Kameron Raburn (2023), Mayor, Ennis	✓ Open Seat
STANDING MEMBER		
17. **Immediate Past President**	Chris Hill (2019), County Judge, Collin (officer)	Victoria Johnson (2022), Councilmember, Burleson (officer)

✓ Open Seat ** 2 Years on Board ✓*** open unless person becomes officer

NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS

2026 Executive Board Nominating Committee

Victoria Johnson – President 2025-26; vjohnson@burlesontx.com

Chris Hill – President 2024-25; chill@co.collin.tx.us

Bill Heidemann – President 2023-24; bill.heidemann@cityofcorinth.com

Andrew Piel – President 2022-23; andrew.piel@arlingtontx.gov

David Sweet – President 2021-22; judgedsweet@gmail.com

Ray Smith – President 2020-21; rsmith@prospertx.gov

J. D. Clark – President 2019-20; jd.clark@co.wise.tx.us

Kevin Strength – President 2018-19; kstrength@waxahachiechamber.com

Tom Lombard – President 2017-18; lombardt@sbcglobal.net

Lissa Smith – President 2016-17; Lissasmith4@gmail.com

Kathryn Wilemon, President 2014-15; kawilemon@aol.com

Steve Terrell, President 2013-14; stevete@swbell.net

Bobbie Mitchell; President 2012-13; Bobbie.Mitchell@dentoncounty.gov

Linda Koop, President 2011-12; lindakoop@swbell.net

Glen Whitley, President 2010-11; glen.whitley@outlook.com

Bobby Waddle, President 2009-10; bgwaddle@flash.net

Chad Adams, President, 2007-08; chad@oakhullinvestments.com

T. Oscar Trevino, Jr., President 2006-07; oscar@otconst.com

Mike Cantrell, President 2001-02; mikecantrell@tx.rr.com

Mary Poss, President 2000-01; mary@dallastex.com

Gary A. Slagel, President 1994-95; gary.slagel@CapitalSoft.com

Jim Alexander, President 1991-92; jralexander1@verizon.net

Bill Lofland, President 1990-91; bill_lofland@juno.com

Florence Shapiro, President 1982-83; Florenceshapiro@hotmail.com

Ray Noah, President 1971-72; rdnoah@sbcglobal.net

City Council Regular Meeting

DEPARTMENT: **Development Services**

FROM: **Tony McIlwain, Development Services Director**

MEETING: **May 4, 2026**

SUBJECT:

3425 SW Wilshire (ZC26-002): Hold a public hearing and consider and take possible action on an ordinance for a zoning change request from "GR" General Retail to "C" Commercial with a Specific Use Permit (SUP) for a tattoo studio. (First and Final Reading) *(Staff Contact: Tony McIlwain, Development Services Director) (The Planning and Zoning Commission action was unable to pass a motion for or against this item.)*

STRATEGIC PRIORITY AND GOAL(S):

Strategic Priority	Strategic Goal
Dynamic & Preferred City Through Managed Growth	2.2 Promote sustainable residential and commercial development through strategic and long-term planning

SUMMARY:

On March 2, 2026, an application was submitted by Monica Smith with Outer Orbit Tattoo LLC on behalf of Benny Bransom (owner) to change the zoning of approximately 0.28 acres of land to "C" Commercial with a Specific Use Permit for a tattoo studio.

DEVELOPMENT OVERVIEW:

If the zoning change was approved, the entire 0.28 parcel would be rezoned to C, Commercial and all uses allowed within that zoning district would be allowed by-right on the parcel. If the Specific Use Permit was approved, it would only apply to Suite E; which is approximately 400 square feet of the existing 2,500 square feet. No structural changes to the existing building are being proposed, the applicant is proposing a panel replacement on the existing multi-tenant pole sign.

Appendix B, Zoning; Article III; Zoning Districts, Section 78-110; Commercial Specific use permit:

Tattoo studio

1.In considering whether to grant a specific use permit, the following shall be required:

a. Hours of operations (cannot commence application of a tattoo other than stated hours of operation)

i. No earlier than 10AM
ii. Sundays no later than 6PM
iii. All other days no later than Midnight

b. Tattoo Studios not allowed to operate in residential areas

c. Signage requirement

i. No flashing signs
ii. No neon signs

d. No loitering on permitted premises

2. In considering whether to grant a specific use permit, the following shall be considered in addition to the other factors to be considered while granting an SUP:

a. Distance to residentially zoned areas, churches, schools, day-care facilities, and other tattoo studios.

Nearest residential zoned area: Mountain Valley / ~130 feet to the east
Nearest known church: Iglesia Bautista De Joshua / ~1,200 feet to the south
First Assembly of God / ~1,300 feet to the northwest
Joshua Baptist / ~1,400 feet to the northeast
Nearest known school: Joshua Christian Academy / ~1,660 feet to the south
North Joshua Elementary / ~3,400 feet to the north
Nearest known day-care facility: Punkin Patch / ~1,390 feet to south
Nearest known tattoo studio: 5.4 Miles to the North East (378 NW Hillery)

3. The application for a building permit shall be accompanied by a copy of the applicant's state license.

4. After five affirmative findings of violations of either state or local regulations relating to the operations of the tattoo studio the specific use permit will be automatically terminated.

Zoning and Land Use Table

	Zoning	Use
Subject Site	GR, General Retail	Retail uses
North	GR, General Retail	Retail uses
East	City of Joshua (R1)	Single-family
South	GR, General Retail	Retail uses
West	City of Joshua (C1)	Commercial

This site is designated in the Comprehensive Plan as Community Commercial.

Community Commercial is generally located along major streets and at significant nodes. This category is intended to provide suitable areas for the development of light to medium intensity commercial uses to support surrounding urban development. Corresponding zoning districts may include NS, Neighborhood Services and GR, General Retail.

Staff has determined the requested zoning of C, Commercial allows for higher intensity uses by-right than staff would recommend at this location due to proximity to residential and surrounding urban development.

RECOMMENDATION:

Recommend disapproval of the ordinance for the zoning change to C, Commercial.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

April 14, 2026: The Planning and Zoning Commission was unable to pass a motion for approval or disapproval of the request.

REFERENCE:

City of Burleson, TX Zoning

FISCAL IMPACT:

None.

STAFF CONTACT:

Tony McIlwain
Development Services Director
tmcilwain@burlesontx.com
817-426-9684

Case ZC26-002

PRESENTED TO CC– 5.4.2026

TONY MCILWAIN

DEVELOPMENT SERVICES DIRECTOR

ZC – 3425 SW Wilshire

Location:

- 3425 SW Wilshire

Applicant:

- Monica Smith (Outer Orbit Tattoo LLC)
- Benny Branson(Owner)

Item for approval:

Zoning Change from “GR” General Retail to “C” Commercial with a Specific Use Permit for a tattoo studio (Case ZC26-002).



Zoning

GR, General Retail



Comprehensive Plan

Community Commercial



C, Commercial Land Usage

Allowed by-right

Amusement, commercial (outdoor)
Auto repair, glass, seat cover, muffler
Auto, new used auto sales; outdoors
Auto painting or body shop
Batting cages
Bakery or wholesale candy
Bottling works
Building materials sales
Cabinet and upholstery shop
Clothing or similar manufacturing
Day camp for children
Drop-in child care center
Greenhouse or commercial nursery Hauling or storage company
Laboratory manufacturing
Laboratory research
Lithography or print shop
Local franchise utility
Maintenance and repair services for buildings
Mold and tool shop
Monument manufacturing
Mortuary or funeral home
Motel or hotel
Motorcycle sales and repair
Musical instrument sales and manufacturing
Paint shop
Pawnshop
Pet shop
Playfield or stadium (public)
Retail shop, apparel, gift accessories and similar items
Rodeo grounds
Roller or ice rink
Trailer, manufactured home sales, or rental, assembly and manufacturing
Wholesale sales/storage

Specific Use Permit required

Amusement, commercial (indoor)
Animal pound (private)
Community center (private)
Kennel (indoor)
Liquor store
Miniwarehouse
Miniature golf course
Small tractor and farm equipment sales and repair
Tattoo Studio

Full list of land uses can be found in Code of Ordinances, Appendix B, Zoning, Section 78

Specific Use Permit requirements: tattoo studio

In considering whether to grant a specific use permit, the following **shall** be required:

a. Hours of operations (cannot commence application of a tattoo other than stated hours of operation)
   i. No earlier than 10AM
   ii. Sundays no later than 6PM
   iii. All other days no later than Midnight

b. Tattoo Studios not allowed to operate in residential areas

c. Signage requirement
   i. No flashing signs
   ii. No neon signs

d. No loitering on permitted premises

Specific Use Permit considerations: tattoo studio

In considering whether to grant a specific use permit, the following shall be considered in addition to the other factors to be considered while granting an SUP:

a. Distance to residentially zoned areas, churches, schools, day-care facilities, and other tattoo studios.

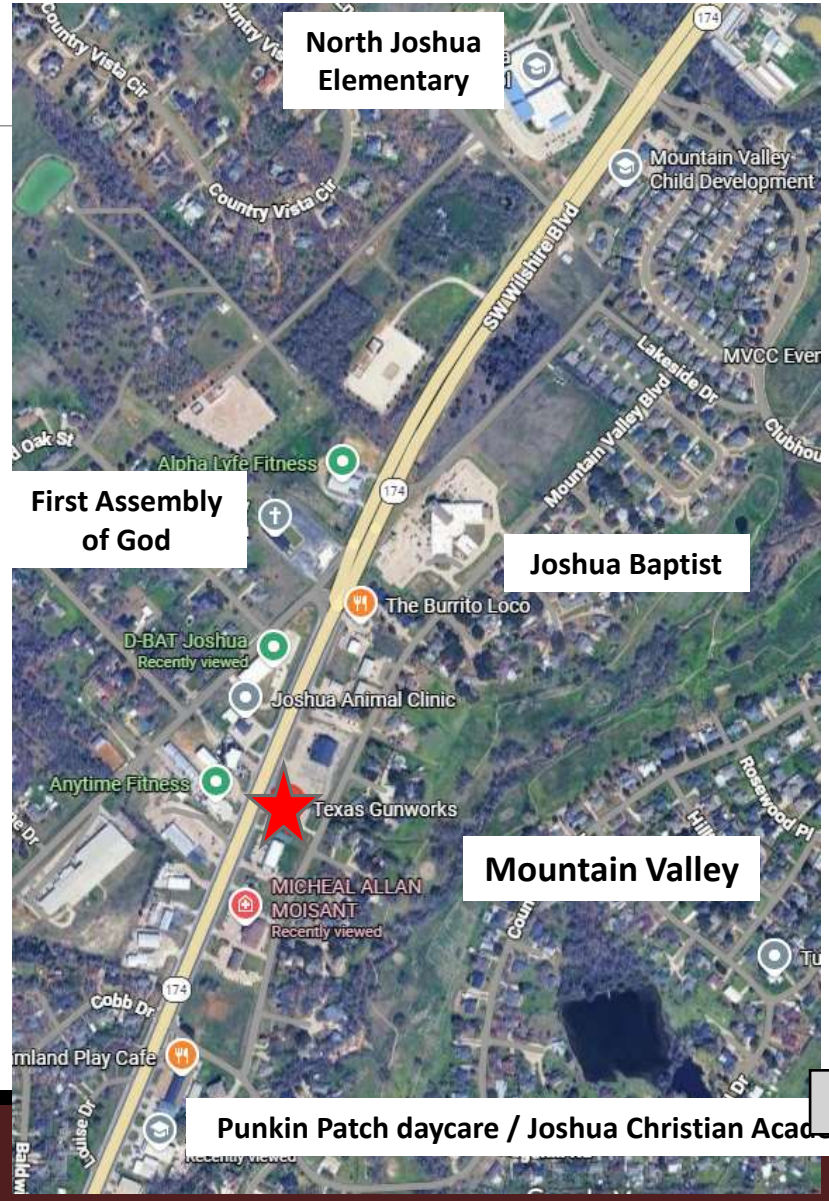
Nearest residential zoned area: Mountain Valley / ~130 feet to the east

Nearest known church: Iglesia Bautista De Joshua / ~1,200 feet to the south First Assembly of God / ~1,300 feet to the northwest Joshua Baptist / ~1,400 feet to the northeast

Nearest known school: Joshua Christian Academy / ~1,660 feet to the south North Joshua Elementary / ~3,400 feet to the north

Nearest known day-care facility: Punkin Patch / ~1,390 feet to south

Nearest known tattoo studio: 5.4 Miles to the North East (378 NW Hillery)



ZC – 3425 SW Wilshire

Public Hearing Notice:

- Public notices were mailed to property owners (based on current JCAD records) within 300 feet of subject property.
- Published in the newspaper.
- Sign Posted on the property.



ZC – 3425 SW Wilshire

Staff Recommendation:

- Staff has determined that the requested zoning district of C, Commercial allows for higher intensity uses by-right than staff would recommend at this location due to proximity to residential and surrounding urban development
- Staff recommends disapproval of the ordinance for a zoning change.



ZC – 3425 SW Willshire

P&Z Summary:

- The Commission was unable to pass a motion on this item. 2 motions were made for approval, but failed to receive a second. Additionally, 2 motions were made for disapproval and failed to pass (3-4).
- Several Commissioners asked about the possibility of allowing the SUP for a tattoo studio in General Retail; as opposed to changing the base zoning district to C, Commercial. Staff explained that the Code as written today did not allow for the applicant to pursue an SUP for this use in the GR, General Retail district. Several Commissioners recommended that Council consider changing Appendix B, Zoning Regulations to allow for the applicant to request the SUP in the General Retail zoning district.
- One speaker (Joshua resident) spoke in opposition to the changing of the base zoning district to C, Commercial but was not vocally opposed to the SUP request of the tattoo studio.
- The applicant answered questions regarding the business activity and confirmed that it was a private (appointment only) studio and that she would be the owner and artist. She stated that she owns a home in the adjacent neighborhood and is normally booked for appointments in advance of 4 to 8 months; so their would not be walk-in service.





Recommend Approval

Recommend Denial

Questions / Comments

Tony McIlwain
Development Services Director
tmcilwain@burlesontx.com
817.426.9684

Business Description / Statement of Use

This request is for a Specific Use Permit to allow the operation of a professional, appointment-based tattoo studio within an existing zoned general retail space.

The proposed business, Outer Orbit Tattoo LLC, will run as a single-artist studio strictly by appointment only. No walk-in services will be offered. This model significantly limits customer traffic and ensures a controlled, low-impact use of the property. At any given time, only one client will be present, resulting in minimal parking demand, reduced noise, and no disruption to surrounding businesses or the community.

Hours of operation will be limited to weekday afternoon appointments. The business will not operate late-night hours, further reducing any potential impact on nearby properties.

The studio will be maintained in full compliance with all applicable health, safety, and sanitation regulations required by the State of Texas and local authorities. The workspace is designed to provide a clean, safe, and private environment where clients receive one-on-one attention in a professional setting. All procedures will be conducted with strict adherence to sterilization standards and best practices within the tattoo industry.

The applicant is an experienced tattoo artist specializing in traditional and classic tattooing, with a strong emphasis on craftsmanship, integrity, and client care. In addition to standard tattoo services, the applicant provides restorative tattoo work, including scar coverage and work for individuals who have experienced significant scarring or burns. This work is approached with a high level of care, professionalism, and sensitivity.

The applicant is deeply rooted in the local community and is proud of a military family background. Serving veterans and providing a respectful, welcoming environment for individuals of all backgrounds is an important aspect of the business mission. The client base is diverse and includes local residents, families, and professionals.

The proposed location is appropriately sized for a single-artist, appointment-only studio and is consistent with a low-intensity commercial use. The nature of the business does not generate noise, odors, or any adverse external impacts. No outdoor operations, amplified sound, or loitering is associated with this use. The business is fully contained within the existing building and will not alter the character of the surrounding area.

The location’s proximity to the applicant’s residence allows for consistent oversight, ensuring the property is well-maintained, secure, and responsibly operated at all times. The business is intended to be a long-term, stable presence that contributes positively to the local commercial area.

