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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. **REPORTS AND PRESENTATIONS**

A. Receive a report and hold a discussion on Local Option Election process. (Staff Presenter: Amanda Campos, City Secretary)

B. Discuss and review City Council Policy #40 – City Boards, Commissions & Committee Appointment Process and city Code of Ordinances Chapter 2, Section 2-31. (Staff Presenter: Amanda Campos, City Secretary)

C. Review, discuss, and provide staff direction on Council Policy #17 - City Council Rules of Procedure For City Council Meetings Establishing City Council Rules of Procedure For City Council Meetings. (Staff Presenter: Amanda Campos, City Secretary)

D. Receive a report, hold a discussion, and provide staff with feedback on the proposed 2024 Council Calendar. (Staff Presenter: Amanda Campos, City Secretary)

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- A. Items to be continued or withdrawn.
- B. Items to be withdrawn from the Consent Agenda for separate discussion by the City Council, staff, or members of the public in attendance.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

**5. 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.

**6. 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 August 21, 2023 regular council meeting. (*Staff Contact: Amanda Campos, City Secretary*)
  - B. Consider approval of an ordinance amending CSO#660-08-2017, adopting the Official City Map. (First Reading) (*Staff Contact: Amanda Campos, City Secretary*)
  - C. Consider approval of a five-year facility maintenance agreement with five (5) one-year renewal options with Fort Worth Mountain Bikers Association (FWMBA) for the maintenance of Chisenhall Hike and Bike Trail. (*Staff Contact: Jen Basham, Parks and Recreation Director*)
  - D. Consider approval of an ordinance approving a negotiated settlement between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corp., Mid-Tex Division regarding the company's 2023 rate review mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree medical benefits; and requiring the company to reimburse ACSC's reasonable ratemaking expenses. (Final Reading) (*Staff Contact: Matt Ribitzki, Deputy City Attorney/Compliance Manager*)
  - E. Consider approval of a minute order ratifying the Burleson 4A Economic Development Corporation Board's action to adopt an annual budget for Fiscal Year 2023-2024. (*Staff Contact: John Butkus, Assistant Finance Director*)
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- F. Consider approval of a minute order ratifying the Burleson Community Service Development Corporation Board's action to adopt an annual budget for Fiscal Year 2023-2024. *(Staff Contact: John Butkus, Assistant Finance Director)*
- G. Consider approval of an Estoppel Certificate for the Joshua Farms Development Agreement as amended and renamed First Amended and Renamed Silo Mills Development Agreement by and among Joshua Farms Municipal Management District No. 2, Silo Mills Investment I LLC, and the City of Burleson, Texas. *(Staff Contact: Tony D. McIlwain, Development Services Director)*
- H. Consider approval of a resolution authorizing street closures associated with BTX Brew Fest. *(Staff Contact: DeAnna Phillips, Director of Community Services)*
- I. Consider approval of a resolution authorizing street closures associated with OpenDoor Church's Fall Fest. *(Staff Contact: DeAnna Phillips, Director of Community Services)*
- J. Consider approval of a resolution authorizing street closures associated with The Academy at Nola Dunn's Run for the Rings event. *(Staff Contact: DeAnna Phillips, Director of Community Services)*
- K. Consider approval of a resolution adopting the City of Burleson Fiscal Year 23-24 Strategic Plan. *(Staff Contact: Justin Scharnhorst, Assistant to the City Manager)*
- L. Consider an ordinance approving the 2023-24 annual Service and Assessment Plan (SAP) update for the Parks at Panchasarp Farms Public Improvement District No. JC-1 and directing the City Secretary to file this ordinance with the County Clerk. *(Final Reading) (Staff Contact: Tony McIlwain, Development Services Director)*
- M. Consider approval of an ordinance repealing in its entirety Article III "Amusements" of Chapter 14 "Businesses" of the Code of Ordinances, City of Burleson, Texas, setting forth rules and regulations for amusement centers and requiring certain amusement centers to obtain a permit for coin-operated machines. *(Final Reading) (Staff Contact: Tony McIlwain, Development Services Director)*
- N. Consider approval of a minute order appointing members to the City of Burleson boards, commissions, and committees. *(Staff Contact: Amanda Campos, City Secretary)*
- O. Consider approval of a minute order ratifying the 4A Economic Development Corporation Board's action approving six speaking contracts for the 2024 Project U Leadership Conference in the total amount of \$93,000. *(Staff Contact: Alex Philips, Director of Economic Development)*

## **7. DEVELOPMENT APPLICATIONS**

- A. QuikTrip at 5917 W FM 917 (Case 23-034): Consider approval of a resolution for variances to Chapter 63, Sign Regulations, relating to sign setbacks, number of signs, and allowance for a pole sign. *(First and Final Reading) (Staff Presenter: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item)*
- B. QuikTrip at 5917 W FM 917 (Case 23-031): Consider approval of a resolution authorizing a site plan for QuikTrip located at 5917 W FM 917. *(First and Final Reading) (Staff Presenter: Tony McIlwain, Development Services Director) (The Planning and Zoning Commission recommended approval by unanimous vote)*

**8. BUDGET AND TAX RATE - WILL NOT START PRIOR TO 5:30 PM**

- A. Hold a public hearing on the Fiscal Year 2023-2024 proposed annual budget. This budget will raise more property taxes than last year's budget by an amount of \$2,134,839, which is an 8.8 percent increase, and of that amount \$1,485,617 is tax revenue to be raised from new property added to the tax roll this year. *(Staff Presenter: John Butkus, Assistant Finance Director)*
- B. Hold a public hearing on the proposed ad valorem tax rate for Tax Year 2023. The proposed tax rate is \$0.6325 per \$100 valuation. The proposed tax rate exceeds the no-new-revenue tax rate. *(Staff Presenter: John Butkus, Assistant Finance Director)*
- C. Consider approval of an ordinance adopting the budget for Fiscal Year 2023-2024 beginning October 1, 2023, and terminating September 30, 2024, and making appropriations for each fund; repealing conflicting ordinances; providing a savings clause and an effective date; and finding that the meeting at which this ordinance is passed is open to the public. This budget will raise more property taxes than last year's budget by an amount of \$2,134,839, which is an 8.8 percent increase, and of that amount \$1,485,617 is tax revenue to be raised from new property added to the tax roll this year. (First Reading) *(Staff Presenter: John Butkus, Assistant Finance Director)*
- D. Consider approval of an ordinance levying the ad valorem property tax of the City of Burleson for Tax Year 2023 on all taxable property within the corporate limits of the city on January 1, 2023, and adopting a tax rate of \$0.6325 per \$100 of valuation for Tax Year 2023; providing for revenues for payment of current municipal maintenance and operation expenses and for payment of interest and principal on outstanding City of Burleson debt; providing for enforcement of collections; repealing conflicting ordinances; providing a savings clause and an effective date; and finding that the meeting at which this ordinance is passed is open to the public. The proposed tax rate exceeds the no-new-revenue tax rate. (First Reading) *(Staff Presenter: John Butkus, Assistant Finance Director)*
- E. Consider approval of an ordinance approving the 2023 tax rolls; and declaring an effective date. (First Reading) *(Staff Presenter: John Butkus, Assistant Finance Director)*
- F. Consider approval of an ordinance providing a Fiscal Year 2023-2024 schedule of fees for various City of Burleson services. (First Reading) *(Staff Presenter: John Butkus, Assistant Finance Director)*
- G. Consider approval of an ordinance providing Fiscal Year 2023-2024 rates for water and wastewater service. (First Reading) *(Staff Presenter: John Butkus, Assistant Finance Director)*
- H. Consider approval of an ordinance providing Fiscal Year 2023-2024 rates for collection and disposal of residential and non-residential solid waste, recyclables, and trash. (First Reading) *(Staff Presenter: John Butkus, Assistant Finance Director)*
- I. Consider approval of an ordinance providing for a residential homestead exemption from the ad valorem tax for Tax Year 2024 and all future years unless revised of an amount equal to three percent of the appraised value; repealing conflicting ordinances; providing a savings clause; incorporating the recitals; finding that the meeting at which this ordinance is passed is open to the public; and declaring an effective date. (First Reading) *(Staff Presenter: John Butkus, Assistant Finance Director)*

- J. Consider approval of ordinance amending the City budget for fiscal year 2022-2023 by increasing appropriations to various funds to offset expenses incurred throughout the fiscal year. (First and Final Reading) (*Staff Presenter: John Butkus, Assistant Finance Director*)

## 9. **GENERAL**

- A. Consider approval of an ordinance amending the city's utility customer service leak adjustment policy in Section 82-11 of Division 1 "Utility Charges and Fees" of Article 1 "General" of Chapter 82 "Utilities" of the City of Burleson Code of Ordinances. (First Reading) (*Staff Presenter: Jesse Elizondo, Director of Customer Service*)
- B. Consider approval of a minute order to reject bids for ITB 2023-013 ITS Construction. (*Staff Presenter: Eric Oscarson, Director of Public Works*)
- C. Consider approval of an ordinance amending Article III "Flood Damage Prevention" of Chapter 42 "Floods" of the City of Burleson Code of Ordinances. (*First Reading*) (*Staff Presenter: Errick Thompson, Deputy Public Works Director*)
- D. Consider approval of a 3-year contract with Yellowstone Landscape LLC for mowing of Tier 2 properties for monthly mowing cycles for an amount not to exceed \$395,279.23. (*Staff Presenter: Jen Basham, Parks and Recreation Director*)
- E. Consider approval of a 3-year contract with BST Mowing for mowing of Tier 3 West properties for monthly mowing cycles for an amount not to exceed \$235,019.61. (*Staff Presenter: Jen Basham, Parks and Recreation Director*)
- F. Consider approval of a Right-of-Way Use Agreement for outdoor patio seating and metal awning at 112 E. Ellison Street, Old Texas Brewing Company restaurant. (*Staff Presenter: Errick Thompson, Deputy Public Works Director*)

## 10. **CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS AND OR REPORTS**

## 11. **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.

### **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.

## 12. **ADJOURN**

### **CERTIFICATE**

I hereby certify that the above agenda was posted on this the 31st of August 2023, 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:** September 5, 2023

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**SUBJECT:**

Receive a report and hold a discussion on Local Option Election process. (*Staff presenter: Amanda Campos, City Secretary*)

**SUMMARY:**

Although Texas has statewide alcohol laws, local voters can decide the types of alcoholic beverages sold in their communities through local option elections. The City of Burleson located in a dry county, Johnson, held two local option elections to allow sell of alcohol in the city limits. The first local option that passed was the legal sale of alcoholic beverages with a Food & Beverage certificate in 2004. The second local option that passed was the legal sale of beer and wine for off-premise consumption in 2006. There have been no other local options elections in Burleson.

City Council requested staff review the process of the holding another local option election. I have outlined the basic steps in the process for a Local Option Election. The goal is to provide council and the public with a high-level overview.

1. Application – Must be a written application filed by 10 or more qualified voters of the city and presented to the City Secretary. Once received and qualified the City Secretary shall provide petitions to the applicants for signatures.
2. Petitions – The City Secretary must notify the Secretary of State and TABC that petitions have been issued by the 5th day after the issuance.
3. Local Option choices – The petitions must clearly state which local option election requested to be voted on. Only one issue per petition, if multiple options are requested there must be multiple petitions signed. There are only 10 local options allowed to chose from.
  - a. The legal sale of malt beverage for off-premise consumption only.
  - b. The legal sale of malt beverage
  - c. The legal sale of malt beverage and wine for off-premise consumption only.
  - d. The legal sale of malt beverage and wine
  - e. The legal sale of all alcoholic beverages for off-premise consumption only.
  - f. The legal sale of all alcoholic beverages except mixed beverages.
  - g. The legal sale of all alcoholic beverages including mixed beverages.
  - h. The legal sale of mixed beverages

- i. The legal sale of mixed beverages in restaurants by food and beverage certificate holders only
- j. The legal sale of wine on the premises of a holder of a winery permit.

Options highlighted in yellow are the previous measures that passed and are in effect.

- 4. Number of signatures required on petitions – This depends on the local option listed on the ballot. 25% of registered voters who voted in most recent general election (May 2021) for “*legal sale of wine on the premises of a holder of a winery permit*” or 35% of registered voters who voted in the last governor’s election (November 2018) for all other local options.
- 5. Time to gather signatures – Petitions must be filed with signatures no later than 60 days after the first petition is issued by the City Secretary.
- 6. City Secretary will present the petition to the City Council and the City Council must order the election –Election must be held on a uniform election date, the first Saturday in May or the first Tuesday after the first Monday in November.
- 7. All election provisions must be followed – Election Code

**STAFF CONTACT:**

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

# Local Option Process Report

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SEPTEMBER 5, 2023 CITY COUNCIL MEETING  
REPORTS & PRESENTATIONS



# Overview

- The Johnson County portion of Burleson was dry until 2004
- First local option election held in 2004
  - Held in May 2004
  - Two measures on the ballot
    - The legal sale of malt beverage and wine for off-premise consumption only. **FAILED**
    - The legal sale of mixed beverages in restaurants by food and beverage certificate holders only. **PASSED**
- Second local option election held in 2006
  - The legal sale of malt beverage and wine for off-premise consumption only. **PASSED**
- No other local options held to date

# Texas Local Option Election Process

Must be held on uniform election  
date:

1<sup>st</sup> Saturday in May or 1<sup>st</sup> Tuesday after  
the first Monday in November

Next Election dates:

May 4, 2024 - February 2024

November 5, 2024 – August 2024

## Steps:

1. Application for Petition – at least 10 qualified voters of the city
2. Once verified by City Secretary petitions issued
3. Returned petitions signatures verified
4. If accepted with correct amount of signatures must be presented to the city council
5. City council must order an election for the next uniform election date
6. Election held in accordance with Texas Election Code

# Application for Petition

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Election Code requires **written application** be filed by **10 or more qualified voters** of the city be submitted to the City Secretary.

There is **no specific form** that must be completed for the application –however **must have header** “Application for Local Option Election Petition to Legalize....” and just **before signatures** “It is the hope, purpose and intent of the applicants whose signatures appear hereon to see legalized the sale of alcoholic beverage referred to in the issue set out above.”

Applicants must **publish a notice** in a newspaper of general circulation and provide **proof of publication** with the application when filed with City Secretary.

# City Secretary verify and issue petitions

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City Secretary must **notify** the **Secretary of State and the Texas Alcoholic Beverage Commission** in writing by the 5<sup>th</sup> day after petitions are issued.

Election code requires **petitions to be in English and Spanish** – each petition shall be **for only one measure**, numbered, hold the seal of the City Secretary, have a certificate of circulator, and date.

City must supply as many petitions as requested – not required to provide more than **one page for every 10 registered voters**.

There is an **official petition** for local options election prescribed by the **Secretary of State** that must be used.

# Petitions

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Only 10 measures possible to be listed:

1. The legal sale of malt beverage for off-premise consumption only.
2. The legal sale of malt beverage
- 3. The legal sale of malt beverage and wine for off-premise consumption only.**
4. The legal sale of malt beverage and wine.
5. The legal sale of all alcoholic beverages for off-premise consumption only.
6. The legal sale of all alcoholic beverages except mixed beverages.
7. The legal sale of all alcoholic beverages including mixed beverages.
8. The legal sale of mixed beverages.
- 9. The legal sale of mixed beverages in restaurants by food and beverage certificate holders only.**
10. The legal sale of wine on the premises of a holder of a winery permit.

# Petitions cont.

Number of signatures required:

**25%** of registered voters who voted in the most recent **general election** IF the ballot measure is ***The legal sale of wine on the premises of a holder of a winery permit.***

**35%** of registered voters who voted in the most recent **gubernatorial election** for **ALL other measures.**

Circulators have **60 days** after issuance to **return with required signatures**

City Secretary must **verify signatures** on petition – use **election code** and **city charter to process.**

**Must complete** verification **within 15 business days** of receiving filed petitions.

# Valid Petitions

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City Secretary shall **present the findings** of the petition whether valid or not and it must be **recorded in the minutes of the city council** proceedings

The city council **must order** an **election** for a **valid petition** at a **regular council session** occurring on or after the 30<sup>th</sup> day the petition is filed.

Election must be **held on a uniform election** date and follow all the election code requirements.

After election must **canvass** following election code;

- **Passage** of the measure goes into **effect** when the results are **officially canvassed**
- **Unsuccessful** measure has **no prohibitory** effect

Not later than the **3<sup>rd</sup> day after the canvass** the city secretary must **certify the results** to the **Secretary of State** and the **Alcoholic Beverage Commission**.



# QUESTIONS?

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## City Council Regular Meeting

**DEPARTMENT:** City Secretary's Office  
**FROM:** Amanda Campos, City Secretary  
**MEETING:** September 5, 2023

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**SUBJECT:**

Discuss and review City Council Policy #40 – City Boards, Commissions & Committee Appointment Process and city Code of Ordinances Chapter 2, Section 2-31. (*Staff Presenter: Amanda Campos, City Secretary*)

**SUMMARY:**

City Council Policy #40 was adopted by the city council July 18, 2022 to formalize the process of board, commissions, and committee (board) appointments. The policy addresses the authority of the council, staff responsible for boards, training, applications, and the appointment process however does not fully address expectation of members once appointed.

The proposed added sections to the existing Policy #40 not only addresses the expectation of members but of staff and fully supports Chapter 2, Section 2-31 of the code of ordinances.

This review is set to have the discussion of the proposed new sections and provide staff direction on how to move forward.

*Proposed amendments:*

Replace all references to Appointments & Council Policy Committee with Community & Intergovernmental Relations Committee

Added sections

- I. Board/Commission/Committee Members responsibilities
  - a. Members have an obligation to be prepared in advance of all meetings. In order to provide for informed decision making and to instill confidence, each member 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. Direct any questions about the agenda to the Board/Commission/Committee staff contact, as provided by the Director, in advanced to allow staff to correct or provide additional information

- iii. Be respectful to fellow members, staff, applicants, and citizens; allowing everyone a chance to participate in the discussion and provide perspective
    - iv. Arrive on time for all posted meetings
    - v. Provide staff at least 72 hours' notice of absences; realizing there are times when emergencies arise making advance notice difficult
    - vi. Provide staff with updated contact information as soon as possible
    - vii. Use the designated staff contact information provided to each member by staff
    - viii. Complete any required training assigned within 90 days of notification and presented to the City Secretary for filing
  - b. Chair & Vice Chair – The Chair is the presiding officer at the meetings and the Vice Chair shall act as Chair during the absence or disability of the Chair
    - i. The Chair is responsible beginning the meeting on time and making sure a quorum is present before beginning
    - ii. Announce the proper sequence of the meeting according to the posted agenda
    - iii. Recognizing members, staff, and citizens who are entitled to speak
    - iv. Assure decorum is maintained through the entire meeting
    - v. Follow the adopted Burleson Rule of Order found in section VIII
    - vi. State, put to vote and announce results on all properly posted agenda item
  - c. Value expectation of members are listed to assure each member is representing the city reflecting its mission and obligations to the citizens:
    - i. Conflict of Interest – members will comply with Texas Conflict of Interest/Disclosure Laws. When in question the City Secretary or the Deputy City Attorney will guide the process
    - ii. Confidential information – members will not disclose confidential information provided to them as members of their board, commission, or committee
    - iii. Be mindful of neutrality and impartiality rendering equal consideration to all agenda items and citizens
    - iv. Being mindful that each member represents the city as a member of one of its board/commission/committee and should conduct their public and private life as an example to the citizens and fellow members; relaying the city's obligation that all are treated equally in compliance with all laws.
    - v. Actively promote principles of good government and good citizenship
- II. Process to address concerns of members in possible violation of Section VI or Chapter 2 Boards, Commissions, Committees
- a. Concerns from staff or fellow members should be directed first to the Director and City Secretary for quick resolution
  - b. If no resolution can be found the City Secretary will notify the City Council at which time the city council will refer to the Community & Intergovernmental Relations Committee for recommendation to be presented to the city council
  - c. Concerns from the public must be in writing and addressed to the City Secretary @ [records@burlesontx.com](mailto:records@burlesontx.com)
  - d. The City Secretary will work with the public on possible resolution, keeping the city council, director, and city manager informed
  - e. If no resolution can be found the City Secretary will notify the City Council at which time the city council will refer to the Community & Intergovernmental Relations Committee for recommendation to be presented to the city council

- f. All processes shall be in compliance with the Texas Open Meetings Act, city ordinances, state and federal applicable laws
- g. City code of ordinance Chapter 2 grants the city council authority to remove any member

**III. BURLESON RULES OF ORDER – *For use by Board, Commission and Committee Members.***

The rules contained in this section the policy shall govern the Burleson City Council meetings & all other council appointed board, commission, or committee in all cases to which they are applicable and not in direct conflict with state laws.

- a. **Presiding Officer:** The Chair, if present, shall be the presiding officer. In the absence of the Chair the Vice Chair shall be the presiding officer. In the absence of both the Member 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 Members, 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 Member may request to identify procedural defect
  - ii. Any Member may make call a filibuster point of order
    - 1. Presiding officer request Member speaking to yield the floor
    - 2. Presiding officer present to the other Members 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 Member 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 Member 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. Board, Commission, or Committee should fairly allow everyone to be heard before Members speak
  - ii. After all speakers, Members may comment and recall speakers if needed

- iii. Each person will be allowed three (3) minutes to speak. Members 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 or Board, Commission, or Committee staff liaison 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 shall announce the exceptions and time
- ii. Any Member present may request to convene into executive session in accordance with State Law
- iii. City Manager, Deputy City Manager, City Secretary, Deputy City Secretary, or Staff member may request the board, commission, or committee convene into executive session
- iv. All request to convene into executive session requires a motion, a second and a vote by Members and require the same to reconvene into open session.

**OPTIONS:**

- 1) Review proposed section and provide staff direction.

**STAFF CONTACT:**

Name: Amanda Campos

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

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

817-426-9665 (o) or 817-291-5846 (c)

# Council Policy #40 – City Boards, Commissions, & Committees Appointment Process

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September 5, 2023



# Overview

Council Policy #40 adopted July 18, 2022

Created to formalize the appointment process for all board, commission, and committee appointments

Amendments to review:

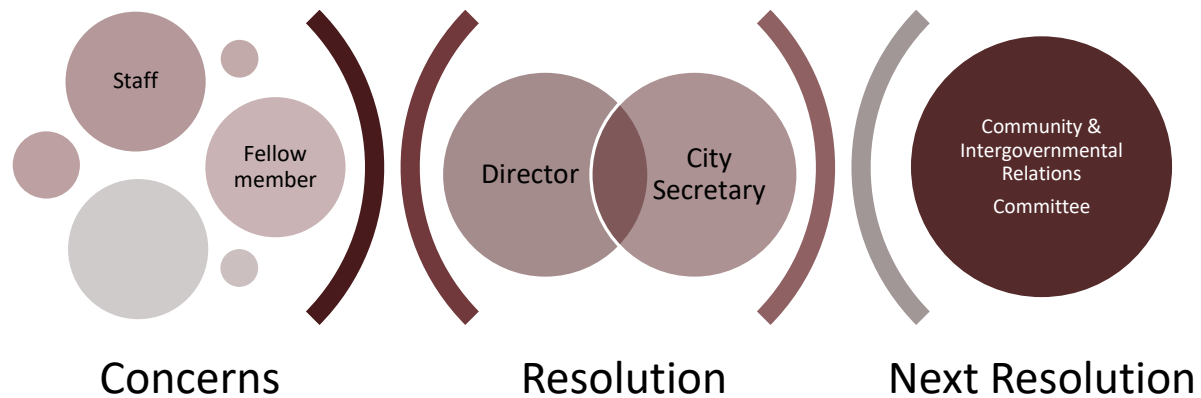
- Replace references to the Council's *Appointment & Council Policies Committee* with *Community & Intergovernmental Relations Committee*; to reflect changes to the Council Committee new structure
- Add responsibilities of members
- Define Chair and Vice Chair roles
- Add value expectations
- Add process to address concerns
- Add Burleson Rules of Order



## Additions to Policy #40

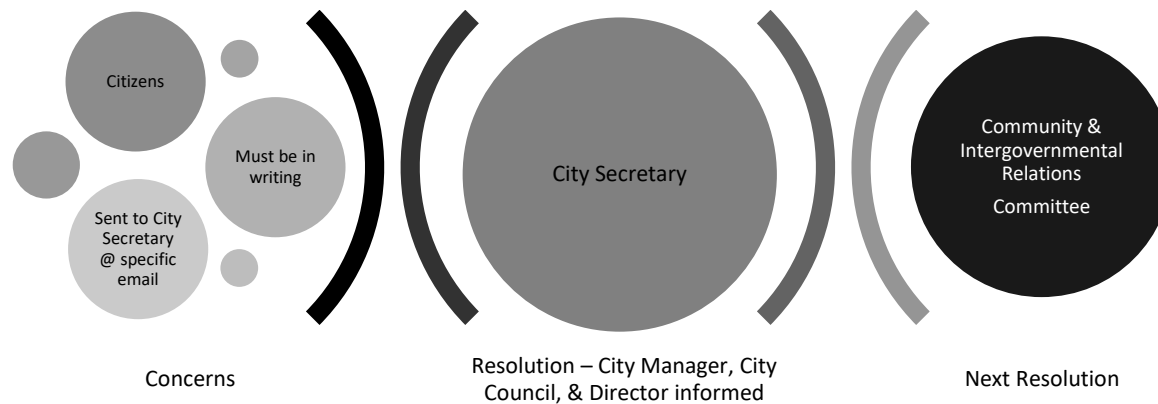
Section VI – a Responsibilities	Section VI - b Chair & Vice Chair	Section VI - c Expectations
<ul style="list-style-type: none"> <li>• Study &amp; be familiar with agenda packet</li> <li>• Direct question to staff prior to meeting</li> <li>• Be respectful of all participating</li> <li>• Arrive on time</li> <li>• Provide 72 hour notice of absences</li> <li>• Provide update contact information</li> <li>• Use designated staff contact</li> <li>• Complete required training in 90 days</li> </ul>	<ul style="list-style-type: none"> <li>• Presiding Officer</li> <li>• Begin meeting on time, make sure quorum</li> <li>• Announce proper sequence of agenda</li> <li>• Recognizing members, staff, &amp; citizens to speak</li> <li>• Assure decorum during meeting</li> <li>• Follow adopted Burleson Rule of Order</li> <li>• State, put to vote and announce results</li> </ul>	<ul style="list-style-type: none"> <li>• Conflict of Interest</li> <li>• Confidential Information</li> <li>• Neutrality and Impartiality</li> <li>• Representatives of the city as members of board, commission, or committee – conduct private and public as example</li> <li>• Actively promote principles of good government &amp; citizenship</li> </ul>

# Process to address concerns



- Concerns can be verbal and informal
- Director & City Secretary will work to find resolution
- If no resolution move to Community & Intergovernmental Relations Committee for recommendation to full council
- Presented to full council
- All meetings of committee and council must comply with Texas Open Meetings Act

# Process to address concerns



- Concerns must be in writing addressed to [records@burlesontx.com](mailto:records@burlesontx.com)
- City Secretary will work to find resolution – keeping City Manager, City Council & Director informed
- If no resolution move to Community & Intergovernmental Relations Committee for recommendation to full council
- Presented to full council
- All meetings of committee and council must comply with Texas Open Meetings Act

# Code of Ordinance Chapter 2 Article II

## Section 2-31 Appointments; terms; removal; exceptions

(c) The city council may, for cause, remove a board member at any time

\*\*\* currently there is no other guidance or procedure

# Burleson Rules of Order

## Adopted through Council Policy #17

*The rules contained in this section of the policy shall govern the Burleson City Council meetings & all other council appointed board, commission, or committee in all cases to which they are applicable and not in direct conflict with state laws.*

Sections
Presiding Officer
Motion
Point of Order
Point of Information
Call the Question
Public Hearing
Table
Adjourn
Executive Session

# Discussion & Direction



# CITY COUNCIL POLICY

## 40

### City Boards, Commissions & Committees Appointment Process

Adopted date	July 18, 2022
Revised date	
Department Name	City Secretary's Office

#### I. AUTHORITY

- a. The City of Burleson Code of Ordinances established the city council's authority to appoint and remove members from the city boards and commissions. Chapter 2 Article II.

#### II. CITY BOARDS AND COMMISSIONS

- a. The City of Burleson Code of Ordinance, City Charter, and Texas Local Government Code establishes the city's Boards and Commissions, the requirements, and the terms.
- b. The City Council designates the City Secretary as their representative charged with coordination of appointments, providing updates to the city council, and managing board/commission members for all boards/commissions of the city. This shall include training in Texas Open Meetings Act and the Texas Public Information Act.
- c. All appointees must fill out an application and provide to the City Secretary in accordance with this policy.
- d. All appointments will be by action of the city council at a city council meeting held in accordance with the Texas Open Meetings Act.

#### III. APPLICATIONS

- a. Applications shall be created by the City Secretary's Office and made available to the public via the city's website, email if requested, and paper copy in-person at city hall.
- b. Applications shall be submitted to the City Secretary's Office as directed on the application by July 1 to be considered for appointment in that calendar year.
- c. All applications are valid for 3 years; calculated using date received by the City Secretary's Office. After expiration a new application must be submitted in accordance with this policy.
- d. Under the Texas Public Information Act (the Act) all applications submitted are open to the public through the public information request. Private emails will be redacted in accordance with the Act. A statement will be placed on the application for disclosure to the applicants.
- e. Applicants can apply for as many boards or commissions as they like however they will be forced to rank preference of appointments to provide council full consideration.
- f. The City Secretary's Office will notify all applicants annually to confirm continuing interest in appointment or re-appointment.



~~IV. APPOINTMENTS & COUNCIL POLICY COMMITTEE~~ **COMMUNITY & INTERGOVERNMENTAL RELATIONS COMMITTEE**

- a. The ~~Appointments & Council Policy committee (A&CP)~~ **Community & Intergovernmental Relations Committee (C&IR)** is a committee of the council consisting of 3 council members chosen by the city council.
- b. The City Secretary shall gather all applications, attendance roles, board/commission membership and place in a binder to be provided to the C&IR as soon as applicable after the July 1 deadline.
- c. The binder shall provide all information required for the C&IR to make decisions on appointments.
  - i. Full membership list of the each board/commission
  - ii. Re-appointments will be highlighted
  - iii. Attendance
  - iv. Terms, requirements, board/commission make-up and any specific requirements
  - v. Applications will be categorized by board/commission applied for, if applicant applies for multiple board/commission the application will appear for each board/commission applied for.
- d. The C&IR will meet each year the 1<sup>st</sup> week in August to review vacancies and re-appointments. If there are no vacancies or re-appointments the C&IR will not meet unless requested by a member of the C&IR.
- e. The C&IR will bring forward recommendations for appointments to the full council for the full council's consideration.

V. APPOINTMENTS

- a. The City Council will consider board/commission appointments in a meeting of the city council held in accordance with the Texas Open Meetings Act.
- b. The City Secretary will bring forward the appointments for council's consideration as a general item on the council agenda.
- c. The City Secretary will include a list of all applicants and board/commission they applied for listed by board/commission.
- d. The applications for the recommended appointees will be included in the agenda packet along with the list of all applicants.
- e. The City Council shall make the appointments by the last regular meeting in September.
- f. The City Secretary shall notify the appointees of their appointment and notify board liaison and director.
  - i. Notification includes: term, instruction on required training, staff contact information and a board/commission book specific to their appointment.

