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

**1. CALL TO ORDER**

Invocation

Pledge of Allegiance to the US Flag

Texas Pledge:

*Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God; one and indivisible*

**2. PUBLIC PRESENTATIONS**

A. Proclamations

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A. Items to be continued or withdrawn.

B. Items to be withdrawn from the Consent Agenda for separate discussion by the City Council, staff, or members of the public in attendance.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

**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 approval of the minutes from the May 20, 2024 regular council meeting. *(Staff Contact: Amanda Campos, City Secretary)*
- B. Consider approval of an ordinance amending Ordinance CSO#5218-09-2023, the City's Fee Schedule by adding fees associated with the right-of-way use applications in Old Town and amending the fees associated with golf cart rentals; finding that the meeting at which this ordinance is passed was open to the public and that the recitals are true; containing a severability clause, cumulative clause, and effective date. *(Final Reading) (Staff Contact: Eric Oscarson, Deputy City Manager)*
- C. Consider approval of an ordinance amending the Roadway Impact Fee Ordinance (CSO#5346-12-2023); finding that the meeting at which this ordinance is passed was open to the public and that the recitals are true; containing a severability clause, cumulative clause, and effective date. *(Final Reading) (Staff Contact: Errick Thompson, Director of Public Works & Engineering)*
- D. Consider approval of a Memorandum of Understanding between the Burleson Police Department and the Joshua ISD on behalf of its Police Department. *(Staff Contact: Billy Cordell, Chief of Police)*
- E. Consider approval of a resolution accepting the Quarterly Investment Report for March 31, 2024, as submitted in accordance with the Public Funds Investment Act (PFIA). *(Staff Contact: Harlan Jefferson, Deputy City Manager)*

## 6. **DEVELOPMENT APPLICATIONS**

- A. 1679 SW Wilshire (Case 24-062): Hold a public hearing and consider approval for an ordinance for a zoning change request from "PD", Planned Development to "GR" General Retail for a food and beverage sales (grocery) store with retail. *(Staff Contact: Tony McIlwain, Development Services Director) (The Planning and Zoning Commission recommended approval unanimously)*
- B. 1679 SW Wilshire (Case 24-114): Consider approval of a resolution for a commercial site plan with a variance to Chapter 63, Sign Regulations, Section 63-57; pertaining to multi-tenant pylon signage. *(Staff Contact: Tony McIlwain, Development Services Director) (The Planning and Zoning Commission recommended approval unanimously)*

- C. 465 Forgotten Ln (Case 24-108): Consider approval of a resolution for a commercial site plan with a waiver to Appendix C, Article VII, Business Park design Standards, Section 7-52, Off-street parking and loading. *(Staff Contact: Tony McIlwain, Development Services Director) (The Planning and Zoning Commission recommended approval unanimously)*

## **7. GENERAL**

- A. Consider approval of an ordinance appointing a Presiding Municipal Court Judge of the Burleson Municipal Court of Record, City of Burleson for a term of two years, expiring July 5, 2026 and approving a Professional Service Agreement. (First Reading) *(Staff Contact: Amanda Campos, City Secretary)*

## **8. REPORTS AND PRESENTATIONS**

- A. Review, discuss, and provide feedback on City Council Policy #17 – Establishing City Council Rules of Procedures for City Council Meetings. *(Staff Contact: Amanda Campos, City Secretary)*
- B. Review, discuss, and provide feedback on current City Council Committee appointments and possible amendment to Council Policy #42 by adding a new Legislative Council Committee. *(Staff Contact: Amanda Campos, City Secretary)*

## **9. CITY COUNCIL REQUESTS AND FUTURE AGENDA ITEMS AND REPORTS**

## **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.

- A. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071, Texas Government Code**
- B. Discussion Regarding Possible Purchase, Exchange, Lease, or Value of Real Property Pursuant to Section 551.072**
- Discuss and receive direction on certain parcels of real property for the expansion of the intersection of County Road 920 and County Road 1020 in Johnson County, Texas where deliberation in open session would have a detrimental effect on the position of negotiations with third parties.
- Discuss and receive direction on certain parcels of real property for the expansion of the intersection of Alsbury Boulevard and John Jones Drive (FM 731) in Johnson County, Texas where deliberation in open session would have a detrimental effect on the position of negotiations with third parties.
- Discuss and receive direction on certain parcels of real property for the expansion of Industrial Park Boulevard in Johnson County, Texas where deliberation in open session would have a detrimental effect on the position of negotiations with third parties.
- C. Personnel matters pursuant to Section 551.074, Texas Government Code**
- Municipal Judge

## **11. ADJOURNMENT**

### **CERTIFICATE**

I hereby certify that the above agenda was posted on this the 29th of May 2024, by 5:00 p.m., on the official bulletin board at the Burleson City Hall, 141 W. Renfro, Burleson, Texas.



Amanda Campos

City Secretary

**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.



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## City Council Regular Meeting

**DEPARTMENT:** City Secretary's Office  
**FROM:** Amanda Campos, City Secretary  
**MEETING:** June 3, 2024

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**SUBJECT:**

Consider approval of the minutes from the May 20, 2024 regular council meeting. (*Staff contact: Amanda Campos, City Secretary*)

**SUMMARY:**

The City Council duly and legally met on May 20, 2024 for a regular council meeting.

**RECOMMENDATION:**

- 1) Council may approve the minutes as presented or approve with amendments.

**FISCAL IMPACT:**

N/A.

**STAFF CONTACT:**

Amanda Campos, TRMC  
City Secretary  
[acampos@burlesontx.com](mailto:acampos@burlesontx.com)  
817-426-9665

**BURLESON CITY COUNCIL REGULAR MEETING**  
**MAY 20, 2024**  
**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  
Eric Oscarson, Deputy City Manager  
Harlan Jefferson, Deputy City Manager  
Lisandra Leal, Assistant City Secretary  
Cara White, City Attorney  
Matt Ribitzki, Deputy City Attorney

**1. CALL TO ORDER – 5:33 p.m.**

Mayor Fletcher called the meeting to order. **Time: 5:33 p.m.**

Invocation - Gloria Gillaspie, Pastor Emeritus Open Door Church

Pledge of Allegiance to the US Flag

Texas Pledge: *Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God; one and indivisible*

**2. PUBLIC PRESENTATIONS –**

**A. Proclamations**

- A Proclamation recognizing May 19 - 25, 2024, as "National Public Works Week" in the City of Burleson. *(Recipient: Clint Sumerall, Deputy Director Public Works – Operations and Janalea Hembree, Public Works Operations Manager)*
- A Proclamation recognizing May 19 - 25, 2024, as "EMS Week" in the City of Burleson. *(Recipient: Casey Davis, Fire Chief)*

**B. Presentations**

- Recognition of Conner Prince's Olympic Qualification for the 2024 Summer Games. *(Staff Contact: DeAnna Phillips, Director of Community Services)*

### **C. Community Interest Items**

- State Representative David Cook presented Chief Billy Cordell and Deputy Chief. Doug Sandifer with a State Resolution for their 40 years of service as a Peace Officer.
- Burleson Honey Tour bike ride will be Saturday, May 25, 2024.
- Burleson Opportunity Fund Golf Tournament Friday, June 7, 2024 at Hidden Creek.
- Burleson Honey Tour Carnival, May 23 – 26<sup>th</sup> has moved to Chisenhall Sports Complex.
- Parks Maintenance Rodeo, May 29 2024, 6:00 p.m., at Chisenhall Sports Complex.
- First Hot Sounds of Summer Concert will feature Shinyribs, May 31, 2024, 7:30 p.m., at Mayor Vera Calvin Plaza.

### **3. CHANGES TO POSTED AGENDA**

#### **A. Items to be continued or withdrawn**

- None.

#### **B. Items to be withdrawn from Consent Agenda for separate discussion or items to be added to the Consent Agenda.**

- None

### **4. CITIZEN APPEARANCES**

- None

### **5. CONSENT AGENDA**

#### **A. Minutes from the May 6, 2024 regular council meeting and May 13, 2024 special council meeting. (Staff Contact: Amanda Campos, City Secretary)**

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

Motion passed 7-0.

#### **B. CSO#5468-05-2024, resolution authorizing a Local On-System Agreement with the Texas Department of Transportation (TxDOT) to modify a hooded left turn along SW Wilshire Blvd. (Staff Contact: Michelle McCullough, Assistant Director/City Engineer)**

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

Motion passed 7-0.

#### **C. CSO#5469-05-2024, minute order ratifying the Burleson 4A Economic Development Board's action on resolution 4A05202024LakewoodLandscape authorizing the reimbursement of R.A. Development, Ltd., for costs associated with design of landscaping and irrigation for Lakewood Drive pursuant to an existing Chapter 380 and Economic Development and Performance Agreement in the amount of \$90,000. (Staff Contact: Eric Oscarson, Deputy City Manager)**

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

Motion passed 7-0.

- D. CSO#5470-05-2024, minute order ratifying the Burleson 4A Economic Development Board's action on resolution 4A05202024BlackRockCoffee for a Performance Agreement with C&C Burleson, LLC. for the design and construction of the modification of an existing hooded left turn lane along SW Wilshire Blvd. (Staff Contact: Michelle McCullough, Assistant Director of Public Works/City Engineer)**

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

Motion passed 7-0.

- E. CSO#5471-05-2024, ETJ Release Petition for 3437 CR 807 (Case 24-158): Consider denial of a petition for release from the City of Burleson extraterritorial jurisdiction (ETJ) for approximately 12.75 acres of land known as Lot 1 & 2, Block 1, Pools Egan Addition. (Staff Contact: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item)**

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

Motion passed 7-0.

## **6. GENERAL**

- A. Ordinance amending Ordinance CSO#5218-09-2023, the City's Fee Schedule by adding fees associated with the right-of-way use applications in Old Town and amending the fees associated with golf cart rentals; finding that the meeting at which this ordinance is passed was open to the public and that the recitals are true; containing a severability clause, cumulative clause, and effective date. (First Reading) (Staff Contact: Eric Oscarson, Deputy City Manager)**

Eric Oscarson, Deputy City Manager, presented an ordinance to the city council.

Motion made by Dan McClendon and seconded by Larry Scott to approve the fee of \$525.00 for ROW use applications for Old Town and to amend golf cart fees to \$9.00 for 9 holes and \$18.00 for 18 holes.

Motion passed 7-0.

- B. Hold a public hearing and consider approval of an ordinance amending the Roadway Impact Fee Ordinance (CSO#5346-12-2023); finding that the meeting at which this ordinance is passed was open to the public and that the recitals are true; containing a severability clause, cumulative clause, and effective date.**

**(First Reading) (Staff Contact: Errick Thompson, Director of Public Works & Engineering)**

Errick Thompson, Director of Public Works & Engineering, presented an ordinance to the city council.

Mayor Fletcher opened the public hearing. **Time: 6:05 p.m.**

No speakers.

Mayor Fletcher closed the public hearing. **Time: 6:06 p.m.**

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

Motion passed 7-0.

- C. Award of CSP 2024-015 to Mountain Cascade of Texas, LLC for construction of the Burleson Westside Lift Station, Force Main, and Gravity Sewer project in the amount of \$7,430,761.00 with a project contingency of \$371,538.00 for a total of \$7,802,299.00 and consider a minute order ratifying the 4A Economic Development Corporation Board's action ratifying resolution 4A05202024WestsideLift for partial funding of the construction costs for the Burleson Westside Lift Station, Force Main, and Gravity Sewer project. (Staff Contact: Michelle McCullough, Assistant Director/City Engineer)**

Michelle McCullough, Assistant Director/City Engineer presented a contract and minute order to the city council.

Motion made by Phil Anderson and seconded by Larry Scott to approve.

Motion passed 7-0.

- D. Consider approval of award of bid ITB 2024-013 to Gratex Utilities Inc. for the 2023 Water and Wastewater Rehabilitation project in the amount of \$6,752,053 with a project contingency of \$337,602 for a total amount of \$7,089,655. (Staff Contact: Errick Thompson, Director of Public Works & Engineering)**

Errick Thompson, Director of Public Works & Engineering, presented a bid to the city council.

Motion made by Dan McClendon and seconded by Adam Russell to approve.

Motion passed 7-0.

- E. Consider approval of award of bid ITB 2024-014 to American Lighting and Signalization, LLC for the Hidden Creek Pkwy and Gardens Blvd Traffic Signal Project in the amount of \$404,243 with a project contingency of \$41,000 for a total authorization of \$445,243. (Staff Contact: Errick Thompson, Director of Public Works & Engineering)**

Erick Thompson, Director of Public Works & Engineering, presented a bid to the city council.

Motion made by Dan McClendon and seconded by Larry Scott to approve.

Motion passed 7-0.

**F. Consider approval of a Professional Services Agreement with Birkhoff, Hendricks & Carter, LLP in the amount of \$166,788 for the Assessment of Long-term Water Supply Strategies project. (Staff Contact: Erick Thompson, Director of Public Works & Engineering)**

Erick Thompson, Director of Public Works & Engineering, presented a professional service agreement to the city council.

Motion made by Alexa Boedeker and seconded by Larry Scott to approve.

Motion passed 7-0.

**7. REPORTS AND PRESENTATIONS**

**A. Receive a report, hold a discussion, and provide staff direction regarding results from the 2024 City of Burleson Resident Satisfaction Survey. (Staff Contact: Richard Abernethy, Administrative Services Director)**

Richard Abernethy, Administrative Services Director, introduced Ryan Murray with ETC Institute to present the 2024 City of Burleson Resident Satisfaction Survey results.

Discussion included: direction from Council to the City Manager and Deputy City Managers to discuss the survey results with directors, the importance of accessibility management within the community from residents, Council directed ETC Institute to include specific questions regarding the availability for people with disabilities at the parks, the need to develop relationships with TxDOT for roadway improvements, and citizens are asking for the City of Burleson to maintain their own roadways.

**B. Receive a report, hold a discussion, and provide staff direction on the City's Credit Card Processing Fees. (Staff Contact: Richard Abernethy, Administrative Services Director)**

Richard Abernethy, Administrative Services Director, presented the City's credit card processing fees to the city council.

Discussion included: providing citizens an alternative option such as ACH to help bypass the credit card fees, working with vendors to consolidate accounts and possibly lower the credit card fee.

Council directed staff to focus on option four (4) to pass the credit card fees directly to the customer (pass-through).

**C. Receive a report, hold a discussion, and provide staff direction regarding fees associated with the solid waste program, street maintenance and storm water utility operations. (Staff Contact: Eric Oscarson, Deputy City Manager)**

Eric Oscarson, Deputy City Manager presented the fees associated with the solid waste program, street maintenance and storm water utilities operations to the city council.

Discussion included: direction from council to proceed with hiring a consultant to assist with future solid waste RFP, to incorporate a litter abatement fee into the solid waste fund in the amount of a \$1.00 for an administrative and overhead charge, and to move forward with hiring a consultant for the street maintenance fee and storm water fee.

**8. CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS OR REPORTS**

- None.

**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.

**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 the Mockingbird Lane to CR 914A sanitary sewer, the Chapter 380 and Economic Development and Performance Agreement between the City of Burleson, the Burleson 4A Economic Development Corporation, R.A. Development, Ltd., et al. for Chisholm Summit, and the construction contract between R.A. Development, Ltd., and Dagger Construction

**B. 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**

Motion was made by Adam Russell and seconded by Dan McClendon to convene into executive session. **Time: 8:21 p.m.**

Motion passed 7-0

Motion was made by Victoria Johnson and seconded by Adam Russell to reconvene into open session. **Time: 8:39 p.m.**

Motion passed 7-0

**10. ADJOURNMENT**

Motion made by Dan McClendon and seconded by Alexa Boedeker to adjourn.

Mayor Chris Fletcher adjourned the meeting.

**Time: 8:40 p.m.**

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Monica Solko  
Deputy City Secretary



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## City Council Regular Meeting

**DEPARTMENT:** City Manager's Office  
**FROM:** Eric Oscarson, Deputy City Manager  
**MEETING:** June 3, 2024

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**SUBJECT:**

Consider approval of an ordinance amending Ordinance CSO#5218-09-2023, the City's Fee Schedule by adding fees associated with the right-of-way use applications in Old Town and amending the fees associated with golf cart rentals; finding that the meeting at which this ordinance is passed was open to the public and that the recitals are true; containing a severability clause, cumulative clause, and effective date. *(Final Reading) (Staff Contact: Eric Oscarson, Deputy City Manager)*

**SUMMARY:**

On April 15, 2024, the City Council approved an ordinance amending the Burleson Code of Ordinance, Chapter 70 "Streets, Sidewalk, and Other Public Places," for changes to the right-of-way use application and agreements related to Old Town. As part of the discussion and changes recommended, a fee of \$525 was recommended for such uses. This ordinance will provide the change as recommended by the council.

On March 4, the City Council approved the purchase of new golf carts for Hidden Creek Golf Course. As part of receiving the new carts, staff recommended amending the fees schedule to charge fees that are more in line with the new carts and nearby golf courses. This ordinance will amend the fee to \$9 for nine holes and \$18 for eighteen holes.

On May 20, 2024, City Council approved the amended fees on first reading.

**OPTIONS:**

- 1) Approve as presented
- 2) Deny

**RECOMMENDATION:**

Staff recommends approval of the ordinance as presented.

**FISCAL IMPACT:**

Other than the collection of the new fee, there are no other fiscal impacts.

**STAFF CONTACT:**

Name: Eric Oscarson

Title: Deputy City Manager

Email: [eooscarson@burlesontx.com](mailto:eooscarson@burlesontx.com)

Phone: **817-426-9837**



## Ordinance amending to Fee Schedule

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City Council: May 20, 2024

# Background – ROW Use Agreements

- At its March 4, 2024, regular meeting, the City Council received a presentation of the Policy and Valuation Committee's work efforts regarding amendments to Chapter 70, "Streets, Sidewalks, and Other Public Places" in an effort to revise the City's easement and right-of-way use agreement process.
- On April 15, 2024, City Council adopted on second reading, amendments to approve the ordinance amending Chapter 70, "Streets, Sidewalks and Other Public Places."
- As part of that discussion, a one-time, \$525 application fee would be assessed for any ROW use agreements within Old Town.
- Existing \$125 fee will remain for non-Old Town applications.

# Background – Golf Carts

- A new fleet of 75 golf carts was approved March 4<sup>th</sup> to replace an aging and failing fleet.
- The new fleet has been upgraded to Lithium-ion batteries and a GPS system to assist staff with “pace of play management”, cart control, as well as a display unit for guests.
- During evaluation of the golf carts and area competitors it was determined that upgrading to lithium ion and GPS would allow us to increase cart fee pricing.



# Existing and Proposed Rates

The current cart rental rates are significantly lower than local competitors. With the addition of GPS to the new cart fleet, a rate increase of \$1 on 9-hole rates and an increase of \$3 on 18-hole rates would be warranted.

<u>Current Golf Cart Rental Rates</u>		<u>Proposed Rental Rates:</u>	
9 holes - \$8	18 holes - \$15	9 holes - \$9	18 holes - \$18

<u>Competitor rates</u>		
Southern Oaks	City of Ft. Worth	City of Arlington
9 holes - \$9	9 holes - \$8.50	18 holes - \$18.00
18 holes - \$18	18 holes - \$17	

# Staff Recommendation

- ❖ Staff is recommending the following changes to the fee schedule:
  - ❖ Add a fee of \$525 for ROW Use applications for Old Town
  - ❖ Amend the golf cart fees to \$9 for 9-holes and \$18 for 18-holes
- ❖ On May 20, 2024, City Council approved the ordinance on first reading.

# Staff Recommendation

- ❖ Staff recommends approval of the ordinance to amend the fee schedule on first reading.



## **ORDINANCE**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, AMENDING THE CITY'S FEE SCHEDULE IN ORDINANCE CSO#5218-09-2023 BY AMENDING FEES ASSOCIATED WITH OLD TOWN RIGHT-OF-WAY USE AGREEMENT APPLICATIONS AND HIDDEN CREEK GOLF COURSE GOLF CARTS; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS OPEN TO THE PUBLIC AND THAT THE RECITALS ARE TRUE; CONTAINING A SEVERABILITY CLAUSE, CUMULATIVE CLAUSE, SAVINGS CLAUSE, AND 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 Council passed Ordinance CSO#5218-09-2023, which, among other things, set the amounts of fees charged by the City (save and except water and wastewater fees, impact fees, and solid waste collection rates which are wholly contained in separate ordinances), and, as amended by Ordinance CSO#5218-08-2023 and Ordinance CSO#5373-08-2023, sets forth the schedule of fees for the City (the "Incorporated Fee Schedule"); and

**WHEREAS**, the City Council desires to amend the Incorporated Fee Schedule to add fees for right-of-way use agreement applications in Old Town as well as alter the Hidden Creek Golf Course golf cart fees; and

**WHEREAS**, the Incorporated Fee Schedule needs to be amended to add a development services department application fee and make adjustments to the golf cart fees; and

**WHEREAS**, the proposed development services application fee is included in the schedule attached hereto as Exhibit "A" and incorporated as part of this Ordinance (the "Amended Development Services Fee Schedule"); and

**WHEREAS**, such Amended Development Services Fee Schedule is intended to add a new fee to the various fees set forth in the Incorporated Fee Schedule in Ordinance CSO#5218-09-2023; and

**WHEREAS**, the proposed Hidden Creek Golf Course golf cart fees are included in the schedule attached hereto as Exhibit "B" and incorporated as part of this Ordinance (the "Amended Golf Course Cart Fee Schedule"); and

**WHEREAS**, such Amended Golf Course Cart Fee Schedule is intended to repeal and replace conflicting fees listed in the Incorporated Fee Schedule; and

**WHEREAS**, the City Council desires that the Amended Development Services Fee Schedule add a new fee to the Incorporated Fee Schedule and that the Amended Golf Course Cart Fee Schedule repeal and replace conflicting fees listed in the Incorporated Fee Schedule.

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

#### **Section 1.**

Ordinance CSO#5218-09-2023 is hereby amended so that the Amended Development Services Fee Schedule attached hereto as Exhibit “A” shall add a new fee to the Incorporated Fee Schedule. Additionally, Ordinance CSO#5218-09-2023 is hereby amended so that the Amended Golf Course Cart Fee Schedule attached hereto as Exhibit “B” shall repeal and replace conflicting fees listed in the Incorporated Fee Schedule. The remainder of the Incorporated Fee Schedule shall remain unchanged.

#### **Section 2.**

The City Council finds and determines that the meeting at which this ordinance is passed was open to the public as required by law and that public notice of the time, place and purpose of said meeting was duly given as required by the Texas Open Meetings Act.

#### **Section 3.**

The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life in the City.

#### **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 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 5.**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Burleson, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

**Section 6.**

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 7.**

This ordinance shall take effect upon adoption and publication as required by law.

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED** by the City Council of the City of Burleson on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**First Reading:** the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**First Reading:** the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Chris Fletcher, Mayor  
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Amanda Campos, City Secretary

\_\_\_\_\_  
E. Allen Taylor, Jr., City Attorney

**Exhibit “A”**  
**Amended Development Services Fee Schedule**

Planning	
Permit/Service	Fee
Right-of-Way Use Agreement – Old Town	\$525.00

**Exhibit “B”**  
**Amended Golf Course Cart Fee Schedule**

Golf Course	
Permit/Service	Fee
Cart Fees	
9 Holes	\$9.00
18 Holes	\$18.00

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## City Council Regular Meeting

**DEPARTMENT:** Public Works & Engineering  
**FROM:** Errick Thompson, P.E., CFM®, Director  
**MEETING:** June 3, 2024

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**SUBJECT:**

Consider approval of an ordinance amending the Roadway Impact Fee Ordinance (CSO#5346-12-2023); finding that the meeting at which this ordinance is passed was open to the public and that the recitals are true; containing a severability clause, cumulative clause, and effective date. *(Final Reading) (Staff Contact: Errick Thompson, Director of Public Works & Engineering)*

**SUMMARY:**

According to Chapter 395 of the Texas Local Government Code, "Impact fee" means a charge or assessment imposed by a political subdivision against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development. Impact fees are a one-time charge assessed to new development to generate revenue to fund roadway capital facilities necessitated by new development. The collection of impact fees allows the cost of capital improvements to be offset by providing an alternative funding mechanism.

The projected 10-year growth based on land use assumptions included in the City's comprehensive planning document is utilized to establish future infrastructure demands and population projections. This data is further analyzed to determine the number of service units in order to calculate the impact fee required by the new development.

The City of Burleson first adopted impact fees for roadway infrastructure in 2017. City Council appointed eight members to the Capital Improvements Program Advisory Committee in March 2023 and, most recently, a ninth member in September 2023. The committee met five times over a three-month period to review the land use assumptions, capital improvement plan, and roadway impact fee study completed by the City's consultant. After reviewing all of the information presented, the committee recommended increasing the impact fee collection to the maximum allowable by state law in all service areas. The City Council approved the committee's recommendation with the exception of approving a zero-dollar fee for industrial uses within Service Area D. Minor text amendments were also approved by the City Council.

Staff proposes to amend the ordinance and include property recently annexed into the city and additional identified minor text amendments. Examples of the minor text amendments are summarized below:

- Remove language providing an exemption from roadway impact fees for one year after the date of the adoption of the ordinance
- Including language stating the most recent maximum assessable fee per Service Unit will be required
- Remove language providing for the maximum assessable roadway impact fee may be used in evaluating any claim by a property owner the dedication or construction of a capital improvement is disproportionate. The City is developing a Rough Proportionality Analysis, and this language will no longer be applicable.

**RECOMMENDATION:**

Approve an ordinance amending the Roadway Impact Fee Ordinance (CSO#5346-12-2023); finding that the meeting at which this ordinance is passed was open to the public and that the recitals are true; containing a severability clause, cumulative clause, and effective date. (*Final Reading*)

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

The Capital Improvements Program Advisory Committee (CIPAC) developed the recommended changes to roadway impact fees at their June 22, 2023 meeting.

Development community representatives received an overview of the CIPAC recommendations at a Developers Roundtable meeting held on August 17, 2023.

The City Council received an overview of the CIPAC recommendations at the October 2, 2023 City Council meeting.

The City Council approved and adopted an amendment to the Roadway Impact Fee Ordinance (CSO#5346-12-2023) on December 11, 2023.

The City Council approved on first reading a request to amend the Roadway Impact Fee Ordinance (CSO#5346-12-2023) to include minor text amendments and an update to the Service Area map to include recent annexations.

**STAFF CONTACT:**

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817-426-9610



# Impact Fee Ordinance Amendment

City Council

June 3, 2024 (Final Reading)





# Roadway Impact Fee Background



- Burleson implemented March 2017 consistent with Chapter 395 of the Texas Local Government Code
- Fee designed to have development contribute equitable share of roadway infrastructure costs
- Council approved first update to fees December 2023

## IMPACT FEES **CAN** BE USED TO OFFSET COSTS

1. Right-of-Way / Easement Acquisition
2. Design / Survey
3. Construction of infrastructure included on impact fee capital improvements plan that adds capacity
4. Payment on debt issued for infrastructure

## WHAT IMPACT FEES **CANNOT** BE USED ON

1. Infrastructure maintenance costs
2. Improvements within the extraterritorial jurisdiction (ETJ)
3. Traffic calming
4. Infrastructure improvements that do NOT increase capacity

# Overview

## 6 Major steps to adopt or change roadway impact fees



## Capital Improvements Program Advisory Committee (CIPAC)

- Nine (9) members appointed by City Council
- Files semi-annual reports on impact fee programs
- Reviews consultants' impact fee studies at least every five years
- Provides recommendations to Council for updates to impact fees

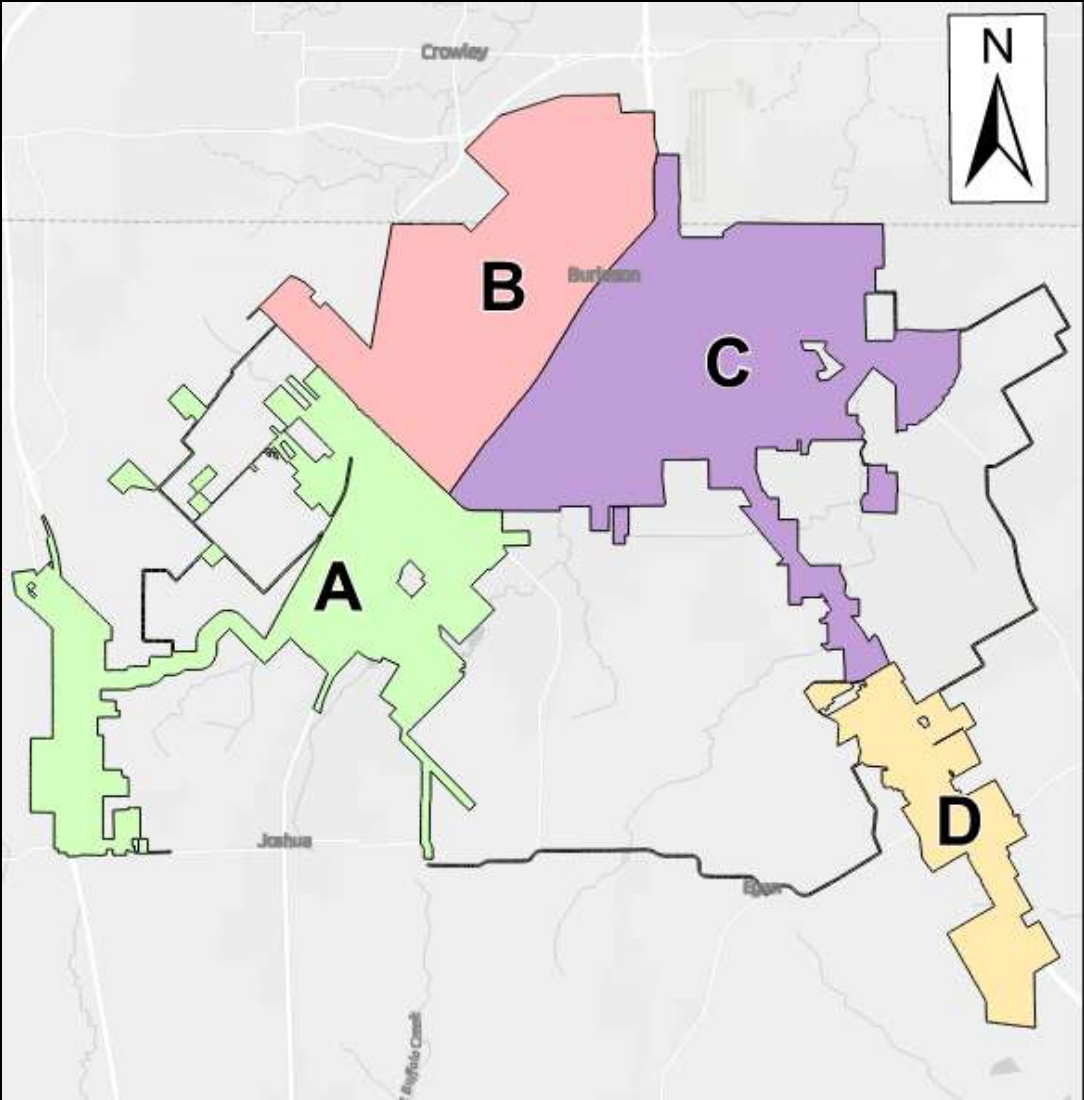
Proposed ordinance amendments do not change the adopted fees  
and as a result are not processed through the CIPAC process

# Proposed Minor Amendments

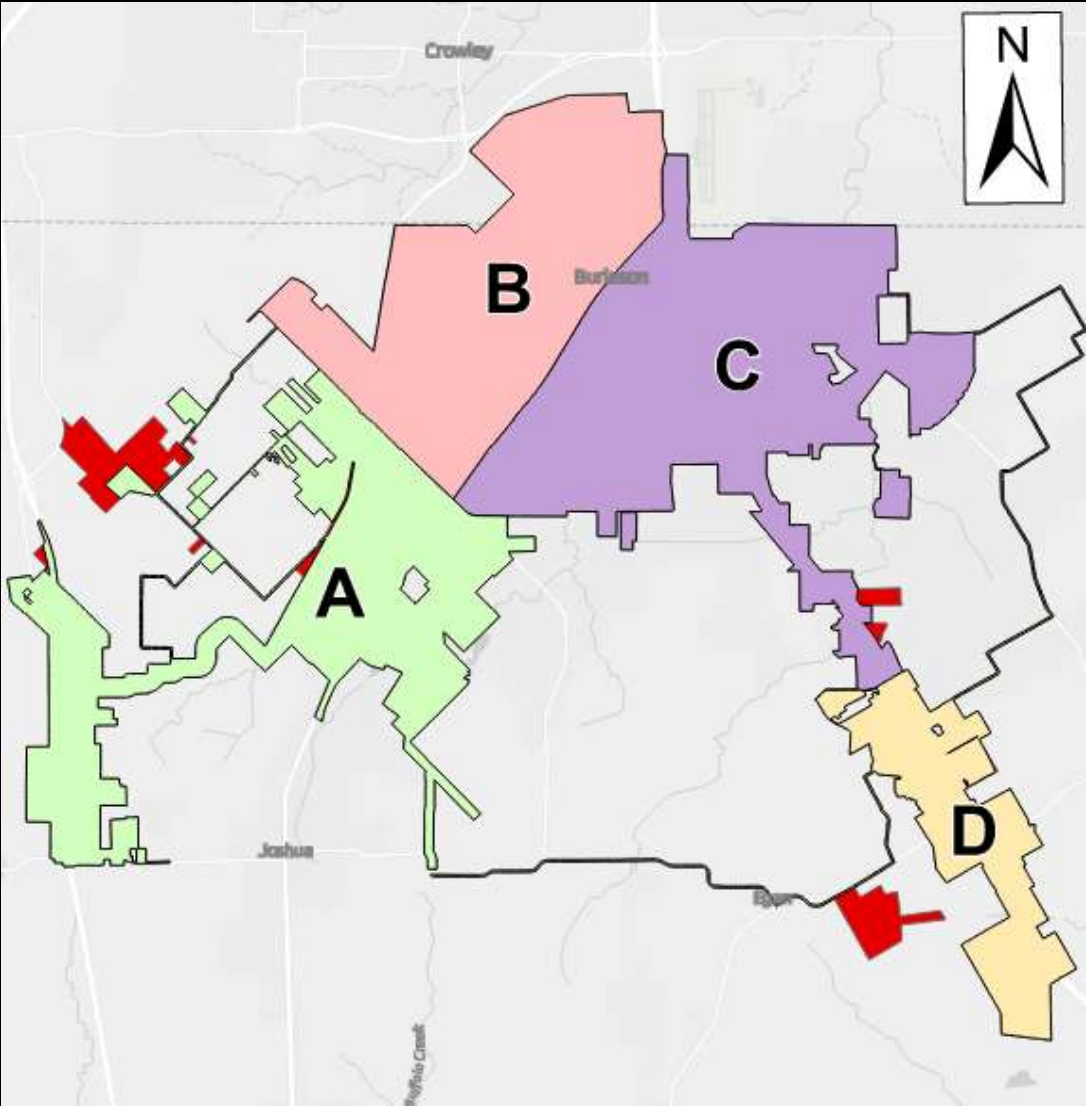
Section	Proposed Changes
Section 44-161	Remove obsolete language providing an exemption from fees for a one year period after the adoption of the original ordinance 2017
Section 44-163	Add language clarifying that when platting is not required, impact fees will be assessed at the building permit (if building/renovating an existing structure) or certificate of occupancy application (if / when applicable) based on the current plat date
Exhibit B	Schedule 1 - Include the Maximum Assessable Roadway Impact Fee Per Service Unit in effect before 1/01/24 for the convenience of those developments that were platted in the past but may be moving forward with development now
Exhibit C	Schedule 2 - Insert the Land Use Equivalency and Roadway Impact Fee Per Development Unit Per Service Area tables for properties platted before 1/01/24 for the convenience of those developments that were platted in the past but may be moving forward with development now
Service Area Map	Updated to show areas annexed into the City over the past 4 years

**No changes to the current fees adopted in December 2023 are proposed**

# Service Area Map



Current Service Area Map



Proposed Service Area Map with Annexations shown in red

## Council Requested Action

Approve an ordinance amending the Roadway Impact Fee Ordinance (CSO#5346-12-2023) on final reading.

## Next Steps

Changes take effect upon approval

# Questions / Discussions

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## **ORDINANCE**

**AN ORDINANCE AMENDING ARTICLE III “ROADWAY IMPACT FEES” OF CHAPTER 44 “IMPACT FEES” OF THE CITY OF BURLESON CODE OF ORDINANCES RELATING TO THE ADOPTION OF ROADWAY IMPACT FEES PER SERVICE UNIT, ESTABLISHING EXCEPTIONS, PROCEDURES FOR THE ASSESSMENT, COLLECTION, COMPUTATION, EXPENDITURE, REFUND, AND GENERAL ADMINISTRATION OF ROADWAY IMPACT FEES, PROVIDING FOR THE ESTABLISHMENT OF ACCOUNTS FOR ROADWAY IMPACT FEES; PROVIDING CONSTRUCTION, SEVERABILITY, AND CONFLICT CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 395, Tex. Loc. Gov’t Code (the “Statute”) provides the requirements and procedures for the adoption of Land Use Assumptions, Roadway Impact Fee Capital Improvements Plan, and Roadway Impact Fees; and

**WHEREAS**, the City retained Kimley-Horn and Associates (“Kimley-Horn”) to prepare a Roadway Impact Fee Study that contains Land Use Assumptions (“LUA”) reflecting a description of five Service Areas and projections of 10-year growth in residential and nonresidential land uses in each Service Area, a Roadway Impact Fee Capital Improvements Plan (“CIP”) to identify Capital Improvements or Roadway Facility expansions for which Roadway Impact Fees may be assessed, and a calculation of the Roadway Impact Fee. The Roadway Impact Fee Study is referenced as **Exhibit A** hereto and incorporated by reference herein; and

**WHEREAS**, the Capital Improvements Plan Advisory Committee of the City of Burleson (“CIPAC”), created pursuant to Sec. 395.058, Tex. Loc. Gov’t Code, filed its written comments on the proposed Roadway Impact Fees before the fifth (5<sup>th</sup>) business day before the date of the public hearing on the adoption of the Roadway Impact Fee; and

**WHEREAS**, the City Council desires to exempt a “change in use” and the Old Town Overlay District from triggering a new impact fee being charged; and

**WHEREAS**, the City Council desires amend the Roadway Impact Fee ordinance as herein described and finds that it is in the best interest of the citizens of the City of Burleson;

**WHEREAS**, the City Council finds that in all things the City has complied with said statute in the notice, adoption, promulgation and methodology necessary to adopt Impact fees;

**NOW THEREFORE, THE COUNCIL OF THE CITY OF BURLESON HEREBY ORDAINS:**

### **SECTION 1.**



Article III, “Roadway Impact Fees” of Chapter 44 of the Code of Ordinances, City of Burleson, Texas is amended to read as follows:

### **ARTICLE III. - ROADWAY IMPACT FEES**

- Sec 44-151.** Short Title. This Ordinance shall be known and cited as the “Burleson Roadway Impact Fee Regulations”.
- Sec. 44-152.** Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein and are hereby found to be true and correct factual and legislative determinations of the City of Burleson, Texas.
- Sec. 44-153.** Purpose. This Ordinance is intended to assure the provision of adequate roadway facilities to serve New Development in the City by requiring each development to pay a share of the costs of such Capital Improvements or Roadway Facility expansions necessitated by and attributable to such New Development.
- Sec. 44-154.** Authority. This Ordinance is adopted pursuant to Texas Local Government Code (TLGC) Chapter 395 and the Burleson City Charter. Chapter 395 supplements this Ordinance to the extent that its provisions may be applicable hereto and, to such extent, its provisions are incorporated herein by reference. The provisions of this Ordinance shall not be construed to limit the power of the City to utilize other methods authorized under State law or pursuant to other City powers to accomplish the purposes set forth herein, either in substitution or in conjunction with this Ordinance. Guidelines may be developed by ordinance, resolution, or otherwise to implement and administer this Ordinance.
- Sec. 44-155.** Applicability. The provisions of this Ordinance apply to all new development within the corporate boundaries of the City. The provisions of this article apply uniformly within each Roadway Service Area.
- Sec 44-156.** Incorporation of Land Use Assumptions and Roadway Impact Fee Capital Improvements Plan. The Roadway Impact Fee Capital Improvements Plan and Land Use Assumptions identifying Capital Improvements or Facility Expansions pursuant to which Roadway Impact Fees may be assessed, as considered and adopted by the City Council Resolution No. CSO#5346-12-2023 at the December 11, 2023 public hearing and with the Roadway Impact Fee Study as referenced in **Exhibit A** hereto is incorporated herein by reference for all purposes, including any future amendments thereto.
- Sec. 44-157.** Definitions. In this Article:
- A. Assessment means the determination of the amount of the Maximum Assessable Roadway Impact Fee per Service Unit which can be imposed on New Development pursuant to this Ordinance.

- B. Capital Improvement means a Roadway Facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the City.
- C. Change of Use means a change in use or occupancy of any existing structure, that would otherwise have the effect of increasing the number of service units beyond those attributable to the immediately preceding use, which may include, but is not limited to, the reconstruction, redevelopment, conversion, or structural alteration, but does not include the enlargement or expansion of any structure.
- D. Calendar Year means from January 1 to December 31 in any year.
- E. City means the City of Burleson, Texas.
- F. Credit means a reduction in the amount of a Roadway Impact Fee(s), payments, or charges for approved construction or provision of the same type of Capital Improvement for which a fee has been assessed for a New Development. This is done by either by a proven decrease in the number of Service Units attributable to such development or a decrease in the amount of Roadway Impact Fees otherwise due, that results from contributions of land, improvements or funds to construct system improvements in accordance with the City's subdivision and development regulations, policies or requirements, as determined by the City.
- G. Final plat approval means authorization by City Council that the final map of a proposed subdivision meets all City standards and conditions in accordance with the City's subdivision regulations and the Mayor executes the applicant's plat and that the plat may be recorded in the office of the county clerk of Johnson or Tarrant County. The term applies both to original plats and replats.
- H. Impact Fee, or "Roadway Impact Fee", means a fee, charge, or Assessment for Roadway Facilities imposed on New Development by the City pursuant to this Ordinance in order to generate revenue to fund or recoup all or part of the costs of Capital Improvements or facility expansion necessitated by and attributable to such New Development. The term includes amortized charges, lump-sum charges, capital recovery fees, contributions in aid of construction and any other fee that functions as described by this Ordinance or the Statute. The term is inclusive of both the Maximum Assessable Roadway Impact Fee and the Roadway Impact Fee Collection Rate as herein described.
- I. Land Use Assumptions means the description of Service Areas and the projections of population and employment growth and associated changes in land uses, densities and intensities adopted by the City, as may be amended from time to time, upon which the Roadway Impact Fee Capital Improvements Plan is based.
- J. Land Use Equivalency Table means a table converting the demands for Capital Improvements generated by various land uses to numbers of Service Units, as may be amended from time to time. The land use equivalency table may be incorporated in a schedule of Impact Fee rates, attached as **Exhibit C** hereto and incorporated by reference herein.

- K. Maximum Assessable Roadway Impact Fee means the Impact Fee that is established for each Service Area computed by calculating the total projected costs of Capital Improvements necessitated by and attributable to New Development associated with the roadway CIP, and then dividing that amount by the total number of Service Units anticipated within the Service Area based upon the land use assumptions. The Maximum Assessable Roadway Impact Fee shall be established and reflected in **Exhibit B, Schedule 1**, attached hereto and incorporated herein. The City may adopt a Roadway Impact Fee Collection Rate that is less than this amount, but in no instance shall the collected Roadway Impact Fee exceed the Maximum Assessed Roadway Impact Fee.
- L. New Development means A project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation or enlargement of any structure, or any use or extension of land, which has the effect of increasing the requirements for capital improvements or facility expansions, measured by the number of service units to be generated by such activity, and which requires either the approval and filing with the county in which the property is located of a plat pursuant to the city's subdivision regulations or the issuance of a building permit, and which has not been exempted from these regulations by provisions herein.
- M. Recoupment means the imposition of an Impact Fee to reimburse the City for Capital Improvements which the City has previously oversized to serve New Development.
- N. Roadway Impact Fee Collection Rate means the current amount of Roadway Impact Fee adopted by Burleson City Council to be paid by the property owner, as may from time to time be amended. The adopted Roadway Impact Fee Collection Rate shall be established and reflected in **Exhibit B, Schedule 2**, attached hereto and incorporated herein.
- O. Roadway means any primary and secondary arterial or major collector designated in the City's adopted Mobility Plan, as may be amended from time to time. Roadway also includes any thoroughfare designated as a numbered highway on the official federal or Texas highway system; to the extent that the City incurs Capital Improvement costs for such facility.
- P. Roadway Facility means an improvement or appurtenance to a Roadway which includes, but is not limited to, rights-of-way, whether conveyed by plat, deed or easement; intersection improvements; traffic signals; turn lanes; drainage facilities associated with the Roadway Facility; street lighting or curbs, and water and wastewater improvements affected by the Roadway Facility. Roadway Facility also includes any improvement or appurtenance to an intersection with a Roadway officially enumerated in the federal or Texas highway system, and to any improvements or appurtenances to such federal or Texas highway, to the extent that the City has incurred capital costs for such facilities, including without limitation local matching funds and costs related to utility line relocation and the establishment of curbs, gutters, sidewalks, drainage appurtenances and rights-of-way. Roadway Facility excludes those improvements or appurtenances to any Roadway which is a Site-related Facility.