Approval of this request will allow for a small, locally owned business that prioritizes professionalism, safety, and individualized client care, while maintaining compatibility with surrounding uses and adhering to all applicable regulations.

- Monica Smith

Location Impact Statement

The proposed use consists of a small-scale, appointment-only tattoo studio located within an existing zoned General Retail space. The operation is intentionally limited in scope and designed to function as a low-intensity professional service, with all activities conducted within a controlled indoor environment. The business model prioritizes privacy, cleanliness, and individualized client care, resulting in minimal activity and a use that is compatible with surrounding properties.

Although the site is located in proximity to residential areas, the proposed use is quiet, professional, and does not generate noise, odors, or other external impacts. All services are conducted within a controlled indoor environment, and the business model emphasizes privacy, safety, and individualized client care. The appointment-only structure eliminates loitering, gathering, and unregulated foot traffic, further supporting a stable and respectful operating environment.

Signage associated with the business will be minimal and consistent with existing development standards. Identification will be limited to the use of the existing shared pole sign and a small, professionally designed door sign. No additional exterior signage, lighting, or visually intrusive elements are proposed, ensuring that the visual character of the property remains unchanged.

The proposed use is entirely contained within the existing building and does not involve any outdoor operations, amplified sound, or other activities that could affect adjacent properties. The scale and nature of the business align with a low-impact commercial use appropriate for this location.

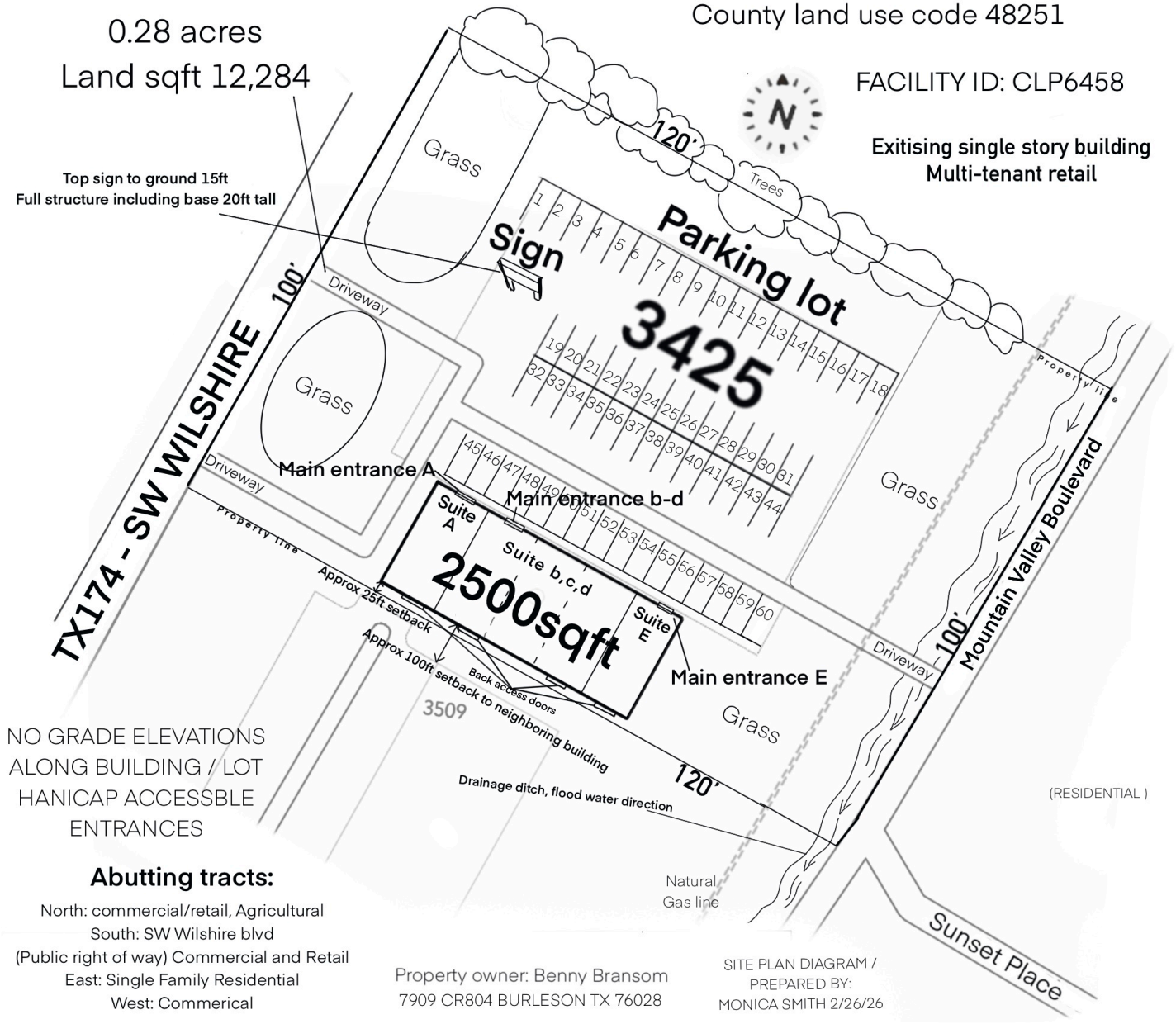
Furthermore, the city of Burleson's future land use plan designates this area for Community Commercial development by 2030. The proposed tattoo studio is consistent with this long-term vision, as it represents a small-scale, service-oriented business that supports local residents while maintaining compatibility with surrounding uses.

Based on its limited scale, controlled operating model, and minimal external impacts, the proposed use is appropriate for the site and surrounding area. It is anticipated to operate as a responsible, well-managed business that contributes positively to the local commercial environment without creating adverse effects on neighboring properties.

- Monica Smith

SITE PLAN - Mountain Valley Addition no 5, block 11 plot 1
3425 SW WILSHIRE BLVD, JOSHUA TX 76058

32.483873,-97.377058 - Johnson county



BEING a tract of land situated in the Mountain Valley Addition No. 5, Block 11, being comprised of Lots 1 and 2, as recorded in the Plat Records of Johnson County, Texas, and being located at 3425 SW Wilshire Boulevard, Joshua, Texas, and being more particularly described as follows:

BEGINNING at the southwest corner of said Lot 1, said point being located along the east right-of-way line of SW Wilshire Boulevard (State Highway 174);

THENCE in an easterly direction along the south line of Lots 1 and 2, a distance of approximately 100 feet to the southeast corner of Lot 2;

THENCE in a northerly direction along the east line of Lot 2, a distance of approximately 120 feet to the northeast corner of Lot 2;

THENCE in a westerly direction along the north line of Lots 1 and 2, a distance of approximately 100 feet to the northwest corner of Lot 1, said point being along the east right-of-way line of SW Wilshire Boulevard;

THENCE in a southerly direction along said right-of-way line, a distance of approximately 120 feet to the POINT OF BEGINNING;

SIGN ELEVATION PLAN

Project: OUTER ORBIT TATTOO LLC
3425 SW WILSHIRE BLVD SUITE E

Prepared by:
MONICA SMITH
209 ROARING SPRINGS DR, JOSHUA TX 76058

Sign type:
Exisiting Multi-Tenant Pole Sign- Panel replacement Only

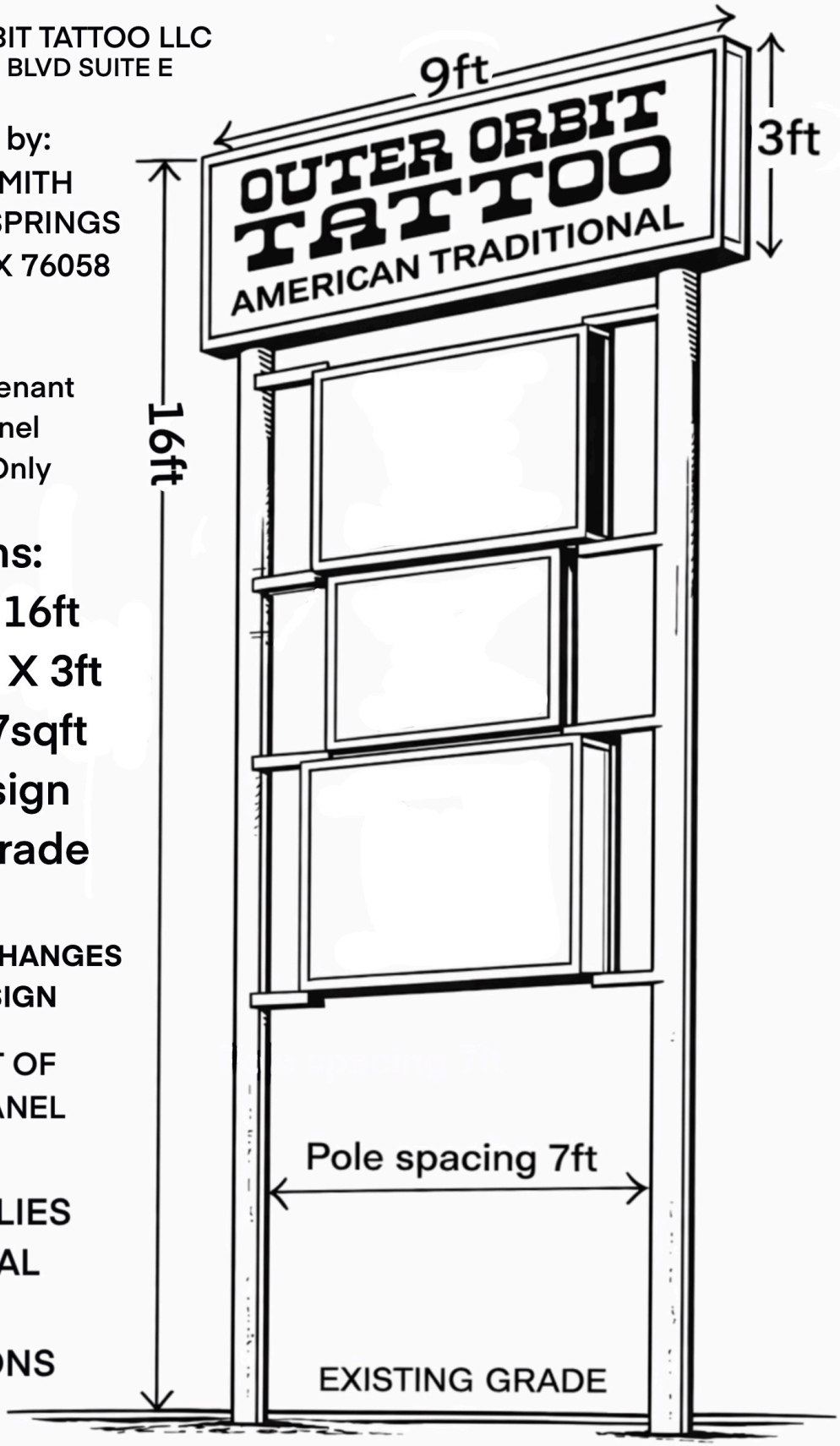
Dimensions:

Total height 16ft
Sign face: 9ft X 3ft
Sign area: 27sqft
Bottom of sign 13ft above grade

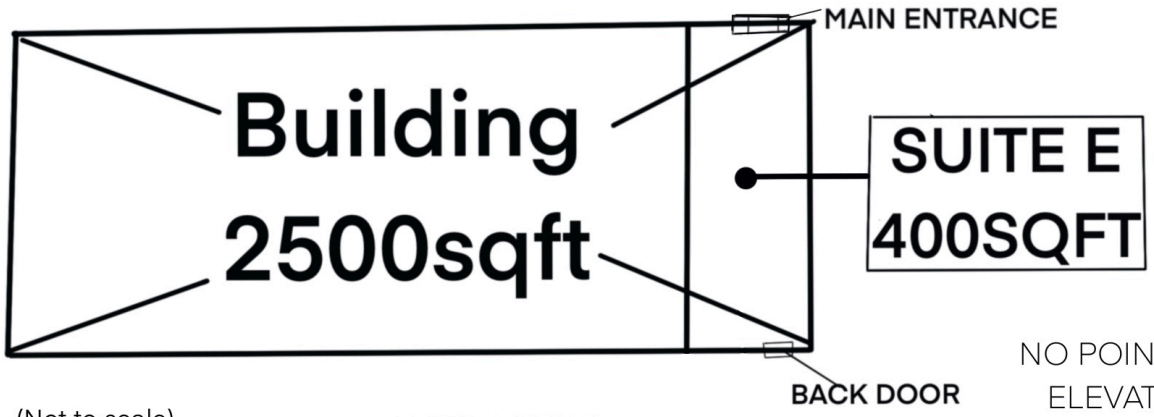
NO STRUCTURAL CHANGES TO EXISTING SIGN

REPLACEMENT OF TOP TENANT PANEL ONLY

SIGN COMPLIES WITH LOCAL ZONING REGULATIONS

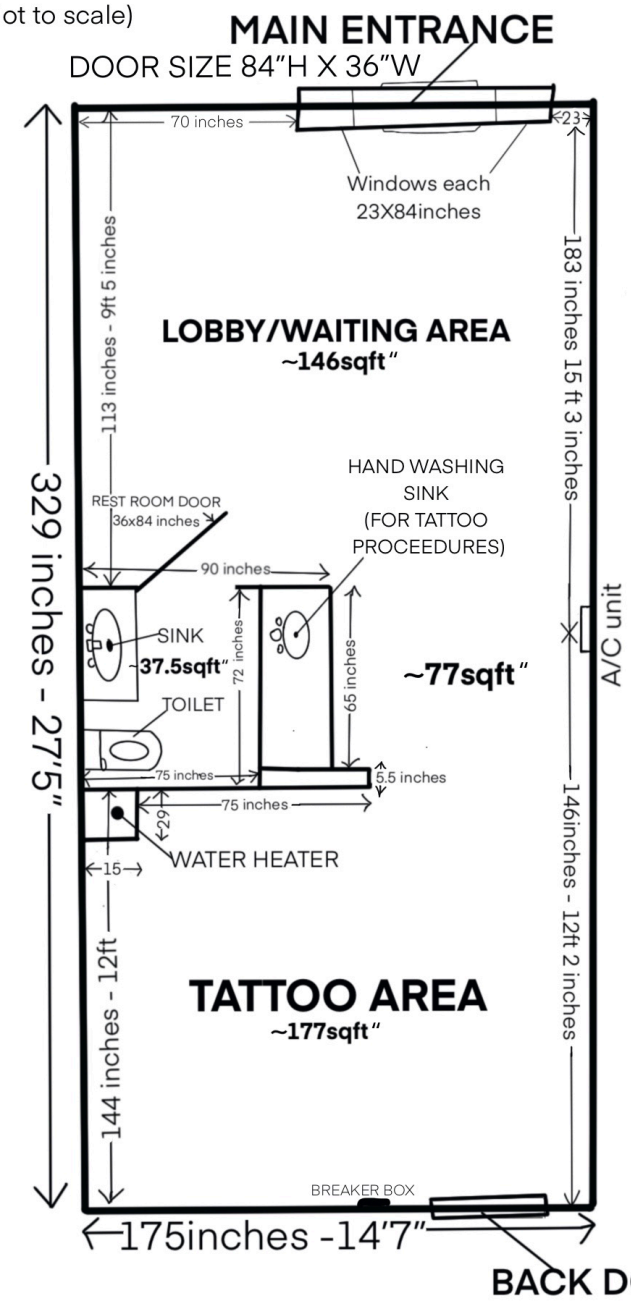


FLOOR PLAN - SUITE E
3425 SW WILSHIRE



NO POINTS OF ELEVATION

(Not to scale)



BUILDING HAS NEW METAL ROOF INCLUDING DRAINAGE GUTTERS

PROPOSED USE:
TATTOO STUDIO (BY APPOINTMENT)

PROJECT DESCRIPTION:

Tenant finish-out for tattoo studio. Space includes lobby/ waiting area, private tattoo area, restroom, and hand washing sink. No structural changes proposed.