VI. **Board/Commission/Committee Members responsibilities**

- a. **Members have an obligation to be prepared in advance of all meetings. In order to provide for informed decision making and to instill confidence, each member 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. Direct any questions about the agenda to the Board/Commission/Committee staff contact, as provided by the Director, in advanced to allow staff to correct or provide additional information
    - iii. Be respectful to fellow members, staff, applicants, and citizens; allowing everyone a chance to participate in the discussion and provide perspective
    - iv. Arrive on time for all posted meetings
    - v. Provide staff at least 72 hours' notice of absences; realizing there are time when emergencies arise making advance notice difficult
    - vi. Provide staff with updated contact information as soon as possible
    - vii. Use the designated staff contact information provided to each member by staff
    - viii. Complete any required training assigned within 90 days of notification and presented to the City Secretary for filing
  - b. Chair & Vice Chair – The Chair is the presiding officer at the meetings and the Vice Chair shall act as Chair during the absence or disability of the Chair
    - i. The Chair is responsible beginning the meeting on time and making sure a quorum is present before beginning
    - ii. Announce the proper sequence of the meeting according to the posted agenda
    - iii. Recognizing members, staff, and citizens who are entitled to speak
    - iv. Assure decorum is maintained through the entire meeting
    - v. Follow the adopted Burleson Rule of Order found in section VIII
    - vi. State, put to vote and announce results on all properly posted agenda item
  - c. Value expectation of members are listed to assure each member is representing the city reflecting its mission and obligations to the citizens:
    - i. Conflict of Interest – members will comply with Texas Conflict of Interest/Disclosure Laws. When in question the City Secretary or the Deputy City Attorney will guide the process
    - ii. Confidential information – members will not disclose confidential information provided to them as members of their board, commission, or committee
    - iii. Be mindful of neutrality and impartiality rendering equal consideration to all agenda items and citizens
    - iv. Being mindful that each member represents the city as a member of one of its board/commission/committee and should conduct their public and private life as an example to the citizens and fellow members; relaying the city's obligation that all are treated equally in compliance with all laws.
    - v. Actively promote principles of good government and good citizenship
- VII. Process to address concerns of members in possible violation of Section VI or Chapter 2 Boards, Commissions, Committees
- a. Concerns from staff or fellow members should be directed first to the Director and City Secretary for quick resolution
  - b. If no resolution can be found the City Secretary will notify the City Council at which time the city council will refer to the Community & Intergovernmental Relations Committee for recommendation to be presented to the city council
  - c. Concerns from the public must be in writing and addressed to the City Secretary @ [records@burlesontx.com](mailto:records@burlesontx.com)
  - d. The City Secretary will work with the public on possible resolution, keeping the city council, director, and city manager informed

- e. If no resolution can be found the City Secretary will notify the City Council at which time the city council will refer to the Community & Intergovernmental Relations Committee for recommendation to be presented to the city council
- f. All processes shall be in compliance with the Texas Open Meetings Act, city ordinances, state and federal applicable laws
- g. City code of ordinance Chapter 2 grants the city council authority to remove any member

**VIII. BURLESON RULES OF ORDER – *For use by Board, Commission and Committee Members.***

The rules contained in this section the policy shall govern the Burleson City Council meetings & all other council appointed board, commission, or committee in all cases to which they are applicable and not in direct conflict with state laws.

- a. **Presiding Officer:** The Chair, if present, shall be the presiding officer. In the absence of the Chair the Vice Chair shall be the presiding officer. In the absence of both the Member 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 Members, 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 Member may request to identify procedural defect
  - ii. Any Member may make call a filibuster point of order
    - 1. Presiding officer request Member speaking to yield the floor
    - 2. Presiding officer present to the other Members 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 Member 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 Member 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. Board, Commission, or Committee should fairly allow everyone to be heard before Members speak
  - ii. After all speakers, Members may comment and recall speakers if needed

- iii. Each person will be allowed three (3) minutes to speak. Members 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 or Board, Commission, or Committee staff liaison 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 shall announce the exceptions and time
- ii. Any Member present may request to convene into executive session in accordance with State Law
- iii. City Manager, Deputy City Manager, City Secretary, Deputy City Secretary, or Staff member may request the board, commission, or committee convene into executive session
- iv. All request to convene into executive session requires a motion, a second and a vote by Members and require the same to reconvene into open session.

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## City Council Regular Meeting

**DEPARTMENT:** City Secretary's Office  
**FROM:** Amanda Campos, City Secretary  
**MEETING:** September 5, 2023

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**SUBJECT:**

Review, discuss, and provide staff direction on Council Policy #17 - City Council Rules of Procedure For City Council Meetings Establishing City Council Rules of Procedure For City Council Meetings.

**SUMMARY:**

The City Council adopted Council Policy #17 originally in 1982 with modification to the policy in 1985, 2020, February 2021, August 2021, and June 2022. The policy is reviewed annually to consider changes based on operational needs of council agendas. The policy is a collaboration between City Council, Staff, and consideration of the community.

The council will be presented with the current policy and asked to consider any changes they deem necessary based on the current operations and proposed 2024 Council calendar.

**OPTIONS:**

- 1) Review and provide direction to staff on the policy.

**STAFF CONTACT:**

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

# City Council Meeting Structure

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PRESENTED TO THE CITY COUNCIL ON  
SEPTEMBER 5, 2023

# Purpose

- Provide an overview of Council Policy 17
  - Review current meeting format
  - Provide options for possible alternative meeting formats
  - Receive feedback from the Council on how to conduct future meetings
-

# **Council Policy 17**

## **Rules of Procedures City Council Meetings**

Comprised of 7 sections:

- I. Authority
- II. Meeting Agendas
- III. Council Meetings: Rules, Procedures, and Conduct
- IV. Council Meetings: Order of Business
- V. Burleson Rules of Order
- VI. Mayor/Mayor Pro Tem
- VII. Audio/Video Use



# Council Policy 17

## II – Meeting Agendas

- a) Preparation & Posting of – City Manager & City Secretary
- b) Placing Items on the agenda – Mayor or any one councilmember
- c) Agenda Packet – Content & Distribution
- d) Agenda Item Pages – All pertinent information
- e) Consent Agenda Item – City Manager can place anything on consent – should not include elections, or issuance of bonds
- f) Councilmember's Obligations to be prepared in advance – Study prior to meeting, include staff in citizen input, field operations, and inquiries. Direct questions to city manager or staff contact listed on agenda

# Council Policy 17

## III – Council Meetings: Rules, Procedures and Conduct

- a) Presiding Officer
- b) Burleson Rules of Order
- c) Executive Session (Closed Session)
- d) Annual Meeting Calendar
- e) Citizen Appearance
- f) Speakers at council meetings

# Council Policy 17

## IV – Council Meetings: Order of Business

### a) Regular Session

Current Order	
*Call to Order – Roll – Date & Time – Invocation - Pledges	
Public Presentations	
Community Interest	
Items to be continued or withdrawn	
Items withdrawn from Consent	
*Citizen Appearance	
Consent Agenda	
General Action Items	
Reports	
Council request for future items or reports	
Executive Session - Adjourn	

# Council Policy 17

## IV – Council Meetings: Order of Business

### a) Regular Session

Consider:

- Proclamations & Presentations once a month the second meeting of the month
- Dedicated Worksession for Reports – clearly stated start time for both worksession and regular agendas

# Council Policy 17

## V – Burleson Rules of Order

Consider:

- Requesting the Council Policies & Valuation Committee review the rules. They were adopted in 2020 and remain unchanged

# **Council Policy 17**

## **VI – Mayor/Mayor Pro Tem**

## **VII – Audio/Video Use**



## 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:** September 5, 2023

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**SUBJECT:**

Receive a report, hold a discussion, and provide staff with feedback on the proposed 2024 Council Calendar. (*Staff Presenter: Amanda Campos, City Secretary*)

**SUMMARY:**

Annually the City Council formally adopts a calendar for the coming year of regular scheduled council meetings. Traditionally this calendar did not consider any special budget meetings, city holidays, or 4A/4B/TIF or Council Committee schedules. To strive for transparency and planning, City Manager Ludwig and I worked to proposed this new format calendar for council to consider.

Key changes:

- Start time of 1<sup>st</sup> council meeting of the month – 9:30 a.m.
- Standing 4A and 4 B scheduled meetings prior to 2<sup>nd</sup> meeting of the month – 4:30 pm and 5:00 pm. **Only if needed but will assure time dedication**
- Council Committee meetings quarterly – January, February, April, May, September ( to allow for attendance at TML), October, November. There are 6 committee
- Only 1 meeting in July to build in a summer break time for council and staff.
- Special budget meeting are built into the schedule – April, August, and September

When working on this calendar staff reviewed and added time for posting of the agendas, staff time to create agenda items and submit for review, and looked at city holidays. The city holidays not only effect the date of the meeting but staff's requirement to put the agenda together.

The City of Burleson Charter only requires the council to meet once a month and there is no state law for Home Cities on how often they must meet. The council can determine the best schedule for conducting meetings. In previous years the council met on Thursday (2<sup>nd</sup> & 4<sup>th</sup> of the month).

Adoption of a calendar each year fulfills council's commitment to transparency and teamwork. Collaboration of both policy and operations is the ultimate goal for council meetings. This is a beginning discussion point only.

**STAFF CONTACT:**

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

# 2024 Proposed Council Meeting Calendar

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SEPTEMBER 5, 2023

# Overview

City Council Policy #17 requires a calendar be adopted by December 1 for council meeting schedules

This item is to review the calendar for 2024 and consider some changes

This calendar will have more than council meetings and holidays, will include council committee schedules and internal deadlines

Goal is to achieve transparency and consistency with council meetings for the city council, citizens, and staff



## *Council Meetings*

Generally - 1<sup>st</sup> and 3<sup>rd</sup>  
Mondays of the Month

Time inconsistent

Location unchanged

### Regular Called Council Meetings

1 <sup>st</sup> Meeting of Month	2 <sup>nd</sup> Meeting of the Month
9:30 am	5:30 pm
Work Session 9:30 am to 11:00 am	4A 4:30 pm ( if needed)
Lunch break	4B 5:00 pm ( if needed)
Regular Session 11:45 am	Regular Session 5:30 pm

#### 1<sup>st</sup> Meeting

- ❖ Work Session would be listed as a separate agenda and contain reports and discussion items only – NO ACTION BY THE CITY COUNCIL
- ❖ Lunch break would not be listed anywhere this is an internal notation ONLY
- ❖ Regular Session would be listed as a separate agenda – ACTION items only

#### 2<sup>nd</sup> Meeting

- ❖ 4A and 4B would remain consistent on time and date – aids staff in scheduling and planning
- ❖ 4A and 4B would only be if needed
- ❖ Regular Session 5:30 pm – ALL proclamations and ceremonial presentations would occur at this meeting
- ❖ Regular Session 5:30 pm – No reports or discussion items only ACTION items

# Council Committees

Month	Days	Committees
January	2 <sup>nd</sup> / 4 <sup>th</sup> Wednesday	4 committees
February	1 <sup>st</sup> Wednesday	2 committees
April	1 <sup>st</sup> / 3 <sup>rd</sup> Wednesday	4 committees
May	2 <sup>nd</sup> Wednesday	2 committees
July	3 <sup>rd</sup> Wednesday	2 committees
August	1 <sup>st</sup> / 3 <sup>rd</sup> Wednesday	4 committees
September	4 <sup>th</sup> Wednesday	2 committees
October	4 <sup>th</sup> Wednesday	2 committees
November	1 <sup>st</sup> Wednesday	2 committees

1. Public Safety & Municipal Court
2. Infrastructure & Development
3. Finance
4. Community Service
5. Community & Intergovernmental Relations
6. City Council Policies & Valuation

*All council committees will have meetings schedule for at least 4 times a year. More meetings can be added as needed.*

# Budget & Tax Rate Special Meetings

Special Meetings for the Budget and Tax Rate are incorporated into the calendar

Meeting date	Topic
April 26 ( Special Meeting)	5 year operating presentation & supplemental presentations
May 6 (Regular Meeting)	5 year fund / 5 year CIP / Fee projections
June 3 (Regular Meeting)	5 year fund / 5 year CIP / Fee projections
July 15 (Regular Meeting)	General Fund / Debt Service & Benefits – Compensation CMO recommendations
August 5 (Regular Meeting)	Tax Rate
August 12 (Special Meeting)	CMO proposed budget
September 3 (Special Meeting)	1 <sup>st</sup> reading of all ordinances
September 9 (Regular Meeting)	Final reading of all ordinances

**These dates are what we will strive to accomplish HOWEVER they could change and additional meetings needed.**



Dec 2023						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

# JAN 2024

Feb 2024						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
31	<b>1</b> City Holiday	2	3 Posting day	4	5	6
7	<b>8</b> City Council (9:30am)	9	10 Council committee (x2)	11	12	13
14	<b>15</b> City Holiday	16	17 Posting day	18	19	20
21	<b>22</b> 4A (4:30pm) 4B (5:00pm) City Council (5:30pm)	23	24 Council committee (x2)	25	26	27
28	29	30	31 Posting day	1	2	3

Jan 2024						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

# FEB 2024

Mar 2024						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
28	29	30	31	1	2	3
4	5 City Council (9:30am)	6	7 Council committee (x2)	8	9	10
11	12	13	14 Posting day	15	16	17
18	19 Presidents' Day	20 4A (4:30pm) 4B (5:00pm) City Council (5:30pm)	21	22	23	24
25	26	27	28 Posting day	29	1	2

Feb 2024						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

# MAR 2024

Apr 2024						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
25	26	27	28	29	1	2
3	4 City Council (9:30am)	5	6	7	8	9
10	11 NLC Washington	12 NLC Washington	13 NLC Washington Posting day	14 NLC Washington	15 NLC Washington	16
17	18 4A (4:30pm) 4B (5:00pm) City Council (5:30pm)	19	20	21	22	23
24	25	26	27 Posting day	28	29 Good Friday	30
31	1	2	3	4	5	6

Mar 2024						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

# APR 2024

May 2024						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
31	1 City Council (9:30am)	2	3 Council committee (x2)	4	5	6
7	8	9	10 Posting day	11	12	13
14	15 4A (4:30pm) 4B (5:00pm) City Council (5:30pm)	16	17 Council committee (x2)	18	19 Posting day	20
21	22 Early Voting	23 Early Voting	24 Early Voting	25 Early Voting	26 Special Session - Budget Early Voting	27 Early Voting
28 Early Voting	29 Early Voting	30 Early Voting	1	2	3	4

Apr 2024						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

# MAY 2024

Jun 2024						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
28	29	30	1 Posting day	2	3	4 ELECTION DAY
5	6 City Council (9:30am)	7	8 Council committee (x2)	9	10	11
12 Mother's Day	13	14	15 Posting day	16	17	18
19	20 4A (4:30pm) 4B (5:00pm) City Council (5:30pm)	21	22	23	24	25
26	27 Memorial Day City Holiday	28	29 Posting day	30	31	1

May 2024						
S	M	T	W	T	F	S
			1	2	3	4
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

# JUN 2024

Jul 2024						
S	M	T	W	T	F	S
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
26	27	28	29	30	31	1
2	3 City Council (9:30am)	4	5	6	7 National Donut Day	8
9	10	11	12 Posting day	13	14	15
16 Father's Day	17 4A (4:30pm) 4B (5:00pm) City Council (5:30pm)	18	19	20	21	22
23	24	25	26	27	28	29
30	1	2	3	4	5	6

Jun 2024						
S	M	T	W	T	F	S
						1
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

# JUL 2024

Aug 2024						
S	M	T	W	T	F	S
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4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
30	1	2	3	4 Independence Day	5	6
7	8	9	10 Posting day	11	12	13
14	15 City Council (9:30am) 4A (4:30pm) 4B(5:30pm)	16	17 Council committee (x2)	18	19	20
21	22	23	24	25	26	27
28	29	30	31 Posting day	1	2	3

Jul 2024						
S	M	T	W	T	F	S
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

# AUG 2024

Sep 2024						
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
28	29	30	31	1	2	3
4	5 City Council (9:30)	6	7 Council committee (x2)	8	9	10
11	12 Special Session - Budget	13	14 Posting day	15	16	17
18	19 4A (4:30pm) 4B (5:00pm) City Council (5:30pm)	20	21 Council committee (x2)	22	23	24
25	26	27	28 Posting day	29	30	31



Aug 2024						
S	M	T	W	T	F	S
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

# SEP 2024

Oct 2024						
S	M	T	W	T	F	S
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6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2 Labor Day City Holiday	3 Special Session- Budget	4 Posting day	5	6	7
8	9 City Council (9:30am)	10	11	12	13	14
15	16	17	18 Posting day	19	20	21
22	23 4A (4:30pm) 4B (5:00pm) City Council (5:30pm)	24	25 Council committee (x2)	26	27	28
29	30	1	2	3	4	5

Sep 2024						
S	M	T	W	T	F	S
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

# OCT 2024

Nov 2024						
S	M	T	W	T	F	S
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10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
29	30	1	2 Posting day	3	4	5
6	7 City Council (9:30am)	8 TML Conference	9 TML Conference	10 TML Conference	11 TML Conference	12
13	14 Columbus Day	15	16 Posting day	17	18	19
20	21 4A (4:30pm) 4B (5:00pm) City Council (5:30pm)	22	23 Council committee (x2)	24	25	26
27	28	29	30 Posting day	31 Halloween	1	2

Oct 2024						
S	M	T	W	T	F	S
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

# NOV 2024

Dec 2024						
S	M	T	W	T	F	S
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
27	28	29	30	31	1	2
3	4 City Council (9:30am)	5	6 Council committee (x2)	7	8	9
10	11 Veterans Day	12	13 Posting day NLC	14 NLC	15 NLC	16 NLC
17	18 4A (4:30pm) 4B (5:00pm) City Council (5:30pm)	19	20	21	22	23
24	25	26	27	28 Thanksgiving Day City Holiday	29 City Holiday	30

Nov 2024						
S	M	T	W	T	F	S
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3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

# DEC 2024

Jan 2025						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2	3	4 Posting day	5	6	7
8	9 4A (4:30pm) 4B (5:00pm) City Council (5:30pm)	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24 City Holiday	25 Christmas City Holiday	26	27	28
29	30	31	1	2	3	4

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## City Council Regular Meeting

**DEPARTMENT:** City Secretary's Office  
**FROM:** Amanda Campos, City Secretary  
**MEETING:** September 5, 2023

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**SUBJECT:**

Consider approval of the minutes from the August 21, 2023 regular council meeting. (*Staff contact: Amanda Campos, City Secretary*).

**SUMMARY:**

The City Council duly and legally met on August 21, 2023 for a regular council meeting.

**OPTIONS:**

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

**RECOMMENDATION:**

Approve.

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

N/A.

**FISCAL IMPACT:**

N/A.

**STAFF CONTACT:**

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

## BURLESON CITY COUNCIL REGULAR MEETING

August 21, 2023

DRAFT MINUTES

### ROLL CALL

#### COUNCIL PRESENT:

Victoria Johnson  
Phil Anderson  
Ronnie Johnson  
Chris Fletcher  
Larry Scott  
Dan McClendon  
Adam Russell

#### COUNCIL ABSENT:

#### Staff present

Tommy Ludwig, City Manager  
Monica Solko, Deputy City Secretary  
Lisandra Leal, Assistant City Secretary  
Matt Ribitzki, Deputy City Attorney

### 1. CALL TO ORDER – 4:00 p.m.

Invocation – Anthony Penick, Hughley Hospital Chaplain

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

- None.

#### B. Presentations

- None.

#### C. Community Interest Items

- Thank you to the Police Department for inviting council to see them during active shooter training.
- Join us on Saturday, August 26 at 8:30 a.m. for the Bartlett soccer fields ribbon cutting.
- Council member Victoria Johnson represented the City of Burleson at the National League of Cities Women in Municipal Government conference.
- The new Meals and Wheels distribution center and admin building is a remarkable building, please visit if you have a chance.
- Welcome Razzos to the City of Burleson.
- The city celebrated “817 Day” with free ice cream, thank you to Economic Development for arranging the event.

### **3. REPORTS AND PRESENTATIONS**

- A. Receive a report and hold a discussion regarding the 88th Texas Legislature, certain bills filed or enacted during the latest legislative session, and future legislative issues. (*Presenter: Snapper Carr of Focused Advocacy*)**

Snapper Carr with Focused Advocacy reported on the latest legislative session and future legislative issues to the city council.

Brenda Gammon, 2976 Clubhouse Circle, Burleson came forward with questions on legislative bills and encourage council to reach out to local representatives.

- B. Receive a report, hold a discussion and provide staff direction regarding the Utility Customer Service Leak Adjustment Policy. (*Staff Presenter: Jesse Elizondo, Director of Customer Service*)**

Jesse Elizondo, Director of Customer Service, reported on the utility customer service leak adjustment policy to the city council.

### **RECESS AND BACK TO ORDER**

Mayor Fletcher called for a short recess at 5:37 p.m. and called the meeting back to order at 6:00 p.m. with all members present.

- C. Receive a report, hold a discussion and provide staff direction regarding the Police Department and Public Safety Communication expansion project. (*Staff Presenter: Eric Oscarson, Director of Public Works*)**

Eric Oscarson, Director of Public Works, provided an update on the Police Department and Public Safety Communications expansion project to the city council.

Bill Janusch, 117 NE Clinton Street, Burleson came forward with concerns with building expansion for 20 years.

### **4. 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.

### **5. CITIZEN APPEARANCES**

- Dale Dexheimer, 720 Carol Lane, Burleson came forward to speak on Founder Days event on October 14.

## **6. CONSENT AGENDA**

**A. Minutes from the August 7, 2023 regular council meeting and August 15, 2023 special council meeting. (Staff Contact: Amanda Campos, City Secretary)**

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

Motion passed 7-0.

**B. CSO#5185-08-2023, ordinance repealing Chapter 54 Miscellaneous Offenses, Article IV Curfew in its entirety. (Final Reading) (Staff Presenter: Billy J. Cordell, Chief of Police)**

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

Motion passed 7-0.

**C. CSO#5186-08-2023, minute order ratifying the 4A Economic Development Corporation Board's action approving a resolution authorizing an unimproved property contract between the Burleson 4A Economic Development Corporation and Craftmasters Real Estate, LLC, purchasing approximately 54 acres in Hooper Business Park in Johnson County, Texas in the amount of \$2,500,000. (Staff Contact: Alex Philips, Economic Development Director)**

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

Motion passed 7-0.

**D. CSO#5187-08-2023, minute order ratifying the 4A Economic Development Corporation Board's action approving a resolution authorizing an unimproved property contract between the Burleson 4A Economic Development Corporation and Craftmasters Real Estate, LLC, purchasing approximately 8 acres in Hooper Business Park in Johnson County, Texas in the amount of \$360,000. (Staff Contact: Alex Philips, Economic Development Director)**

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

Motion passed 7-0.

**E. Ordinance approving a negotiated settlement between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corp., Mid-Tex Division regarding the company's 2023 rate review mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree**



**medical benefits; and requiring the company to reimburse ACSC's reasonable ratemaking expenses. (First Reading) (Staff Contact: Matt Ribitzki, Deputy City Attorney/Compliance Manager)**

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

Motion passed 7-0.

## **7. GENERAL**

- A. CSO#5188-08-2023, ordinance for the sale and issuance of the City of Burleson, Texas General Obligation Bonds, Series 2023 not to exceed \$9,447,547, including issuance cost. (First and Final Reading) (Staff Presenter: Martin Avila, Director of Finance)**

Martin Avila, Finance Director, presented items 7A and 7B in one presentation to the city council.

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

Motion passed 7-0.

- B. CSO#5189-08-2023, ordinance for the sale and issuance of the City of Burleson, Texas Combination Tax and Revenue Certificates of Obligation Bonds, Series 2023 not to exceed \$32,941,551, including issuance cost. (First and Final Reading) (Staff Presenter: Martin Avila, Finance Director)**

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

Motion passed 7-0.

- C. Ordinance approving the 2023-24 annual Service and Assessment Plan (SAP) update for the Parks at Panchasarp Farms Public Improvement District No. JC-1 and directing the City Secretary to file this ordinance with the County Clerk. (First Reading) (Staff Presenter: Tony McIlwain, Development Services Director)**

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

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

Motion passed 7-0.

- D. CSO#5190-08-2023, sixty-two month contract through a cooperative purchasing agreement with BuyBoard for the purchase of Axon Enterprise Incorporated in-car camera, body-worn camera, and Taser services and products in the amount of \$2,268,274.10 (Staff Presenter: Tim Mabry, Lieutenant)**

Tim Mabry, Police Lieutenant, presented a contract to the city council.

Motion made by Larry Scott and seconded by Adam Russell to approve.

Motion passed 7-0.

- E. Ordinance repealing in its entirety Article III “Amusements” of Chapter 14 “Businesses” of the Code of Ordinances, City of Burleson, Texas, setting forth rules and regulations for amusement centers and requiring certain amusement centers to obtain a permit for coin-operated machines. (First Reading) (Staff Presenter: Tony McIlwain, Development Services Director)**

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

Motion made by Ronnie Johnson and seconded by Victoria Johnson to approve.

Motion passed 7-0.

- F. CSO#5191-08-2023, resolution amending Resolution CSO#5077-04-2023 by adopting an amended emergency medical and ambulance services billing policy. (Staff Presenter: K.T. Freeman, Fire Chief)**

K.T. Freeman, Fire Chief, presented a resolution to the city council.

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

Motion passed 7-0.

- G. CSO#5192-08-2023, ordinance amending Ordinance CSO#3069-09-2022 the City’s Fee Schedule by adding fees associated with the engineering review and inspection of private development; 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 Presenter: Errick Thompson, Deputy Public Works Director)**

Errick Thompson, Deputy Public Works Director, presented an ordinance to the city council.

Motion made by Dan McClendon and seconded by Phil Anderson to approve.

Motion passed 7-0.

**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**

-Receive a report and hold a discussion regarding Lighthouse Services anonymous hotline provider and case management system.

**B. Discussion Regarding Possible Purchase, Exchange, Lease, or Value of Real Property Pursuant to Section 551.072**

Motion was made by Dan McClendon and seconded by Adam Russell to convene into executive session. **Time: 8:24 p.m.**

Motion passed 7-0.

Motion was made by Adam Russell and seconded by Dan McClendon to reconvene into open session. **Time: 9:04 p.m.**

Motion passed 7-0.

*To ensure clarity and transparency to the action taken on item 7G, City Secretary Amanda Campos asked council to restate and clarify the motion.*

**G. CSO#5192-08-2023, ordinance amending Ordinance CSO#3069-09-2022 the City's Fee Schedule by adding fees associated with the engineering review and inspection of private development; 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 Presenter: Errick Thompson, Deputy Public Works Director)**

Motion was made by Dan McClendon and seconded by Adam Russell to approve item 7G with the modifications presented.

Motion passed 7-0.

**ADJOURNMENT**

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

Mayor Fletcher adjourned the meeting.

**Time: 9:06 p.m.**

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Monica Solko  
Deputy City Secretary

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## City Council Regular Meeting

**DEPARTMENT:** City Secretary's Office  
**FROM:** Amanda Campos, City Secretary  
**MEETING:** September 18, 2023

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**SUBJECT:**

Consider approval of an ordinance amending CSO#660-08-2017, adopting the Official City Map. (First Reading) (*Staff Contact: Amanda Campos, City Secretary*)

**SUMMARY:**

Texas Local Government Code Chapter 41 Section 41.001 requires each municipality to prepare a map that shows the boundaries of the municipality and of its extraterritorial jurisdiction. A copy of the map shall be maintained in easily accessible locations to the public which include City Secretary's Office, City Engineer, and the city's website.

A municipality is further required to make copies available without charge and home-rule municipalities are required to provide digital maps. The City Secretary's Office worked with our city's Information Technology GIS to create the map.

The City Council last adopted an official map July 17, 2017 by Ordinance CSO#660-08-2017. The boundaries on this map are as of XXXX.

**OPTIONS:**

- 1) Approve the Ordinance adopting the Official City Map

**RECOMMENDATION:**

Approve in accordance with Texas Local Government Code Chapter 41 Section 41.001

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

N/A

**STAFF CONTACT:**

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



## **ORDINANCE CSO#5177-09-2023**

**AN ORDINANCE FOR THE CITY OF BURLESON, TEXAS, ADOPTING THE MOST RECENT OFFICIAL CITY MAP OF INCORPORATED MUNICIPAL BOUNDARIES (CITY LIMITS) AND EXTRATERRITORIAL JURISDICTION OF THE CITY OF BURLESON; REQUESTING A COPY OF THE MAP BE FILED IN THE OFFICES OF THE CITY SECRETARY AND CITY ENGINEER; REQUESTING A DIGITAL COPY OF THE MAP BE PLACED ON THE CITY WEBSITE AND MADE AVAILABLE TO THE PUBLIC; AND PROVIDING FOR: FINDINGS OF FACT, SEVERABILITY, REPEALER, PROPER NOTICE AND MEETING, AND AN EFFECTIVE DATE.**

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

**WHEREAS**, the City Council of the City of Burleson desires to adopt the most current Official City Map to reflect the city limits and extraterritorial jurisdiction, as is shown in Exhibit “A”; and

**WHEREAS**, Section 41.001 of the Texas Local Government Code requires a municipality to correct its official map upon annexing a territory or upon expanding or reducing the City’s extraterritorial jurisdiction; and

**WHEREAS**, Section 41.001 of the Texas Local Government Code also requires the City to maintain an official city map in the offices of the city secretary and city engineer; and

**WHEREAS**, Section 3 of the City Charter requires that the official city map be kept in the office of the city secretary; and

**WHEREAS**, Section 41.001 of the Texas Local Government Code also requires that the official city map be placed on the City’s website; and

**WHEREAS**, Section 41.001 of the Texas Local Government Code also requires that the City maintain a digital version of the official city map on the City’s website and made available to the public.

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

**Section 1.** The map attached hereto as Exhibit “A” and made a part hereof for all purposes is hereby adopted as the “Official Map of the City of Burleson, Texas,” reflecting the City’s corporate boundaries and extraterritorial jurisdiction as of the date of the passage of this ordinance.

**Section 2.** A copy of the Official City Map adopted by this ordinance shall be filed in the Office

of the City Secretary and the Office of the City Engineer. Digital versions of the Official City Map adopted by this ordinance shall be made in a format widely used by common geographic information system software. Said digital version of the Official City Map shall be maintained on the City's website and made available to the public without charge.

**Section 3.** The findings set forth above in the recitals of this ordinance are incorporated into the body of this ordinance as if fully set forth herein.

**Section 4.** The terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

**Section 5.** This ordinance shall 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 ordinances conflict with this ordinance, the terms of this ordinance shall control.

**Section 6.** 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 7.** This ordinance shall become effective upon its passage and approval.

AND IT IS SO ORDAINED.

**PASSED AND APPROVED** the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Seal)

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

ATTEST:

APPROVED AS TO FORM:

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

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

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



# Official Map of the City of Burleson

This map is hereby certified as being Exhibit A to Ordinance CSO#5177-09-2023 and is further certified as being an accurate depiction of the corporate boundaries and extra-territorial jurisdiction of the City of Burleson.

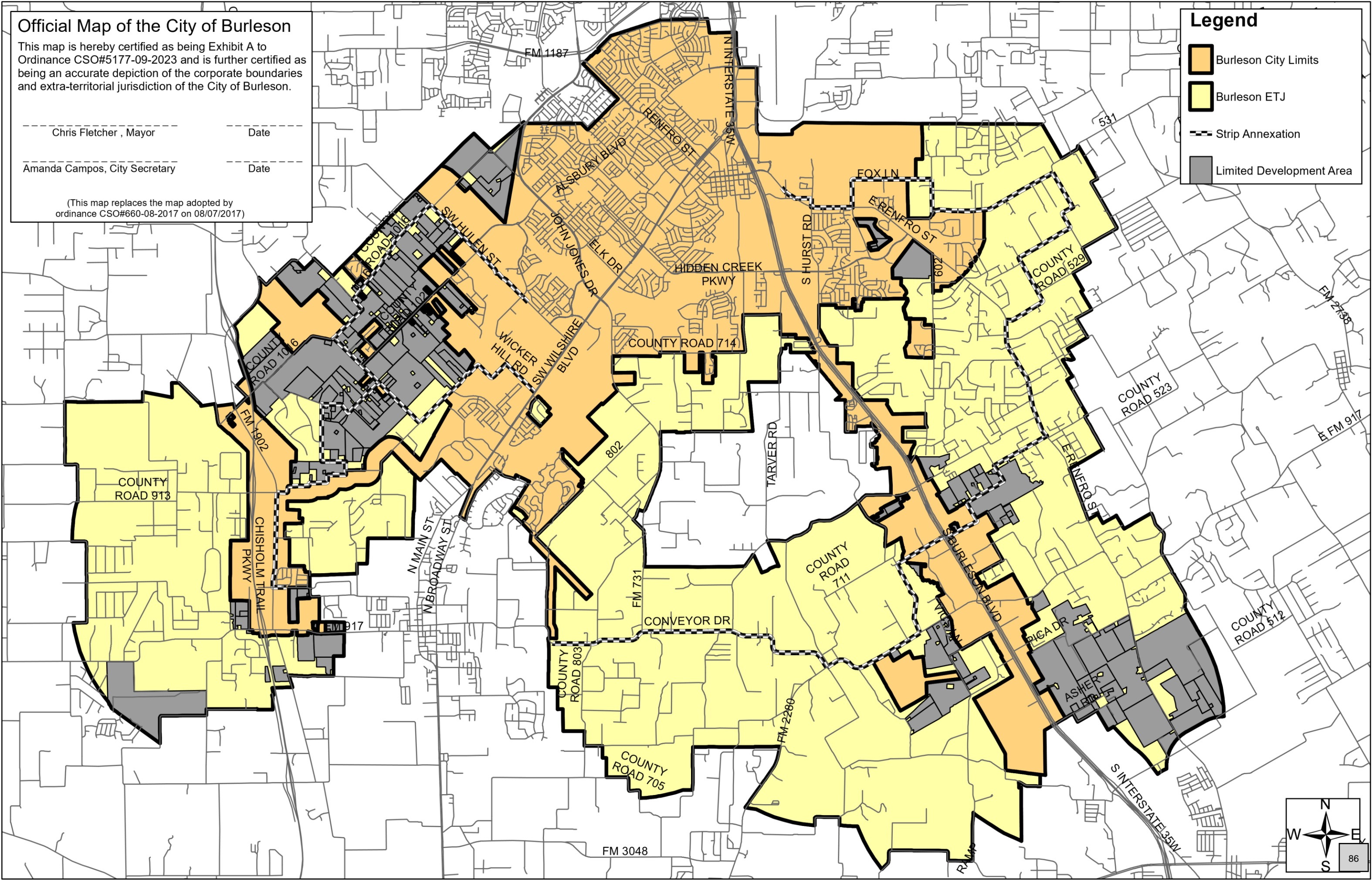
Chris Fletcher , Mayor                      Date

Amanda Campos, City Secretary                      Date

(This map replaces the map adopted by ordinance CSO#660-08-2017 on 08/07/2017)

## Legend

- Burleson City Limits
- Burleson ETJ
- Strip Annexation
- Limited Development Area





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## City Council Regular Meeting

**DEPARTMENT:** Parks and Recreation  
**FROM:** Jen Basham, Parks and Recreation Director  
**MEETING:** September 5, 2023

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**SUBJECT:**

Consider approval of a five-year facility maintenance agreement with five (5) one-year renewal options with Fort Worth Mountain Bikers Association (FWMBA) for the maintenance of Chisenhall Hike and Bike Trail. (*Staff presenter: Jen Basham, Parks and Recreation Director*)

**SUMMARY:**

Provide maintenance for 10.5 miles of soft-surface trails and reduce risk to city by partnering with insured, 501c3 non-profit with experience and ability to provide sustainable trail maintenance.