- Q. Roadway Facility expansion means the expansion of the capacity of an existing roadway in the City, but does not include the repair, maintenance, modernization, or expansion of an existing roadway to better serve existing development.
- R. Roadway Impact Fee Capital Improvements Plan, or “Capital Improvements Plan” (CIP) means the adopted plan included in Exhibit A, as may be amended from time to time, which identifies the roadway facilities or Roadway Facility expansions and their costs for each roadway Service Area, which are necessitated by and which are attributable to New Development, for a period not to exceed 10 years, which are to be financed in whole or in part through the imposition of Roadway Impact Fees pursuant to this Ordinance.
- S. Service Area means a Roadway Service Area within the City’s corporate boundary, within which Impact Fees for Roadway Capital Improvements or Roadway Facility expansions may be collected for New Development occurring within such area and within which fees so collected will be expended for those types of improvements or expansions identified in the Roadway Impact Fee Capital Improvements Plan applicable to the Service Area.
- T. Service Unit means a vehicle mile. A vehicle-mile shall be defined as one (1) vehicle traveling a distance of one (1) mile during the afternoon peak hour as calculated herein.
- U. Site-related Facility means an improvement or facility which is for the primary use or benefit of one or more New Developments and/or which is for the primary purpose of safe and adequate provision of Roadway Facilities to serve the New Development, including access to the development, which is not included in the Roadway Capital Improvements Plan, and for which the developer (s) or property owner(s) is solely responsible under subdivision or other applicable development regulations. Site-related Facility may include a Roadway improvement which is located offsite, within or on the perimeter of the development site.
- V. System Facility means a roadway improvement or facility expansion which is designated in the Roadway Impact Fee Capital Improvements Plan and which is not a Site-related Facility. System Facility may include a roadway improvement which is located offsite, within or on the perimeter of the development site.

**Sec. 44-158.** Roadway Service Areas. The City hereby establishes four Roadway Service Areas, constituting land within the City’s corporate boundaries, as depicted in **Exhibit A**, referenced hereto and incorporated by reference herein. The boundaries of the Roadway Service Areas may be amended from time to time, or new Roadway Service Areas may be delineated, pursuant to the procedures of this Ordinance.

**Sec. 44-159.** Roadway Impact Fees Adopted. The City hereby adopts the Maximum Assessable Roadway Impact Fee attached and incorporated as **Exhibit B, Schedule 1**, and the Roadway Impact Fee Collection Rate attached and incorporated as **Exhibit B, Schedule 2**. Each non-exempt New Development shall be assessed the Maximum Assessable Roadway Impact Fee and shall pay the Roadway Impact Fee Collection Rate, minus any applicable Credits, as described herein. Except as herein otherwise provided, the Assessment and collection of a Roadway Impact Fee shall be

additional and supplemental to, and not in substitution of, any other tax, fee, charge or assessment which is lawfully imposed on and due against the property.

**Sec. 44-160.** Roadway Impact Fee Required. No Final Plat for New Development shall be released for filing with Tarrant or Johnson County without Assessment of an Impact Fee pursuant to this Ordinance; or, if no plat is required, then no building permit shall be issued until such Assessment is made and the Roadway Impact Fee Collection Rate is paid in accordance with the Assessment and collection procedures indicated herein.

**Sec. 44-161.** Assessment of Impact Fees. Assessment of the Impact Fee for any New Development shall be made as follows:

- A. Assessment of the roadway impact fee per service unit shall be the amount of the Maximum Assessable Roadway Impact Fee per Service Unit as set forth in **Exhibit B, Schedule 1.**
- B. For land which is not required to be platted at the time of application for a building permit pursuant to the City's subdivision regulations prior to development, Assessment of Roadway Impact Fees shall occur at the time application is made for the building permit and shall be the most recent amount of the Maximum Assessable Roadway Impact Fee per Service Unit as set forth in **Exhibit B, Schedule 1** then in effect.
- C. For New Development which is submitted for approval pursuant to the City's subdivision regulations or which is proposed for replatting on or after the effective date of this Ordinance, Assessment of Impact Fees shall be at the time of final plat or replat approval, and shall be the most recent amount of the Maximum Assessable Roadway Impact Fee per Service Unit as set forth in **Exhibit B, Schedule 1** then in effect.
- D. Following Assessment of the Impact Fee pursuant to this Section, the amount of the Impact Fee Assessment per Service Unit for that development cannot be increased, unless the owner proposes to change the approved development by the submission of a new application for final plat approval or other development application that results in approval of additional Service Units, in which case a new Assessment shall occur at the **Exhibit B, Schedule 1** rate then in effect for such additional Service Unit.
- E. The City Manager or his or her designee shall compute the Roadway Impact Fees for New Development by first determining whether the New Development is eligible for Credits calculated in accordance with this Ordinance, which would further reduce Impact Fees otherwise due in whole or in part. The total amount of Impact Fees for the New Development shall be attached to the development application as a condition of approval.

- F. Approval of an amending plat pursuant to Tex. Loc. Gov't Code, Section 212.016 and the City's subdivision regulations is not subject to reassessment for an Impact Fee.

**Sec. 44-162. Exemptions to Impact Fees.** The following are exempt from the applicability of this Ordinance:

- A. Pursuant to Tex. Loc. Gov't Code Section 395.022, as amended, a public school district is not required to pay Roadway Impact Fees imposed under this Ordinance unless the board of trustees of the district consents to the payment of the fees by entering a contract with the City imposing the fees.
- B. A change in use, as defined in Section 44-157, is exempt from the payment of impact fees.

**Sec. 44-163. Collection of Impact Fees.** Roadway Impact Fees shall be collected in the following manner; however, the City has the ability to require construction greater than the Roadway Impact Fee Collection Rate for amounts up to the Maximum Assessable Roadway Impact Fee:

- A. The Roadway Impact Fee Collection Rate shall be paid at the time the City issues a building permit for a New Development. For New Development which does not require a building permit, the Roadway Impact Fee Collection Rate shall be paid prior to the issuance of a Certificate of Occupancy.
- B. For properties requiring a plat, the Roadway Impact Fee Collection Rate to be paid and collected per Service Unit for New Development shall be the amount listed in **Exhibit B, Schedule 2** in effect at the time of final plat approval.
- C. For properties that do not require the filing of a plat, the Roadway Impact Fee Collection Rate shall be paid and collected per Service Unit for New Development in the amount listed in **Exhibit B, Schedule 2** in effect at the time that the building permit application is filed.
- D. If the building permit for which an Impact Fee has been paid has expired, and a new application is thereafter filed, the Roadway Impact Fee Collection Rate shall be computed using **Exhibit B, Schedule 2** in effect at the time of the new application, with Credits for previous payment of Impact Fees being applied against the new Impact Fees due.
- E. Whenever the property owner proposes to increase the number of Service Units for a development, the additional Impact Fees collected for such new Service Units shall be determined by using **Exhibit B, Schedule 2** in effect at the time of the request, and such additional fee shall be collected at the times prescribed by this section.
- F. Where an application for a building permit is for a "shell" or speculative building on a parcel zoned "GR", General Retail or "C", Commercial, the amount of the roadway impact fee will be calculated assuming the entire building will be used as

a “Strip Retail Plaza” as shown on **Exhibit C, Land Use Equivalency Table**. Where a subsequent application for a building permit is made for the finish-out of the shell building, or portion thereof, for the ultimate use, an additional roadway impact fee shall be charged and paid if the ultimate use is different from a “Strip Retail Plaza.”

- G. The City may vary the rates of collection or amount of Roadway Impact Fees per Service Unit among or within Service Areas in order to reasonably further goals and policies affecting the adequacy of roadway facilities serving New Development, or other regulatory purposes affecting the type, quality, intensity, economic development potential or development timing of land uses within such Service Areas.
- H. The Maximum Assessable Roadway Impact Fee per Service Unit for Roadway Facilities, as may be amended from time to time, hereby is declared to be an approximate and appropriate measure of the impacts generated by a new unit of development on the City's Roadway System. To the extent that the Roadway Impact Fee Collection Rate charged against a New Development, as may be amended from time to time, is less than the Maximum Assessable Roadway Impact Fee per Service Unit assessed, such difference hereby is declared to be founded on policies unrelated to measurement of the impacts of the New Development on the City's roadway system. The Maximum Assessable Roadway Impact Fee may be used in evaluating any claim by a property owner that the dedication or construction of a Capital Improvement within a Service Area imposed as a condition of development approval pursuant to the City's subdivision or development regulations is disproportionate to the impacts created by the development on the City's Roadway System.

**Sec. 44-164.** Credits against Impact Fees. The City may credit the contribution of land, improvements or funding for construction of any System Facility that is required or agreed to by the City, pursuant to rules established in this section or pursuant to administrative guidelines promulgated by the City with the following limitations:

- A. The Credit shall be associated with the plat or other detailed plan of development for the property that is to be served by the Roadway Facility.
- B. Master Planned Community projects, including subdivisions containing multiple phases, and whether approved before or after the effective date of these Impact Fee regulations, may apply for Credits against Roadway Impact Fees for the entire project based upon contributions of land, improvements or funds toward construction of system facilities. Credits shall be determined by comparing costs of Roadway Capital Improvements supplied by the project with the costs of Roadway Capital Improvements to be utilized by development within the project, utilizing a methodology approved by the City. The Credit determination shall be incorporated within an agreement for Credits, in accordance with this Ordinance.

The Roadway requirements of an agreement for Credits shall not be less than what is required by the Burleson Development Code.

- C. The City's current policies and regulations shall apply to determine a New Development's obligations to construct adjacent System Facilities. The obligation to construct, however, shall not exceed the Maximum Assessable Roadway Impact Fee assessed against the New Development under **Exhibit B, Schedule 1**. Construction required under such policies and regulations shall be a Credit against the amount of Impact Fees otherwise due. If the costs of constructing a System Facility in accordance with the current City policies and regulations are greater than the amount of the Roadway Impact Fee Collection Rate due, the amount of the Credit due shall be deemed to be 100% of the assessed Impact Fees and no Impact Fee shall be collected thereafter for the development, unless the number of Service Units is subsequently increased.
- D. All Credits against Roadway Impact Fees shall be based upon standards promulgated by the City, which may be adopted as administrative guidelines, including the following standards:
  - (1) No Credit shall be given for the dedication or construction of Site-related Facilities.
  - (2) No Credit shall be given for a Roadway Facility which is not identified within the Roadway Impact Fee Capital Improvements Plan, unless the facility is on or qualifies for inclusion on the Mobility Plan and the City agrees that such improvement supplies capacity to New Developments other than the development paying the Roadway Impact Fee and provisions for Credits are incorporated in an agreement for Credits pursuant to this Ordinance.
  - (3) In no event will the City grant a Credit when no Roadway Impact Fees can be collected pursuant to this Ordinance or for any amount exceeding the Roadway Impact Fee Collection Rate due for the development, unless expressly agreed to by the City in writing.
  - (4) The City may participate in the costs of a System Facility to be dedicated to the City, , including costs that exceed the amount of the Maximum Assessable Impact Fees for the development, in accordance with policies and rules established by the City. The amount of any Credit for construction of a System Facility shall be reduced by the amount of any participation funds received from the City.
  - (5) Where funds for Roadway Facilities have been escrowed under an agreement that was executed with the City prior to the effective date of this Ordinance, the following rules apply:
    - (a) Funds expended under the agreement for Roadway Facilities shall first be credited against the amount of Roadway Impact Fees that



would have been due under **Exhibit B, Schedule 2** for those units of development for which building permits already have been issued;

- (b) Any remaining funds shall be credited against Impact Fees due for the development under **Exhibit B, Schedule 2** at the time building permits are issued.
- E. Credits for construction of Capital Improvements shall be deemed created when the Capital Improvements are completed and the City has accepted the facility, or in the case of Capital Improvements constructed and accepted prior to the Effective Date of this Ordinance, on such effective date. Credits created after the Effective Date of this Ordinance shall expire ten (10) years from the date the Credit was created. Credits arising prior to such Effective Date shall expire ten (10) years from such effective date. Upon application by the property owner, the City may agree to extend the expiration date for the Credit on mutually agreeable terms.
- F. Unless an agreement for Credits, as described herein, is executed providing for a different manner of applying Credits against Roadway Impact Fees due, a Credit associated with a plat shall be applied at the time of application for the first building permit and, at each building permit application thereafter, to reduce Impact Fees due until the Credit is exhausted.
- G. An owner of a New Development who has constructed or financed a Roadway Capital Improvement or Roadway Facility expansion designated in the Roadway Impact Fee Capital Improvements Plans, or other Roadway Capital Improvement that supplies excess capacity, as required or authorized by the City, shall enter into an agreement with the City to provide for Credits against Roadway Impact Fees due for the development in accordance with this paragraph. The agreement shall identify the basis for and the method for computing and the amount of the Credit due and any reduction in Credits attributable to consumption of road capacity by developed lots or tracts served by the Roadway Capital Improvements. For multi-phased projects, the City may require that total Credits be proportionally allocated among the phases. If authorized by the City, the agreement also may provide for allocation of Credits among New Developments within the project, and provisions for the timing and collection of Impact Fees.

**Sec. 44-165.** Use of Proceeds of Impact Fee Accounts. The Roadway Impact Fees collected for each Service Area pursuant to these regulations may be used to finance or to recoup the costs of any roadway improvements or facility expansions identified in the Roadway Impact Fee Capital Improvements Plan for the Service Area, including but not limited to the construction contract price, surveying and engineering fees, and land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees). Roadway Impact Fees may also be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the City to finance such roadway

improvements or facility expansions. Roadway Impact Fees may also be used to pay fees actually contracted to be paid to an independent qualified engineer or financial consultant for preparation of or updating the Roadway Impact Fee Capital Improvements Plan. The Capital Improvements Advisory Committee shall recommend a Roadway Impact Fee Funding Plan identifying the projects to be funded with Roadway Impact Fees. City Council shall have final approval of the funding plan. Impact Fees collected may not be used to pay for the expenses prohibited by Statute.

**Sec. 44-166.** Establishment of Accounts. The City's Finance Department shall establish an account to which interest is allocated for each Service Area for which a Roadway Impact Fee is imposed pursuant to this Ordinance. Each Impact Fee collected within the Service Area shall be deposited in such account with the following regulations:

- A. Interest earned on the account into which the Impact Fees are deposited shall be considered funds of the account and shall be used solely for the purposes authorized in this Ordinance and the Statute.
- B. The City's Finance Department shall establish adequate financial and accounting controls to ensure that Roadway Impact Fees disbursed from the account are utilized solely for the purposes authorized in this Ordinance and the Statute. Disbursement of funds shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Ordinance; provided, however, that any Roadway Impact Fee paid shall be expended within a reasonable period of time, but not to exceed ten (10) years from the date the fee is deposited into the account.
- C. The City's Finance Department shall maintain and keep financial records for Roadway Impact Fees, which shall show the source and disbursement of all fees collected in or expended from each Service Area. The records of the account into which Impact Fees are deposited shall be open for public inspection and copying during ordinary business hours. The City may establish a fee for copying services.

**Sec. 44-167.** Impact Fee as Additional and Supplemental Regulation. Roadway Impact Fees established by these regulations are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of building permits or certificates of occupancy. Such Impact Fees are intended to be consistent with and to further the policies of the Imagine Burleson Comprehensive Plan, the Capital Improvements Plan, the zoning ordinances, subdivision regulations and other City policies, ordinances and resolutions by which the City seeks to ensure the provision of adequate public facilities in conjunction with the development of land. This Ordinance shall not affect, in any manner, the permissible use of property, density of development, design, and improvement standards and requirements, or any other aspect of the development of land or provision of public improvements subject to the zoning and

subdivision regulations or other regulations and policies of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

**Sec. 44-168.** Updates to Plans and Revision of Fees. The City shall update its Land Use Assumptions and Capital Improvements Plan and make any revision of fees as indicated below:

- A. The City shall update its Land Use Assumptions and Roadway Impact Fee Capital Improvements Plans and shall recalculate the Roadway Impact Fees based thereon in accordance with the procedures set forth in Texas Local Gov't Code, Ch. 395, or in any successor statute. Newly Annexed Territories: Upon annexation, a newly annexed area shall be immediately added into the nearest, adjacent Roadway Service Area so long as in doing so the Roadway Service Area still complies with the distance requirements in Chapter 395 of the Texas Local Government Code. The collection rate shall be assessed at the rate of the existing Roadway Service Area and may be adjusted upon a future study update. In the event that said addition to the nearest, adjacent Roadway Service Area brings that Roadway Service Area out of compliance with the distance requirements in Chapter 395 of the Texas Local Government Code, a new impact fee study shall be commenced as soon as possible, and upon adoption of an updated study, the Roadway Service Areas shall be adjusted to incorporate the newly annexed area. However, this does not preclude the City from reviewing its Land Use Assumptions, Roadway Impact Fee Capital Improvements Plans, Roadway Impact Fees, and other factors such as market conditions more frequently than provided for herein to determine whether the Land Use Assumptions and Roadway Capital Improvements Plans should be updated and the Roadway Impact Fees recalculated accordingly, utilizing statutory update procedures.
- B. Exhibit B, Schedule 2 may be amended without revising the Land Use Assumptions and Roadway Capital Improvements Plans at any time prior to the update provided for in this Section, provided that the Roadway Impact Fee Collection Rate to be collected under **Exhibit B, Schedule 2** do not exceed the Maximum Assessable Roadway Impact Fees assessed under **Exhibit B, Schedule 1**.
- C. If, at the time an update is required as indicated herein and the City Council determines that no change to the Land Use Assumptions, Roadway Impact Fee Capital Improvements Plan or Roadway Impact Fees are needed, it may dispense with such update by following the procedures in Texas Local Gov't Code, Section 395.0575 or its successor statute.
- D. The City may amend any other provisions of this Ordinance in accordance with procedures for ordinance amendments contained in the City's Charter or State law.

**Sec. 44-169.** Refunds

- A. Upon application, any Roadway Impact Fee or portion thereof collected pursuant to this Ordinance, which has not been expended within the Service Area within ten (10) years from the date of payment, shall be refunded to the record owner of the property for which the Impact Fee was paid or, if the Impact Fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Sec. 302.002, Tex. Fin. Code, or its successor statute. The application for refund pursuant to this section shall be submitted within sixty (60) days after the expiration of the ten-year period for expenditure of the Impact Fee. An Impact Fee shall be considered expended on a first-in, first out basis.
- B. An Impact Fee collected pursuant to this Ordinance shall also be considered expended if the total expenditures for Capital Improvements or Roadway Facility expansions authorized within the Service Area within ten (10) years following the date of payment exceeds the total fees collected within the Service Area for such improvements or expansions during such period.
- C. If a refund is due pursuant to Subsections A or B, the City shall divide the difference between the amount of expenditures and the amount of the Impact Fees collected by the total number of Service Units assumed within the Service Area for the period to determine the refund due per Service Unit. The refund to the record owner shall be calculated by multiplying the refund due per Service Unit by the number of Service Units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

**Sec 44-170.** Rebates. If the building permit for a New Development for which a Roadway Impact Fee has been paid has expired, and a modified or new application has not been filed within six (6) months of such expiration, the City shall, upon written application, rebate the amount of the Impact Fee to the record owner of the property for which the Impact Fee was paid. If no application for rebate pursuant to this subsection has been filed within this period, no rebate shall become due.

**Sec. 44-171.** Appeals. The property owner or applicant for New Development may appeal the applicability or amount of the Roadway Impact Fee or the availability or amount of Credits or Refunds to the City Council using the following procedure:

- A. The burden of proof shall be on the applicant to demonstrate that relief should be granted by the City.
- B. The applicant must file a written notice of appeal with the City Manager or his/her designee within thirty (30) days following the decision being appealed. Along with the notice of appeal, an applicant may request an alternative Service Unit computation for land uses not contained with the latest edition of the ITE Trip Generation Manual by submitting a trip generation study demonstrating the appropriateness of the trip generation rates for the proposed development. An applicant may also include an alternative Service Unit calculation.

- C. The City Manager or his/her designee (“Manager”) may (1) resolve the appeal, if the applicant agrees with the Manager’s decision, or (2) if the applicant does not agree, refer the matter to the Capital Improvements Advisory Committee to make a decision, along with the Manager’s recommendation and any trip generation study provided, if any.
- D. If City Council review is requested by the applicant after receiving the Manager’s and/or Capital Improvements Advisory Committee decision, the City Secretary shall schedule a public hearing at which the applicant may present testimony and evidence before the City Council. The City Council shall act on the appeal within 60 days of receipt of the notice of appeal by the City, unless otherwise agreed by the Applicant.
- E. If the notice of appeal is accompanied by a payment or other security satisfactory to the City Attorney in an amount equal to the original determination of the Roadway Impact Fee due, the City shall process and may issue a building permit if other requirements are met while the appeal is pending.
- F. If the City Council allows for a different amount of the Roadway Impact Fee due for a New Development under this section to be paid, it may cause to be appropriated from other City funds the amount of the reduction in the Impact Fee to the account for the Service Area in which the property is located.

## **SECTION 2**

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

## **SECTION 3**

If any sentence, section, subsection, clause, phrase, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

## **SECTION 4**

The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes, which are hereby found and declared to be in furtherance of the public health, safety, and welfare. Any member of the Council or any City official or employee charged with the enforcement of this ordinance, acting for the City in the discharge of his or her duties, shall not thereby render himself or herself personally liable; and is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

## SECTION 5

Any violation of this ordinance can be enjoined by a suit filed in the name of the City in a court of competent jurisdiction.

## SECTION 6

If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portions of the Ordinance which shall continue to have full force and effect.

## SECTION 7

This Ordinance shall take effect immediately upon passage and approval, as provided by law.

AND IT IS 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:

APPROVED AS TO FORM:

\_\_\_\_\_  
Amanda Campos, City Secretary

\_\_\_\_\_  
E. Allen Taylor, Jr., City Attorney

**EXHIBIT A**

**(ROADWAY IMPACT FEE STUDY DATED MAY 2023)**

**The Roadway Impact Fee Study is on file in the City Secretary's Offices. Due to size, it is not attached to the Ordinance but is referenced and incorporated herein as if attached.**

## **EXHIBIT B**

### **SCHEDULE 1**

#### **MAXIMUM ASSESSABLE ROADWAY IMPACT FEE PER SERVICE UNIT**

<b><u>Exhibit B - Schedule 1</u></b>		
<b>Service Areas</b>	<b>Maximum Assessable Roadway Impact Fee Per Service Unit</b>	
	Before 1/1/2024	On or after 1/1/2024
Service Area A	\$ 771	\$ 1,632
Service Area B	\$ 657	\$ 703
Service Area C	\$ 1,152	\$ 1,954
Service Area D	\$ 976	\$ 1,365
Note: Fee amounts shown in this schedule do not represent the final collected fee amount		

### **SCHEDULE 2**

#### **ROADWAY IMPACT FEE COLLECTION RATE PER SERVICE UNIT**

<b><u>Exhibit B - Schedule 2</u></b>						
<b>Assessment Date</b>	<b>Properties Platted before 1/1/2024</b>			<b>Properties Platted on or after 1/1/2024</b>		
	Land Use Type			Land Use Type		
<b>Service Areas</b>	Residential	Non-Residential	Industrial	Residential	Non-Residential	Industrial
<b>A</b>	\$408.16	\$300.00	\$200.00	\$1,632.00	\$1,632.00	\$1,632.00
<b>B</b>	\$408.16	\$300.00	\$200.00	\$703.00	\$703.00	\$703.00
<b>C*</b>	\$408.16	\$300.00	\$200.00	\$1,954.00	\$1,954.00	\$1,954.00
<b>D</b>	\$408.16	\$300.00	\$0.00	\$1,365.00	\$1,365.00	\$0.00
Exceptions: *New Development located within Service Area C and within the Old Town Overlay District shall be exempt from the requirement of roadway impact fees.						



# **EXHIBIT C**

## **(LAND USE EQUIVALENCY TABLE – PROPERTIES PLATTED BEFORE 1/1/2024)**

Land Use Category	ITE Land Use Code	Development Unit	Trip Gen Rate (PM)	Pass-by Rate	Pass-by Source	Trip Rate	NHTS Trip Length (mi)	Adj. For O-D	Adj. Trip Length (mi)	Max Trip Length (mi)	Veh-Mi Per Dev. Unit
<b>INDUSTRIAL</b>											
General Light Industrial	110	1,000 SF GFA	0.97			0.97	14.65	50%	7.33	6.00	5.82
Warehousing	150	1,000 SF GFA	0.32			0.32	14.65	50%	7.33	6.00	1.92
<b>RESIDENTIAL</b>											
Single-Family Detached Housing	210	Dwelling Unit	1.00			1.00	9.79	50%	4.90	4.90	4.90
Apartment/Multi-family	220	Dwelling Unit	0.62			0.62	9.79	50%	4.90	4.90	3.04
Residential Condominium/Townhome	230	Dwelling Unit	0.52			0.52	9.79	50%	4.90	4.90	2.55
Senior Adult Housing-Detached	251	Dwelling Unit	0.27			0.27	9.79	50%	4.90	4.90	1.32
Senior Adult Housing-Attached	252	Dwelling Unit	0.25			0.25	9.79	50%	4.90	4.90	1.23
Assisted Living	254	Beds	0.22			0.22	9.79	50%	4.90	4.90	1.08
<b>LODGING</b>											
Hotel	310	Room	0.60			0.60	6.43	50%	3.22	3.22	1.93
<b>RECREATIONAL</b>											
Golf Driving Range	432	Tee	1.25			1.25	7.86	50%	3.93	3.93	4.91
Golf Course	430	Acre	0.30			0.30	7.86	50%	3.93	3.93	1.18
Recreational Community Center	495	1,000 SF GFA	2.74			2.74	7.86	50%	3.93	3.93	10.77
Ice Skating Rink	465	1,000 SF GFA	2.36			2.36	7.86	50%	3.93	3.93	9.27
Miniature Golf Course	431	Hole	0.33			0.33	7.86	50%	3.93	3.93	1.30
Multiplex Movie Theater	445	Screens	13.64			13.64	7.86	50%	3.93	3.93	53.61
Racquet / Tennis Club	491	Court	3.35			3.35	7.86	50%	3.93	3.93	13.17
<b>INSTITUTIONAL</b>											
Church	560	1,000 SF GFA	0.55			0.55	8.31	50%	4.16	4.16	2.29
Day Care Center	565	1,000 SF GFA	12.34	44%	B	6.91	3.49	50%	1.75	1.75	12.09
Primary/Middle School (1-8)	522	Students	0.16			0.16	3.49	50%	1.75	1.75	0.28
High School	530	Students	0.13			0.13	3.49	50%	1.75	1.75	0.23
Junior / Community College	540	Students	0.12			0.12	10.44	50%	5.22	5.22	0.63
University / College	550	Students	0.17			0.17	10.44	50%	5.22	5.22	0.89
<b>MEDICAL</b>											
Clinic	630	1,000 SF GFA	5.18			5.18	9.85	50%	4.93	4.93	25.54
Hospital	610	1,000 SF GFA	0.93			0.93	9.85	50%	4.93	4.93	4.58
Nursing Home	620	Beds	0.22			0.22	9.85	50%	4.93	4.93	1.08
Animal Hospital/Veterinary Clinic	640	1,000 SF GFA	4.72	30%	B	3.30	9.85	50%	4.93	4.93	16.27
<b>OFFICE</b>											
Corporate Headquarters Building	714	1,000 SF GFA	1.41			1.41	14.65	50%	7.33	6.00	8.46
General Office Building	710	1,000 SF GFA	1.49			1.49	14.65	50%	7.33	6.00	8.94
Medical-Dental Office Building	720	1,000 SF GFA	3.57			3.57	9.85	50%	4.93	4.93	17.60
Single Tenant Office Building	715	1,000 SF GFA	1.74			1.74	14.65	50%	7.33	6.00	10.44
Office Park	750	1,000 SF GFA	1.48			1.48	14.65	50%	7.33	6.00	8.88
<b>COMMERCIAL</b>											
<b>AUTOMOBILE RELATED</b>											
Automobile Care Center	942	1,000 SF Occ. GLA	3.11	40%	B	1.87	4.45	50%	2.23	2.23	4.17
Automobile Parts Sales	843	1,000 SF GFA	5.98	43%	A	3.41	4.45	50%	2.23	2.23	7.60
Gasoline/Service Station w/ Conv Market	945	Vehicle Fueling Position	13.51	56%	B	5.94	1.20	50%	0.60	0.60	3.56
New Car Sales	841	1,000 SF GFA	2.62	20%	B	2.10	4.45	50%	2.23	2.23	4.68
Quick Lubrication Vehicle Shop	941	Servicing Positions	5.19	40%	B	3.11	4.45	50%	2.23	2.23	6.94
Self-Service Car Wash	947	Stall	5.54	40%	B	3.32	1.20	50%	0.60	0.60	1.99
Tire Store	848	1,000 SF GFA	4.15	28%	A	2.99	4.45	50%	2.23	2.23	6.67
<b>DINING</b>											
Fast Food Restaurant	933	1,000 SF GFA	26.15	50%	B	13.08	5.64	50%	2.82	2.82	36.89
Sit-Down Restaurant	932	1,000 SF GFA	9.85	43%	A	5.61	6.07	50%	3.04	3.04	17.05
Coffee/Donut Shop with Drive-Thru Window	937	1,000 SF GFA	42.80	70%	A	12.84	4.53	50%	2.27	2.27	29.15
<b>OTHER RETAIL</b>											
Free-Standing Discount Store	815	1,000 SF GFA	4.98	30%	C	3.49	5.60	50%	2.80	2.80	9.77
Nursery (Garden Center)	817	1,000 SF GFA	6.94	30%	B	4.86	5.60	50%	2.80	2.80	13.61
Home Improvement Superstore	862	1,000 SF GFA	2.33	48%	A	1.21	5.60	50%	2.80	2.80	3.39
Pharmacy/Drugstore	881	1,000 SF GFA	9.91	49%	A	5.05	5.60	50%	2.80	2.80	14.14
Shopping Center	820	1,000 SF GLA	3.71	34%	A	2.45	5.60	50%	2.80	2.80	6.86
Supermarket	850	1,000 SF GFA	9.48	36%	A	6.07	5.60	50%	2.80	2.80	17.00
<b>SERVICES</b>											
Walk-In Bank	911	1,000 SF GFA	12.13	40%	B	7.28	4.45	50%	2.23	2.23	16.23
Drive-In Bank	912	Drive-in Lanes	33.24	47%	A	17.62	4.45	50%	2.23	2.23	39.29
Hair Salon	918	1,000 SF GLA	1.45	30%	B	1.02	4.45	50%	2.23	2.23	2.27

**(LAND USE EQUIVALENCY TABLE  
PROPERTIES PLATTED ON OR AFTER 1/1/2024)**

Land Use Category	ITE Land Use Code	Development Unit	Trip Gen Rate (PM)	Pass-by Rate	Pass-by Source	Trip Rate	NHTS Trip Length (mi)	Adj. For O-D	Adj. Trip Length (mi)	Max Trip Length (mi)	Veh-Mi Per Dev. Unit
<b>PORT AND TERMINAL</b>											
Intermodal Truck Terminal	030	1,000 SF GFA	1.87			1.87	14.65	50%	7.32	6.00	11.22
<b>INDUSTRIAL</b>											
General Light Industrial	110	1,000 SF GFA	0.65			0.65	14.65	50%	7.33	6.00	3.90
Industrial Park	130	1,000 SF GFA	0.34			0.34	14.65	50%	7.33	6.00	2.04
Warehousing	150	1,000 SF GFA	0.18			0.18	14.65	50%	7.33	6.00	1.08
Mini-Warehouse	151	1,000 SF GFA	0.15			0.15	14.65	50%	7.33	6.00	0.90
<b>RESIDENTIAL</b>											
Single-Family Detached Housing	210	Dwelling Unit	0.94			0.94	9.79	50%	4.90	4.90	4.61
Apartment/Multi-family	220	Dwelling Unit	0.51			0.51	9.79	50%	4.90	4.90	2.50
Residential Condominium/Townhome	230	Dwelling Unit	0.36			0.36	9.79	50%	4.90	4.90	1.76
Senior Adult Housing-Single-Family	251	Dwelling Unit	0.30			0.30	9.79	50%	4.90	4.90	1.47
Senior Adult Housing-Multifamily	252	Dwelling Unit	0.25			0.25	9.79	50%	4.90	4.90	1.23
Assisted Living	254	Beds	0.24			0.24	9.79	50%	4.90	4.90	1.18
<b>LODGING</b>											
Hotel	310	Room	0.59			0.59	6.43	50%	3.22	3.22	1.90
Motel / Other Lodging Facilities	320	Room	0.36			0.36	6.43	50%	3.22	3.22	1.16
<b>RECREATIONAL</b>											
Golf Driving Range	432	Tee	1.25			1.25	7.86	50%	3.93	3.93	4.91
Golf Course	430	Acre	0.28			0.28	7.86	50%	3.93	3.93	1.10
Recreational Community Center	495	1,000 SF GFA	2.50			2.50	7.86	50%	3.93	3.93	9.83
Ice Skating Rink	465	1,000 SF GFA	1.33			1.33	7.86	50%	3.93	3.93	5.23
Miniature Golf Course	431	Hole	0.33			0.33	7.86	50%	3.93	3.93	1.30
Movie Theater	445	Screens	13.96			13.96	7.86	50%	3.93	3.93	54.86
Racquet / Tennis Club	491	Court	3.82			3.82	7.86	50%	3.93	3.93	15.01
<b>INSTITUTIONAL</b>											
Church	560	1,000 SF GFA	0.49			0.49	8.31	50%	4.16	4.16	2.04
Day Care Center	565	1,000 SF GFA	11.12	44%	B	6.23	3.49	50%	1.75	1.75	10.90
Elementary School	520	Students	0.16			0.16	3.49	50%	1.75	1.75	0.28
Middle School/Junior High School	522	Students	0.15			0.15	3.49	50%	1.75	1.75	0.26
High School	525	Students	0.14			0.14	3.49	50%	1.75	1.75	0.25
Junior / Community College	540	Students	0.11			0.11	10.44	50%	5.22	5.22	0.57
University / College	550	Students	0.15			0.15	10.44	50%	5.22	5.22	0.78
<b>MEDICAL</b>											
Clinic	630	1,000 SF GFA	3.69			3.69	9.85	50%	4.93	4.93	18.19
Hospital	610	1,000 SF GFA	0.86			0.86	9.85	50%	4.93	4.93	4.24
Nursing Home	620	Beds	0.14			0.14	9.85	50%	4.93	4.93	0.69
Animal Hospital/Veterinary Clinic	640	1,000 SF GFA	3.53	30%	B	2.47	9.85	50%	4.93	4.93	12.18
<b>OFFICE</b>											
Corporate Headquarters Building	714	1,000 SF GFA	1.30			1.30	14.65	50%	7.33	6.00	7.80
General Office Building	710	1,000 SF GFA	1.44			1.44	14.65	50%	7.33	6.00	8.64
Medical-Dental Office Building	720	1,000 SF GFA	3.93			3.93	9.85	50%	4.93	4.93	19.37
Single Tenant Office Building	715	1,000 SF GFA	1.76			1.76	14.65	50%	7.33	6.00	10.56
Office Park	750	1,000 SF GFA	1.30			1.30	14.65	50%	7.33	6.00	7.80
<b>COMMERCIAL</b>											
<b>Automobile Related</b>											
Automobile Care Center	942	1,000 SF Occ. GLA	3.11	40%	B	1.87	4.45	50%	2.23	2.23	4.17
Automobile Parts Sales	843	1,000 SF GFA	4.90	43%	A	2.79	4.45	50%	2.23	2.23	6.22
Gasoline/Service Station	944	Vehicle Fueling Position	13.91	42%	A	8.07	1.20	50%	0.60	0.60	4.84
Gasoline/Service Station w/ Conv Market	945	Vehicle Fueling Position	18.42	75%	B	4.61	1.20	50%	0.60	0.60	2.77
Automobile Sales (New)	840	1,000 SF GFA	2.42	20%	B	1.94	4.45	50%	2.23	2.23	4.33
Quick Lubrication Vehicle Shop	941	Servicing Positions	4.85	40%	B	2.91	4.45	50%	2.23	2.23	6.49
Self-Service Car Wash	947	Stall	5.54	40%	B	3.32	1.20	50%	0.60	0.60	1.99
Tire Store	848	1,000 SF GFA	3.75	28%	A	2.70	4.45	50%	2.23	2.23	6.02
<b>Dining</b>											
Fast Food Restaurant with Drive-Thru Window	934	1,000 SF GFA	33.03	50%	A	16.52	5.64	50%	2.82	2.82	46.59
Fast Food Restaurant without Drive-Thru Window	933	1,000 SF GFA	33.21	50%	B	16.61	5.64	50%	2.82	2.82	46.84
High Turnover (Sit-Down) Restaurant	932	1,000 SF GFA	9.05	43%	A	5.16	6.07	50%	3.04	3.04	15.69
Fine Dining Restaurant	931	1,000 SF GFA	7.80	44%	A	4.37	6.07	50%	3.04	3.04	13.28
Coffee/Donut Shop with Drive-Thru Window	937	1,000 SF GFA	38.99	70%	A	11.70	4.53	50%	2.27	2.27	26.56
<b>Other Retail</b>											
Free-Standing Discount Store	815	1,000 SF GFA	4.86	30%	C	3.40	5.60	50%	2.80	2.80	9.52
Nursery (Garden Center)	817	1,000 SF GFA	6.94	30%	B	4.86	5.60	50%	2.80	2.80	13.61
Home Improvement Superstore	862	1,000 SF GFA	2.29	48%	A	1.19	5.60	50%	2.80	2.80	3.33
Pharmacy/Drugstore w/o Drive-Thru Window	880	1,000 SF GFA	8.51	53%	A	4.00	5.60	50%	2.80	2.80	11.20
Pharmacy/Drugstore w/ Drive-Thru Window	881	1,000 SF GFA	10.25	49%	A	5.23	5.60	50%	2.80	2.80	14.64
Shopping Center (>150k)	820	1,000 SF GLA	3.40	34%	A	2.24	5.60	50%	2.80	2.80	6.27
Shopping Plaza (40-150k)	821	1,000 SF GLA	5.19	34%	A	3.43	5.60	50%	2.80	2.80	9.60
Strip Retail Plaza (<40k)	822	1,000 SF GLA	6.59	34%	A	4.35	5.60	50%	2.80	2.80	12.18
Supermarket	850	1,000 SF GFA	8.95	36%	A	5.73	5.60	50%	2.80	2.80	16.04
Toy/Children's Superstore	864	1,000 SF GFA	5.00	30%	B	3.50	5.60	50%	2.80	2.80	9.80
Department Store	875	1,000 SF GFA	1.95	30%	B	1.37	5.60	50%	2.80	2.80	3.84
<b>SERVICES</b>											
Walk-In Bank	911	1,000 SF GFA	12.13	40%	B	7.28	4.45	50%	2.23	2.23	16.23
Drive-In Bank	912	Drive-in Lanes	27.07	47%	A	14.35	4.45	50%	2.23	2.23	32.00
Hair Salon	918	1,000 SF GLA	1.45	30%	B	1.02	4.45	50%	2.23	2.23	2.27

**EXHIBIT C**  
**(ROADWAY IMPACT FEE PER DEVELOPMENT UNIT PER SERVICE AREA -**  
**PROPERTIES PLATTED BEFORE 1/1/2024)**

Land Use Category	Development Unit	Veh-Mi Per Dev- Unit	Service Area A	Service Area B	Service Area C	Service Area D
<b>INDUSTRIAL</b>						
General Light Industrial	1,000 SF GFA	5.82	\$ 1,164.00	\$ 1,164.00	\$ 1,164.00	\$ -
Warehousing	1,000 SF GFA	1.92	\$ 384.00	\$ 384.00	\$ 384.00	\$ -
<b>RESIDENTIAL</b>						
Single-Family Detached Housing	Dwelling Unit	4.90	\$ 1,999.98	\$ 1,999.98	\$ 1,999.98	\$ 1,999.98
Apartment/Multi-family	Dwelling Unit	3.04	\$ 1,240.81	\$ 1,240.81	\$ 1,240.81	\$ 1,240.81
Residential Condominium/Townhome	Dwelling Unit	2.55	\$ 1,040.81	\$ 1,040.81	\$ 1,040.81	\$ 1,040.81
Senior Adult Housing-Detached	Dwelling Unit	1.32	\$ 538.77	\$ 538.77	\$ 538.77	\$ 538.77
Senior Adult Housing-Attached	Dwelling Unit	1.23	\$ 502.04	\$ 502.04	\$ 502.04	\$ 502.04
Assisted Living	Beds	1.08	\$ 440.81	\$ 440.81	\$ 440.81	\$ 440.81
<b>LODGING</b>						
Hotel	Room	1.93	\$ 579.00	\$ 579.00	\$ 579.00	\$ 579.00
<b>RECREATIONAL</b>						
Golf Driving Range	Tee	4.91	\$ 1,473.00	\$ 1,473.00	\$ 1,473.00	\$ 1,473.00
Golf Course	Acre	1.18	\$ 354.00	\$ 354.00	\$ 354.00	\$ 354.00
Recreational Community Center	1,000 SF GFA	10.77	\$ 3,231.00	\$ 3,231.00	\$ 3,231.00	\$ 3,231.00
Ice Skating Rink	1,000 SF GFA	9.27	\$ 2,781.00	\$ 2,781.00	\$ 2,781.00	\$ 2,781.00
Miniature Golf Course	Hole	1.30	\$ 390.00	\$ 390.00	\$ 390.00	\$ 390.00
Multiplex Movie Theater	Screens	53.61	\$ 16,083.00	\$ 16,083.00	\$ 16,083.00	\$ 16,083.00
Racquet / Tennis Club	Court	13.17	\$ 3,951.00	\$ 3,951.00	\$ 3,951.00	\$ 3,951.00
<b>INSTITUTIONAL</b>						
Church	1,000 SF GFA	2.29	\$ 687.00	\$ 687.00	\$ 687.00	\$ 687.00
Day Care Center	1,000 SF GFA	12.09	\$ 3,627.00	\$ 3,627.00	\$ 3,627.00	\$ 3,627.00
Primary/Middle School (1-8)	Students	0.28	\$ 84.00	\$ 84.00	\$ 84.00	\$ 84.00
High School	Students	0.23	\$ 69.00	\$ 69.00	\$ 69.00	\$ 69.00
Junior / Community College	Students	0.63	\$ 189.00	\$ 189.00	\$ 189.00	\$ 189.00
University / College	Students	0.89	\$ 267.00	\$ 267.00	\$ 267.00	\$ 267.00
<b>MEDICAL</b>						
Clinic	1,000 SF GFA	25.54	\$ 7,662.00	\$ 7,662.00	\$ 7,662.00	\$ 7,662.00
Hospital	1,000 SF GFA	4.58	\$ 1,374.00	\$ 1,374.00	\$ 1,374.00	\$ 1,374.00
Nursing Home	Beds	1.08	\$ 324.00	\$ 324.00	\$ 324.00	\$ 324.00
Animal Hospital/Veterinary Clinic	1,000 SF GFA	16.27	\$ 4,881.00	\$ 4,881.00	\$ 4,881.00	\$ 4,881.00
<b>OFFICE</b>						
Corporate Headquarters Building	1,000 SF GFA	8.46	\$ 2,538.00	\$ 2,538.00	\$ 2,538.00	\$ 2,538.00
General Office Building	1,000 SF GFA	8.94	\$ 2,682.00	\$ 2,682.00	\$ 2,682.00	\$ 2,682.00
Medical-Dental Office Building	1,000 SF GFA	17.60	\$ 5,280.00	\$ 5,280.00	\$ 5,280.00	\$ 5,280.00
Single Tenant Office Building	1,000 SF GFA	10.44	\$ 3,132.00	\$ 3,132.00	\$ 3,132.00	\$ 3,132.00
Office Park	1,000 SF GFA	8.88	\$ 2,664.00	\$ 2,664.00	\$ 2,664.00	\$ 2,664.00
<b>COMMERCIAL</b>						
<b>AUTOMOBILE RELATED</b>						
Automobile Care Center	1,000 SF Occ. GLA	4.17	\$ 1,251.00	\$ 1,251.00	\$ 1,251.00	\$ 1,251.00
Automobile Parts Sales	1,000 SF GFA	7.60	\$ 2,280.00	\$ 2,280.00	\$ 2,280.00	\$ 2,280.00
Gasoline/Service Station w/ Conv Market	Vehicle Fueling Position	3.56	\$ 1,068.00	\$ 1,068.00	\$ 1,068.00	\$ 1,068.00
New Car Sales	1,000 SF GFA	4.68	\$ 1,404.00	\$ 1,404.00	\$ 1,404.00	\$ 1,404.00
Quick Lubrication Vehicle Shop	Servicing Positions	6.94	\$ 2,082.00	\$ 2,082.00	\$ 2,082.00	\$ 2,082.00
Self-Service Car Wash	Stall	1.99	\$ 597.00	\$ 597.00	\$ 597.00	\$ 597.00
Tire Store	1,000 SF GFA	6.67	\$ 2,001.00	\$ 2,001.00	\$ 2,001.00	\$ 2,001.00
<b>DINING</b>						
Fast Food Restaurant	1,000 SF GFA	36.89	\$ 11,067.00	\$ 11,067.00	\$ 11,067.00	\$ 11,067.00
Sit-Down Restaurant	1,000 SF GFA	17.05	\$ 5,115.00	\$ 5,115.00	\$ 5,115.00	\$ 5,115.00
Coffee/Donut Shop with Drive-Thru Window	1,000 SF GFA	29.15	\$ 8,745.00	\$ 8,745.00	\$ 8,745.00	\$ 8,745.00
<b>OTHER RETAIL</b>						
Free-Standing Discount Store	1,000 SF GFA	9.77	\$ 2,931.00	\$ 2,931.00	\$ 2,931.00	\$ 2,931.00
Nursery (Garden Center)	1,000 SF GFA	13.61	\$ 4,083.00	\$ 4,083.00	\$ 4,083.00	\$ 4,083.00
Home Improvement Superstore	1,000 SF GFA	3.39	\$ 1,017.00	\$ 1,017.00	\$ 1,017.00	\$ 1,017.00
Pharmacy/Drugstore	1,000 SF GFA	14.14	\$ 4,242.00	\$ 4,242.00	\$ 4,242.00	\$ 4,242.00
Shopping Center	1,000 SF GLA	6.86	\$ 2,058.00	\$ 2,058.00	\$ 2,058.00	\$ 2,058.00
Supermarket	1,000 SF GFA	17.00	\$ 5,100.00	\$ 5,100.00	\$ 5,100.00	\$ 5,100.00
<b>SERVICES</b>						
Walk-In Bank	1,000 SF GFA	16.23	\$ 4,869.00	\$ 4,869.00	\$ 4,869.00	\$ 4,869.00
Drive-In Bank	Drive-in Lanes	39.29	\$ 11,787.00	\$ 11,787.00	\$ 11,787.00	\$ 11,787.00
Hair Salon	1,000 SF GLA	2.27	\$ 681.00	\$ 681.00	\$ 681.00	\$ 681.00