NO CHANGES TO EXISTING PLUMPING, ELECTRICAL, OR STRUCTUAL ELEMENTS

Prepared by: Monica Smith 2/25/26
209 Roaring Springs Drive Joshua TX 76058

Comptroller of Public Accounts FORM 01-300 (Rev.7-25/22)

TEXAS SALES AND USE TAX PERMIT

This permit is not transferable, and this side must be prominently displayed in your place of business.

Retailers: A seller may NOT accept a copy of this permit in lieu of a properly completed exemption or resale certificate. A certificate is necessary to document why tax is not collected on a sale.

You must obtain a new permit if there is a change of ownership, location or business location name.

TAXPAYER NAME, BUSINESS LOCATION NAME and PHYSICAL LOCATION

OUTER ORBIT TATTOO LLC

OUTER ORBIT TATTOO LLC
3425 SW WILSHIRE BLVD STE E
BURLESON TX 76058-6188
JOHNSON COUNTY

NAICS: 812199 Other Personal Care Services

WE SHOW THIS BUSINESS IN THE FOLLOWING LOCAL SALES TAX AUTHORITIES:

CITY: BURLESON EFF: 05/01/2026

Type of permit	SALES AND USE TAX
Taxpayer number	3-21043-4202-0
Location number	00001
First business date of location	05/01/2026

Kelly Hancock
Acting Comptroller of Public Accounts

You may need to collect sales and/or use tax for other local taxing authorities depending on your type of business. For additional information, see "Collecting Local Sales and Use Tax" section on the back of this document. If you have any questions regarding sales tax, visit our website at www.Comptroller.Texas.Gov or call us at 800-252-5555.

Corporations Section
P.O.Box 13697
Austin, Texas 78711-3697

Jane Nelson
Secretary of State

Office of the Secretary of State

Certificate of Fact

The undersigned, as Secretary of State of Texas, does hereby certify that the document, Certificate of Formation for Outer Orbit Tattoo LLC (file number 806435185), a Domestic Limited Liability Company (LLC), was filed in this office on February 09, 2026.

It is further certified that the entity status in Texas is in existence.

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on February 18, 2026.

Jane Nelson
Secretary of State

Come visit us on the internet at https://www.sos.texas.gov/

Phone: (512) 463-5555
Prepared by: SOS-WEB

Fax: (512) 463-5709
TID: 10264

Dial: 7-1-1 for Relay Services
Document: 1559479730004

ORDINANCE

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE AND MAP OF THE CITY OF BURLESON, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON APPROXIMATELY 0.28 ACRES OF LAND; LOTS 1 & 2, BLOCK 11, MOUNTAIN VALLEY ADDITTION, KNOWN AS 3425 SW WILSHIRE BLVD, AND FURTHER DESCRIBED IN THE ATTACHED LEGAL DESCRIPTION, FROM "GR" GENERAL RETAIL TO "C" COMMERCIAL, WITH A SPECIFIC USE PERMIT FOR A TATTOO STUDIO APPLYING ONLY TO SUITE E; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas ("City"), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council passed, approved, and adopted Ordinance B-582, being the Zoning Ordinance and Map of the City of Burleson, Texas, showing the locations and boundaries of certain districts, as amended, and codified in Appendix B of the City of Burleson Code of Ordinances (2005) (the "Zoning Ordinance and Map"); and

WHEREAS, the City Council finds that an application for a zoning change was filed by **Monica Smith** on **March 2, 2026**, under **Case Number ZC26-002**, on property described herein below filed application with the City petitioning an amendment of the Zoning Ordinance and Map so as to rezone and reclassify said property from its current zoning classification; and

WHEREAS, the City Council finds that the Planning and Zoning Commission of Burleson, Texas, held a public hearing on said application after at least one sign was erected upon the property on which the change of classification is proposed in accordance with the Zoning Ordinance and Map, and after written notice of such public hearing before the Planning and Zoning Commission on the proposed rezoning had been sent to owners of real property lying within 300 feet of the property on which the change of classification is proposed, said notice having been given not less than ten (10) days before the date set for hearing to all such owners who rendered their said property for City taxes as the ownership appears on the last approved City Tax Roll, and such notice being served by depositing the same, properly addressed and postage paid, in the U.S. mail; and

WHEREAS, the City Council finds that after consideration of said application, the Planning and Zoning Commission of the City of Burleson, Texas was unable to approve a motion making a recommendation to the City Council of Burleson, Texas, that the hereinafter described property be rezoned from its classifications of **General Retail (GR)** to **Commercial (C)**; and

WHEREAS, the City Council finds that notice was given of a further public hearing to be held by the City Council of the City of Burleson, Texas, to consider the advisability of amending the Zoning Ordinance and Map as recommended by the Planning and Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, such notice of the time and place of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the Fort Worth Star Telegram, Fort Worth, Texas, a newspaper of general circulation in such municipality, and by posting such notice to the City's Internet website; and

WHEREAS, the City Council finds that all citizens and parties at interest have been given an opportunity to be heard on all the matter of the proposed rezoning and the City Council of the City of Burleson, Texas, being informed as to the location and nature of the use proposed on said property, as well as the nature and usability of surrounding property, have found and determined that the property in question, as well as other property within the city limits of the City of Burleson, Texas, has changed in character since the enactment of its classification of **General Retail (GR)** and, by reason of changed conditions, does consider and find that this amendatory Ordinance should be enacted since its provisions are in the public interest and will promote the health, safety and welfare of the community; and

WHEREAS, the City Council finds that the City has complied with the notification requirements of the Texas Local Government Code and the Burleson Zoning Ordinance; and

WHEREAS, the City Council of the City of Burleson, Texas, may consider and approve certain ordinances or ordinance amendments at only one meeting in accordance with Section 2-4 of the City of Burleson Code of Ordinances (2005); and

WHEREAS, the City Council finds that this Ordinance may be considered and approved in only one meeting because the provisions of this Ordinance concern an individual zoning case that does not propose a change to the language of the City of Burleson Code of Ordinances.

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

Section 1.
MAP AND ZONING AMENDMENT

The Official Zoning Map is hereby amended insofar as it relates to certain land located in Burleson, Texas, described on the legal description attached as **Exhibit A**, by changing the zoning of said property from GR, General Retail, to the C, Commercial district for non-residential development with a Specific Use Permit (SUP) for a tattoo studio applying only at Suite E as shown on Exhibit A; with the following conditions:

1. Hours of operations (cannot commence application of a tattoo other than stated hours of operation)

    a. No earlier than 10AM
    b. Sundays no later than 6PM
    c. All other days no later than Midnight
2. Signage requirement
    a. No flashing signs
    b. No neon signs
3. No loitering on permitted premises
4. The application for a building permit shall be accompanied by a copy of the applicant's state license.
5. After five affirmative findings of violations of either state or local regulations relating to the operations of the tattoo studio the specific use permit will be automatically terminated.

Section 2.

The property shall be developed and used in accordance with the applicable provisions of the City of Burleson, Code of Ordinances.

Section 3.

The findings and recitals set forth above in the preamble of this ordinance are incorporated into the body of this ordinance as if fully set forth herein.

Section 4.

It is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

Section 5.

This ordinance shall be cumulative of all provisions of ordinances of the City of Burleson, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. To the extent that the provisions of the City of Burleson's various development ordinances conflict with this ordinance, the terms of this ordinance shall control.

Section 6.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any

such unconstitutional phrase, clause, sentence, paragraph or section.

Section 7.

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 that purpose.

Section 8.

Any person, firm, association of persons, company, corporation, or their agents, its servants, or employees violating or failing to comply with any of the provisions of this article shall be fined, upon conviction, not less than one dollar ($1.00) nor more than two thousand dollars ($2,000.00), and each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative of other remedies provided by State Law, and the power of injunction as provided in Texas Local Government Code 54.012 and as may be amended, may be exercised in enforcing this article whether or not there has been a complaint filed.

Section 9.

This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED:

First and Final Reading: the _____ day of _____, 20_____.

_____
Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

_____
Amanda Campos, City Secretary

APPROVED AS TO FORM:

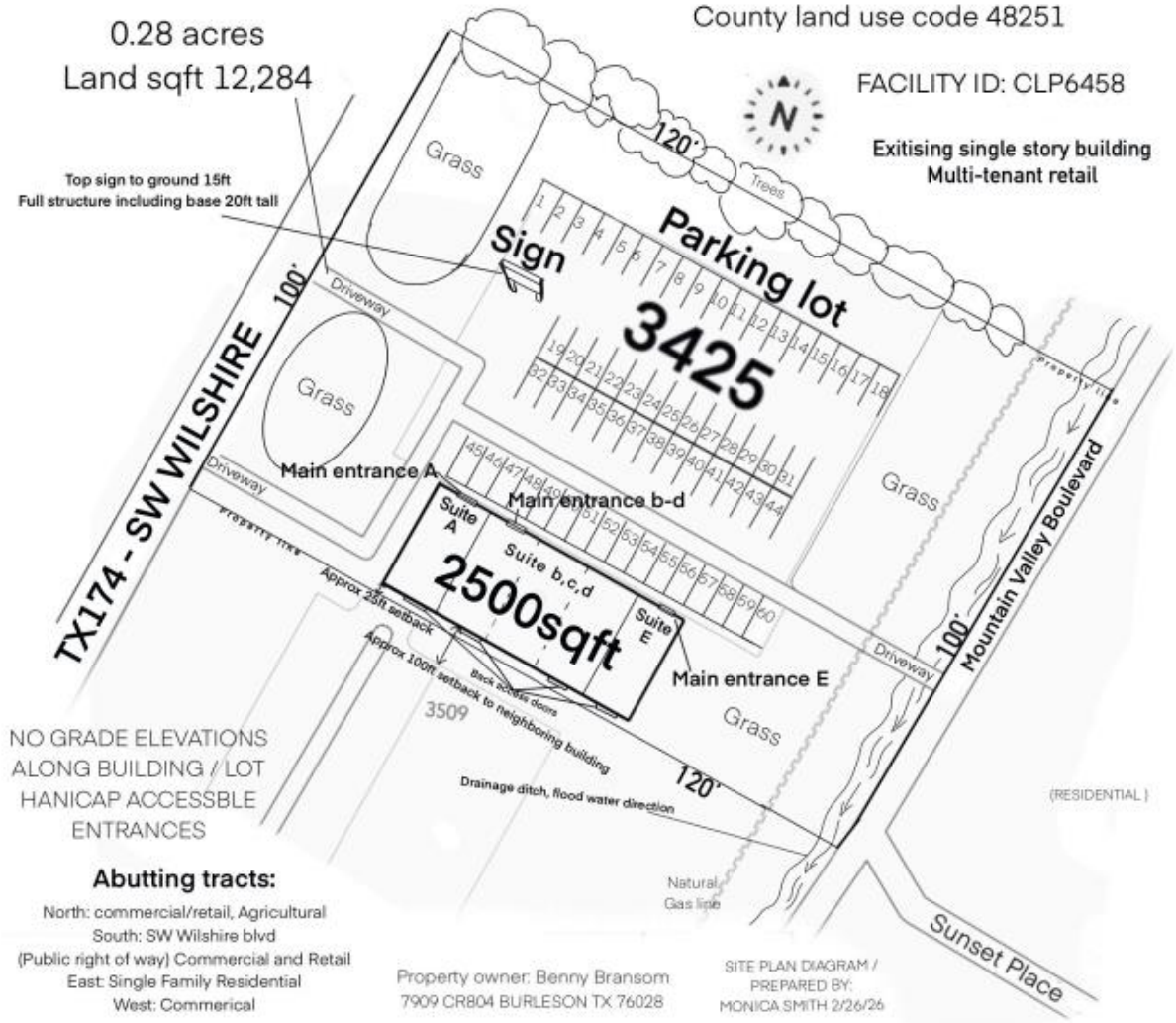
_____
E. Allen Taylor, Jr., City Attorney

EXHIBIT “A”

LEGAL DESCRIPTION:

SITE PLAN - Mountain Valley Addition no 5, block 11 plot 1
3425 SW WILSHIRE BLVD, JOSHUA TX 76058

32.483873,-97.377058 - Johnson county



BEING a tract of land situated in the Mountain Valley Addition No. 5, Block 11, being comprised of Lots 1 and 2, as recorded in the Plat Records of Johnson County, Texas, and being located at 3425 SW Wilshire Boulevard, Joshua, Texas, and being more particularly described as follows:

BEGINNING at the southwest corner of said Lot 1, said point being located along the east right-of-way line of SW Wilshire Boulevard (State Highway 174);

THENCE in an easterly direction along the south line of Lots 1 and 2, a distance of approximately 100 feet to the southeast corner of Lot 2;

THENCE in a northerly direction along the east line of Lot 2, a distance of approximately 120 feet to the northeast corner of Lot 2;

THENCE in a westerly direction along the north line of Lots 1 and 2, a distance of approximately 100 feet to the northwest corner of Lot 1, said point being along the east right-of-way line of SW Wilshire Boulevard;

THENCE in a southerly direction along said right-of-way line, a distance of approximately 120 feet to the POINT OF BEGINNING;

City Council Regular Meeting

DEPARTMENT: **City Manager's Office**

FROM: **Eric Oscarson, Deputy City Manager**

MEETING: **May 4, 2026**

SUBJECT:

Consider and take possible action on an ordinance amending the FY26 – 30 Capital Improvement Program (CIP). (First and Final Reading) (*Staff Contact: Eric Oscarson, Deputy City Manager)*

STRATEGIC PRIORITY AND GOAL(S):

Strategic Priority	Strategic Goal
Dynamic & Preferred City Through Managed Growth	2.4 Implement the city's Capital Improvement Program 2.5 Develop and maintain facilities and utility services
Beautiful, Safe, & Vibrant Community	3.3 Enhance emergency response services 3.4 Ensure public safety equipment and personnel needs are being met 3.5 Continue community policing and risk reduction programs

SUMMARY:

On May 7, 2022, Burleson voters approved Proposition B for public safety facility improvements, including the Police Headquarters Expansion project. The project has since progressed through design and into construction, with prior City Council actions approving the architect, Construction Manager at Risk (CMAR), and initial project funding.

As the project continues, additional funding needs have been identified for key components not fully covered in the existing budget. These include furniture, fixtures, and equipment (FFE),

moving and relocation costs, IT infrastructure relocation, and roof and HVAC system replacement.

In addition, several construction change orders have been identified to address project enhancements and unforeseen conditions, including security upgrades, technology coordination, mechanical/electrical/plumbing updates, and owner contingency usage.

The total additional funding required is $3,925,992, which includes $2,435,826 in previously unfunded project components and $1,490,166 in change orders.

Proposed funding sources for the CIP amendment include royalty funds in the amount of $427,216.26 and project account reconciliation/interest income in the amount of $3,498,775.74. These sources fully fund the amendment, and no additional debt issuance is required.

RECOMMENDATION:

Approve an ordinance amending the FY26–30 Capital Improvement Program (CIP) in the amount of $3,925,992.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

REFERENCE:

FISCAL IMPACT:

Proposed Expenditure/Revenue: $3,925,992

Project Number: FA2301
Account Description: Construction
Procurement Method:

STAFF CONTACT:

Eric Oscarson
Deputy City Manager
eoscarson@burlesontx.com
817-426-9837

Burleson Police Headquarters Expansion Project

City Council
May 4, 2026

Background

- May 7, 2022 – Burleson voters approved Proposition B for the public safety facility improvements and construction, which included the Police Headquarters Expansion.
- January 2023 – Council approved the selection of Brinkley Sargent Wiginton (BSW) as the architecture firm for the design of the Police Expansion project.
- June 2023 – Staff completed an evaluation of Construction Manager at Risk (CMAR) proposals, completed interviews, and selected Byrne Construction as the CMAR for the project.