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

Parks Board supported as presented during July 13, 2023 meeting.

**OPTIONS:**

- 1) Approve as presented
- 2) Approve with changes
- 3) Deny

**RECOMMENDATION:**

Staff recommends approving as presented.

**FISCAL IMPACT:**

No fiscal impact at this time.

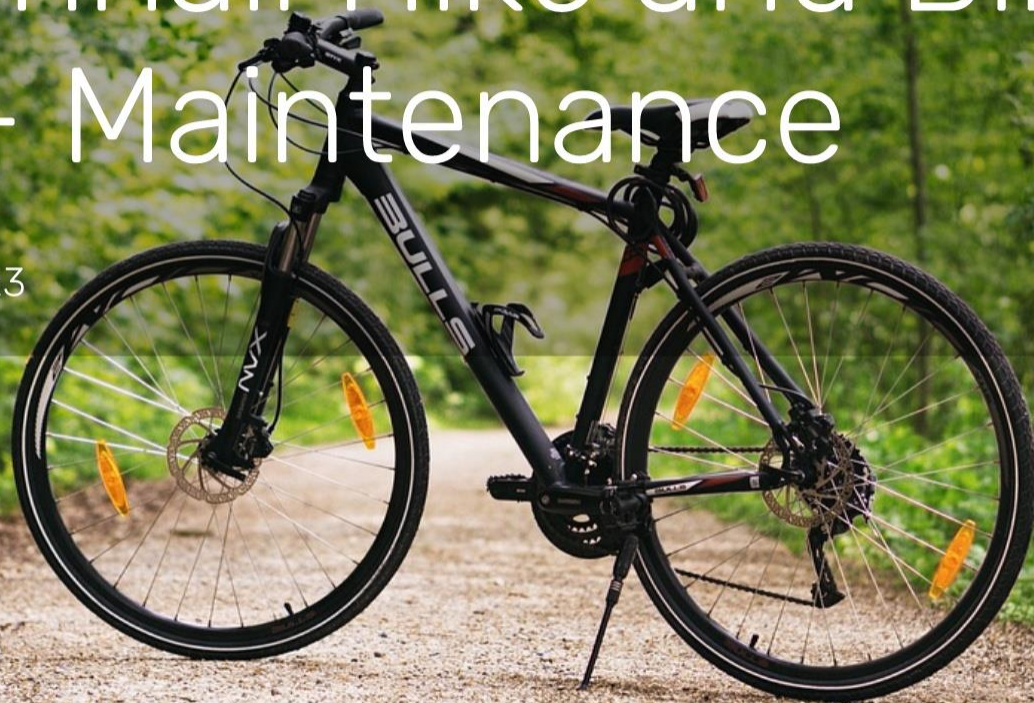
**STAFF CONTACT:**

Jen Basham, CPRE  
Parks and Recreation Director

[jbasham@burlesontx.com](mailto:jbasham@burlesontx.com)  
817-426-9201

# Chisenhall Hike and Bike Trail – Maintenance

City Council  
September 5, 2023



# Overview

- ① Background
- ② Site Summary
- ③ Current Maintenance/Operations
- ④ Risks and Vulnerabilities
- ⑤ Risk Reduction Options
- ⑥ FWMBA Background
- ⑦ Current vs Proposed Maintenance/Operation
- ⑧ Next Steps
- ⑨ Action Options



# Background

- Chisenhall Hike and Bike Trail is located within Chisenhall Fields and features over 10 miles of soft surface trail
- In approximately 2014, the first two miles of the trail were cut in at what is called the Field Loop today
- The trail has experienced a huge spike in popularity since 2020 and draws hikers and riders from all over DFW and beyond
- In 2022, Strava - which represents about 65% of all trail users - logged over 17,000 attempts of the two major entrance trails alone



# Site Summary

- 10.5 miles of trail
- 7 trail loops ranging in difficulty from beginner to expert level
- Bike and pedestrian friendly soft surface trails
- Emergency trail markers



# Current Maintenance Responsibilities

Maintained primarily by Burleson MTB Riders with support from Parks staff

## Burleson MTB Riders (BMTBR):

- Founded in 2019
- No formalized membership
- Over 1,000 members on Facebook page with 85% actively engaged
- 1 current lead person with small group of alternating volunteers
- Current Parks Beautification Agreement participants since September 2021
- Provide trail cleaning, trimming, and maintenance services
- Over 900 volunteer hours logged at Chisenhall since 2020 representing over \$17,000 in labor services
- Unlogged volunteer maintenance hours are estimated to likely double that amount



# Maintenance and Operation Duties CURRENT

Task	BMTBR	Parks Staff
Hand Mowing and Trimming	✓	
Large Area Tractor Mowing		✓
Minor Brush Trimming	✓	
Major tree or brush removal		✓
Litter/debris removal	✓	
Debris Disposal	✓	✓
Feature Construction and Maintenance	✓	
New Feature Approval and Administration		✓
Trail Opening/Closing	✓	
Emergency Marker and Info Kiosk Management		✓
Herbicide Application		✓
Provide Maintenance Storage Area		✓



# Current Risks and Vulnerabilities

- Remaining BMTBR leadership looking to step down or take a reduced role.
- Becoming more difficult to recruit consistent group of regular volunteers to meet maintenance demands
- BMTBR is not a 501c3 so organization and fundraising ability for maintenance is not ideal
- Since BMTBR is not a formal organization, they do not possess the means to obtain/fund insurance
- If volunteer coordination and leadership by BMTBR ends, Parks is not equipped to provide adequate maintenance and trail would return to natural area unless funding is identified



# Risk Reduction Option 1 – Maintenance Agreement

*STAFF AND PARKS BOARD RECOMMENDED OPTION*

## Benefits

- Insured trail stewards and event host
- 501c3 non-profit
- Low risk
- Skilled in feature construction, design and maintenance
- Ability to raise funds and sustain maintenance
- Greater depth of volunteers for maintenance
- No cost increase to City

## Costs

- No additional costs to City or additional duties beyond existing partnership with BMTBR



# Fort Worth Mountain Bikers Association (FWMBA)

## **Manages 4 Trail Systems in Greater Fort Worth**

- Fossil Creek Trail (City of North Richland Hills)
- Gateway Trail (City of Fort Worth)
- North Z. Boaz Trail (City of Fort Worth)
- Sansom Park Trail (City of Fort Worth)

## **Funding and Outreach**

- FWMBA is funded through membership dues, donations, partner grants, and fundraisers
- Membership recruited through events, programs, website, and educational outreach
- Official website to manage trail status, events, announcements

## **Maintenance, Programming and Design**

- 20 trail stewards/assistants
- Experience in maintaining, designing, and coordinating events for large trail systems
- Received letter of endorsement from Fort Worth Police Dept.

## **Organization**

- 501c3 non-profit and insured for trail maintenance work and special events



# Risk Reduction Option 2 - Full Maintenance by Parks

## Benefits

- Self-insured
- High quality grounds maintenance and skilled in parks operations

- Low risk

## Costs

- Requires additional funding for two part-time positions at \$64,000/year
- Not skilled in new feature construction or design - new feature construction or replacement of existing features may not be possible or would require **professional services contracts**. Time restraints and lack of expertise limit continuous improvement and innovation by leadership.





# Maintenance/Operation Duties: Current vs Proposed

Task	Current		Proposed Option 1	
	BMTBR	Parks	FWMBA	Parks
Hand mowing and trimming	✓		✓	
Large area tractor mowing		✓		✓
Minor brush trimming	✓		✓	
Major tree or brush removal		✓		✓
Litter/debris removal	✓		✓	
Debris disposal	✓	✓	✓	✓
Feature construction and maintenance	✓		✓	
New feature approval and administration		✓		✓
Trail opening/closing	✓		✓	
Emergency marker and info kiosk management		✓	✓	✓
Herbicide application		✓	✓	✓
Provide maintenance storage area		✓		✓
Project and event approval		✓		✓
Project and event coordination	✓	✓	✓	✓
Fundraising			✓	

# Next Steps

## **Staff recommends partnering with FWMBA**

- FWMBA desires to partner with Burleson and enter into agreement for maintenance/operation of Chisenall Hike and Bike Trail
- BMTBR leadership/volunteers support and respect FWMBA as a partner and have shown overwhelming support in favor of FWMBA as steward of Chisenhall trails.
- **Parks Board supported partnership with FWMBA during July 13, 2023 meeting**
- Staff is seeking Council approval to enter into a 5-year maintenance agreement with FWMBA



# Options

Parks Board  
Recommendation

Staff Recommendation



Approve a five-year agreement with five (5) one-year renewal options with FWMBA for the maintenance of Chisenhall Hike and Bike Trails



Approve an agreement with FWMBA for maintenance of Chisenhall Hike and Bike Trail with changes



Deny agreement with FWMBA for the maintenance of Chisenhall Hike and Bike Trail

**FACILITIES MAINTENANCE AGREEMENT  
BETWEEN CITY OF BURLESON  
AND FORT WORTH MOUNTAIN BIKERS ASSOCIATION**

This AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ (the "Effective Date"), between the CITY OF BURLESON (hereinafter called "City") and the FORT WORTH MOUNTAIN BIKERS ASSOCIATION (hereinafter called "FWMBA").

WHEREAS, City is the owner of certain lands known as Chisenhall Fields ("Park") and certain improvements in the Park consisting of all areas within the unpaved, soft-surface hike and bike trails ("Trails"); and

WHEREAS, FWMBA has the resources and expertise necessary to maintain unpaved trails, soft-surface trails at the Park;

NOW, THEREFORE, in consideration of ten dollars (\$10.00) paid from City to FWMBA and the mutual covenants herein contained, the parties agree as follows:

**Article I  
Appointment and Exclusivity**

- 1.01 FWMBA agrees to maintain the Trails in accordance with the provisions of this Agreement for the term of this Agreement.
- 1.02 City agrees to cooperate with FWMBA in the maintenance of the Trails and the Park in accordance with the terms of this Agreement for the term of this Agreement.
- 1.03 City and FWMBA agree that City remains the owner of all real property and improvements in the Park, including the Trails. This Agreement does not convey any right, title, or interest in the real estate where the Park is located to FWMBA.

**Article II  
Rights and Duties of FWMBA**

- 2.01 FWMBA shall safely maintain trails at its own expense to include all materials, supplies, machinery, equipment, tools, superintendence, labor, personnel, insurance (if required), and other accessories and services necessary to provide unless otherwise stated elsewhere in this Agreement.
- 2.02 FWMBA shall take such steps as are appropriate to ensure that the work involved is properly coordinated with any related work performed by the City.
- 2.03 FWMBA shall obtain the advance written approval of the Parks and Recreation Director or their designee prior to beginning any new construction work beyond routine maintenance as otherwise outlined in this agreement. All new construction work on the Trails will require a Floodplain Development Permit review and review by the City Council or their designee. Any work by FWMBA prior to approval by the Director may be ordered



stopped at the discretion of the Director and subject to removal and replacement by FWMBA. FWMBA will submit proposed construction concepts and plans to the Parks and Recreation Director or their designee for review. FWMBA shall provide any additional documents as requested from the Parks and Recreation Director or their designee.

2.04 FWMBA will construct the Trails:

- i. In accordance with specifications submitted and approved by Parks and Recreation Director or designee;
- ii. In accordance with Floodplain Development Permit requirements;
- iii. In accordance with all applicable laws, ordinances, rules, regulations, and specifications of all federal, state, county, city and other governmental agencies now or hereafter in effect; and
- iv. In accordance with industry standards of care, skill, best practices, and diligence. FWMBA shall be solely responsible for initiating, maintaining, and supervising all safety precautions pertaining to construction or repair of the Trail and FWMBA's use thereof.

2.05 Trail maintenance shall include, but not limited to, repairing, replacing, and rebuilding trails or sections of trails that are eroding or in disrepair; pruning of trees; removal of brush; and litter control.

2.06 FWMBA shall keep the City informed of any modification planned for the Trail and shall not conduct any modifications, including, but not limited to, trimming and pruning, until written approval is obtained from the Parks and Recreation Director or designee.

2.07 FWMBA shall provide the City with any and all maintenance schedules.

2.08 FWMBA shall not permit motorized vehicles, excluding mowing equipment, on turf areas within the Park or Trail without advance written permission by the Parks and Recreation Director or designee. All vehicles shall remain on paved surfaces.

2.09 FWMBA shall have the right to install signs in compliance with all federal, state, and local statutes, ordinances, rules, regulations, and specifications, displaying the Trails and the sponsorship of the activities by the FWMBA, subject to the prior approval of the Parks and Recreation Director or designee.

2.10 FWMBA shall post and maintain safety guidelines for the Trail.

2.11 FWMBA shall be responsible for the maintenance and replacement of all signage installed on the Trail pertinent to Trail activities.

2.12 FWMBA shall obtain and maintain insurance coverage as required in Article IV of this Agreement.

- 2.13 FWMBA may mow and trim the area on a more frequent basis at its sole cost and expense. Trim guards shall be used on line trimmers when working around trees. Turf shall be cut in a manner so as not to scalp turf or leave areas of uncut grass.
- 2.14 FWMBA shall remove all trash and litter from the entire area prior to initiating any mowing of the turf area.
- 2.15 FWMBA shall report any and all maintenance concerns to the City including, but not limited to, damages classified as "Acts of God", erosion issues, lighting issues, and structural issues immediately as encountered.
- 2.16 FWMBA may prune trees and clear brush on the Trail with prior written approval of Parks and Recreation Director or designee. All pruning cuts (including roots) to oak trees shall be painted within 30 minutes with an approved pruning paint to mitigate the spread of oak wilt. All debris resulting from pruning and clearing shall be removed by FWMBA.
- 2.17 FWMBA shall not remove any tree without prior written permission from the Parks and Recreation Director or designee.
- 2.18 FWMBA must provide a detailed map illustrating all mountain bike features to include but not limited to bike jumps.
- 2.19 FWMBA shall inspect all mountain bike features on a quarterly basis.
- 2.20 FWMBA shall install maintain, and repair mountain bike features with approved materials such as, dirt, existing stone, wood, steel framing, etc., with the prior approval of the Parks and Recreation Director or designee and certified structural engineer.
- 2.21 FWMBA shall make necessary repairs to any installed mountain bike features within 72 hours.
- 2.22 FWMBA shall submit plans and drawings of all future mountain bike features for review and approval prior to installation.
- 2.23 FWMBA shall keep the trail clear and free of briars and poison ivy.
- 2.24 FWMBA shall request permission for use herbicides in treatment of poison ivy in accordance with federal, state, and local laws. FWMBA shall used trained applicators in the approved use of herbicides and maintain all application logs in accordance with Texas Department of Agriculture laws and regulations.
- 2.25 FWMBA shall notify the Parks and Recreation Director or their designee requesting any specialized maintenance assistance required.
- 2.26 Upon completion of all approved future mountain bike installations, features are to be inspected by designated City staff prior to being used by riders.

- 2.27 All features shall become property of the City upon installation and are subject to removal by the City should the City believe, in its uncontrolled discretion, that the feature is unsafe.
- 2.28 Newly constructed trails should be built with a substrate of no more than 3 feet in height unless prior consent is given.
- 2.29 FWMBA shall submit a special events permit request for all non-maintenance events of more than 50 estimated attendees.
- 2.30 FWMBA shall create one volunteer account for logging all volunteer hours using the designated City of Burleson volunteer app.
- 2.31 FWMBA shall dispose of all litter and debris removed during FWMBA maintenance activities unless otherwise noted in section 3.05.

### **Article III Rights and Duties of City**

- 3.01 City shall at all times remain the owner of the Park and the Trails. Nothing in this agreement shall be construed as transferring or conveying an interest in the Park or the Trails.
- 3.02 Except as otherwise provided in this Agreement, City shall not authorize any person or entity other than FWMBA to maintain the Trails during the term of this Agreement without notifying FWMBA.
- 3.03 City shall have the right to enter the Park and the Trail for any reason as long as it does not unreasonably interfere with FWMBA's rights under this Agreement, including at any time necessary to inspect the conditions of the Trails.
- 3.04 City may perform a routine inspections of FWMBA's work, volunteer and activity logs.
- 3.05 City shall remain responsible for the maintenance and repair of the following: (i) Large area brush mowing of adjacent and right-of-way areas, (ii) Agreement compliance, floodplain compliance, and maintenance inspections, (iii) Maintaining control of access points into Trails, and (iv) Provide brush disposal for up to two (2) volunteer clean-up days per year.
- 3.06 City shall provide at least 100 square feet of secured, uncovered area for storage of FWMBA maintenance equipment.
- 3.07 City shall assist FWMBA in the construction and feature approval process.

### **Article IV Insurance**

- 4.01 FWMBA agrees to obtain and maintain insurance in the following amounts at all times during the term of this Agreement: (i) Commercial General Liability \$1,000,000; (ii) Damage to Premises \$100,000; (iii) Medical \$1,000; (iv) Personal Injury \$1,000,000, (v) General Aggregate \$3,000,000; (vi) Excess Accident \$100,000 with a maximum \$50.00 deductible. FWMBA is not required to obtain Automobile Liability insurance.
- 4.02 FWMBA shall provide certificates of insurance to City evidencing that FWMBA has obtained all required insurance thirty (30) days prior to the start of each year of the agreement.
- 4.03 Insurers for all policies must be authorized to do business in the state of Texas or be otherwise approved by City; and, such insurers shall be acceptable to City in terms of their financial strength and solvency.
- 4.04 All policies shall be endorsed to name City as an additional insured.
- 4.05 The insurance policies required by this Agreement shall cover all public risks related to FWMBA's use of the Park or the Trails.
- 4.06 The Commercial General Liability insurance policy shall have no exclusions by endorsements unless City approves such exclusions. All policies required above shall be written on an occurrence basis. All policies shall be endorsed with a waiver of subrogation in favor of City.
- 4.07 A minimum of thirty (30) days notice of cancellation or material change in coverage shall be provided to City. A ten (10) days notice shall be acceptable in the event of non-payment of premium. Such terms shall be endorsed onto FWMBA's insurance policies. Notice shall be sent to City of Burleson, Attn: City Manager, 141 West Renfro, Burleson, Texas 76028-4261.
- 4.08 City shall be entitled, upon its request and without incurring expense, to review FWMBA's insurance policies including endorsements thereto and at City's discretion. FWMBA may be required to provide proof of insurance premium payments.
- 4.09 City shall not be responsible for the direct payment of any insurance premiums required by this Agreement. Any failure on part of City to request required insurance documentation shall not constitute a waiver of the insurance requirements.

## **Article V**

### **Indemnification**

FWMBA SHALL INDEMNIFY AND HOLD CITY AND ITS OFFICERS, EMPLOYEES AND VOLUNTEERS HARMLESS AGAINST ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS, COSTS, LIENS, LOSSES, EXPENSES, FEES (INCLUDING REASONABLE ATTORNEYS' FEES AND COSTS OF DEFENSE), PROCEEDINGS, ACTIONS, DEMANDS, CAUSES OF ACTION, LIABILITY AND SUITS OF ANY KIND AND NATURE, INCLUDING PERSONAL OR BODILY INJURY (INCLUDING DEATH), PROPERTY

DAMAGE, OR OTHER HARM FOR WHICH RECOVERY OF DAMAGES IS SOUGHT THAT IS FOUND BY A COURT OF COMPETENT JURISDICTION TO BE CAUSED SOLELY BY THE NEGLIGENT ACT, ERROR, OR OMISSION OF FWMBA OR ANY AGENT, OFFICER, DIRECTOR, REPRESENTATIVE, EMPLOYEE, AFFILIATE VOLUNTEER OR SUBCONTRACTOR OF FWMBA, OR THEIR RESPECTIVE OFFICERS, AGENTS, EMPLOYEES, DIRECTORS OR REPRESENTATIVES, WHILE OPERATING OR MANAGING THE FWMBA ACTIVITIES AT THE PARK. THE INDEMNITY PROVIDED UNDER THIS SECTION DOES NOT APPLY TO ANY LIABILITY RESULTING FROM THE NEGLIGENCE OF CITY, ITS OFFICERS, EMPLOYEES, CONTRACTORS OR SUBCONTRACTORS. IF FWMBA AND CITY ARE FOUND JOINTLY LIABLE BY A COURT OF COMPETENT JURISDICTION, LIABILITY SHALL BE APPORTIONED COMPARATIVELY IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS WITHOUT, HOWEVER, WAIVING ANY GOVERNMENTAL IMMUNITY AVAILABLE TO CITY UNDER TEXAS LAW AND WITHOUT WAIVING ANY DEFENSES OF THE PARTIES UNDER TEXAS LAW. THIS ARTICLE V IS SOLELY FOR THE BENEFIT OF CITY AND FWMBA AND DOES NOT CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY. FWMBA AND CITY SHALL PROMPTLY ADVISE EACH OTHER IN WRITING OF ANY KNOWN CLAIM OR DEMAND AGAINST FWMBA OR CITY RELATED TO OR ARISING OUT OF FWMBA'S ACTIVITIES ON THE PROPERTY.

#### **Article VI** **Term of Agreement; Default**

- 6.01 The term of this Agreement shall be for a five (5) year period, beginning on the Effective Date of this Agreement.
- 6.02 This Agreement shall automatically renew and extend under the same terms and conditions contained in this Agreement for five (5) successive one (1) year terms after the initial five (5) year term, unless FWMBA or City provide notice of their intention that this Agreement not renew in writing at least sixty (60) days prior to expiration of the then current term. In no case shall the term of this Agreement extend beyond 10 years from the Effective Date of this Agreement.
- 6.03 Should either party be found to be in default of their obligations under this agreement, the defaulting party shall be given written notification of the event of default and 30 calendar days to cure the default. If the defaulting party fails to cure the default within the 30 day cure period, this Agreement shall be terminated and all parties shall be released from their obligations under this agreement, except the following obligations that shall survive the termination: (i) an obligation to pay monies due on the date of termination, or (ii) an obligation to indemnify under Article V due to an occurrence prior to the date of termination.
- 6.04 Notwithstanding the above, the City may unilaterally terminate this Agreement at any time and for any reason by providing FWMBA with 30 days written notice of termination. Upon termination, all parties shall be released from their obligations under this agreement, except the following obligations that shall survive the termination: (i) an obligation to pay monies

due on the date of termination, or (ii) an obligation to indemnify under Article V due to an occurrence prior to the date of termination.

## **Article VII**

### **Miscellaneous Provisions**

- 7.01 Independent Contractor/Third Party Beneficiaries. City agrees to contract with FWMBA for the maintenance of the Trails as an independent contractor, and not as an officer, servant or employee of City. FWMBA shall have the exclusive right to control the details of the work or activities performed pursuant to this Agreement and all persons performing same, and FWMBA shall be solely responsible for the acts and omissions of its officers, agents, employees, subcontractors, and volunteers. Nothing herein shall be construed as creating a partnership or joint venture between City and FWMBA, its officers, agents, employees, subcontractors, and volunteers; and the doctrine of respondeat superior has no application as between the City and FWMBA. This Agreement shall inure only to the benefit of the parties to this Agreement and third persons not privy hereto shall not, in any form or manner, be considered a third party beneficiary of this Agreement. Each party hereto shall be solely responsible for the fulfillment of its own contracts or commitments.
- 7.02 Force Majeure. Either party may be excused from performance under this Agreement when performance is prevented as the result of an act of God, strike, war, civil disturbance, epidemic, pandemic, or court order, provided that the non-performing party prudently and promptly acted to take any and all steps that are within the party's control to ensure performance and to shorten the duration of the event of Force Majeure. If a party suffers an event of Force Majeure, it shall provide notice of the event to the other party immediately. Subject to this provision, such nonperformance shall not be deemed an event of default.
- 7.03 Notice. All notices required or permitted by this Agreement will be delivered either (i) by certified mail, postage prepaid, effective five days after mailing, or (ii) by hand delivery, effective upon delivery, in either case addressed as follows (or to such other address as a party may specify to the other party by notice delivered in accordance with the terms hereof):
- To FWMBA: FWMBA, Attn: President, PO Box 1221, Fort Worth, Texas 76101
- To City: City of Burleson, Attn: City Manager, 141 W. Renfro, Burleson, Texas 76028
- 7.04 Meeting. This Agreement was approved by the City Council at a duly authorized and lawfully called meeting.
- 7.05 Severability. If any provision of this Agreement is held to be invalid, illegal or unenforceable by a final order entered by a court of competent jurisdiction, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired. This Agreement will remain in effect and will be read as if the invalid, illegal or unenforceable provision was never included in the Agreement. For purposes of this Agreement, a court order shall be final only to the extent that all available legal rights and

remedies pertaining to such order, including without limitation all available appeals, have been exhausted.

- 7.06 **Governing Law; Venue.** This Agreement will be construed under the laws of the State of Texas, and the venue of any lawsuit arising based on a provision of this Agreement shall lie in the state courts of Johnson County, Texas, or the United States District Court for the Northern District of Texas - Fort Worth Division.
- 7.07 **Attorney's Fees.** In an action to enforce or defend any of the rights or remedies hereunder, the prevailing party shall be entitled to an award of its reasonable attorney's fees, costs, and expenses incurred in connection with such action.
- 7.08 **No Prior Agreements.** This Agreement constitutes the entire agreement of the parties and supersedes any prior understandings or written or oral agreements between the parties with respect to the subject matter hereof.
- 7.09 **Construction.** All Parties to this Agreement are represented by legal counsel, and have had the opportunity to discuss the terms of this Agreement with their legal counsel and to negotiate regarding the terms of this Agreement. It is the intent of the Parties that the terms and provisions of this Agreement shall be construed neutrally, and not against or in favor of a party hereto regardless of whether such party is the drafter of this Agreement.
- 7.10 **Amendment.** No amendment, modification or alteration of the terms of this Agreement shall be binding unless the same shall be in writing, dated subsequent to the date of this Agreement and duly executed by the Parties.
- 7.11 **Remedies.** The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either party shall not preclude or waive its rights to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have by law, statute, ordinance or otherwise.
- 7.12 **Waiver.** The failure of either party to this Agreement to complain of any action, non- action, or default of the other party shall not constitute a waiver of any of such party's rights under this Agreement. Waiver by a party of any right for any default shall not be treated as waiver of any subsequent default or breach of the same or any other obligation.
- 7.13 **No Waiver of Governmental Immunity.** Nothing contained in this Agreement shall be construed as a waiver of City's governmental immunity, or of any damage caps or limitations imposed by law, or any other legal protections granted to City by law, except to the extent expressly provided in this Agreement. This section shall survive any termination of this Agreement.
- 7.14 **Assignment.** FWMB shall not assign or subcontract any of its duties, obligations or rights under this Agreement without the prior written consent of the City. If the City grants consent to an assignment, the assignee shall execute a written agreement with the City and the FWMB under which the assignee agrees to be bound by the duties and obligations of

FWMBA under this Agreement. The FWMBA and Assignee shall be jointly liable for all obligations under this Agreement prior to the assignment. If the City grants consent to a subcontract, the subcontractor shall execute a written agreement with the FWMBA referencing this Agreement under which the subcontractor shall agree to be bound by the duties and obligations of the FWMBA under this Agreement as such duties and obligations may apply. The FWMBA shall provide the City with a fully executed copy of any such subcontract.

- 7.15 Counterparts; Electronic Signatures. This Agreement may be executed by the parties in multiple counterparts, each of which shall be considered an original, but all of which shall constitute one instrument. Any pdf-format or other electronic transmission of any signature of a signatory shall be deemed an original and shall bind such signatory. For these purposes, “electronic transmission” means electronically scanned or signed and transmitted versions (e.g. via pdf file or facsimile transmission) of an original signature, or signatures electronically inserted via software such as Adobe Sign or DocuSign.

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement:

**CITY OF BURLESON:**

**FORT WORTH MOUNTAIN BIKERS  
ASSOCIATION**

By: \_\_\_\_\_

By: Michele Kahne

Name: \_\_\_\_\_

Name: Michele Kahne

Title: \_\_\_\_\_

Title: President

Date: \_\_\_\_\_

Date: 08/24/23

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## City Council Regular Meeting

**DEPARTMENT:** Legal & Purchasing

**FROM:** Matt Ribitzki, Deputy City Attorney/Compliance Manager

**MEETING:** September 5, 2023

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**SUBJECT:**

Consider approval of an ordinance approving a negotiated settlement between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corp., Mid-Tex Division regarding the company's 2023 rate review mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree medical benefits; and requiring the company to reimburse ACSC's reasonable ratemaking expenses. (Final Reading) *(Staff Contact: Matt Ribitzki, Deputy City Attorney/Compliance Manager)*

**SUMMARY:**

**INTRO**

The City of Burleson, along with 181 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC"). ACSC undertakes activities on behalf of its city members and their citizens, including participation in rate cases. The City has been a longtime member of ACSC, and in 2022 passed a resolution to continue its membership.

**2023 ATMOS RATE REQUEST**

In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism ("RRM"), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members in 2018. On or about March 31, 2023, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2022, entitled it to additional system-wide revenues of \$165.9 million.

Application of the standards set forth in ACSC's RRM Tariff reduces the Company's request to \$156.1 million, \$113.8 million of which would be applicable to ACSC members. After reviewing the filing and conducting discovery, ACSC's consultants concluded that the system-wide deficiency under the RRM regime should be \$130.9 million instead of the claimed \$156.1 million.

After several settlement meetings, the parties have agreed to settle the case for \$142 million. This is a reduction of \$23.9 million to the Company's initial request. This includes payment of ACSC's expenses. The settlement also includes an additional \$19.5 million for the securitization regulatory asset expenses related to Winter Storm Uri. This was previously approved by the Texas Legislature and Railroad Commission. The Effective Date for new rates is October 1, 2023. ACSC members should take action by approving an ordinance before September 30, 2023.

## **RATE TARIFFS**

Atmos generated rate tariffs attached to the ordinance will generate \$142 million in additional revenues. Atmos also prepared a Proof of Revenues supporting the settlement figures. ACSC consultants have agreed that Atmos' Proof of Revenues is accurate.

## **MONTHLY BILL IMPACT**

The impact of the settlement on average residential rates is an increase of \$6.47 on a monthly basis, or 7.31%. The increase for average commercial usage will be \$24.72 or 5.19%. Atmos provided bill impact comparisons containing these figures.