**EXHIBIT C**  
**(ROADWAY IMPACT FEE PER DEVELOPMENT UNIT PER SERVICE AREA -**  
**PROPERTIES PLATTED ON OR AFTER 1/1/2024)**

Land Use Category	Development Unit	Veh-Mi Per Dev- Unit	Service Area A	Service Area B	Service Area C	Service Area D
<b>PORT AND TERMINAL</b>						
Intermodal Truck Terminal	1,000 SF GFA	11.22	\$ 18,311.04	\$ 7,887.66	\$ 21,923.88	\$ -
<b>INDUSTRIAL</b>						
General Light Industrial	1,000 SF GFA	3.90	\$ 6,364.80	\$ 2,741.70	\$ 7,620.60	\$ -
Industrial Park	1,000 SF GFA	2.04	\$ 3,329.28	\$ 1,434.12	\$ 3,986.16	\$ -
Warehousing	1,000 SF GFA	1.08	\$ 1,762.56	\$ 759.24	\$ 2,110.32	\$ -
Mini-Warehouse	1,000 SF GFA	0.90	\$ 1,468.80	\$ 632.70	\$ 1,758.60	\$ -
<b>RESIDENTIAL</b>						
Single-Family Detached Housing	Dwelling Unit	4.61	\$ 7,523.52	\$ 3,240.83	\$ 9,007.94	\$ 6,292.65
Apartment/Multi-family	Dwelling Unit	2.50	\$ 4,080.00	\$ 1,757.50	\$ 4,885.00	\$ 3,412.50
Residential Condominium/Townhome	Dwelling Unit	1.76	\$ 2,872.32	\$ 1,237.28	\$ 3,439.04	\$ 2,402.40
Senior Adult Housing-Single-Family	Dwelling Unit	1.47	\$ 2,399.04	\$ 1,033.41	\$ 2,872.38	\$ 2,006.55
Senior Adult Housing-Multifamily	Dwelling Unit	1.23	\$ 2,007.36	\$ 864.69	\$ 2,403.42	\$ 1,678.95
Assisted Living	Beds	1.18	\$ 1,925.76	\$ 829.54	\$ 2,305.72	\$ 1,610.70
<b>LODGING</b>						
Hotel	Room	1.90	\$ 3,100.80	\$ 1,335.70	\$ 3,712.60	\$ 2,593.50
Motel / Other Lodging Facilities	Room	1.16	\$ 1,893.12	\$ 815.48	\$ 2,266.64	\$ 1,583.40
<b>RECREATIONAL</b>						
Golf Driving Range	Tee	4.91	\$ 8,013.12	\$ 3,451.73	\$ 9,594.14	\$ 6,702.15
Golf Course	Acre	1.10	\$ 1,795.20	\$ 773.30	\$ 2,149.40	\$ 1,501.50
Recreational Community Center	1,000 SF GFA	9.83	\$ 16,042.56	\$ 6,910.49	\$ 19,207.82	\$ 13,417.95
Ice Skating Rink	1,000 SF GFA	5.23	\$ 8,535.36	\$ 3,676.69	\$ 10,219.42	\$ 7,138.95
Miniature Golf Course	Hole	1.30	\$ 2,121.60	\$ 913.90	\$ 2,540.20	\$ 1,774.50
Movie Theater	Screens	54.86	\$ 89,531.52	\$ 38,566.58	\$ 107,196.44	\$ 74,883.90
Racquet / Tennis Club	Court	15.01	\$ 24,496.32	\$ 10,552.03	\$ 29,329.54	\$ 20,488.65
<b>INSTITUTIONAL</b>						
Church	1,000 SF GFA	2.04	\$ 3,329.28	\$ 1,434.12	\$ 3,986.16	\$ 2,784.60
Day Care Center	1,000 SF GFA	10.90	\$ 17,788.80	\$ 7,662.70	\$ 21,298.60	\$ 14,878.50
Elementary School	Students	0.28	\$ 456.96	\$ 196.84	\$ 547.12	\$ 382.20
Middle School/Junior High School	Students	0.26	\$ 424.32	\$ 182.78	\$ 508.04	\$ 354.90
High School	Students	0.25	\$ 408.00	\$ 175.75	\$ 488.50	\$ 341.25
Junior / Community College	Students	0.57	\$ 930.24	\$ 400.71	\$ 1,113.78	\$ 778.05
University / College	Students	0.78	\$ 1,272.96	\$ 548.34	\$ 1,524.12	\$ 1,064.70
<b>MEDICAL</b>						
Clinic	1,000 SF GFA	18.19	\$ 29,686.08	\$ 12,787.57	\$ 35,543.26	\$ 24,829.35
Hospital	1,000 SF GFA	4.24	\$ 6,919.68	\$ 2,980.72	\$ 8,284.96	\$ 5,787.60
Nursing Home	Beds	0.69	\$ 1,126.08	\$ 485.07	\$ 1,348.26	\$ 941.85
Animal Hospital/Veterinary Clinic	1,000 SF GFA	12.18	\$ 19,877.76	\$ 8,562.54	\$ 23,799.72	\$ 16,625.70
<b>OFFICE</b>						
Corporate Headquarters Building	1,000 SF GFA	7.80	\$ 12,729.60	\$ 5,483.40	\$ 15,241.20	\$ 10,647.00
General Office Building	1,000 SF GFA	8.64	\$ 14,100.48	\$ 6,073.92	\$ 16,882.56	\$ 11,793.60
Medical-Dental Office Building	1,000 SF GFA	19.37	\$ 31,611.84	\$ 13,617.11	\$ 37,848.98	\$ 26,440.05
Single Tenant Office Building	1,000 SF GFA	10.56	\$ 17,233.92	\$ 7,423.68	\$ 20,634.24	\$ 14,414.40
Office Park	1,000 SF GFA	7.80	\$ 12,729.60	\$ 5,483.40	\$ 15,241.20	\$ 10,647.00
<b>COMMERCIAL</b>						
<b>Automobile Related</b>						
Automobile Care Center	1,000 SF Occ. GLA	4.17	\$ 6,805.44	\$ 2,931.51	\$ 8,148.18	\$ 5,692.05
Automobile Parts Sales	1,000 SF GFA	6.22	\$ 10,151.04	\$ 4,372.66	\$ 12,153.88	\$ 8,490.30
Gasoline/Service Station	Vehicle Fueling Position	4.84	\$ 7,898.88	\$ 3,402.52	\$ 9,457.36	\$ 6,606.60
Gasoline/Service Station w/ Conv Market	Vehicle Fueling Position	2.77	\$ 4,520.64	\$ 1,947.31	\$ 5,412.58	\$ 3,781.05
Automobile Sales (New)	1,000 SF GFA	4.33	\$ 7,066.56	\$ 3,043.99	\$ 8,460.82	\$ 5,910.45
Quick Lubrication Vehicle Shop	Servicing Positions	6.49	\$ 10,591.68	\$ 4,562.47	\$ 12,681.46	\$ 8,858.85
Self-Service Car Wash	Stall	1.99	\$ 3,247.68	\$ 1,398.97	\$ 3,888.46	\$ 2,716.35
Tire Store	1,000 SF GFA	6.02	\$ 9,824.64	\$ 4,232.06	\$ 11,763.08	\$ 8,217.30
<b>Dining</b>						
Fast Food Restaurant with Drive-Thru Window	1,000 SF GFA	46.59	\$ 76,034.88	\$ 32,752.77	\$ 91,036.86	\$ 63,595.35
Fast Food Restaurant without Drive-Thru Window	1,000 SF GFA	46.84	\$ 76,442.88	\$ 32,928.52	\$ 91,525.36	\$ 63,936.60
High Turnover (Sit-Down) Restaurant	1,000 SF GFA	15.69	\$ 25,606.08	\$ 11,030.07	\$ 30,658.26	\$ 21,416.85
Fine Dining Restaurant	1,000 SF GFA	13.28	\$ 21,672.96	\$ 9,335.84	\$ 25,949.12	\$ 18,127.20
Coffee/Donut Shop with Drive-Thru Window	1,000 SF GFA	26.56	\$ 43,345.92	\$ 18,671.68	\$ 51,898.24	\$ 36,254.40
<b>Other Retail</b>						
Free-Standing Discount Store	1,000 SF GFA	9.52	\$ 15,536.64	\$ 6,692.56	\$ 18,602.08	\$ 12,994.80
Nursery (Garden Center)	1,000 SF GFA	13.61	\$ 22,211.52	\$ 9,567.83	\$ 26,593.94	\$ 18,577.65
Home Improvement Superstore	1,000 SF GFA	3.33	\$ 5,434.56	\$ 2,340.99	\$ 6,506.82	\$ 4,545.45
Pharmacy/Drugstore w/o Drive-Thru Window	1,000 SF GFA	11.20	\$ 18,278.40	\$ 7,873.60	\$ 21,884.80	\$ 15,288.00
Pharmacy/Drugstore w/ Drive-Thru Window	1,000 SF GFA	14.64	\$ 23,892.48	\$ 10,291.92	\$ 28,606.56	\$ 19,983.60
Shopping Center (>150k)	1,000 SF GLA	6.27	\$ 10,232.64	\$ 4,407.81	\$ 12,251.58	\$ 8,558.55
Shopping Plaza (40-150k)	1,000 SF GLA	9.60	\$ 15,667.20	\$ 6,748.80	\$ 18,758.40	\$ 13,104.00
Strip Retail Plaza (<40k)	1,000 SF GLA	12.18	\$ 19,877.76	\$ 8,562.54	\$ 23,799.72	\$ 16,625.70
Supermarket	1,000 SF GFA	16.04	\$ 26,177.28	\$ 11,276.12	\$ 31,342.16	\$ 21,894.60
Toy/Children's Superstore	1,000 SF GFA	9.80	\$ 15,993.60	\$ 6,889.40	\$ 19,149.20	\$ 13,377.00
Department Store	1,000 SF GFA	3.84	\$ 6,266.88	\$ 2,699.52	\$ 7,503.36	\$ 5,241.60
<b>SERVICES</b>						
Walk-In Bank	1,000 SF GFA	16.23	\$ 26,487.36	\$ 11,409.69	\$ 31,713.42	\$ 22,153.95
Drive-In Bank	Drive-In Lanes	32.00	\$ 52,224.00	\$ 22,496.00	\$ 62,528.00	\$ 43,680.00
Hair Salon	1,000 SF GLA	2.27	\$ 3,704.64	\$ 1,595.81	\$ 4,435.58	\$ 3,098.55

## **ORDINANCE**

**AN ORDINANCE AMENDING ARTICLE III “ROADWAY IMPACT FEES” OF CHAPTER 44 “IMPACT FEES” OF THE CITY OF BURLESON CODE OF ORDINANCES RELATING TO THE ADOPTION OF ROADWAY IMPACT FEES PER SERVICE UNIT, ESTABLISHING EXCEPTIONS, PROCEDURES FOR THE ASSESSMENT, COLLECTION, COMPUTATION, EXPENDITURE, REFUND, AND GENERAL ADMINISTRATION OF ROADWAY IMPACT FEES, PROVIDING FOR THE ESTABLISHMENT OF ACCOUNTS FOR ROADWAY IMPACT FEES; PROVIDING CONSTRUCTION, SEVERABILITY, AND CONFLICT CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 395, Tex. Loc. Gov’t Code (the “Statute”) provides the requirements and procedures for the adoption of Land Use Assumptions, Roadway Impact Fee Capital Improvements Plan, and Roadway Impact Fees; and

**WHEREAS**, the City retained Kimley-Horn and Associates (“Kimley-Horn”) to prepare a Roadway Impact Fee Study that contains Land Use Assumptions (“LUA”) reflecting a description of five Service Areas and projections of 10-year growth in residential and nonresidential land uses in each Service Area, a Roadway Impact Fee Capital Improvements Plan (“CIP”) to identify Capital Improvements or Roadway Facility expansions for which Roadway Impact Fees may be assessed, and a calculation of the Roadway Impact Fee. The Roadway Impact Fee Study is referenced as **Exhibit A** hereto and incorporated by reference herein; and

**WHEREAS**, the Capital Improvements Plan Advisory Committee of the City of Burleson (“CIPAC”), created pursuant to Sec. 395.058, Tex. Loc. Gov’t Code, filed its written comments on the proposed Roadway Impact Fees before the fifth (5<sup>th</sup>) business day before the date of the public hearing on the adoption of the Roadway Impact Fee; and

**WHEREAS**, the City Council desires to exempt a “change in use” and the Old Town Overlay District from triggering a new impact fee being charged; and

**WHEREAS**, the City Council desires amend the Roadway Impact Fee ordinance as herein described and finds that it is in the best interest of the citizens of the City of Burleson;

**WHEREAS**, the City Council finds that in all things the City has complied with said statute in the notice, adoption, promulgation and methodology necessary to adopt Impact fees;

**NOW THEREFORE, THE COUNCIL OF THE CITY OF BURLESON HEREBY ORDAINS:**

### **SECTION 1.**



Article III, “Roadway Impact Fees” of Chapter 44 of the Code of Ordinances, City of Burleson, Texas is amended to read as follows:

### **ARTICLE III. - ROADWAY IMPACT FEES**

**Sec 44-151.** Short Title. This Ordinance shall be known and cited as the “Burleson Roadway Impact Fee Regulations”.

**Sec. 44-152.** Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein and are hereby found to be true and correct factual and legislative determinations of the City of Burleson, Texas.

**Sec. 44-153.** Purpose. This Ordinance is intended to assure the provision of adequate roadway facilities to serve New Development in the City by requiring each development to pay a share of the costs of such Capital Improvements or Roadway Facility expansions necessitated by and attributable to such New Development.

**Sec. 44-154.** Authority. This Ordinance is adopted pursuant to Texas Local Government Code (TLGC) Chapter 395 and the Burleson City Charter. Chapter 395 supplements this Ordinance to the extent that its provisions may be applicable hereto and, to such extent, its provisions are incorporated herein by reference. The provisions of this Ordinance shall not be construed to limit the power of the City to utilize other methods authorized under State law or pursuant to other City powers to accomplish the purposes set forth herein, either in substitution or in conjunction with this Ordinance. Guidelines may be developed by ordinance, resolution, or otherwise to implement and administer this Ordinance.

**Sec. 44-155.** Applicability. The provisions of this Ordinance apply to all new development within the corporate boundaries of the City. The provisions of this article apply uniformly within each Roadway Service Area.

**Sec 44-156.** Incorporation of Land Use Assumptions and Roadway Impact Fee Capital Improvements Plan. The Roadway Impact Fee Capital Improvements Plan and Land Use Assumptions identifying Capital Improvements or Facility Expansions pursuant to which Roadway Impact Fees may be assessed, as considered and adopted by the City Council Resolution No. CSO#5346-12-2023 at the December 11, 2023 public hearing and with the Roadway Impact Fee Study as referenced in **Exhibit A** hereto is incorporated herein by reference for all purposes, including any future amendments thereto.

**Sec. 44-157.** Definitions. In this Article:

- A. Assessment means the determination of the amount of the Maximum Assessable Roadway Impact Fee per Service Unit which can be imposed on New Development pursuant to this Ordinance.

- B. Capital Improvement means a Roadway Facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the City.
- C. Change of Use means a change in use or occupancy of any existing structure, that would otherwise have the effect of increasing the number of service units beyond those attributable to the immediately preceding use, which may include, but is not limited to, the reconstruction, redevelopment, conversion, or structural alteration, but does not include the enlargement or expansion of any structure.
- D. Calendar Year means from January 1 to December 31 in any year.
- E. City means the City of Burleson, Texas.
- F. Credit means a reduction in the amount of a Roadway Impact Fee(s), payments, or charges for approved construction or provision of the same type of Capital Improvement for which a fee has been assessed for a New Development. This is done by either by a proven decrease in the number of Service Units attributable to such development or a decrease in the amount of Roadway Impact Fees otherwise due, that results from contributions of land, improvements or funds to construct system improvements in accordance with the City's subdivision and development regulations, policies or requirements, as determined by the City.
- G. Final plat approval means authorization by the approval authority of the city that the final map of a proposed subdivision meets all City standards and conditions in accordance with the City's subdivision regulations and the Mayor executes the applicant's plat and that the plat may be recorded in the office of the county clerk of Johnson or Tarrant County. The term applies both to original plats and replats.
- H. Impact Fee, or "Roadway Impact Fee", means a fee, charge, or Assessment for Roadway Facilities imposed on New Development by the City pursuant to this Ordinance in order to generate revenue to fund or recoup all or part of the costs of Capital Improvements or facility expansion necessitated by and attributable to such New Development. The term includes amortized charges, lump-sum charges, capital recovery fees, contributions in aid of construction and any other fee that functions as described by this Ordinance or the Statute. The term is inclusive of both the Maximum Assessable Roadway Impact Fee and the Roadway Impact Fee Collection Rate as herein described.
- I. Land Use Assumptions means the description of Service Areas and the projections of population and employment growth and associated changes in land uses, densities and intensities adopted by the City, as may be amended from time to time, upon which the Roadway Impact Fee Capital Improvements Plan is based.
- J. Land Use Equivalency Table means a table converting the demands for Capital Improvements generated by various land uses to numbers of Service Units, as may be amended from time to time. The land use equivalency table may be incorporated in a schedule of Impact Fee rates, attached as Exhibit C hereto and incorporated by reference herein.

- K. Maximum Assessable Roadway Impact Fee means the Impact Fee that is established for each Service Area computed by calculating the total projected costs of Capital Improvements necessitated by and attributable to New Development associated with the roadway CIP, and then dividing that amount by the total number of Service Units anticipated within the Service Area based upon the land use assumptions. The Maximum Assessable Roadway Impact Fee shall be established and reflected in **Exhibit B, Schedule 1**, attached hereto and incorporated herein. The City may adopt a Roadway Impact Fee Collection Rate that is less than this amount, but in no instance shall the collected Roadway Impact Fee exceed the Maximum Assessed Roadway Impact Fee.
- L. New Development means A project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation or enlargement of any structure, or any use or extension of land, which has the effect of increasing the requirements for capital improvements or facility expansions, measured by the number of service units to be generated by such activity, and which requires either the approval and filing with the county in which the property is located of a plat pursuant to the city's subdivision regulations or the issuance of a building permit, and which has not been exempted from these regulations by provisions herein.
- M. Recoupment means the imposition of an Impact Fee to reimburse the City for Capital Improvements which the City has previously oversized to serve New Development.
- N. Roadway Impact Fee Collection Rate means the current amount of Roadway Impact Fee adopted by Burleson City Council to be paid by the property owner, as may from time to time be amended. The adopted Roadway Impact Fee Collection Rate shall be established and reflected in **Exhibit B, Schedule 2**, attached hereto and incorporated herein.
- O. Roadway means any primary and secondary arterial or major collector designated in the City's adopted Mobility Plan, as may be amended from time to time. Roadway also includes any thoroughfare designated as a numbered highway on the official federal or Texas highway system; to the extent that the City incurs Capital Improvement costs for such facility.
- P. Roadway Facility means an improvement or appurtenance to a Roadway which includes, but is not limited to, rights-of-way, whether conveyed by plat, deed or easement; intersection improvements; traffic signals; turn lanes; drainage facilities associated with the Roadway Facility; street lighting or curbs, and water and wastewater improvements affected by the Roadway Facility. Roadway Facility also includes any improvement or appurtenance to an intersection with a Roadway officially enumerated in the federal or Texas highway system, and to any improvements or appurtenances to such federal or Texas highway, to the extent that the City has incurred capital costs for such facilities, including without limitation local matching funds and costs related to utility line relocation and the establishment of curbs, gutters, sidewalks, drainage appurtenances and rights-of-way. Roadway Facility excludes those improvements or appurtenances to any Roadway which is a Site-related Facility.



- Q. Roadway Facility expansion means the expansion of the capacity of an existing roadway in the City, but does not include the repair, maintenance, modernization, or expansion of an existing roadway to better serve existing development.
- R. Roadway Impact Fee Capital Improvements Plan, or “Capital Improvements Plan” (CIP) means the adopted plan included in Exhibit A, as may be amended from time to time, which identifies the roadway facilities or Roadway Facility expansions and their costs for each roadway Service Area, which are necessitated by and which are attributable to New Development, for a period not to exceed 10 years, which are to be financed in whole or in part through the imposition of Roadway Impact Fees pursuant to this Ordinance.
- S. Service Area means a Roadway Service Area within the City’s corporate boundary, within which Impact Fees for Roadway Capital Improvements or Roadway Facility expansions may be collected for New Development occurring within such area and within which fees so collected will be expended for those types of improvements or expansions identified in the Roadway Impact Fee Capital Improvements Plan applicable to the Service Area.
- T. Service Unit means a vehicle mile. A vehicle-mile shall be defined as one (1) vehicle traveling a distance of one (1) mile during the afternoon peak hour as calculated herein.
- U. Site-related Facility means an improvement or facility which is for the primary use or benefit of one or more New Developments and/or which is for the primary purpose of safe and adequate provision of Roadway Facilities to serve the New Development, including access to the development, which is not included in the Roadway Capital Improvements Plan, and for which the developer (s) or property owner(s) is solely responsible under subdivision or other applicable development regulations. Site-related Facility may include a Roadway improvement which is located offsite, within or on the perimeter of the development site.
- V. System Facility means a roadway improvement or facility expansion which is designated in the Roadway Impact Fee Capital Improvements Plan and which is not a Site-related Facility. System Facility may include a roadway improvement which is located offsite, within or on the perimeter of the development site.

**Sec. 44-158.** Roadway Service Areas. The City hereby establishes four Roadway Service Areas, constituting land within the City’s corporate boundaries, as depicted in **Exhibit A**, referenced hereto and incorporated by reference herein. The boundaries of the Roadway Service Areas may be amended from time to time, or new Roadway Service Areas may be delineated, pursuant to the procedures of this Ordinance.

**Sec. 44-159.** Roadway Impact Fees Adopted. The City hereby adopts the Maximum Assessable Roadway Impact Fee attached and incorporated as **Exhibit B, Schedule 1**, and the Roadway Impact Fee Collection Rate attached and incorporated as **Exhibit B, Schedule 2**. Each non-exempt New Development shall be assessed the Maximum Assessable Roadway Impact Fee and shall pay the Roadway Impact Fee Collection Rate, minus any applicable Credits, as described herein. Except as herein otherwise provided, the Assessment and collection of a Roadway Impact Fee shall be

additional and supplemental to, and not in substitution of, any other tax, fee, charge or assessment which is lawfully imposed on and due against the property.

**Sec. 44-160.** Roadway Impact Fee Required. No Final Plat for New Development shall be released for filing with Tarrant or Johnson County without Assessment of an Impact Fee pursuant to this Ordinance; or, if no plat is required, then no building permit shall be issued until such Assessment is made and the Roadway Impact Fee Collection Rate is paid in accordance with the Assessment and collection procedures indicated herein.

**Sec. 44-161.** Assessment of Impact Fees. Assessment of the Impact Fee for any New Development shall be made as follows:

- A. Assessment of the roadway impact fee per service unit shall be the amount of the Maximum Assessable Roadway Impact Fee per Service Unit as set forth in **Exhibit B, Schedule 1**.
- B. For land which is not required to be platted at the time of application for a building permit pursuant to the City's subdivision regulations prior to development, Assessment of Roadway Impact Fees shall occur at the time application is made for the building permit, and shall be the amount of the Maximum Assessable Roadway Impact Fee per Service Unit as set forth in **Exhibit B, Schedule 1** then in effect.
- C. For New Development which is submitted for approval pursuant to the City's subdivision regulations or which is proposed for replatting on or after the effective date of this Ordinance, Assessment of Impact Fees shall be at the time of final plat or replat approval, and shall be the amount of the Maximum Assessable Roadway Impact Fee per Service Unit as set forth in **Exhibit B, Schedule 1** then in effect.
- D. Following Assessment of the Impact Fee pursuant to this Section, the amount of the Impact Fee Assessment per Service Unit for that development cannot be increased, unless the owner proposes to change the approved development by the submission of a new application for final plat approval or other development application that results in approval of additional Service Units, in which case a new Assessment shall occur at the **Exhibit B, Schedule 1** rate then in effect for such additional Service Unit.
- E. The City Manager or his or her designee shall compute the Roadway Impact Fees for New Development by first determining whether the New Development is eligible for Credits calculated in accordance with this Ordinance, which would further reduce Impact Fees otherwise due in whole or in part. The total amount of Impact Fees for the New Development shall be attached to the development application as a condition of approval.
- F. Approval of an amending plat pursuant to Tex. Loc. Gov't Code, Section 212.016 and the City's subdivision regulations is not subject to reassessment for an Impact Fee.

**Sec. 44-162. Exemptions to Impact Fees.** The following are exempt from the applicability of this Ordinance:

- A. Pursuant to Tex. Loc. Gov't Code Section 395.022, as amended, a public school district is not required to pay Roadway Impact Fees imposed under this Ordinance unless the board of trustees of the district consents to the payment of the fees by entering a contract with the City imposing the fees.
- B. A change in use, as defined in Section 44-157, is exempt from the payment of impact fees.

**Sec. 44-163. Collection of Impact Fees.** Roadway Impact Fees shall be collected in the following manner; however, the City has the ability to require construction greater than the Roadway Impact Fee Collection Rate for amounts up to the Maximum Assessable Roadway Impact Fee:

- A. The Roadway Impact Fee Collection Rate shall be paid at the time the City issues a building permit for a New Development. For New Development which does not require a building permit or filing of a plat, the Roadway Impact Fee Collection Rate shall be paid prior to the issuance of a Certificate of Occupancy shall be based on the current plat date.
- B. For properties requiring a plat, the Roadway Impact Fee Collection Rate to be paid and collected per Service Unit for New Development shall be the amount listed in **Exhibit B, Schedule 2** in effect at the time of final plat approval.
- C. For properties that do not require the filing of a plat, the Roadway Impact Fee Collection Rate shall be paid and collected per Service Unit for New Development in the amount listed in **Exhibit B, Schedule 2** in effect at the time that the building permit application is filed and shall be based on the current plat date.
- D. If the building permit for which an Impact Fee has been paid has expired, and a new application is thereafter filed, the Roadway Impact Fee Collection Rate shall be computed using **Exhibit B, Schedule 2** in effect at the time of the new application, with Credits for previous payment of Impact Fees being applied against the new Impact Fees due.
- E. Whenever the property owner proposes to increase the number of Service Units for a development, the additional Impact Fees collected for such new Service Units shall be determined by using **Exhibit B, Schedule 2** in effect at the time of the request, and such additional fee shall be collected at the times prescribed by this section.
- F. Where an application for a building permit is for a "shell" or speculative building on a parcel zoned "GR", General Retail or "C", Commercial, the amount of the roadway impact fee will be calculated assuming the entire building will be used as a "Strip Retail Plaza" as shown on **Exhibit C, Land Use Equivalency Table**. Where a subsequent application for a building permit is made for the finish-out of

the shell building, or portion thereof, for the ultimate use, an additional roadway impact fee shall be charged and paid if the ultimate use is different from a “Strip Retail Plaza.”

- G. The City may vary the rates of collection or amount of Roadway Impact Fees per Service Unit among or within Service Areas in order to reasonably further goals and policies affecting the adequacy of roadway facilities serving New Development, or other regulatory purposes affecting the type, quality, intensity, economic development potential or development timing of land uses within such Service Areas.
- H. The Maximum Assessable Roadway Impact Fee per Service Unit for Roadway Facilities, as may be amended from time to time, hereby is declared to be an approximate and appropriate measure of the impacts generated by a new unit of development on the City's Roadway System. To the extent that the Roadway Impact Fee Collection Rate charged against a New Development, as may be amended from time to time, is less than the Maximum Assessable Roadway Impact Fee per Service Unit assessed, such difference hereby is declared to be founded on policies unrelated to measurement of the impacts of the New Development on the City's roadway system. The Maximum Assessable Roadway Impact Fee may be used in evaluating any claim by a property owner that the dedication or construction of a Capital Improvement within a Service Area imposed as a condition of development approval pursuant to the City's subdivision or development regulations is disproportionate to the impacts created by the development on the City's Roadway System.

**Sec. 44-164.** Credits against Impact Fees. The City may credit the contribution of land, improvements or funding for construction of any System Facility that is required or agreed to by the City, pursuant to rules established in this section or pursuant to administrative guidelines promulgated by the City with the following limitations:

- A. The Credit shall be associated with the plat or other detailed plan of development for the property that is to be served by the Roadway Facility.
- B. Master Planned Community projects, including subdivisions containing multiple phases, and whether approved before or after the effective date of these Impact Fee regulations, may apply for Credits against Roadway Impact Fees for the entire project based upon contributions of land, improvements or funds toward construction of system facilities. Credits shall be determined by comparing costs of Roadway Capital Improvements supplied by the project with the costs of Roadway Capital Improvements to be utilized by development within the project, utilizing a methodology approved by the City. The Credit determination shall be incorporated within an agreement for Credits, in accordance with this Ordinance. The Roadway requirements of an agreement for Credits shall not be less than what is required by the Burleson Development Code.

- C. The City's current policies and regulations shall apply to determine a New Development's obligations to construct adjacent System Facilities. The obligation to construct, however, shall not exceed the Maximum Assessable Roadway Impact Fee assessed against the New Development under **Exhibit B, Schedule 1**. Construction required under such policies and regulations shall be a Credit against the amount of Impact Fees otherwise due. If the costs of constructing a System Facility in accordance with the current City policies and regulations are greater than the amount of the Roadway Impact Fee Collection Rate due, the amount of the Credit due shall be deemed to be 100% of the assessed Impact Fees and no Impact Fee shall be collected thereafter for the development, unless the number of Service Units is subsequently increased.
- D. All Credits against Roadway Impact Fees shall be based upon standards promulgated by the City, which may be adopted as administrative guidelines, including the following standards:
- (1) No Credit shall be given for the dedication or construction of Site-related Facilities.
  - (2) No Credit shall be given for a Roadway Facility which is not identified within the Roadway Impact Fee Capital Improvements Plan, unless the facility is on or qualifies for inclusion on the Mobility Plan and the City agrees that such improvement supplies capacity to New Developments other than the development paying the Roadway Impact Fee and provisions for Credits are incorporated in an agreement for Credits pursuant to this Ordinance.
  - (3) In no event will the City grant a Credit when no Roadway Impact Fees can be collected pursuant to this Ordinance or for any amount exceeding the Roadway Impact Fee Collection Rate due for the development, unless expressly agreed to by the City in writing.
  - (4) The City may participate in the costs of a System Facility to be dedicated to the City, , including costs that exceed the amount of the Maximum Assessable Impact Fees for the development, in accordance with policies and rules established by the City. The amount of any Credit for construction of a System Facility shall be reduced by the amount of any participation funds received from the City.
  - (5) Where funds for Roadway Facilities have been escrowed under an agreement that was executed with the City prior to the effective date of this Ordinance, the following rules apply:
    - (a) Funds expended under the agreement for Roadway Facilities shall first be credited against the amount of Roadway Impact Fees that would have been due under **Exhibit B, Schedule 2** for those units

of development for which building permits already have been issued;

- (b) Any remaining funds shall be credited against Impact Fees due for the development under **Exhibit B, Schedule 2** at the time building permits are issued.

- E. Credits for construction of Capital Improvements shall be deemed created when the Capital Improvements are completed and the City has accepted the facility, or in the case of Capital Improvements constructed and accepted prior to the Effective Date of this Ordinance, on such effective date. Credits created after the Effective Date of this Ordinance shall expire ten (10) years from the date the Credit was created. Credits arising prior to such Effective Date shall expire ten (10) years from such effective date. Upon application by the property owner, the City may agree to extend the expiration date for the Credit on mutually agreeable terms.
- F. Unless an agreement for Credits, as described herein, is executed providing for a different manner of applying Credits against Roadway Impact Fees due, a Credit associated with a plat shall be applied at the time of application for the first building permit and, at each building permit application thereafter, to reduce Impact Fees due until the Credit is exhausted.
- G. An owner of a New Development who has constructed or financed a Roadway Capital Improvement or Roadway Facility expansion designated in the Roadway Impact Fee Capital Improvements Plans, or other Roadway Capital Improvement that supplies excess capacity, as required or authorized by the City, shall enter into an agreement with the City to provide for Credits against Roadway Impact Fees due for the development in accordance with this paragraph. The agreement shall identify the basis for and the method for computing and the amount of the Credit due and any reduction in Credits attributable to consumption of road capacity by developed lots or tracts served by the Roadway Capital Improvements. For multi-phased projects, the City may require that total Credits be proportionally allocated among the phases. If authorized by the City, the agreement also may provide for allocation of Credits among New Developments within the project, and provisions for the timing and collection of Impact Fees.

**Sec. 44-165.** Use of Proceeds of Impact Fee Accounts. The Roadway Impact Fees collected for each Service Area pursuant to these regulations may be used to finance or to recoup the costs of any roadway improvements or facility expansions identified in the Roadway Impact Fee Capital Improvements Plan for the Service Area, including but not limited to the construction contract price, surveying and engineering fees, and land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees). Roadway Impact Fees may also be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the City to finance such roadway improvements or facility expansions. Roadway Impact Fees may also be used to

pay fees actually contracted to be paid to an independent qualified engineer or financial consultant for preparation of or updating the Roadway Impact Fee Capital Improvements Plan. The Capital Improvements Advisory Committee shall recommend a Roadway Impact Fee Funding Plan identifying the projects to be funded with Roadway Impact Fees. City Council shall have final approval of the funding plan. Impact Fees collected may not be used to pay for the expenses prohibited by Statute.

**Sec. 44-166.** Establishment of Accounts. The City's Finance Department shall establish an account to which interest is allocated for each Service Area for which a Roadway Impact Fee is imposed pursuant to this Ordinance. Each Impact Fee collected within the Service Area shall be deposited in such account with the following regulations:

- A. Interest earned on the account into which the Impact Fees are deposited shall be considered funds of the account and shall be used solely for the purposes authorized in this Ordinance and the Statute.
- B. The City's Finance Department shall establish adequate financial and accounting controls to ensure that Roadway Impact Fees disbursed from the account are utilized solely for the purposes authorized in this Ordinance and the Statute. Disbursement of funds shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Ordinance; provided, however, that any Roadway Impact Fee paid shall be expended within a reasonable period of time, but not to exceed ten (10) years from the date the fee is deposited into the account.
- C. The City's Finance Department shall maintain and keep financial records for Roadway Impact Fees, which shall show the source and disbursement of all fees collected in or expended from each Service Area. The records of the account into which Impact Fees are deposited shall be open for public inspection and copying during ordinary business hours. The City may establish a fee for copying services.

**Sec. 44-167.** Impact Fee as Additional and Supplemental Regulation. Roadway Impact Fees established by these regulations are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of building permits or certificates of occupancy. Such Impact Fees are intended to be consistent with and to further the policies of the Imagine Burleson Comprehensive Plan, the Capital Improvements Plan, the zoning ordinances, subdivision regulations and other City policies, ordinances and resolutions by which the City seeks to ensure the provision of adequate public facilities in conjunction with the development of land. This Ordinance shall not affect, in any manner, the permissible use of property, density of development, design, and improvement standards and requirements, or any other aspect of the development of land or provision of public improvements subject to the zoning and subdivision regulations or other regulations and policies of the City, which shall be

operative and remain in full force and effect without limitation with respect to all such development.

**Sec. 44-168.** Updates to Plans and Revision of Fees. The City shall update its Land Use Assumptions and Capital Improvements Plan and make any revision of fees as indicated below:

- A. The City shall update its Land Use Assumptions and Roadway Impact Fee Capital Improvements Plans and shall recalculate the Roadway Impact Fees based thereon in accordance with the procedures set forth in Texas Local Gov't Code, Ch. 395, or in any successor statute. Newly Annexed Territories: Upon annexation, a newly annexed area shall be immediately added into the nearest, adjacent Roadway Service Area so long as in doing so the Roadway Service Area still complies with the distance requirements in Chapter 395 of the Texas Local Government Code. The collection rate shall be assessed at the rate of the existing Roadway Service Area and may be adjusted upon a future study update. In the event that said addition to the nearest, adjacent Roadway Service Area brings that Roadway Service Area out of compliance with the distance requirements in Chapter 395 of the Texas Local Government Code, a new impact fee study shall be commenced as soon as possible, and upon adoption of an updated study, the Roadway Service Areas shall be adjusted to incorporate the newly annexed area. However, this does not preclude the City from reviewing its Land Use Assumptions, Roadway Impact Fee Capital Improvements Plans, Roadway Impact Fees, and other factors such as market conditions more frequently than provided for herein to determine whether the Land Use Assumptions and Roadway Capital Improvements Plans should be updated and the Roadway Impact Fees recalculated accordingly, utilizing statutory update procedures.
- B. Exhibit B, Schedule 2 may be amended without revising the Land Use Assumptions and Roadway Capital Improvements Plans at any time prior to the update provided for in this Section, provided that the Roadway Impact Fee Collection Rate to be collected under **Exhibit B, Schedule 2** do not exceed the Maximum Assessable Roadway Impact Fees assessed under **Exhibit B, Schedule 1**.
- C. If, at the time an update is required as indicated herein and the City Council determines that no change to the Land Use Assumptions, Roadway Impact Fee Capital Improvements Plan or Roadway Impact Fees are needed, it may dispense with such update by following the procedures in Texas Local Gov't Code, Section 395.0575 or its successor statute.
- D. The City may amend any other provisions of this Ordinance in accordance with procedures for ordinance amendments contained in the City's Charter or State law.

**Sec. 44-169.** Refunds



- A. Upon application, any Roadway Impact Fee or portion thereof collected pursuant to this Ordinance, which has not been expended within the Service Area within ten (10) years from the date of payment, shall be refunded to the record owner of the property for which the Impact Fee was paid or, if the Impact Fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Sec. 302.002, Tex. Fin. Code, or its successor statute. The application for refund pursuant to this section shall be submitted within sixty (60) days after the expiration of the ten-year period for expenditure of the Impact Fee. An Impact Fee shall be considered expended on a first-in, first out basis.
- B. An Impact Fee collected pursuant to this Ordinance shall also be considered expended if the total expenditures for Capital Improvements or Roadway Facility expansions authorized within the Service Area within ten (10) years following the date of payment exceeds the total fees collected within the Service Area for such improvements or expansions during such period.
- C. If a refund is due pursuant to Subsections A or B, the City shall divide the difference between the amount of expenditures and the amount of the Impact Fees collected by the total number of Service Units assumed within the Service Area for the period to determine the refund due per Service Unit. The refund to the record owner shall be calculated by multiplying the refund due per Service Unit by the number of Service Units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

**Sec 44-170.** Rebates. If the building permit for a New Development for which a Roadway Impact Fee has been paid has expired, and a modified or new application has not been filed within six (6) months of such expiration, the City shall, upon written application, rebate the amount of the Impact Fee to the record owner of the property for which the Impact Fee was paid. If no application for rebate pursuant to this subsection has been filed within this period, no rebate shall become due.

**Sec. 44-171.** Appeals. The property owner or applicant for New Development may appeal the applicability or amount of the Roadway Impact Fee or the availability or amount of Credits or Refunds to the City Council using the following procedure:

- A. The burden of proof shall be on the applicant to demonstrate that relief should be granted by the City.
- B. The applicant must file a written notice of appeal with the City Manager or his/her designee within thirty (30) days following the decision being appealed. Along with the notice of appeal, an applicant may request an alternative Service Unit computation for land uses not contained with the latest edition of the ITE Trip Generation Manual by submitting a trip generation study demonstrating the appropriateness of the trip generation rates for the proposed development. An applicant may also include an alternative Service Unit calculation.

- C. The City Manager or his/her designee (“Manager”) may (1) resolve the appeal, if the applicant agrees with the Manager’s decision, or (2) if the applicant does not agree, refer the matter to the Capital Improvements Advisory Committee to make a decision, along with the Manager’s recommendation and any trip generation study provided, if any.
- D. If City Council review is requested by the applicant after receiving the Manager’s and/or Capital Improvements Advisory Committee decision, the City Secretary shall schedule a public hearing at which the applicant may present testimony and evidence before the City Council. The City Council shall act on the appeal within 60 days of receipt of the notice of appeal by the City, unless otherwise agreed by the Applicant.
- E. If the notice of appeal is accompanied by a payment or other security satisfactory to the City Attorney in an amount equal to the original determination of the Roadway Impact Fee due, the City shall process and may issue a building permit if other requirements are met while the appeal is pending.
- F. If the City Council allows for a different amount of the Roadway Impact Fee due for a New Development under this section to be paid, it may cause to be appropriated from other City funds the amount of the reduction in the Impact Fee to the account for the Service Area in which the property is located.

## **SECTION 2**

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

## **SECTION 3**

If any sentence, section, subsection, clause, phrase, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

## **SECTION 4**

The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes, which are hereby found and declared to be in furtherance of the public health, safety, and welfare. Any member of the Council or any City official or employee charged with the enforcement of this ordinance, acting for the City in the discharge of his or her duties, shall not thereby render himself or herself personally liable; and is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

## SECTION 5

Any violation of this ordinance can be enjoined by a suit filed in the name of the City in a court of competent jurisdiction.

## SECTION 6

If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portions of the Ordinance which shall continue to have full force and effect.

## SECTION 7

This Ordinance shall take effect immediately upon passage and approval, as provided by law.