Background

- June 2023 – May 2024 – BSW completed comprehensive reviews of previous studies and schematic design.
- May 2024 – October 2024– BSW completed the design development phase.
- October 2024 – July 2025 – BSW completed construction documents.
- August/October 2025 – Council approved the Guaranteed Maximum Price (GMP) Contract ($39,769,129) and amended the total project budget ($46,216,232)
  - Increase to cover add alts, design services, testing services, owner's representative, permit fees
  - Included information regarding necessity for future funding allocation for furniture, exercise equipment, and existing building roof and RTU replacement


BURLESON POLICE


BURLESON POLICE


POLICE




BURLESON









Current Project Allocations

Budget Item	Costs
Professional Services	$4,105,611.00
Construction	$41,864,942.50
Material Testing	$211,974.50
Survey/Platting	$37,248.00
Total	**$46,219,776**

Available Funding

Bond Issuance Year	Amount
FY22	$1,200,000
FY23*	$2,402,020
FY24*	$4,960,503
FY25*	$7,640,253
FY26	$13,607,500
FY27	$16,409,500
Total	$46,219,776



*Increased Funding $993,087 in October 2025 from savings from other projects.

Current Unfunded Items

Previously Projected (October 2025)

FFE

- Furniture – $993,467
- Exercise Equipment - $500,000

Moving/Relocation

- IT Infrastructure Relocation - $60,000

Roof/HVAC Replacement

- New Roof/HVAC- $754,741*
- Cleaning of Duct Work - $127,618*

Total - $2,435,826



*Costs TBD with inspection of roof in the near future

Current Change Orders

Change Order 1 - $109,261

- Roof changes for drones
- Security Upgrades in Lobby
- Equipment/Door/Frame Changes in Dispatch

Change Order 2 – 260,742

- Security Cameras/Access Control
- Price fluctuations in technology
- Door Frame/Hardware

Change Order 3 - $91,409

- SWAT Panels
- Storm/Water Changes
- Roof Investigation

Change Order 4 – $28,882

- Casings
- Budgeted 25%- $60,000
- Actual – $88,882

Change Order 5 – 199,872

- AV Updates

Change Order 6 - $800,000

- Owner Contingency

Total - $1,490,166

Total Allocations Necessary

Unfunded - $2,435,826

- FFE
- Moving/Relocation
- Roof/HVAC Replacement

Change Orders - $1,490,166

- Roof/Drones/Doors
- Technology
- Casings
- Contingency

Total $3,925,992



Funding Availability

FY26 CIP Amendment

- Royalty Funds - $427,216.26
- Account Reconciliation/Interest Income - $3,498,775.74
- **Total - $3,925,992**

Total CIP Impact - $3,925,992

No additional debt issuance

Proposed CIP Amendment FY26 – FY30

CIP Changes

THE CITY OF BURLESON TEXAS

5-YEAR CAPITAL IMPROVEMENT CHANGE SUMMARY			
Project #	**Project Title**	**Change Summary**	**Priority Ranking**
FA2301	Police HQ Expansion	The PD Expansion has a number of proposed changes to fully fund the project, with a **total increase of $3,464,681 in FY26**. The GO Bond allocation increased by **$2,348,407**, which is a transfer from ST2306 Hulen Street Widening. The CO Bond allocation increased by **$425,529**, which is a transfer from ST2306 Hulen Street Widening. The Non-Bond/Cash allocation increased by **$690,745**, which includes the accrued interest from General Government CO's and GO's and the available funds in Gas Royalty.	Mandatory
ST2306	Hulen Widening (SH174 to Candler)	The Hulen Street Widening project includes a number of allocation changes but results in a **net change of $0**. The FY26 GO Bond allocation decresed by $2,348,407, but was backfilled with $2,348,407 in GO Bond Interest Income. The FY26 CO Bond allocation decreased by $425,529, but was backfilled with $425,529 in CO Bond and TIF interest income.	Mandatory
ST2309	Village Creek Parkway Expansion (Tarrant Co. Bond 50% Match)	The Village Creek Parkway Expansion project **increased by $3,030,000** in FY26 to capture the appropriations for the Tarrant County Funding Interlocal Agreement reimbursement. The funding is non-bond reimbursement funds.	Mandatory

General Government CIP FY26-30

THE CITY OF BURLESON TEXAS

	Project #	Project Name	Prior Allocations	2026	2027	2028	2029	2030	Total Per Project (FY26-30)
GO BOND PROJECTS	ST2_50	Neighborhood Street Rebuilds		$750,000					$750,000
	FA2301	Police Expansion	$5,200,000	~~$13,607,500~~ $15,955,907	$16,409,500				~~$30,017,000~~ $32,365,407
	ST2306	Hulen at Wilshire Intersection	$200,000	$1,501,027					$1,501,027
		Hulen Widening (SH174 to Candler) (Design 4 Lanes; Build 2 Lanes)	$1,800,000	~~$6,003,653~~ $3,655,246					~~$6,003,653~~ $3,655,246
	ST2503	Elk, Hillside, & FM731- Ped. & Int. Improvements - Phase 1	$427,804	$15,275					$15,275
	ST2704	Elk, Hillside, & FM731- Ped. & Int. Improvements - Phase 2		$189,596	$403,834				$593,430
	FA2601	Fire Station #4				$2,500,000		$13,443,000	$15,943,000
	ST2601	FM 1902 and CR 910 Pedestrian Mobility		$300,000	$1,189,901				$1,489,901
	ST2801	Wilshire Blvd. (SH174) Construction Documents (Wicker Hill to City Limits)				$750,000	$1,130,015		$1,880,015
	ST2306	Hulen Widening (SH174 to Candler) (Design 4 Lanes; Build 2 Lanes)	$3,887,711	~~$11,770,242~~ $14,118,649					~~$11,770,242~~ $14,118,649
	FA2301	Police Expansion	~~$9,465,600~~ $9,926,911	$1,116,274					$1,116,274
	ST2704	Elk, Hillside, & FM731- Ped. & Int. Improvements - Phase 2			$705,749				$705,749
	ST2_50	Neighborhood Street Rebuilds	$1,000,000		$1,261,876	$1,750,000	$3,597,953	$1,000,000	$7,609,829
	167361	Quiet Zone at Dobson Street and County Road 714			$1,045,541				$1,045,541
	ST2309	Village Creek Parkway Expansion (Tarrant Co. Bond 50% Match)	$3,725,410	~~$259,059~~ $3,289,059					~~$259,059~~ $3,289,059
	ST2603	Wicker Hill and Greenridge Reconstruction		$1,200,000	$5,700,000				$6,900,000
	ST2651	CR 914 Reconstruction from CR 914A to CR1021		$1,000,000					$1,000,000
	ST2604	Hulen St. & BNSF RR Grade Separation		$5,140,000					$5,140,000
	FA2601	City Hall EV Charger		$332,476	$92,000				$424,476
	CE2601	Two New Ambulances		$1,326,000					$1,326,000
	CE2602	One Replacement Street Sweeper		$325,000					$325,000
	CE2801	Four Replacement Ambulances				$2,652,000			$2,652,000
	CE2901	One New Ladder Truck					$2,438,197		$2,438,197
	CE2902	One New Brush Truck					$367,332		$367,332
	CE2903	One Replacement BearCat					$350,000		$350,000
		Total	~~$25,706,525~~ $26,167,836	~~$43,719,828~~ $50,214,509	**$26,808,401**	**$7,652,000**	**$7,883,497**	**$14,443,000**	~~$100,506,726~~ $107,001,407

Note: Additional allocation for ST2309 Village Creek Parkway ($3,030,000) captures the reimbursement amount in approved Funding ILA with Tarrant County, as executed in 2023 and amended in 2025.

Proposed CIP Amended Fund Summary

FUND SUMMARY	2026	2027	2028	2029	2030	FY26-30 TOTAL
General Government Bonds	$36,316,220	$26,716,401	$7,652,000	$7,883,497	$14,443,000	**$93,011,118**
Water Bonds	$7,166,436	$22,871,368	$6,005,204	$7,832,671	$2,000,000	**$45,875,679**
Sewer Bonds	$30,729,606	$18,741,654	$10,245,000	$5,310,000	$7,462,500	**$72,488,760**
TIF 2 Bonds	$0	$0	$0	$0	$0	**$0**
4A Bonds	$11,026,519	$0	$9,000,000	$15,000,000	$0	**$35,026,519**
4B Bonds	$990,376	$1,301,312	$1,751,636	$1,806,000	$180,556	**$6,029,881**
Cash / Other Funding	$14,298,289	$742,000	$0	$0	$0	**$15,040,289**
Total	**$100,527,446**	**$70,372,735**	**$34,653,840**	**$37,832,168**	**$24,086,056**	**$267,472,246**

Next Steps

- May 4: Consideration of a CIP amendment
- May 4: Consideration of amendment to GMP with Byrne Construction
- Summer 2026: Furniture Purchase for Council Consideration
- Fall 2026: Roof Analysis Complete, Updated Costs, Council Consideration
- Spring 2027: Equipment Purchase for Council Consideration

Questions / Discussion

Recommendation

Approve an ordinance amending the FY26-30 CIP.



Recommendation

Approval of an amendment to the Guaranteed Maximum Price (GMP) contract with Byrne Construction Services for the Police Headquarters Expansion and Remodel in the amount of $1,490,166.



ORDINANCE

AN ORDINANCE OF THE CITY OF BURLESON, TEXAS, AMENDING THE FIVE YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS 2026-2030, FINDING THAT TIME IS OF THE ESSENCE AND THAT THIS ORDINANCE MAY BE CONSIDERED AND APPROVED AT ONLY ONE MEETING; INCORPORATING THE RECITALS INTO THE BODY OF THE ORDINANCE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas (the "City"), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City makes major investments on an ongoing basis in costly capital infrastructure and facilities that improve the quality of service provided by the City; and

WHEREAS, each project requires long-term investment that should only take place after due consideration of the City's needs, service requirements, and the City's ability to finance the projects; and

WHEREAS, on September 8, 2025, the City Council passed Ordinance CSO#5910-09-2025, which adopted the five year (FY2026-30) Capital Improvement Plan for Fiscal Year 2025-2026, and, over time, the City Council has adopted amendments thereto, including on October 20, 2025, by passing Ordinance CSO#5973-10-2025, on December 15, 2025, by passing Resolution CSO#6011-12-2025, and on April 20, 2026, by passing Ordinance CSO#6109-04-2026 and Ordinance CSO#6114-04-2026 (collectively with amendments, the "Capital Improvement Plan for Fiscal Years 2026-2030"); and

WHEREAS, the City Council desires to amend the CIP Plan as set forth herein; and

WHEREAS, the City Council may consider and approve certain ordinances or ordinance amendments at only one meeting in accordance with Section 2-4 of the Code of Ordinances of the City of Burleson; and

WHEREAS, the City Council finds and determines that this ordinance may be considered and approved in only one meeting because the provisions of this ordinance supplement the adopted budget by appropriating additional funds, because this ordinance is not considered as part of the consent agenda, and because time is of the essence; and

WHEREAS, the City Council hereby finds and determines that the amendments and regulations set forth herein are in the best interest of the public and are adopted in furtherance of the public health, safety, welfare, morals, and general welfare.

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

Section 1.

The City hereby amends the Capital Improvement Plan for Fiscal Years 2026-2030, a copy of which is attached hereto as Exhibit A and incorporated herein by reference for all purposes, and approves the official Capital Improvement Plan for Fiscal Year 2025-2026.

Section 2.

The findings set forth above in the recitals of this ordinance are incorporated into the body of this ordinance as if fully set forth herein.

Section 3.

It is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

Section 4.

The terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

Section 5.

This ordinance shall become effective immediately upon its passage and publication as required by law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED this _____ day of _____, 2026.

First and Final Reading: the _____ day of _____, 2026.

_____
Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

Amanda Campos, City Secretary

APPROVED AS TO FORM:

E. Allen Taylor, Jr., City Attorney

Attachments: Exhibit A

EXHIBIT A
ORDINANCE AMENDING THE CAPITAL IMPROVEMENT PLAN FOR FY 2026-2030

General Government CIP FY26-30

	Project #	Project Name	Prior Allocations	2026	2027	2028	2029	2030	Total Per Project (FY26-30)
GO BOND PROJECTS	ST2_50	Neighborhood Street Rebuilds		$750,000					$750,000
	FA2301	Police Expansion	$5,200,000	$15,955,907	$16,409,500				$32,365,407
	ST2306	Hulen at Wilshire Intersection	$200,000	$1,501,027					$1,501,027
		Hulen Widening (SH174 to Candler) (Design 4 Lanes; Build 2 Lanes)	$1,800,000	$3,655,246					$3,655,246
	ST2503	Elk, Hillside, & FM731- Ped. & Int. Improvements - Phase 1	$427,804	$15,275					$15,275
	ST2704	Elk, Hillside, & FM731- Ped. & Int. Improvements - Phase 2		$189,596	$403,834				$593,430
	FA2601	Fire Station #4				$2,500,000		$13,443,000	$15,943,000
	ST2601	FM 1902 and CR 910 Pedestrian Mobility		$300,000	$1,189,901				$1,489,901
	ST2801	Wilshire Blvd. (SH174) Construction Documents (Wicker Hill to City Limits)				$750,000	$1,130,015		$1,880,015
	ST2306	Hulen Widening (SH174 to Candler) (Design 4 Lanes; Build 2 Lanes)	$3,887,711	$14,118,649					$14,118,649
	FA2301	Police Expansion	$9,926,911	$1,116,274					$1,116,274
	ST2704	Elk, Hillside, & FM731- Ped. & Int. Improvements - Phase 2			$705,749				$705,749
	ST2_50	Neighborhood Street Rebuilds	$1,000,000		$1,261,876	$1,750,000	$3,597,953	$1,000,000	$7,609,829
	167361	Quiet Zone at Dobson Street and County Road 714			$1,045,541				$1,045,541
	ST2309	Village Creek Parkway Expansion (Tarrant Co. Bond 50% Match)	$3,725,410	$3,289,059					$3,289,059
	ST2603	Wicker Hill and Greenridge Reconstruction		$1,200,000	$5,700,000				$6,900,000
	ST2651	CR 914 Reconstruction from CR 914A to CR1021		$1,000,000					$1,000,000
	ST2604	Hulen St. & BNSF RR Grade Separation		$5,140,000					$5,140,000
	FA2601	City Hall EV Charger		$332,476	$92,000				$424,476
	CE2601	Two New Ambulances		$1,326,000					$1,326,000
	CE2602	One Replacement Street Sweeper		$325,000					$325,000
	CE2801	Four Replacement Ambulances				$2,652,000			$2,652,000
	CE2901	One New Ladder Truck					$2,438,197		$2,438,197
	CE2902	One New Brush Truck					$367,332		$367,332
	CE2903	One Replacement BearCat					$350,000		$350,000
		Total	$26,167,836	$50,214,509	$26,808,401	$7,652,000	$7,883,497	$14,443,000	$107,001,407

EXHIBIT A
ORDINANCE AMENDING THE CAPITAL IMPROVEMENT PLAN FOR FY 2026-2030

Water and Sewer CIP FY26-30

Project #	Water Projects Name	Prior Allocations	2026	2027	2028	2029	2030	Total Per Project (FY26-30)
WW2_90	Waterline Rehabilitation		$1,931,621	$664,469	$2,899,954	$2,000,000	$2,000,000	$9,496,044
WA2302	12" Willow Creek Waterline Looping	$205,818		$924,000				$924,000
WA2403	Upper Pressure Plane Waterline Looping	$280,063		$1,144,221				$1,144,221
WA2301	Industrial Blvd Pump Station Expansion & Alsbury Pump Station Decommission	$22,779,986	$5,082,815					$5,082,815
WA2401	Hulen Ground Storage Tank Rehabilitation		$152,000	$1,354,557				$1,506,557
WA2502	Mountain Valley EST and GST Demolition			$84,395	$752,233			$836,628
ST2306	16" Hulen Street Waterline	$464,889		$4,803,180				$4,803,180
WA2503	12" Waterline Loop for Mountain Valley			$410,248	$1,072,813			$1,483,061
WA2306	Offsite Water Supply from Fort Worth	$2,845,206		$13,486,298				$13,486,298
WA2802	Hulen Pump Station Expansion				$105,000	$1,195,500		$1,300,500
WA2801	New Mountain Valley 0.75 MG EST				$475,000	$3,200,000		$3,675,000
WA2701	Turkey Peak Elevated Storage Tank Rehabilitation				$200,211	$1,437,171		$1,637,382
WA2702	Hidden Creek Pkwy Tank Rehab				$499,993			$499,993
	Water Total	**$26,575,962**	**$7,166,436**	**$22,871,368**	**$6,005,204**	**$7,832,671**	**$2,000,000**	**$45,875,679**