## **SUMMARY OF ACSC'S OBJECTION TO THE UTILITIES CODE SECTION 104.301 GRIP PROCESS**

ACSC strongly opposed the GRIP process because it constitutes piecemeal ratemaking by ignoring declining expenses and increasing revenues while rewarding the Company for increasing capital investment on an annual basis. The GRIP process does not allow any review of the reasonableness of capital investment and does not allow cities to participate in the Railroad Commission's review of annual GRIP filings or allow recovery of Cities' rate case expenses. The Railroad Commission undertakes a mere administrative review of GRIP filings (instead of a full hearing) and rate increases go into effect without any material adjustments. In ACSC's view, the GRIP process unfairly raises customers' rates without any regulatory oversight. In contrast, the RRM process has allowed for a more comprehensive rate review and annual evaluation of expenses and revenues, as well as capital investment.

## **RRM SAVINGS OVER GRIP**

While residents outside municipal limits must pay rates governed by GRIP, there are some cities served by Atmos Mid-Tex that chose to remain under GRIP rather than adopt RRM. Additionally, the City of Dallas adopted a variation of RRM which is referred to as DARR.

### Comparison to Other Mid-Tex Rates (Residential)

	<u>Average Bill</u>	<u>Compared to RRM Cities</u>
RRM Cities:	\$42.62	-
DARR:	\$42.55	(\$0.07)
ATM Cities:	\$44.39	\$1.77
Environs:	\$44.27	\$1.65

Note: ATM Cities and Environs rates are as-filed. Also note that DARR uses a test year ending in September rather than December.

### CONCLUSION

The Legislature's GRIP process allowed gas utilities to receive annual rate increases associated with capital investments. The RRM process has proven to result in a more efficient and less costly (both from a consumer rate impact perspective and from a ratemaking perspective) than the GRIP process. Given Atmos Mid-Tex's claim that its historic cost of service should entitle it to recover \$165.9 million in additional system-wide revenues, the RRM settlement at \$142 million for ACSC members reflects substantial savings to ACSC cities. Settlement at \$142 million is fair and reasonable.

The ACSC Executive Committee consisting of city employees of 18 ACSC members urges all ACSC members to pass the ordinance before September 30, 2023. New rates become effective October 1, 2023.

### OPTIONS:

- 1) Approve the ordinance; or
- 2) Deny the ordinance.

### RECOMMENDATION:

Approve the ordinance

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

n/a

### FISCAL IMPACT:

n/a

### STAFF CONTACT:

Matt Ribitzki  
Deputy City Attorney/Compliance Manager  
[mribitzki@burlesontx.com](mailto:mribitzki@burlesontx.com)  
817-426-9664



# Ordinance Approving the Settlement Agreement Between the Atmos Cities Steering Committee and Atmos

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PRESENTED TO THE CITY COUNCIL ON  
SEPTEMBER 5, 2023

# Atmos Settlement Agreement

- The City is a regulatory authority over Atmos Energy Corp., Mid-Tex Division with an interest in the rates and charges of Atmos
- The City has been a longtime member of the Atmos Cities Steering Committee
- ACSC is a coalition of 181 other cities that undertakes activities on behalf of its city members and their citizens, including participation in rate cases
- On March 31, 2023, Atmos filed a rate request pursuant to the rate review process requesting additional system-wide revenues of \$165.9 million
- After discovery and several meetings, ACSC and Atmos agreed to settle the case for \$142 million, a reduction of \$23.9 million

# Atmos Settlement Agreement

- The impact of the settlement on average residential usage is an increase of \$6.47 on a monthly basis, or 7.31%
- The impact of the settlement on average commercial usage is an increase of \$24.72 on a monthly basis, or 5.19%
- ACSC believes the \$142 settlement is fair and reasonable
- The ACSC Executive Committee urges all ACSC members to pass an ordinance approving the settlement before September 30, 2023
- New rates will become effective October 1, 2023



# Atmos Settlement Agreement

## Action Requested:

- Approve an ordinance approving a negotiated settlement between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corp., Mid-Tex Division regarding the company's 2023 rate review mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree medical benefits; and requiring the company to reimburse ACSC's reasonable ratemaking expenses.
- Staff recommends approval

## ORDINANCE

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2023 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.**

WHEREAS, the City of Burleson, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates, charges, and services of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by the

Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, the current RRM tariff was adopted by the City in a rate ordinance in 2018; and

WHEREAS, on about March 31, 2023 Atmos Mid-Tex filed its 2023 RRM rate request with ACSC Cities based on a test year ending December 31, 2022; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2023 RRM filing through its Executive Committee, assisted by ACSC's attorneys and consultants, to resolve issues identified in the Company's RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$142 million on a system-wide basis with an Effective Date of October 1, 2023; and

WHEREAS, ACSC agrees that Atmos plant-in-service is reasonable; and

WHEREAS, with the exception of approved plant-in-service, ACSC is not foreclosed from future reasonableness evaluation of costs associated with incidents related to gas leaks; and

WHEREAS, the attached tariffs (Attachment 1) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Attachment 2); and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications; and

WHEREAS, the RRM Tariff includes Securitization Interest Regulatory Asset amount of \$19.5 million;

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

**Section 1.** That the findings set forth in this Ordinance are hereby in all things approved.

**Section 2.** That, without prejudice to future litigation of any issue identified by ACSC, the City Council finds that the settled amount of an increase in revenues of \$142 million on a system-wide basis represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2023 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

**Section 3.** That despite finding Atmos Mid-Tex's plant-in-service to be reasonable, ACSC is not foreclosed in future cases from evaluating the reasonableness of costs associated with incidents involving leaks of natural gas.

**Section 4.** That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Attachment 1, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$142 million on a system-wide basis, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

**Section 5.** That the ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Attachment 2, attached hereto and incorporated herein.

**Section 6.** That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of ACSC in processing the Company's 2023 RRM filing.

**Section 7.** That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

**Section 8.** That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

**Section 9.** That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

**Section 10.** That consistent with the City Ordinance that established the RRM process, this Ordinance shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after October 1, 2023.

**Section 11.** That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Thomas Brocato, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
BURLESON, TEXAS, BY A VOTE OF \_\_\_\_ TO \_\_\_\_, ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_  
\_\_\_\_\_, 2023.

\_\_\_\_\_  
Chris Fletcher, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

## Attachment 1

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RATE SCHEDULE:</b>	<b>R – RESIDENTIAL SALES</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 10/01/2023</b>	

**Application**

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

**Type of Service**

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

**Monthly Rate**

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

<b>Charge</b>	<b>Amount</b>
Customer Charge per Bill	\$ 22.25 per month
Rider CEE Surcharge	\$ 0.05 per month <sup>1</sup>
<b>Total Customer Charge</b>	<b>\$ 22.30 per month</b>
Commodity Charge – All <u>Ccf</u>	\$0.48567 per Ccf <sup>2</sup>

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

**Agreement**

An Agreement for Gas Service may be required.

**Notice**

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

<sup>1</sup>Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2023.

<sup>2</sup>The commodity charge includes the base rate amount of \$0.46724 per Ccf and Securitization Regulatory Asset amounts related to financing costs in the amount of \$0.01843 per Ccf until recovered.



**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RATE SCHEDULE:</b>	<b>C – COMMERCIAL SALES</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 10/01/2023</b>	

**Application**

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

**Type of Service**

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

**Monthly Rate**

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

<b>Charge</b>	<b>Amount</b>
Customer Charge per Bill	\$ 72.00 per month
Rider CEE Surcharge	(\$ 0.02) per month <sup>1</sup>
<b>Total Customer Charge</b>	<b>\$ 71.98 per month</b>
Commodity Charge – All Ccf	\$ 0.18280 per Ccf <sup>2</sup>

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

**Agreement**

An Agreement for Gas Service may be required.

**Notice**

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

**Presumption of Plant Protection Level**

For service under this Rate Schedule, plant protection volumes are presumed to be 10% of normal, regular, historical usage as reasonably calculated by the Company in its sole discretion. If a customer believes it needs to be modeled at an alternative plant protection volume, it should contact the company at [mdtx.plantprotection@atmosenergy.com](mailto:mdtx.plantprotection@atmosenergy.com).

<sup>1</sup> Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2023.

<sup>2</sup>The commodity charge includes the base rate amount of \$0.16437 per Ccf and Securitization Regulatory Asset amounts related to financing costs in the amount of \$0.01843 per Ccf until recovered.

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RATE SCHEDULE:</b>	<b>I – INDUSTRIAL SALES</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 10/01/2023</b>	

**Application**

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 200 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 200 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

**Type of Service**

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

**Monthly Rate**

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

<b>Charge</b>	<b>Amount</b>
Customer Charge per Meter	\$ 1,382.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.7484 per MMBtu <sup>1</sup>
Next 3,500 MMBtu	\$ 0.5963 per MMBtu <sup>1</sup>
All MMBtu over 5,000 MMBtu	\$ 0.2693 per MMBtu <sup>1</sup>

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

**Curtailment Overpull Fee**

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

**Replacement Index**

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees

<sup>1</sup> The tiered commodity charges include the base rate amounts of \$0.5684, \$0.4163, and \$0.0893 per MMBtu, respectively, plus Securitization Regulatory Asset amounts related to financing costs in the amount of \$0.1800 per MMBtu until recovered.

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RATE SCHEDULE:</b>	<b>I – INDUSTRIAL SALES</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 10/01/2023</b>	

utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**Agreement**

An Agreement for Gas Service may be required.

**Notice**

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

**Special Conditions**

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**Presumption of Plant Protection Level**

For service under this Rate Schedule, plant protection volumes are presumed to be 10% of normal, regular, historical usage as reasonably calculated by the Company in its sole discretion. If a customer believes it needs to be modeled at an alternative plant protection volume, it should contact the company at [mdtx.plantprotection@atmosenergy.com](mailto:mdtx.plantprotection@atmosenergy.com).

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RATE SCHEDULE:</b>	<b>T – TRANSPORTATION</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 10/01/2023</b>	

**Application**

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

**Type of Service**

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

**Monthly Rate**

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

<b>Charge</b>	<b>Amount</b>
Customer Charge per Meter	\$ 1,382.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.5684 per MMBtu
Next 3,500 MMBtu	\$ 0.4163 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0893 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

**Imbalance Fees**

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

**Monthly Imbalance Fees**

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RATE SCHEDULE:</b>	<b>T – TRANSPORTATION</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 10/01/2023</b>	

**Curtailment Overpull Fee**

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

**Replacement Index**

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**Agreement**

A transportation agreement is required.

**Notice**

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

**Special Conditions**

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RIDER:</b>	<b>WNA – WEATHER NORMALIZATION ADJUSTMENT</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 10/01/2023</b>	

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

- $i$  = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification
- $WNAF_i$  = Weather Normalization Adjustment Factor for the  $i^{th}$  rate schedule or classification expressed in cents per Ccf
- $R_i$  = Commodity Charge rate of temperature sensitive sales for the  $i^{th}$  schedule or classification.
- $HSF_i$  = heat sensitive factor for the  $i^{th}$  schedule or classification divided by the average bill count in that class
- $NDD$  = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.
- $ADD$  = billing cycle actual heating degree days.
- $BL_i$  = base load sales for the  $i^{th}$  schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the  $j$ th customer in  $i$ th rate schedule is computed as:

$$WNA_i = WNAF_i \times q_{ij}$$

Where  $q_{ij}$  is the relevant sales quantity for the  $j$ th customer in  $i$ th rate schedule.

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RIDER:</b>	<b>WNA – WEATHER NORMALIZATION ADJUSTMENT</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 10/01/2023</b>	

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	9.51	0.1415	88.91	0.7010
Austin	8.87	0.1213	213.30	0.7986
Dallas	12.54	0.2007	185.00	0.9984
Waco	8.81	0.1325	125.26	0.7313
Wichita Falls	10.36	0.1379	122.10	0.6083

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at [atmosenergy.com/mtx-wna](http://atmosenergy.com/mtx-wna), in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

## Attachment 2



**ATMOS ENERGY CORP., MID-TEX DIVISION**  
**MID-TEX RATE REVIEW MECHANISM**  
**PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL**  
**TEST YEAR ENDING DECEMBER 31, 2022**

Line No.	Description	Shared Services		Mid-Tex Direct			Adjustment Total
		Pension Account Plan	Post-Employment Benefit Plan	Pension Account Plan	Post-Employment Benefit Plan	Supplemental Executive Benefit Plan	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Proposed Benefits Benchmark -						
	Fiscal Year 2023 Willis Towers Watson Report as adjusted (1) (2) (3)	\$ 1,434,339	\$ (518,336)	\$ 2,336,419	\$ (2,678,818)	\$ 267,917	
2	Allocation Factor	44.92%	44.92%	78.74%	78.74%	100.00%	
3	Proposed Benefits Benchmark Costs Allocated to Mid-Tex (Ln 1 x Ln 2)	\$ 644,336	\$ (232,848)	\$ 1,839,667	\$ (2,109,267)	\$ 267,917	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	Proposed Benefits Benchmark Costs to Approve (Ln 3 x Ln 4)	\$ 644,336	\$ (232,848)	\$ 1,839,667	\$ (2,109,267)	\$ 267,917	\$ 409,804
6							
7	O&M Expense Factor (WP_F-2.3, Ln 2)	78.60%	78.60%	39.63%	39.63%	11.00%	
8							
9	Summary of Costs to Approve (1):						
10	Total Pension Account Plan	\$ 506,464		\$ 729,006			\$ 1,235,469
11	Total Post-Employment Benefit Plan		\$ (183,024)		\$ (835,840)		(1,018,864)
12	Total Supplemental Executive Benefit Plan					\$ 29,471	29,471
13	Total (Ln 10 + Ln 11 + Ln 12)	\$ 506,464	\$ (183,024)	\$ 729,006	\$ (835,840)	\$ 29,471	\$ 246,076

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## City Council Regular Meeting

**DEPARTMENT:** Finance

**FROM:** John Butkus, Assistant Finance Director

**MEETING:** September 5, 2023

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**SUBJECT:**

Consider approval of a minute order ratifying the Burleson 4A Economic Development Corporation Board's action to adopt an annual budget for Fiscal Year 2023-2024. (*Staff Contact: John Butkus, Assistant Finance Director*)

**SUMMARY:**

On August 15, 2023, the Burleson 4A Economic Development Corporation's Board of Directors adopted an annual budget for Fiscal Year 2023-2024.

On August 9, 2023, the city manager filed the proposed annual budget for Fiscal Year 2023-2024. On that same day, the city manager delivered a copy of the proposed budget to the city council. At the August 15, 2023, special city council meeting, the city manager presented the proposed budget to the council and members of the public.

**OPTIONS:**

Approve the minute order, or do not approve the minute order

**RECOMMENDATION:**

Approve minute order ratifying the Burleson 4A Economic Development Corporation Board's action to adopt an annual budget for Fiscal Year 2023-2024.

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

On August 15, 2023, the Burleson 4A Economic Development Corporation's Board of Directors adopted an annual budget for Fiscal Year 2023-2024.

**FISCAL IMPACT:**

NA

**STAFF CONTACT:**

John Butkus  
Assistant Finance Director  
[mavila@burlesontx.com](mailto:mavila@burlesontx.com)  
817-426-9627



# 4A Economic Development Corporation FY2023-2024 Proposed Budget

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*PRESENTED TO THE 4A BOARD, AUGUST 15, 2023*

# 4A Budget Highlights

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- 4A FY 2024 Proposed Budget Revenues - **\$10,359,138**
  - Sales Tax - \$7,594,138
  - Land sale – Craftmasters - \$2,375,000
  - Other revenues - \$390,000 (interest earning, leases/rentals, Project U sales)
- 4A FY 2024 Proposed Budget Expenditures - **\$9,113,818**
  - Debt Service Payment - \$2,757,636
    - FY2023 Bond Issue - \$15,000,000
  - Personnel cost - \$475,753
  - ED Incentives - \$4,491,060
    - Craftmasters, Alley Cats, Retail Connections
  - Other Operating cost - \$1,380,369 (Personnel development, Supplies, Outside Services, Utilities, Project U, Transfers)

# 4A Three Year Summary

	MAJOR GOVERNMENTAL FUND			
	4 A SALES TAX REVENUE			
	2021-22 ACTUAL	2022-23 BUDGET	2022-23 ESTIMATE	2023-24 BUDGET
<b>Beginnig fund balance/ working capital</b>	\$ 2,474,806	\$ 973,149	\$ 1,226,246	\$ 5,172,130
<b>Revenues</b>				
Sales Tax	6,955,613	7,117,335	7,372,950	7,594,138
Investment income	34,408	15,000	90,000	100,000
Miscellaneous	193,495	190,000	329,468	2,665,000
Transfer In	352,139	-	-	-
<b>Total revenues</b>	<b>7,535,655</b>	<b>7,322,335</b>	<b>7,792,418</b>	<b>10,359,138</b>
<b>Expenditures</b>				
Personnel Services	333,458	487,864	607,563	613,924
Material & Supplies	5,522	6,000	6,000	6,000
Purchased Services	155,053	199,454	198,628	459,291
Maintenance and Repair	23,398	35,000	35,000	30,000
Transfers out:				
4 A Debt	1,718,154	1,826,505	1,826,505	2,757,636
General Fund- Adm.	366,203	176,925	176,925	156,564
Capital	5,000,000	261,169	266,169	-
Economic Incentives	518,430	1,375,000	225,000	4,491,060
Other Expenditures	320,366	545,499	504,744	599,343
Capital Out lay	343,631	-	-	-
<b>Total expenditures</b>	<b>8,784,215</b>	<b>4,913,416</b>	<b>3,846,534</b>	<b>9,113,818</b>
<b>Change in fund balance</b>	<b>(1,248,560)</b>	<b>2,408,919</b>	<b>3,945,884</b>	<b>1,245,320</b>
<b>Ending fund balance/ working capital</b>	<b>\$ 1,226,246</b>	<b>\$ 3,382,068</b>	<b>\$ 5,172,130</b>	<b>\$ 6,417,450</b>

# 4A Financial Forecast

	FY 22-23 Estimate	FY 23-24 Projected	FY 24-25 Projected	FY 25-26 Projected	FY 26-27 Projected	FY 27-28 Projected
<b>Beginning Fund Balance</b>	\$ 1,226,246	\$ 5,172,130	\$ 6,417,450	\$ 6,968,154	\$ 7,165,627	\$ 7,486,843
Sales Tax Revenue	\$ 7,372,950	\$ 7,594,138	\$ 7,821,962	\$ 8,056,621	\$ 8,298,320	\$ 8,547,270
Other Revenues	\$ 419,468	\$ 2,765,000	\$ 393,000	\$ 396,090	\$ 399,273	\$ 402,551
<b>Total Revenues</b>	<b>\$ 7,792,418</b>	<b>\$ 10,359,138</b>	<b>\$ 8,214,962</b>	<b>\$ 8,452,711</b>	<b>\$ 8,697,593</b>	<b>\$ 8,949,820</b>
Personnel	\$ 460,888	\$ 475,753	\$ 479,724	\$ 497,558	\$ 516,068	\$ 535,280
Debt Service	\$ 1,826,505	\$ 2,757,636	\$ 5,094,562	\$ 6,073,495	\$ 6,071,088	\$ 6,069,100
380 Incentives	\$ 225,000	\$ 4,491,060	\$ 658,000	\$ 336,300	\$ 400,000	\$ 400,000
Other Expenditures	\$ 1,334,141	\$ 1,389,369	\$ 1,431,973	\$ 1,347,885	\$ 1,389,221	\$ 1,419,425
Supplemental	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Expenditures</b>	<b>\$ 3,846,534</b>	<b>\$ 9,113,818</b>	<b>\$ 7,664,259</b>	<b>\$ 8,255,238</b>	<b>\$ 8,376,377</b>	<b>\$ 8,423,805</b>
Change in Fund Balance	\$ 3,945,884	\$ 1,245,320	\$ 550,704	\$ 197,474	\$ 321,216	\$ 526,015
<b>Ending Fund Balance</b>	<b>\$ 5,172,130</b>	<b>\$ 6,417,450</b>	<b>\$ 6,968,154</b>	<b>\$ 7,165,627</b>	<b>\$ 7,486,843</b>	<b>\$ 8,012,859</b>
FB % of Expenditure	134.46%	70.41%	90.92%	86.80%	89.38%	95.12%

# Options

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- Recommend approval of 4A FY 2024 proposed budget
- Not recommend approval of FY2024 proposed budget
- Staff recommends approval



# QUESTIONS/COMMENTS

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## City Council Regular Meeting

**DEPARTMENT:** Finance

**FROM:** John Butkus, Assistant Finance Director

**MEETING:** September 6, 2022

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**SUBJECT:**

Consider approval of a minute order ratifying the Burleson Community Service Development Corporation Board's action to adopt an annual budget for Fiscal Year 2023-2024. (*Staff Contact: John Butkus, Assistant Finance Director*)

**SUMMARY:**

On August 15, 2023, the Burleson Community Service Development Corporation's Board of Directors adopted an annual budget for Fiscal Year 2023-2024.

On August 9, 2023, the city manager filed the proposed annual budget for Fiscal Year 2023-2024. On that same day, the city manager delivered a copy of the proposed budget to the city council. At the August 15, 2023, special city council meeting, the city manager presented the proposed budget to the council and members of the public.

**OPTIONS:**

Approve the minute order, or do not approve the minute order

**RECOMMENDATION:**

Approve minute order ratifying the Burleson Community Service Development Corporation Board's action to adopt an annual budget for Fiscal Year 2023-2024.

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

On August 15, 2023, the Burleson Community Service Development Corporation's Board of Directors adopted an annual budget for Fiscal Year 2023-2024.

**FISCAL IMPACT:**

NA

**STAFF CONTACT:**

John Butkus  
Assistant Finance Director  
[jbutkus@burlesontx.com](mailto:jbutkus@burlesontx.com)  
817-426-9627



# 4B Community Development Corporation FY2023-2024 Proposed Budget

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*PRESENTED TO THE 4B BOARD, AUGUST 15, 2023*

# 4B Budget Highlights

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- 4B FY 2024 Proposed Budget Revenues - **\$7,724,397**
  - Sales Tax - \$7,594,138
  - Other revenues - \$130,259 (interest earning, rentals)
- 4A FY 2024 Proposed Budget Expenditures - **\$8,080,943**
  - Debt Service Payment - \$2,224,218
  - Golf Transfers - \$1,230,004
  - PPF - \$3,453,234
  - Personnel Cost - \$358,853
  - Incentives -\$501,667 (Heim, Razoo's, Alley Cats)
  - Other Operating Costs - \$312,967 (personnel development, supplies, services, administrative cost, special events)

# 4B Three Year Summary

	MAJOR GOVERNMENTAL FUND 4 B SALES TAX REVENUE			
	2021-22 ACTUAL	2022-23 BUDGET	2022-23 ESTIMATE	2023-24 BUDGET
<b>Beginnig fund balance/ working capital</b>	\$ 4,941,248	\$ 5,547,016	\$ 6,656,926	\$ 4,604,521
<b>Revenues</b>				
Sales Tax	6,955,613	7,117,335	7,372,950	7,594,138
Investment income	32,064	70,000	82,000	90,000
Miscellaneous	-	-	40,259	40,259
Transfer In	-	-	-	-
<b>Total revenues</b>	<b>6,987,677</b>	<b>7,187,335</b>	<b>7,495,209</b>	<b>7,724,397</b>
<b>Expenditures</b>				
Personal Services	156,926	337,433	347,966	358,853
Material & Supplies	-	20,000	20,000	20,900
Purchased Services	7,376	8,500	8,500	9,225
Maintenance And Repair	318,826	-	-	-
Transfers Out				
4B Debt	1,038,183	1,390,800	1,672,631	2,224,218
General Fund- Adm.	15,450	153,109	153,109	102,250
Golf	936,630	1,104,630	1,642,575	1,230,004
PPF	2,708,504	3,130,479	3,364,037	3,453,234
Capital	-	2,057,444	2,057,444	-
Economic Incentives	-	566,667	-	501,667
Miscellaneous	-	188,361	226,912	100,000
Other Expenditures	66,207	54,440	54,440	30,592
Capital Outlay	23,897	-	-	50,000
<b>Total expenditures</b>	<b>5,271,999</b>	<b>9,011,863</b>	<b>9,547,614</b>	<b>8,080,943</b>
<b>Change in fund balance</b>	<b>1,715,678</b>	<b>(1,824,528)</b>	<b>(2,052,405)</b>	<b>(356,546)</b>
<b>Ending fund balance/ working capital</b>	<b>\$ 6,656,926</b>	<b>\$ 3,722,488</b>	<b>\$ 4,604,521</b>	<b>\$ 4,247,975</b>

# 4B Financial Forecast

	FY 22-23 Estimate	FY 23-24 Projected	FY 24-25 Projected	FY 25-26 Projected	FY 26-27 Projected	FY 27-28 Projected
<b>Beginning Fund Balance</b>	\$ 6,656,926	\$ 4,604,521	\$ 4,247,975	\$ 3,457,074	\$ 2,829,438	\$ 2,350,515
Sales Tax Revenue	\$ 7,372,950	\$ 7,594,138	\$ 7,821,962	\$ 8,056,621	\$ 8,298,320	\$ 8,547,270
Other Revenues	\$ 122,259	\$ 130,259	\$ 132,959	\$ 135,740	\$ 138,604	\$ 141,555
<b>Total Revenues</b>	<b>\$ 7,495,209</b>	<b>\$ 7,724,397</b>	<b>\$ 7,954,921</b>	<b>\$ 8,192,361</b>	<b>\$ 8,436,924</b>	<b>\$ 8,688,824</b>
Debt Service	\$ 1,672,631	\$ 2,224,218	\$ 3,197,350	\$ 3,478,125	\$ 3,479,650	\$ 3,602,500
Golf Course Debt	\$ 376,086	\$ 370,532	\$ 382,208	\$ -	\$ -	\$ -
Golf Transfer	\$ 1,266,489	\$ 859,472	\$ 825,556	\$ 856,102	\$ 888,015	\$ 921,354
PPF Transfer	\$ 3,364,037	\$ 3,453,234	\$ 3,515,824	\$ 3,631,713	\$ 3,761,400	\$ 3,895,798
Other Expenditures	\$ 2,868,371	\$ 1,173,487	\$ 824,885	\$ 854,057	\$ 786,783	\$ 778,270
<b>Total Expenditures</b>	<b>\$ 9,547,614</b>	<b>\$ 8,080,943</b>	<b>\$ 8,745,822</b>	<b>\$ 8,819,997</b>	<b>\$ 8,915,847</b>	<b>\$ 9,197,922</b>
Change in Fund Balance	\$ (2,052,405)	\$ (356,546)	\$ (790,901)	\$ (627,636)	\$ (478,923)	\$ (509,097)
<b>Ending Fund Balance</b>	<b>\$ 4,604,521</b>	<b>\$ 4,247,975</b>	<b>\$ 3,457,074</b>	<b>\$ 2,829,438</b>	<b>\$ 2,350,515</b>	<b>\$ 1,841,418</b>
FB % of Expenditure	48.23%	52.57%	39.53%	32.08%	26.36%	20.02%

# Parks and Golf 5 year CIP FY2024-2028

Project	FY 24	FY 25	FY 26	FY 27	FY 28	Total
<b>Parks</b>						
<b>Park Refurbishments</b>						
Bailey Lake			\$450,000.00			\$450,000.00
Bartlett				\$300,000.00		\$300,000.00
Cedar Ridge	\$280,000.00					\$280,000.00
Centennial		\$420,000.00				\$420,000.00
Chisenall					\$260,000.00	
Heberle					\$310,000.00	\$310,000.00
Meadowcrest	\$400,000.00					\$400,000.00
Mistletoe Hill			\$585,000.00			\$585,000.00
Warren		\$750,000.00		\$500,000.00		\$1,250,000.00
<b>Sport Fields</b>						
Bartlett Field Regrading						\$0.00
Chisenhall Field Turf and Lighting	\$525,000.00	\$500,000.00	\$500,000.00	\$500,000.00	\$500,000.00	\$2,525,000.00
Chisenhall Playground						\$0.00
Hidden Creek Softball Relocation	\$2,000,000.00					\$2,000,000.00
<b>Trails, Parking and Infrastructure</b>						
Bailey Lake Low Water Crossing		\$220,000.00				\$220,000.00
Oak Valley Trail-Scott Street Trailhead	\$540,000.00					\$540,000.00
Village Creek Trail Phase IV	\$685,000.00					\$685,000.00
Village Creek Trail Phase III	\$2,417,160.00					\$2,417,160.00
<b>Signage</b>						
Park Monument Signs	\$65,000.00	\$65,000.00	\$65,000.00	\$65,000.00		\$260,000.00
City Wide Monument Signs	\$550,000.00					\$550,000.00
<b>New Construction</b>						
Shannon Creek Park	\$3,327,763.00					\$3,327,763.00
Community Park	\$500,000.00					\$500,000.00



# Parks and Golf 5 Year CIP Plan (Continued)

BRiCk	FY 24	FY 25	FY 26	FY 27	FY 28	Total
Replace roof		\$1,000,000.00				\$1,000,000.00
Remodel of entryway (Admin, Kiosk, Rockwall and lighting)	\$487,000.00					\$487,000.00
Addition of Dry Sauna			\$380,000.00			\$380,000.00
Replacement of indoor pool sandfilter	\$155,000.00					\$155,000.00
Replaster Indoor Pool		\$300,000.00				\$300,000.00
Desert Aire					\$250,000.00	\$250,000.00
HVAC Unit					\$500,000.00	\$500,000.00
Replacement of entry monument sign				\$35,000.00		\$35,000.00
<b>Golf</b>						
Tee and Wayfinding signage	\$25,000.00					\$25,000.00
<b>Turf Improvements</b>						
Range side (9) (shape, sod, cart path, trees)	\$45,000.00					\$45,000.00
Greens resurface (all 18) (remove and replace top 6' of material)				\$375,000.00		\$375,000.00
<b>Ponds and Irrigation</b>						
Pond Renovation bentonite/fountains (4,5,15)			\$85,000.00			\$85,000.00
Floating Intake Pipe Replacement		\$16,750.00				\$16,750.00
<b>Administration</b>						
System Wide Master Plan Update	\$100,000.00					\$100,000.00
<b>Park Total</b>	\$11,289,923.00	\$1,955,000.00	\$1,600,000.00	\$1,365,000.00	\$1,070,000.00	\$17,279,923.00
<b>BRiCk Total</b>	\$642,000.00	\$1,300,000.00	\$380,000.00	\$35,000.00	\$750,000.00	\$3,107,000.00
<b>Golf Total</b>	\$70,000.00	\$16,750.00	\$85,000.00	\$375,000.00	\$0.00	\$546,750.00
<b>Admin</b>	\$100,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$100,000.00
<b>Contingency/Escalation 5%</b>	\$600,096.15	\$163,587.50	\$103,250.00	\$88,750.00	\$91,000.00	\$1,046,683.65
<b>Total</b>	<b>\$12,702,019.15</b>	<b>\$3,435,337.50</b>	<b>\$2,168,250.00</b>	<b>\$1,863,750.00</b>	<b>\$1,911,000.00</b>	<b>\$22,080,356.65</b>
Available Funding	\$204,033.00	\$105,750.00	\$160,800.00	\$409,000.00		\$879,583.00
Debt Sale	\$12,497,986.15	\$3,329,587.50	\$2,007,450.00	\$1,454,750.00	\$1,911,000.00	\$21,200,773.65
<b>Total</b>	<b>\$12,702,019.15</b>	<b>\$3,435,337.50</b>	<b>\$2,168,250.00</b>	<b>\$1,863,750.00</b>	<b>\$1,911,000.00</b>	<b>\$22,080,356.65</b>

# Options

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- Recommend approval of 4B FY 2024 proposed budget
- Not recommend approval of FY2024 proposed budget
- Staff recommends approval

# QUESTIONS/COMMENTS

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## City Council Regular Meeting

**DEPARTMENT:** Development Services

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

**MEETING:** September 5, 2023

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**SUBJECT:**

Consider approval of an Estoppel Certificate for the Joshua Farms Development Agreement as amended and renamed First Amended and Renamed Silo Mills Development Agreement by and among Joshua Farms Municipal Management District No. 2, Silo Mills Investment I LLC, and the City of Burleson, Texas. *(Staff Contact: Tony D. McIlwain, Development Services Director)*

**SUMMARY:**

Silo Mills is comprised of a total of 836 acres and is located on the far southwest side of the City, within the City of Burleson's and the City of Cleburne's Extraterritorial Jurisdictions (ETJ). The development is within the Joshua Farms Municipal Management District (MMD) No 2.

MMDs are governmental agencies and political subdivisions of the State and are governed by Chapter 375 of the Local Government Code and Chapter 49 of the Water Code. A Board of Directors governs them and can construct and obtain financing for infrastructure, parks, and other public improvements and services. They are funded through assessments of properties within their boundaries. This MMD was specifically created by the State under Special District Local Law Code, Chapter 3929 in September 2015.