AND IT IS 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:

APPROVED AS TO FORM:

\_\_\_\_\_  
Amanda Campos, City Secretary

\_\_\_\_\_  
E. Allen Taylor, Jr., City Attorney

**EXHIBIT A**

**(ROADWAY IMPACT FEE STUDY DATED MAY 2023)**

**The Roadway Impact Fee Study is on file in the City Secretary's Offices. Due to size, it is not attached to the Ordinance but is referenced and incorporated herein as if attached.**

## **EXHIBIT B**

### **SCHEDULE 1**

#### **MAXIMUM ASSESSABLE ROADWAY IMPACT FEE PER SERVICE UNIT**

<b><u>Exhibit B - Schedule 1</u></b>		
<b>Service Areas</b>	<b>Maximum Assessable Roadway Impact Fee Per Service Unit</b>	
	<b>Before 1/1/2024</b>	<b>On or after 1/1/2024</b>
Service Area A	\$ 771	\$ 1,632
Service Area B	\$ 657	\$ 703
Service Area C	\$ 1,152	\$ 1,954
Service Area D	\$ 976	\$ 1,365
Note: Fee amounts shown in this schedule do not represent the final collected fee amount		

### **SCHEDULE 2**

#### **ROADWAY IMPACT FEE COLLECTION RATE PER SERVICE UNIT**

<b><u>Exhibit B - Schedule 2</u></b>						
<b>Assessment Date</b>	<b>Properties Platted before 1/1/2024</b>			<b>Properties Platted on or after 1/1/2024</b>		
	<b>Land Use Type</b>			<b>Land Use Type</b>		
<b>Service Areas</b>	<b>Residential</b>	<b>Non-Residential</b>	<b>Industrial</b>	<b>Residential</b>	<b>Non-Residential</b>	<b>Industrial</b>
<b>A</b>	\$408.16	\$300.00	\$200.00	\$1,632.00	\$1,632.00	\$1,632.00
<b>B</b>	\$408.16	\$300.00	\$200.00	\$703.00	\$703.00	\$703.00
<b>C*</b>	\$408.16	\$300.00	\$200.00	\$1,954.00	\$1,954.00	\$1,954.00
<b>D</b>	\$408.16	\$300.00	\$0.00	\$1,365.00	\$1,365.00	\$0.00
Exceptions: *New Development located within Service Area C and within the Old Town Overlay District shall be exempt from the requirement of roadway impact fees.						

# **EXHIBIT C** **(LAND USE EQUIVALENCY TABLE – PROPERTIES PLATTED BEFORE 1/1/2024)**

Land Use Category	ITE Land Use Code	Development Unit	Trip Gen Rate (PM)	Pass-by Rate	Pass-by Source	Trip Rate	NHTS Trip Length (mi)	Adj. For O-D	Adj. Trip Length (mi)	Max Trip Length (mi)	Veh-Mi Per Dev. Unit
<b>INDUSTRIAL</b>											
General Light Industrial	110	1,000 SF GFA	0.97			0.97	14.65	50%	7.33	6.00	5.82
Warehousing	150	1,000 SF GFA	0.32			0.32	14.65	50%	7.33	6.00	1.92
<b>RESIDENTIAL</b>											
Single-Family Detached Housing	210	Dwelling Unit	1.00			1.00	9.79	50%	4.90	4.90	4.90
Apartment/Multi-family	220	Dwelling Unit	0.62			0.62	9.79	50%	4.90	4.90	3.04
Residential Condominium/Townhome	230	Dwelling Unit	0.52			0.52	9.79	50%	4.90	4.90	2.55
Senior Adult Housing-Detached	251	Dwelling Unit	0.27			0.27	9.79	50%	4.90	4.90	1.32
Senior Adult Housing-Attached	252	Dwelling Unit	0.25			0.25	9.79	50%	4.90	4.90	1.23
Assisted Living	254	Beds	0.22			0.22	9.79	50%	4.90	4.90	1.08
<b>LODGING</b>											
Hotel	310	Room	0.60			0.60	6.43	50%	3.22	3.22	1.93
<b>RECREATIONAL</b>											
Golf Driving Range	432	Tee	1.25			1.25	7.86	50%	3.93	3.93	4.91
Golf Course	430	Acre	0.30			0.30	7.86	50%	3.93	3.93	1.18
Recreational Community Center	495	1,000 SF GFA	2.74			2.74	7.86	50%	3.93	3.93	10.77
Ice Skating Rink	465	1,000 SF GFA	2.36			2.36	7.86	50%	3.93	3.93	9.27
Miniature Golf Course	431	Hole	0.33			0.33	7.86	50%	3.93	3.93	1.30
Multiplex Movie Theater	445	Screens	13.64			13.64	7.86	50%	3.93	3.93	53.61
Racquet / Tennis Club	491	Court	3.35			3.35	7.86	50%	3.93	3.93	13.17
<b>INSTITUTIONAL</b>											
Church	560	1,000 SF GFA	0.55			0.55	8.31	50%	4.16	4.16	2.29
Day Care Center	565	1,000 SF GFA	12.34	44%	B	6.91	3.49	50%	1.75	1.75	12.09
Primary/Middle School (1-8)	522	Students	0.16			0.16	3.49	50%	1.75	1.75	0.28
High School	530	Students	0.13			0.13	3.49	50%	1.75	1.75	0.23
Junior / Community College	540	Students	0.12			0.12	10.44	50%	5.22	5.22	0.63
University / College	550	Students	0.17			0.17	10.44	50%	5.22	5.22	0.89
<b>MEDICAL</b>											
Clinic	630	1,000 SF GFA	5.18			5.18	9.85	50%	4.93	4.93	25.54
Hospital	610	1,000 SF GFA	0.93			0.93	9.85	50%	4.93	4.93	4.58
Nursing Home	620	Beds	0.22			0.22	9.85	50%	4.93	4.93	1.08
Animal Hospital/Veterinary Clinic	640	1,000 SF GFA	4.72	30%	B	3.30	9.85	50%	4.93	4.93	16.27
<b>OFFICE</b>											
Corporate Headquarters Building	714	1,000 SF GFA	1.41			1.41	14.65	50%	7.33	6.00	8.46
General Office Building	710	1,000 SF GFA	1.49			1.49	14.65	50%	7.33	6.00	8.94
Medical-Dental Office Building	720	1,000 SF GFA	3.57			3.57	9.85	50%	4.93	4.93	17.60
Single Tenant Office Building	715	1,000 SF GFA	1.74			1.74	14.65	50%	7.33	6.00	10.44
Office Park	750	1,000 SF GFA	1.48			1.48	14.65	50%	7.33	6.00	8.88
<b>COMMERCIAL</b>											
<b>AUTOMOBILE RELATED</b>											
Automobile Care Center	942	1,000 SF Occ. GLA	3.11	40%	B	1.87	4.45	50%	2.23	2.23	4.17
Automobile Parts Sales	843	1,000 SF GFA	5.98	43%	A	3.41	4.45	50%	2.23	2.23	7.60
Gasoline/Service Station w/ Conv Market	945	Vehicle Fueling Position	13.51	56%	B	5.94	1.20	50%	0.60	0.60	3.56
New Car Sales	841	1,000 SF GFA	2.62	20%	B	2.10	4.45	50%	2.23	2.23	4.68
Quick Lubrication Vehicle Shop	941	Servicing Positions	5.19	40%	B	3.11	4.45	50%	2.23	2.23	6.94
Self-Service Car Wash	947	Stall	5.54	40%	B	3.32	1.20	50%	0.60	0.60	1.99
Tire Store	848	1,000 SF GFA	4.15	28%	A	2.99	4.45	50%	2.23	2.23	6.67
<b>DINING</b>											
Fast Food Restaurant	933	1,000 SF GFA	26.15	50%	B	13.08	5.64	50%	2.82	2.82	36.89
Sit-Down Restaurant	932	1,000 SF GFA	9.85	43%	A	5.61	6.07	50%	3.04	3.04	17.05
Coffee/Donut Shop with Drive-Thru Window	937	1,000 SF GFA	42.80	70%	A	12.84	4.53	50%	2.27	2.27	29.15
<b>OTHER RETAIL</b>											
Free-Standing Discount Store	815	1,000 SF GFA	4.98	30%	C	3.49	5.60	50%	2.80	2.80	9.77
Nursery (Garden Center)	817	1,000 SF GFA	6.94	30%	B	4.86	5.60	50%	2.80	2.80	13.61
Home Improvement Superstore	862	1,000 SF GFA	2.33	48%	A	1.21	5.60	50%	2.80	2.80	3.39
Pharmacy/Drugstore	881	1,000 SF GFA	9.91	49%	A	5.05	5.60	50%	2.80	2.80	14.14
Shopping Center	820	1,000 SF GLA	3.71	34%	A	2.45	5.60	50%	2.80	2.80	6.86
Supermarket	850	1,000 SF GFA	9.48	36%	A	6.07	5.60	50%	2.80	2.80	17.00
<b>SERVICES</b>											
Walk-In Bank	911	1,000 SF GFA	12.13	40%	B	7.28	4.45	50%	2.23	2.23	16.23
Drive-In Bank	912	Drive-in Lanes	33.24	47%	A	17.62	4.45	50%	2.23	2.23	39.29
Hair Salon	918	1,000 SF GLA	1.45	30%	B	1.02	4.45	50%	2.23	2.23	2.27

**(LAND USE EQUIVALENCY TABLE  
PROPERTIES PLATTED ON OR AFTER 1/1/2024)**

Land Use Category	ITE Land Use Code	Development Unit	Trip Gen Rate (PM)	Pass-by Rate	Pass-by Source	Trip Rate	NHTS Trip Length (mi)	Adj. For O-D	Adj. Trip Length (mi)	Max Trip Length (mi)	Veh-Mi Per Dev. Unit
<b>PORT AND TERMINAL</b>											
Intermodal Truck Terminal	030	1,000 SF GFA	1.87			1.87	14.65	50%	7.32	6.00	11.22
<b>INDUSTRIAL</b>											
General Light Industrial	110	1,000 SF GFA	0.65			0.65	14.65	50%	7.33	6.00	3.90
Industrial Park	130	1,000 SF GFA	0.34			0.34	14.65	50%	7.33	6.00	2.04
Warehousing	150	1,000 SF GFA	0.18			0.18	14.65	50%	7.33	6.00	1.08
Mini-Warehouse	151	1,000 SF GFA	0.15			0.15	14.65	50%	7.33	6.00	0.90
<b>RESIDENTIAL</b>											
Single-Family Detached Housing	210	Dwelling Unit	0.94			0.94	9.79	50%	4.90	4.90	4.61
Apartment/Multi-family	220	Dwelling Unit	0.51			0.51	9.79	50%	4.90	4.90	2.50
Residential Condominium/Townhome	230	Dwelling Unit	0.36			0.36	9.79	50%	4.90	4.90	1.76
Senior Adult Housing-Single-Family	251	Dwelling Unit	0.30			0.30	9.79	50%	4.90	4.90	1.47
Senior Adult Housing-Multifamily	252	Dwelling Unit	0.25			0.25	9.79	50%	4.90	4.90	1.23
Assisted Living	254	Beds	0.24			0.24	9.79	50%	4.90	4.90	1.18
<b>LODGING</b>											
Hotel	310	Room	0.59			0.59	6.43	50%	3.22	3.22	1.90
Motel / Other Lodging Facilities	320	Room	0.36			0.36	6.43	50%	3.22	3.22	1.16
<b>RECREATIONAL</b>											
Golf Driving Range	432	Tee	1.25			1.25	7.86	50%	3.93	3.93	4.91
Golf Course	430	Acre	0.28			0.28	7.86	50%	3.93	3.93	1.10
Recreational Community Center	495	1,000 SF GFA	2.50			2.50	7.86	50%	3.93	3.93	9.83
Ice Skating Rink	465	1,000 SF GFA	1.33			1.33	7.86	50%	3.93	3.93	5.23
Miniature Golf Course	431	Hole	0.33			0.33	7.86	50%	3.93	3.93	1.30
Movie Theater	445	Screens	13.96			13.96	7.86	50%	3.93	3.93	54.86
Racquet / Tennis Club	491	Court	3.82			3.82	7.86	50%	3.93	3.93	15.01
<b>INSTITUTIONAL</b>											
Church	560	1,000 SF GFA	0.49			0.49	8.31	50%	4.16	4.16	2.04
Day Care Center	565	1,000 SF GFA	11.12	44%	B	6.23	3.49	50%	1.75	1.75	10.90
Elementary School	520	Students	0.16			0.16	3.49	50%	1.75	1.75	0.28
Middle School/Junior High School	522	Students	0.15			0.15	3.49	50%	1.75	1.75	0.26
High School	525	Students	0.14			0.14	3.49	50%	1.75	1.75	0.25
Junior / Community College	540	Students	0.11			0.11	10.44	50%	5.22	5.22	0.57
University / College	550	Students	0.15			0.15	10.44	50%	5.22	5.22	0.78
<b>MEDICAL</b>											
Clinic	630	1,000 SF GFA	3.69			3.69	9.85	50%	4.93	4.93	18.19
Hospital	610	1,000 SF GFA	0.86			0.86	9.85	50%	4.93	4.93	4.24
Nursing Home	620	Beds	0.14			0.14	9.85	50%	4.93	4.93	0.69
Animal Hospital/Veterinary Clinic	640	1,000 SF GFA	3.53	30%	B	2.47	9.85	50%	4.93	4.93	12.18
<b>OFFICE</b>											
Corporate Headquarters Building	714	1,000 SF GFA	1.30			1.30	14.65	50%	7.33	6.00	7.80
General Office Building	710	1,000 SF GFA	1.44			1.44	14.65	50%	7.33	6.00	8.64
Medical-Dental Office Building	720	1,000 SF GFA	3.93			3.93	9.85	50%	4.93	4.93	19.37
Single Tenant Office Building	715	1,000 SF GFA	1.76			1.76	14.65	50%	7.33	6.00	10.56
Office Park	750	1,000 SF GFA	1.30			1.30	14.65	50%	7.33	6.00	7.80
<b>COMMERCIAL</b>											
<b>Automobile Related</b>											
Automobile Care Center	942	1,000 SF Occ. GLA	3.11	40%	B	1.87	4.45	50%	2.23	2.23	4.17
Automobile Parts Sales	843	1,000 SF GFA	4.90	43%	A	2.79	4.45	50%	2.23	2.23	6.22
Gasoline/Service Station	944	Vehicle Fueling Position	13.91	42%	A	8.07	1.20	50%	0.60	0.60	4.84
Gasoline/Service Station w/ Conv Market	945	Vehicle Fueling Position	18.42	75%	B	4.61	1.20	50%	0.60	0.60	2.77
Automobile Sales (New)	840	1,000 SF GFA	2.42	20%	B	1.94	4.45	50%	2.23	2.23	4.33
Quick Lubrication Vehicle Shop	941	Servicing Positions	4.85	40%	B	2.91	4.45	50%	2.23	2.23	6.49
Self-Service Car Wash	947	Stall	5.54	40%	B	3.32	1.20	50%	0.60	0.60	1.99
Tire Store	848	1,000 SF GFA	3.75	28%	A	2.70	4.45	50%	2.23	2.23	6.02
<b>Dining</b>											
Fast Food Restaurant with Drive-Thru Window	934	1,000 SF GFA	33.03	50%	A	16.52	5.64	50%	2.82	2.82	46.59
Fast Food Restaurant without Drive-Thru Window	933	1,000 SF GFA	33.21	50%	B	16.61	5.64	50%	2.82	2.82	46.84
High Turnover (Sit-Down) Restaurant	932	1,000 SF GFA	9.05	43%	A	5.16	6.07	50%	3.04	3.04	15.69
Fine Dining Restaurant	931	1,000 SF GFA	7.80	44%	A	4.37	6.07	50%	3.04	3.04	13.28
Coffee/Donut Shop with Drive-Thru Window	937	1,000 SF GFA	38.99	70%	A	11.70	4.53	50%	2.27	2.27	26.56
<b>Other Retail</b>											
Free-Standing Discount Store	815	1,000 SF GFA	4.86	30%	C	3.40	5.60	50%	2.80	2.80	9.52
Nursery (Garden Center)	817	1,000 SF GFA	6.94	30%	B	4.86	5.60	50%	2.80	2.80	13.61
Home Improvement Superstore	862	1,000 SF GFA	2.29	48%	A	1.19	5.60	50%	2.80	2.80	3.33
Pharmacy/Drugstore w/o Drive-Thru Window	880	1,000 SF GFA	8.51	53%	A	4.00	5.60	50%	2.80	2.80	11.20
Pharmacy/Drugstore w/ Drive-Thru Window	881	1,000 SF GFA	10.25	49%	A	5.23	5.60	50%	2.80	2.80	14.64
Shopping Center (>150k)	820	1,000 SF GLA	3.40	34%	A	2.24	5.60	50%	2.80	2.80	6.27
Shopping Plaza (40-150k)	821	1,000 SF GLA	5.19	34%	A	3.43	5.60	50%	2.80	2.80	9.60
Strip Retail Plaza (<40k)	822	1,000 SF GLA	6.59	34%	A	4.35	5.60	50%	2.80	2.80	12.18
Supermarket	850	1,000 SF GFA	8.95	36%	A	5.73	5.60	50%	2.80	2.80	16.04
Toy/Children's Superstore	864	1,000 SF GFA	5.00	30%	B	3.50	5.60	50%	2.80	2.80	9.80
Department Store	875	1,000 SF GFA	1.95	30%	B	1.37	5.60	50%	2.80	2.80	3.84
<b>SERVICES</b>											
Walk-In Bank	911	1,000 SF GFA	12.13	40%	B	7.28	4.45	50%	2.23	2.23	16.23
Drive-In Bank	912	Drive-in Lanes	27.07	47%	A	14.35	4.45	50%	2.23	2.23	32.00
Hair Salon	918	1,000 SF GLA	1.45	30%	B	1.02	4.45	50%	2.23	2.23	2.27

**EXHIBIT C**  
**(ROADWAY IMPACT FEE PER DEVELOPMENT UNIT PER SERVICE AREA -**  
**PROPERTIES PLATTED BEFORE 1/1/2024)**

Land Use Category	Development Unit	Veh-Mi Per Dev- Unit	Service Area A	Service Area B	Service Area C	Service Area D
<b>INDUSTRIAL</b>						
General Light Industrial	1,000 SF GFA	5.82	\$ 1,164.00	\$ 1,164.00	\$ 1,164.00	\$ -
Warehousing	1,000 SF GFA	1.92	\$ 384.00	\$ 384.00	\$ 384.00	\$ -
<b>RESIDENTIAL</b>						
Single-Family Detached Housing	Dwelling Unit	4.90	\$ 1,999.98	\$ 1,999.98	\$ 1,999.98	\$ 1,999.98
Apartment/Multi-family	Dwelling Unit	3.04	\$ 1,240.81	\$ 1,240.81	\$ 1,240.81	\$ 1,240.81
Residential Condominium/Townhome	Dwelling Unit	2.55	\$ 1,040.81	\$ 1,040.81	\$ 1,040.81	\$ 1,040.81
Senior Adult Housing-Detached	Dwelling Unit	1.32	\$ 538.77	\$ 538.77	\$ 538.77	\$ 538.77
Senior Adult Housing-Attached	Dwelling Unit	1.23	\$ 502.04	\$ 502.04	\$ 502.04	\$ 502.04
Assisted Living	Beds	1.08	\$ 440.81	\$ 440.81	\$ 440.81	\$ 440.81
<b>LODGING</b>						
Hotel	Room	1.93	\$ 579.00	\$ 579.00	\$ 579.00	\$ 579.00
<b>RECREATIONAL</b>						
Golf Driving Range	Tee	4.91	\$ 1,473.00	\$ 1,473.00	\$ 1,473.00	\$ 1,473.00
Golf Course	Acre	1.18	\$ 354.00	\$ 354.00	\$ 354.00	\$ 354.00
Recreational Community Center	1,000 SF GFA	10.77	\$ 3,231.00	\$ 3,231.00	\$ 3,231.00	\$ 3,231.00
Ice Skating Rink	1,000 SF GFA	9.27	\$ 2,781.00	\$ 2,781.00	\$ 2,781.00	\$ 2,781.00
Miniature Golf Course	Hole	1.30	\$ 390.00	\$ 390.00	\$ 390.00	\$ 390.00
Multiplex Movie Theater	Screens	53.61	\$ 16,083.00	\$ 16,083.00	\$ 16,083.00	\$ 16,083.00
Racquet / Tennis Club	Court	13.17	\$ 3,951.00	\$ 3,951.00	\$ 3,951.00	\$ 3,951.00
<b>INSTITUTIONAL</b>						
Church	1,000 SF GFA	2.29	\$ 687.00	\$ 687.00	\$ 687.00	\$ 687.00
Day Care Center	1,000 SF GFA	12.09	\$ 3,627.00	\$ 3,627.00	\$ 3,627.00	\$ 3,627.00
Primary/Middle School (1-8)	Students	0.28	\$ 84.00	\$ 84.00	\$ 84.00	\$ 84.00
High School	Students	0.23	\$ 69.00	\$ 69.00	\$ 69.00	\$ 69.00
Junior / Community College	Students	0.63	\$ 189.00	\$ 189.00	\$ 189.00	\$ 189.00
University / College	Students	0.89	\$ 267.00	\$ 267.00	\$ 267.00	\$ 267.00
<b>MEDICAL</b>						
Clinic	1,000 SF GFA	25.54	\$ 7,662.00	\$ 7,662.00	\$ 7,662.00	\$ 7,662.00
Hospital	1,000 SF GFA	4.58	\$ 1,374.00	\$ 1,374.00	\$ 1,374.00	\$ 1,374.00
Nursing Home	Beds	1.08	\$ 324.00	\$ 324.00	\$ 324.00	\$ 324.00
Animal Hospital/Veterinary Clinic	1,000 SF GFA	16.27	\$ 4,881.00	\$ 4,881.00	\$ 4,881.00	\$ 4,881.00
<b>OFFICE</b>						
Corporate Headquarters Building	1,000 SF GFA	8.46	\$ 2,538.00	\$ 2,538.00	\$ 2,538.00	\$ 2,538.00
General Office Building	1,000 SF GFA	8.94	\$ 2,682.00	\$ 2,682.00	\$ 2,682.00	\$ 2,682.00
Medical-Dental Office Building	1,000 SF GFA	17.60	\$ 5,280.00	\$ 5,280.00	\$ 5,280.00	\$ 5,280.00
Single Tenant Office Building	1,000 SF GFA	10.44	\$ 3,132.00	\$ 3,132.00	\$ 3,132.00	\$ 3,132.00
Office Park	1,000 SF GFA	8.88	\$ 2,664.00	\$ 2,664.00	\$ 2,664.00	\$ 2,664.00
<b>COMMERCIAL</b>						
<b>AUTOMOBILE RELATED</b>						
Automobile Care Center	1,000 SF Occ. GLA	4.17	\$ 1,251.00	\$ 1,251.00	\$ 1,251.00	\$ 1,251.00
Automobile Parts Sales	1,000 SF GFA	7.60	\$ 2,280.00	\$ 2,280.00	\$ 2,280.00	\$ 2,280.00
Gasoline/Service Station w/ Conv Market	Vehicle Fueling Position	3.56	\$ 1,068.00	\$ 1,068.00	\$ 1,068.00	\$ 1,068.00
New Car Sales	1,000 SF GFA	4.68	\$ 1,404.00	\$ 1,404.00	\$ 1,404.00	\$ 1,404.00
Quick Lubrication Vehicle Shop	Servicing Positions	6.94	\$ 2,082.00	\$ 2,082.00	\$ 2,082.00	\$ 2,082.00
Self-Service Car Wash	Stall	1.99	\$ 597.00	\$ 597.00	\$ 597.00	\$ 597.00
Tire Store	1,000 SF GFA	6.67	\$ 2,001.00	\$ 2,001.00	\$ 2,001.00	\$ 2,001.00
<b>DINING</b>						
Fast Food Restaurant	1,000 SF GFA	36.89	\$ 11,067.00	\$ 11,067.00	\$ 11,067.00	\$ 11,067.00
Sit-Down Restaurant	1,000 SF GFA	17.05	\$ 5,115.00	\$ 5,115.00	\$ 5,115.00	\$ 5,115.00
Coffee/Donut Shop with Drive-Thru Window	1,000 SF GFA	29.15	\$ 8,745.00	\$ 8,745.00	\$ 8,745.00	\$ 8,745.00
<b>OTHER RETAIL</b>						
Free-Standing Discount Store	1,000 SF GFA	9.77	\$ 2,931.00	\$ 2,931.00	\$ 2,931.00	\$ 2,931.00
Nursery (Garden Center)	1,000 SF GFA	13.61	\$ 4,083.00	\$ 4,083.00	\$ 4,083.00	\$ 4,083.00
Home Improvement Superstore	1,000 SF GFA	3.39	\$ 1,017.00	\$ 1,017.00	\$ 1,017.00	\$ 1,017.00
Pharmacy/Drugstore	1,000 SF GFA	14.14	\$ 4,242.00	\$ 4,242.00	\$ 4,242.00	\$ 4,242.00
Shopping Center	1,000 SF GLA	6.86	\$ 2,058.00	\$ 2,058.00	\$ 2,058.00	\$ 2,058.00
Supermarket	1,000 SF GFA	17.00	\$ 5,100.00	\$ 5,100.00	\$ 5,100.00	\$ 5,100.00
<b>SERVICES</b>						
Walk-In Bank	1,000 SF GFA	16.23	\$ 4,869.00	\$ 4,869.00	\$ 4,869.00	\$ 4,869.00
Drive-In Bank	Drive-in Lanes	39.29	\$ 11,787.00	\$ 11,787.00	\$ 11,787.00	\$ 11,787.00
Hair Salon	1,000 SF GLA	2.27	\$ 681.00	\$ 681.00	\$ 681.00	\$ 681.00



**EXHIBIT C**  
**(ROADWAY IMPACT FEE PER DEVELOPMENT UNIT PER SERVICE AREA -**  
**PROPERTIES PLATTED ON OR AFTER 1/1/2024)**

Land Use Category	Development Unit	Veh-Mi Per Dev- Unit	Service Area A	Service Area B	Service Area C	Service Area D
<b>PORT AND TERMINAL</b>						
Intermodal Truck Terminal	1,000 SF GFA	11.22	\$ 18,311.04	\$ 7,887.66	\$ 21,923.88	\$ -
<b>INDUSTRIAL</b>						
General Light Industrial	1,000 SF GFA	3.90	\$ 6,364.80	\$ 2,741.70	\$ 7,620.60	\$ -
Industrial Park	1,000 SF GFA	2.04	\$ 3,329.28	\$ 1,434.12	\$ 3,986.16	\$ -
Warehousing	1,000 SF GFA	1.08	\$ 1,762.56	\$ 759.24	\$ 2,110.32	\$ -
Mini-Warehouse	1,000 SF GFA	0.90	\$ 1,468.80	\$ 632.70	\$ 1,758.60	\$ -
<b>RESIDENTIAL</b>						
Single-Family Detached Housing	Dwelling Unit	4.61	\$ 7,523.52	\$ 3,240.83	\$ 9,007.94	\$ 6,292.65
Apartment/Multi-family	Dwelling Unit	2.50	\$ 4,080.00	\$ 1,757.50	\$ 4,885.00	\$ 3,412.50
Residential Condominium/Townhome	Dwelling Unit	1.76	\$ 2,872.32	\$ 1,237.28	\$ 3,439.04	\$ 2,402.40
Senior Adult Housing-Single-Family	Dwelling Unit	1.47	\$ 2,399.04	\$ 1,033.41	\$ 2,872.38	\$ 2,006.55
Senior Adult Housing-Multifamily	Dwelling Unit	1.23	\$ 2,007.36	\$ 864.69	\$ 2,403.42	\$ 1,678.95
Assisted Living	Beds	1.18	\$ 1,925.76	\$ 829.54	\$ 2,305.72	\$ 1,610.70
<b>LODGING</b>						
Hotel	Room	1.90	\$ 3,100.80	\$ 1,335.70	\$ 3,712.60	\$ 2,593.50
Motel / Other Lodging Facilities	Room	1.16	\$ 1,893.12	\$ 815.48	\$ 2,266.64	\$ 1,583.40
<b>RECREATIONAL</b>						
Golf Driving Range	Tee	4.91	\$ 8,013.12	\$ 3,451.73	\$ 9,594.14	\$ 6,702.15
Golf Course	Acre	1.10	\$ 1,795.20	\$ 773.30	\$ 2,149.40	\$ 1,501.50
Recreational Community Center	1,000 SF GFA	9.83	\$ 16,042.56	\$ 6,910.49	\$ 19,207.82	\$ 13,417.95
Ice Skating Rink	1,000 SF GFA	5.23	\$ 8,535.36	\$ 3,676.69	\$ 10,219.42	\$ 7,138.95
Miniature Golf Course	Hole	1.30	\$ 2,121.60	\$ 913.90	\$ 2,540.20	\$ 1,774.50
Movie Theater	Screens	54.86	\$ 89,531.52	\$ 38,566.58	\$ 107,196.44	\$ 74,883.90
Racquet / Tennis Club	Court	15.01	\$ 24,496.32	\$ 10,552.03	\$ 29,329.54	\$ 20,488.65
<b>INSTITUTIONAL</b>						
Church	1,000 SF GFA	2.04	\$ 3,329.28	\$ 1,434.12	\$ 3,986.16	\$ 2,784.60
Day Care Center	1,000 SF GFA	10.90	\$ 17,788.80	\$ 7,662.70	\$ 21,298.60	\$ 14,878.50
Elementary School	Students	0.28	\$ 456.96	\$ 196.84	\$ 547.12	\$ 382.20
Middle School/Junior High School	Students	0.26	\$ 424.32	\$ 182.78	\$ 508.04	\$ 354.90
High School	Students	0.25	\$ 408.00	\$ 175.75	\$ 488.50	\$ 341.25
Junior / Community College	Students	0.57	\$ 930.24	\$ 400.71	\$ 1,113.78	\$ 778.05
University / College	Students	0.78	\$ 1,272.96	\$ 548.34	\$ 1,524.12	\$ 1,064.70
<b>MEDICAL</b>						
Clinic	1,000 SF GFA	18.19	\$ 29,686.08	\$ 12,787.57	\$ 35,543.26	\$ 24,829.35
Hospital	1,000 SF GFA	4.24	\$ 6,919.68	\$ 2,980.72	\$ 8,284.96	\$ 5,787.60
Nursing Home	Beds	0.69	\$ 1,126.08	\$ 485.07	\$ 1,348.26	\$ 941.85
Animal Hospital/Veterinary Clinic	1,000 SF GFA	12.18	\$ 19,877.76	\$ 8,562.54	\$ 23,799.72	\$ 16,625.70
<b>OFFICE</b>						
Corporate Headquarters Building	1,000 SF GFA	7.80	\$ 12,729.60	\$ 5,483.40	\$ 15,241.20	\$ 10,647.00
General Office Building	1,000 SF GFA	8.64	\$ 14,100.48	\$ 6,073.92	\$ 16,882.56	\$ 11,793.60
Medical-Dental Office Building	1,000 SF GFA	19.37	\$ 31,611.84	\$ 13,617.11	\$ 37,848.98	\$ 26,440.05
Single Tenant Office Building	1,000 SF GFA	10.56	\$ 17,233.92	\$ 7,423.68	\$ 20,634.24	\$ 14,414.40
Office Park	1,000 SF GFA	7.80	\$ 12,729.60	\$ 5,483.40	\$ 15,241.20	\$ 10,647.00
<b>COMMERCIAL</b>						
<b>Automobile Related</b>						
Automobile Care Center	1,000 SF Occ. GLA	4.17	\$ 6,805.44	\$ 2,931.51	\$ 8,148.18	\$ 5,692.05
Automobile Parts Sales	1,000 SF GFA	6.22	\$ 10,151.04	\$ 4,372.66	\$ 12,153.88	\$ 8,490.30
Gasoline/Service Station	Vehicle Fueling Position	4.84	\$ 7,898.88	\$ 3,402.52	\$ 9,457.36	\$ 6,606.60
Gasoline/Service Station w/ Conv Market	Vehicle Fueling Position	2.77	\$ 4,520.64	\$ 1,947.31	\$ 5,412.58	\$ 3,781.05
Automobile Sales (New)	1,000 SF GFA	4.33	\$ 7,066.56	\$ 3,043.99	\$ 8,460.82	\$ 5,910.45
Quick Lubrication Vehicle Shop	Servicing Positions	6.49	\$ 10,591.68	\$ 4,562.47	\$ 12,681.46	\$ 8,858.85
Self-Service Car Wash	Stall	1.99	\$ 3,247.68	\$ 1,398.97	\$ 3,888.46	\$ 2,716.35
Tire Store	1,000 SF GFA	6.02	\$ 9,824.64	\$ 4,232.06	\$ 11,763.08	\$ 8,217.30
<b>Dining</b>						
Fast Food Restaurant with Drive-Thru Window	1,000 SF GFA	46.59	\$ 76,034.88	\$ 32,752.77	\$ 91,036.86	\$ 63,595.35
Fast Food Restaurant without Drive-Thru Window	1,000 SF GFA	46.84	\$ 76,442.88	\$ 32,928.52	\$ 91,525.36	\$ 63,936.60
High Turnover (Sit-Down) Restaurant	1,000 SF GFA	15.69	\$ 25,606.08	\$ 11,030.07	\$ 30,658.26	\$ 21,416.85
Fine Dining Restaurant	1,000 SF GFA	13.28	\$ 21,672.96	\$ 9,335.84	\$ 25,949.12	\$ 18,127.20
Coffee/Donut Shop with Drive-Thru Window	1,000 SF GFA	26.56	\$ 43,345.92	\$ 18,671.68	\$ 51,898.24	\$ 36,254.40
<b>Other Retail</b>						
Free-Standing Discount Store	1,000 SF GFA	9.52	\$ 15,536.64	\$ 6,692.56	\$ 18,602.08	\$ 12,994.80
Nursery (Garden Center)	1,000 SF GFA	13.61	\$ 22,211.52	\$ 9,567.83	\$ 26,593.94	\$ 18,577.65
Home Improvement Superstore	1,000 SF GFA	3.33	\$ 5,434.56	\$ 2,340.99	\$ 6,506.82	\$ 4,545.45
Pharmacy/Drugstore w/o Drive-Thru Window	1,000 SF GFA	11.20	\$ 18,278.40	\$ 7,873.60	\$ 21,884.80	\$ 15,288.00
Pharmacy/Drugstore w/ Drive-Thru Window	1,000 SF GFA	14.64	\$ 23,892.48	\$ 10,291.92	\$ 28,606.56	\$ 19,983.60
Shopping Center (>150k)	1,000 SF GLA	6.27	\$ 10,232.64	\$ 4,407.81	\$ 12,251.58	\$ 8,558.55
Shopping Plaza (40-150k)	1,000 SF GLA	9.60	\$ 15,667.20	\$ 6,748.80	\$ 18,758.40	\$ 13,104.00
Strip Retail Plaza (<40k)	1,000 SF GLA	12.18	\$ 19,877.76	\$ 8,562.54	\$ 23,799.72	\$ 16,625.70
Supermarket	1,000 SF GFA	16.04	\$ 26,177.28	\$ 11,276.12	\$ 31,342.16	\$ 21,894.60
Toy/Children's Superstore	1,000 SF GFA	9.80	\$ 15,993.60	\$ 6,889.40	\$ 19,149.20	\$ 13,377.00
Department Store	1,000 SF GFA	3.84	\$ 6,266.88	\$ 2,699.52	\$ 7,503.36	\$ 5,241.60
<b>SERVICES</b>						
Walk-In Bank	1,000 SF GFA	16.23	\$ 26,487.36	\$ 11,409.69	\$ 31,713.42	\$ 22,153.95
Drive-In Bank	Drive-In Lanes	32.00	\$ 52,224.00	\$ 22,496.00	\$ 62,528.00	\$ 43,680.00
Hair Salon	1,000 SF GLA	2.27	\$ 3,704.64	\$ 1,595.81	\$ 4,435.58	\$ 3,098.55

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**City Council Regular Meeting**

**DEPARTMENT:** Police

**FROM:** Billy J. Cordell

**MEETING:** June 3, 2024

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**SUBJECT:**

Consider approval of a Memorandum of Understanding between the Burleson Police Department and the Joshua ISD on behalf of its Police Department. (*Staff Presenter: Billy Cordell, Chief of Police*)

**SUMMARY:**

The Burleson Police Department requests Council's approval for this MOU that outlines reasonable communication and coordination efforts between overlapping jurisdictions of the Burleson Police Department and the Joshua ISD Police Department as required by the Texas Education Code, Section 37.081(g). The MOU is a formal agreement to clarify jurisdiction, define parameters and areas of responsibility, and to establish a spirit of cooperation to enhance the services that both agencies provide to the citizens residing within the city limits of Burleson.

**RECOMMENDATION:**

Staff recommends approval of the agreement.

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

Signed BPD & JISD three year MOU July 20, 2020

**REFERENCE:**

Exhibit 2-Power Point Presentation

Exhibit 3-BPD & JISD three year MOU

Exhibit 4-Prior three year BPD & JISD MOU

**FISCAL IMPACT:**

None

**STAFF CONTACT:**

Billy J. Cordell  
Police Chief  
[bcordell@burlesontx.com](mailto:bcordell@burlesontx.com)  
817-426-9912



# BPD & Joshua ISD MOU

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PRESENTED TO THE CITY COUNCIL ON  
JUNE 03, 2024

# MOU Between Burleson PD and Joshua ISD PD

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- Texas Education Code, Section 37.081(g)
  - A school district police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into a memorandum of understanding that outlines reasonable communication and coordination efforts between the department and the agencies.
- Joshua ISD has three campuses within Burleson city limits.
  - North Joshua Elementary (SW Wilshire)
  - Caddo Grove Elementary (FM 1902)
  - Loflin Middle School (FM 1902)

# MOU

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- Three year agreement until July 31, 2027
- Identical to the previous three year MOU with Joshua ISD
- Agreement does not add any additional responsibilities to BPD or JISD
  - Clarifies BPD would participate in the initial response to any active shooter, barricaded person, or hostage incident on JISD property located within the City of Burleson.
  - BPD and JISD will determine a transition of command on JISD properties at an appropriate time per incident conditions.

# Resolution

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## ○ Options:

- Approve the MOU and execute the BPD and JISD *Agreement form* (staff's recommendation); or,
- Deny the MOU and not execute the BPD and JISD *Agreement form*

# Questions / Comments

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Billy J. Cordell

Police Chief

[bcordell@burlesontx.com](mailto:bcordell@burlesontx.com)

817-426-9912



## **MEMORANDUM of UNDERSTANDING**

**Between**

**CITY OF BURLESON, on behalf of its POLICE DEPARTMENT**

**AND**

**JOSHUA INDEPENDENT SCHOOL DISTRICT, on behalf of its  
POLICE DEPARTMENT**

This Memorandum of Understanding (MOU) is being executed by the Joshua Independent School District, on behalf of its Police Department, in conjunction with the City of Burleson, on behalf of its Police Department. These departments agree to abide by the terms and provisions of this MOU throughout the duration of this agreement.

### **PURPOSE**

The purpose of this MOU is to set out a common understanding of the policies and procedures that the Burleson Police Department, and the Joshua ISD Police Department will follow in providing police service to Joshua ISD schools in Burleson, Johnson County and/or The State of Texas. This MOU is a formal agreement to clarify jurisdiction, define parameters and areas of responsibilities, and to establish a spirit of cooperation to enhance the services that both agencies provide to the citizens residing within the city limits of Burleson, Texas, in accordance with the provisions of the *Texas Education Code, Section 37.081*.

### **MISSION**

The mission of this MOU is to provide better utilization of resources by the Burleson Police Department and Joshua ISD Police Department. Further, it will substantially increase cooperation between these two departments eliminating waste of public resources and resulting in better accumulation of crime analysis data and ultimately providing the safest environment possible for the school children of Joshua ISD and reducing crime in Burleson, Texas.

### **TERMS OF AGREEMENT**

This agreement shall be in full force and effect from the date of the last party to sign this Agreement until July 31, 2027. This agreement may be renewed every three years upon approval by both parties. Either party may terminate this agreement upon giving written notice thirty (30) days prior to the date of termination.

### **SERVICES PROVIDED AND RESPONSIBILITIES OF THE BURLESON POLICE DEPARTMENT**

- The Burleson Police Department will assume primary jurisdiction and serve as the lead agency for any law enforcement action originating or ending in the Burleson city limits except those where the incident occurs exclusively on and involving property owned, leased, rented or otherwise under the control of the Joshua ISD School Board. The Burleson Police Department

will retain primary jurisdiction if any of its officers discharges a firearm, is alleged to have caused serious bodily injury or death or are the victim of an assault resulting in serious bodily injury or death.

- The Burleson Police Department may defer jurisdiction to Joshua ISD Police in any instance when it is deemed by the Burleson Police Department to enhance police service to the community.
- Media requests for press releases involving police incidents where the Joshua ISO Police Department has primary jurisdiction will be referred to the Joshua ISD. Records that are property of the City of Burleson may be subject to the Texas Public Information Act and will be released in accordance with city policy.
- The Burleson Police Department agrees to notify the Joshua ISD Police Department of any warrant service initiated by the department occurring on a Joshua campus except those for Class C misdemeanors or those resulting from a traffic stop initiated on a public roadway.
- The Burleson Police Department agrees to participate in the initial law enforcement response to any major police incident including an active shooter, barricaded person or hostage incident occurring on a Joshua ISD property in the City of Burleson. The Burleson Police Department may assume initial command of these incidents until a representative from the JISD Police Department is available on scene. In conjunction, Joshua ISD Police Department and Burleson Police Department will determine the appropriate time to transition command of the incident.
- The Burleson Police Department will respond to and assume the role of lead agency to any incident occurring on Joshua ISD property within the Burleson city limits occurring while no JISD Police officer is on-duty. Joshua ISD Police will be notified of the incident as soon as practicable.
- The Burleson Police Department will share intelligence information it develops regarding any JISD campus with the Joshua ISD Police Department.
- Whenever practicable the Burleson Police Department will provide to the Joshua ISD Police Department emergency assistance at their property within the City of Burleson. When significant resources are required for a prolonged period of time or a special event is planned the request should be made to the Chief of Police or designee.
- Planned Special Events utilizing on-duty Burleson Police Officers may require reimbursement for costs incurred to the City of Burleson.

## **SERVICES PROVIDED AND RESPONSIBILITIES OF THE JOSHUA INDEPENDENT SCHOOL DISTRICT POLICE DEPARTMENT**

- The Joshua ISD Police Department will have primary law enforcement jurisdiction within the city limits of Burleson involving property owned, leased, rented or otherwise under the control of the Joshua ISD School Board.
- Media requests for press releases involving police incidents where the Burleson Police Department has primary jurisdiction will be referred to the City of Burleson. Records that are property of the Joshua ISO are subject to the Texas Public Information Act and will be released in accordance with Board policy.
- The Joshua ISD Police Department may provide traffic control, management or enforcement that enhances the safety of their campuses on any road owned by the city where it is adjacent to a Joshua ISD School campus and other roads while they are being utilized as a JISD school bus stop. The district will assume liability for any costs associated with such action. This agreement does not limit the authority of the Joshua ISD Police Department's officers granted by state law.
-

- Any citation issued by the Joshua ISD Police Department for a class C offense occurring in the City of Burleson will be referred to the Justice of the Peace Court for prosecution. Citations issued will be delivered and turned into the court clerk within 24 hours of issuance.
- The Joshua ISD Police Department must implement and make available to the Burleson Police Department a traffic enforcement and pursuit policy that aligns with those of the Burleson Police Department.
- The Joshua ISD Police Department will provide monthly statistics describing traffic stop locations, violations and warning for violations within the city limits of Burleson.
- Whenever practicable the Joshua ISD Police Department will provide the Burleson Police Department emergency assistance as requested. When significant resources are needed, request should be made to the Chief of Police or designee.
- The Joshua ISD Police Department agrees to notify the Burleson Police Department of any warrant service initiated by the department and occurring in the City of Burleson except those for Class C misdemeanors, those resulting from a traffic stop or those occurring on property owned, leased, rented or otherwise under the control of the Joshua ISD School Board.
- The Joshua ISD Police Department will share intelligence information it develops regarding crime related to the City of Burleson with the Burleson Police Department.

### **ASSIGNMENT**

Neither party shall assign, transfer, or subcontract any of its rights, burdens, duties, or obligations under this Agreement without the prior written permission of the other party to this Agreement.

### **CITY LIABILITY**

The City understands and agrees that the City, its employees, servants, agents, and representatives shall at no time represent themselves to be employees, servants, agents, and/or representatives of the School District. The City shall not be required to indemnify nor defend the School District for any liability arising out of the wrongful acts of employees or agents of the School District to the extent allowed by Texas law.