Project #	Sewer Projects Name	Prior Allocations	2026	2027	2028	2029	2030	Total Per Project (FY26-30)
WW2_90	Sewer Line Rehabilitation		$1,449,443	$3,000,000	$3,000,000	$3,000,000	$3,000,000	$13,449,443
WW2301	Trunk Relief Line (Town Creek Basin Parallel Buildout Interceptors)	$3,386,196	$24,178,034	$3,500,000				$27,678,034
WW2502	Parkview Dr Sewer Upsizing to 10"		$139,285	$1,000,558				$1,139,843
WW2601	12" Wastewater line Replacement in Village Creek Basin (Golf Course)	$317,776	$2,454,224					$2,454,224
177389	Parallel 24" Sewer from Village Creek to Oakbrook Dr.	$783,935			$3,780,000	$2,310,000		$6,090,000
WW2602	FM 917 and 35W Lift Station and Force Main		$839,120	$3,681,096				$4,520,216
WW2605	Future Sewer Capacity Study		$105,000					$105,000
WW2603	Chisholm West Lift Station Force Main / Collector		$913,500	$6,510,000				$7,423,500
ST2306	16" Hulen Street Sewer			$1,050,000				$1,050,000
WW2801	Hyder Ranch Masterplan Sewer (G-B, G-C & C-H)				$3,465,000		$4,462,500	$7,927,500
WW2604	Legacy Hill Sewer Extension		$651,000					$651,000
	Sewer Total	**$4,487,907**	**$30,729,606**	**$18,741,654**	**$10,245,000**	**$5,310,000**	**$7,462,500**	**$76,976,667**

	Water & Sewer Total	**$31,063,869**	**$37,896,042**	**$41,613,022**	**$16,250,204**	**$13,142,671**	**$9,462,500**	**$118,364,439**

EXHIBIT A
ORDINANCE AMENDING THE CAPITAL IMPROVEMENT PLAN FOR FY 2026-2030

4A CIP FY26-30

Project #	4A Projects Name	Prior Allocations	2026	2027	2028	2029	2030	Total Per Project (FY26-30)
ST2301	Alsbury Blvd	$4,001,277			$5,000,000	$5,000,000		$10,000,000
DV2302	Lakewood Drive Extension	$1,311,915			$4,000,000			$4,000,000
DV2901	Future Project					$10,000,000		$10,000,000
PK2311	West Side Infrastructure - Burleson Legacy Park	$2,558,215	$5,000,000					$5,000,000
DV2601	Land Bank at HCP and I35W		$6,026,519					$6,026,519
	Total	$7,871,407	$11,026,519	$0	$9,000,000	$15,000,000	$0	$35,026,519

EXHIBIT A
ORDINANCE AMENDING THE CAPITAL IMPROVEMENT PLAN FOR FY 2026-2030

4B CIP FY26-30

Project #	4B Projects Name	Prior Allocations	2026	2027	2028	2029	2030	Total Per Project (FY26-30)
PK2601	Warren Park-Study		$75,075					$75,075
PC2701	Mistletoe Hill - Bathroom Addition			$163,375				$163,375
PK2502	Green Ribbon Phase 1	$90,000	$400,000					$400,000
PC2601	Green Ribbon Phase 2		$120,750	$650,000				$770,750
PK2602	Russell Farm - Master Plan		$32,051					$32,051
PC2605	Hidden Creek Softball Fields Demo		$500,000					$500,000
PC2651	Golf		$262,500					$262,500
PC2702	Bailey Lake - New Playground			$523,687				$523,687
PC2703	Mistletoe Hill			$614,250				$614,250
PC2709	New Community Park - Playground				$787,500			$787,500
PC2802	Bartlett - Playground Replacement				$441,000			$441,000
PC2803	Heberle - Park Improvements				$352,800			$352,800
PC2804	Elk Ridge Park - Bathroom Addition				$170,336			$170,336
PC2901	Chisenhall - Playground Replacement					$546,000		$546,000
PC2904	BRiCk Roof Replacement					$1,260,000		$1,260,000
PC3001	Claudia's Playground - Bathroom Addition						$180,556	$180,556
	Total	$90,000	$1,390,376	$1,951,312	$1,751,636	$1,806,000	$180,556	$7,079,881

EXHIBIT A
ORDINANCE AMENDING THE CAPITAL IMPROVEMENT PLAN FOR FY 2026-2030

TIF CIP FY26-30

Project #	TIF 2 Project Name	Prior Allocations	2026	2027	2028	2029	2030	Total Per Project (FY26-30)
	TBD							$0
	TBD							$0
	Total	$0	$0	$0	$0	$0	$0	$0

EXHIBIT A
ORDINANCE AMENDING THE CAPITAL IMPROVEMENT PLAN FOR FY 2026-2030

CIP Fund Summary

FUND SUMMARY	2026	2027	2028	2029	2030	FY26-30 TOTAL
General Government Bonds	$36,316,220	$26,716,401	$7,652,000	$7,883,497	$14,443,000	**$93,011,118**
Water Bonds	$7,166,436	$22,871,368	$6,005,204	$7,832,671	$2,000,000	**$45,875,679**
Sewer Bonds	$30,729,606	$18,741,654	$10,245,000	$5,310,000	$7,462,500	**$72,488,760**
TIF 2 Bonds	$0	$0	$0	$0	$0	**$0**
4A Bonds	$11,026,519	$0	$9,000,000	$15,000,000	$0	**$35,026,519**
4B Bonds	$990,376	$1,301,312	$1,751,636	$1,806,000	$180,556	**$6,029,881**
Cash / Other Funding	$14,298,289	$742,000	$0	$0	$0	**$15,040,289**
Total	**$100,527,446**	**$70,372,735**	**$34,653,840**	**$37,832,168**	**$24,086,056**	**$267,472,246**

Burleson Police Headquarters Expansion Project

City Council
October 20, 2025

Background

- May 7, 2022 – Burleson voters approved Proposition B for the public safety facility improvements and construction, which included the Police Headquarters Expansion.
- January 2023 – Council approved the selection of Brinkley Sargent Wiginton (BSW) as the architecture firm for the design of the Police Expansion project.
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Background

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- October 2024 – July 2025 – BSW completed construction documents.
- August/October 2025 – Council approved the Guaranteed Maximum Price (GMP) Contract
  - Total - $39,769,129


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Available Funding

Bond Issuance Year	Amount
FY22	$1,200,000
FY23	$2,400,000
FY24	$4,000,000
FY25	$7,606,145
FY26	$13,607,500
FY27	$16,409,500
Total	$45,233,145



GMP #2

Construction Manager at Risk (CMAR)

CMAR is a project delivery method in the construction industry where the construction manager provides pre-construction services and then acts as the general contractor, delivering the project with a Guaranteed Maximum Price (GMP).

During pre-construction services, the CMAR acts as a check to ensure that what the architect is designing can be built and within the project budget.

GMP is a construction contract that sets a ceiling on the total cost a project owner will pay, regardless of the actual cost incurred by the contractor.

If the project comes in under budget, the city receives the savings.

This allows us to shift risk off the city and onto the contractor.

Byrne Construction

Founded in 1923
- 102 years of commercial building experience in North Texas

Headquartered in Fort Worth
- Byrne also has a full-service office in San Antonio

$431 Million in Annual Contract Volume

105 Employees

Veteran-Owned
- Largest Hispanic-Owned contractor in Texas

Project Mix:
- 89% Negotiated (CMAR / DB)
- 11% Competitive Bid

Bidding Process and Requirements

A construction manager-at-risk shall publicly advertise for bids or proposals and receive bids or proposals from trade contractors or subcontractors for the performance of all major elements of the work.

Multiple GMPs

In certain cases, a project can be divided into multiple GMP packages based on the scope of the work. This is often due to phasing of the project, long lead time items, project scope and multiple other factors.

The Police Headquarters Project has been split into two GMP packages.

GMP 1 Early Release Package - $9,036,361

Site Enabling – Stormwater pollution protection (SWPPP), tree protection, supplemental layout/survey, SWPPP maintenance for duration of the project

Earthwork – Site demolition, mass grading, paving subgrade preparation, building pad preparation

Site Utilities – Site storm drain piping, domestic & fire water service, public water line, sanitary sewer service

Selective Demolition – Demolition of the canopy at the Municipal Courts Building

Concrete – Site Parking Paving

Structural Steel – Steel Package for entire project

Plumbing – Site natural gas line & temporary water to the construction office trailer

Electrical

- Purchase only of generator and automatic transfer switch
- Site underground work to install raceways under paving for site power, lighting, data & security systems

GMP 2 Main Package

Landscaping and Irrigation

Perimeter Fencing

Concrete Sidewalks

Site Masonry

Pavement Markings

IT Cabling and Security

All Remaining Scope for Construction of Buildings B, C, D and renovation of Building A



Construction Budget

Estimated Construction Cost

$39,115,634

GMP #1

$9,036,361

GMP #2 Early Release Estimate

$30,107,687

GMP #2 Actual Cost

$30,156,881

Total GMP

$39,193,242

Project Expenses

Budget Item	Costs
Testing Services	$37,018
Construction (GMP1&2)	$39,193,242
FFE	$993,467
Professional Services	$3,827,927
Pipe Relocation	$1,200,000
Survey	$15,200
CMAR Pre-Construction Serv.	$15,000
Total	$45,281,854
Overage	**$48,709**

Current Funding:
$45,233,145

Total Need:
$45,281,854

Overage:
$48,709

Additional Expenses

Testing Services

- UES – $211,975

Construction

- Alt 1 – Outdoor Cooking - $26,262
- Alt 2 – Site Canopies - $189,611
- Alt 3 – Replace RTU/Roof - $754,741
- Alt 4 – Clean Duct Work - $127,618
- Earthwork - $360,014

FFE

- FFE - $500,000

Prof. Services

- BSW Inspection/Design - $146,500

Pipe Relocation

- Design Fees - $57,000

Moving/Relocation

- $60,000

Misc. Expenses

- $65,196

EDP

- 40,800

Owners Representative

- VMG - $433,672

Permit Fees

- $314,457

Base Project Overage - $48,709
Additional Expenses - $3,287,846
Total Funding Needs - $3,336,555

Available Funding Option

Projects Savings

City Hall - $174,000

Street Projects - $260,125

Traffic Projects - $230,350

Total - $664,475

Unallocated Funds

CIP Cash - $20,000

CIP Bond - $190,000

Total - $210,000

Impact Fee Transfers

Hulen St. Project - $118,612

Currently Available - $993,087

Additional Funding Options

- Existing funding is available in the Gas Royalty Fund in the amount of $396,340
- Additionally, staff anticipates earning $1.5M-$2M in interest income annually on bond proceeds over the next two years
- Staff recommends utilizing both these funding sources to address funding shortfalls in this project.
- Utilization of these funds will require appropriations by the City Council.

Future Council Considerations

- Appropriation of annual interest income and gas royalty funds
- Purchase of FFE
  - $1,493,467
- Construction Amendment
  - New Roof/HVAC – $756,679
  - Cleaning of Existing Duct Work - $127,618

October 20th Action Items

- Byrne Construction – GMP #2 with Alt 1 & 2 and Earthwork
- Brinkley Sargent Wiginton (BSW) Design Amendment
- United Environmental Services (UES) Material Testing Amendment
- Vidaurri Management Group (VMG) Contract

Byrne Construction GMP



Estimated Construction Cost

$39,115,634

GMP #1

$9,036,361

GMP #2 Early Release Estimate

$30,107,687

GMP #2 Actual Cost

$30,156,881

Total GMP

$39,193,242

Add Alt 1 and 2 Costs

$215,873

Additional Soil Work

$360,014

Recommended GMP #2

$30,732,768

Total Construction Cost

$39,769,129

BSW Amendment

Amendment approved in March 2025

Design contract is based on 8% of the cost of the project for architectural and engineering services plus supplemental costs such as civil engineering, landscape design, technology consulting, MEP, furniture design, interior design, etc.

Construction Cost	Design Services	Supplemental	Total Contract	Change
$23,232,103	$1,858,568	$722,927	$2,581,495	-
$38,494,306	$3,079,544	$748,383	$3,827,927	$1,246,432

Additional Services Required

- There is a need for a new roof and HVAC units on the existing Police Headquarters building.
- Roof and HVAC replacement were not included in the original scope of the project.
- Additional investigation and design required to verify the structural capacity of the existing roof to support larger HVAC units.
  - Structural Engineer - $96,500
  - Mechanical Engineer - $25,000
  - Architectural Services - $25,000
- Total Amendment - $146,500
- Total Contract - $3,974,427

UES Amendment

United Environmental Services

UES provides specialized engineering, environmental, testing, and inspection services to clients across the United States. They are experts in the areas of environmental and earth sciences, sustainable infrastructure solutions, and geophysical technologies.

The city has utilized UES for environmental and material testing for multiple projects across the city.

United Environmental Services

Scope

Earthwork/Stabilization

Concrete Testing

Pier Inspection

Structural Steel

Storm Shelter

Penetration Testing

UES Amendment

City staff initiated a contract for Phase 1 of the project administratively in the amount of $20,825.

This amendment is for services for the entire project.

Contract Amendment - $191,149.50

Total Contract - $211,974.50

VMG Contract

Vidaurri Management Group

- Founded in 2016
- Experience in managing public sector projects from design to close out.
- Company experience includes over $2B in construction spanning millions of square feet.
- Recent public project areas include Burleson, Waxahachie, Midlothian, Fort Worth, and Ellis County.
- Assisted in cost savings for the city and recommended changes in both the City Hall and FS1 projects.



402

CMAR vs Owner's Rep.

CMAR

- Contractor responsible for managing construction and delivering the project at GMP
- Deliver the project on time and within budget
- Reviews and executes change orders within the GMP
- Manages the field work, subcontractors, safety, quality and schedule.

OWNER'S REP

- Consultant who represents the owner's interest throughout the process
- Ensure the owner's goals are met by managing CMAR and other consultants
- Evaluates change orders for fairness and necessity before owner approval
- Monitors progress, reviews pay apps, ensures compliance, and reports to owner

VMG

Staff is recommending executing a professional services contract with VMG to represent the city for construction management and coordination services for this project

Contract Cost - $433,672

Questions / Discussion

Recommendation

Approval of a Guaranteed Maximum Price (GMP) contract with Byrne Construction Services for Phase 2 of the Police Headquarters Expansion and Remodel in the amount of $30,732,768.



Recommendation

Approval of an amendment to BSW Design Contract for additional design services in the amount of $146,500 for a total contract of $3,974,427.



Recommendation

Approval of an amendment to UES contract for material testing in the amount of $191,149.50 for a total contract of $211,974.50.



Recommendation

Approval of a professional services contract with VMG in the amount of $433,672.