The portion within the Burleson ETJ consists of approximately 550 acres and includes 1,736 residential lots, general retail commercial, and a recently constructed elementary school. The general retail commercial is proposed at FM 917 and Silo Mills Parkway intersection. The construction of two lanes of Silo Mills Parkway was completed in 2022. The ultimate section is a four lane divided roadway. Silo Mills Parkway serves as the main entrance to the development.

A development agreement was approved in January 2018, establishing the terms and conditions for development of Joshua Farms. The development agreement required development standards to be submitted with the submission of the preliminary plat.

In September 2019, the City Council approved an amendment to the development agreement. The purpose of the amendment was to identify Terra Mana as the developer of Silo Mills in lieu of Joshua Land Farm LLC. Development standards for the project were also approved in September 2019.

In December 2019, the City Council approved a minute order ratifying an assignment agreement where the responsibilities for the Silo Mills Development associated with the Joshua Farms MMD No. 2 were transferred to Silo Mills Investment I LLC.

Silo Mills Investment I LLC began development of the residential lots within Cleburne's ETJ and plan to move to the north into Burleson's ETJ in the next two to four years. Godely ISD recently completed construction of a new elementary school within Cleburne's ETJ.

The purpose of this item is to consider an Estoppel Certificate for the Silo Mills Development Agreement (formerly the Joshua Farms Development Agreement). Frost Bank requires this certificate as part of the developer's loan refinance. The Estoppel Certificate will confirm the following:

- No party to the Agreement is in default under any terms of the Agreement nor has any event occurred, which with the passage of time (after notice, if any required by the Agreement), would become an event of default under the Agreement;
- The Agreement is in full force and effect, and has not been assigned, modified, amended, supplemented or changed in any respect, either orally or in writing.

#### **OPTIONS:**

1. Approve an Estoppel Certificate for the Joshua Farms Development Agreement as amended and renamed First Amended and Renamed Silo Mills Development Agreement by and among Joshua Farms Municipal Management District No. 2, Silo Mills Investment I LLC, and the City of Burleson, Texas.
2. Deny an Estoppel Certificate for the Joshua Farms Development Agreement as amended and renamed First Amended and Renamed Silo Mills Development Agreement by and among Joshua Farms Municipal Management District No. 2, Silo Mills Investment I LLC, and the City of Burleson, Texas.

#### **RECOMMENDATION:**

Staff recommends the Council approve an Estoppel Certificate for the Joshua Farms Development Agreement as referenced herein.

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

February 2015 – Pre-development and Professional Services Agreement with Joshua Land Farm LLC approved.

September 2015 – Joshua Farms Municipal Management District (MMD) No. 2 created by the legislation

February 2018- Development Agreement with Joshua Land Farm LLC and the Joshua Farms Municipal Management District No. 2 approved.

November 2018 – Resolution consenting to the addition of approximately 180 acres in the ETJ to Joshua Farms Municipal Management District No. 2 approved.

September 3, 2019 – Amended Development Agreement, including specific development standards and Preliminary Plat approved.

December 9, 2019 – Minute Order ratifying an assignment agreement transferring responsibilities for the Silo Mills Development from Joshua Land Farm LLC to Silo Mills Investment I LLC approved.

**FISCAL IMPACT:**

None

**STAFF CONTACT:**

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



# ESTOPPEL CERTIFICATE FOR THE SILO MILLS INVESTMENT I LLC





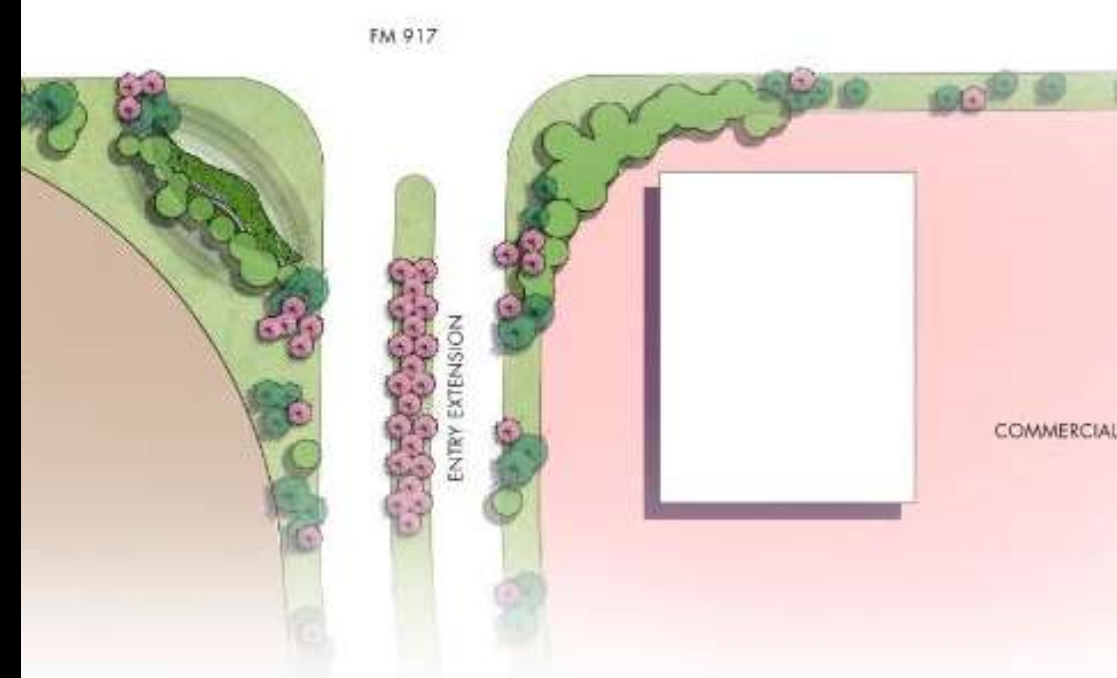
# SILO MILLS DEVELOPMENT

## History

**SEPTEMBER 2015 - JOSHUA FARMS  
MUNICIPAL MANAGEMENT  
DISTRICT (MMD) NO. 2 CREATED**

**FEBRUARY 2018 - DEVELOPMENT  
AGREEMENT WITH MMD APPROVED**

- Established the terms of the agreement including land use, platting, etc.
- Included approximately 656 acres of land (285 acres in Cleburne's ETJ and 371 acres in Burleson's ETJ)
- Development regulations would be submitted with the preliminary plat





# SILO MILLS DEVELOPMENT

## History

### **NOVEMBER 2018 - RESOLUTION CONSENTING TO THE ADDITION OF APPROXIMATELY 180 ACRES IN ETJ TO THE MMD WAS APPROVED**

- Increased the total acreage in Burleson's ETJ to 550 acres

### **SEPTEMBER 2019 - AMENDED DEVELOPMENT AGREEMENT AND PRELIMINARY PLAT APPROVED**

- Identified Terra Mana as the developer of Silo Mills in lieu of Joshua Land Farm LLC
- Established the development standards for Silo Mills

### **DECEMBER 2019 - MINUTE ORDER RATIFYING AN ASSIGNMENT AGREEMENT**

Transferred responsibilities for the Silo Mills Development from Joshua Farms MMD No. 2 to Silo Mills Investment I LLC



# SILO MILLS DEVELOPMENT

## DEVELOPMENT DETAILS

- Total of 550 acres within Burleson's ETJ
- Proposed 1,736 residential lots
- General retail commercial at FM 917 and Silo Mills Parkway intersection
- Future school planned

## COMPLETED TO DATE

- Silo Mills Parkway - two lanes completed from FM 917 to (four lane divided ultimate section)
- Infrastructure for several phases within Cleburne's ETJ completed - residential building permits to follow
- Godley has completed construction of new elementary school





# ESTOPPEL CERTIFICATE

## REQUIRED BY BANK AS PART OF DEVELOPMENT LOAN REFINANCE AND WILL CONFIRM THE FOLLOWING -

- No party to the Agreement is in default under any terms of the Agreement nor has any event occurred, which with the passage of time (after notice, if any required by the Agreement), would become an event of default under the Agreement.
- The Agreement is in full force and effect, and has not been assigned, modified, amended, supplemented or changed in any respect, either orally or in writing.



# OPTIONS

RECOMMENDED



**APPROVE**

Approve an Estoppel Certificate for the Joshua Farms Development Agreement .



**DENY**

Deny an Estoppel Certificate for the Joshua Farms Development Agreement.



**ESTOPPEL CERTIFICATE**

Date: \_\_\_\_\_

To: Frost Bank, a Texas state bank  
P.O. Box 1600  
San Antonio, TX 78296

RE: **Silo Mills Development Agreement;** Joshua Farms Development Agreement dated effective February 5, 2018 and recorded in cc# 2018-4771 Real Property Records, Johnson County, Texas, as affected by that certain Order Adding Lands and Redefining Boundaries dated effective December 18, 2018 and recorded in cc# 2018-34743 Real Property Records, Johnson County, Texas, and as amended and renamed by that certain First Amended and Renamed Silo Mills Development Agreement dated effective October 7, 2019 and recorded in cc# 2020-34926 Real Property Records, Johnson County, Texas (collectively, the “**Agreement**”) by and among **Joshua Farms Municipal Management District No. 2, Silo Mills Investment I LLC**, and the **City of Burleson, Texas**

Ladies and Gentlemen:

The undersigned party (the “**Issuer**”) hereby certifies to the best of Issuer’s knowledge that as of the date hereof:

1. No party to the Agreement is in default under any terms of the Agreement nor has any event occurred, which with the passage of time (after notice, if any required by the Agreement), would become an event of default under the Agreement, except as follows \_\_\_\_\_.

2. The Agreement is in full force and effect, and has not been assigned, modified, amended, supplemented or changed in any respect, either orally or in writing, except as follows: \_\_\_\_\_.

This Certificate may be relied on by any party to the Agreement, or its mortgagee or successor, prospective mortgagee or prospective successor.

**ISSUER:**

**CITY OF BURLESON, TEXAS**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

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## City Council Regular Meeting

**DEPARTMENT:** Community Services

**FROM:** DeAnna Phillips, Director of Community Services

**MEETING:** September 5, 2023

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**SUBJECT:**

Consider approval of a resolution authorizing street closures associated with BTX Brew Fest.  
(Staff Presenter: DeAnna Phillips, Director of Community Services)

**SUMMARY:**

Venture Mathis, LLC is requesting street closures associated with BTX Brew Fest that is scheduled for Saturday, October 7, 2023 from 7 a.m. - 11 p.m. The event time is from 2 – 9 p.m.

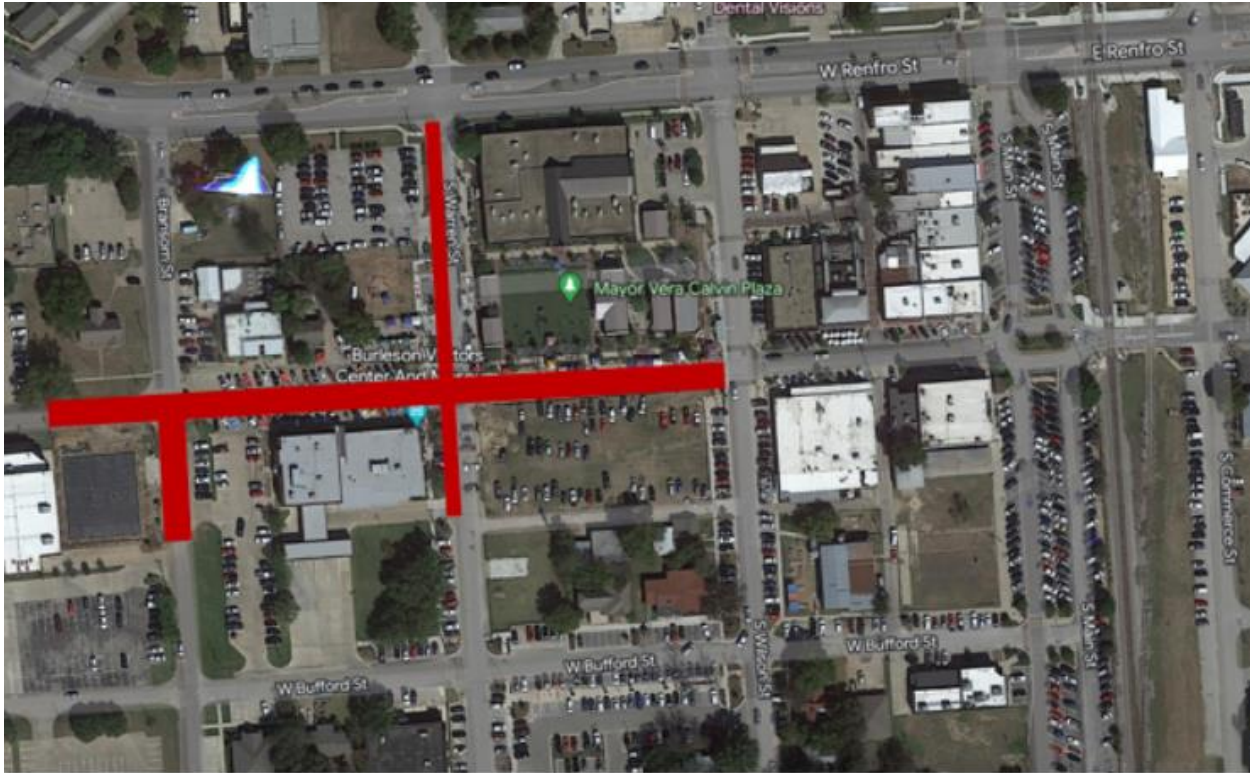
The applicant has provided staff with the following background information in regards to the parade.

*“Event offers engaging activities, quality entertainment, food, beverages and partners with local business.”*

**Street Closures include:**

- Ellison Street from Wilson Street to ½ block west of Bransom Street
- S. Warren Street from Renfro Street to alley behind Ellison Street development
- S. Bransom Street from Ellison to parking lot of Independent Financial Bank

**Closure Map is below**



City Council approved an amendment to the city's special event ordinance in December 2022 that requires city council approval for events that request any of the following:

- Closing or impacting a public street, sidewalk, or trail
- Impacting or hindering the regular flow of traffic
- Blocking or restricting city-owned property
- Sale or distribution of merchandise, food, or beverages on city-owned property
- Erection of a tent equal to or greater than four hundred (400) square feet in area
- Installation of a stage, band-shell, trailer, van, portable building, grandstand, or bleachers
- Placement of portable toilets on city-owned property
- Have an impact on public safety
- In-kind sponsorship of over \$500

#### **OPTIONS:**

- 1) Example: Approve as presented
- 2) Example: Approve with changes
- 3) Example: Deny

**RECOMMENDATION:**

N/A

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

The event was awarded a HOT/MOT Tourism grant by city council in July 2023. The special event committee comprised of city staff from all applicable city departments have reviewed the application.

**FISCAL IMPACT:**

N/A

**STAFF CONTACT:**

DeAnna Phillips  
Director of Community Services  
[dphillips@burlesontx.com](mailto:dphillips@burlesontx.com)  
817-426-9622





# BTX Brew Fest Street Closure Request

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Presented to City Council September 5, 2023

# BTX Brew Fest

## Date and Time

- Saturday, October 7, 2023
- 2 p.m. – 9 p.m.
- Street closures will be from 7 a.m. – 11 p.m.

## Background

- The event is managed by Venture Mathis, LLC
- Third year for the event
- Event offers engaging activities, quality entertainment, food, beverages and partners with local business.
- Received a HOT/MOT Tourism grant



# Special Event Ordinance

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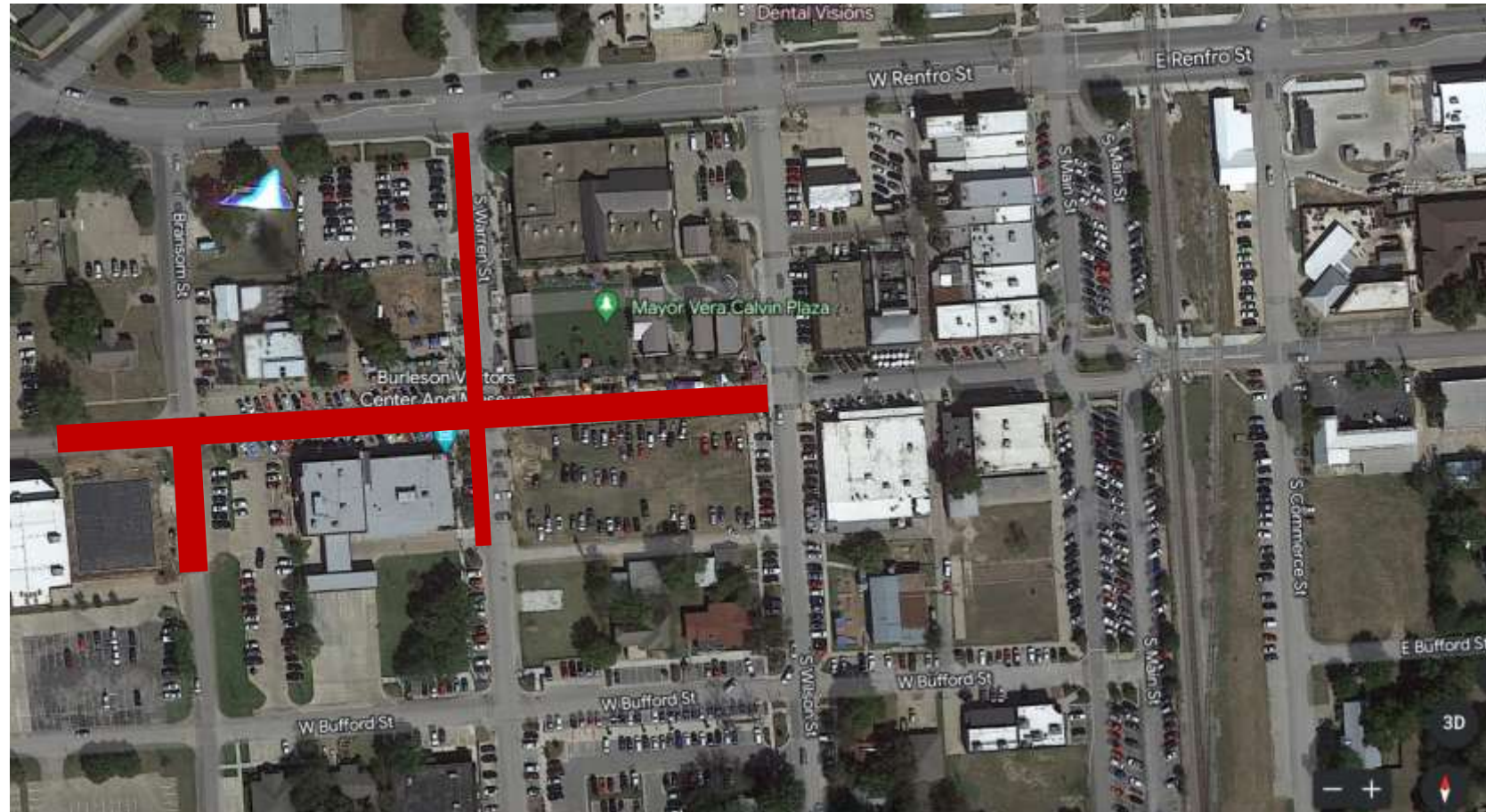
City Council approved an amendment to the city's special event ordinance in December 2022 that requires city council approval for events that request any of the following:

- Closing or impacting a public street, sidewalk, or trail ✓
- Impacting or hindering the regular flow of traffic ✓
- Blocking or restricting city-owned property ✓
- Sale or distribution of merchandise, food, or beverages on city-owned property ✓
- Erection of a tent equal to or greater than four hundred (400) square feet in area
- Installation of a stage, band-shell, trailer, van, portable building, grandstand, or bleachers
- Placement of portable toilets on city-owned property ✓
- Have an impact on public safety ✓
- In-kind sponsorship of over \$500

# Request

## Street Closures

- Ellison Street from Wilson Street to ½ block west of Bransom Street
- S. Warren Street from Renfro Street to alley behind Ellison Street development
- S. Bransom Street from Ellison to parking lot of Independent Financial Bank



# Options

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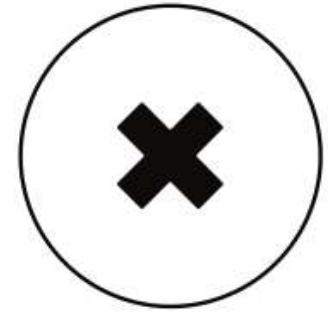
Consider approval of a resolution approving street closures for BTX Brew Fest.



Approve as presented



Approve with changes



Deny

# Questions / Comments

## RESOLUTION

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, AUTHORIZING CITY OF BURLESON STREET CLOSURES ASSOCIATED WITH THE BTX BREW FEST EVENT.**

**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**, under Chapter 70 of the Code of Ordinances, the BTX Brew Fest event must be approved by the Burleson City Council due to closing or impacting a public street, sidewalk, or trail; impacting or hindering the regular flow of traffic; blocking or restricting city-owned property; sale or distribution of merchandise, food, or beverages on city-owned property; placement of portable toilets on city-owned property and have an impact on public safety; and

**WHEREAS**, the event organizer, Venture Mathis, LLC, requests certain streets in the city limits be closed at certain times for the BTX Brew Fest event; and

**WHEREAS**, after reviewing the matter, the City Council desires to approve the closure of certain streets as set forth in the resolution.

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

#### **Section 1.**

The City Manager or his appointee(s) is authorized to provide approval of necessary street closures for the BTX Brew Fest event as set forth in Exhibit A.

#### **Section 2.**

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

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

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

ATTEST:

APPROVED AS TO LEGAL FORM:

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

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



**EXHIBIT A:**

Street closures necessary for BTX Brew Fest event on Saturday, October 7, 2023.

**Street Closures**

The closure time is from 7 a.m. – 11 p.m. on Saturday, October 7, 2023.

- Ellison Street from Wilson Street to ½ block west of Bransom Street
- S. Warren Street from Renfro Street to alley behind Ellison Street development
- S. Bransom Street from Ellison to parking lot of Independent Financial Bank





**Print****Public Events Permit Application - Revised 2022 - Submission #83274****Date Submitted: 5/30/2023**Page not  
found**Please select the type of event you are proposing?**

- ☐ Parade
- ☐ Bike Race
- ☐ Marathon
- ☐ Fun Run
- ☐ Parking Lot Party
- ☐ Concert
- ☐ Carnival
- ☒ Festival
- ☐ Other

**If other, please explain the type of event  
you are proposing****Please select all that applies to your proposed event**

- ☒ Closing or impacting a public street, sidewalk, or trail
- ☒ Impacting or hindering the regular flow of traffic
- ☒ Blocking or restricting city-owned property
- ☒ Sale or distribution of merchandise, food, or beverages on city-owned property
- ☐ Erection of a tent equal to or greater than four hundred (400) square feet in area
- ☐ Installation of a stage, band-shell, trailer, van, portable building, grandstand, or bleachers
- ☒ Placement of portable toilets on city-owned property
- ☒ Have an impact on public safety

**If your event WILL NOT have an impact on public safety please explain why you feel  
that way\***

n/a



**If the answer is YES to any of the below requests the application must be approved by city council and must be submitted at least 90 days before the event is to begin.**

Any marketing published before the event is approved by city council is at the risk of the event organizer.



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found



**Will street closures be required?\***

☒ Yes ☐ No

**If yes, please provide details:**

see attached layout

**Are you requesting the city to waive fees associated with police services?\***

☐ Yes ☒ No

**If yes, please provide number of officers and hours requested:**

**Are you requesting the city to waive fees associated with fire services? \***

☐ Yes ☒ No

**If yes, please provide number of fire personnel and hours requested:**

**Are you requesting the city to waive fees associated with the rental of city facilities? \***

☐ Yes ☒ No

**If yes, please provide the facility and hours requested:**

**If the answer is yes to any of the above questions, is this submittal at least 90 days before the event date?**

☐ Yes  
☐ No

**If the answer to all of the questions is no, is this submittal at least 60 days before the event date?**

☒ Yes  
☐ No

**First Name\***

Brooke

**Last Name\***

Mathis

**Address1\***

138 N. Wilson St,

City*	State*	Zip*
Burleson	TX	76028

Email:*	Phone:*
brooke.btxbrewfest@gmail.com	8175643068

First Name	Last Name

Address1

City	State	Zip

Email:	Phone:

Proposed location and description of property where Public Event will be held:*
Mayor Vera Calvin Plaza

Site Plan Information

You cannot submit an application online without attaching a site plan. A site plan does not have to be professionally drawn. A hand drawn exhibit is acceptable. Google Earth is a great resource for this requirement.



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**Submit a site plan showing the area where the Public Event is to be held, including the following:**

1. The location of parking areas available for patrons under the operator's control;
2. Location of proposed additional parking;
3. Location of entrance, exit, and interior roadways and walk;
4. Street closures proposed;
5. Structural elements proposed (bounce houses, booths, etc.);
6. Location of all first aid stations and emergency medical resources;
7. Location, type, and provider of restroom facilities;
8. Location and description of water stations;
9. Location and number of food stands, and the types of food to be served if known;
10. Location, number, type, and provider of solid waste containers;
11. Location of any tents;
12. Location of operator's headquarters at the gathering;
13. A plan to provide lighting adequate to ensure the comfort and safety of attendees and staff, if event is being held in non-daylight hours;
14. If loudspeakers are to be used, the location and orientation of those speakers shall be shown.

**Upload Site Plan\***

layout 2023.pdf

***Please ensure nothing is blocking the street so that an emergency response vehicle may get to the area in the event of an emergency.***

**First Name**

**Last Name**

--	--

**Address1**

--



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City

State

Zip

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found

Phone:

**Upload Agreement** No file chosen

Submit a certified copy of the agreement  
between the promoter and the property owner.

**Public Event Name\***

BTX Brewfest

**Type and purpose of event:\***

Festival created to showcase local businesses and vendors.

**Estimated number of attendees:\***

5000

**Start Date/Start Time:\***

10/7/2023

7:00 AM

**End Date/End Time:\***

10/7/2023

11:00 PM

**Will there be entertainment?\***☒ Yes☐ No**If yes, please provide details:**

live bands playing on stage

**Will amusement rides be present?\***☐ Yes☒ No**If yes, please provide details, including  
name and address of company:****Will alcohol be served?\***☒ Yes☐ No

If yes, please provide type of alcohol  
(beer, wine, mixed beverages)

beer

Will there be food service?\*

☒ Yes ☐ No

Plans for solid waste:\*

dumpsters on site

Plans for restroom facilities, including number of restrooms:\*

porta potties (minimum 8)

Please provide details of plans to control access to event:\*

3 entry gates - private security on site

Please provide details for event security:\*

BPD as well as private security staff (8 in total)

Please provide details for event first aid/medical:\*

first aid booth as well as partnering with Burleson city

Please provide details of parking plan:\*

city parking lots and side streets - will also partner with Academy Nola Dunn and provide shuttle serv

Name of Insurance Company:

Address1



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found



City	State	Zip

Phone:	Contact Person:

Policy Number:	Upload Insurance Certificate:
	<div>Choose File No file chosen</div>

E-signature\*


By submitting this permit application I agree that all information included is correct to the best of my knowledge. I agree to adhere to all of the rules and regulations laid out in this Public Events Permit. If any changes are made between the time I file this permit and the date of the event I will contact the City concerning those changes and abide by the City’s decision regarding those changes.

☒ Agree


☐ Disagree

Signature

Brooke Mathis



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7/7

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## City Council Regular Meeting

**DEPARTMENT:** Community Services

**FROM:** DeAnna Phillips, Director of Community Services

**MEETING:** September 5, 2023

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**SUBJECT:**

Consider approval of a resolution authorizing street closures associated with OpenDoor Church's Fall Fest. (*Staff Presenter: DeAnna Phillips, Director of Community Services*)

**SUMMARY:**

OpenDoor Church is requesting street closures associated with their Fall Fest that is scheduled for Friday, October 2, 2023 from 5 - 10 p.m. The event time is from 6 – 9 p.m.

**Street Closures include:**

- E. Miller Street from S. Clark Street 216 E. Miller Street
- S. Clark Street
- Rigney Way from S. Clark Street to the end of church parking lot

**Closure Map is below**





City Council approved an amendment to the city's special event ordinance in December 2022 that requires city council approval for events that request any of the following:

- Closing or impacting a public street, sidewalk, or trail
- Impacting or hindering the regular flow of traffic
- Blocking or restricting city-owned property
- Sale or distribution of merchandise, food, or beverages on city-owned property
- Erection of a tent equal to or greater than four hundred (400) square feet in area
- Installation of a stage, band-shell, trailer, van, portable building, grandstand, or bleachers
- Placement of portable toilets on city-owned property
- Have an impact on public safety
- In-kind sponsorship of over \$500

**OPTIONS:**

- 1) Example: Approve as presented
- 2) Example: Approve with changes
- 3) Example: Deny

**RECOMMENDATION:**

N/A

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

The special event committee comprised of city staff from all applicable city departments have reviewed the application.

**FISCAL IMPACT:**

N/A

**STAFF CONTACT:**

DeAnna Phillips  
Director of Community Services  
[dphillips@burlesontx.com](mailto:dphillips@burlesontx.com)  
817-426-9622



# OpenDoor Church Fall Fest Street Closure Request

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Presented to City Council September 5, 2023

# Fall Fest

## Date and Time

- Friday, October 27, 2023
- 6 – 9 p.m.
- Street closures will be from 5 – 10 p.m.

## Background

- The event is managed by OpenDoor Church.
- Annual event, open to the community.
- Carnival, games and food will be included in the event.



# Special Event Ordinance

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City Council approved an amendment to the city's special event ordinance in December 2022 that requires city council approval for events that request any of the following:

- Closing or impacting a public street, sidewalk, or trail ✓
- Impacting or hindering the regular flow of traffic ✓
- Blocking or restricting city-owned property
- Sale or distribution of merchandise, food, or beverages on city-owned property
- Erection of a tent equal to or greater than four hundred (400) square feet in area
- Installation of a stage, band-shell, trailer, van, portable building, grandstand, or bleachers
- Placement of portable toilets on city-owned property
- Have an impact on public safety
- In-kind sponsorship of over \$500

# Request

## Street Closures

- E. Miller Street from S. Clark Street 216 E. Miller Street
- S. Clark Street
- Rigney Way from S. Clark Street to the end of church parking lot



# Options

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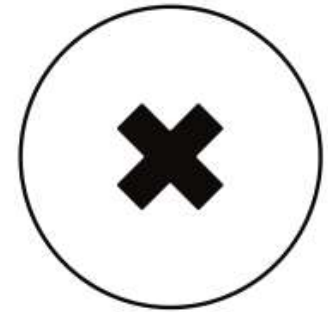
Consider approval of a resolution approving street closures for OpenDoor Church's Fall Fest.



Approve as presented



Approve with changes



Deny

# Questions / Comments

## RESOLUTION

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, AUTHORIZING CITY OF BURLESON STREET CLOSURES ASSOCIATED WITH OPENDOOR CHURCH FALL FEST EVENT.**

**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**, under Chapter 70 of the Code of Ordinances, the Fall Fest event must be approved by the Burleson City Council due to closing or impacting a public street, sidewalk, or trail; impacting or hindering the regular flow of traffic; and

**WHEREAS**, the event organizer, OpenDoor Church, requests certain streets in the city limits be closed at certain times for Fall Fest; and

**WHEREAS**, after reviewing the matter, the City Council desires to approve the closure of certain streets as set forth in the resolution.

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

#### **Section 1.**

The City Manager or his appointee(s) is authorized to provide approval of necessary street closures for Fall Fest event as set forth in Exhibit A.

#### **Section 2.**

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

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

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

ATTEST:

APPROVED AS TO LEGAL FORM:

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

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



## EXHIBIT A:

Street closures necessary for OpenDoor Church's Fall Fest event on Friday, October 27, 2023.

### Street Closures

The closure time is from 5 -10 p.m. on Friday, October 27, 2023.