### **SCHOOL DISTRICT LIABILITY**

The School District understands and agrees that the District, its employees, servants, agents, and representatives shall at no time represent themselves to be employees, servants, agents, and/or representatives of the City. The District shall not be required to indemnify nor defend City for any liability arising out of the wrongful acts of employees or agents of City to the extent allowed by Texas law.

### **SEVERABILITY**

Nothing contained in this agreement shall waive the respective immunities of the City of Burleson and Joshua Independent School District.

The validity of this Agreement and/or any of its terms or provisions, as well as the rights and duties of the parties hereto, shall be governed by the laws of the State of Texas. In the event that any

portion of this Agreement shall be found to be contrary to law, it is the intent of the parties hereto that the remaining portions shall remain valid and in full force and effect to the extent possible.

For City of Burleson:

\_\_\_\_\_  
Chief of Police  
Burleson Police Department

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Mayor  
City of Burleson

\_\_\_\_\_  
Date

Approved as to form:

\_\_\_\_\_  
City Attorney  
City of Burleson

\_\_\_\_\_  
Date

For the Joshua Independent School District:

\_\_\_\_\_  
Board President  
Joshua ISD

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Board Secretary  
Joshua ISD

\_\_\_\_\_  
Date

Approved as to form:

\_\_\_\_\_  
School Attorney  
Joshua ISD

\_\_\_\_\_  
Date

## **MEMORANDUM of UNDERSTANDING**

**Between**

**CITY OF BURLESON, on behalf of its POLICE DEPARTMENT**

**AND**

**JOSHUA INDEPENDENT SCHOOL DISTRICT, on behalf of its POLICE  
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### **PURPOSE**

The purpose of this MOU is to set out a common understanding of the policies and procedures that the Burleson Police Department, and the Joshua ISD Police Department will follow in providing police service to Joshua ISD schools in Burleson, Johnson County and/or The State of Texas. This MOU is a formal agreement to clarify jurisdiction, define parameters and areas of responsibilities, and to establish a spirit of cooperation to enhance the services that both agencies provide to the citizens residing within the city limits of Burleson, Texas, in accordance with the provisions of the *Texas Education Code, Section 37.081*.

### **MISSION**

The mission of this MOU is to provide better utilization of resources by the Burleson Police Department and Joshua ISD Police Department. Further, it will substantially increase cooperation between these two departments eliminating waste of public resources and resulting in better accumulation of crime analysis data and ultimately providing the safest environment possible for the school children of Joshua ISD and reducing crime in Burleson, Texas.

### **TERMS OF AGREEMENT**

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caused serious bodily injury or death or are the victim of an assault resulting in serious bodily injury or death.

- The Burleson Police Department may defer jurisdiction to Joshua ISD Police in any instance when it is deemed by the Burleson Police Department to enhance police service to the community.
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### **SEVERABILITY**

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portion of this Agreement shall be found to be contrary to law, it is the intent of the parties hereto that the remaining portions shall remain valid and in full force and effect to the extent possible.

**SIGNATORIES**

For City of Burleson :

  
\_\_\_\_\_  
Chief of Police  
Burleson Police Department


7/20/20  
Date

ATTEST:

  
\_\_\_\_\_  
Mayor  
City of Burleson

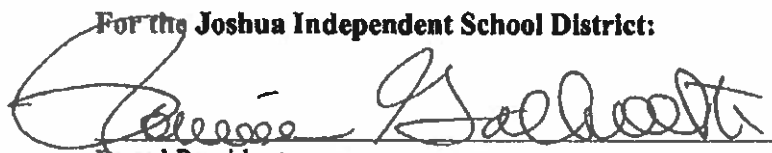
7/20/20  
Date

Approved as to form:

  
\_\_\_\_\_  
City Attorney **MATT LIGHTLEY**  
City of Burleson **DEAN CITY ATTORNEY**

7/20/20  
Date

For the Joshua Independent School District:

  
\_\_\_\_\_  
Board President  
Joshua ISD

8-17-2020  
Date

ATTEST:

  
\_\_\_\_\_  
Board Secretary  
Joshua ISD

Approved as to form:

  
\_\_\_\_\_  
School Attorney  
Joshua ISD

8/19/20  
Date

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## City Council Regular Meeting

**DEPARTMENT:** Finance

**FROM:** Harlan Jefferson, Deputy City Manager

**MEETING:** June 3, 2024

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**SUBJECT:**

Consider approval of a resolution accepting the Quarterly Investment Report for March 31, 2024, as submitted in accordance with the Public Funds Investment Act (PFIA). (Staff Contact: Harlan Jefferson, Deputy City Manager)

**SUMMARY:**

To comply with the Public Funds Investment Act (PFIA), staff is required to report quarterly to the City Council on the activities of its cash and investment holdings. The information required by the PFIA includes investment results for the quarter, economic summary and investment strategy, investment holdings, and book vs. market comparisons.

**RECOMMENDATION:**

Approve the resolution accepting the Quarterly Investment Report for March 31, 2024, as submitted in accordance with the Public Funds Investment Act (PFIA).

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

On May 8, 2024, the Finance Committee received and reviewed the Quarterly Investment Report for March 31, 2024, as part of the March 2024 Monthly Finance Report.

**REFERENCE:**

Attached is a copy of the March 31, 2024 Quarterly Investment Report.

**FISCAL IMPACT:**

N/A

**STAFF CONTACT:**

Harlan Jefferson  
Deputy City Manager  
[hjefferson@burlesontx.com](mailto:hjefferson@burlesontx.com)

817-426-9651



# March 2024 Quarterly Investment Reports

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PRESENTED TO THE CITY COUNCIL ON

JUNE 3, 2024

# Overview

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Provide an overview of the Quarterly Investment Report mandated by the Public Funds Investment Act (PFIA)

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Ensures transparency, accountability, and prudent management of public funds

---

Highlight reporting requirements, key metrics, and commitment to ongoing evaluation and enhancement

---

Independent reviews to ensure compliance and accountability

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## INVESTMENT PORTFOLIO SUMMARY

For the Quarter Ended

March 31, 2024

Prepared by  
Valley View Consulting, L.L.C.

The investment portfolio of the City of Burleson is in compliance with the Public Funds Investment Act and the City of Burleson Investment Policy and Strategies.

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**Disclaimer:** These reports were compiled using information provided by the City of Burleson. No procedures were performed to test the accuracy or completeness of this information. The market values included in these reports were obtained by Valley View Consulting, L.L.C. from sources believed to be accurate and represent proprietary valuation. Due to market fluctuations these levels are not necessarily reflective of current liquidation values. Yield calculations are not determined using standard performance formulas, are not representative of total return yields and do not account for investment advisor fees.

## Summary

### Quarter End Results by Investment Category:

Asset Type	December 31, 2023			March 31, 2024		
	Ave. Yield	Book Value	Market Value	Ave. Yield	Book Value	Market Value
Demand Deposit Account/Money Market Account	5.31%	\$ 18,619,788	\$ 18,619,788	5.05%	\$ 22,905,913	\$ 22,905,913
Pools/Money Market Fund	5.51%	57,544,455	57,544,455	5.42%	53,813,158	53,813,158
Securities	2.43%	24,991,457	24,792,655	2.36%	10,003,906	9,932,797
Certificates of Deposit	5.41%	31,972,661	31,972,661	5.37%	47,129,126	47,129,126
<b>Total</b>	<b>4.88%</b>	<b>\$ 133,128,361</b>	<b>\$ 132,929,559</b>	<b>5.11%</b>	<b>\$ 133,852,104</b>	<b>\$ 133,780,995</b>

#### Average Yield - Current Quarter (1)

Total Portfolio	5.11%
Rolling Three Month Treasury	5.46%
Rolling Six Month Treasury	5.37%
TexPool	5.32%

#### Fiscal Year-to-Date Average Yield (2)

Total Portfolio	4.99%
Rolling Three Month Treasury	5.49%
Rolling Six Month Treasury	5.43%
TexPool	5.34%

#### Interest Earnings (Approximate)

Quarter	\$ 1,768,358
Fiscal Year-to-date	\$ 3,356,164

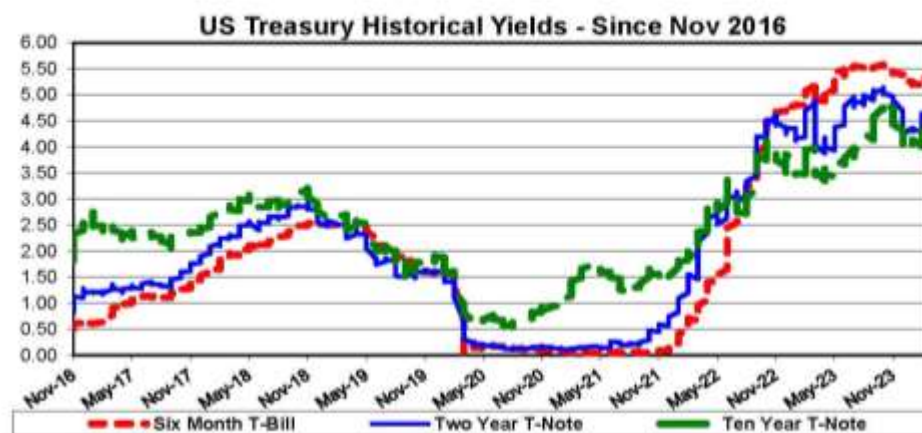
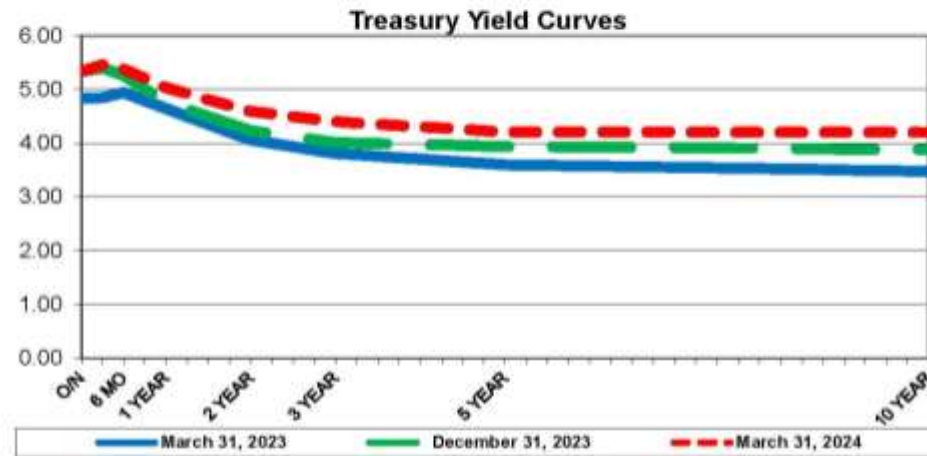
(1) **Quarter End Average Yield** - based on adjusted book value, realized and unrealized gains/losses and investment advisory fees are not considered. The yield for the reporting month is used for bank, pool, and money market balances.

(2) **Fiscal Year-to-Date Average Yield** - calculated using quarter end report yields and adjusted book values and does not reflect a total return analysis or account for advisory fees.

**Investment Advisor Note:** During market cycles where rates are rising, it is common to experience decreases in market value of current investments. This is due to the value the market places on the asset in terms of its buying or selling ability on the current market day. The City's Investment Policy establishes a "buy and hold" portfolio strategy where investment maturities are targeted to match with identified cash flow requirements, and the investments mature at the anticipated time the cash is needed. The City does not intend to liquidate or redeem securities prior to maturity and will therefore not recognize the losses from a pre-maturity sale. Instead, the City will report changes in market value as unrealized losses as required by the PFIA and current accounting standards. As the security approaches maturity, the unrealized loss will diminish, and at maturity the City will receive the full par value of the security.



The Federal Open Market Committee (FOMC) maintained the Fed Funds target range 5.25% - 5.50% (Effective Fed Funds are trading +/-5.33%). All expectations are for reduced future rates, but any actions will be meeting-by-meeting and "data-dependent." Fourth Quarter 2023 GDP recorded a stronger than expected 3.4%. The S&P 500 Stock Index reached another new high closing over 5,200. The yield curve remains inverted but longer yields rose slightly. Crude Oil traded over \$87 per barrel. Inflation stubbornly remained above the FOMC 2% target (Core PCE +/-2.8% and Core CPI +/-3.8%). Reduced global economic outlooks and ongoing/expanding military conflicts continue increasing uncertainty.



## Investment Holdings

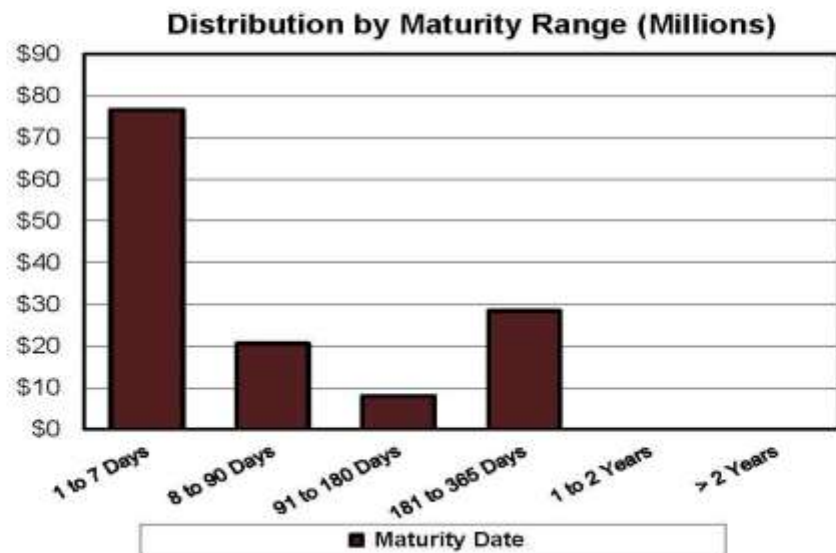
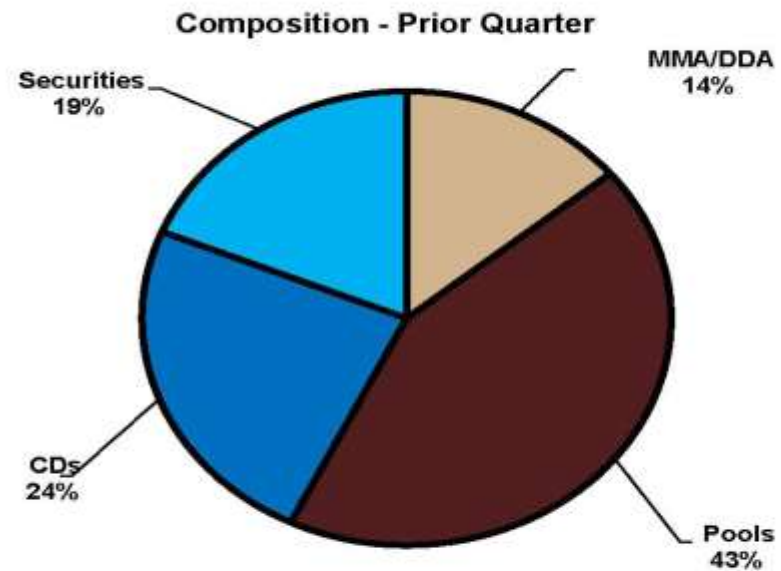
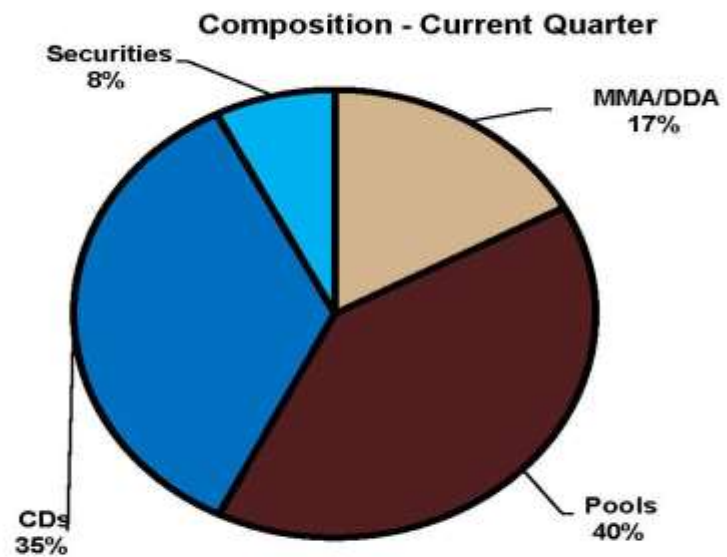
March 31, 2024

Description	Ratings	Coupon/ Discount	Maturity Date	Settlement Date	Par Value	Book Value	Market Price	Market Value	Life (Days)	Yield
American National Bank MMA		0.11%	04/01/24	03/31/24	\$ 488,249	\$ 488,249	1.00	\$ 488,249	1	0.11%
American Nat'l Bank of TX MMA #2		5.10%	04/01/24	03/31/24	2,941,467	2,941,467	1.00	2,941,467	1	5.10%
InterBank MMA		5.78%	04/01/24	03/31/24	100,469	100,469	1.00	100,469	1	5.78%
InterBank ICS		5.65%	04/01/24	03/31/24	5,095,777	5,095,777	1.00	5,095,777	1	5.65%
Independent Financial Bank Cash		0.00%	04/01/24	03/31/24	1,480,136	1,480,136	1.00	1,480,136	1	0.00%
Independent Financial Bank MMA		5.62%	04/01/24	03/31/24	1,924,046	1,924,046	1.00	1,924,046	1	5.62%
Independent Financial Bank MMA #2		5.61%	04/01/24	03/31/24	5,983	5,983	1.00	5,983	1	5.61%
NexBank IntraFi MMA Savings		5.55%	04/01/24	03/31/24	10,869,787	10,869,787	1.00	10,869,787	1	5.55%
TexPool	AAAm	5.32%	04/01/24	03/31/24	17,191,523	17,191,523	1.00	17,191,523	1	5.32%
LOGIC	AAAm	5.47%	04/01/24	03/31/24	36,621,635	36,621,635	1.00	36,621,635	1	5.47%
BOK Financial CDARS		4.88%	04/11/24	04/13/23	5,242,287	5,242,287	100.00	5,242,287	11	5.00%
East West Bank CD		5.61%	05/28/24	07/25/23	5,196,645	5,196,645	100.00	5,196,645	58	5.77%
East West Bank CD		5.33%	06/14/24	06/15/23	5,217,033	5,217,033	100.00	5,217,033	75	5.47%
Federal Farm Credit Bank	Aaa/AA+	3.25%	06/17/24	06/17/22	5,000,000	4,997,948	99.57	4,978,393	78	3.45%
Federal National Mortgage Ass'n	Aaa/AA+	1.75%	07/02/24	01/31/22	5,000,000	5,005,958	99.09	4,954,404	93	1.27%
East West Bank CD		5.41%	08/20/24	11/20/23	3,105,844	3,105,844	100.00	3,105,844	142	5.56%
East West Bank CD		5.58%	10/25/24	10/25/23	3,118,601	3,118,601	100.00	3,118,601	208	5.74%
East West Bank CD		5.17%	11/15/24	02/15/24	5,220,534	5,220,534	100.00	5,220,534	229	5.31%
East West Bank CD		5.14%	02/24/25	03/22/24	15,021,137	15,021,137	100.00	15,021,137	330	5.27%
East West Bank CD		5.14%	03/24/25	03/22/24	5,007,046	5,007,046	100.00	5,007,046	358	5.27%
<b>Total Portfolio</b>					<b>\$ 133,848,198</b>	<b>\$ 133,852,104</b>		<b>\$ 133,780,995</b>	<b>80</b>	<b>5.11%</b>

(1) (2)

(1) **Weighted average life** - For purposes of calculating weighted average life, overnight bank and pool balances are assumed to have a one day maturity.

(2) **Weighted average yield to maturity** - The weighted average yield to maturity is based on Book Value, realized and unrealized gains/losses and investment advisory fees are not included. The yield for the reporting month is used for overnight bank and pool balances.





# Book and Market Value Comparison

Issuer/Description	Yield	Maturity Date	Book Value 12/31/23	Increases	Decreases	Book Value 03/31/24	Market Value 12/31/23	Change in Market Value	Market Value 03/31/24
American Nat'l Bank of TX Cash	0.00%	04/01/24	\$ 208	\$ -	\$ (208)	\$ -	\$ 208	\$ (208)	\$ -
American National Bank MMA	0.11%	04/01/24	876,391	-	(388,142)	488,249	876,391	(388,142)	488,249
American Nat'l Bank of TX MMA #2	5.10%	04/01/24	1,884,293	1,057,174	-	2,941,467	1,884,293	1,057,174	2,941,467
InterBank MMA	5.78%	04/01/24	100,470	-	(1)	100,469	100,470	(1)	100,469
InterBank ICS	5.65%	04/01/24	5,023,136	72,641	-	5,095,777	5,023,136	72,641	5,095,777
Independent Financial Bank Cash	0.00%	04/01/24	-	1,480,136	-	1,480,136	-	1,480,136	1,480,136
Independent Financial Bank MMA	5.62%	04/01/24	15,903	1,908,142	-	1,924,046	15,903	1,908,142	1,924,046
Independent Financial Bank MMA #2	5.61%	04/01/24	-	5,983	-	5,983	-	5,983	5,983
NexBank IntraFi MMA Savings	5.55%	04/01/24	10,719,387	150,400	-	10,869,787	10,719,387	150,400	10,869,787
TexPool	5.32%	04/01/24	11,538,654	5,652,869	-	17,191,523	11,538,654	5,652,869	17,191,523
LOGIC	5.47%	04/01/24	46,005,801	-	(9,384,166)	36,621,635	46,005,801	(9,384,166)	36,621,635
Texas Capital Bank CD	4.91%	01/18/24	5,229,518	-	(5,229,518)	-	5,229,518	(5,229,518)	-
East West Bank CD	5.61%	02/15/24	5,151,838	-	(5,151,838)	-	5,151,838	(5,151,838)	-
Treasury Note	4.60%	02/15/24	4,988,804	-	(4,988,804)	-	4,984,235	(4,984,235)	-
Treasury Note	1.17%	02/29/24	5,009,758	-	(5,009,758)	-	4,976,450	(4,976,450)	-
Treasury Note	1.68%	03/15/24	4,985,590	-	(4,985,590)	-	4,950,195	(4,950,195)	-
BOK Financial CDARS	5.00%	04/11/24	5,178,905	63,382	-	5,242,287	5,178,905	63,382	5,242,287
East West Bank CD	5.77%	05/28/24	5,124,474	72,172	-	5,196,645	5,124,474	72,172	5,196,645
East West Bank CD	5.47%	06/14/24	5,148,170	68,863	-	5,217,033	5,148,170	68,863	5,217,033
Federal Farm Credit Bank	3.45%	06/17/24	4,995,518	2,430	-	4,997,948	4,965,172	13,221	4,978,393
Federal National Mortgage Ass'n	1.27%	07/02/24	5,011,786	-	(5,828)	5,005,958	4,916,603	37,801	4,954,404
East West Bank CD	5.56%	08/20/24	3,064,237	41,607	-	3,105,844	3,064,237	41,607	3,105,844
East West Bank CD	5.74%	10/25/24	3,075,520	43,082	-	3,118,601	3,075,520	43,082	3,118,601
East West Bank CD	5.31%	11/15/24	-	5,220,534	-	5,220,534	-	5,220,534	5,220,534
East West Bank CD	5.27%	02/24/25	-	15,021,137	-	15,021,137	-	15,021,137	15,021,137
East West Bank CD	5.27%	03/24/25	-	5,007,046	-	5,007,046	-	5,007,046	5,007,046
<b>TOTAL / AVERAGE</b>	<b>5.11%</b>		<b>\$133,128,361</b>	<b>\$ 35,867,596</b>	<b>\$(35,143,854)</b>	<b>\$133,852,104</b>	<b>\$132,929,559</b>	<b>\$ 851,436</b>	<b>\$133,780,995</b>

# Questions & Comments



Approve Acceptance  
or  
Deny Acceptance



## **MONTHLY FINANCIAL REPORT**

**March 31, 2024**

**Prepared by  
Valley View Consulting, L.L.C.**



### Month End Results by Investment Category:

<u>Interest Earnings (Approximate)</u>	
Monthly Interest Income	\$ 582,306
Fiscal Year-to-date	\$ 3,356,164

(2) **Fiscal Year-to-Date Average Yield** - calculated using quarter end report yields and adjusted book values and does not reflect a total return analysis or account for advisory fees.

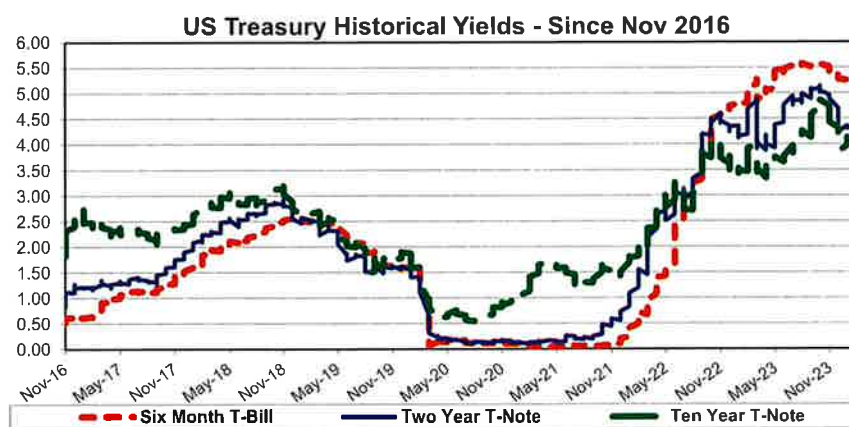
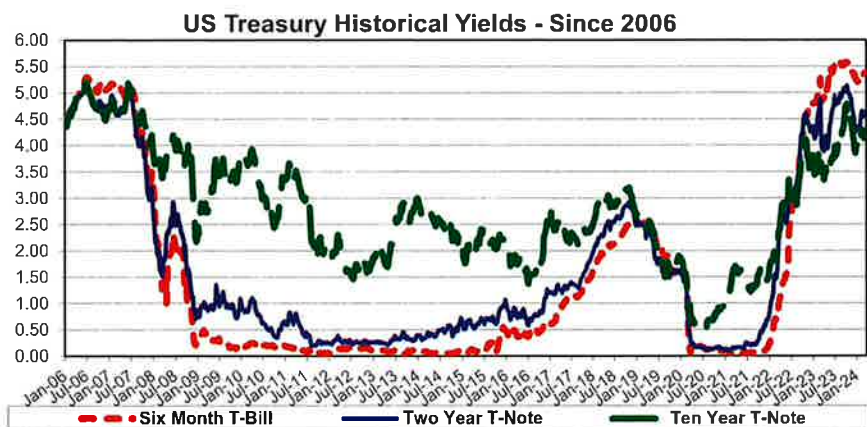
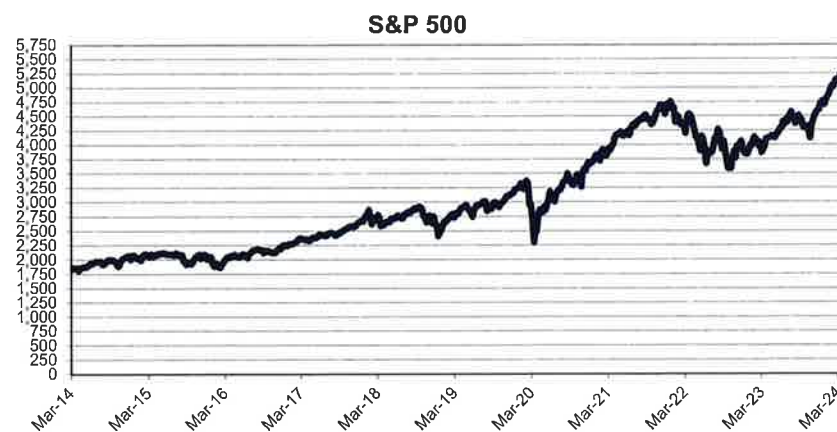
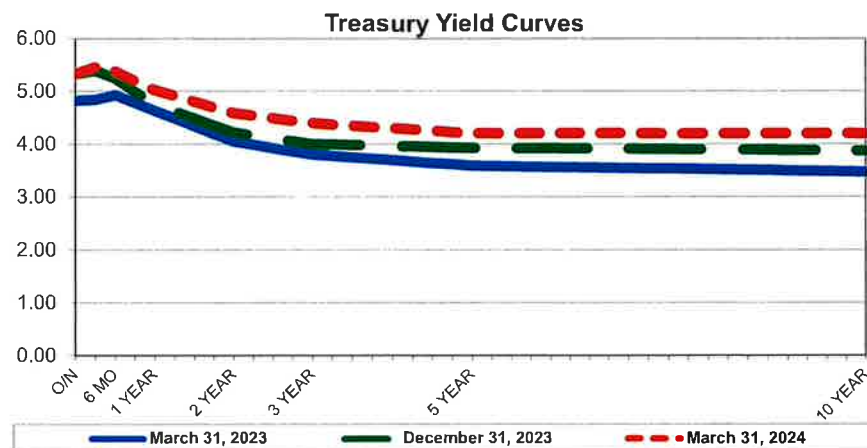
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## Economic Overview

3/31/2024

The Federal Open Market Committee (FOMC) maintained the Fed Funds target range 5.25% - 5.50% (Effective Fed Funds are trading +/-5.33%). All expectations are for reduced future rates, but any actions will be meeting-by-meeting and "data-dependent." Fourth Quarter 2023 GDP recorded a stronger than expected 3.4%. The S&P 500 Stock Index reached another new high closing over 5,200. The yield curve remains inverted but longer yields rose slightly. Crude Oil traded over \$87 per barrel. Inflation stubbornly remained above the FOMC 2% target (Core PCE +/-2.8% and Core CPI +/-3.8%). Reduced global economic outlooks and ongoing/expanding military conflicts continue increasing uncertainty.



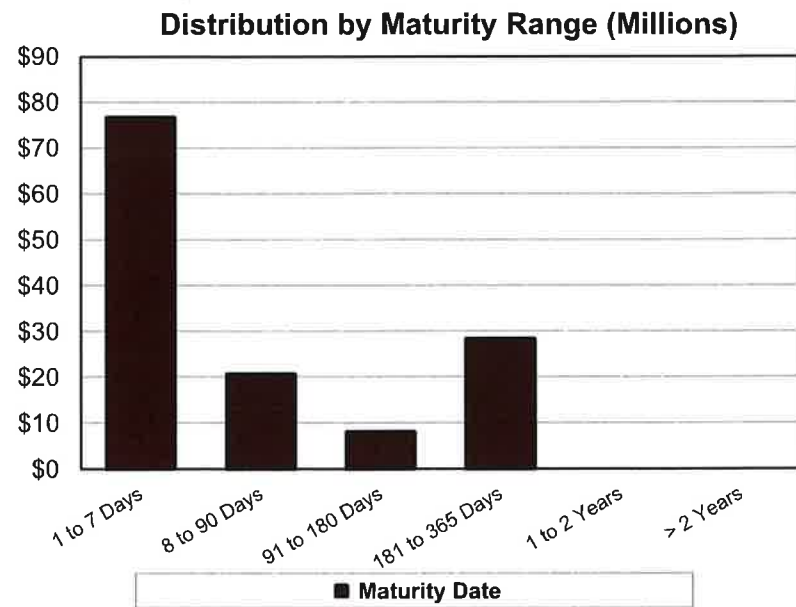
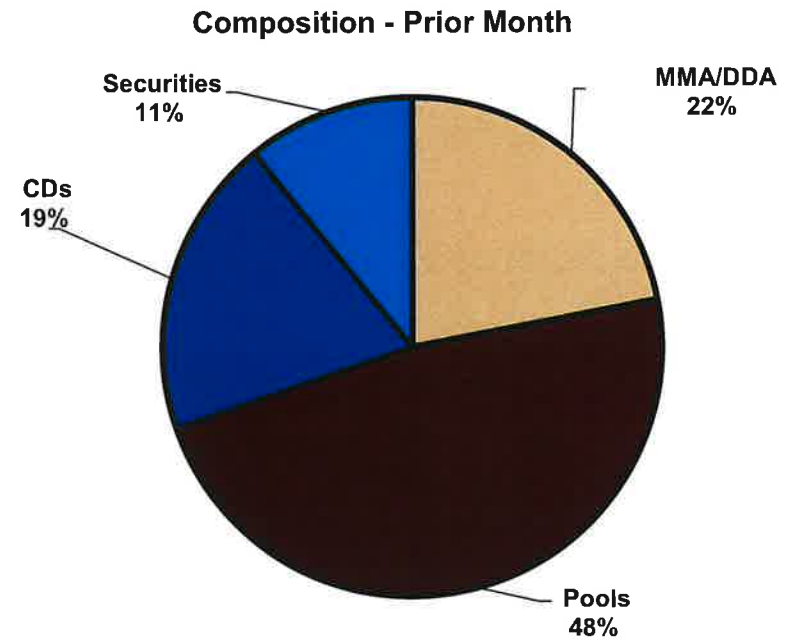
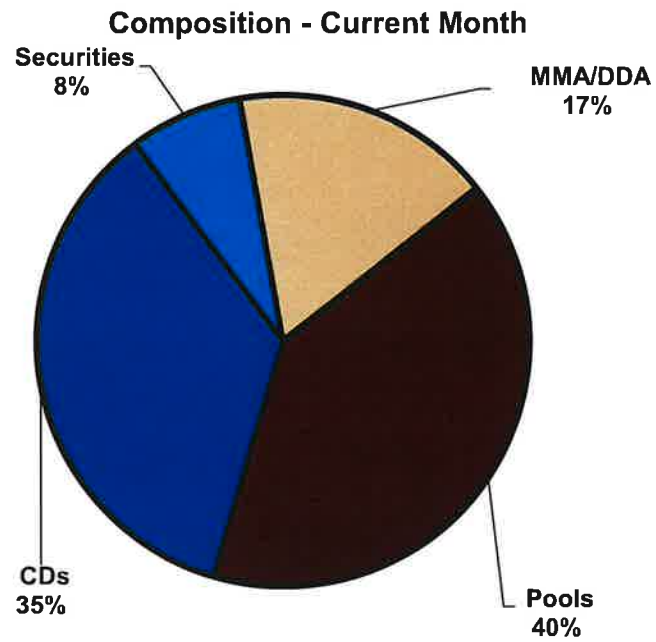
**Investment Holdings**  
**March 31, 2024**

Description	Ratings	Coupon/ Discount	Maturity Date	Settlement Date	Par Value	Book Value	Market Price	Market Value	Life (Days)	Yield
American National Bank MMA		0.11%	04/01/24	03/31/24	488,249	488,249	1.00	488,249	1	0.11%
American Nat'l Bank of TX MMA #2		5.10%	04/01/24	03/31/24	2,941,467	2,941,467	1.00	2,941,467	1	5.10%
InterBank MMA		5.78%	04/01/24	03/31/24	100,469	100,469	1.00	100,469	1	5.78%
InterBank ICS		5.65%	04/01/24	03/31/24	5,095,777	5,095,777	1.00	5,095,777	1	5.65%
Independent Financial Bank Cash		0.00%	04/01/24	03/31/24	1,480,136	1,480,136	1.00	1,480,136	1	0.00%
Independent Financial Bank MMA		5.62%	04/01/24	03/31/24	1,930,028	1,930,028	1.00	1,930,028	1	5.62%
NexBank IntraFi MMA Savings		5.55%	04/01/24	03/31/24	10,869,787	10,869,787	1.00	10,869,787	1	5.55%
TexPool	AAAm	5.32%	04/01/24	03/31/24	17,191,523	17,191,523	1.00	17,191,523	1	5.32%
LOGIC	AAAm	5.47%	04/01/24	03/31/24	36,621,635	36,621,635	1.00	36,621,635	1	5.47%
BOK Financial CDARS		4.88%	04/11/24	04/13/23	5,242,287	5,242,287	100.00	5,242,287	11	5.00%
East West Bank CD		5.61%	05/28/24	07/25/23	5,196,645	5,196,645	100.00	5,196,645	58	5.77%
East West Bank CD		5.33%	06/14/24	06/15/23	5,217,033	5,217,033	100.00	5,217,033	75	5.47%
Federal Farm Credit Bank	Aaa/AA+	3.25%	06/17/24	06/17/22	5,000,000	4,997,948	99.57	4,978,393	78	3.45%
Federal National Mortgage Ass'n	Aaa/AA+	1.75%	07/02/24	01/31/22	5,000,000	5,005,958	99.09	4,954,404	93	1.27%
East West Bank CD		5.41%	08/20/24	11/20/23	3,105,844	3,105,844	100.00	3,105,844	142	5.56%
East West Bank CD		5.58%	10/25/24	10/25/23	3,118,601	3,118,601	100.00	3,118,601	208	5.74%
East West Bank CD		5.17%	11/15/24	02/15/24	5,220,534	5,220,534	100.00	5,220,534	229	5.31%
East West Bank CD		5.14%	02/24/25	03/22/24	15,021,137	15,021,137	100.00	15,021,137	330	5.27%
East West Bank CD		5.14%	03/24/25	03/22/24	5,007,046	5,007,046	100.00	5,007,046	358	5.27%
<b>Total Portfolio</b>					<b>\$ 133,848,198</b>	<b>\$ 133,852,104</b>		<b>\$ 133,780,995</b>	<b>80</b>	<b>5.11%</b>

(1) (2)

(1) **Weighted average life** - For purposes of calculating weighted average life, overnight bank and pool balances are assumed to have a one day maturity.

(2) **Weighted average yield to maturity** - The weighted average yield to maturity is based on Book Value, realized and unrealized gains/losses and investment advisory fees are not included. The yield for the reporting month is used for overnight bank and pool balances.



## RESOLUTION

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, ACCEPTING THE QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDING MARCH 31, 2024.**

**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**, City staff has reported to the City Council the activities of the City’s cash and investment holdings for the last quarter; and

**WHEREAS**, City desires to accept the quarterly investment report from the City staff.

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

#### **Section 1.**

The City Council hereby accepts from City staff the quarterly investment report for the quarter ending March 31, 2024, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference for all purposes.

#### **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:

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Amanda Campos, City Secretary

\_\_\_\_\_  
E. Allen Taylor, Jr., City Attorney

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## City Council Regular Meeting

**DEPARTMENT:** Development Services

**FROM:** Tony McIlwain, Development Services Director

**MEETING:** June 3, 2024

---

**SUBJECT:**

1679 SW Wilshire (Case 24-062): Hold a public hearing and consider approval for an ordinance for a zoning change request from "PD", Planned Development to "GR" General Retail for a food and beverage sales (grocery) store with retail. *(Staff Contact: Tony McIlwain, Development Services Director) (The Planning and Zoning Commission recommended approval unanimously)*

**SUMMARY:**

On February 19, 2024, a zoning change request was submitted by Julie Baum, representing Kimley-Horn, on behalf of Tim Mondello with GBT Realty Corp. (owners) to change the zoning of approximately 6.00 acres from PD, Planned Development to a base zone district of GR, General Retail.

**DEVELOPMENT OVERVIEW:**

The owners are proposing a GR, General Retail zoning for the development of a Sprout's food and beverage sales store (approx. 23,256 S.F.) and attached retail strip (approx. 18,000 S.F.). The proposed land use would be allowed by-right with a GR, General Retail district zoning. A commercial site plan has been concurrently submitted (Case 24-114) and is attached as part of the amending ordinance in accordance with Appendix B, Zoning, Section 131-120, Site Plan Requirements. The presentation and consideration of the commercial site plan and any requested waivers and variances will occur as a separate action item on the agenda. If the zoning is approved and the commercial site plan is not, then an amendment to the ordinance will be initiated by staff to reflect the approved or disapproved commercial site plan and waivers resolution.

**"Site plan approval required by City Council.** Any site plan that requires a waiver or variance to City Ordinances or is contingent upon the approval of a zoning district change must receive the approval of City Council upon recommendation of the planning and zoning commission. Council approval of a site plan that accompanies a zoning change request shall become part of the amending ordinance."

**Zoning and Land Use Table**

	Zoning	Use
Subject Site	PD, Planned Development	Undeveloped
North	C, Commercial	Food and Beverage (Kroger)
East	PD, Planned Development	Multifamily
South	PD, Planned Development	Multifamily
West	Commercial	Retail

**This site is designated in the Comprehensive Plan as Urban Mixed Use.**

This land use category should include a mix of both nonresidential and higher density residential uses that promote local pedestrian activity and fewer vehicle trips. Corresponding zoning districts may include GR, General Retail.

*Staff has determined the requested zoning and use align with the Comprehensive Plan based on the adjacent residential development (Burleson Commons-multifamily) and proposed use at this site.*

#### **Engineering:**

Engineering civil construction reviews will be required prior to the development of the site.

#### **RECOMMENDATION:**

Approve an ordinance for the zoning change.

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

May 14, 2024 – The Planning and Zoning Commission recommend approval (7-0).

April 2, 2018 – Planned Development (CSO #807-04-2018) approved by City Council.

#### **REFERENCE:**

[City of Burleson, TX ZONING DISTRICTS \(ecode360.com\)](http://ecode360.com)

[City of Burleson, TX SUPPLEMENTAL REGULATIONS \(ecode360.com\)](http://ecode360.com)

#### **FISCAL IMPACT:**

None

**STAFF CONTACT:**

Tony McIlwain  
Development Services Director  
[tmcilwain@burlesontx.com](mailto:tmcilwain@burlesontx.com)  
817-426-9684



# ZC - Sprouts

## Location:

- 1679 SW Wilshire

## Applicant:

Julie Baum (Kimley-Horn) and  
Tim Mondello (GBT Realty Corp.)

## Item for approval:

Zoning Change from "PD" Planned Development to "GR" General Retail for a food and beverage sales (grocery) store with retail (Case 24-062).

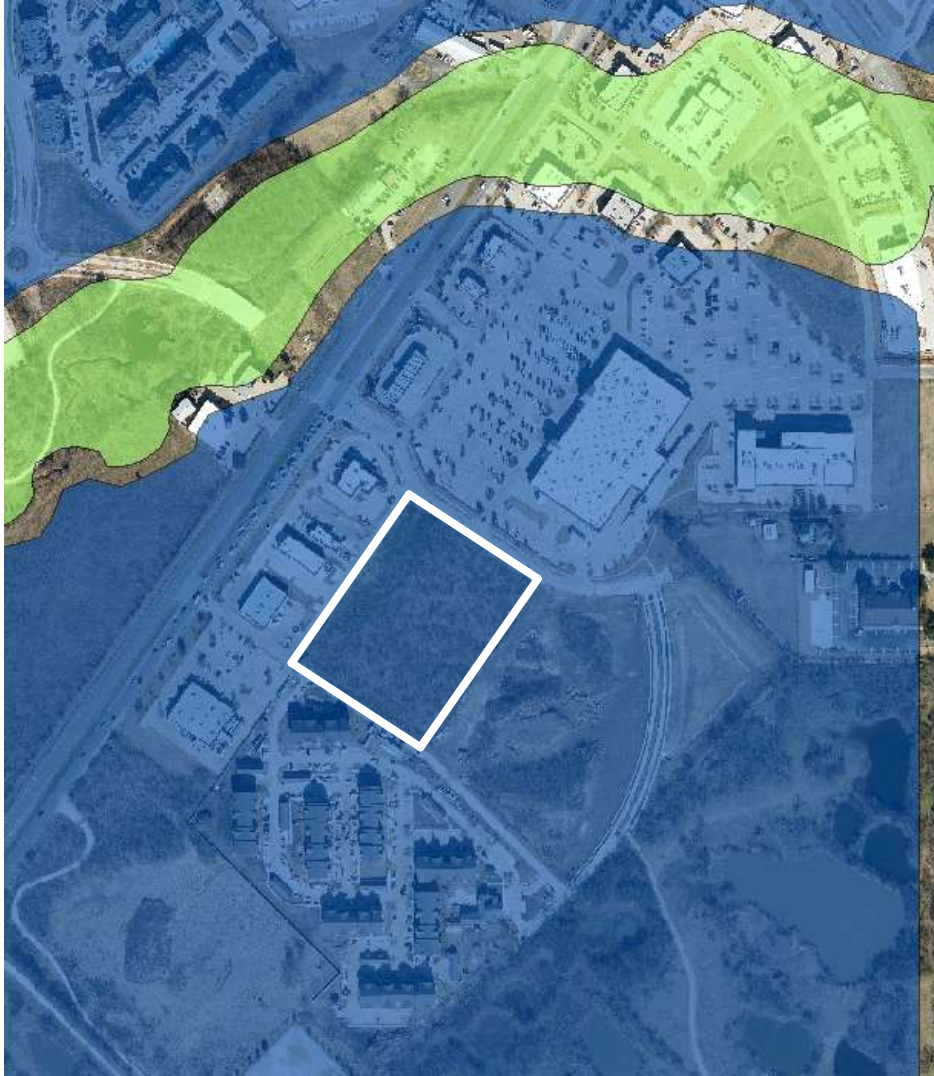
Applicant requested a base zoning district of GR, General Retail to better conform to their current proposal which includes a grocery store and future retail stores.