City Council Regular Meeting

DEPARTMENT: **Capital Engineering**

FROM: **Eric Oscarson, Deputy City Manager**

MEETING: **May 4, 2026**

SUBJECT:

Consider and take possible action on an amendment to a Guaranteed Maximum Price (GMP) contract (CSO#5871-08-2025) with Byrne Construction Services for the Police Headquarters Expansion and Remodel in the amount of $1,490,166. (FA2301) (*Staff Contact: Eric Oscarson, Deputy City Manager)*

STRATEGIC PRIORITY AND GOAL(S):

Strategic Priority	Strategic Goal
 **Dynamic & Preferred City** Through Managed Growth	2.4 Implement the city's Capital Improvement Program 2.5 Develop and maintain facilities and utility services
 **Beautiful, Safe, & Vibrant Community**	3.3 Enhance emergency response services 3.4 Ensure public safety equipment and personnel needs are being met 3.5 Continue community policing and risk reduction programs

SUMMARY:

On May 7, 2022, Burleson voters approved Proposition B for public safety facility improvements, including the Police Headquarters Expansion project. In January 2023, City Council approved the selection of Brinkley Sargent Wiginton (BSW) as the architect. In June 2023, Byrne Construction Services was selected as the Construction Manager at Risk (CMAR).

Since that time, the project has progressed through schematic design, design development, and completion of construction documents. In August and October 2025, City Council approved the

initial Guaranteed Maximum Price (GMP) contract totaling $39,769,129 and increased the total project budget to $46,216,232 to accommodate design services, testing, permits, and other project-related costs.

As the project advances, additional funding is required to address identified needs and changes, including furniture, fixtures, and equipment (FFE), moving and relocation costs, IT infrastructure relocation, roof and HVAC replacement, and construction change orders.

Current unfunded project needs total $2,435,826. Additionally, approved and anticipated change orders total $1,490,166, bringing the total additional funding required to $3,925,992.

The GMP contract amendment with Byrne Construction Services in the amount of $1,490,166 reflects a portion of these necessary adjustments, including security enhancements, mechanical/electrical/plumbing updates, and owner contingency allocations.

RECOMMENDATION:

Approve an amendment to a Guaranteed Maximum Price (GMP) contract (CSO#5871-08-2025) with Byrne Construction Services for the Police Headquarters Expansion and Remodel in the amount of $1,490,166.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

- May 7, 2022 – Voters approved Proposition B
- January 2023 – Council approved architect selection
- June 2023 – CMAR selection (Byrne Construction Services)
- August & October 2025 – Council approved initial GMP and project budget increase

REFERENCE:

CSO#571-08-2025

FISCAL IMPACT:

Proposed Expenditure/Revenue: $1,490,166
Project Number: FA2301
Account Description: Police Expansion
Procurement Method: CMAR

STAFF CONTACT:

Eric Oscarson
Deputy City Manager
eoscarson@burlesontx.com
817-426-9837

Burleson Police Headquarters Expansion Project

City Council
May 4, 2026

Background

- May 7, 2022 – Burleson voters approved Proposition B for the public safety facility improvements and construction, which included the Police Headquarters Expansion.
- January 2023 – Council approved the selection of Brinkley Sargent Wiginton (BSW) as the architecture firm for the design of the Police Expansion project.
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Background

- June 2023 – May 2024 – BSW completed comprehensive reviews of previous studies and schematic design.
- May 2024 – October 2024– BSW completed the design development phase.
- October 2024 – July 2025 – BSW completed construction documents.
- August/October 2025 – Council approved the Guaranteed Maximum Price (GMP) Contract ($39,769,129) and amended the total project budget ($46,216,232)
  - Increase to cover add alts, design services, testing services, owner's representative, permit fees
  - Included information regarding necessity for future funding allocation for furniture, exercise equipment, and existing building roof and RTU replacement


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Current Project Allocations

Budget Item	Costs
Professional Services	$4,105,611.00
Construction	$41,864,942.50
Material Testing	$211,974.50
Survey/Platting	$37,248.00
Total	**$46,219,776**

Available Funding

Bond Issuance Year	Amount
FY22	$1,200,000
FY23*	$2,402,020
FY24*	$4,960,503
FY25*	$7,640,253
FY26	$13,607,500
FY27	$16,409,500
Total	$46,219,776



*Increased Funding $993,087 in October 2025 from savings from other projects.

Current Unfunded Items

Previously Projected (October 2025)

FFE

- Furniture – $993,467
- Exercise Equipment - $500,000

Moving/Relocation

- IT Infrastructure Relocation - $60,000

Roof/HVAC Replacement

- New Roof/HVAC- $754,741*
- Cleaning of Duct Work - $127,618*

Total - $2,435,826



*Costs TBD with inspection of roof in the near future

Current Change Orders

Change Order 1 - $109,261

- Roof changes for drones
- Security Upgrades in Lobby
- Equipment/Door/Frame Changes in Dispatch

Change Order 2 – 260,742

- Security Cameras/Access Control
- Price fluctuations in technology
- Door Frame/Hardware

Change Order 3 - $91,409

- SWAT Panels
- Storm/Water Changes
- Roof Investigation

Change Order 4 – $28,882

- Casings
- Budgeted 25%- $60,000
- Actual – $88,882

Change Order 5 – 199,872

- AV Updates

Change Order 6 - $800,000

- Owner Contingency

Total - $1,490,166

Total Allocations Necessary

Unfunded - $2,435,826

- FFE
- Moving/Relocation
- Roof/HVAC Replacement

Change Orders - $1,490,166

- Roof/Drones/Doors
- Technology
- Casings
- Contingency

Total $3,925,992



Funding Availability

FY26 CIP Amendment

- Royalty Funds - $427,216.26
- Account Reconciliation/Interest Income - $3,498,775.74
- **Total - $3,925,992**

Total CIP Impact - $3,925,992

No additional debt issuance

Proposed CIP Amendment FY26 – FY30

CIP Changes

THE CITY OF BURLESON TEXAS

5-YEAR CAPITAL IMPROVEMENT CHANGE SUMMARY			
Project #	**Project Title**	**Change Summary**	**Priority Ranking**
FA2301	Police HQ Expansion	The PD Expansion has a number of proposed changes to fully fund the project, with a **total increase of $3,464,681 in FY26**. The GO Bond allocation increased by **$2,348,407**, which is a transfer from ST2306 Hulen Street Widening. The CO Bond allocation increased by **$425,529**, which is a transfer from ST2306 Hulen Street Widening. The Non-Bond/Cash allocation increased by **$690,745**, which includes the accrued interest from General Government CO's and GO's and the available funds in Gas Royalty.	Mandatory
ST2306	Hulen Widening (SH174 to Candler)	The Hulen Street Widening project includes a number of allocation changes but results in a **net change of $0**. The FY26 GO Bond allocation decresed by $2,348,407, but was backfilled with $2,348,407 in GO Bond Interest Income. The FY26 CO Bond allocation decreased by $425,529, but was backfilled with $425,529 in CO Bond and TIF interest income.	Mandatory
ST2309	Village Creek Parkway Expansion (Tarrant Co. Bond 50% Match)	The Village Creek Parkway Expansion project **increased by $3,030,000** in FY26 to capture the appropriations for the Tarrant County Funding Interlocal Agreement reimbursement. The funding is non-bond reimbursement funds.	Mandatory

General Government CIP FY26-30

	Project #	Project Name	Prior Allocations	2026	2027	2028	2029	2030	Total Per Project (FY26-30)
GO BOND PROJECTS	ST2_50	Neighborhood Street Rebuilds		$750,000					$750,000
	FA2301	Police Expansion	$5,200,000	~~$13,607,500~~ $15,955,907	$16,409,500				~~$30,017,000~~ $32,365,407
	ST2306	Hulen at Wilshire Intersection	$200,000	$1,501,027					$1,501,027
		Hulen Widening (SH174 to Candler) (Design 4 Lanes; Build 2 Lanes)	$1,800,000	~~$6,003,653~~ $3,655,246					~~$6,003,653~~ $3,655,246
	ST2503	Elk, Hillside, & FM731- Ped. & Int. Improvements - Phase 1	$427,804	$15,275					$15,275
	ST2704	Elk, Hillside, & FM731- Ped. & Int. Improvements - Phase 2		$189,596	$403,834				$593,430
	FA2601	Fire Station #4				$2,500,000		$13,443,000	$15,943,000
	ST2601	FM 1902 and CR 910 Pedestrian Mobility		$300,000	$1,189,901				$1,489,901
	ST2801	Wilshire Blvd. (SH174) Construction Documents (Wicker Hill to City Limits)				$750,000	$1,130,015		$1,880,015
	ST2306	Hulen Widening (SH174 to Candler) (Design 4 Lanes; Build 2 Lanes)	$3,887,711	~~$11,770,242~~ $14,118,649					~~$11,770,242~~ $14,118,649
	FA2301	Police Expansion	~~$9,465,600~~ $9,926,911	$1,116,274					$1,116,274
	ST2704	Elk, Hillside, & FM731- Ped. & Int. Improvements - Phase 2			$705,749				$705,749
	ST2_50	Neighborhood Street Rebuilds	$1,000,000		$1,261,876	$1,750,000	$3,597,953	$1,000,000	$7,609,829
	167361	Quiet Zone at Dobson Street and County Road 714			$1,045,541				$1,045,541
	ST2309	Village Creek Parkway Expansion (Tarrant Co. Bond 50% Match)	$3,725,410	~~$259,059~~ $3,289,059					~~$259,059~~ $3,289,059
	ST2603	Wicker Hill and Greenridge Reconstruction		$1,200,000	$5,700,000				$6,900,000
	ST2651	CR 914 Reconstruction from CR 914A to CR1021		$1,000,000					$1,000,000
	ST2604	Hulen St. & BNSF RR Grade Separation		$5,140,000					$5,140,000
	FA2601	City Hall EV Charger		$332,476	$92,000				$424,476
	CE2601	Two New Ambulances		$1,326,000					$1,326,000
	CE2602	One Replacement Street Sweeper		$325,000					$325,000
	CE2801	Four Replacement Ambulances				$2,652,000			$2,652,000
	CE2901	One New Ladder Truck					$2,438,197		$2,438,197
	CE2902	One New Brush Truck					$367,332		$367,332
	CE2903	One Replacement BearCat					$350,000		$350,000
		Total	~~$25,706,525~~ $26,167,836	~~$43,719,828~~ $50,214,509	**$26,808,401**	**$7,652,000**	**$7,883,497**	**$14,443,000**	~~$100,506,726~~ $107,001,407

Note: Additional allocation for ST2309 Village Creek Parkway ($3,030,000) captures the reimbursement amount in approved Funding ILA with Tarrant County, as executed in 2023 and amended in 2025.

Proposed CIP Amended Fund Summary

FUND SUMMARY	2026	2027	2028	2029	2030	FY26-30 TOTAL
General Government Bonds	$36,316,220	$26,716,401	$7,652,000	$7,883,497	$14,443,000	**$93,011,118**
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TIF 2 Bonds	$0	$0	$0	$0	$0	**$0**
4A Bonds	$11,026,519	$0	$9,000,000	$15,000,000	$0	**$35,026,519**
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Total	**$100,527,446**	**$70,372,735**	**$34,653,840**	**$37,832,168**	**$24,086,056**	**$267,472,246**

Next Steps

- May 4: Consideration of a CIP amendment
- May 4: Consideration of amendment to GMP with Byrne Construction
- Summer 2026: Furniture Purchase for Council Consideration
- Fall 2026: Roof Analysis Complete, Updated Costs, Council Consideration
- Spring 2027: Equipment Purchase for Council Consideration

Questions / Discussion

Recommendation

Approve an ordinance amending the FY26-30 CIP.



Recommendation

Approval of an amendment to the Guaranteed Maximum Price (GMP) contract with Byrne Construction Services for the Police Headquarters Expansion and Remodel in the amount of $1,490,166.



Burleson Police Headquarters Expansion Project

City Council
October 20, 2025

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BURLESON POLICE DEPARTMENT


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- Largest Hispanic-Owned contractor in Texas

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Earthwork – Site demolition, mass grading, paving subgrade preparation, building pad preparation

Site Utilities – Site storm drain piping, domestic & fire water service, public water line, sanitary sewer service

Selective Demolition – Demolition of the canopy at the Municipal Courts Building

Concrete – Site Parking Paving

Structural Steel – Steel Package for entire project

Plumbing – Site natural gas line & temporary water to the construction office trailer

Electrical

- Purchase only of generator and automatic transfer switch
- Site underground work to install raceways under paving for site power, lighting, data & security systems

GMP 2 Main Package

Landscaping and Irrigation

Perimeter Fencing

Concrete Sidewalks

Site Masonry

Pavement Markings

IT Cabling and Security

All Remaining Scope for Construction of Buildings B, C, D and renovation of Building A



Construction Budget

Estimated Construction Cost

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Budget Item	Costs
Testing Services	$37,018
Construction (GMP1&2)	$39,193,242
FFE	$993,467
Professional Services	$3,827,927
Pipe Relocation	$1,200,000
Survey	$15,200
CMAR Pre-Construction Serv.	$15,000
Total	$45,281,854
Overage	**$48,709**

Current Funding:
$45,233,145

Total Need:
$45,281,854

Overage:
$48,709

Additional Expenses

Testing Services

- UES – $211,975

Construction

- Alt 1 – Outdoor Cooking - $26,262
- Alt 2 – Site Canopies - $189,611
- Alt 3 – Replace RTU/Roof - $754,741
- Alt 4 – Clean Duct Work - $127,618
- Earthwork - $360,014

FFE

- FFE - $500,000

Prof. Services

- BSW Inspection/Design - $146,500

Pipe Relocation

- Design Fees - $57,000

Moving/Relocation

- $60,000

Misc. Expenses

- $65,196

EDP

- 40,800

Owners Representative

- VMG - $433,672

Permit Fees

- $314,457

Base Project Overage - $48,709
Additional Expenses - $3,287,846
Total Funding Needs - $3,336,555

Available Funding Option

Projects Savings

City Hall - $174,000

Street Projects - $260,125

Traffic Projects - $230,350

Total - $664,475

Unallocated Funds

CIP Cash - $20,000

CIP Bond - $190,000

Total - $210,000

Impact Fee Transfers

Hulen St. Project - $118,612

Currently Available - $993,087

Additional Funding Options

- Existing funding is available in the Gas Royalty Fund in the amount of $396,340
- Additionally, staff anticipates earning $1.5M-$2M in interest income annually on bond proceeds over the next two years
- Staff recommends utilizing both these funding sources to address funding shortfalls in this project.
- Utilization of these funds will require appropriations by the City Council.

Future Council Considerations

- Appropriation of annual interest income and gas royalty funds
- Purchase of FFE
  - $1,493,467
- Construction Amendment
  - New Roof/HVAC – $756,679
  - Cleaning of Existing Duct Work - $127,618

October 20th Action Items

- Byrne Construction – GMP #2 with Alt 1 & 2 and Earthwork
- Brinkley Sargent Wiginton (BSW) Design Amendment
- United Environmental Services (UES) Material Testing Amendment
- Vidaurri Management Group (VMG) Contract

Byrne Construction GMP



Estimated Construction Cost

$39,115,634

GMP #1

$9,036,361

GMP #2 Early Release Estimate

$30,107,687

GMP #2 Actual Cost

$30,156,881

Total GMP

$39,193,242

Add Alt 1 and 2 Costs

$215,873

Additional Soil Work

$360,014

Recommended GMP #2

$30,732,768

Total Construction Cost

$39,769,129

BSW Amendment

Amendment approved in March 2025

Design contract is based on 8% of the cost of the project for architectural and engineering services plus supplemental costs such as civil engineering, landscape design, technology consulting, MEP, furniture design, interior design, etc.

Construction Cost	Design Services	Supplemental	Total Contract	Change
$23,232,103	$1,858,568	$722,927	$2,581,495	-
$38,494,306	$3,079,544	$748,383	$3,827,927	$1,246,432

Additional Services Required

- There is a need for a new roof and HVAC units on the existing Police Headquarters building.
- Roof and HVAC replacement were not included in the original scope of the project.
- Additional investigation and design required to verify the structural capacity of the existing roof to support larger HVAC units.
  - Structural Engineer - $96,500
  - Mechanical Engineer - $25,000
  - Architectural Services - $25,000
- Total Amendment - $146,500
- Total Contract - $3,974,427

UES Amendment

United Environmental Services

UES provides specialized engineering, environmental, testing, and inspection services to clients across the United States. They are experts in the areas of environmental and earth sciences, sustainable infrastructure solutions, and geophysical technologies.