- E. Miller Street from S. Clark Street to 216 E. Miller Street
- S. Clark Street from E. Miller Street to Rigney Way
- Rigney Way from S. Clark Street to the end of church parking lot



**Print****Special Event Permit - Submission #85357****Date Submitted: 8/22/2023**Page not  
found

Special events are defined as a fund-raising activity or event for churches and other non-profit organizations. These events shall include, but not be limited to, auctions, second-hand goods sales, bake sales, parades, car washes, etc. The following conditions shall apply:

- a. A special event permit shall be required.
- b. The duration of the special event permit shall be for a maximum of three consecutive days.
- c. A special event is permitted in any zoning district with an approved permit.
- d. Adequate parking and sanitary facilities shall be made available to the satisfaction of the community development director or designee and/or code enforcement officer.
- e. In case of a large event requiring street closures or public resources the city's street closure committee shall establish the terms and conditions for the special event at the time of approval.
- f. In the event that a permit applicant is dissatisfied with the city's street closure committees decision, the applicant may appeal the requested terms and conditions to the Planning and Zoning Commission and City Council.

**Applications which require street/alley closures must be submitted 30 days prior to the event date. All other events must be submitted 10 business days prior to the event date. Incomplete applications will not be processed.**

The following required documentation must be submitted at the time of permit application:

- Completed Special Events Permit application.

A site plan showing:

- All existing structures on the property as well as any structure proposed to be on site during the event, i.e.-tents, rides, concession stands, displays, stages, signs, etc.
- Parking areas including distances from the event and means of ingress and egress.
  - Type of ground cover at event area, i.e.-concrete, grass, gravel, etc.
  - If portable restrooms are to be provided, this should be indicated on the site plan. If not, a restroom will be required.
  - Proposed street closure locations (if any required).

**Upload site plan:\***

Fall Fest.pdf

If street closures are proposed a site plan is required.

Applications submitted without a site plan will not be accepted.



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1/3

**Applicant:\***

Misty Stricklin

Page not  
found**Phone:\***

18172957671

**Email:\***

office@opendoorexperience.com

**Address of Event/Property Location\***

301 S. Dobson Street Open Door Church

**Type of event:\***☐ Fundraiser☒ Other**If other, please explain:**

Church Fall Fest

**Name of Organization:\***

OpenDoor Church

**Dates of Event:\***

Oct 27 2023

**Start Time:\***

6:00 PM

**End Time:\***

9:00 PM

(maximum 3 consecutive days)

**Parking provided:\***☒ Yes☐ No**Sanitary Facilities:\***☒ Indoor☒ Outdoor  
(Portable)☐ None provided**Street closures:\***☒ Yes☐ No

Street Name(s):

Rigney Way, S. Clark, E. Miller



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## City Council Regular Meeting

**DEPARTMENT:** Community Services

**FROM:** DeAnna Phillips, Director of Community Services

**MEETING:** September 5, 2023

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**SUBJECT:**

Consider approval of a resolution authorizing street closures associated with The Academy at Nola Dunn's Run for the Rings event. (*Staff Presenter: DeAnna Phillips, Director of Community Services*)

**SUMMARY:**

The Academy at Nola Dunn is requesting street closures associated with their annual School Dedication and Run for the Rings fun run event that is scheduled for Friday, September 22, 2023 from 8:30 – 10:45 a.m.

The applicant has provided staff with the following background information in regards to the event.

*"Each grade level runs separately with a 15-20 minute break in between groups.*

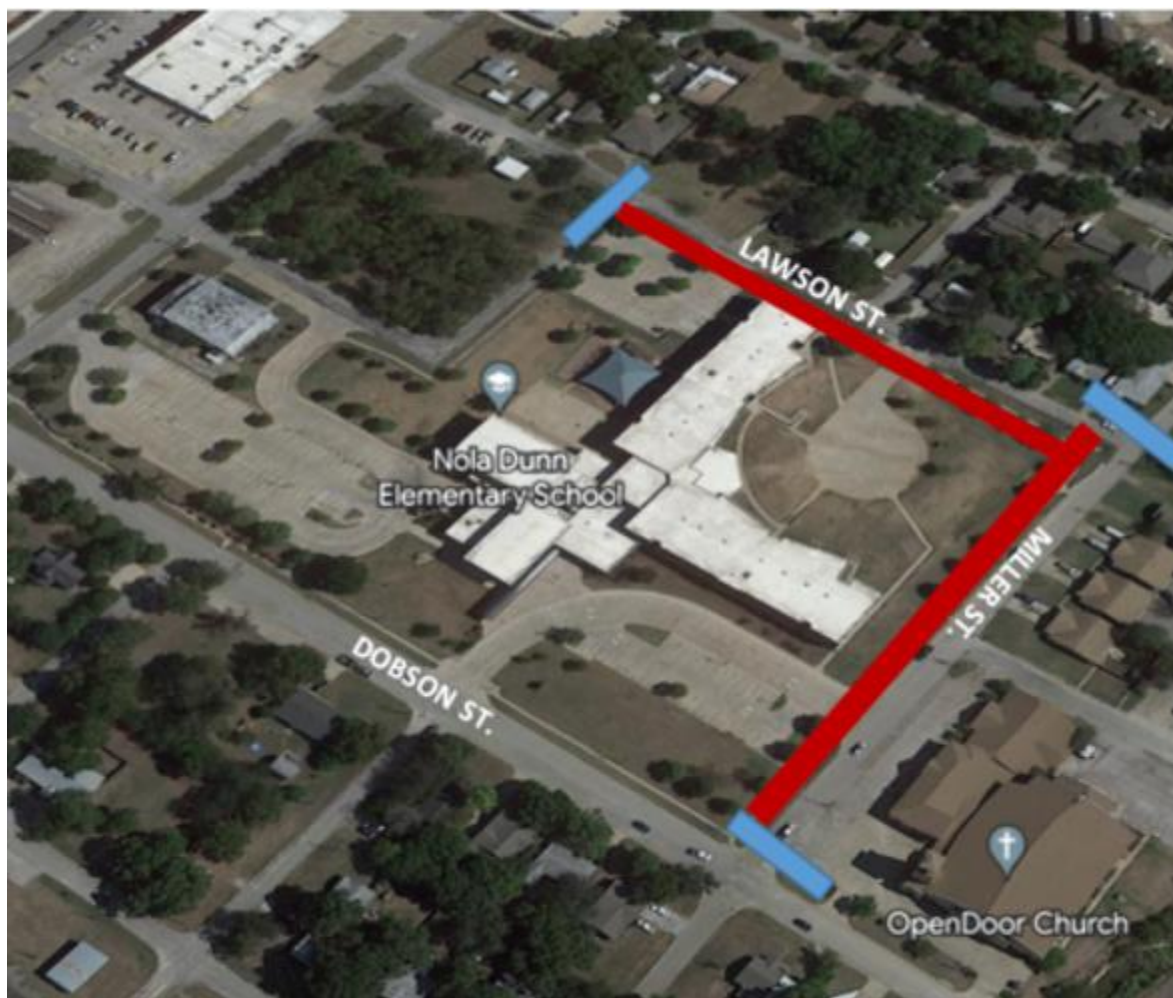
*Parents attend the event.*

*Barricades are needed for portions of streets around the school that have a break in the sidewalk."*

**Street Closures include:**

- Lawson Street from Bufford Street to Miller Street
- Miller Street from Lawson to Dobson Street

**Closure Map is below**



City Council approved an amendment to the city's special event ordinance in December 2022 that requires city council approval for events that request any of the following:

- Closing or impacting a public street, sidewalk, or trail
- Impacting or hindering the regular flow of traffic
- Blocking or restricting city-owned property
- Sale or distribution of merchandise, food, or beverages on city-owned property
- Erection of a tent equal to or greater than four hundred (400) square feet in area
- Installation of a stage, band-shell, trailer, van, portable building, grandstand, or bleachers
- Placement of portable toilets on city-owned property
- Have an impact on public safety
- In-kind sponsorship of over \$500

**OPTIONS:**

- 1) Example: Approve as presented
- 2) Example: Approve with changes
- 3) Example: Deny

**RECOMMENDATION:**

N/A

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

The special event committee comprised of city staff from all applicable city departments have reviewed the application.

**FISCAL IMPACT:**

None

**STAFF CONTACT:**

DeAnna Phillips  
Director of Community Services  
[dphillips@burlesontx.com](mailto:dphillips@burlesontx.com)  
817-426-9622



# Nola Dunn Run for the Rings Street Closure Request

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Presented to City Council September 5, 2023



# Run for the Rings

## Date and Time

- Friday, September 22, 2023
- 8:30 – 10:45 a.m.

## Background provided by applicant

- Academy at Nola Dunn hosts an annual school dedication and “fun run” for students.
- Each grade level runs separately with a 15-20 minute break in between groups.
- Parents attend the event.
- Barricades are needed for portions of streets around the school that have a break in the sidewalk.



# Special Event Ordinance

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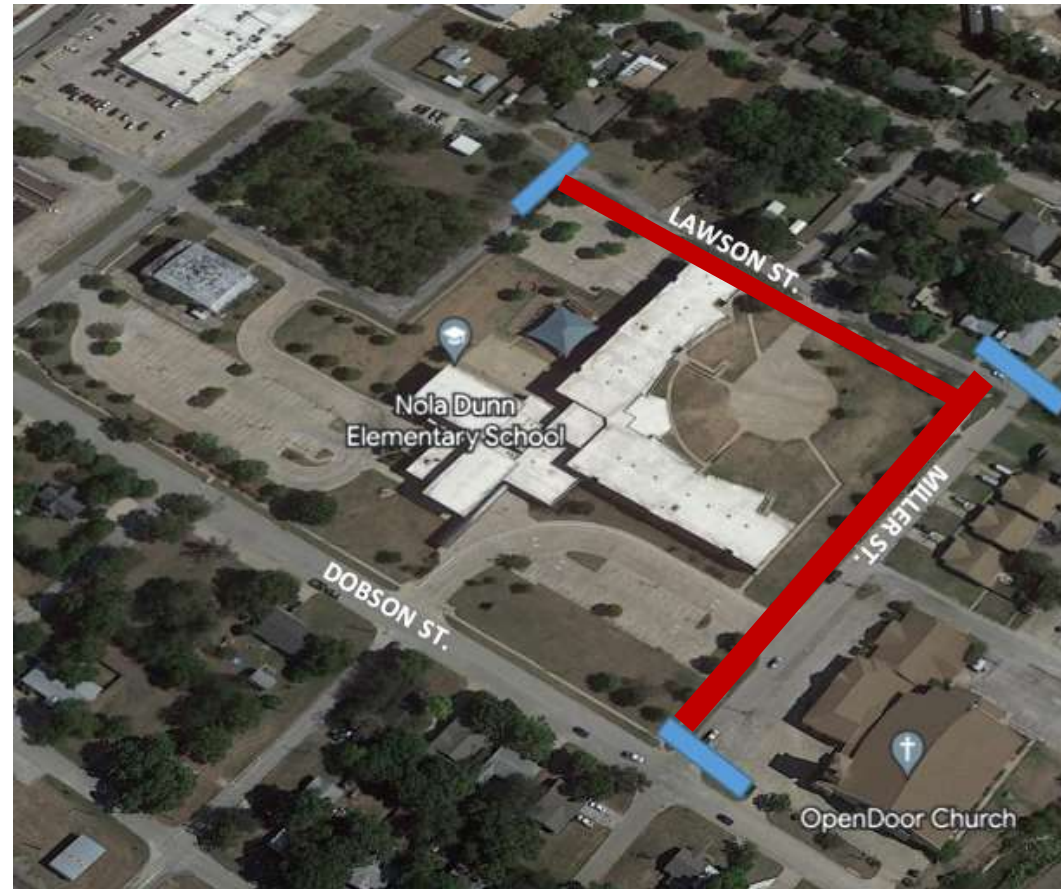
City Council approved an amendment to the city's special event ordinance in December 2022 that requires city council approval for events that request any of the following:

- Closing or impacting a public street, sidewalk, or trail ✓
- Impacting or hindering the regular flow of traffic ✓
- Blocking or restricting city-owned property
- Sale or distribution of merchandise, food, or beverages on city-owned property
- Erection of a tent equal to or greater than four hundred (400) square feet in area
- Installation of a stage, band-shell, trailer, van, portable building, grandstand, or bleachers
- Placement of portable toilets on city-owned property
- Have an impact on public safety
- In-kind sponsorship of over \$500

# Request

## Street Closures

- Lawson Street from Bufford Street to Miller Street
- Miller Street from Lawson to Dobson Street



# Options

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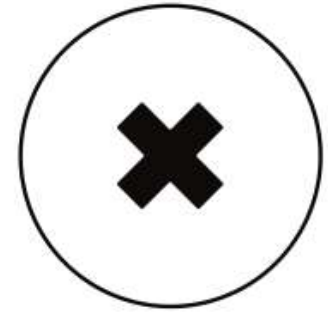
Consider approval of a resolution approving street closures for Academy at Nola Dunn's Run for the Rings event.



Approve as presented



Approve with changes



Deny

# Questions / Comments

## RESOLUTION

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, AUTHORIZING CITY OF BURLESON STREET CLOSURES ASSOCIATED WITH THE ACADEMY AT NOLA DUNN'S RUN FOR THE RINGS EVENT.**

**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**, under Chapter 70 of the Code of Ordinances, the Run for the Rings event must be approved by the Burleson City Council due to closing or impacting a public street, sidewalk, or trail; impacting or hindering the regular flow of traffic; and

**WHEREAS**, the event organizer, The Academy at Nola Dunn, requests certain streets in the city limits be closed at certain times for the Run for the Rings event; and

**WHEREAS**, after reviewing the matter, the City Council desires to approve the closure of certain streets as set forth in the resolution.

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

#### **Section 1.**

The City Manager or his appointee(s) is authorized to provide approval of necessary street closures for the Run for the Rings event as set forth in Exhibit A.

#### **Section 2.**

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

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

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

ATTEST:

APPROVED AS TO LEGAL FORM:

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

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



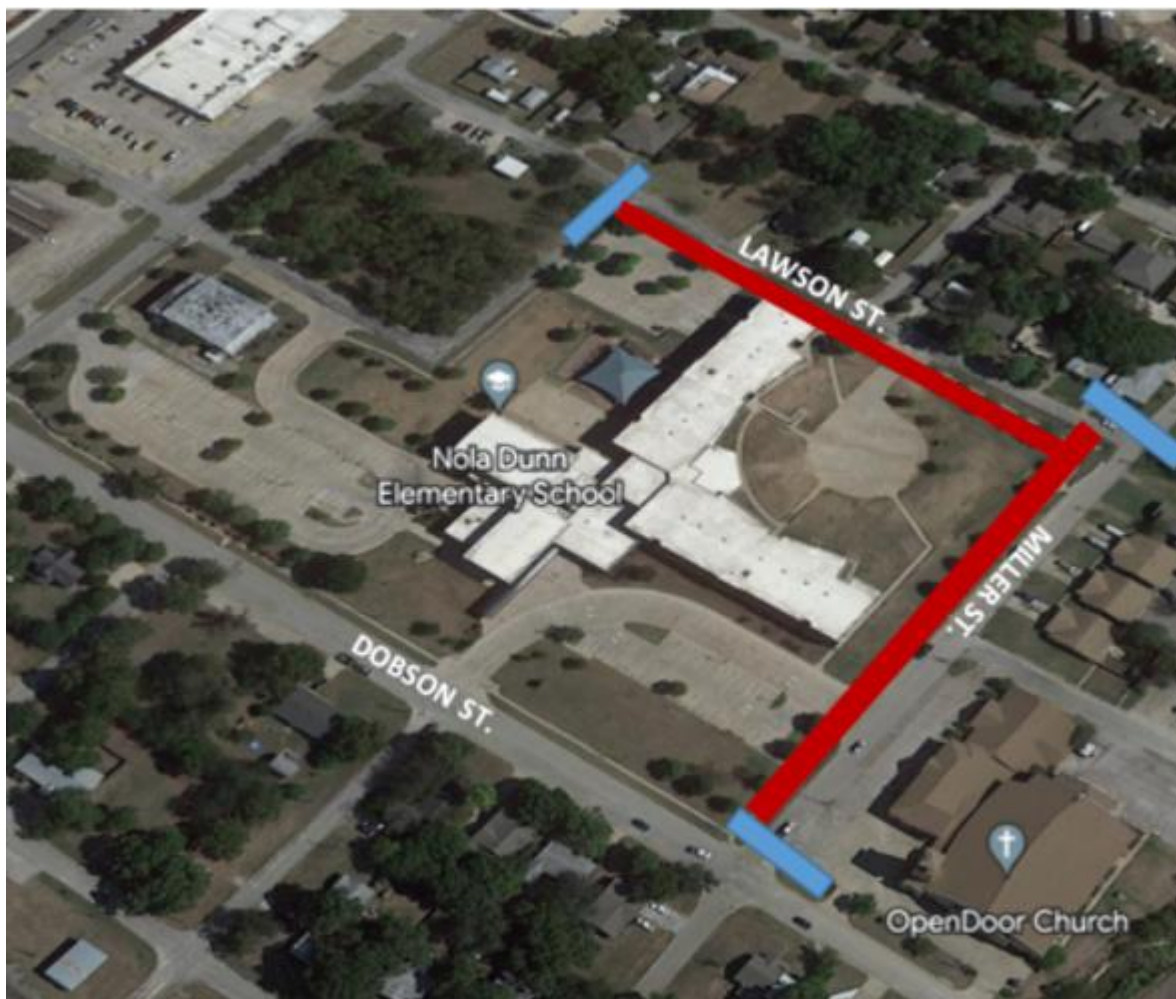
**EXHIBIT A:**

Street closures necessary for The Academy at Nola Dunn's Run for the Rings event on Friday, September 22, 2023.

**Street Closures**

The closure time is from 8:30 – 10:45 a.m. on Friday, September 22, 2023.

- Lawson Street from Bufford Street to Miller Street
- Miller Street from Lawson to Dobson Street



**Print****Public Events Permit Application - Revised 2022 - Submission #84656****Date Submitted: 7/20/2023**Page not  
found**Please select the type of event you are proposing?**

- ☐ Parade
- ☐ Bike Race
- ☐ Marathon
- ☐ Fun Run
- ☐ Parking Lot Party
- ☐ Concert
- ☐ Carnival
- ☐ Festival
- ☒ Other

**If other, please explain the type of event  
you are proposing**

School Dedication run

**Please select all that applies to your proposed event**

- ☒ Closing or impacting a public street, sidewalk, or trail
- ☒ Impacting or hindering the regular flow of traffic
- ☐ Blocking or restricting city-owned property
- ☐ Sale or distribution of merchandise, food, or beverages on city-owned property
- ☐ Erection of a tent equal to or greater than four hundred (400) square feet in area
- ☐ Installation of a stage, band-shell, trailer, van, portable building, grandstand, or bleachers
- ☐ Placement of portable toilets on city-owned property
- ☐ Have an impact on public safety

**If your event WILL NOT have an impact on public safety please explain why you feel  
that way\***

NA



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**If the answer is YES to any of the below requests the application must be approved by city council and must be submitted at least 90 days before the event is to begin.**

Any marketing published before the event is approved by city council is at the risk of the event organizer.



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found



**Will street closures be required?\***

☒ Yes ☐ No

**If yes, please provide details:**

Miller & Lawson

**Are you requesting the city to waive fees associated with police services?\***

☒ Yes ☐ No

**If yes, please provide number of officers and hours requested:**

2 for 45 minutes

**Are you requesting the city to waive fees associated with fire services? \***

☐ Yes ☒ No

**If yes, please provide number of fire personnel and hours requested:**

**Are you requesting the city to waive fees associated with the rental of city facilities? \***

☐ Yes ☒ No

**If yes, please provide the facility and hours requested:**

**If the answer is yes to any of the above questions, is this submittal at least 90 days before the event date?**

☐ Yes  
☒ No

**If the answer to all of the questions is no, is this submittal at least 60 days before the event date?**

☐ Yes  
☒ No

**First Name\***

**Last Name\***

The Academy at Nola Dunn

Jackie Garner

**Address1\***

201 S. Dobson

City*	State*	Zip*
Burleson	TX	76028

Email:*	Phone:*
jgarner@bisdmail.net	8172453300

First Name	Last Name

Address1

City	State	Zip

Email:	Phone:

Proposed location and description of property where Public Event will be held:*
201 S Dobson St.

Site Plan Information

You cannot submit an application online without attaching a site plan. A site plan does not have to be professionally drawn. A hand drawn exhibit is acceptable. Google Earth is a great resource for this requirement.



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**Submit a site plan showing the area where the Public Event is to be held, including the following:**

1. The location of parking areas available for patrons under the operator's control;
2. Location of proposed additional parking;
3. Location of entrance, exit, and interior roadways and walk;
4. Street closures proposed;
5. Structural elements proposed (bounce houses, booths, etc.);
6. Location of all first aid stations and emergency medical resources;
7. Location, type, and provider of restroom facilities;
8. Location and description of water stations;
9. Location and number of food stands, and the types of food to be served if known;
10. Location, number, type, and provider of solid waste containers;
11. Location of any tents;
12. Location of operator's headquarters at the gathering;
13. A plan to provide lighting adequate to ensure the comfort and safety of attendees and staff, if event is being held in non-daylight hours;
14. If loudspeakers are to be used, the location and orientation of those speakers shall be shown.

**Upload Site Plan\***

Site Plan.pdf

***Please ensure nothing is blocking the street so that an emergency response vehicle may get to the area in the event of an emergency.***

**First Name****Last Name**

--	--

**Address1**

--

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City	State	Zip

Phone:

**Upload Agreement**

Choose File No file chosen

Submit a certified copy of the agreement between the promoter and the property owner.

**Public Event Name\***

School Event

**Type and purpose of event:\***

Dedication ceremony

**Estimated number of attendees:\***

800

Start Date/Start Time:*	End Date/End Time:*
9/22/2023 8:30 AM	9/22/2023 10:45 AM

**Will there be entertainment?\***

☐ Yes ☒ No

**Will amusement rides be present?\***

☐ Yes ☒ No

**Will alcohol be served?\***

☐ Yes ☒ No

**If yes, please provide details:**

**If yes, please provide details, including name and address of company:**



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If yes, please provide type of alcohol  
(beer, wine, mixed beverages)

Will there be food service?\*

☐ Yes ☒ No

Plans for solid waste:\*

NA

Plans for restroom facilities, including number of restrooms:\*

NA

Please provide details of plans to control access to event:\*

NA

Please provide details for event security:\*

NA

Please provide details for event first aid/medical:\*

NA

Please provide details of parking plan:\*

NA

Name of Insurance Company:

Address1



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found



City	State	Zip

<b>Phone:</b>	<b>Contact Person:</b>

<b>Policy Number:</b>	<b>Upload Insurance Certificate:</b>
<div></div>	<div>Choose File No file chosen</div>

**E-signature\***

By submitting this permit application I agree that all information included is correct to the best of my knowledge. I agree to adhere to all of the rules and regulations laid out in this Public Events Permit. If any changes are made between the time I file this permit and the date of the event I will contact the City concerning those changes and abide by the City's decision regarding those changes.

☒ Agree ☐ Disagree

**Signature**  
*Jackie Garner*



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## City Council Regular Meeting

**DEPARTMENT:** Legal and Purchasing

**FROM:** Justin Scharnhorst, Assistant to the City Manager

**MEETING:** September 5, 2023

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**SUBJECT:**

Consider approval of a resolution adopting the City of Burleson Fiscal Year 23-24 Strategic Plan. (*Staff Contact: Justin Scharnhorst, Assistant to the City Manager*)

**SUMMARY:**

The Strategic Plan is a visionary document that is designed to guide the organization toward achieving community-wide goals and objectives in the next 12 - 18 months. The FY 23-24 Strategic Plan draft continues with the same four Strategic Focus Areas as the FY 22-23 areas of focus consisting of High Performing City Organization, Dynamic & Preferred City through Managed Growth, Beautiful, Safe & Vibrant Community, and Great Place to Live through Expanded Quality of Life Amenities.

Each Strategic Focus Area includes Goals that will assist in meeting the Focus Area's objectives. In each Goal, are Key Work Plan Tasks that are assigned to departments with target dates, which will contribute in the completion of each Goal.

- **Strategic Focus Area 1 is High Performing City Organization Providing Exceptional, People Focused Services.** With an exception to make the City of Burleson a community of choice by providing outstanding customer service, communication and community engagement; leveraging technology to be an efficient and responsive organization; being financially responsible; maintaining an organizational culture that values innovation, process improvement, productivity and teamwork; and focusing training and development opportunities for city employees.

- **Strategic Focus Area 2 is Dynamic & Preferred City through Managed Growth.** With an objective to promote balanced residential and commercial development growth through long-term planning and zoning ordinances; develop and maintain public infrastructure in the city that improves mobility and connectivity; develop superior utility services and facilities; and promote sustainable development and job growth in the city.

- **Strategic Focus Area 3 is Beautiful, Safe & Vibrant Community.** Provide a beautiful, safe and vibrant community for those that live, learn, work and play in the City of Burleson by focusing on beautification programs; providing public art that enhances the community's visual appeal and uniqueness; providing crime prevention and community risk reduction programs; emergency preparedness; and emergency response services.

• **Strategic Focus Area 4 is Great Place to Live through Expanded Quality of Life Amenities.** To make the City of Burleson a premier place to live, learn and play by providing outstanding cultural, recreational and educational opportunities that enrich the lives of our residents

The FY 23-24 Strategic plan was developed utilizing the following:

- City's adopted vision and mission
- Imagine Burleson: Roadmap to 2030, which was adopted by City Council on April 19, 2010
- Comprehensive Plan: 2020 Midpoint Update
- Current master plans the city is utilizing such as the Master Mobility Plan, Wastewater Master Plan, Drainage Master Plan, Trail Master Plan, etc.
- Department Strategic Plans
- FY 22-23 Strategic Plan

**OPTIONS:**

- 1) Approve the FY 23-24 Strategic Plan as presented.
- 2) Approve the FY 23-24 Strategic Plan with changes.
- 3) Deny the FY 23-24 Strategic Plan.

**RECOMMENDATION:**

Approve the FY 23-24 Strategic Plan as presented.

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

The FY 23-24 Strategic Plan was presented to City Council on July 10<sup>th</sup>. Pursuant to direction received from City Council, staff will hold a fall retreat with Council to discuss possible changes to the 24-25 Strategic Plan.

**FISCAL IMPACT:**

There is not fiscal impact with the adoption of the plan. Any fiscal impact for Actions will be addressed through the city budget.

**STAFF CONTACT:**

Justin Scharnhorst  
Assistant to the City Manager  
[jscharnhorst@burlesontx.com](mailto:jscharnhorst@burlesontx.com)  
817-426-9646







# FY 2023-24 Strategic Plan

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PRESENTED TO THE CITY COUNCIL ON  
SEPTEMBER 5, 2023

# Strategic Focus Areas



**Vision**

**Mission**

**Values**

**Strategic Plan**

**The next 12 – 18 months**

**Work Plan  
Tasks**

**How we are going to accomplish the  
Strategic Plan Goals**

# Strategic Focus Area 1:

## *High Performing City Organization*

### *Providing Exceptional, People Focused Services*

- GOAL 1:** Develop a high-performance and diverse workforce by attracting and retaining the very best employees; providing a competitive salary and benefits package; maximizing employee training and educational opportunities.
- GOAL 2:** Continue to improve the efficiency and productivity of operations through the use of technology, innovation, teamwork and continual business process improvement.
- GOAL 3:** Deliver high-quality service to external and internal customers by providing an outstanding customer experience; regularly seeking feedback from citizens and employees through surveys, public forums and other outreach methods; and offering convenient methods for conducting business and communicating with the city.
- GOAL 4:** Be a responsible steward of the city's financial resources by providing rates and fees that represent a strong value to our citizens; providing timely, accurate and transparent financial reporting; and utilizing long-range planning.

# Strategic Focus Area 2:

## *Dynamic & Preferred City through Managed Growth*

- GOAL 1:** Attract and retain top-tier businesses to promote high-quality economic development by expanding and diversifying the tax base; and creating jobs that allow our residents to work where they live.
- GOAL 2:** Promote sustainable residential and commercial development through strategic and long-term planning; providing a business-friendly environment; continuing efficient development review process; and enhancing partnerships with the development community.
- GOAL 3:** Enhance connectivity and improve mobility by expanding capacity of existing transportation network, evaluating additional thoroughfare improvements; and improving roadway, bicycle and pedestrian infrastructure.
- GOAL 4:** Implement the city's Capital Improvement Program to improve the quality of life for residents through the completion of projects identified in the city's master plans.
- GOAL 5:** Develop and maintain facilities and utility services that meet the needs of the community through strategic planning, long-term planning and best practices.

# Strategic Focus Area 3:

## *Beautiful, Safe & Vibrant Community*

- GOAL 1:** Encourage a clean and healthy community through the promotion of positive behaviors, sustainable practices, outreach programs and city services.
- GOAL 2:** Encourage placemaking and a sense of belonging in our neighborhoods, parks and key commercial districts by focusing on long-range planning, comprehensive elements and public art.
- GOAL 3:** Enhance emergency response services provided to the community, including emergency medical, police, fire and public dispatch services.
- GOAL 4:** Ensure public safety equipment and personnel needs are being met, including staffing, support and training.
- GOAL 5:** Continue community policing and risk reduction programs that create strong partnerships with the public to promote safety throughout the community.

# Strategic Focus Area 4:

## *Great Place to Live*

### *through Expanded Quality of Life Amenities*

- GOAL 1:** Provide high-quality parks for residents by expanding park amenities and options; enhancing city's trail network; and improving access to parks facilities.
- GOAL 2:** Provide high-quality recreation opportunities, events and facilities for residents by expanding programs and options for all ages and abilities that enrich the quality of life for residents.
- GOAL 3:** Provide outstanding cultural, educational and entertainment opportunities by cultivating mutually beneficial partnerships with area education and government entities, the business community, and not-for-profits.



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# Questions Comments

**Justin Scharnhorst**  
Assistant to the City Manager  
[jscharnhorst@burlesontx.com](mailto:jscharnhorst@burlesontx.com)

**CITY OF BURLESON CITY COUNCIL  
RESOLUTION ADOPTING THE CITY OF BURLESON  
STRATEGIC PLAN FOR FISCAL YEAR 2023-24**

**WHEREAS**, the Burleson City Council believes that the development of a specific mission, vision, core value statements, and both long and short-term goals and objectives are vital to planning for the future of the community; and

**WHEREAS**, the City of Burleson has developed four strategic Focus Areas in the FY 23-24 Strategic Plan, they include High Performing City Organization, Dynamic and Preferred City, Beautiful, Safe and Vibrant Community and Great Place to Live; and

**WHEREAS**, the City of Burleson has developed a series of Goals for each Focus Area; and

**WHEREAS**, the City of Burleson has identified seventy-three (73) Work Plan Tasks that will accomplish the specific Goals set forward in the FY 23-24 Strategic Plan.

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

SECTION 1. That the City of Burleson's FY 23-24 Strategic Plan is adopted as set forth herein and made a part of this resolution for all purposes.

SECTION 2. That the mission, vision, core values, focus areas, goals and work plan tasks set forth in the Strategic Plan shall be provided to other governmental entities and agencies within the community as appropriate for the purpose of coordination of activities and sharing of the city's vision.

SECTION 3. That the Burleson City Council shall receive quarterly updates on the Strategic Plan's process.

**PASSED, APPROVED, AND SO RESOLVED** by the City Council of the City of Burleson, Texas, on the 5<sup>th</sup> day of September 2023.

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

ATTEST:

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

APPROVED AS TO FORM:

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

THE CITY OF  
**BURLESON**  
TEXAS

**guidebtX>>**

FY 23-24 City of Burleson Strategic Plan



# ABOUT THIS PLAN

## Why a strategic plan?

The City of Burleson Strategic Plan or Guide BTX communicates the mayor and city council priorities to Burleson residents and businesses. The plan's purpose is to set overall focus areas and goals for the city and develop action items to achieve the goals. Residents can track the city's progress toward the stated goals through quarterly plan updates.