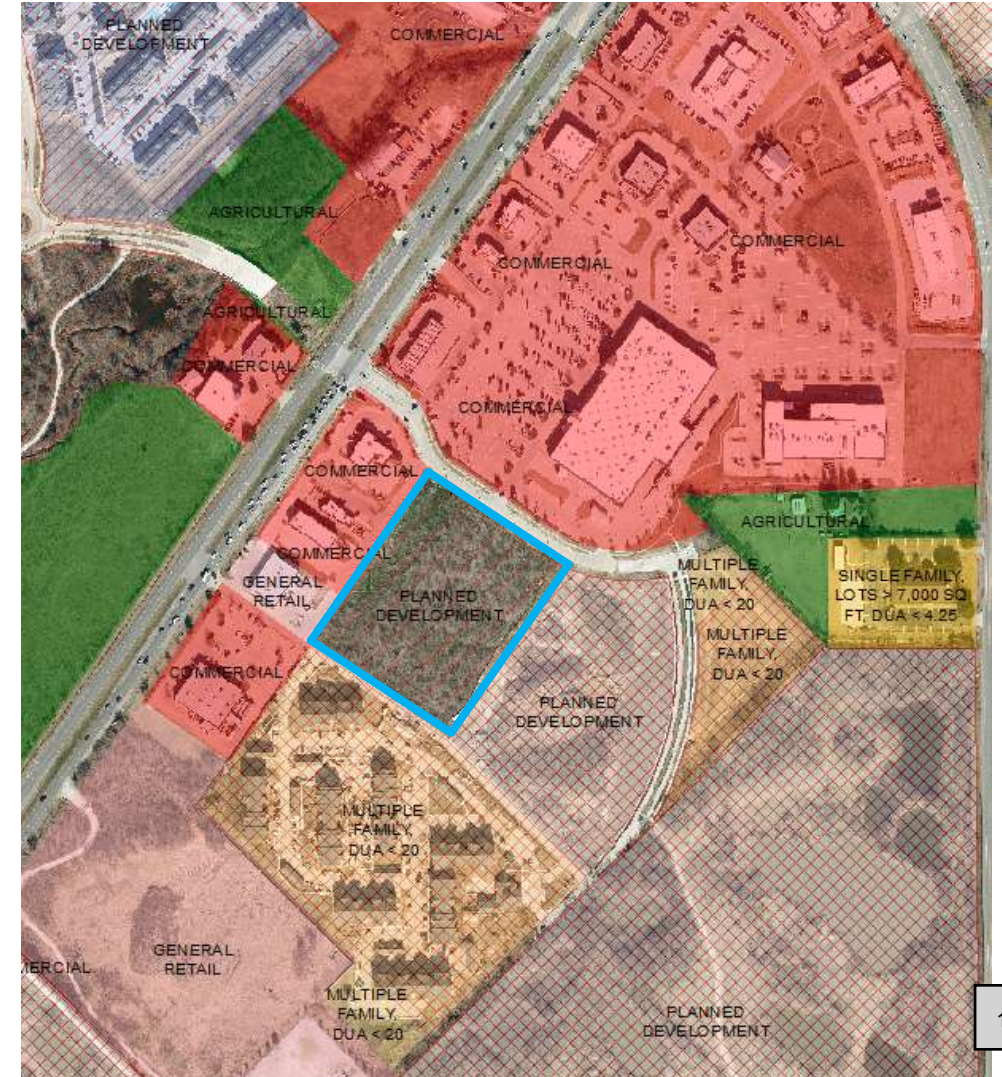
# Comprehensive Plan

Urban Mixed Use



# Zoning

PD, Planned Development





# ZC - Sprouts

## Proposed Elevations:

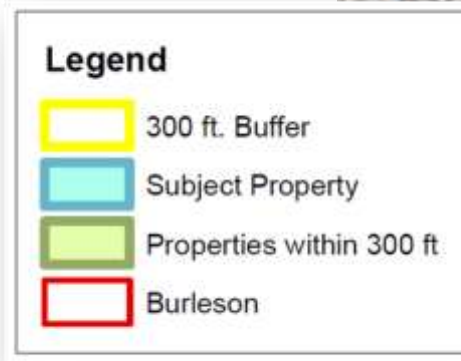
- Sprouts: 23,256 SF Building
- Retail: 18,000 SF
- Single-story
- Uses – Food and Beverage Sales and Retail



# ZC - Sprouts

## Public Hearing Notice

- Public notices were mailed to property owners (based on current JCAD records) within 300 feet of subject property.
- Published in newspaper.
- Signs posted on the property.
- At this time staff has received no formal opposition



# ZC & Site Plan - Sprouts

## P&Z Summary

### Vote

Recommended approval unanimously

### Discussion

None

### Speakers

Applicant was present (no questions)

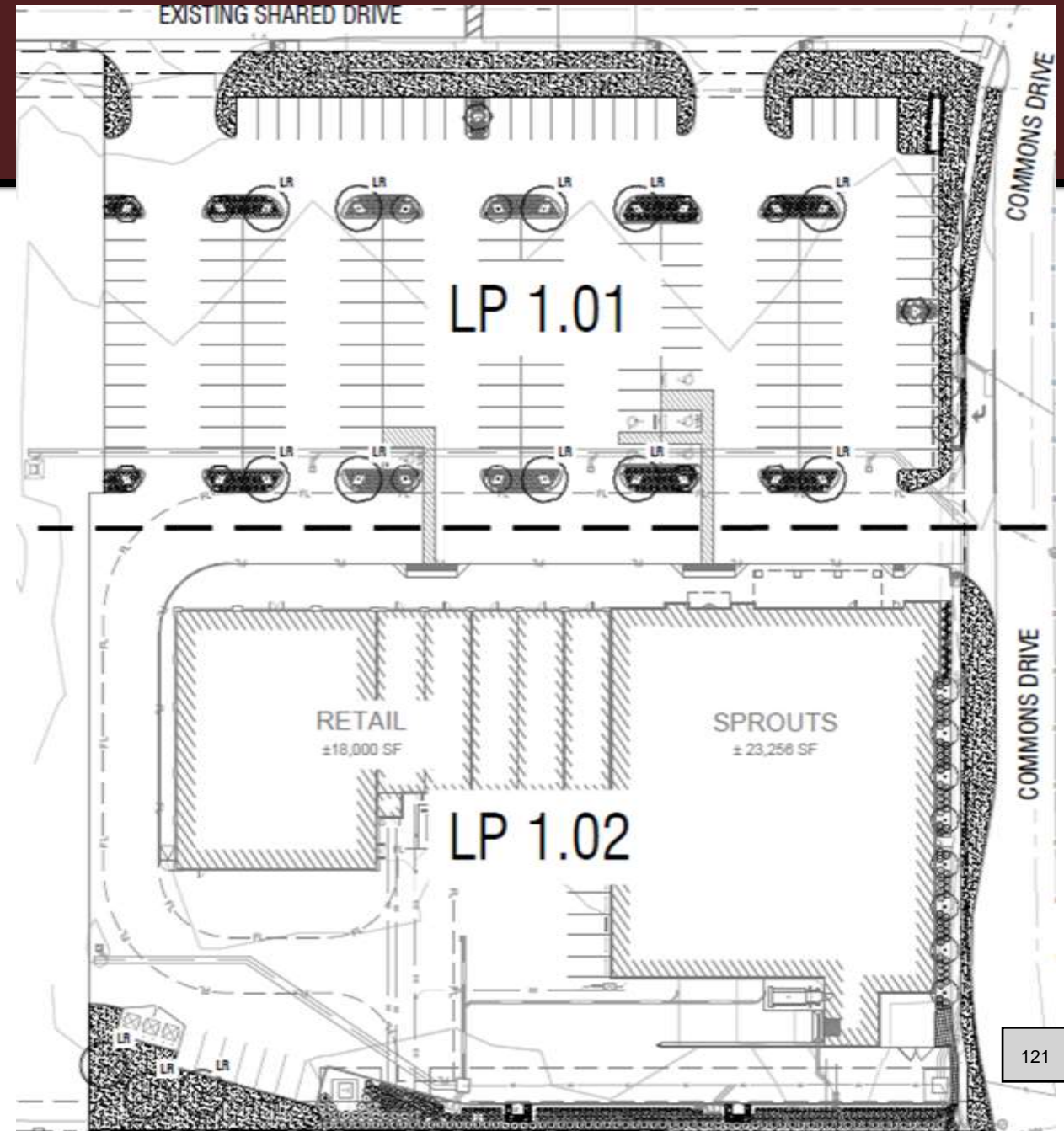


# ZC - Sprouts

## Staff's Recommendation

Staff has determined that the requested zoning and use align with the Comprehensive Plan.

Staff recommends approval of the ordinance for a zoning change.



## 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 6.00 ACRES OF LAND SITUATED IN THE JOSHUA MINNETTE SURVEY, KNOWN AS LOT 6, BLOCK A, WILSHIRE ADDITION, AS RECORDED IN VOLUME 11, PAGE 556, DRAWER J, PLAT RECORDS JOHNSON COUNTY, TEXAS (P.R.J.C.T); FROM PLANNED DEVELOPMENT (PD) TO GENERAL RETAIL (GR); 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, an application for a zoning change was filed by **Julie Baum** on **February 19, 2024**, under **Case Number 24-062**, 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 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, after consideration of said application, the Planning and Zoning Commission of the City of Burleson, Texas voted **7 to 0** to recommend to the City Council of Burleson, Texas, that the hereinafter described property be rezoned from its classification of **Planned Development (GR)** to **General Retail**; and

WHEREAS, 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

WHEREAS, 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 **Planned Development (PD)**; 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 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 of the City of Burleson, Texas, 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**

The Zoning Ordinance and Map is hereby amended insofar as it relates to certain land described as 6.00 acres of land situated in the Joshua Minnette Survey, known as Lot 6, Block A, Wilshire Addition, as recorded in Volume 11, Page 556, Drawer J, Plat Records Johnson County, Texas (P.R.J.C.T); from Planned Development (PD) to General Retail (GR); as **described in Exhibit A**, by changing the zoning of said property from **Planned Development (PD)** to **General Retail** being attached hereto and incorporated herein by reference for all purposes, herein with an associated commercial site plan attached herein as **Exhibit B**.

.

### **Section 2.**

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 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.**

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 5.**

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 6.**

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 7.**

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 8.**

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:

APPROVED AS TO FORM:

\_\_\_\_\_  
Amanda Campos, City Secretary

\_\_\_\_\_  
E. Allen Taylor, Jr., City Attorney

## EXHIBIT "A"

### DESCRIPTION OF PROPERTY

#### LEGAL DESCRIPTION:

A TRACT OF LAND SITUATED IN THE JOSHUA MINNETTE SURVEY, ABSTRACT NO. 548, JOHNSON COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO WILSHIRE 174 JV, BY DEED RECORDED IN VOLUME 2433, PAGE 135, DEED RECORDS, JOHNSON COUNTY TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A 1/2 INCH IRON ROD FOUND WITH CAP STAMPED "RPLS 5544" IN THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF COMMONS DRIVE (60' R-O-W) AT THE MOST EASTERLY CORNER OF LOT 5, BLOCK A, WILSHIRE WEST ADDITION, ACCORDING TO THAT PLAT RECORDED IN VOLUME 10, PAGE 775, PLAT RECORDS, JOHNSON COUNTY, TEXAS, AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT WITH A RADIUS OF 230.00 FEET, WHOSE LONG CHORD BEARS S 48°46'16" E, 52.77 FEET;

THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE WITH SAID NON-TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE 13°10'29", AN ARC LENGTH OF 52.89 FEET TO A 1/2" IRON ROD FOUND;

THENCE CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE S 55°21'30" E, A DISTANCE OF 309.31 FEET TO A 1/2 INCH IRON ROD FOUND AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 430.00 FEET, WHOSE LONG CHORD BEARS S 61°41'24" E, 94.87 FEET;

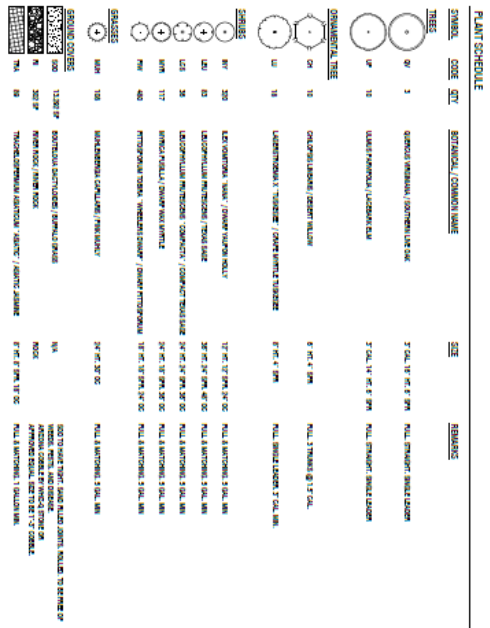
THENCE WITH SAID TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE 12°40'03", AN ARC LENGTH OF 95.07 FEET TO A 1/2" IRON ROD FOUND;

THENCE S 34°55'46" W, A DISTANCE OF 583.81 FEET TO A 1/2 INCH IRON ROD SET WITH CAP STAMPED "RPLS 5544";

THENCE N 55°04'14" W, A DISTANCE OF 456.00 FEET TO A 5/8 INCH IRON ROD FOUND AT THE MOST EASTERLY CORNER OF LOT 3, BLOCK 1, WILSHIRE 174 ADDITION, AS RECORDED IN VOLUME 9, PAGES 399, PLAT RECORDS, JOHNSON COUNTY, TEXAS;

THENCE N 34°55'46" E, A DISTANCE OF 577.11 FEET TO THE POINT OF BEGINNING AND CONTAINING 6.000 ACRES OF LAND, MORE OR LESS.

## Page 6 of 7

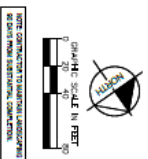
[illegible]

**BENCH MARK LIST**

BM# - SOUTH PROPERTY CORNER, CROSS FOOT CUT ON  
CONCRETE, NORTHEAST 24 SOUTHVIEW OF SANITARY  
N. 9871057.102  
N. 9871057.102  
E. 2222193.402  
E. 2222193.402

BM# - 12" IN CONCRETE FOUND AT SOUTH SIDE OF NW  
MANHOLE 24.00 HORIZ. DIST. OF 104.71' IN THROUGHTS  
SOUTHWEST OF INTERSECTION OF CORMORANT DRIVE AND  
NW MANHOLE 24.00 HORIZ. DIST. OF 104.71' IN THROUGHTS  
SW MANHOLE 24.00 AND 12" IN NORTHWEST OF SANITARY  
N. 9872200.496  
E. 2222193.524  
E. 2222193.524

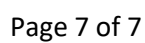
NOTES: The bearing station for this survey is based on the Town Coordinate



**CAUTION**  
EXERCISE UNDERGROUND  
UTILITY CONTRACTOR TO  
VERIFY EXACT LOCATION  
PRIOR TO ANY TRENCHING  
OR EXCAVATION.

NOTES:  
The bearing system for this survey is based on the Texas Coordinate System of 1983, North Central Zone 42SD derived from GNSS NAVD83 observations based on observations made on January 19, 2024.

**EXHIBIT "B" (continued)**



## City Council Regular Meeting

**DEPARTMENT:** Development Services

**FROM:** Tony McIlwain, Development Services Director

**MEETING:** June 3, 2024

### **SUBJECT:**

1679 SW Wilshire (Case 24-114): Consider approval of a resolution for a commercial site plan with a variance to Chapter 63, Sign Regulations, Section 63-57; pertaining to multi-tenant pylon signage. *(Staff Contact: Tony McIlwain, Development Services Director) (The Planning and Zoning Commission recommended approval unanimously)*

### **SUMMARY:**

On February 19, 2024, a commercial site plan with a variance to allow two multi-tenant pylon signs was submitted by Julie Baum representing Kimley-Horn on behalf of Tim Mondello with GBT Realty Corp. (owners).

### **DEVELOPMENT OVERVIEW:**

The owners are proposing the development of a Sprout's food and beverage sales store (approx. 23,256 S.F.) and attached retail strip (approx. 18,000 S.F.). The commercial site plan has been attached as part of the proposed resolution, "Exhibit 3". The applicant has concurrently requested a variance to allow two multi-tenant pylon signs, the applicants request and justification are attached as "Exhibit 4".

If the sign variance is not approved by City Council, then the applicant shall submit a revised commercial site plan to staff reflecting the approved or disapproved resolution(s) related to the requested sign variances. The commercial site plan amendment will not be approved by staff until all conditions relating to all Council approved resolutions have been met.

### **Site Plan Conformance**

<b><i>Required</i></b>	<b><i>Staff's Findings</i></b>
<u>Lot Size, Coverage and Setbacks</u> Specific lot information as shown on site plan	<b>Complies.</b> Site plan is in compliance with all development regulations with the exception of the sign variance request.

<u>Landscaping –</u>  20% of Total Site shall be landscaped: 17,145 S.F.	<b>Complies.</b>  Landscaping proposed: 17,164 S.F. with credits as listed on landscaping plans.
<u>Parking Requirement –</u>  1 space per 200 SF: 207 spaces (landscape credit reduction to 187 spaces)  6 ADA spaces (2 for vans)	<b>Complies.</b>  Parking provided: 187 spaces  ADA spaces: 6 spaces (2 for vans)

**Engineering:**

Engineering civil construction reviews will be required prior to the development of the site.

**RECOMMENDATION:**

Approve a resolution for a commercial site plan with a variance to Chapter 63.

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

May 14, 2024 – The Planning and Zoning Commission recommended approval (7-0).

April 2, 2018 – Planned Development (CSO #807-04-2018) approved by City Council.

**REFERENCE:**

[City of Burleson, TX SUPPLEMENTAL REGULATIONS](#)  
[\(ecode360.com\)](#)

[City of Burleson, TX FREESTANDING SIGNS](#)  
[\(ecode360.com\)](#)

**FISCAL IMPACT:**

None

**STAFF CONTACT:**

Tony McIlwain  
Development Services Director  
[tmcilwain@burlesontx.com](mailto:tmcilwain@burlesontx.com)  
817-426-9684



# Site Plan - Sprouts

## Location:

- 1679 SW Wilshire

## Applicant:

Julie Baum (Kimley-Horn) and  
Tim Mondello (GBT Realty Corp.)

## Item for approval:

Commercial site plan and sign variance for  
a food and beverage sales (grocery) store  
with retail (Case 24-114).



# Site Plan - Sprouts

## Site Plan Summary:

- Sprouts: 23,256 SF Building
- Retail: 18,000 SF
- Single-story
- Uses – Food and Beverage Sales and Retail





# Site Plan - Sprouts

Site Conformance Table

<b><i>Required</i></b>	<b><i>Staff's Findings</i></b>
<u>Lot Size, Coverage and Setbacks</u> Specific lot information as shown on site plan	<b>Complies.</b> Site plan is in compliance with all development regulations with the exception of the sign variance request(s).
<u>Landscaping –</u> 20% of Total Site shall be landscaped: 17,145 S.F.	<b>Complies.</b> Landscaping proposed: 17,164 S.F. with credits as listed on landscaping plans.
<u>Parking Requirement –</u> 1 space per 200 SF:207 spaces (landscape credit reduction to 187 spaces) 6 ADA spaces (2 for vans)	<b>Complies.</b> Parking provided: 187 spaces ADA spaces: 6 spaces (2 for vans)

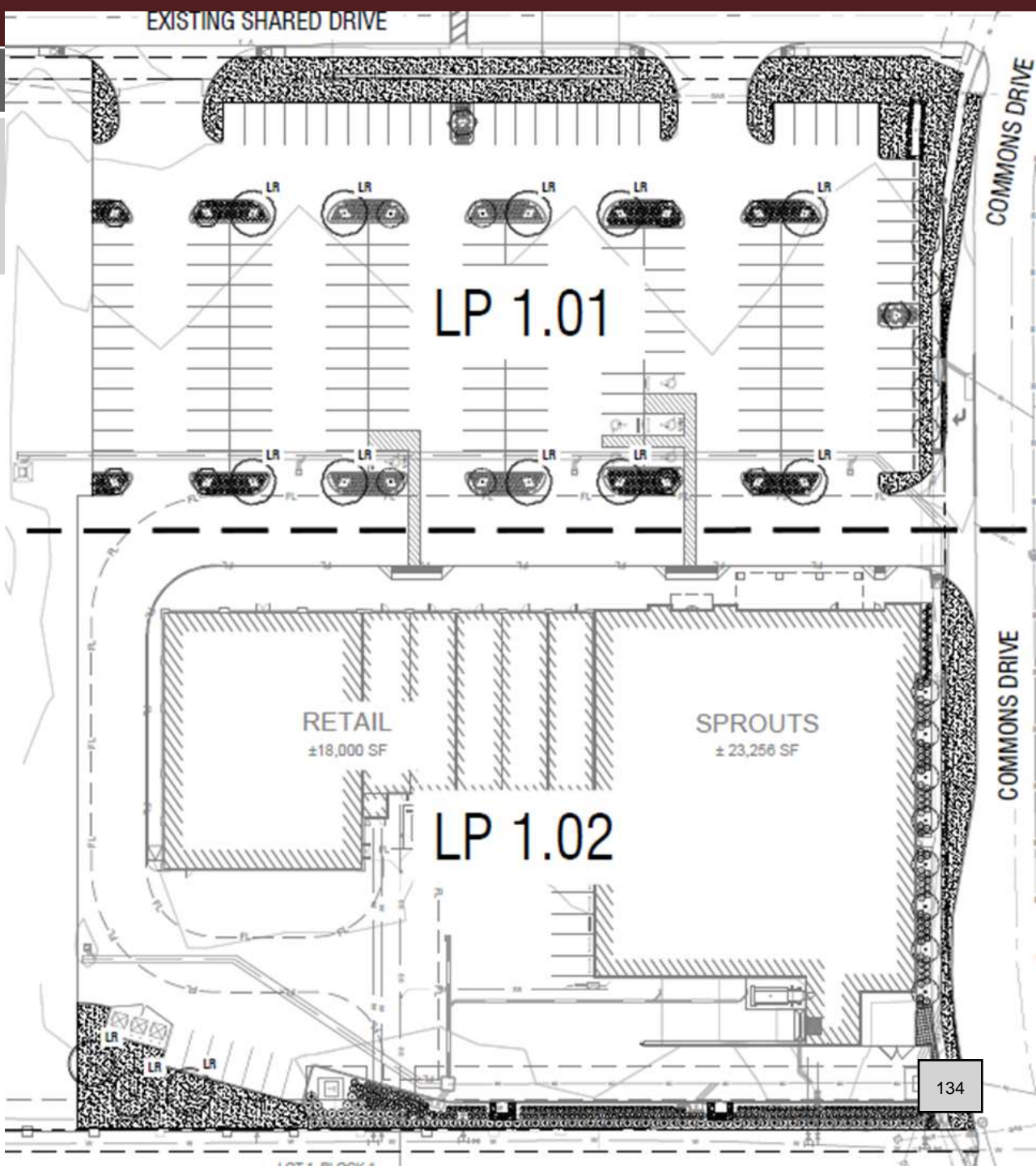
# Landscaping

Required 17,145 SF (included 13 additional trees and drought tolerant areas for landscaping credit)

Providing 17,164 SF

## PLANT SCHEDULE

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	REMARKS
TREES					
	QV	3	QUERCUS VIRGINIANA / SOUTHERN LIVE OAK	3" CAL, 16" HT, 6" SPR	FULL, STRAIGHT, SINGLE LEADER
	UP	10	ULMUS PARVIFOLIA / LACEBARK ELM	3" CAL, 14" HT, 6" SPR	FULL, STRAIGHT, SINGLE LEADER
ORNAMENTAL TREE					
	CH	10	CHILOPSIS LINEARIS / DESERT WILLOW	6" HT, 4" SPR	FULL, 3 TRUNKS @ 1.5" CAL.
	LU	18	LAGERSTROEMIA X "TUSKEGEE" / CRAPE MYRTLE TUSKEGEE	8" HT, 4" SPR	FULL, SINGLE LEADER, 3" CAL. MIN.
SHRUBS					
	BY	320	ILEX VOMITORIA "NANA" / DWARF YALPON HOLLY	12" HT, 12" SPR, 24" OC	FULL & MATCHING, 5 GAL. MIN
	LE	83	LEUCOPHYLLUM FRUTESCENS / TEXAS SAGE	36" HT, 24" SPR, 48" OC	FULL & MATCHING, 5 GAL. MIN
	LC	36	LEUCOPHYLLUM FRUTESCENS "COMPACTA" / COMPACT TEXAS SAGE	24" HT, 24" SPR, 36" OC	FULL & MATCHING, 5 GAL. MIN
	MY	117	MYRICA PUGILLA / DWARF WAX MYRTLE	24" HT, 18" SPR, 36" OC	FULL & MATCHING, 5 GAL. MIN
	PT	480	PITTOSPORUM TOBIRA "WHEELERS DWARF" / DWARF PITTOSPORUM	18" HT, 18" SPR, 24" OC	FULL & MATCHING, 5 GAL. MIN
GRASSES					
	MU	108	MUHLENBERGIA CAPILLARIS / PINK MUHLY	24" HT, 30" OC	FULL & MATCHING, 5 GAL. MIN
GROUND COVERS					
	SO	13,292 SF	BOUTELOUA DACTYLOIDES / BUFFALO GRASS	N/A	SOD TO HAVE TIGHT, SAND FILLED JOINTS, WEEDS, PESTS, AND DISEASE.
	RI	302 SF	RIVER ROCK / RIVER ROCK	ROCK	ARIZONA COBBLE BY WHI-Q STONE OR APPROVED EQUAL. SIZE TO BE 1"-3" COI
	TR	89	TRACHELOSPERMUM ASIATICUM "ASIATIC" / ASIATIC JASMINE	8" HT, 8" SPR, 18" OC	FULL & MATCHING, 1 GALLON MIN.



# Sign Variance- Sprouts

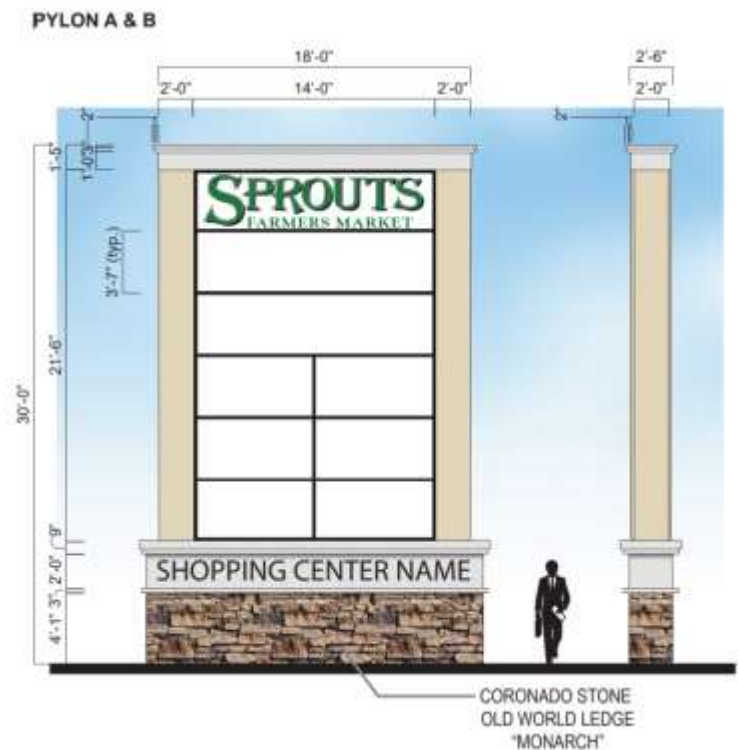
**Variance Requested**

Chapter 63, Sign Regulations, Section 63-57 Pylon Sign.

- Requesting 540 square feet
- Requesting 2 pylon signs
- Requesting 30 feet in height

**Staff’s Findings**

- City Council action only.
- Maximum 150 square feet for multi-tenant.
  - One per premises.
  - Maximum 25 feet; except for multi-tenant buildings in which case an additional 18 inches of sign height may be granted for each business but in no event may exceed a maximum sign height of 30 feet.



# Site Plan - Sprouts

## P&Z Summary

### Vote

Recommended approval unanimously

### Discussion

None

### Speakers

Applicant was present (no questions)

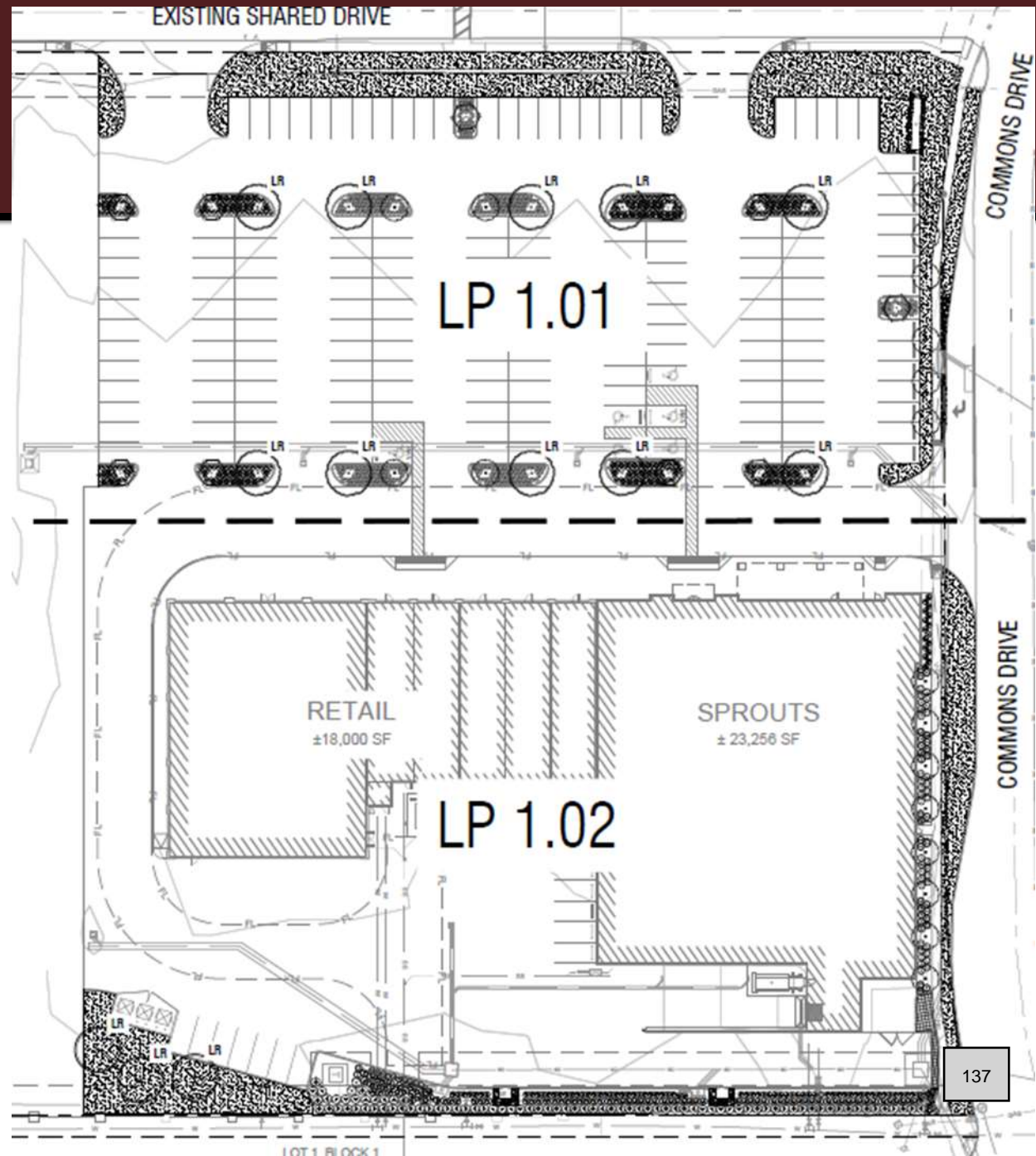


# Site Plan - Sprouts

## Staff's Recommendation

Staff has determined that the requested zoning and use align with the Comprehensive Plan.

Staff recommends approval of the resolution for the site plan.



## RESOLUTION

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, FOR APPROVAL OF A COMMERCIAL SITE PLAN FOR A FOOD AND BEVERAGE SALES STORE WITH A VARIANCE TO CHAPTER 63, SIGN REGULATIONS, RELATING TO PYLON SIGNAGE AT 1679 SW WILSHIRE.**

**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**, an application for commercial site plan with a variance related to pylon signage was filed by Julie Baum on February 19, 2024, under Case Number 24-114, on property described herein below filed application with the City; and

**WHEREAS**, on June 3, 2024, the City Council made an inquiry into the matter and reviewed all the relevant information, and

**WHEREAS**, City Council has determined that commercial site plan meets the requirements of Section 131 of Article V of Appendix B, Site Plan Requirements.; and

**WHEREAS**, Chapter 63, Sign Regulations, of the City of Burleson Code of Ordinances (2005) regulates the location, size, construction, erection, duration, use, and maintenance of signs within the jurisdiction of the City; and

**WHEREAS**, on June 3, 2024, the City Council made an inquiry into the matter and reviewed all the relevant information, and

**WHEREAS**, the City Council finds and determines that special conditions exist that are peculiar to the land, structure or building involved and are not applicable to other lands, buildings or structures in the same vicinity; and

**WHEREAS**, City Council finds and determines that the strict interpretation of Chapter 63 would deprive the applicant of rights commonly enjoyed by other properties in the vicinity under the terms of Chapter 63; and

**WHEREAS**, City Council finds and determines that the special conditions and circumstances do not result from the actions of the applicant(s) and such conditions and circumstances do not merely constitute pecuniary hardship or inconveniences; and

**WHEREAS**, City Council finds and determines that granting the variance will meet the objectives of the ordinance and not be injurious to the adjoining property owners or otherwise detrimental to the public welfare; and

**WHEREAS**, City Council finds and determines that the request will be the minimum variance

necessary to alleviate the special hardship or practical difficulties faced by the applicant in meeting the requirements of Chapter 63; and

**WHEREAS**, City Council has determined that granting the variance will be in harmony with the spirit and purpose of Chapter 63; and

**WHEREAS**, the City Council finds and determines the conditions attached to the variance, if any, are necessary to achieve the purpose of Chapter 63.

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

**Section 1.**

City Council hereby approves a commercial site plan (Case 24-114) for a food and beverage sales store as shown on Exhibit “A”; and

City Council hereby grants a variance to Section 63-57 (a) of Chapter 63, Sign Regulations, of the City of Burleson Code of Ordinances (2005) limiting the maximum square feet of a multi-tenant sign, to 150 square feet, to allow a maximum of 540 square feet per multi-tenant pylon sign as shown on Exhibit “B”; and

City Council hereby grants a variance to Section 63-57 (c) of Chapter 63, Sign Regulations, of the City of Burleson Code of Ordinances (2005) limiting the maximum height of a multi-tenant sign, to 25 feet, to allow a maximum height of 30 feet per multi-tenant pylon sign as shown on Exhibit “B”; and

City Council hereby grants a variance to Section 63-57 (d) of Chapter 63, Sign Regulations, of the City of Burleson Code of Ordinances (2005) limiting the number of pylon signs to one per premises, to allow for two pylon signs as shown Exhibit “B”; and

Except as otherwise specified above or as shown on Exhibit “B”, all other conditions, regulations, procedures, and rules of Chapter 63, Sign Regulations, of the City of Burleson Code of Ordinances (2005), as amended, shall apply to the signs at 1679 SW Wilshire Blvd.

**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:

APPROVED AS TO LEGAL FORM:

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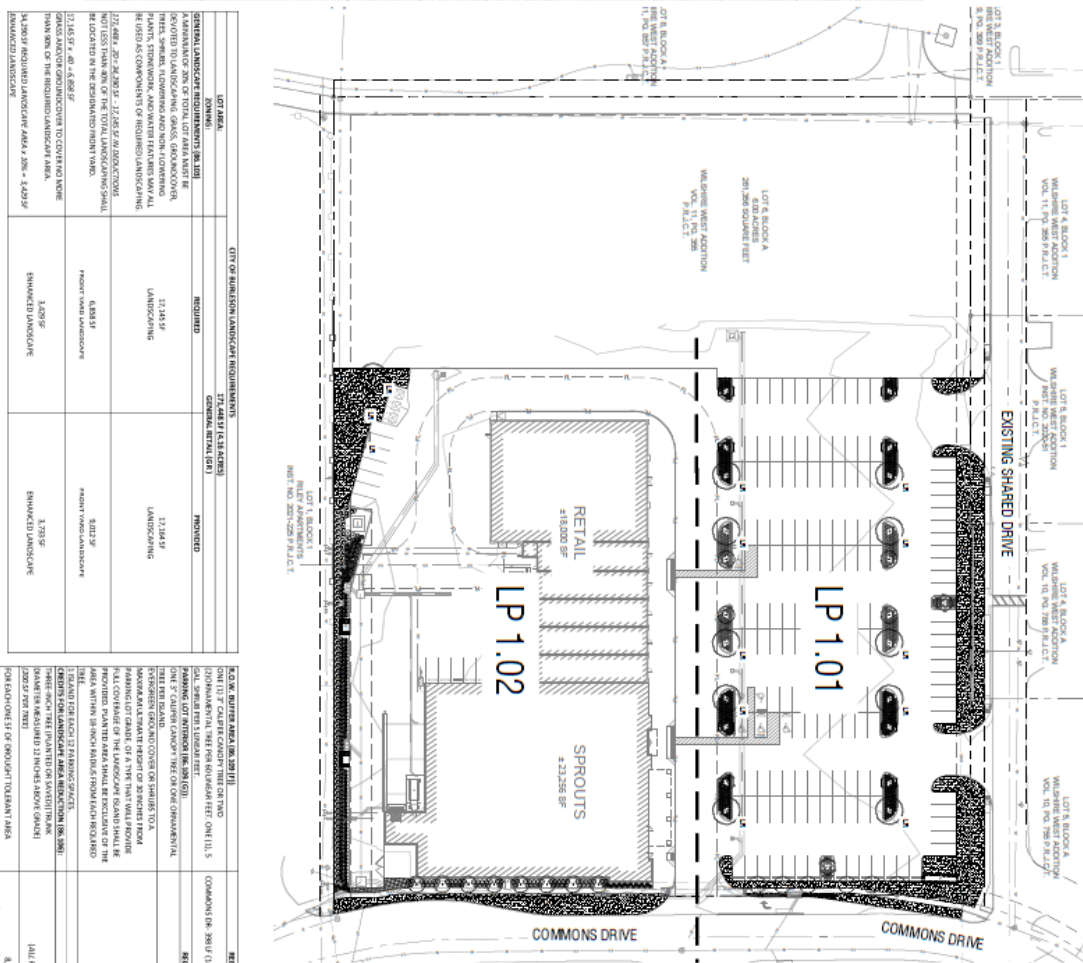
Amanda Campos, City Secretary

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E. Allen Taylor, Jr., City Attorney



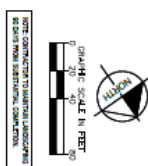
## Exhibit “A”

[illegible]

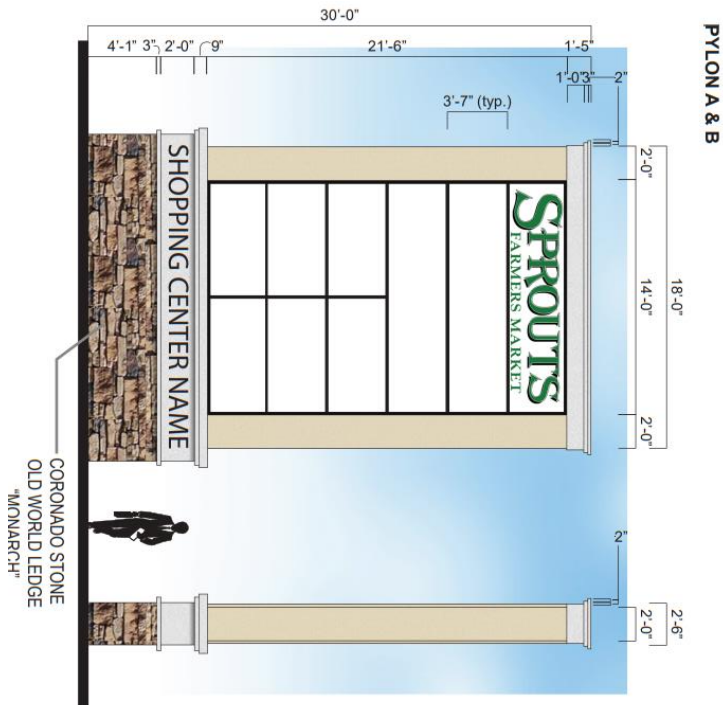
PLANT SCHEDULE		ITEM NO.	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
<b>ITEMS</b>							
1	2	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
2	3	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
3	4	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
4	5	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
5	6	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
6	7	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
7	8	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
8	9	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
9	10	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
10	11	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
11	12	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
12	13	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
13	14	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
14	15	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
15	16	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
16	17	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
17	18	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
18	19	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
19	20	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
20	21	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
21	22	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
22	23	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
23	24	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
24	25	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
25	26	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
26	27	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
27	28	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
28	29	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
29	30	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
30	31	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
31	32	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
32	33	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
33	34	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
34	35	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
35	36	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
36	37	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
37	38	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
38	39	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
39	40	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
40	41	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00
41	42	1	CONCRETE PAVEMENT, 1500X2000X150	1	SQ. YD.	150.00	150.00</

[illegible]

**811** Know what's below.  
Call before you dig.



# Exhibit "B" Pylon Signage





**GBT REALTY CORPORATION**

February 9, 2024

Tim Mondello  
GBT Realty Corporation  
9010 Overlook Boulevard  
Brentwood, TN 37027  
[Tmondello@GBTRealty.com](mailto:Tmondello@GBTRealty.com)  
615-620-4604

Burleson Planning & Zoning Division  
141 West Renfro Street  
Burleson, TX 76028-4296

Dear Burleson Planning & Zoning Division,

GBT Realty Corporation is planning to develop an approximately forty-one thousand square foot grocery-anchored shopping center at 1679 SW Wilshire Boulevard, to include a twenty-three thousand, two-hundred fifty-six square foot Sprouts Farmers Market, as well as abutting retail shops. The purpose of my writing to Burleson Planning & Zoning is to formally request a variance for the onsite freestanding sign height at this property. Pursuant to Ordinance Number CSO#341-11-2015, § 1(Exh. A), 11-9-2015, the maximum allowable height at this property is 12'-0" Multi-Tenant Monument Signage. However, GBT Realty Corporation is seeking approval for two Multi-Tenant Pylon Signs with a height of 30'-0", at the northeast and northwest corners of the property.

This Pylon Sign Variance Request is predicated upon the unique circumstances adjacent to this property, and the necessity for Sprouts Farmers Market to have enhanced branded visibility and advertising capacity from SW Wilshire Blvd, to be able to successfully operate the grocery store. Please allow me to further outline the justifications for this requested variance below:

1. **Visibility & Location:** 1679 SW Wilshire Boulevard (*LOT 6, Block A Wilshire West Addition*) is a 6-Acre parcel of undeveloped land, approximately three-hundred fifty feet southeast of the intersection of SW Wilshire Blvd and Commons Drive, and approximately 0.7-miles south of Elk Drive, where the North Wilshire Sign Corridor ends. The site is currently zoned Planned Development (*Ordinance Number CSO#807-04-2018*) with a General Retail base zoning, which sits directly behind four existing open and operating retail properties along SW Wilshire Boulevard. Visibility from major arterial roadways is absolutely critical for any Grocer to successfully operate, and with Sprouts setback three-hundred fifty feet from the intersection, as well as the existing retailers obstructing visibility of Sprouts' proposed branded storefront signage from north and south traffic patterns on SW Wilshire Boulevard, it makes the need for a taller pylon sign all the more vital for Sprouts to effectively attract customers.
2. **Code Interpretation:** 1679 SW Wilshire Boulevard is adjacent to the existing Kroger Grocery Store at 1631 SW Wilshire Boulevard, which is approximately .53 miles southwest of Elk Drive, also outside of the North Wilshire Sign Corridor, whereas it appears Kroger was able to construct a 30'-0" Pylon Sign on their property in 2015, just before CSO#341-11-2015, § 1(Exh. A), 11-9-2015 went into effect. With

9010 OVERLOOK BOULEVARD • BRENTWOOD, TENNESSEE 37027  
(615) 370-0670 • (615) 373-3111 FAX • [www.gbtrealty.com](http://www.gbtrealty.com)



**GBT REALTY CORPORATION**

grocery being a highly competitive market, GBT is respectfully requesting that Sprouts be allowed the equal benefit as Kroger, for signage visibility.