The city has utilized UES for environmental and material testing for multiple projects across the city.

United Environmental Services

Scope

Earthwork/Stabilization

Concrete Testing

Pier Inspection

Structural Steel

Storm Shelter

Penetration Testing

UES Amendment

City staff initiated a contract for Phase 1 of the project administratively in the amount of $20,825.

This amendment is for services for the entire project.

Contract Amendment - $191,149.50

Total Contract - $211,974.50

VMG Contract

Vidaurri Management Group

- Founded in 2016
- Experience in managing public sector projects from design to close out.
- Company experience includes over $2B in construction spanning millions of square feet.
- Recent public project areas include Burleson, Waxahachie, Midlothian, Fort Worth, and Ellis County.
- Assisted in cost savings for the city and recommended changes in both the City Hall and FS1 projects.



CMAR vs Owner's Rep.

CMAR

- Contractor responsible for managing construction and delivering the project at GMP
- Deliver the project on time and within budget
- Reviews and executes change orders within the GMP
- Manages the field work, subcontractors, safety, quality and schedule.

OWNER'S REP

- Consultant who represents the owner's interest throughout the process
- Ensure the owner's goals are met by managing CMAR and other consultants
- Evaluates change orders for fairness and necessity before owner approval
- Monitors progress, reviews pay apps, ensures compliance, and reports to owner

VMG

Staff is recommending executing a professional services contract with VMG to represent the city for construction management and coordination services for this project

Contract Cost - $433,672

Questions / Discussion

Recommendation

Approval of a Guaranteed Maximum Price (GMP) contract with Byrne Construction Services for Phase 2 of the Police Headquarters Expansion and Remodel in the amount of $30,732,768.



Recommendation

Approval of an amendment to BSW Design Contract for additional design services in the amount of $146,500 for a total contract of $3,974,427.



Recommendation

Approval of an amendment to UES contract for material testing in the amount of $191,149.50 for a total contract of $211,974.50.



Recommendation

Approval of a professional services contract with VMG in the amount of $433,672.



City Council Regular Meeting

DEPARTMENT: **Parks and Recreation**

FROM: **Jen Basham, Director of Parks and Recreation**

MEETING: **May 4, 2026**

SUBJECT:

Consider and take possible action on a three year agreement with Sports Facilities Management for the management and operation of concessions at Bartlett Soccer Complex. *(Staff Contact: Jen Basham, Director of Parks and Recreation)*

STRATEGIC PRIORITY AND GOAL(S):

Strategic Priority	Strategic Goal
High Performing City Organization Providing Exceptional, People Focused Services	1.2 Continue to improve the efficiency and productivity of operations

SUMMARY:

The concession stands at Bartlett Park Sports Complex are currently managed through an agreement with the Burleson Independent Soccer Association (BISA), which remains in effect through May 2026. Upon expiration of that agreement, the City will assume operational responsibility for concession facilities at the complex.

To support a consistent and scalable operational model across the City's athletic facilities, staff proposes entering into a management agreement with Sports Facilities Food & Beverage Texas, LLC, an affiliate of Sports Facilities Management (SFM), to oversee concession operations at Bartlett Park Sports Complex and other designated locations. Under this agreement, the City retains ownership of all facilities, equipment, and revenue, while the operator provides day-to-day management, staffing, and operational oversight of food and beverage services.

The agreement establishes SFM as the exclusive manager of food and beverage operations at the facility, responsible for the procurement, preparation, and sale of food and non-alcoholic beverages during scheduled events and programming. Operations will be supported by SFM's

existing food and beverage management team currently serving Chisenhall Sports Complex, allowing the City to leverage established systems, purchasing relationships, and staffing structures while expanding service levels to Bartlett Park.

All revenues generated through concession operations will be deposited into a City-controlled operating account, with the City maintaining full visibility and oversight of financial performance. From this account, all operating expenses, including staffing, supplies, and day-to-day operational costs, will be paid. The operator will be compensated through a defined structure that includes reimbursement of approved operating expenses and a performance-based incentive fee equal to fifty percent (50%) of monthly earnings before interest, taxes, depreciation, and amortization (EBITDA). This structure aligns operator performance with revenue generation while ensuring the City retains control of financial operations.

The City is responsible for funding the operating account and ensuring sufficient working capital is available to support operations. Funding for initial startup costs, including equipment and facility readiness, was approved by City Council as part of the April 20, 2026 budget amendment. This ensures the operation is appropriately capitalized at the outset and supports a smooth transition into the new management model.

The operator will provide all staffing necessary to support concession operations, including management oversight and part-time and seasonal staff based on demand. All staff are employees of the operator, not the City, and staffing levels are established through an annually approved operating budget.

Operational standards, including sanitation, safety, and service expectations, are defined within the agreement. The operator is responsible for maintaining a clean and safe environment, implementing appropriate financial and operational controls, and complying with all applicable laws and regulations governing food service operations. The agreement expressly prohibits the sale or advertisement of alcoholic beverages at the facility.

The agreement is structured with an initial three (3) year term, with the option to renew for an additional five (5) year period upon mutual agreement. Either party may terminate the agreement with appropriate notice, providing flexibility while maintaining long-term operational stability.

This agreement supports the City’s transition to a unified and professionally managed operational model for athletic facilities by centralizing food and beverage operations under an experienced provider. It reduces the City’s direct involvement in staffing and day-to-day operations, while establishing a performance-based structure that incentivizes revenue growth and enhances the overall user experience at the facility.

RECOMMENDATION:

Staff recommends approval as presented.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

List date and description of any prior action related to the subject

REFERENCE:

Insert CSO# if applicable
Insert resolution or ordinance change

FISCAL IMPACT:

Proposed Expenditure/Revenue:
Account Number(s):
Fund:
Account Description:
Procurement Method:

STAFF CONTACT:

Jen Basham, CPRE
Director of Parks and Recreation
jbasham@burlesontx.com
817-426-9201

Bartlett Concessions

CITY COUNCIL-MAY 4, 2026

STAFF CONTACT: JEN BASHAM, DIRECTOR OF PARKS AND RECREATION

Existing Management

Concessions currently managed by BISA through May 2026

Transition provides opportunity to align operations with broader complex management



Third-Party Management Partnership

City proposes entering into an agreement with **Sports Facilities Food & Beverage Texas, LLC**

Services include:

- Procurement and sale of **food and non-alcoholic beverages**
- Event-based concession operations
- Management of concession stands at **Bartlett Park Sports Complex**
- Seasonal concession operations for the **City outdoor pool**



480

Leveraging Existing Operations

Sports Facilities Management will:

- Utilize the existing food & beverage management team at Chisenhall
- Provide operational oversight for Bartlett Park concessions
- Expand part-time and seasonal staffing
- Integrate purchasing, POS systems, and inventory management

Benefit: Operational consistency across City sports complexes.



Terms



Key Agreement Terms

Term: May 5, 2026-May 5, 2029

Exclusive concession services provider at the facility

Operator responsible for:

- Staffing
- Training
- Inventory management
- Accounting and sales reporting

City provides utilities and facility infrastructure

Revenue Model

Revenue Sharing Structure

City receives 50% of EBITDA from concession operations

Revenue tied directly to:

- Tournament activity
- League play
- Community events
- Outdoor Pool Season

Operator manages day-to-day operations and staffing



Concession Improvements

Estimated start up

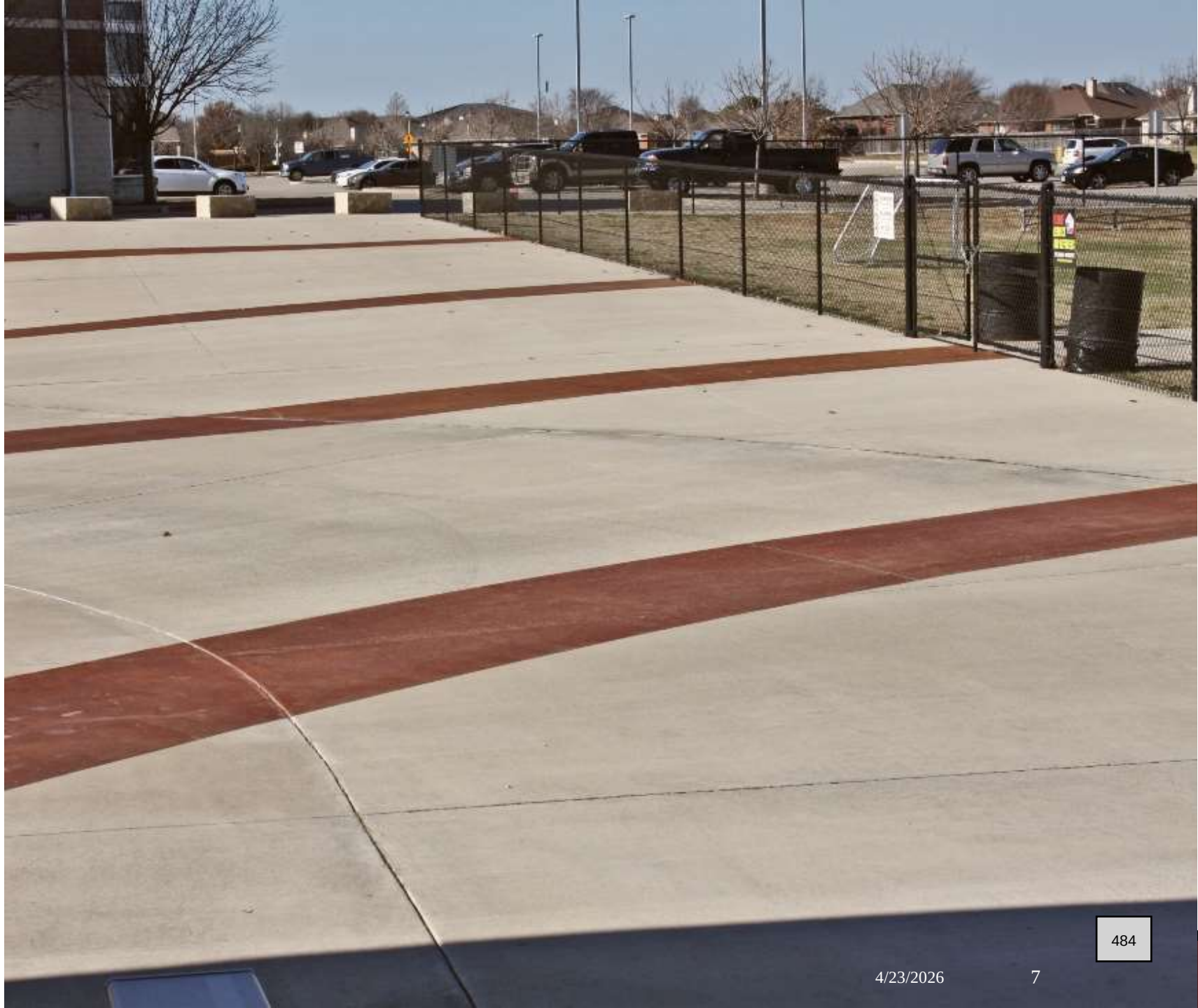
~$92,610

Includes:

Remodeling concessions

Equipment upgrades

Integration with POS and inventory systems



Recommended Action:

Approve as presented

City Council Regular Meeting

DEPARTMENT: **Parks and Recreation**

FROM: **Jen Basham, Director of Parks and Recreation**

MEETING: **May 4, 2026**

SUBJECT:

Consider and take possible action on a resolution adopting a sports facility use policy. *(Staff Contact: Jen Basham, Director of Parks and Recreation)*

STRATEGIC PRIORITY AND GOAL(S):

Strategic Priority	Strategic Goal
Great Place to Live Through Expanded Quality of Life Amenities	4.1 Provide high-quality recreation opportunities, events and facilities for residents

SUMMARY:

As part of the transition of the Bartlett Soccer Complex and the continued growth in demand for athletic field use across the system, the Parks and Recreation Department has developed a comprehensive Sports Facility Use Policy to establish a consistent, transparent, and equitable framework for all users.

Under this policy, all City athletic fields are designated as non-exclusive, and all use requires an approved reservation issued by the City or its designee. The City retains full authority over scheduling, assignment, and reassignment of all fields to ensure equitable access, operational flexibility, and alignment with broader system needs.

The policy establishes a defined scheduling process for league play and general use. Organizations are required to submit proposed seasonal schedules by deadlines established by the City. In advance of each primary league play season, specifically the spring season (February through May) and fall season (August through November), Burleson Independent Soccer Association (BISA) and Burleson Youth Association (BYA) are provided a two (2) week priority scheduling window to submit and reserve fields. No priority scheduling window is provided for summer seasons. Following the conclusion of each priority scheduling window, all

remaining field availability is released for reservation by other organizations and the general public. Priority scheduling provides a first-pass opportunity for league scheduling but does not guarantee approval of all requested dates, times, or field assignments, which remain subject to City review and approval.

Within each league play season, the City retains the right to pre-schedule tournaments and special events, including reserving weekends as needed to balance league play, community access, and revenue-generating opportunities. BISA league play is generally scheduled on Saturdays and Sundays, while BYA league play is primarily scheduled on weekdays, with limited weekend use as approved. All games and practices must occur within approved reservations and assigned fields, and all scheduling remains subject to City review and approval.

Field rental rates are established annually through the City's adopted fee schedule. The policy includes a defined fee structure for BISA, including a forty percent (40%) reduction on applicable field rental rates and a Sunday league play structure that allows for a six-hour half-day rental at a reduced rate, with the discount applied accordingly. This structure supports league operations while maintaining cost recovery and financial consistency across the system.

The policy affirms the City's authority to manage field conditions and long-term asset preservation. The City may close fields due to weather, unsafe conditions, or maintenance needs, and all users are required to comply with closures. Maintenance windows are established and published in advance of each scheduling cycle, and no reservations are permitted during designated maintenance periods. The City may also modify or extend closures as necessary to protect field conditions and ensure safe play.

To support risk management and participant safety, the policy requires organizations conducting league play, tournaments, or recurring rentals to maintain specified insurance coverage and provide documentation prior to use. BISA and BYA are further required to conduct background checks on all individuals with direct participant contact and ensure appropriate training is provided to coaches prior to each primary season.

Operational expectations for all users are clearly defined within the policy. Field rentals provide access to fields only unless otherwise authorized, and outside vendors, concessions, and food sales are prohibited without prior City approval. Organizations and individuals are responsible for cleanup, proper use of facilities, and any damage caused during their use.

Finally, the policy allows organizations to request storage accommodations; however, all construction costs are the responsibility of the requesting organization and remain subject to City approval. The City retains authority over the design, placement, and long-term management of any approved improvements to ensure consistency with site planning and operational standards.

RECOMMENDATION:

Staff recommends approval as presented

PRIOR ACTION/INPUT (Council, Boards, Citizens):

List date and description of any prior action related to the subject

REFERENCE:

Insert CSO# if applicable
Insert resolution or ordinance change

FISCAL IMPACT:

Proposed Expenditure/Revenue:
Account Number(s):
Fund:
Account Description:
Procurement Method:

STAFF CONTACT:

Jen Basham, CPRE
Director of Parks and Recreation
jbasham@burlesontx.com
817-426-9201

Sports Facility Use Policy

CITY COUNCIL: MAY 4, 2026

STAFF CONTACT: JEN BASHAM, DIRECTOR OF PARKS AND RECREATION

Summary

As part of the transition of the Bartlett Soccer Complex and increased demand for athletic field use, the Parks and Recreation Department has developed a comprehensive Sports Facility Use Policy to ensure a consistent, transparent, and equitable framework for all users.

This policy reflects months of coordination with staff, Legal, and key stakeholders, including BISA, and formalizes existing practices into a clear, unified approach for managing facilities and user expectations.