## The Strategic Plan was developed utilizing the following:

- City's adopted vision and mission
- Comprehensive Plan
- City's Master Plans and Capital Improvement Plans
- Departmental Strategic Plans
- FY 22-23 Strategic Plan
- Council and Department Head meetings with City Manager

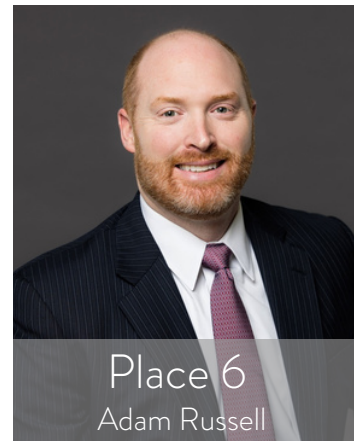
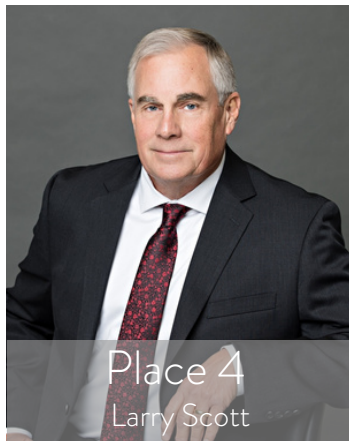
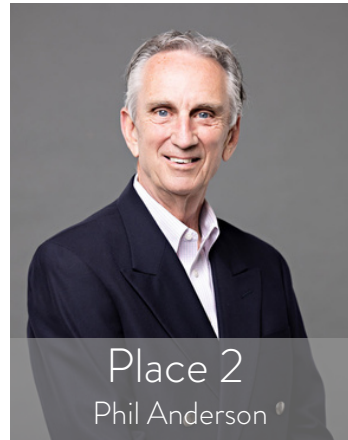
## This plan:

1. Creates a vision for Burleson over the next 15 years.
2. Develops key focus areas and goals the city will focus on over the next five years.
3. Outlines action items to achieve the set goals for Fiscal Year 2023-2024. Action items are updated yearly.
4. Determine city council's top and high priorities for the action tasks.



# BURLESON

## City Council



## VISION 2037

*Burleson is the premier place to:*

**LIVE** with great residential neighborhoods;  
**WORK** with a dynamic business community; and  
**PLAY** where you can enjoy life and have fun.

*Burleson 2037 is a* **Safe Community,**

*has a* **Vibrant Old Town and**

*Our residents take* **Pride in Our Burleson Community**



# BURLESON CITY GOVERNMENT MISSION

*To provide exceptional, people-focused municipal services and to plan and invest in the future in a financially responsible and innovative manner through a high-performing city team and in a partnership with our Burleson community.*

MAYOR VERA CALVIN PLAZA  
BURLESON, TEXAS



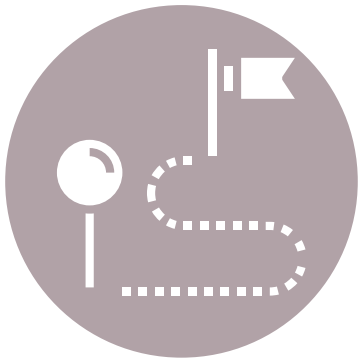


# FOCUS AREAS



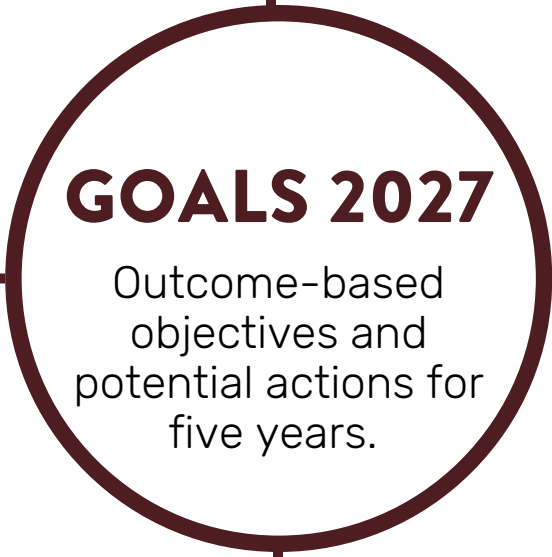
## High Performing City Organization

Providing Exceptional, People Focused Services



## Dynamic & Preferred City

through Managed Growth



## Beautiful, Safe & Vibrant Community



## Great Place to Live

through Expanded Quality of Life Amenities



# FOCUS AREA 1

## High Performing City Organization

Providing Exceptional, People Focused Services

### OBJECTIVE

To make the City of Burleson a community of choice by providing outstanding customer service, communication and community engagement; leveraging technology to be an efficient and responsive organization; being financially responsible; maintaining an organizational culture that values innovation, process improvement, productivity and teamwork; and focusing training and development opportunities for city employees.

### GOAL 1

Develop a high-performing and diverse workforce by attracting and retaining the very best employees; providing a competitive salary and benefits package; maximizing employee training and educational opportunities.

### GOAL 2

Continue to improve the efficiency and productivity of operations through the use of technology, innovation, teamwork and continual business process improvement.

### GOAL 3

Deliver high-quality service and communications to external and internal customers by providing outstanding customer experience, communication and community engagement; regularly seeking feedback from citizens and employees through surveys, public forums and other outreach methods; and offering convenient methods for conducting business and communicating with the city.

### GOAL 4

Be a responsible steward of the city's financial resources by providing services, rates and fees that represent a strong value to our citizens; providing timely, accurate and transparent financial reporting; and utilizing long-range planning.



# FOCUS AREA 1



## High Performing City Organization

Providing Exceptional, People Focused Services

### GOAL 1

**Develop a high-performance and diverse workforce** by attracting and retaining the very best employees; providing a competitive salary and benefits package; maximizing employee training and educational opportunities.

	Action	Responsible Department	Target Date
1.1.1	Continue to ensure competitive compensation and benefits across the city by benchmarking against peer cities, evaluating city compensation plan ranges and adjustments, cost of living adjustments, and performance-based merits	Human Resources	On-going
1.1.2	Continue to provide growth and promotional opportunities for internal employees through executive and supervisor leadership training and developing a robust succession planning program	Human Resources	On-going
1.1.3	Continue to evaluate the city's third-party 457 deferred compensation funds to ensure employees have access to diverse investment options with the highest returns on their investments possible	Human Resources	On-going
1.1.4	Continue development of community partnerships to discuss diversity and offer suggestions of inclusion within the police department	Police	On-going
1.1.5	Continue to assess and improve the employee experience through continual improvement and training for the workforce in leadership behavior, inclusion, and team dynamics	Human Resources	Fourth Quarter (July – September 2024)

# GOAL 2

Continue to improve the efficiency and productivity of operations through the use of technology, innovation, teamwork and continual business process improvement.

	Action	Responsible Department	Target Date
1.2.1	Identify and launch new set of organization-wide Lean Government projects to increase the city's ability to operate in the most efficient and effective manner	Customer Service	on-going
1.2.2	Continue departmental key performance indicators (KPIs) and performance measurement data that can be used to understand operational effectiveness and guide decision making	Customer Service	on-going
1.2.3	Implement server and network infrastructure that will provide data and functional redundancy for the city's critical applications and information	Information Technology	Fourth Quarter (July - September 2024)
1.2.4	Implement new computer-aided dispatch and records management system to improve efficiency and public safety response services	Public Safety Communications	Fourth Quarter (July - September 2024)

## GOAL 3

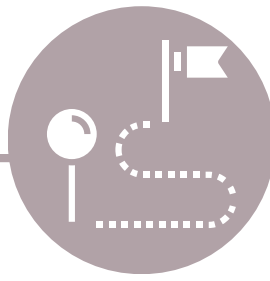
**Deliver high-quality service and communications to external and internal customers** by providing outstanding customer experience, communication and community engagement; regularly seeking feedback from citizens and employees through surveys, public forums and other outreach methods; and offering convenient methods for conducting business and communicating with the city.

	Action	Responsible Department	Target Date
1.3.1	Continually assess communications and engagement resources, processes, strategies and materials to seek ways to increase community stakeholder awareness and engagement	Community Service	on-going
1.3.2	Continue to develop a complete customer service experience through the 311 call center by using dynamic data to drive greater service delivery internally for departments and externally for citizens	Customer Service	Fourth Quarter (July - September 2024)
1.3.3	Continue to provide the public with updates on the status of the 2022 Bond Program Implementation	Community Services (Marketing and Communications)	on-going
1.3.4	Implement an online customer self-service portal to provide a more efficient way to do business for residents and developers who need to submit planning documents	Development Services - Planning	Second Quarter (January - March 2024)
1.3.5	Complete a city-wide customer service survey to measure customer experience with city facilities and projects; complete insight dashboard comparing data with 2022 city-wide survey data	Customer Service	Third Quarter (April - July 2024)

# GOAL 4

**Be a responsible steward of the city’s financial resources** by providing rates and fees that represent a strong value to our citizens; providing timely, accurate and transparent financial reporting; and utilizing long-range planning.

	Action	Responsible Department	Target Date
1.4.1	Access consultant's recommendations for the city's water and wastewater rate analysis to modify rate structure to ensure the city will be able to sustain the city's future water and wastewater infrastructure and serviceability	Public Works	First Quarter (October – December 2024)
1.4.2	Update the impact fee capital improvement plan and calculations, and deliver the CIPAC's fee recommendation to the City Council	Public Works	First Quarter (October – December 2024)
1.4.3	Continue implementation of city-wide enterprise resource planning (ERP) for human capital management and utility billing services to provide a more user-friendly and efficient way for the city to conduct business	HR/IT/Customer Service	Third Quarter (April- June 2024)



# **FOCUS AREA 2**

## **Dynamic & Preferred City through Managed Growth**

### **OBJECTIVE**

To promote balanced residential and commercial development growth through long-term planning and zoning ordinances; develop and maintain public infrastructure in the city that improves mobility and connectivity; develop superior utility services and facilities; and promote sustainable development and job growth in the city.

### **GOAL 1**

Attract and retain top-tier businesses to promote high-quality economic development by expanding and diversifying the tax base; and creating jobs that allow our residents to work where they live.

### **GOAL 2**

Promote sustainable residential and commercial development through strategic and long-term planning; providing a business-friendly environment; continuing efficient development review process; and enhancing partnerships with the development community.

### **GOAL 3**

Enhance connectivity and improve mobility by expanding capacity of existing transportation network, evaluating additional thoroughfare improvements; and improving roadway, bicycle and pedestrian infrastructure.

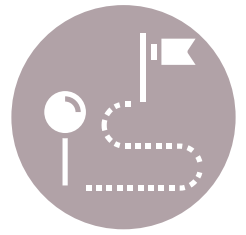
### **GOAL 4**

Implement the city's Capital Improvement Program to improve the quality of life for residents through the completion of projects identified in the city's master plans.

### **GOAL 5**

Develop and maintain facilities and utility services that meet the needs of the community through strategic planning, long-term planning and best practices.

# FOCUS AREA 2



## Dynamic & Preferred City through Managed Growth

### GOAL 1

**Attract and retain top-tier businesses** to promote high-quality economic development by expanding and diversifying the tax base; and creating jobs that allow our residents to work where they live.

	Action	Responsible Department	Target Date
2.1.1	Assist in pre-development planning for Craftmasters Campus and Headquarters, a 190,000 square foot trade school, that will provide training opportunities for skilled labor positions located in Hooper Business Park	Economic Development/ Development Services	Fourth Quarter (July - September 2024)
2.1.2	Consider options to create a new industrial park in an effort to diversify the city's tax base and provide a more resilient local economy	Economic Development	Fourth Quarter (July - September 2024)
2.1.3	Continue efforts to attract new-to-market retail establishments	Economic Development	On-going
2.1.4	Continue recruitment of complementary businesses for Hooper Business Park in Chisholm Summit	Economic Development	Fourth Quarter (July - September 2024)

# GOAL 2

**Promote sustainable residential and commercial development through strategic and long-term planning;** providing a business-friendly environment; continuing efficient development review process; and enhancing partnerships with the development community.

	Action	Responsible Department	Target Date
2.2.1	Implementation of goals associated with Midpoint 2020 Comprehensive update	Development Services	Fourth Quarter (July - September 2024)
2.2.2	Complete revisions to the Subdivision Design Manual, which details requirements associated with construction of new subdivisions within the city	Public Works	Fourth Quarter (July - September 2024)
2.2.3	Complete update to Zoning Ordinance, which ensures new development aligns with the strategic vision of the city	Development Services	Second Quarter (January - March 2024)

## GOAL 3

**Enhance connectivity and improve mobility** by expanding capacity of existing transportation network, evaluating additional thoroughfare improvements; and improving roadway, bicycle and pedestrian infrastructure.

	Action	Responsible Department	Target Date
2.3.1	Coordinate a grant application with NCTCOG for completion of the 10-mile trail loop and various high priority pedestrian improvement projects	Public Works	Fourth Quarter (July- September 2024)
2.3.2	Complete design and develop a construction schedule for State Highway 174 Widening from Elk Drive to Wicker Hill Road	Public Works	Third Quarter (April - June 2024)
2.3.3	Complete design of permanent connection of Lakewood Drive to FM 1902 and improvements from FM 1902 to Chisholm Trail Parkway	Public Works	Fourth Quarter (July - September 2024)
2.3.4	Begin implementation of Intelligent Traffic System (ITS) and Traffic Management Center (TMC), allowing the city to control signal timing throughout the city	Public Works	Fourth Quarter (July - September 2024)
2.3.5	Include a pedestrian component as part of the overall Mobility Plan to enhance connectivity to parks, sidewalks and schools	Public Works	Fourth Quarter (July - September 2024)



# GOAL 4

**Implement the city's Capital Improvement Program** to improve the quality of life for residents through the completion of projects identified in the city’s master plans.

	Action	Responsible Department	Target Date
2.4.1	Complete design of Village Creek Parkway	Public Works	Second Quarter (January - March 2024)
2.4.2	Finalize design and complete construction to improve the condition of multiple residential streets throughout the city	Public Works	Fourth Quarter (July - September 2024)
2.4.3	Begin construction for bridge connecting Alsbury Boulevard to CR1020	Public Works	Second Quarter (January - March 2024)
2.4.4	Complete design for Alsbury Boulevard extension to Lakewood Drive	Public Works	Fourth Quarter (July - September 2024)
2.4.5	Complete design of Hulen Street expansion from SH174 to Candler Drive	Public Works	Fourth Quarter (July - September 2024)
2.4.6	Complete design of police station headquarters expansion	Public Works	Third Quarter (April - June 2024)

# GOAL 5

**Develop and maintain facilities and utility services that meet the needs of the community** through strategic planning, long-term planning and best practices.

	Action	Responsible Department	Target Date
2.5.1	Ensure the future water supply needs of the city are met by partnering with the city of Fort Worth to construct a new water line from I-35 to the industrial pump station that will provide water capacity for the ultimate build-out of the city	Public Works	on-going
2.5.2	Update the Water and Sewer Master Plan to identify options to expand services to the western portion of the city	Public Works	First Quarter (October - December 2023)
2.5.3	Develop an assessment of city facilities and outline future improvement and spacing needs	Public Works	Fourth Quarter (July - September 2024)
2.5.4	Complete construction for proposed city hall renovation and initiate construction improvements	Public Works	Third Quarter (April - June 2024)



# FOCUS AREA 3

## Beautiful, Safe & Vibrant Community

### OBJECTIVE

Provide a beautiful, safe and vibrant community for those that live, learn, work and play in the City of Burleson by focusing on beautification programs; providing public art that enhances the community's visual appeal and uniqueness; providing crime prevention and community risk reduction programs; emergency preparedness; and emergency response services.

### GOAL 1

Encourage a clean and healthy community through the promotion of positive behaviors, sustainable practices, outreach programs and city services.

### GOAL 2

Encourage placemaking and a sense of belonging in our neighborhoods, parks and key commercial districts by focusing on long-range planning, comprehensive elements and public art.

### GOAL 3

Enhance emergency response services provided to the community, including emergency medical, police, fire and public dispatch services.

### GOAL 4

Ensure public safety equipment and personnel needs are being met, including staffing and training.

### GOAL 5

Continue community policing and risk reduction programs that create strong partnerships with the public to promote safety throughout the community.

# FOCUS AREA 3

## Beautiful, Safe & Vibrant Community



### GOAL 1

**Encourage a clean and healthy community** through the promotion of positive behaviors, sustainable practices, outreach programs and city services.

	Action	Responsible Department	Target Date
3.1.1	Implement PARTNER (Pro-active Residential Teams for Environmental Restoration) program to two (2) per year	Neighborhood Services	Fourth Quarter (July - September 2024)
3.1.2	Update and increase participation in the Adopt-A-Spot program to enhance community beautification	Neighborhood Services	On-going
3.1.3	Expand Urban Canopy Revitalization Program in deficient neighborhoods	Neighborhood Services	On-going
3.1.4	Continue to promote and grow the Home Improvement Rebate Program	Neighborhood Services	On-going
3.1.5	Continue to enhance the Household Chemical Waste program by promoting and encouraging public participation	Neighborhood Services	On-going

# GOAL 2

**Encourage placemaking and a sense of belonging** in our neighborhoods, parks and key commercial districts by focusing on long-range planning, comprehensive elements and public art.

	Action	Responsible Department	Target Date
3.2.1	In conjunction with the Public Arts Committee, create a master plan that facilitates and encompasses a policy and funding mechanisms for future community art	Parks and Recreation	Fourth Quarter (July - September 2024)
3.2.2	Coordinate with development partners to create a vision for the Hidden Creek corridor and outline possible options	City Manager's Office	Fourth Quarter (July - September 2024)
3.2.3	Determine initial programming elements to be included in proposed community park	Parks and Recreation	Third Quarter (April - June 2024)
3.2.4	Identify potential options for the renovation or relocation of existing softball practice fields located on Hidden Creek Parkway	Parks and Recreation	Third Quarter (April - June 2024)

# GOAL 3

Enhance emergency response services provided to the community, including emergency medical, police, fire and public dispatch services.

	Action	Responsible Department	Target Date
3.3.1	Take necessary steps to transition to fire-based emergency medical services	Fire	First Quarter (October - December 2023)
3.3.2	Work with emergency management to integrate 311/CRM into disaster preparedness program	Customer Service	Fourth Quarter (July - September 2024)
3.3.3	Collaborate with Information Technology department and 9-1-1 district to integrate non-emergency phone lines with emergency phone consoles	Public Safety Communications	Third Quarter (April - June 2024)
3.3.4	Ensure milestones are accomplished for the implementation of the new Computer-Aided Dispatch (CAD), Mobile Data System (MDS) and Records Management System (RMS) suite	Public Safety Communications	On-going
3.3.5	Increase current real-time information and intelligence capabilities by increasing the number of Flock ALPR systems deployed throughout the city	Police	Fourth Quarter (July - September 2024)

# GOAL 4

Ensure public safety equipment and personnel needs are being met, including staffing, support and training.

	Action	Responsible Department	Target Date
3.4.1	Establish a location for future fire station #4 to support growth in the western portion of the city	Fire	Second Quarter (January - March 2024)
3.4.2	Increase efficiency and reliability by transitioning to Axon body-worn and in-car camera systems, which includes, but not limited to, unlimited storage, robust redaction software, and automatic license plate readers (ALPR)	Police	Fourth Quarter (July - September 2024)
3.4.3	Increase efficiency and supervision through the introduction of one police lieutenant, with vehicle and equipment to the command structure	Police	First Quarter (October - December 2023)

# GOAL 5

**Continue community policing and risk reduction programs** that create strong partnerships with the public to promote safety throughout the community.

	Action	Responsible Department	Target Date
3.5.1	Continue to conduct emergency preparedness workshops for community members and enhance the CERT program to assist with achieving whole community preparedness	Fire (Emergency Management)	On-going
3.5.2	Obtain Texas Commission on Law Enforcement (TCOLE) Telecommunication Agency credentials	Public Safety Communications	Third Quarter (April - June 2024)
3.5.3	Continue to enhance Community Risk Reduction efforts (drowning prevention, CPR, Stop the Bleed, etc.), making our city a safer place to live, work and visit	Fire (Community Risk Reduction Division)	Fourth Quarter (July - September 2024)
3.5.4	Increase community crime prevention and engagement efforts with the introduction of a civilian crime prevention and public engagement specialist	Police	First Quarter (October - December 2023)
3.5.5	Add 4G camera installation at community parks that have seen an increase of vandalism and other issues to ensure the safety of all park goers	Parks and Recreation	Third Quarter (April- June 2024)





# FOCUS AREA 4

## Great Place to Live

through Expanded Quality of Life Amenities

### OBJECTIVE

To make the City of Burleson a premier place to live, learn and play by providing outstanding cultural, recreational and educational opportunities that enrich the lives of our residents.

### GOAL 1

Provide high-quality parks for residents by expanding park amenities and options; enhancing city's trail network; and improving access to parks facilities.

### GOAL 2

Provide high-quality recreation opportunities, events and facilities for residents by expanding programs and options for all ages and abilities that enrich the quality of life for residents.

### GOAL 3

Provide outstanding cultural, educational and entertainment opportunities by cultivating mutually beneficial partnerships with area education and government entities, the business community, and not-for-profits.

# FOCUS AREA 4



## Great Place to Live through Expanded Quality of Life Amenities

### GOAL 1

Provide high-quality parks for residents by expanding park amenities and options; enhancing city’s trail network; and improving access to parks facilities.

	Action	Responsible Department	Target Date
4.1.1	Continue to implement the 5-year capital program based on the Parks Master Plan	Parks and Recreation	Fourth Quarter (July - September 2024)
4.1.2	Finalize design and begin construction for Shannon Creek Park	Parks and Recreation	Third Quarter (April - June 2024)
4.1.3	Continue program for renovating existing park infrastructure that has reached its end-of-life and replacing it with updated and accessible-friendly equipment	Parks and Recreation	Fourth Quarter (July - September 2024)

## GOAL 2

Provide high-quality recreation opportunities, events and facilities for residents by expanding programs and options for all ages and abilities that enrich the quality of life for residents.

	Action	Responsible Department	Target Date
4.2.1	Utilize a consultant to complete an analysis to identify long-term library facility and service delivery methods	Community Services (Public Library)	First Quarter (October- December 2023)
4.2.2	Enhance programming at the Senior Activity Center to offer additional activities to increase center utilization including the launch of virtual reality headsets to allow seniors to socialize and engage in activities they may not otherwise have access to	Community Services (Senior Activity Center)	Third Quarter (April - June 2024)
4.2.3	Pursue mobile programming and services for recreation opportunities to ensure all areas of the community are provided city resources	Community Services (Public Library)/Parks and Recreation	Third Quarter (April - June 2024)
4.2.4	Utilize the newly installed video system in the Mayor Vera Calvin Plaza to showcase city events to visitors and those in our community with sensory sensitivities or disabilities	Community Services (Communications & Marketing)	Fourth Quarter (July - September 2024)

# GOAL 3

Provide outstanding cultural, educational and entertainment opportunities by cultivating mutually beneficial partnerships with area education and government entities, the business community, and not-for-profits.

	Action	Responsible Department	Target Date
4.3.1	Assist in creating the vision for the former Hill College site on Renfro Street that will bring additional entertainment and retail opportunities to our city	Economic Development	Fourth Quarter (July - September 2024)
4.3.2	Begin construction of Alley Cats Entertainment facility and continue to work with the development community to develop family entertainment venues	Economic Development	First Quarter (October - December 2023)
4.3.3	Increase partnerships at the senior center to sponsor new and needed events and services to the senior population	Community Services (Senior Activity Center)	Third Quarter (April - June 2024)
4.3.4	Grow the Project U Leadership Conference to be a premier statewide event, bringing visitors and overnight guests to our city	Economic Development	Second Quarter (January - March 2024)

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## City Council Regular Meeting

**DEPARTMENT:** Development Services

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

**MEETING:** September 5, 2022

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**SUBJECT:**

Consider an ordinance approving the 2023-24 annual Service and Assessment Plan (SAP) update for the Parks at Panchasarp Farms Public Improvement District No. JC-1 and directing the City Secretary to file this ordinance with the County Clerk. (Final Reading) *(Staff Contact: Tony McIlwain, Development Services Director)*

**SUMMARY:**

The Parks at Panchasarp Farms Public Improvement District JC-1 (the "PID") was created pursuant to the PID act and a resolution by the City Council on February 2, 2019 to finance certain public park improvements for the benefit of the Property in the PID.

On February 3, 2020, City Council approved the Service and Assessment Plan for the PID that set the assessment rate and specific improvements for which the PID is responsible. Generally, the PID is responsible for construction and maintenance of public park improvements within the Parks and Panchasarp Farms development. The Service and Assessment Plan was updated for the Phase #2 Reimbursement Agreement in the aggregate principal amount of \$482,718 (the "Phase #2 Reimbursement Agreement") on March 21, 2022 (the "Updated Service and Assessment Plan").

Pursuant to Chapter 372 of the Texas Local Government Code, the Updated Service and Assessment Plan must be reviewed and updated annually for the purpose of determining the annual budget for the Authorized Improvements. The proposed ordinance adopts the Updated Service and Assessment Plan for the year 2023-24 (the "Annual Service Plan Update").

The assessment period runs from September 01, 2023 through August 31, 2024. Following is a summary of activity and assessments for the reporting period:

As of June 30, 2023, a total of seventy-seven (77) of the one-hundred thirty (130) Lots within Phase #2 have been triggered in 2023-24, with the issuance of building permits.

Below is a table summarizing the updated sources of funds required to construct the PID's authorized improvements and establish the PID:

**Table II-B**  
**Sources and Uses of Funds – Total<sup>1</sup>**

Sources of Funds	Original Budget	Budget Revisions <sup>2</sup>	Revised Budget	Spent to Date <sup>1</sup>	Remaining Balance <sup>2</sup>
Phase #1 Reimbursement Agreement	\$374,055	\$0	\$374,055	\$374,055	\$0
Phase #2 Reimbursement Agreement	\$482,718	\$0	\$482,718	\$325,900	\$156,817
Future Phase Reimbursement Agreement	\$2,075,067	\$0	\$2,075,067	\$0	\$2,075,067
Other funding sources	\$0	\$0	\$0	\$0	\$0
<b>Total Sources</b>	<b>\$2,931,839</b>	<b>\$0</b>	<b>\$2,931,839</b>	<b>\$699,955</b>	<b>\$2,231,884</b>
<b>Uses of Funds</b>					
<i>Authorized Improvements</i>					
Grading improvements	\$43,200	\$100,000	\$143,200	\$125,121	\$18,079
Irrigation improvements	\$316,310	\$0	\$316,310	\$96,754	\$219,556
Landscaping improvements	\$960,004	\$0	\$960,004	\$205,034	\$754,970
Site furnishings improvements	\$177,200	\$0	\$177,200	\$0	\$177,200
Site elements improvements	\$447,954	\$0	\$447,954	\$70,518	\$377,436
Playground improvements	\$517,812	\$0	\$517,812	\$73,585	\$444,227
Other soft costs including PID creation costs	\$469,359	(\$100,000)	\$369,359	\$128,943	\$240,416
<b>Total Uses</b>	<b>\$2,931,839</b>	<b>\$0</b>	<b>\$2,931,839</b>	<b>\$699,955</b>	<b>\$2,231,884</b>

1- The numbers in this and subsequent tables are in some cases shown rounded to the nearest dollar; however, the calculations are made to the cent.

2 - According to the Updated Service and Assessment Plan dated March 21, 2022. Current costs spent for the Authorized Improvements will be provided by the Developer and included in the Service and Assessment Plan updated for the Phase #3 levy.

### **OPTIONS:**

- 1) Approve the ordinance as presented
- 2) Approve the ordinance with changes
- 3) Deny the ordinance

### **RECOMMENDATION:**

Staff recommendations if any

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

On November 12, 2018, the City Council approved a Public Improvement District Policy.

On December 10, 2018, the City Council approved a resolution accepting a PID petition and set a public hearing date to consider the creation of the Parks at Panchasarp Farms Public Improvement District JC-1.

On February 4, 2019, the City Council approved a resolution creating the Parks at Panchasarp Farms Public Improvement District JC-1.

On November 11, 2019, the City Council held a work session to give staff feedback on the assessment rates of the Parks at Panchasarp Farms Public Improvement District JC-1.

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On January 6, 2020, the City Council approved a resolution adopting a preliminary service and assessment plan of Phase 1 of the development and set a public hearing date to levy the assessment.

On February 3, 2020, the City Council held a public hearing and approved an ordinance adopting a service and assessment plan and levying an assessment on Phase 1.

On June 15, 2020, the City Council approved an interlocal agreement with Johnson County for collection of assessments from the Parks at Panchasarp Farms Public Improvement District JC-1.

On September 21, 2020, the City Council approved a resolution adopting the 2020-21 annual service plan update.

On September 7, 2021, the City Council approved an ordinance adopting the 2021-22 annual service plan update.

On January 18, 2022, the City Council approved a resolution setting the public hearing and approving a preliminary Service and Assessment Plan.

On February 21, 2022, the City Council held a public hearing and approved an ordinance on first reading adopting a service and assessment plan and levying an assessment on Phase 2, and the ordinance was approved on final reading on March 7, 2022.

On September 6, 2022, the City Council approved an ordinance adopting the 2022-23 annual service plan update.

On August 21, 2023, the City Council approved the first reading of the ordinance.

**FISCAL IMPACT:**

None

**STAFF CONTACT:**

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



# 2023-24 ANNUAL SERVICE AND ASSESSMENT PLAN (SAP) UPDATE

Presented to the City Council on  
September 5, 2023



# 2023-24 ANNUAL SAP UPDATE

## What is a Public Improvement District (PID)?

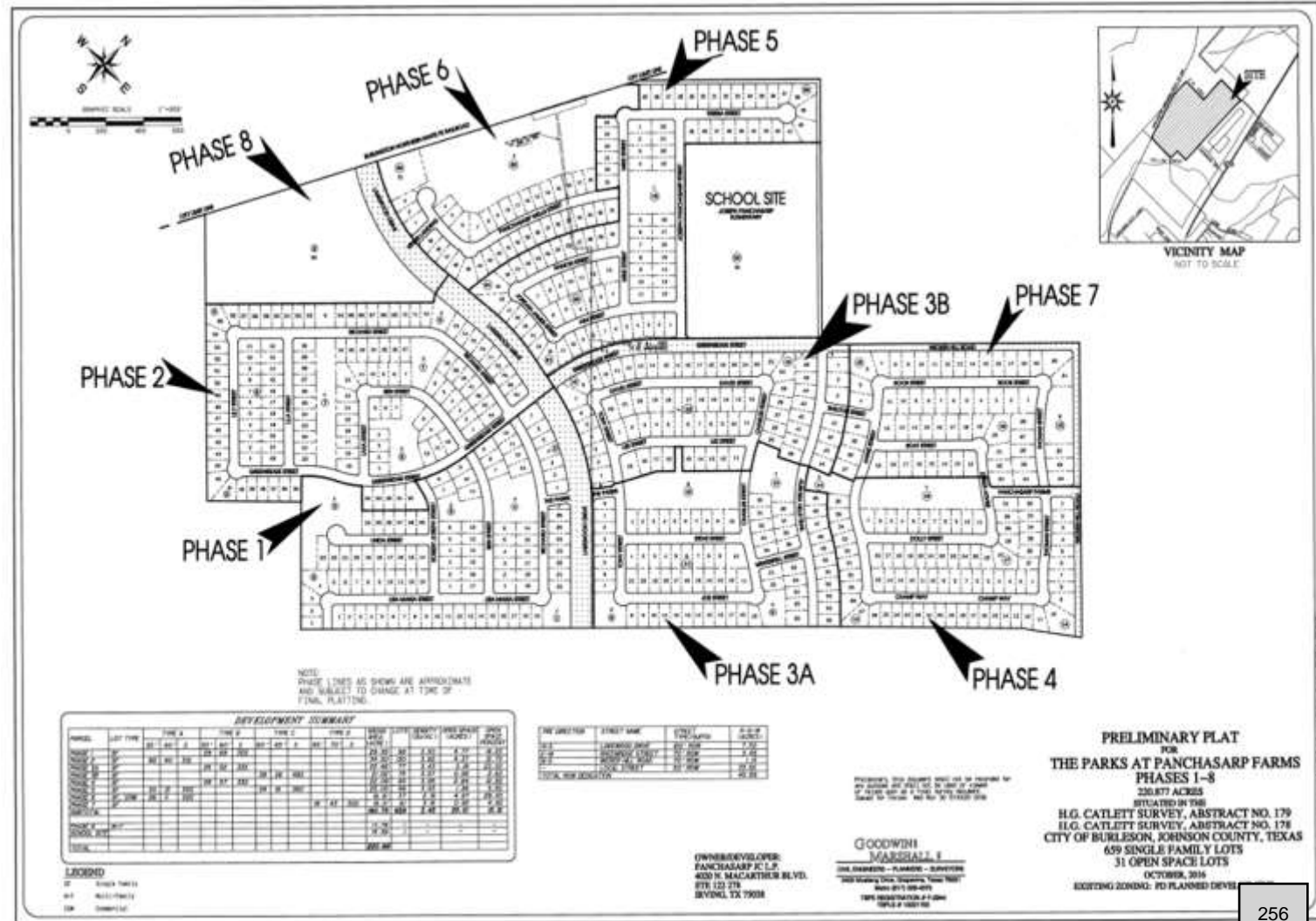
- PIDs are created by the property owners wishing to benefit from public improvements; cannot be forced upon the property owners by the city.
- Chapter 372 of the Local Government Code establishes the enabling legislation for PIDs
- Public Improvements include:
  - Landscaping, fountains, lightings, signs
  - Sidewalk and street alterations, pedestrian malls, public art
  - Parks, libraries, off-street parking facilities
  - Water, sewer and drainage improvements, etc.