3. **Adjoining Properties & Public Welfare:** Sprouts will provide the neighboring residents and abutting businesses a supermarket alternative for their grocery needs, offering an extensive, but not prescriptive mix of natural, organic, and great-tasting mainstream foods with a strong emphasis on value. Granting this Pylon Sign Variance Request will increase foot traffic and overall business in the surrounding community. Sprouts will also increase the utility of the land, which provides nearby residents an organic and natural food grocery option, and also adds appropriately to the mix of uses in the immediate vicinity.
4. **Design Considerations:** The intent is to design and construct the proposed 30'-0" pylon signs to blend in harmoniously with the surrounding residential structures, as well as the proposed Sprouts shopping center. Please find the enclosed Exhibit A - Conceptual Site Plan & Pylon Sign Renderings, outlining the proposed layout and design intent for the Pylon Signs.

Thank you for considering this request. I am available to provide any additional information or answer any questions that may arise during the review process.

Sincerely,

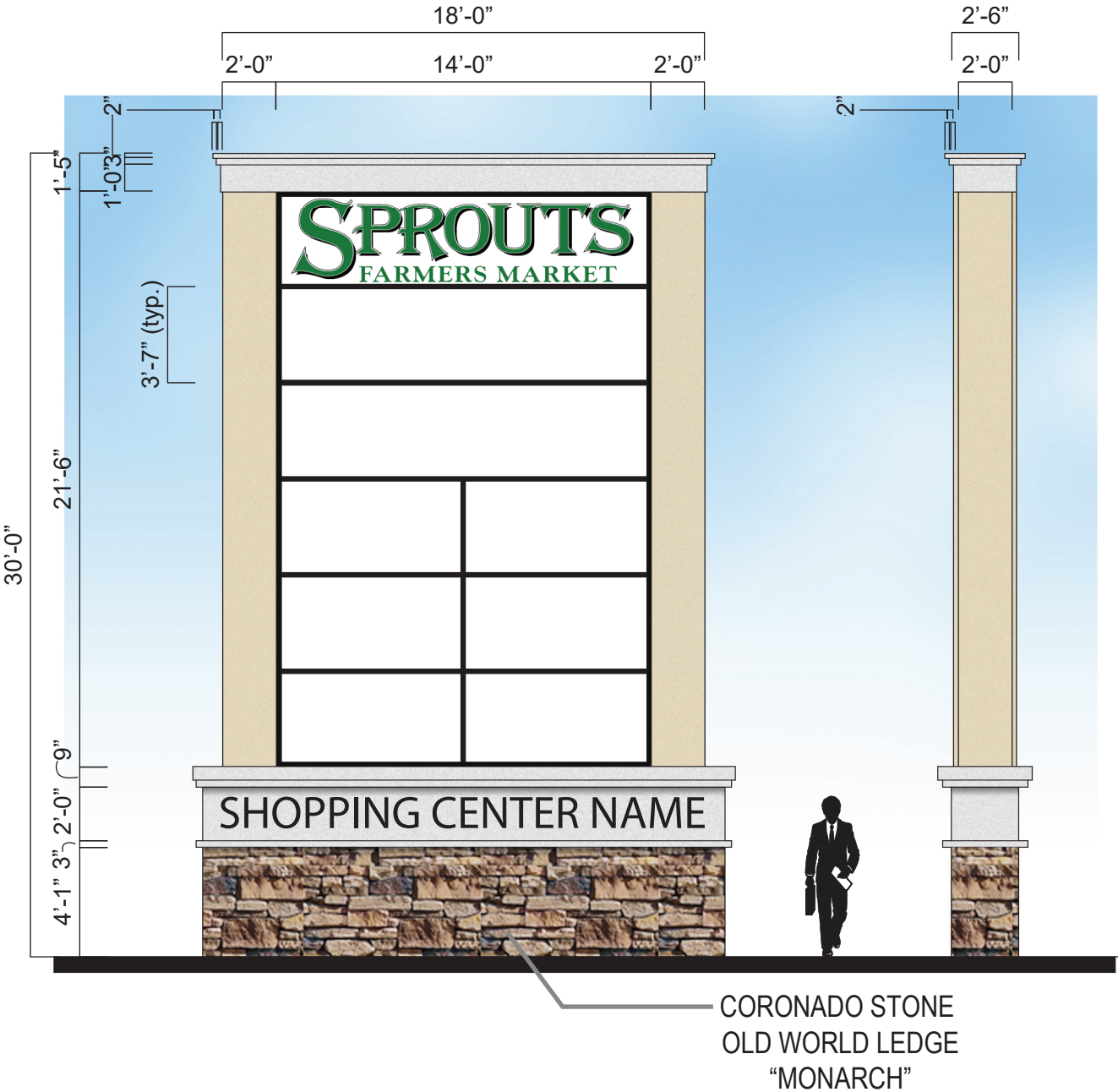
A handwritten signature in blue ink, appearing to read 'Tim Mondello'.

Tim Mondello, CDP  
GBT Realty Corporation  
615-620-4604  
[Tmondello@gbtrealty.com](mailto:Tmondello@gbtrealty.com)

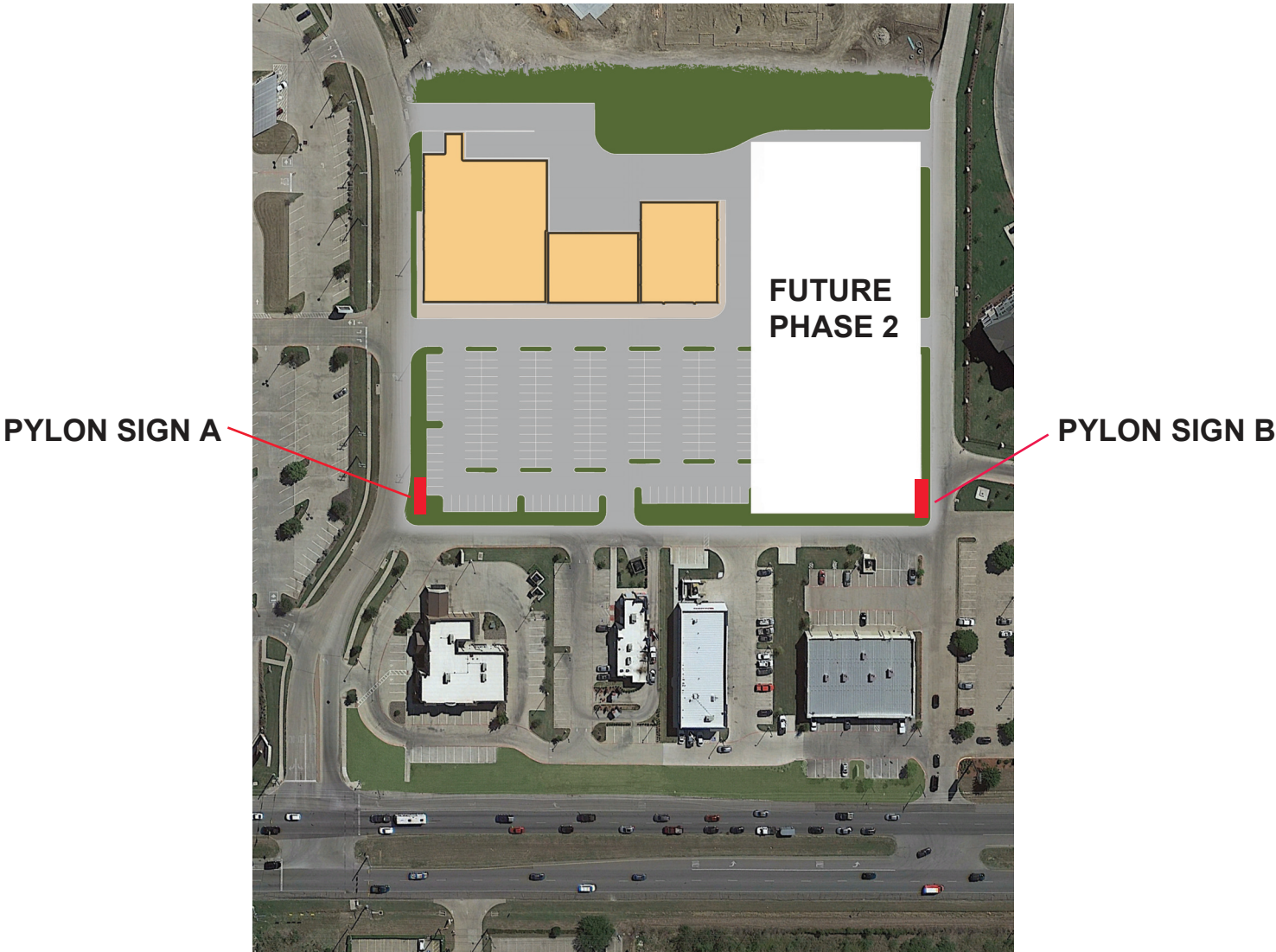
**Enclosures:** Exhibit A – Conceptual Site Plan & Pylon Sign Renderings



PYLON A & B



KEYPLAN



DEVELOPED BY:

EXHIBIT A - CONCEPTUAL PLAN AND PYLON SIGN RENDERINGS

## City Council Regular Meeting

**DEPARTMENT:** Development Services  
**FROM:** Tony McIlwain, Development Services Director  
**MEETING:** June 3, 2024

### **SUBJECT:**

465 Forgotten LN (Case 24-108): Consider approval of a resolution for a commercial site plan with a waiver to Appendix C, Article VII, Business Park design Standards, Section 7-52, Off-street parking and loading. *(Staff Contact: Tony McIlwain, Development Services Director) (The Planning and Zoning Commission recommended approval unanimously)*

### **SUMMARY:**

On March 18, 2024, a commercial site plan was submitted by Zachary Holzem representing Kimley-Horn on behalf of Bryce Wegman with ARCO Design (owner) to change the zoning of approximately 9.161 acres to PD, Planned Development.

### **DEVELOPMENT OVERVIEW:**

The owners are proposing to build a 79,257 square foot cold storage facility, with the potential for a future expansion of approximately 26,554 square feet. The site is located in a PD, Planned Development that requires the development to occur in accordance with the Business Park Overlay Design Standards. The applicant has requested a waiver to Section 7-52 of the Business Park Design standards related to the orientation of the loading bay doors. The applicant's justification for the waiver is attached as "Exhibit 4". Based on the layout of the site and the property not having direct frontage on IH-35, staff is in support of the requested waiver.

**Site Conformance Table**

<b><i>Required</i></b>	<b><i>Staff's Findings</i></b>
<u>Lot Size, Coverage and Setbacks</u> Specific lot information as shown on site plan	Site plan is in compliance with all development regulations with the exception of the requested waiver to the Business Park Design Standards for loading areas
<u>Landscaping –</u> 20% of Total Site shall be landscaped: 114,772 SF	Landscaping proposed: 167,493 SF

40% of Total required in front yard: 45,909 SF	Proposed: 45,909 SF
Foundation planting: 11 Trees required	Proposed: 11 Trees
<u>Parking Requirement –</u>	Complies.
1 per 400 SF (office) & 5000 SF (warehouse): 29	Parking provided: 58 spaces
3 ADA spaces	ADA spaces: 3 spaces

**Engineering:**

Engineering civil construction reviews will be required prior to the development of the site.

**RECOMMENDATION:**

Approve an ordinance for the commercial site plan with a waiver.

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

May 14, 2024 – The Planning and Zoning Commission recommended approval (7-0).

July 17, 2017 – Planned Development (CSO#671-07-2017) approved by City Council.

**REFERENCE:**

[City of Burleson, TX ZONING DISTRICTS \(ecode360.com\)](https://www.burlesontx.com/zoning)

**FISCAL IMPACT:**

None

**STAFF CONTACT:**

Tony McIlwain  
Development Services Director  
[tmcilwain@burlesontx.com](mailto:tmcilwain@burlesontx.com)  
817-426-9684



# NDCP at 465 Forgotten LN

## Location:

- 465 Forgotten LN
- 13.17 acres

## Applicant:

Zachary Holzem (Kimley-Horn)

Bryce Wegman (ARCO)

## Items for approval:

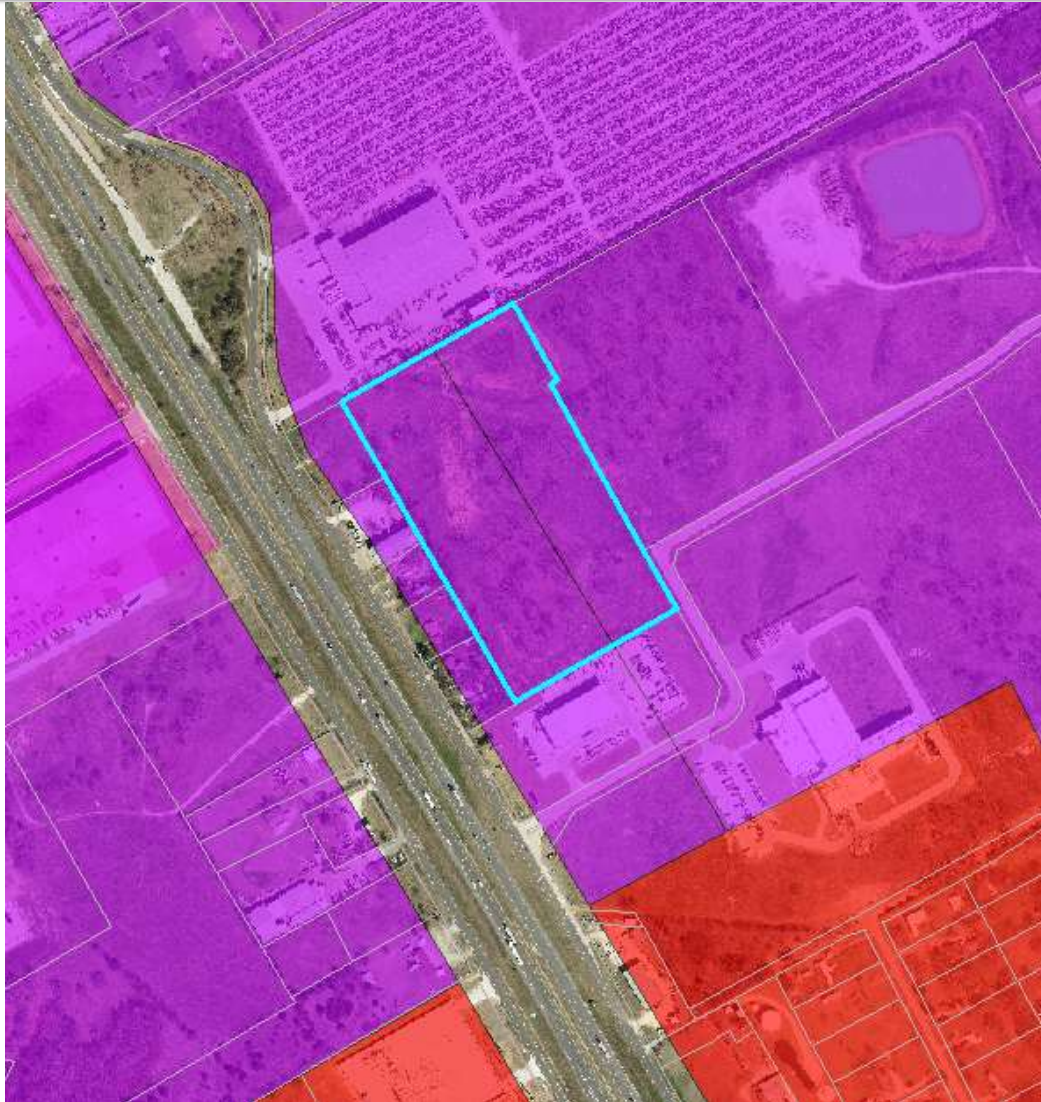
Commercial Site Plan with  
Waiver





# Comprehensive Plan

## Employment Growth



# Zoning

## PD, Planned Development





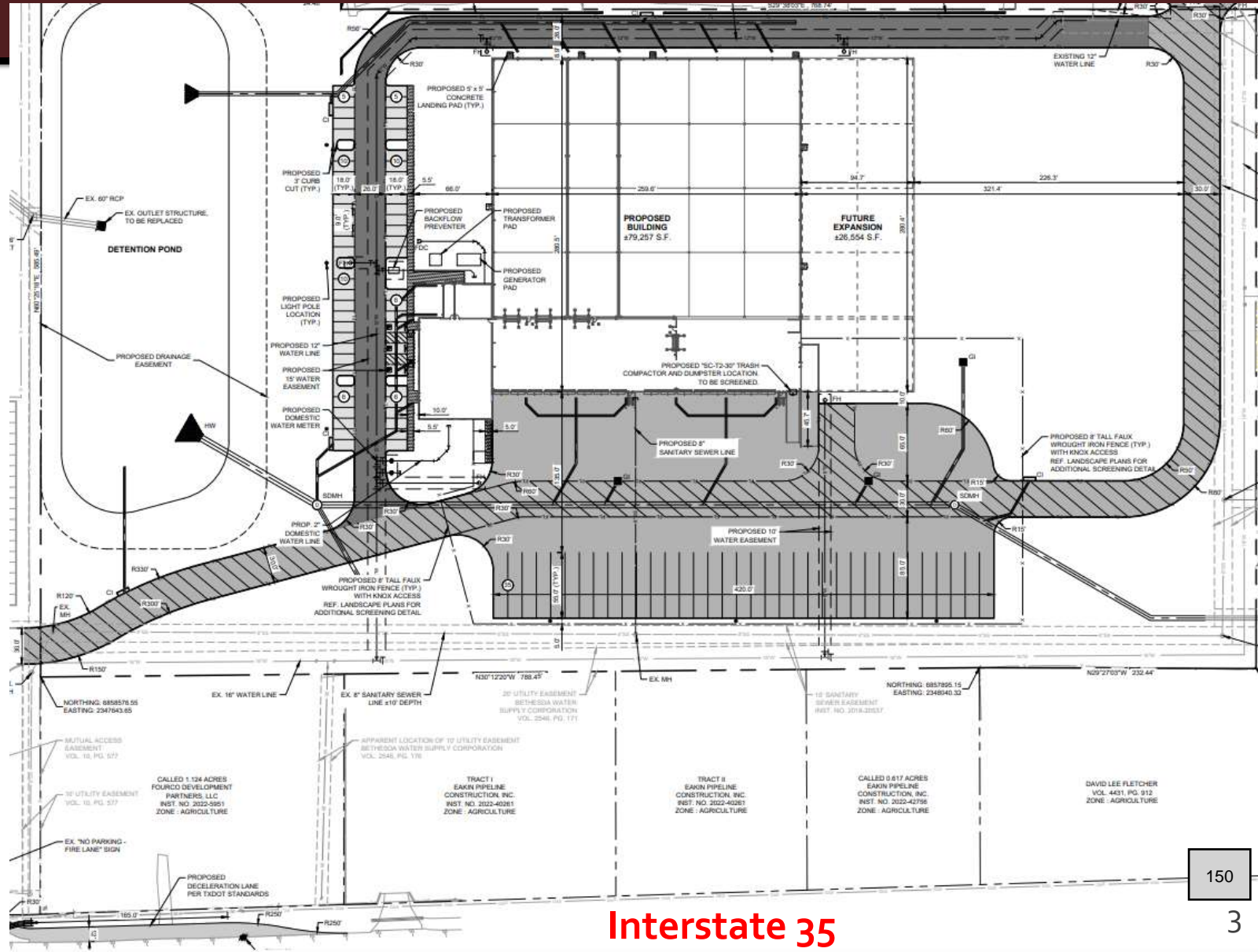
# NDCP at 465 Forgotten LN

**SITE SUMMARY TABLE**

ZONING	PD - PLANNED DEVELOPMENT
PROPOSED USE	WAREHOUSE
TOTAL SITE ACREAGE	13.17 AC.
PROPOSED BUILDING AREA	±79,257 SQ. FT.
FUTURE BUILDING EXPANSION	±26,554 SQ. FT.
BUILDING COVERAGE	13.8%
FUTURE BUILDING COVERAGE	18.4%
IMPERVIOUS COVERAGE	39.5%
FUTURE IMPERVIOUS COVERAGE	44.2%
TOTAL PARKING AREA	9,756 SQ. FT.
PROPOSED AUTO PARKING	58 SPACES
REQUIRED AUTO PARKING	29 SPACES
PROPOSED ACCESSIBLE PARKING	3 SPACES
REQUIRED ACCESSIBLE PARKING	3 SPACES
PROPOSED TRAILER PARKING	35 SPACES

**PARKING CALCULATIONS**

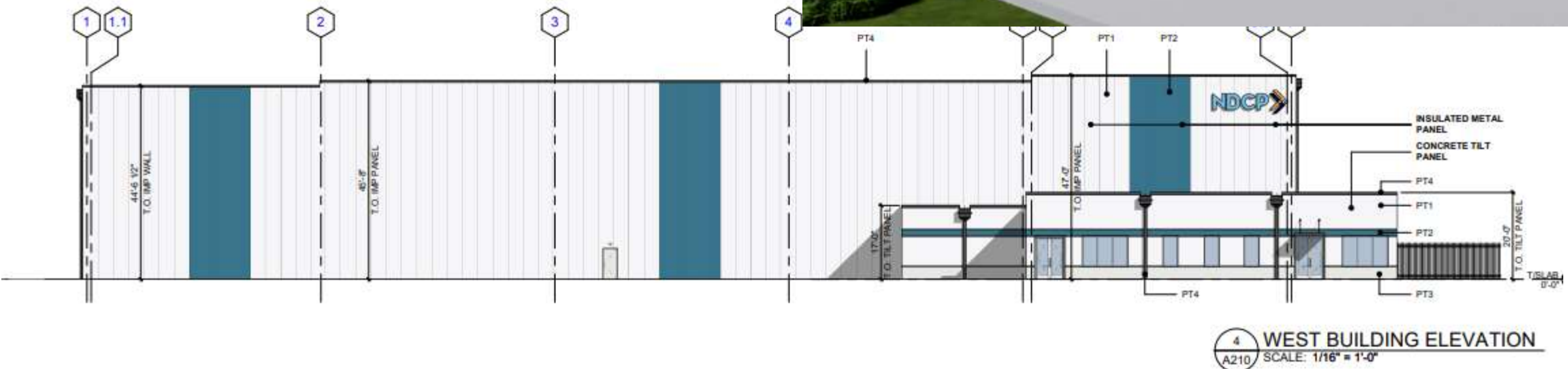
5,270 SF OFFICE / 400 SF PER SPACE = **14 SPACES**  
 73,987 SF WAREHOUSE / 5,000 SF PER SPACE = **15 SPACES**  
**TOTAL REQUIRED SPACES = 14 + 15 = 29 SPACES**



**Interstate 35**

# NDCP at 465 Forgotten LN

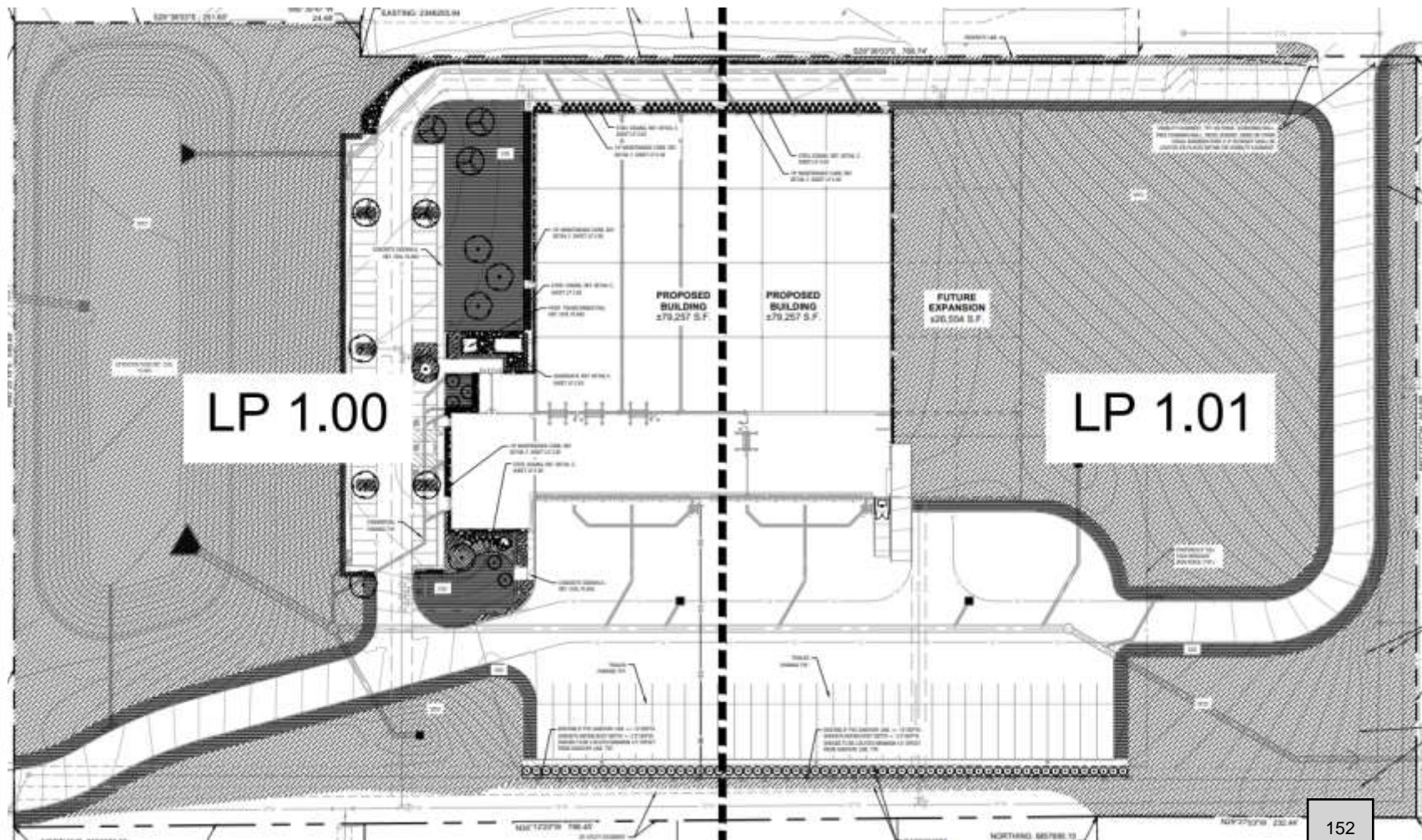
## Building Renderings





# NDCP at 465 Forgotten LN

City of Burleson Landscape Code Table		
Business Park Design Standards		
Site Area: 573,860 SF (13.2 Acres)		
Landscape Requirements for Nonvehicular Open Space	Required	Provided
A minimum of 20 percent of total lot area must be devoted to landscaping. Grass, groundcover, trees, shrubs, flowering and nonflowering plants, stonework, and water features may all be used as components of required landscaping.	114,772 SF	167,493 SF
Grass and/or groundcovers shall not be allowed to comprise over 90 percent of any required landscape area. $114,772 \times 90\% = 103,295$ SF $10\% = 11,477$ SF required non-grass/groundcover	11,477 SF	11,477 SF
Foundation Planting	Required	Provided
One three-inch caliper tree shall be required for each 7,500 square feet of gross building area. The trees shall be located no farther than 30 feet from the face of the building. $79,257 \text{ SF} / 7,500 \text{ SF} = 11$ Trees Ornamental trees can be substituted for large trees at a ratio of 3:1	11 Trees	11 Trees
Front Yard	Required	Provided
In the (I) Industrial district only the front yard 40 percent of the total 20 percent shall be required. The rear and side yard landscape requirements may be waived upon submittal of a landscape plan showing other requirements $114,772 \text{ SF} (20\%)$ $114,772 \times 40\% = 45,909$ SF	45,909 SF	45,909 SF
Landscaping adjacent to public rights-of-way	Required	Provided
A ten-foot landscaped strip shall be provided adjacent to all public and private rights-of-way on lots with an area greater than five acres	Yes	Yes
Parking Lot Landscaping	Required	Provided
A minimum of 20 square feet of landscaping per parking space. $20 \text{ SF} \times 58 \text{ spaces} = 1,160$ SF	1,160 SF	1,160 SF
Any portion of each parking space shall be located within 60 feet of the trunk of a tree. Pavement shall not be allowed within three feet of the trunk.	Yes	Yes
The islands shall be a minimum of five feet in width and extend the entire length of the parking stall. The islands shall contain at least one three-inch caliper tree.	Yes	Yes



# NDCP at 465 Forgotten LN

Site Conformance Table

Required	Staff's Findings
<u>Lot Size, Coverage and Setbacks</u> Specific lot information as shown on site plan	<b>Complies.</b> Site plan is in compliance with all development regulations with the exception of the requested waiver to the loading area.
<u>Landscaping –</u> 20% of Total Site shall be landscaped: 114,772 SF	<b>Complies.</b> Landscaping proposed: 167,493 SF
<u>Parking Requirement –</u> Office: 1 per 400 SF (5,270 SF): 14 spaces Warehouse: 1 per 5,000 SF (73,987 SF): 15 spaces 3 ADA spaces	<b>Complies.</b> Parking provided: 58 spaces ADA spaces: 3 spaces

# NDCP at 465 Forgotten LN

## Waivers Requested

<i>Waiver</i>	<i>Staff's Findings</i>
<b><i>Appendix C, Urban Design Standards, Article V, Business Park Design Standards, Section 7-52:</i></b>  Loading areas or loading doors shall not:  (1) face IH-35 or Type "A" street section.	<b>City Council action only.</b>  Staff supports the waiver based on the site not having direct frontage on IH-35 as well as the existing tree canopy and proposed landscaping of the site

# NDCP at 465 Forgotten LN

## P&Z Summary

### Vote

Recommended approval unanimously

### Discussion

Commissioner asked about provided parking being greater than the minimum required. Staff explained that the applicant requested the additional parking and staff did not oppose as they were able to meet other site requirements (i.e., landscaping).

### Speakers

Applicant was present (no questions)



# NDCP at 465 Forgotten LN

## Staff Recommendation

Approve a resolution for a commercial site plan with a waiver to Appendix C, Urban Design Standards, Article V, Business Park Design Standards, Section 7-52 (Case 24-108).



## **RESOLUTION**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, FOR A COMMERCIAL SITE PLAN WITH A WAIVER TO SECTION APPENDIX C, URBAN DESIGN STANDARDS, ARTICLE V, BUSINESS PARK DESIGN STANDARDS, SECTION 7-52; FOR THE ORIENTATION OF THE LOADING AREA FOR THE NDPC COLD STORAGE SITE PLAN AT 465 FORGOTTEN LN.**

**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**, on March 18, 2024, an application was submitted by Bryce Wegman, for a waiver to the orientation of the loading area as prescribed in Appendix C, Urban Design Standards, Article V, Business Park Design Standards, Section 7-52, to allow the loading area to face IH-35, and

**WHEREAS**, on May 14, 2024, the Planning and Zoning Commission, made an inquiry into the matter, and reviewed all the relevant information at a duly called public meeting, after which the Commission made a recommendation to the City Council; and

**WHEREAS**, on June 3, 2024, the City Council held a public meeting, made an inquiry into the matter, and reviewed all the relevant information at a duly called public meeting, and

**WHEREAS**, the City Council finds and determines that there are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions, and location that do not apply generally to other property in the same area; and

**WHEREAS**, City Council finds and determines that a waiver is necessary to permit the applicant the same rights in the use of his property that are presently enjoyed, under Section 7-52, by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made; and

**WHEREAS**, City Council finds and determines that the granting of the waiver on the specific property will not adversely affect the land use pattern as outlined by the land use plan and will not adversely affect any other feature of the comprehensive plan of the city; and

**WHEREAS**, City Council finds and determines that the waiver, if granted, will not be materially detrimental to the public welfare of the use, enjoyment, or value of property within the vicinity; and

**WHEREAS**, the City Council finds and determines the conditions attached to the waiver, if any, are necessary to achieve the purpose of Section 7-52; and

**WHEREAS**, the City Council finds and determines the strict enforcement of Section 7-52 is impractical given the location of the subdivision being within the Extra Territorial Jurisdiction of the City of Burleson and the maintenance practices and standards of county maintained roads within Johnson County.

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

**Section 1.**

City Council hereby grants a waiver and variance to Appendix C, Urban Design Standards, Article V, Business Park Design Standards, Section 7-52, of the City of Burleson, prohibiting a loading area from facing IH-35, with the following conditions:

- Loading area is allowed to face IH-35 as shown on the commercial site plan attached as Exhibit "A"
- Landscaping must be installed and maintained in accordance with City codes, as shown on the landscaping plan attached as Exhibit "B"

Except as otherwise specified above, all other conditions, regulations, procedures, and rules of the City of Burleson, shall apply.

**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:

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Amanda Campos, City Secretary

\_\_\_\_\_  
E. Allen Taylor, Jr., City Attorney

## RESOLUTION

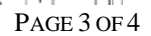
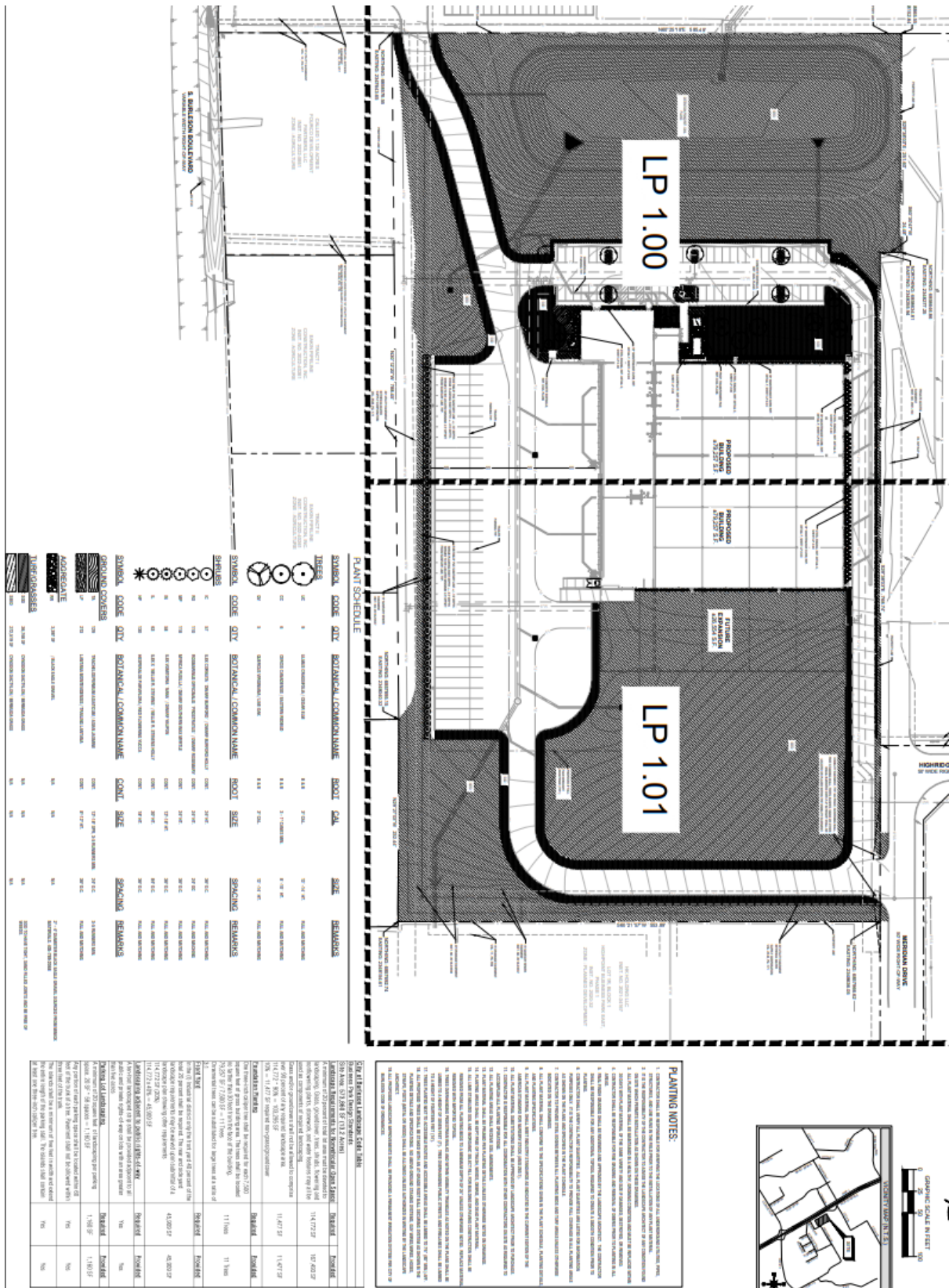


Exhibit B  
Landscaping Plan



RESOLUTION



**Variance Waiver Summary For**  
**Ord. No. B-582(K1110), § 6, 12-6-2010 / Business Park Design Standards : 7-52, E1**

We are requesting a Variance for “Ord. No. B-582(K1110), § 6, 12-6-2010 / Business Park Design Standards : 7-52, E1” which permits Loading Areas and Loading Doors to be facing IH-35. We believe that the Proposed Loading Area and Doors for NDCP-Cold Storage follows the intentions of the Code. The Site is located on a Parcel that does not abut any ROW, with the Loading Area more than 200’ from the ROW, located behind the neighboring Parcels facing S. Burleson Blvd as seen in the Aerial. The Loading Area and Doors will be screened as shown in the Proposed Landscaping (*LP0.00-LP1.01 in Commercial Site Plan*).



**Aerial of Site**



**Core X Premier**

Above is the neighboring property, Core X Premier, which is located at 6501 Highpoint Pkwy. Although it is understood that this development may have been subjected to older code, the dock doors do not face IH35, yet the Loading Area remains visible to passing traffic. What is proposed in NDCP-Cold Storage Landscape Plans (*LP0.00-LP1.01 in Commercial Site Plan*) is a screening of Nellie R Stevens Holly. This Landscape Screening, will prevent visibility from ROW, continuing to promote the purpose and intent of the Business Park Planned Development Design Standards.

ORDINANCE

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE OF THE CITY OF BURLESON, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON APPROXIMATELY 105 ACRES OF LAND SITUATED IN THE A.J. PATTON SURVEY, ABSTRACT NO. 685, CITY OF BURLESON, JOHNSON COUNTY, TEXAS, FROM AGRICULTURAL ZONING DISTRICT (A) TO PLANNED DEVELOPMENT ZONING DISTRICT (PD), 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, an application for a zoning change was filed by R.A. Development (property owner) on March 20, 2017, under Case Number 17-037, for a development commonly known as HighPoint East Business Park; and

WHEREAS, the City of Burleson has complied with the notification requirements of the Texas Local Government Code and the Burleson Zoning Ordinance; and

WHEREAS, the City Council and Planning and Zoning Commission have held a public hearing and the Planning and Zoning Commission has made a recommendation on the proposed zoning amendment; and

WHEREAS, the City Council has determined that the proposed zoning ordinance amendment is in the best interest of the City of Burleson.

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



## SECTION 1

The Official Zoning Map is hereby amended insofar as it relates to certain land located in Burleson, Texas, described by the metes and bounds attached as Exhibit A, changing the zoning of said property from the (A) Agricultural district to the (PD) Planned Development district.

## SECTION 2

The property shall be developed and used in accordance with the applicable provisions of the City of Burleson, Code of Ordinances, as amended, except to the extent modified by the Development Regulations set forth below:

**A. CONCEPT PLAN:** The Property shall be developed in general conformance with the Concept Plan attached hereto as Exhibit B and incorporated herein by reference. Minor modifications to driveways and lot configurations that do not alter the general alignment and development pattern as shown on the Concept Plan, may be made at the time of plat approval.

**B. BASE ZONING DISTRICT:** The property shall be developed and used in accordance with the base zoning district Industrial (I) and incorporating the following inclusions and exceptions:

1. The purpose and uses in the PD area will be held to the requirements of the "I, Industrial District" standards as given in City of Burleson Code of Ordinances, Appendix B, Article III, Section 79-100, 79-105 and 79-110.

a. Additional **prohibited** uses on the property shall include:

- Animal pound, private
- Asphalt batching (permanent)
- Auto laundry/carwash
- Brick kiln or tile plant
- Dump or sanitary landfill
- Go-cart track
- Hatchery
- Heliport
- Helistop
- Kennel
- Massage Parlor
- Miniwarehouse
- Open Storage of commercial goods (when no primary building is located on site)
- Parking lot, trucks/trailers
- Petroleum storage
- Restaurant or cafeteria (not of drive-in type)

Restaurant or cafeteria (drive in type)  
Sexually oriented business  
Veterinarian with outside animal pens  
Taxidermy shop  
Tire retreading, recapping and storage

2. Development will be held to the requirements of the "Business Park Design Standards" as given in City of Burleson Code of Ordinances, Appendix C, Article VII, save and except any conflicting requirements with Section 2.B.3 below.
3. Requirements as outlined in the "Business Park Design Standards", City of Burleson Code of Ordinances, Appendix C, Article VII, Section 7-50 shall be substituted with the following:
  - a. Metal building construction shall be allowed with the consideration of the following: consistent with other applicable design standards; avoids continuous vertical seams; avoids stark and uninterrupted panels; painted to compliment the brick or stone colors included in building design; seeks to hide or disguise wall fastening systems and seams; and features elements such as curved metal corners, deep reveals at construction joints or other details to add interest to the architectural design.
  - b. Any building wall that faces a public right-of-way or is determined to be the primary entryway of the building shall have a minimum of eighty (80) percent of the surface area of the exterior walls from the grade to the eave area, excluding doors and windows, constructed from one or more of the following permanent building materials: glass or natural stone; face brick or face tile; concrete; split face concrete masonry units that are colored integrally during manufacturing.
  - c. All building facades shall include the use of one or more of the following: massing of building by varying maximum building depth and/or width; variation in heights of the external wall surfaces; variation in color or materials to emphasize openings and create a pattern in the main body of the building; provide landscaping along the building façade.
  - d. Building design shall be generally consistent with the representations attached hereto as Exhibit C.
  - e. The use of flex base and/or similar hard surface is an acceptable surface material for outside storage areas or employee parking areas located behind screening devices.
  - f. Exceptions may be granted to any of the above design requirements during the Commercial Site Plan review process by a majority vote of the City Council.



### **SECTION 3 CUMULATIVE CLAUSE**

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 SEVERABILITY CLAUSE**

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 5 PENALTY CLAUSE**

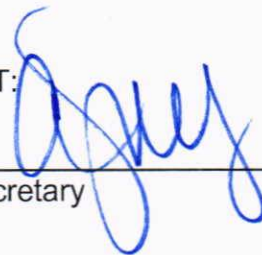
Any person, firm, association of persons, company, corporation, or their agents, servants, or employees violating or failing to comply with any of the provisions of this article shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each 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 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 6**  
**EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED this the 17<sup>th</sup> day of July, 2017.