Key Elements

1. Non-Exclusive Use and Reservation Requirements

All City athletic fields remain non-exclusive

All use requires an approved reservation

The City retains full authority over scheduling and field assignments

2. Prioritization and Scheduling Structure

BISA and Burleson Youth Association (BYA) receive a two-week priority scheduling window for league play

Remaining field availability is released to the public following this window

The City retains the right to pre-schedule tournaments during typical league seasons to balance access and revenue

3. Fee Structure Alignment

Field rental fees are established annually through the City's adopted fee schedule

BISA receives a defined fee reduction structure, including a Sunday league play rate adjustment

4. Operational and Maintenance Controls

The City retains authority to close fields due to weather or unsafe conditions

Maintenance windows will be established and published prior to scheduling periods

Organizations are responsible for notifying participants of closures

Key Elements

5. Risk Management and Compliance

Insurance requirements for league play, recurring rentals, and tournaments

Background check requirements specific to BISA and BYA, with provisions for recurring private rentals

Indemnification protections for the City

6. Use Restrictions and Operational Expectations

Vendor and concession activity requires City approval

Field rentals provide access to fields only unless otherwise authorized

Cleanup, damage responsibility, and parking compliance requirements are defined

7. Storage and Facility Improvements

Organizations may request storage; however, they are responsible for construction costs and ongoing maintenance

The City retains authority over design and placement





Financial Impact

The policy supports:

Revenue generation through structured rentals and tournament scheduling

Clear financial alignment as part of the Bartlett Soccer Complex transition

No immediate fiscal impact is associated with policy adoption; however, implementation will support long-term operational efficiency and revenue consistency.

Direction

Adopt Policy as Presented

Adopt Policy with Changes

Deny Policy

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, ADOPTING THE SPORTS FACILITY USE POLICY; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas ("City"), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City of Burleson owns and operates athletic fields and sports complexes for the benefit of the public; and

WHEREAS, the City Council desires to ensure that such facilities are utilized in a consistent, equitable, and transparent manner that promotes community access, protects public assets, and supports organized recreational opportunities; and

WHEREAS, the transition of the Bartlett Soccer Complex and increasing demand for athletic field use necessitate the establishment of a formalized policy governing reservations, scheduling, and operational expectations; and

WHEREAS, the City has developed a comprehensive Sports Facility Use Policy to establish uniform standards for the use of City-owned athletic facilities; and

WHEREAS, the proposed policy has been reviewed by City staff and reflects best practices for facility management, risk mitigation, and community access;

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

Section 1.

The City Council hereby adopts the Sports Facility Use Policy, attached hereto as Exhibit "A" and incorporated herein for all purposes.

Section 2.

The City Manager, or designee, is hereby authorized to implement and administer the Sports Facility Use Policy, including the authority to establish procedures, forms, and operational guidelines necessary to carry out the intent of the policy.

Section 3.

This resolution shall take effect immediately from and after its passage.

PASSED, APPROVED, AND SO RESOLVED by the City Council of the City of Burleson, Texas, on the _____ day of _____, 20_____.

_____
Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

_____
Amanda Campos, City Secretary

APPROVED AS TO LEGAL FORM:

_____
E. Allen Taylor, Jr., City Attorney

THE CITY OF
BURLESON
TEXAS

SPORTS FACILITY USE POLICY

Draft: April 10, 2026
Adopted:

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PURPOSE

The purpose of this policy is to establish a uniform, transparent, and non-exclusive framework governing the reservation and use of City-owned outdoor sports facilities. This policy is intended to support local youth sports organizations, promote equitable community access, provide predictable scheduling opportunities for league play, allow for general public rentals and tournaments, and protect City assets through clearly defined operational, safety, and maintenance requirements.

DEFINED TERMS

"City" means the City of Burleson, Texas.

"Facilities" means the athletic fields and related areas at Bartlett Park Sports Complex and Chisenhall Fields Sports Complex.

"Organization" means any company, association, or league reserving or using Facilities.

"Reservation" means an approved permit issued by the City or its designee.

"League Play" means scheduled games or practices organized by an Organization.

"Tournament" means any organized multi-team competitive event.

"Burleson Independent Soccer Association (BISA)" shall mean the recognized local youth soccer organization operating within the City of Burleson that coordinates league play, practices, and related programming.

"Burleson Youth Association (BYA)" shall mean the recognized local youth baseball and softball organization operating within the City of Burleson that coordinates league play, practices, and related programming.

"Individual Renter" shall mean any person reserving City athletic facilities in an individual capacity, and not as part of an organized league, association, company, or formal entity. An Individual Renter may include private coaches, instructors, or individuals conducting activities on a one-time or recurring basis.

APPLICABILITY

This policy applies to all individuals, teams, organizations, leagues, tournament operators, and special event organizers requesting use of City-owned outdoor sports facilities.

NON-EXCLUSIVE USE

All City athletic fields are non-exclusive. No user, organization, or league is granted ownership, tenancy, or exclusive control of any City athletic facility. The City retains full authority over scheduling, assignment, and reassignment of all athletic fields

SCHEDULING AND ADVANCE NOTICE

Organizations shall submit proposed seasonal schedules by deadlines established by the City. Organizations shall provide advance notice of schedule changes, added practices, added games, and cancelled uses. Organizations may schedule activities only within approved dates, times, and assigned fields.

BISA and BYA shall be provided a two (2) week priority scheduling window in advance of each primary league play season to submit and reserve fields prior to the release of remaining field availability to the general public. For the purposes of this policy, priority scheduling windows shall occur prior to the spring and fall seasons only. No priority scheduling window will be provided for summer seasons. Priority scheduling does not guarantee approval of all requested dates, times, or field assignments and remains subject to City review and approval.

Notwithstanding the foregoing, the City retains the right to pre-schedule tournaments and special events within the typical league play seasons. Typical league play seasons are defined as:

- Spring season: up to eleven (11) weeks between February and May
- Fall season: up to eleven (11) weeks between August and November

Tournament scheduling within these timeframes shall be coordinated by the City to balance league play, community access, and revenue-generating opportunities. The City reserves the right to reserve weekends during each season for tournament play or other field reservations.

BYA league play may be scheduled Monday through Friday during the organization's season. Each baseball or softball organization may request up to four (4) Saturdays per season. Practices may be scheduled on weekdays through approved reservations.

PRIORITIZATION OF LOCAL YOUTH SPORTS ORGANIZATIONS

BISA and BYA shall be provided a first-pass opportunity to request seasonal league scheduling. First-pass access allows eligible organizations to submit seasonal league schedule requests prior to the City releasing remaining availability to other users. First-pass access does not guarantee approval of all requested dates, times, or fields. After first-pass scheduling is completed, remaining availability shall be released for reservation by other organizations and the general public.

RESERVATION REQUIREMENT

All field use requires an approved reservation issued by the City or its designated operator. Reservations may be requested for hourly rentals, seasonal league play, practices, tournaments, and special events. Use of any field without an approved reservation is prohibited.

FIELD RENTAL RATES

Field rental fees shall be established annually through the City of Burleson's adopted budget and corresponding fee schedule.

Unless otherwise expressly approved by City Council, all rates shall apply uniformly to all users.

BISA FEE STRUCTURE

BISA is permitted a forty percent (40%) reduction in applicable field rental fees for approved uses, including hourly and daily rentals.

BISA desires to host league on Sundays for a period of 6 hours. In order to accommodate this request, on Sundays, BISA is authorized to rent fields for a half day period of 6 hours at a 50% reduction of a full day rental. The aforementioned 40% discount applies in addition to the half day rental discount.

TOURNAMENTS AND EVENTS

Tournaments and events shall be reserved using the same rental process applicable to all users. No organization is entitled to automatic or guaranteed tournament dates. All tournament reservations are subject to availability and City approval.

CLEANUP AND CONDITION REQUIREMENTS

Organizations or individual renter shall remove trash and litter generated during their use. Fields and surrounding areas shall be left in a clean and orderly condition. Organizations or individual renter shall be responsible for costs associated with excessive cleanup.

DAMAGE AND COST RECOVERY

Organizations or individual renter shall be responsible for damage to turf, irrigation, goals, fencing, lighting, or other facilities caused by their participants, spectators, staff, or volunteers, normal wear and tear excepted. The City may assess charges for repairs, additional maintenance, staff time, and equipment replacement. The City may require a damage deposit.

FIELD CONDITIONS AND PLAYABILITY

The City reserves the right to close fields due to weather, saturation, unsafe conditions, or maintenance needs. Organizations shall comply with all closures. The City will notify the organizer or individual renter and post to all pertinent locations. It is the responsibility of the organizer or individual renter to notify all participants.

CANCELLATION AND RESCHEDULING

The City may cancel or reschedule reservations due to acts of God, severe weather, field conditions, emergency repairs, maintenance needs, or public safety concerns. The City shall not be responsible for consequential damages.

In the case of rescheduling for cancellation for any of the above events, the City will work with the Individual Renter or Organization to reschedule the event for an open date or the Individual Renter or Organization may request a refund, but the determination to give such a refund shall be at the sole discretion of the City.

FIELD MAINTENANCE WINDOWS

The City reserves the right to designate and enforce maintenance windows for all athletic fields for the purposes of rest, repair, and routine or preventative maintenance.

Such maintenance windows shall be established and published by the Department prior to the opening of reservation and scheduling windows for each applicable season or rental period.

No reservations shall be permitted during designated maintenance windows, and all Organizations and users shall comply with such closures.

The City reserves the right to modify, extend, or implement additional maintenance closures as necessary to protect field conditions, ensure user safety, and preserve the long-term functionality of the Facilities.

INSURANCE REQUIREMENTS

The following insurance requirements shall apply to all Organizations conducting league play, recurring rentals, tournaments, or ongoing programming at City athletic facilities. Each organization shall obtain and maintain, at its sole cost and expense, insurance coverage in the following minimum amounts at all times during its period of use: Commercial General Liability with limits of not less than One Million Dollars ($1,000,000) per occurrence; Damage to Premises of not less than One Hundred Thousand Dollars ($100,000); Medical Payments of not less than One Thousand Dollars ($1,000); Personal and Advertising Injury of not less than One Million Dollars ($1,000,000); General Aggregate of not less than Three Million Dollars ($3,000,000); and Excess Accident coverage of not less than One Hundred Thousand Dollars ($100,000) with a maximum deductible of Fifty Dollars ($50.00). Automobile Liability insurance is not required unless vehicles are used in connection with the organization's activities in a manner that necessitates such coverage.

Each organization shall provide certificates of insurance evidencing the required coverages to the City no later than thirty (30) days prior to the start of each season or scheduled use period.

All insurers providing required coverage must be authorized to conduct business in the State of Texas or otherwise approved by the City and must be acceptable to the City in terms of financial strength and solvency.

All required insurance policies shall name the City of Burleson as an Additional Insured.

The required insurance policies shall cover all public risks related to the organization's use of City parks and athletic facilities.

Commercial General Liability policies shall be written on an occurrence basis and shall contain no exclusions unless such exclusions are specifically approved in writing by the City. All required policies shall include a waiver of subrogation in favor of the City.

Each organization shall provide the City with at least thirty (30) days' written notice of cancellation or material change in coverage. Ten (10) days' notice shall be acceptable in the event of cancellation for non-payment of premium. Such notice requirements shall be endorsed onto the organization's insurance policies.

The City shall have the right, upon request and without cost, to review insurance policies and endorsements and may require proof of premium payment.

The City shall not be responsible for the payment of any insurance premiums. Failure by the City to request or review insurance documentation shall not constitute a waiver of any insurance requirement.

BACKGROUND CHECKS – BISA AND BYA

The following requirements shall apply exclusively to the Burleson Independent Soccer Association (BISA) and Burleson Youth Association (BYA) in connection with their use of City athletic facilities for league play, practices, and related programming.

BISA and BYA shall require that all coaches with direct contact with participants receive appropriate training in the instruction of their respective sport. Each organization shall provide or require participation in at least one (1) coaching clinic, course, or equivalent training opportunity prior to the start of each primary season.

BISA and BYA shall conduct criminal background checks on all board members, coaches, assistant coaches, officials, referees, umpires, instructors, volunteers, and any other individuals who will have direct contact with participants prior to such individuals engaging in any organization activity, including practices, games, clinics, or events.

BISA and BYA shall maintain records verifying completion of required background checks and shall provide such documentation to the City upon request.

BISA and BYA shall not permit any individual who has been indicted for, charged with, under probation for, received deferred adjudication for, or convicted of:

(a) a crime against a person over 18 years of age within the preceding five (5) years; or

(b) a crime against a person 17 years of age or under; or

(c) any sex-related offense; or

(d) any felony offense.

to serve in any coaching, officiating, instructional, supervisory, or volunteer capacity involving direct contact with participants.

SIGNAGE AND SPONSORSHIP BANNERS

Organizations may display sponsorship banners only during their approved reservation times. Banners shall be removed immediately following scheduled use. Permanent or semi-permanent signage is prohibited.

PARK RULES AND REGULATIONS

All users shall comply with City ordinances, park rules, and departmental policies.

FOOD, MERCHANTS AND BEVERAGE

The sale, service, distribution, or consumption of alcoholic beverages is strictly prohibited at sporting events conducted at Burleson sports fields.

Outside food and non-alcoholic beverages are permitted. Coolers are allowed, provided they are used in a manner that does not create safety hazards, obstruct walkways, or interfere with facility operations.

Outside food, merchants, and beverage vendors are prohibited unless expressly authorized in writing by the Director of Parks and Recreation or their designee.

PARKING

Vehicles shall park only in designated parking areas. The renting organization or individual is solely responsible for ensuring that all participants, spectators, staff, volunteers, and vendors associated with its reservation comply with this requirement.

LOSS OR DAMAGE TO PERSONAL PROPERTY

The City is not responsible for loss, theft, or damage to personal property.

MANAGEMENT AUTHORITY

The City may assign or change responsibility for day-to-day facility management, scheduling administration, and fee collection to the City, another City department, or a third-party operator at any time.

ASSIGNMENT

Reservations are not transferable or assignable.

ENFORCEMENT

Failure to comply with this policy may result in cancellation of reservations, suspension of privileges, or other remedies available to the City.

Storage and Equipment Facilities

Organizations may request permission from the City for the storage of equipment and materials, including but not limited to carts, goals, flags, training equipment, and related items, within designated areas of the Facilities. All storage requests must be submitted in writing and are subject to approval by the City or its designee.

No Organization shall place, construct, or install any storage unit, structure, container, or equipment storage area on City property without prior written approval from the City.

If the City approves a request for the construction or installation of a storage facility, the requesting Organization shall be solely responsible for all costs associated with the design, purchase, permitting, and construction of such facility.

The City shall retain sole authority over the approval of the design, materials, and location of any storage facility to ensure consistency with site planning, safety standards, and operational needs.

Upon completion and acceptance by the City, the City shall assume responsibility for routine maintenance of the approved storage facility; however, the Organization may be held responsible for any damage caused by its use, members, or equipment.

The City reserves the right to revoke storage privileges or require removal of stored items or facilities if they are deemed unsafe, improperly maintained, interfere with operations, or are no longer aligned with the needs of the Facilities.

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INDEMNIFICATION

Each organization utilizing City athletic facilities expressly agrees to fully and completely defend, indemnify, and hold harmless the City of Burleson and its officers, employees, and agents from and against any and all claims, lawsuits, liabilities, judgments, losses, damages, costs, and expenses, including reasonable attorneys' fees and out-of-pocket expenses, for personal injury (including death), property damage, or other harm for which recovery is sought, arising out of or related to any negligent, grossly negligent, wrongful, or strictly liable act or omission of the organization, or its officers, directors, employees, agents, volunteers, contractors, or subcontractors, in connection with the organization's use of City facilities.

Notwithstanding the foregoing, an organization's indemnification obligations shall not extend to any losses arising out of or caused by the gross negligence or willful misconduct of the City, its officers, employees, or agents.

Nothing contained herein shall be construed as a waiver of any governmental immunity available to the City under state law. This provision is solely for the benefit of the City and

the organization and is not intended to create or grant any rights, contractual or otherwise, in or to any third party.