  
MAYOR

ATTEST:   
City Secretary



**EXHIBIT A**  
**Metes and Bounds**

**LEGAL DESCRIPTION:**

A TRACT OF LAND SITUATED IN THE A.J. PATTON SURVEY ABSTRACT NO. 685, JOHNSON COUNTY, TEXAS, BEING ALL OF THAT TRACT OF LAND CONVEYED TO RA DEVELOPMENT IN THAT DEED RECORDED IN VOLUME 3489, PAGE 418, DEED RECORDS, JOHNSON COUNTY, TEXAS, TOGETHER WITH THAT TRACT OF LAND CONVEYED TO RA DEVELOPMENT IN THAT DEED RECORDED IN INSTRUMENT NO. 2016-27365, DEED RECORDS, JOHNSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING AT A 1/2 INCH IRON ROD FOUND AT THE MOST WESTERLY CORNER OF FIRST SAID RA DEVELOPMENT TRACT;

THENCE NORTH 60°00'00" EAST, 2145.97 FEET TO A FOUND POST AT CORNER;

THENCE SOUTH 30°00'00" EAST, 2097.88 FEET TO A 1/2 INCH IRON ROD FOUND "RPLS 5544";

THENCE SOUTH 59°56'39" WEST, 2143.93 FEET TO A 5/8 INCH IRON ROD FOUND;

THENCE NORTH 30°03'21" WEST, 372.09 FEET TO A 5/8 INCH IRON ROD FOUND;

THENCE NORTH 87°25'51" WEST, 181.17 FEET TO A 1/2 INCH IRON ROD FOUND;

THENCE NORTH 30°20'21" WEST, 20.29 FEET TO A 1/2 INCH IRON ROD FOUND THE BEGINNING OF A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 5940.58 FEET, WHOSE LONG CHORD BEARS N 31°16'33" E, 191.62 FEET;

THENCE WITH SAID TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 01°50'54", AN ARC LENGTH OF 191.63 FEET TO A TXDOT MONUMENT FOUND;

THENCE NORTH 32°32'05" WEST, 395.62 FEET TO A 1/2 INCH IRON ROD FOUND;

THENCE NORTH 59°12'25" EAST, 173.89 FEET TO A 2 INCH PIPE FOUND;

THENCE NORTH 30°03'21" WEST, 765.05 FEET TO A 1/2 INCH IRON ROD FOUND;

THENCE SOUTH 60°00'00" WEST, 191.81 FEET TO A 1/2 INCH IRON ROD FOUND;

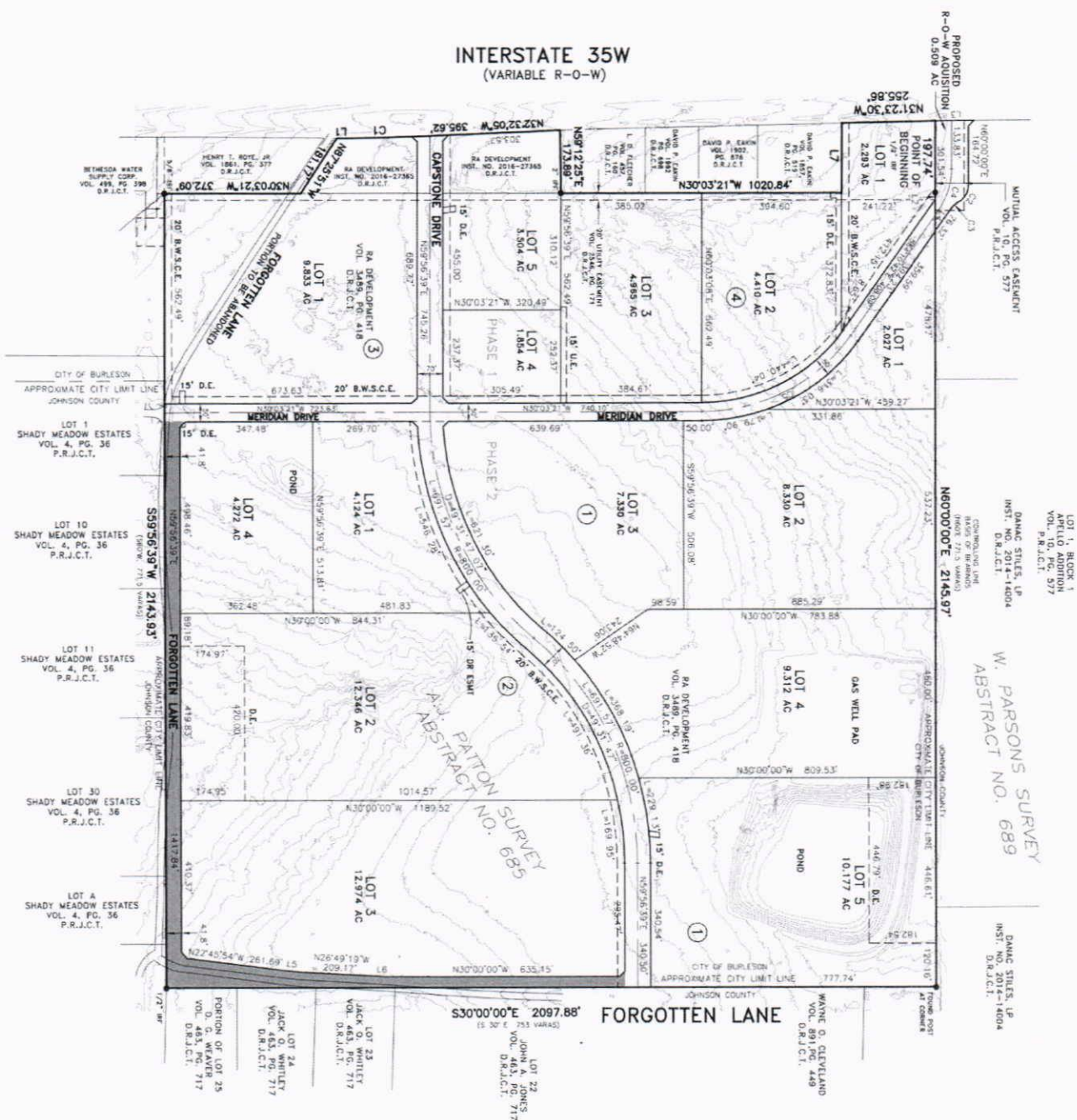
THENCE NORTH 31°22'58" WEST, 255.86 FEET TO A TXDOT MONUMENT FOUND;

THENCE NORTH 60°00'00" EAST, 197.74 FEET TO THE POINT OF BEGINNING AND CONTAINING 106.922 ACRES OF LAND, MORE OR LESS.



## EXHIBIT B

### Concept Plan

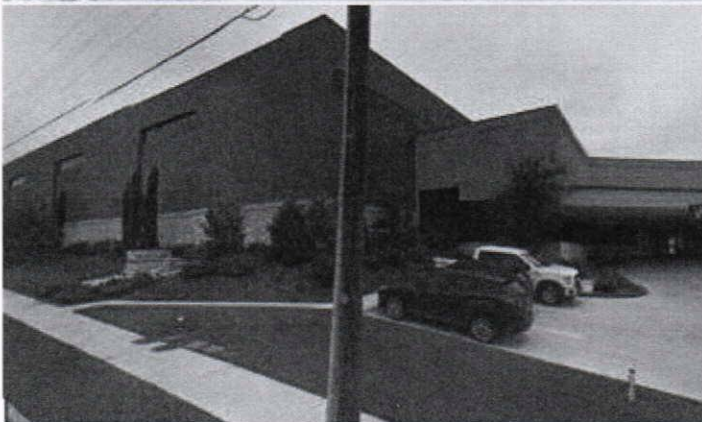


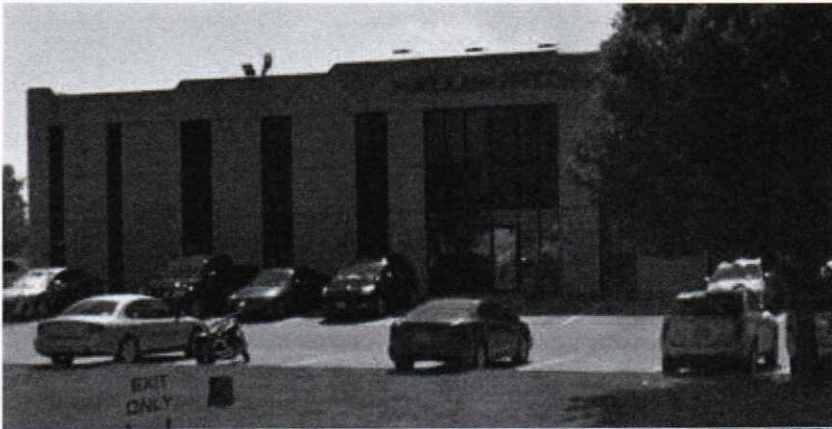


### **Exhibit C Construction Design Standards**

The following is a representation of industrial building designs that should be considered generally acceptable or unacceptable within the Highpoint East Business Park. Design standards and the inclusion of photos similar to these shall be a part of the zoning application referenced in Section 5.01(B) of this Agreement. Images shown here do not constitute the acceptance of any specific building design.

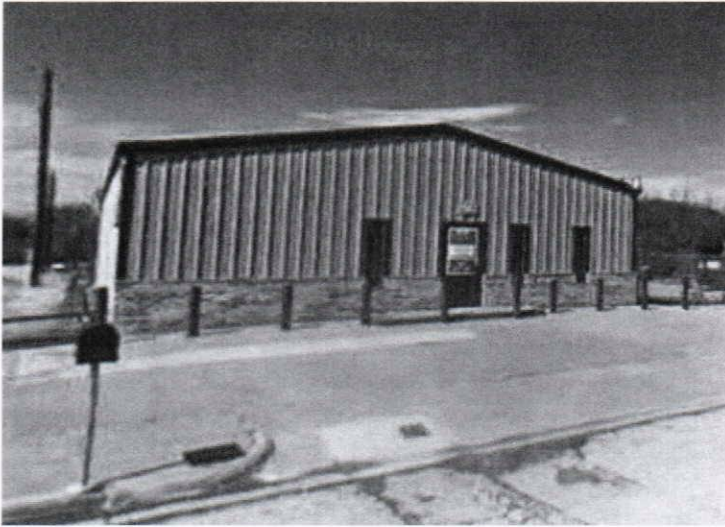
#### **ACCEPTABLE**

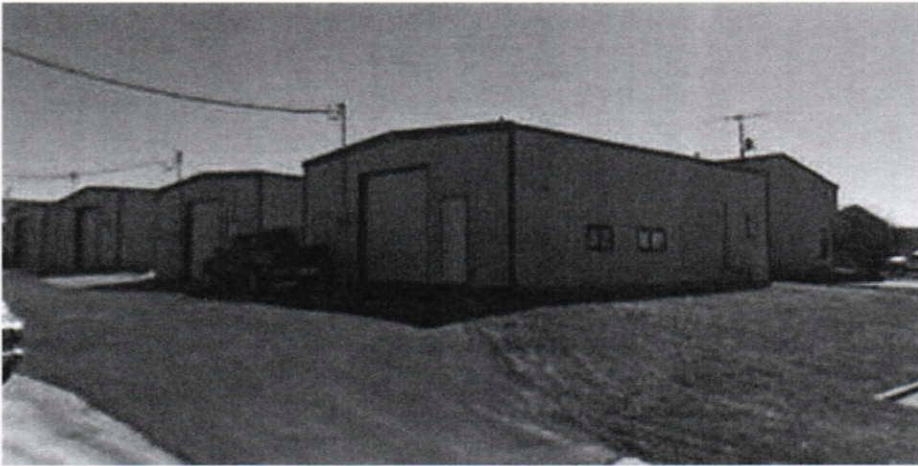






NOT ACCEPTABLE





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**City Council Regular Meeting**

**DEPARTMENT:** City Secretary's Office  
**FROM:** Amanda Campos, City Secretary  
**MEETING:** June 3, 2024

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**SUBJECT:**

Consider approval of an ordinance appointing a Presiding Municipal Court Judge of the Burleson Municipal Court of Record, City of Burleson for a term of two years, expiring July 5, 2026 and approving a Professional Service Agreement. (First Reading) (Staff Contact: Amanda Campos, City Secretary)

**SUMMARY:**

The Burleson City Charter Section 30 states the qualifications and manner to appoint municipal court judges. Section 30 states the council by ordinance shall appoint a competent and duly licensed attorney practicing law in the State of Texas. J. Greg Coontz is currently serving as the Presiding Judge and is eligible to serve another two year term. An ordinance must be passed to appoint the Judge and this ordinance requires two readings at two separate meetings to be in compliance with our city charter.

The professional service agreement will be part of the ordinance and will be provided for the city council reviews. The manner in which the city council reviews the performance and agreement is not stated in law and each council shall determine their own practice.

**RECOMMENDATION:**

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

Municipal Court staff works well with Judge Coontz and would continue to work in partnership with Judge Coontz should council re-appoint.

**REFERENCE:**

CSO#3007-07-2022 Ordinance appointing J. Greg Coontz as Presiding Judge

**FISCAL IMPACT:**

FY23-24 has budgeted for the current service agreement in place for the Presiding Judge.

**STAFF CONTACT:**

Name: Amanda Campos  
Title: City Secretary  
[acampos@burlesontx.com](mailto:acampos@burlesontx.com)  
817-426-9665 or 817-291-5846



## ORDINANCE

AN ORDINANCE OF THE CITY OF BURLESON, TEXAS APPOINTING PRESIDING JUDGE OF THE MUNICIPAL COURT OF RECORD OF THE CITY OF BURLESON; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE PRESIDING MUNICIPAL COURT JUDGE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of Burleson 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 has established its municipal court as a municipal court of record; and

**WHEREAS**, Chapter 30 of the Texas Government Code relating to municipal courts of record provides that the judge of the municipal court of record shall be appointed by the City Council by Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS;**

### Section 1.

That \_\_\_\_\_ is hereby appointed as the Presiding Judge of the municipal court of records in the City of Burleson, Texas, in accordance with the terms of the Agreement attached as Exhibit "A" and incorporated by reference herein.

### Section 2.

That the Mayor is hereby authorized to execute the Agreement attached as Exhibit "A".

### Section 3.

This appointment of the presiding judge shall be for a term of two years, which shall expire on July 6, 2026.

### Section 4.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Burleson, Texas as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code,

in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

#### **Section 5.**

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 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 6.**

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

**Passed and Approved** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

---

Chris Fletcher, Mayor  
City of Burleson, Texas

(Seal)

Attest:

---

Amanda Campos, City Secretary  
City of Burleson, Texas

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Choose an item.

**DEPARTMENT:** City Secretary's Office  
**FROM:** Amanda Campos, City Secretary  
**MEETING:** June 3, 2024

---

**SUBJECT:**

Review, discuss, and provide feedback on City Council Policy #17 – Establishing City Council Rules of Procedures for City Council Meetings. (Staff Contact: Amanda Campos, City Secretary)

**SUMMARY:**

The City Council first established council policy #17, May 5, 1985 and the policy remained unchanged until January of 2020. At the time of review and change the council was determined to make all council policies relevant and amend as needed. The council reviewed and edited this policy twice in 2021 to reflect the changes due to Covid. This allowed the council to meet and keep the public engaged and connected. There were parts of the policy that was good practice moving forward and other portions that served Covid protocol only.

The council once again review the policy in 2022 and made small modifications but did not review in 2023 or make any changes. So why are we reviewing now? As stated before the city council was determined to remain active in the policies and assure they were performing their intent. Effective policies should be living growing documents and reviewed and discussed at least annually. There are new members of the city council that have not reviewed in detail the policy and it's always best practice to communicate to the public. Communication on council meetings is one of the most important aspects of communication for city council. The business of the city is determined at these meetings, therefore keeping them friendly should be top priority.

The council's committee Council Policies & Valuation reviewed briefly the policy in April of 2024 and some suggestions to bring forward to the full council however no determination was made at the meeting only broad suggestions. This meeting is reviewed what was discussed and determine council's desire to move forward with any action.

The suggested changes effect Executive Session and Citizen Appearance.

Executive Session:

- Make every effort to hold executive session at the end of the meeting and if needed during the meeting hold when the item is called forward.

- In the event a consent item requires executive session that item should be removed and the remaining consent agenda acted on prior to convening into executive session.
- The rules and legal conduct of executive session should be listed in the policy and reviewed for the city council

Citizen Appearance:

- Consider adding language to support the intent of citizen appearance by refraining from addressing speakers but rather refer them to staff or state policy only
- Council should when possible refer to staff for follow up

This is a review and discussion no action is taken at this meeting rather a direction or staff to bring back for action or refer back to committee for more work.

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

Council Policies & Valuation Committee

**REFERENCE:**

Council Policy #17

**FISCAL IMPACT:**

N/A

**STAFF CONTACT:**

Name: Amanda Campos

Title: City Secretary

[acampos@burlesontx.com](mailto:acampos@burlesontx.com)

817-426-9665 or 817-291-5846

# Council Policy #17

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ESTABLISHING CITY COUNCIL RULES OF PROCEDURE FOR CITY COUNCIL MEETINGS

COUNCIL MEETING (REPORTS/PRESENTATIONS) – JUNE 3, 2024

# WHY ARE WE TALKING ABOUT THIS NOW?

- Effective Policies should be living growing documents
- Reviewed and Discussed at least annually
- New members of council and staff
- It's good to communicate to the public



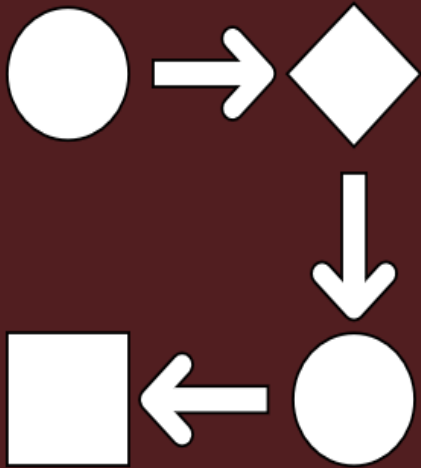




## 7 Parts to the Existing Policy #17

## Section II

### Meeting Agendas



THIS SECTION OUTLINES HOW COUNCIL WOULD LIKE AGENDAS TO BE CREATED – IMPORTANT PARTS

Who is responsible?

- Preparation & Posting

Who can add items?

- Placing items on the Agenda

What should be included and timeframe for distribution?

- Agenda Packet
- Agenda Item Pages

How council wants to see Consent Agenda items?

- Consent Agenda Item

What council commits to do?

- Be Prepared in Advance



Do we want to  
change anything?



## Section III

### Meeting rules, procedures & conduct



THIS SECTION DISCUSSES WHAT HAPPENS DURING MEETING?

Who presides and what rules are we following?

- Presiding Officer
- Burleson Rules of Order (Unique to Burleson)

Can we talk in private without the public?

- Texas Open Meeting Act has NARROW EXCEPTIONS

When are we going to meet?

- Annual Meeting Calendar adopted

Can we hear from the public on something NOT listed on agenda?

- Yes, HOWEVER there are rules

What about the public that wants council to hear their point on an item on the agenda?

- Yes, when the item is presented to council



# Council Policies & Valuation

## Input from April 17, 2024

c. *Executive Session (Closed Session)*

- *Try not to convene into executive session before consent agenda*
- *If needed on item on consent remove the item*
- *Add section regarding rules of executive to help council understand*

e. *Citizen Appearance*

- *Council should refrain from addressing speaker during this section but rather refer them to staff OR state policy only*
- *Council should when possible always refer them to staff for follow up*

## Section IV

# Order of Business *Regular Sessions*

THE ORDER OF BUSINESS IS OUTLINED IN THIS SECTION

Why is this important?

- Transparency to the public

How do we make sure we are considering the public?

- Public interaction are first – presentations, proclamations, community interest, changes to agenda, citizens appearances

What order is the business?

- Consent – considered routine – one motion
- Remainder of action items

Items with no action.

- Reports
- Request for future items
- Executive Session (may have action but rare)





Are you  
ready to  
change?

# Section V Burleson Rules of Order



THE TEXAS OPEN MEETING ACT *SOMETIMES* CONFLICTS WITH ROBERTS RULE OF ORDER AND ALLOWS CITIES TO HAVE RULES.

RULES OF A COUNCIL CANNOT CONFLICT WITH TEXAS OPEN MEETING ACT!

WHY DO WE HAVE OUR OWN RULES?

- Clarity of conduct
- How we expect each other to act
- Give even consideration to every member of council
- Intended to be fair and not stop ANY councilmember from speaking
- Helps keep flow of meeting and allow for action

A photograph of a whiteboard with a black grid. The words "ready for change" are written in a bold, black, sans-serif font. "ready" and "for" are on the top line, and "change" is on the bottom line. A hand is visible on the right side, holding a black marker and writing the word "change".

ready  
for  
change

## Council Policies & Valuation Input from April 17, 2024

- i. *Executive Session (Closed Session)*
  - *Try not to convene into executive session before consent agenda*
  - *If needed on item on consent remove the item*
  - *Add section regarding rules of executive to help council understand*

**ANY OTHER CONSIDERATIONS?**

# Section VI Mayor/Mayor Pro Tem



## EXPLAINING MAYOR/MAYOR PRO TEM

### Can the Mayor vote?

- Yes and MUST unless conflict

### How do we pick Mayor Pro Tem?

- Process outlined and adopted

# CHANGE



loading...

What is changed  
must not conflict  
with City Charter

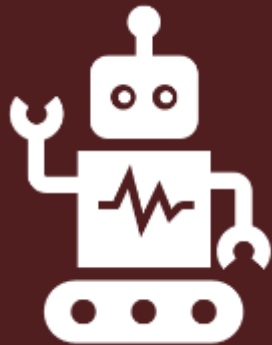


# NOT MUCH CAN BE CHANGED – NEED TO MAINTAIN RIGHTS OF THE PUBLIC

Should I be camera ready?

- Yes – we record every meeting

## Section VII Audio/Video Use







## Staff Direction



## CITY COUNCIL POLICY

17

### City of Burleson City Council Policy Establishing City Council Rules of Procedure For City Council Meetings

Adopted date	November 11, 1982
Revision dates	May 5, 1985 January 21, 2020; February 22, 2021; August 8, 2021; June 20, 2022
Department Name	City Council

#### I. AUTHORITY

Pursuant to the provisions of the Charter of the City of Burleson, Texas, the City Council shall enact rules of procedure for all meetings of the City Council of the City of Burleson, Texas, which shall be in effect upon their adoption by the City Council until such time as they are amended or new rules adopted. These guidelines shall remain flexible and in compliance with the City Charter, the Texas Open Meetings Act, and any other applicable state laws.

Pursuant to the Charter of the City of Burleson, Texas, Section 32; the city council shall meet regularly at times prescribed by its rules but not less frequently than once each month. The city secretary shall call special meetings upon the request of the mayor, city manager, or a majority of the members of the city council. All meetings must be held in accordance with state law.

#### II. MEETING AGENDAS

- a. **Preparation & Posting of:** The City Manager is responsible for creating the agenda and agenda packet materials for City Council meetings. The City Secretary is responsible for posting the agenda and distributing agenda packets to the City Council.
- b. **Placing Items on the Agenda:** The Mayor or any one Councilmember may request that an item be placed on the agenda by the following means:

- i. Request the item during the “Request for Future Agenda Items” during the work session portion of a Council meeting; or
- ii. Notify the City Manager, in writing, of the request a least ten (10) business days prior to any regularly scheduled City Council meeting.

**c. Agenda Packet:**

- i. Contents: The agenda packet will include a report and related documents (i.e. ordinance, contract, bid tabulation, etc.) for each item on the Consent Action and/or General Action sections of the agenda.
- ii. Distribution: In most cases, the agenda packet should be made available to the City Council at least 5 (five) calendar days prior to the regularly scheduled City Council meeting.

**d. Agenda Item Pages:** Each AIP shall contain all pertinent information on the item of business. Generally, the report shall include the following order of information:

- i. Action requested of the City Council
  - 1. Items concerning an ordinance must identify the proponent of the ordinance in parenthesis following the action requested.
- ii. Background and/or historical information
  - 1. Input/Recommendations received from applicable City Boards or from the public
  - 2. Financial impact (i.e. source of funds)
  - 3. Identity of the City Manager’s office contact and city departmental staff member whom Council and the public should contact for additional information

**e. Consent Agenda Items:** The City Manager may place on the consent agenda section of the agenda any items that, in the City Manager’s view, are routine in nature. Consent agenda items should not include:

- i. An item concerning an election
- ii. An item authorizing the issuance (or notice of issuance) of any debt instrument (bonds, certificates of obligation, capital lease agreements, etc.)

*Posted consent agenda items may be removed from consent by any one councilmember who request the removal during the open meeting.*

*Any posted item on the agenda that does not require a public hearing may be added to the consent agenda by a vote of the city council during the open meeting.*

- f. **Councilmember's Obligations to be Prepared in Advance:** In order to provide for informed decision making and to instill confidence in the electorate, in advance of each meeting, each Councilmember is expected to:
  - i. Study and be familiar with all material in the agenda packet provided by the staff in advance of the meeting.
  - ii. Include staff and citizen contacts, field observations and inquiries in their preparation.
  - iii. Direct any questions about the agenda packet to the city manager's office or the staff member designated on the agenda report.

### **III. COUNCIL MEETINGS: RULES, PROCEDURES AND CONDUCT**

#### **a. Presiding Officer**

- i. The Mayor presides at meetings of the City Council (City Charter, Sec. 22(a)).
- ii. The Mayor Pro Tem, who shall act as mayor during the absence or disability of the Mayor (City Charter, Sec. 22(b)).
- iii. In the event the Mayor and Mayor Pro Tem are absent, the Councilmember in attendance with the longest tenure shall preside over the meeting. In the event of a tie in tenure, the members may draw lots to determine who shall preside.

#### **b. Burleson Rules of Order**

- i. The rules contained in Section V of this Policy shall govern the Burleson City Council meetings in all cases to which they are applicable and not in direct conflict with State laws. These rules are intended to be fair and complete.

#### **c. Executive Session (Closed Session)**

- i. The Texas Open Meetings Act provides for narrowly drawn exceptions to the requirement that meetings be open to the public. The City Council shall follow TOMA with regards to executive sessions requirements.

d. **Annual Meeting Calendar:** The City Council shall adopt a calendar outlining their scheduled regular meetings for any calendar year no later than December 1<sup>st</sup> of the preceding year.

e. **Citizen Appearances:** Each person in attendance who desire to speak to Council on an item **not** posted on the agenda, shall speak during this section. Each person in attendance who desire to address the Council on an item posted on the agenda or at a public hearing shall address the council when that item is called forward for consideration.

A speaker card must be filled out and turned in according to speaker rules listed in this section. Under the Texas Open Meeting Act the city council may take action only on legally posted items on the agenda. There will be no discussion of any un-posted items, council will only receive comments and may only ask clarifying questions and respond with facts or explanation of policy.

#### **Speaker Rules**

1. Each person will be allowed three (3) minutes and will not be interrupted by Council or staff.
2. Council may request the City Manager place the subject on a future Council meeting agenda or request staff meet with the person for further discussion.
3. Speaker Cards
  - a. Speaker cards will be provided at the council meetings for in-person speakers and can be handed directly to the City Secretary Office staff.

f. **Speakers at council meetings:** Each person who desires to speak to the city council pertaining to an item listed on the agenda or advertised as a public hearing will have two options to address the city council. Each person shall address the council when that item is called forward for consideration.

#### **Speaker Rules**

1. A speaker card must be filled out and turned into the City Secretary's staff
2. Each person in attendance will be allowed three (3) minutes and will not be interrupted by Council or staff. The presiding officer

- may grant additional time to a speaker if requested however the presiding officer will maintain fairness for speakers on the item
3. Applicants will not be timed and be allowed reasonable time by the presiding officer to offer facts of their case and answer questions, however applicant must submit to the City Secretary any hand-outs or material at least 72 hours prior to the meeting. Applicants will be cognizant of time and be precise when presenting their case.
  4. Online speaker cards will be provided through the city's website and available to anyone not attending the council meeting in-person. Online speaker cards are for posted agenda item only. Online speaker cards must be submitted 30 minutes prior to the posted start time of the meeting. Online speaker cards will be read aloud by the City Secretary at the time the item is presented for speakers. All online speaker cards received after the deadline will be forwarded to the city council as soon as practical.

#### **IV. COUNCIL MEETINGS: ORDER OF BUSINESS**

Council meetings shall generally adhere to the following order of business:

##### **a. Regular Session:**

- i. Should begin with a Call to Order by the Mayor (presiding officer)
  1. formal roll call or statement by presiding officer (or city secretary) indicating quorum present
  2. statement of date and time
  3. invocation
  4. pledge of allegiance – United States and Texas
- ii. Public Presentations: Proclamations, recognitions, general reports, and updates from the public or community organizations.
- iii. Community Interest Items: In accordance with the Texas Open Meetings Act, an "item of community interest" includes the following:
  1. expressions of thanks, congratulations, or condolence;
  2. information regarding holiday schedules;
  3. honorary recognitions of city officials, employees, or other citizens;



4. reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by city official or city employee; and
  5. announcements involving imminent public health and safety threats to the city.
- iv. Items to be continued or withdrawn: Any City Councilmember or the City Manager may request an item be removed from consideration and either (1) continued to a future meeting date or (2) withdrawn from consideration altogether or (3) move in the order of the agenda.
  - v. Items to be withdrawn from Consent Agenda for separate discussion or items to be added to the consent agenda
    1. Items to be withdrawn from the consent agenda for separate discussion: Any Councilmember wishing to discuss and vote on a consent agenda item individually should make that request in an open meeting.
    2. Items to be added to the consent agenda: Any councilmember may request a posted agenda item that does not require a public hearing be moved to the consent agenda via council vote in an open meeting.
  - vi. Citizen Appearances:

It is the policy of the City Council of the City of Burleson to encourage open government and the opportunity for all citizens to address the Council and receive fair consideration for each item listed on the agenda. Therefore, and in the interest of time, decorum and the constraints of the Texas Open Meetings Act, there are rules that must be enforced. On items not posted on the agenda, the Council may receive comments or suggestions. The Council cannot discuss or deliberate on the unposted matter. The Council may, however, ask clarifying questions, respond with facts, explain a policy, and propose that the item be placed on a future agenda.

    1. In accordance with Section 551.007 of the Texas Open Meetings Act, the public has a right to speak on items on the agenda either at the beginning of the meeting or during the meeting when an agenda item is being considered.
    2. Under the Texas Open Meetings Act and Public Information Act laws of the State of Texas, the City Council may take action only on items legally posted on the agenda.

3. On items not posted on the agenda, the Council may receive comments or suggestions. The Council cannot discuss or deliberate on the unposted matter. The Council may, however, ask clarifying questions, respond with facts, explain a policy, and propose that the item be placed on a future agenda.
4. Each person will be allowed three (3) minutes to comment on any particular subject. Council and staff will not interrupt speaker's time and will ask questions or clarification after the three (3) minutes of time. If the person requires a translator, they will receive six (6) minutes to allow to address the Council.
5. Each person shall fill out a speaker card and present to the City Secretary before speaking.
6. Profanity or threatening language will not be tolerated and may result in the following:
  - i. Cancellation of remaining time;
  - ii. Removal from the Council Chambers; and/or
  - iii. A contempt citation.
- vii. Consent Action Agenda: All items listed 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 unless a Councilmember or citizen so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence.
- viii. General Action Items: Items may include, but are not limited to: Public Hearings, Ordinances & Resolutions, Contracts & Agreements, etc. Items scheduled for public hearing or which involve outside organizations should, typically, be listed first.
- ix. Reports: An opportunity for the City Manager or his/her staff to obtain direction from Council on a future item, provide information on current items, or respond to previous Councilmember requests for information.
- x. City council request for future items or reports: An opportunity for any member of the city council to request a future council meeting item.
- xi. Executive Session (if needed): The City Council may choose to meet in Executive Session in accordance with state law. Executive Session may be held at any time when a City Council meeting is convened.
- xii. Adjourn: With no further business the presiding officer shall request a motion to adjourn. No vote is necessary.

## **V. BURLESON RULES OF ORDER**

The rules contained in this section the policy shall govern the Burleson City Council meetings in all cases to which they are applicable and not in direct conflict with state laws.

**a. Presiding Officer:** The Mayor, if present, shall be the presiding officer. In the absence of the Mayor the Mayor Pro Tem shall be the presiding officer. In the absence of both the Councilmember with the most senior tenure should preside.

- i. Should by statement identify quorum present call the meeting to order according to posted agenda and clearly state date and time.
- ii. Should establish the order of the meeting by following the posted agenda and may call items out of order for purpose of functionality.
- iii. Shall not make initial motions on items before the Council, however may second a motion.

**b. Motion:**

- i. Motion dies from lack of second
- ii. No amendments to original motion, except by the member making the motion
- iii. Each item posted on the agenda should be voted on individually

**c. Point of Order:**

- i. Any Councilmember may request to identify procedural defect
- ii. Any Councilmember may make call a filibuster point of order
  1. Presiding officer request Councilmember speaking to yield the floor
  2. Presiding officer present to the other members of Council an opportunity to speak
  3. If no other member wishes to speak the officer can return the floor to the original member speaking

**d. Point of Information:**

- i. Any Councilmember may request additional information for other members to consider
- ii. There is no debate

- e. **Call the Question:** Only when a motion is on the table for consideration
- i. Any Councilmember may call the question
  - ii. Requires a second but no vote
  - iii. Ends debate or discussion and requires immediate vote on item

f. **Public Hearing:**

- i. Council should fairly allow everyone to be heard before Councilmembers speak
- ii. After all speakers, Council may comment and recall speakers if needed
- iii. Each person will be allowed three (3) minutes to speak. Council and staff will not interrupt speaker's time and will ask questions or clarification after the three (3) minutes of time. If the person requires a translator, they will receive six (6) minutes to address the Council.
- iv. Applicants will not be timed and be allowed reasonable time by the presiding officer to offer facts of their case and answer questions, however applicant must submit to the City Secretary any hand-outs or material at least 72 hours prior to the meeting. Applicants will be *cognizance of time and be precise when presenting their case.*

g. **Table:**

- i. Items will be tabled to a specific date and the request made by applicant or staff
- ii. If no date is stated when item is tabled, the item after 180 days will be placed on the next regular agenda and considered
- iii. In non-zoning cases, citizens may make a request to table

h. **Adjourn:**

- i. Adjournment of the meeting requires a motion and a second but no vote
- ii. Presiding officer will announce date and time of adjournment

**i. Executive Session:**

- i. Can be taken at any time during the meeting with proper notice to the public – presiding officer (or city secretary) shall announce the exceptions and time
- ii. Any member of the Council present may request to convene into executive session
- iii. City Manager, Deputy City Manager, City Secretary or Deputy City Secretary may request Council convene into executive session
- iv. All request to convene into executive session requires a motion, a second and a vote by Council
- v. All request to reconvene into open session requires a motion, second and a vote by Council

**VI. MAYOR/MAYOR PRO-TEM**

**a. Mayor:**

- i. Per Sec. 22 of the Charter of the City of Burleson, the Mayor presides at meetings of the City Council and, except in cases involving conflict of interests, must vote upon all items voted on by the City Council.

**b. Mayor Pro-Tem:**

- i. The City Council shall elect in accordance with Sec. 22 of the Charter from among its members, a Mayor Pro Tem, who shall act as Mayor during the absence or disability of the Mayor, and, if a vacancy occurs in the Mayor's place, shall become Mayor until the next general election. (City Charter, Section 22(b))
- ii. Qualifications: Any Councilmember who has served at least 2 years on the City Council shall be qualified to serve as Mayor Pro Tem.
- iii. Nomination process: Councilmembers interested in serving as Mayor Pro Tem shall, at least five business days prior to the meeting, submit to the City Secretary written notification of their interest of serving. The City Secretary shall present to Council, in executive session, all the names of the interested, qualified, Councilmembers. (*no discussion or vote will take place, this is informational only*)
- iv. Election: Each year at a regular meeting by August 31<sup>st</sup>, an agenda item for Election of Mayor Pro-Tem shall be placed on the Regular

Session agenda. All action for election of the Mayor Pro-Tem shall occur during open session.

**VII. AUDIO/VIDEO USE**

- a.** Recording of Council meetings on video equipment larger than a cell phone or tablet shall be located at the rear of the chambers so as not to interfere with the sight lines of the seated audience.



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## City Council Regular Meeting

**DEPARTMENT:** City Secretary's Office  
**FROM:** Amanda Campos, City Secretary  
**MEETING:** June 3, 2024

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**SUBJECT:**

Review, discuss and provide feedback on current City Council Committee appointments and possible amendment to Council Policy #42 by adding a new Legislative Council Committee. *(Staff Contact: Amanda Campos, City Secretary)*

**SUMMARY:**

The City Council created council committees to provide staff direction on larger projects before bringing them forward to the full city council and to work to aid staff. The city council re-imagined the committees and the appointments in July 2023 with Council Policy #42.

One of the changes was the decision to bring back to the full council current appointments to council committee when there was an election of a new member of council. Current practice is to appoint the new member to all the committees the previous council member served on to fulfill their two year appointment. Once discussed the decision was made to add the following to appointments:

1. *If any changes occur in the council membership before the 2 year term is expired the City Secretary will present current appointments to the full council for their consideration*
2. *Council shall provide direction to the City Secretary if they want to go through the selection/appointment process again or leave as is waiting until the terms expire*

The appointments are as follows:

Mayor – Chris Fletcher

- Community & Intergovernmental Relations Committee
- Infrastructure & Development Committee
- 4B Community Service Development Corporation

Council Place 1 – Victoria Johnson

- Public Safety & Municipal Court – Chair
- Community Service Committee – Chair
- Community & Intergovernmental Relations Committee – Chair

- 4B Community Service Development Corporation

Council Place 2 – Phil Anderson

- Infrastructure & Development Committee
- Community Service Committee
- Community & Intergovernmental Relations Committee
- 4A Economic Development Corporation
- 4B Community Service Development Corporation

Council Place 3 – Alexa Boedeker

- Public Safety & Municipal Court
- Community Service Committee
- 4A Economic Development Corporation

Council Place 4 – Larry Scott

- Public Safety & Municipal Court
- Finance Committee
- Council Policies & Valuation Committee
- 4A Economic Development Corporation

Council Place 5 – Dan McClendon

- Infrastructure & Development Committee – Chair
- Finance Committee
- Council Policies & Valuation Committee – Chair
- 4A Economic Development Corporation – President
- 4B Community Service Development Corporation – President

Council Place 6 – Adam Russell

- Finance Committee – Chair
- Council Policies & Valuation Committee
- 4A Economic Development Corporation

The city council also reviewed current contract with Focus Advocacy for Legislative services and agreed to be more involved with legislative changes. This proactive action discussion lead to the possibility of creating a new council committee to review possible legislative needs and proposed changes. There are a couple of options that council needs to discuss.

- Create new legislative committee
- Absorb the activities with an existing committee
- Have dedicated worksession for legislative issue with the full council – nothing else on the agenda

**STAFF CONTACT:**

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Title: City Secretary  
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817-426-9665 or 817-291-5846



# CITY COUNCIL COMMITTEES

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June 3, 2024



# What are we reviewing?

Two items related to Council Policy #42 – Council Committees

1. Review all the current appointments according to Policy #42 when they are changes in the council
2. Adding a legislative committee

# TIME FOR REVIEW



Who's where?



## Mayor – C. Fletcher

- ✓ Community & Intergovernmental Relations Committee
- ✓ Infrastructure & Development Committee
- ✓ 4B Community Service Development Corporation

## Place 1 – V. Johnson

- ✓ Public Safety & Municipal Court – **Chair**
- ✓ Community Service Committee – **Chair**
- ✓ Community & Intergovernmental Relations Committee – **Chair**
- ✓ 4B Community Service Development Corporation

## Place 2 – P. Anderson

- ✓ Infrastructure & Development Committee
- ✓ Community Service Committee
- ✓ Community & Intergovernmental Relations Committee
- ✓ 4A Economic Development Corporation
- ✓ 4B Community Service Development Corporation

## Place 3 – A. Boedeker

- ✓ Public Safety & Municipal Court
- ✓ Community Service Committee
- ✓ 4A Economic Development Corporation

## Place 4 – L. Scott

- ✓ Public Safety & Municipal Court
- ✓ Finance Committee
- ✓ Council Policies & Valuation Committee
- ✓ 4A Economic Development Corporation

## Place 5 – D. McClendon

- ✓ Infrastructure & Development Committee – **Chair**
- ✓ Finance Committee
- ✓ Council Policies & Valuation Committee – **Chair**
- ✓ 4A Economic Development Corporation – **President**
- ✓ 4B Community Service Development Corporation – **President**

## Place 6 – A. Russell

- ✓ Finance Committee – **Chair**
- ✓ Council Policies & Valuation Committee
- ✓ 4A Economic Development Corporation



Are we moving members?

SOMETHING

NEW

Legislative Actions – To committee?

# Options for Legislative Proactive Action

There is no limit to action taken what will it be?

- Create new council committee to review all Legislative Action
- Absorb Legislative Action to one of the current committees
- Council Policies & Valuation review and make recommendations
- Dedicated Worksession of council – Legislative only agendas



**City Council**

**This is a blank canvass**



## CITY COUNCIL POLICY 42 City Council Committees

Adopted date	July 24, 2023
Revised date	
Department Name	City Council

The City Council created the Council Committees to provide staff direction on larger projects before bringing them forward to the full council. Each Committee is designed to align with our predicted growth, social changes, and technological advances to follow best practices.

### Section I – Council Committees

The Public Safety & Municipal Court will review policies, plans, and programs related to Police, Fire Protection, Public Safety Communications, Municipal Court, EMS service, Law Enforcement, and Code Compliance. In addition, this committee will assist with policies and issues facing these departments on a preliminary basis before they require Council action.

#### *Operational Area/Departments/Divisions*

- Police Department
- Fire Department
- Public Safety Communications
- Neighborhood Services – Code Compliance
- Municipal Court
- Public Safety Plans & Policies

The Infrastructure & Development Committee will assist the Community Development Services, Public Works, and Economic Development Departments with issues and policies.

#### *Operational Area/Departments/Divisions*

- Public Works
- Capital Improvement Program
- Economic Development
- Community Development Services
- Hotel-Motel Tax Fund
- Review 5- year Capital Improvement Processes (Annually)

The Finance Committee will adhere to the Finance Policy and all other Council Policies. In addition, this committee will review bond procurement, debt service, investments, and funding projects, current and future

#### *Operational Area/Departments/Divisions*

- Finance
- Revenues and Expenditures per Encumbrance
- Finance Support Services
- All Council Financial Polices including #30, #32, #36, and #41
- Purchasing



- Debt Service
- Investment Pool Deviations or Deletions
- Bond Procurement/Project Reviews

The Community Service Committee will review policies, plans, and programs that affect the quality of life of our employees and residents, including the protection of the natural environment, public health, human services, and neighborhood services. Serving as the liaison to the Citizen's Better Together working closely to develop positive initiatives.

*Operational Area/Departments/Divisions*

- Neighborhood Services – Animal Shelter & Environmental Services
- Parks & Recreation – Parks, Athletic Fields, Recreation, Golf, Naturalist, and Arborist
- Community Services – Communications, Senior Center, and Library
- Human Resources
- Quality of Life Projects
- Liaison to the Citizen's Better Together Committee

The Community & Intergovernmental Relations Committee liaisons with School Districts (BISD/JISD), Counties (Johnson/Tarrant), The Chamber of Commerce, The Heritage Foundation, and other civic organizations assuring promotion interagency cooperation. In addition, this committee will consider and make recommendation of all appointments to the city's boards, commissions, and committees.

*Operational Area/Departments/Divisions*

- Liaison – School Districts (BISD&JISD), Counties (Tarrant & Johnson), Chamber of Commerce, Heritage Foundation, and other Civic Organizations
- Collaborate with counties for overlapping projects and concerns
- Identify & Review interagency operations and programs
- City Manager's Office
- City Secretary's Office

The City Council Policies and Valuation Committee works with the City Manager and City Secretary departments to review and make recommendations on all Council Policies and will aid with issues and policies applicable to the internal services departments. These departments are Information Technology, Public Works, Legal - Risk Management, and Finance.

*Operational Area/Departments/Divisions*

- City Manager's Office
- City Secretary's Office
- Information Technology
- Internal Service Fund
- Stewardship of Public Resources
- Growth Space projections/needs
- Public Works – Facilities, Fleet, and Building Assessments
- Legal – TML Risk Management

The listed operational areas do not limit the functions of the committees and as the organization changes and operational area names change the core function of the area will remain with the committee.

Meeting schedules for each council committee shall be determined by the city council and the city manager's office to best utilize time.

## **Section II – Council Committees structure**

### Number of members per committee

- 3 council members per committee
- 2 council member are needed for a quorum
- Each council committee selects their own chair

### Term of appointment

- 2 year terms
- 2 year term for chair

### Selection and Appointment to each committee

The city council will generally start the process in July.

1. The City Secretary will send out a preference ranking sheet to each council member to begin the process
2. Each council member shall fill out the preference sheet in the prescribed time frame making sure to rank ALL council committees
3. The City Secretary at a regular council meeting will present to the city council a matrix of all council member ranking sheets and action to make appointments to each council committee
4. The city council will determine their own appointments taking into consideration each council members ranking sheet. The council should work to grant each council member their 1<sup>st</sup> preference if possible
5. Once all selections are done the City Secretary will ask the city council to take action to appoint council members to the city council committees for a 2 year term
6. If any changes occur in the council membership before the 2 year term is expired the City Secretary will present current appointments to the full council for their consideration
7. Council shall provide direction to the City Secretary if they want to go through the selection/appointment process again or leave as is waiting until the terms expire

This policy should be reviewed annually to make sure the council committees are being utilized to their full potential and are reflective of the city's needs.