# 2023-24 ANNUAL SAP UPDATE

## The Parks at Panchasarp Farm

- 659 SF Lots
- Multi-Family Lot
- Commercial Site
- School Site
- 25 Acres Parks

The Panchasarp Farms Public Improvement District (the “PID”) was created with Resolution CSO#981-02-2019 of the City Council on February 4, 2019, to finance certain public improvements within the development.



# 2023-24 ANNUAL SAP UPDATE

A service and assessment plan dated February 3, 2020 (the “Service and Assessment Plan”) was prepared at the direction of the City identifying:

- the public improvements (the “Authorized Improvements”) to be provided by the PID
- the costs of the Authorized Improvements
- The indebtedness to be incurred for the Authorized Improvements
- the manner of assessing the property in the PID for the costs of the Authorized Improvements

The Texas legislature passed House Bill 1543 as an amendment to the PID Act, requiring, among other things:

- all Service and Assessment Plans and Annual Service Plan Updates be approved through City ordinance or order to be filed with the county clerk of each county in which all or part of the PID is located within seven days
- include a copy of the notice form required by Section 5.014 of the Texas Property Code (the “PID Assessment Notice”) as disclosure of the obligation to pay PID Assessments

# 2023-24 ANNUAL SAP UPDATE

## PREVIOUS ANNUAL SAP UPDATES

- September 20, 2020: Resolution adopting the 2020-2021 Annual Service Plan Update by City Council.
- September 7, 2021: First reading of the Ordinance adopting the 2021-2022 Annual Service Plan Update by City Council
- September 20 2021: Final reading of the Ordinance adopting the 2021-2022 Annual Service Plan Update by City Council
- August 15, 2022: First reading of the Ordinance adopting the 2022-2023 Annual Service Plan Update by City Council
- September 6, 2022: Final reading of the Ordinance adopting the 2022-2023 Annual Service Plan Update by City Council

# 2023-24 ANNUAL SAP UPDATE

The following tables contain assessment, indebtedness and annual installment data. With regard to the presentation, an understanding of the following terms is helpful:

- **Number of Lots** shall mean the number of permits issued by the city for home construction.
- **Equivalent Unit (EU)** shall mean the number of dwelling units (by lot type) expected to be built on the Parcel multiplied by the factors calculated. Essentially, the lot type with the highest estimated average unit value is the base and is assigned an EU factor of 1.00. Thereafter, the EU of each other lot type is a ratio/percentage of the lot type with an EU of 1.00.

*Ex: Lot Type 1 – Estimated Average Home Value is \$340,000 = Highest Value = EU 1.00*

*Lot Type 2 – Estimated Average Home Value is \$315,000 =  $(\$315,000/\$340,000) = EU$   
0.93*

*Lot Type 3 – Estimated Average Home Value is \$293,000 =  $(\$293,000/\$340,000) = EU$   
0.86*

## 2023-24 ANNUAL SAP UPDATE

**Annual Installment Conditions** refer to when the assessment for each parcel should be collected. The earlier of the three conditions below will trigger the commencement of the collection of Annual Installments for each parcel.

- Condition i: Annual Installment collection for a specific parcel shall commence when the building permit for the parcel has been issued.
- Condition ii: Annual Installment collection for all parcels in the Phase shall commence the first October after issuance of a series of Phased PID Bonds.
- Condition iii: Annual Installment collection for all parcels (or remaining parcels that yet to be triggered) shall commence the first October occurring after the expiration of two years from the date of the levy of Assessments on the Phase.

# 2023-24 ANNUAL SAP UPDATE

**Table II-D**

**Assessments on Phase #1 Lots with Building Permits as of June 30, 2023<sup>1</sup>**

<b>Trigger Period</b>	<b>Annual Installment Condition Trigger</b>	<b>Number of Lots</b>	<b>Total EU</b>	<b>Total Assessments<sup>2</sup></b>
2020-21	Condition (i)	41	34.14	\$156,728.33
2021-22	Condition (i)	55	45.62	\$209,430.19
2022-23	Condition (iii)	2	1.72	\$7,896.10
<b>Total</b>		<b>98</b>	<b>81.48</b>	<b>\$374,054.62</b>



# 2023-24 ANNUAL SAP UPDATE

**Table II-C-1**

**Annual Projected Indebtedness & Projected Annual Installments – Phase #1**

<b>Assessment Year Ending 09/01<sup>1</sup></b>	<b>Annual Projected Costs</b>	<b>Annual Projected Indebtedness</b>	<b>Phase #1 Projected Annual Installments<sup>2,3</sup></b>
2021-2023	\$374,055	\$374,055	\$137,528
2024	\$0	\$0	\$57,047
2025	\$0	\$0	\$58,857
2026	\$0	\$0	\$59,121
2027	\$0	\$0	\$59,295
2028	\$0	\$0	\$59,536
2029	\$0	\$0	\$59,688
<b>Total</b>	<b>\$374,055</b>	<b>\$374,055</b>	<b>\$491,072</b>

1 - Projected Annual Installments for Assessment Years ending 2021-24 represent actual amounts billed and include applicable credits. Assessment Years ending 2025-2029 represent projected amounts and will be updated in future Annual Service Plan Updates.

2 - Represents the Annual Installments billed for Phase #1 Lots triggered as of May 31, 2023.

3 - Refer to Section C of this report for additional information regarding Phase #1's annual budget and Annual Installments.



# 2023-24 ANNUAL SAP UPDATE

**Table II-C-2**

## **Annual Projected Indebtedness & Projected Annual Installments – Phase #2**

<b>Assessment Year Ending 09/01<sup>1</sup></b>	<b>Annual Projected Costs</b>	<b>Annual Projected Indebtedness</b>	<b>Phase #2 Projected Annual Installments<sup>2,3</sup></b>
2022-2023	\$482,718	\$482,718	\$32,856
2024	\$0	\$0	\$41,186
2025	\$0	\$0	\$72,722
2026	\$0	\$0	\$72,664
2027	\$0	\$0	\$73,435
2028	\$0	\$0	\$73,353
2029	\$0	\$0	\$74,101
<b>Total</b>	<b>\$482,718</b>	<b>\$482,718</b>	<b>\$440,317</b>

1 - Projected Annual Installments for Assessment Years ending 2022-24 represent actual amounts billed and include applicable credits. Assessment Years ending 2025-2029 represent projected amounts and will be updated in future Annual Service Plan Updates.

2 - Represents the Annual Installments billed for Phase #2 Lots triggered as of May 31, 2023.

3 - Refer to Section E of this report for additional information regarding Phase #2's annual budget and Annual Installments.

# 2023-24 ANNUAL SAP UPDATE

**Table II-J**

**Assessments on Phase #2 Lots with Building Permits as of June 30, 2023<sup>1</sup>**

<b>Trigger Period</b>	<b>Annual Installment Condition Trigger</b>	<b>Number of Lots</b>	<b>Total EU</b>	<b>Total Assessments<sup>2</sup></b>
2022-23	Condition (i)	59	48.01	\$220,402.09
2023-24	Condition (i)	18	14.50	\$66,565.93
<b>Total</b>		<b>77</b>	<b>62.51</b>	<b>\$286,968.02</b>

1 – Number of Lots represents the issuance of building permits according to the City.

2 – See various Assessment Rolls for the current total outstanding Assessment balances.

## **Council Options**

- Approve the ordinance as presented
- Approve the ordinance with revisions
- Deny the ordinance

## **Staff's Recommendation**

Staff recommends the Council approve the ordinance and direct the City Secretary to file the ordinance with the County Clerk.

## **ORDINANCE**

**AN ORDINANCE APPROVING THE 2023-24 ANNUAL SERVICE AND ASSESSMENT PLAN UPDATE FOR THE PARKS AT PANCHASARP FARMS PUBLIC IMPROVEMENT DISTRICT NO. JC-1; DIRECTING THE CITY SECRETARY TO FILE THIS ORDINANCE WITH THE COUNTY CLERK; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; INCORPORATING THE RECITALS; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; DECLARING AN EFFECTIVE DATE.**

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

**WHEREAS**, the City received a petition requesting the creation of the Parks at Panchasarp Farms Public Improvement District No. JC-1 (the “PID”); and

**WHEREAS**, on February 4, 2019, the City held a public hearing then passed and adopted Resolution CSO#981-02-2019 establishing the PID in accordance with the Public Improvement District Act; and

**WHEREAS**, on February 3, 2020, the City passed and adopted Ordinance CSO#1268-02-2020 approving a Service and Assessment Plan for the PID; and

**WHEREAS**, on March 7, 2022, the City passed and adopted Ordinance CSO#2008-03-2022 approving an amended and restated Service and Assessment Plan for the PID (the “SAP”); and

**WHEREAS**, on September 6, 2022, the City passed and adopted Ordinance CSO#3053-09-2022

**WHEREAS**, the city council wishes to approve the 2023-24 Annual Update of the SAP (the “Annual Service Plan Update”) for the PID.

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

### **Section 1**

The 2023-2024 Annual Service Plan Update, attached to this Ordinance as Exhibit A, is hereby approved and adopted on behalf of the PID.

### **Section 2**

The City Secretary shall cause this ordinance to be filed with the county clerk in each county in which all or a part of the PID is located not later than seven (7) days after the date the governing body of the City approves this Annual Service Plan Update.

### **Section 3**

Any and all ordinances, resolutions, rules, regulations, policies or provisions in conflict with the provisions of this ordinance are hereby repealed and rescinded to the extent of conflict herewith.

**Section 4**

If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 5**

All of the above premises in the preamble are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

**Section 6**

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 7**

This ordinance shall become effective immediately upon its passage and approval.

**PASSED AND APPROVED:**

**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

**PANCHASARP FARMS  
PUBLIC IMPROVEMENT DISTRICT  
CITY OF BURLESON, TEXAS**

**ANNUAL SERVICE PLAN UPDATE  
(ASSESSMENT YEAR 9/1/23 - 8/31/24)**

**APPROVED BY CITY COUNCIL ON:  
AUGUST 21, 2023**

**PREPARED BY:**

**MUNICAP, INC.**  
— PUBLIC FINANCE —

# **PANCHASARP FARMS PUBLIC IMPROVEMENT DISTRICT**

## **ANNUAL SERVICE PLAN UPDATE (ASSESSMENT YEAR 9/1/23 – 8/31/24)**

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## ***I. INTRODUCTION***

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The Panchasarp Farms Public Improvement District (the “PID”) was created pursuant to Chapter 372, Texas Local Government Code, as amended (the “PID Act”) and Resolution CSO#981-02-2019 of the City Council on February 4, 2019, to finance certain public improvement projects for the benefit of the property in the PID. The City approved the Phase #1 Reimbursement Agreement in the aggregate initial amount of \$377,134 pursuant to a resolution adopted by the City Council on February 3, 2020, to finance, refinance, provide or otherwise assist in the acquisition, construction and maintenance of the public improvements provided for the benefit of the property in the PID. The Phase #1 Reimbursement Agreement amount was updated to \$374,055 based on a new allocation of revised Equivalent Units as shown in Appendix C (the “Phase #1 Reimbursement Agreement”).

A service and assessment plan dated February 3, 2020 (the “Service and Assessment Plan”) was prepared at the direction of the City identifying the public improvements (the “Authorized Improvements”) to be provided by the PID, the costs of the Authorized Improvements, the indebtedness to be incurred for the Authorized Improvements, and the manner of assessing the property in the PID for the costs of the Authorized Improvements. The Service and Assessment Plan was updated for the Phase #2 Reimbursement Agreement in the aggregate principal amount of \$482,718 (the “Phase #2 Reimbursement Agreement”) on March 21, 2022 (the “Updated Service and Assessment Plan”). Pursuant to Chapter 372 of the Texas Local Government Code, as amended (the “PID Act”), the Updated Service and Assessment Plan must be reviewed and updated annually for the purpose of determining the annual budget for the Authorized Improvements. This document is the annual update of the Updated Service and Assessment Plan for 2023-24 (the “Annual Service Plan Update”).

The City also adopted an assessment roll for Phase #1 of the PID and Phase #2 of the PID attached as Appendix F (the “Phase #1 Assessment Roll”) and Appendix G (the “Phase #2 Assessment Roll”), respectively, to the Updated Service and Assessment Plan identifying the assessments on each Parcel of Assessed Property, based on the method of assessment identified in the Updated Service and Assessment Plan. This Annual Service Plan Update also updates the Assessment Roll for 2023-24.

The Texas legislature passed House Bill 1543 as an amendment to the PID Act, requiring, among other things, (i) all Service and Assessment Plans and Annual Service Plan Updates be approved through City ordinance or order to be filed with the county clerk of each county in which all or part of the PID is located within seven days and (ii) include a copy of the notice form required by Section 5.014 of the Texas Property Code (the “PID Assessment Notice”) as disclosure of the obligation to pay PID Assessments. In light of these amendments to the PID Act, this Annual Service Plan Update includes a copy of the PID Assessment Notice as Appendix F and copy of this Annual Service Plan Update will be filed with the county clerk in each county in which all or a part of the PID is located not later than seven (7) days after the date the governing body of the City approves this Annual Service Plan Update.

Section 372.013 of the PID Act, as amended, stipulates that a person who proposes to sell or otherwise convey real property that is located in the PID, except in certain situation described in the PID Act, shall first give to the purchaser of the property a copy of the completed PID



Assessment Notice. The PID Assessment Notice shall be given to a prospective purchaser before the execution of a binding contract of purchase and sale, either separately or as an addendum or paragraph of a purchase contract. In the event a contract of purchase and sale is entered into without the seller provided the required notice, the purchaser, subject to certain exceptions described in the PID act, is entitled to terminate the contract.

The PID Assessment Notice shall be executed by the seller and must be filed in the real property records of the County in which the property is located at the closing of the purchase and sale of the property.

Capitalized terms shall have the meanings set forth in the Updated Service and Assessment Plan unless otherwise defined herein.

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## ***II. UPDATE OF THE SERVICE PLAN***

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### **A. UPDATED SOURCES AND USES FOR PUBLIC IMPROVEMENTS**

Pursuant to the Updated Service and Assessment Plan adopted by City Council, the initial total estimated costs of the Authorized Improvements were equal to \$2,931,839. According to the Updated Service and Assessment Plan, the costs spent as of March 21, 2022 for the Authorized Improvements were equal to \$699,955.

The Actual Costs of the portion of the Authorized Improvements to be financed in each Phase shall be allocated to the Assessed Property by spreading the entire Assessment across the Parcels based on the estimated Equivalent Units shown in Table II-A below.

**Table II-A**  
**Allocated Costs of Authorized Improvements per Phase**

<b>Phase</b>	<b>Original Estimated EU</b>	<b>Revised Estimated EU<sup>2</sup></b>	<b>Percentage Allocation</b>	<b>Proportionate Share of Costs</b>
Phase #1	82.25	81.48	12.76%	\$374,055
Phase #2	105.15	105.15	16.46%	\$482,718
Future Phases	452.01	452.01	70.78%	\$2,075,067
<b>Total</b>	<b>639.41</b>	<b>638.64</b>	<b>100.00%</b>	<b>\$2,931,839</b>

1- The numbers in this and subsequent tables are in some cases shown rounded to the nearest dollar; however, the calculations are made to the cent.

2- The Equivalent Units used to determine the Assessments for each Phase. The Equivalent Units reported for Phase #1 and Phase #2 are the final values.

### ***Sources and Uses - Total***

Table II-B on the following page summarizes the updated sources and uses of funds required to (i) construct all of the Authorized Improvements within the PID and (ii) establish the PID. See Table II-A above for the allocation percentage based on Phase.

*(remainder of this page is intentionally left blank)*

**Table II-B**  
**Sources and Uses of Funds – Total<sup>1</sup>**

<b>Sources of Funds</b>	<b>Original Budget</b>	<b>Budget Revisions<sup>2</sup></b>	<b>Revised Budget</b>	<b>Spent to Date<sup>1</sup></b>	<b>Remaining Balance<sup>2</sup></b>
Phase #1 Reimbursement Agreement	\$374,055	\$0	\$374,055	\$374,055	\$0
Phase #2 Reimbursement Agreement	\$482,718	\$0	\$482,718	\$325,900	\$156,817
Future Phase Reimbursement Agreement	\$2,075,067	\$0	\$2,075,067	\$0	\$2,075,067
Other funding sources	\$0	\$0	\$0	\$0	\$0
<b>Total Sources</b>	<b>\$2,931,839</b>	<b>\$0</b>	<b>\$2,931,839</b>	<b>\$699,955</b>	<b>\$2,231,884</b>
<b>Uses of Funds</b>					
<i>Authorized Improvements</i>					
Grading improvements	\$43,200	\$100,000	\$143,200	\$125,121	\$18,079
Irrigation improvements	\$316,310	\$0	\$316,310	\$96,754	\$219,556
Landscaping improvements	\$960,004	\$0	\$960,004	\$205,034	\$754,970
Site furnishings improvements	\$177,200	\$0	\$177,200	\$0	\$177,200
Site elements improvements	\$447,954	\$0	\$447,954	\$70,518	\$377,436
Playground improvements	\$517,812	\$0	\$517,812	\$73,585	\$444,227
Other soft costs including PID creation costs	\$469,359	(\$100,000)	\$369,359	\$128,943	\$240,416
<b>Total Uses</b>	<b>\$2,931,839</b>	<b>\$0</b>	<b>\$2,931,839</b>	<b>\$699,955</b>	<b>\$2,231,884</b>

1- The numbers in this and subsequent tables are in some cases shown rounded to the nearest dollar; however, the calculations are made to the cent.

2 - According to the Updated Service and Assessment Plan dated March 21, 2022. Current costs spent for the Authorized Improvements will be provided by the Developer and included in the Service and Assessment Plan updated for the Phase #3 levy.

#### Total Authorized Improvement Cost Variances

As shown in Table II-B above, there are no significant variances of the Authorized Improvement costs.

## **B. FIVE YEAR SERVICE PLAN**

According to the PID Act, a service plan must cover a period of five years. Based upon the actual budget for the Authorized Improvements, the Annual Installments expected to be collected during the next five years is shown in Tables II-C-1 and II-C-2 on the following page.

*(remainder of this page is intentionally left blank)*

**Table II-C-1**  
**Annual Projected Indebtedness & Projected Annual Installments – Phase #1**

<b>Assessment Year Ending 09/01<sup>1</sup></b>	<b>Annual Projected Costs</b>	<b>Annual Projected Indebtedness</b>	<b>Phase #1 Projected Annual Installments<sup>2,3</sup></b>
2021-2023	\$374,055	\$374,055	\$137,528
2024	\$0	\$0	\$57,047
2025	\$0	\$0	\$58,857
2026	\$0	\$0	\$59,121
2027	\$0	\$0	\$59,295
2028	\$0	\$0	\$59,536
2029	\$0	\$0	\$59,688
<b>Total</b>	<b>\$374,055</b>	<b>\$374,055</b>	<b>\$491,072</b>

1 - Projected Annual Installments for Assessment Years ending 2021-24 represent actual amounts billed and include applicable credits. Assessment Years ending 2025-2029 represent projected amounts and will be updated in future Annual Service Plan Updates.

2 - Represents the Annual Installments billed for Phase #1 Lots triggered as of May 31, 2023.

3 - Refer to Section C of this report for additional information regarding Phase #1's annual budget and Annual Installments.

4 - The numbers in this and subsequent tables are in some cases shown rounded to the nearest dollar; however, the calculations are made to the cent.

**Table II-C-2**  
**Annual Projected Indebtedness & Projected Annual Installments – Phase #2**

<b>Assessment Year Ending 09/01<sup>1</sup></b>	<b>Annual Projected Costs</b>	<b>Annual Projected Indebtedness</b>	<b>Phase #2 Projected Annual Installments<sup>2,3</sup></b>
2022-2023	\$482,718	\$482,718	\$32,856
2024	\$0	\$0	\$41,186
2025	\$0	\$0	\$72,722
2026	\$0	\$0	\$72,664
2027	\$0	\$0	\$73,435
2028	\$0	\$0	\$73,353
2029	\$0	\$0	\$74,101
<b>Total</b>	<b>\$482,718</b>	<b>\$482,718</b>	<b>\$440,317</b>

1 - Projected Annual Installments for Assessment Years ending 2022-24 represent actual amounts billed and include applicable credits. Assessment Years ending 2025-2029 represent projected amounts and will be updated in future Annual Service Plan Updates.

2 - Represents the Annual Installments billed for Phase #2 Lots triggered as of May 31, 2023.

3 - Refer to Section E of this report for additional information regarding Phase #2's annual budget and Annual Installments.

4 - The numbers in this and subsequent tables are in some cases shown rounded to the nearest dollar; however, the calculations are made to the cent.

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## C. ANNUAL BUDGET – PHASE #1

### Phase #1 - Annual Installments

The Assessment imposed on any Parcel may be paid in full at any time. If not paid in full, the Assessment shall be payable in thirty (30) Annual Installments of principal and interest beginning with the tax year following the issuance of the Phase #1 Reimbursement Agreement. The collection of the first Annual Installment for a Phase #1 Lot or Parcel shall commence upon the earlier of: (i) with tax bills sent the first October following the issuance of the first building permit for each Lot within each Phase, such that Assessments are billed only for Lots for which a building permit has been issued, (ii) with tax bills sent the first October after issuance of a series of Phased PID Bonds for Phase #1 Assessed Property, such that upon the issuance of PID Bonds, all Assessments in the applicable Phase shall begin collection, or (iii) with tax bills sent the first October occurring after the expiration of two years from the date of the levy of Assessments on the Phase #1 Assessed Property, such that all Assessments in the applicable Phase begin collection immediately after the expiration of such two year period. Such first Annual Installment for a Phase #1 Lot or Parcel for which collection has begun, shall be due by January 31st of the following calendar year.

Table II-D below shows the amount of Assessments applicable to all Phase #1 Lots triggered as of June 30, 2022. As of June 30, 2022, the Assessment for all Phase #1 lots had been triggered.

**Table II-D**  
**Assessments on Phase #1 Lots with Building Permits as of June 30, 2023<sup>1</sup>**

<b>Trigger Period</b>	<b>Annual Installment Condition Trigger</b>	<b>Number of Lots</b>	<b>Total EU</b>	<b>Total Assessments<sup>2</sup></b>
2020-21	Condition (i)	41	34.14	\$156,728.33
2021-22	Condition (i)	55	45.62	\$209,430.19
2022-23	Condition (iii)	2	1.72	\$7,896.10
<b>Total</b>		<b>98</b>	<b>81.48</b>	<b>\$374,054.62</b>

1 – Number of Lots represents the issuance of building permits according to the City.

2 – See various Assessment Rolls for the current total outstanding Assessment balances.

3 – The numbers in this and subsequent tables are in some cases shown rounded to the nearest dollar; however, the calculations are made to the cent.

Pursuant to the Updated Service and Assessment Plan, each Assessment shall bear interest at the rate on the Phase #1 Reimbursement Agreement commencing with the issuance of the Phase #1 Reimbursement Agreement. The effective interest rate of the Phase #1 Reimbursement Agreement interest payments is 5.10 percent per annum for 2023-24. Pursuant to Section 372.018 of the PID Act, the interest rate for that Assessment may not exceed a rate that is one-half of one percent higher than the actual interest rate paid on the debt. These payments, the Annual Installments of the Assessments, shall be billed by the City in 2023 and will be delinquent on February 1, 2024.

Pursuant to the Updated Service and Assessment Plan, the Annual Service Plan Update will show the remaining balance of the Assessments, the Annual Installment due for 2023-24 and the administrative expenses to be collected from each Parcel. Annual administrative expenses shall be allocated to each Parcel pro rata based on the Annual Installment on a Parcel to the total Annual Installments in the PID that are payable at the time of such allocation. Each Annual Installment

shall be reduced by any credits applied under applicable documents including the Updated Service and Assessment Plan, such as capitalized interest and interest earnings on any account balances and by any other funds available to the PID.

#### Annual Budgets for the Repayment of Indebtedness

Debt service proportionately allocated to each Lot where a building permit was issued will be paid on the Phase #1 Reimbursement Agreement from the collection of the Annual Installments. In addition, Annual Collection Costs are to be collected with the Annual Installments to pay expenses related to the collection of the Annual Installments.

#### Phase #1 Annual Installments to be collected for 2023-24

The proportional Phase #1 budget for the PID will be paid from the collection of Annual Installments collected for 2023-24 as shown in Table II-E below.

**Table II-E**  
**Budget for the Phase #1 Annual Installments**  
**to be Collected for 2023-24**

Descriptions	Budget for all Lots Based on Trigger Period			Total
	2020-21	2021-22	2022-23	
Interest payment on or after March 1, 2024	\$3,414	\$4,690	\$198	\$8,302
Interest payment on or after September 1, 2024	\$3,414	\$4,690	\$198	\$8,302
Principal payment on September 1, 2024	\$2,673	\$3,572	\$121	\$6,366
<i>Subtotal debt service on R.A.</i>	<i>\$9,502</i>	<i>\$12,951</i>	<i>\$518</i>	<i>\$22,970</i>
Administrative Expenses	\$5,106	\$6,822	\$257	\$12,185
Maintenance Assessment	\$9,173	\$12,257	\$462	\$21,892
<i>Subtotal Expenses</i>	<i>\$23,780</i>	<i>\$32,030</i>	<i>\$1,237</i>	<i>\$57,047</i>
Available Administrative Expense account	\$0	\$0	\$0	\$0
<i>Subtotal funds available</i>	<i>\$0</i>	<i>\$0</i>	<i>\$0</i>	<i>\$0</i>
<b>Annual Installments</b>	<b>\$23,780</b>	<b>\$32,030</b>	<b>\$1,237</b>	<b>\$57,047</b>

#### Debt Service Payments

Table II- F on the following page shows the Annual Installments to be collected for principal and interest based on the outstanding Assessment balance for each trigger period and the effective interest rate of 5.10 percent.

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**Table II-F**  
**Principal and Interest to be Collected for 2023-24**

<b>Lots in Trigger Period</b>	<b>Outstanding Assessment Balance</b>	<b>Principal Due</b>	<b>Effective Interest Rate</b>	<b>3/1 Interest Due</b>	<b>9/1 Interest Due</b>	<b>Annual Installments to be Collected for P&amp;I</b>
2020-21	\$133,898	\$2,673	5.10%	\$3,414	\$3,414	\$9,502
2021-22	\$183,904	\$3,572	5.10%	\$4,690	\$4,690	\$12,951
2022-23	\$7,775	\$121	5.10%	\$198	\$198	\$518
<b>Total</b>	<b>\$325,577</b>	<b>\$6,366</b>		<b>\$8,302</b>	<b>\$8,302</b>	<b>\$22,970</b>

1- The numbers in this and subsequent tables are in some cases shown rounded to the nearest dollar; however, the calculations are made to the cent.

Administrative Expenses

The Phase #1 proportional annual administrative expenses include the City, Administrator, and contingency fees for 2023-24 and are shown in Table II-G below.

**Table II-G**  
**Administrative Budget Breakdown**

<b>Lots in Trigger Period</b>	<b>2023-24 Estimated Budget</b>
2020-21	\$5,106
2021-22	\$6,822
2022-23	\$257
<b>Total</b>	<b>\$12,185</b>

Maintenance Expenses

The Phase #1 proportional annual maintenance expenses to be proportionally collected for 2023-24 is shown below in Table II-H.

**Table II-H**  
**Maintenance Budget Breakdown<sup>1</sup>**

<b>Lots in Trigger Period</b>	<b>2023-24 Estimated Budget</b>
2020-21	\$9,173
2021-22	\$12,257
2022-23	\$462
<b>Total</b>	<b>\$21,892</b>

1- See Table II-D for a breakdown of the number of lots triggered within each period. The proportional annual maintenance expenses to be collected for 2023-24 are estimated to be \$269 per Lot.

2 - Pursuant to the Updated Service and Assessment Plan, Lots with prepaid Assessments will continue to pay a proportionate share of the total Maintenance Expense.

#### Available Administrative Expense Account

There are no available administrative expense funds to reduce the 2023-24 Annual Installment.

#### **D. ANNUAL INSTALLMENTS PER UNIT - PHASE #1**

According to the Updated Service and Assessment Plan, the Annual Installments shall be collected in an amount sufficient to pay (i) principal and interest on the Phase #1 Reimbursement Agreement and (ii) to cover Administrative Expenses of the PID.

According to the Developer, ninety-eight (98) units, representing 81.48 Equivalent Units, were anticipated to be built within Phase #1 of the PID. See Table II-A of this report for the trigger period breakdown of the ninety-eight (98) in Phase #1. Additionally, six (6) 60 ft Lots and three (3) 55 ft Lots have prepaid their Assessments in full as of May 31, 2023, resulting in a current outstanding Equivalent Unit balance for Phase#1 Lots of 73.95 ( $81.48 - 7.53 = 73.95$ ).

The Annual Installment to be collected from each Parcel within Phase #1 of the PID, excluding prepaid Parcels, is calculated by multiplying the Annual Installment for each unit shown in Table II-I below by the total estimated Equivalent Units for each Parcel in the PID.

**Table II-I**  
**Annual Installment Per Equivalent Unit – Phase #1**

<b>Lots in Trigger Period</b>	<b>Principal</b>	<b>Interest</b>	<b>Administrative Expense</b>	<b>Maintenance Expense<sup>1</sup></b>	<b>Annual Installment</b>
2020-21	\$86.87	\$221.93	\$165.93	\$268.68	\$743.40
2021-22	\$86.15	\$226.22	\$164.56	\$268.68	\$745.60
2022-23	\$70.46	\$230.53	\$149.55	\$268.68	\$719.22

1 – According to the Updated Service and Assessment Plan, all prepaid Lots are only obligated to pay the Maintenance Assessment expense upon full prepayment of PID Assessment.

The list of Parcels within Phase #1 of the PID, the corresponding lot types of the Parcels, the corresponding total Equivalent Units, the total outstanding Assessment, the annual principal and interest, the Administrative Expenses, Maintenance Expenses and the Annual Installment to be collected for 2023-24 are shown in the Assessment Roll Summaries attached hereto as Appendices D-1, D-2, D-3 and D-4.

#### **E. ANNUAL BUDGET – PHASE #2**

##### Phase #2 - Annual Installments

The Assessment imposed on any Parcel may be paid in full at any time. If not paid in full, the Assessment shall be payable in thirty (30) Annual Installments of principal and interest beginning with the tax year following the issuance of the Phase #2 Reimbursement Agreement. The collection of the first Annual Installment for a Phase #2 Lot or Parcel shall commence upon the earlier of: (i) with tax bills sent the first October following the issuance of the first building permit for each Lot within each Phase, such that Assessments are billed only for Lots for which a building permit has been issued, (ii) with tax bills sent the first October after issuance of a series of Phased PID Bonds for Phase #2 Assessed Property, such that upon the issuance of PID Bonds, all Assessments in the



applicable Phase shall begin collection, or (iii) with tax bills sent the first October occurring after the expiration of two years from the date of the levy of Assessments on the Phase #2 Assessed Property, such that all Assessments in the applicable Phase begin collection immediately after the expiration of such two year period. Such first Annual Installment for a Phase #2 Lot or Parcel for which collection has begun, shall be due by January 31st of the following calendar year.

Table II-J below shows the amount of Assessments applicable to the Phase #2 Lots triggered as of June 30, 2023.

**Table II-J**  
**Assessments on Phase #2 Lots with Building Permits as of June 30, 2023<sup>1</sup>**

<b>Trigger Period</b>	<b>Annual Installment Condition Trigger</b>	<b>Number of Lots</b>	<b>Total EU</b>	<b>Total Assessments<sup>2</sup></b>
2022-23	Condition (i)	59	48.01	\$220,402.09
2023-24	Condition (i)	18	14.50	\$66,565.93
<b>Total</b>		<b>77</b>	<b>62.51</b>	<b>\$286,968.02</b>

1 – Number of Lots represents the issuance of building permits according to the City.

2 – See various Assessment Rolls for the current total outstanding Assessment balances.

3 – The numbers in this and subsequent tables are in some cases shown rounded to the nearest dollar; however, the calculations are made to the cent.

Pursuant to the Updated Service and Assessment Plan, each Assessment shall bear interest at the rate on the Phase #2 Reimbursement Agreement commencing with the issuance of the Phase #2 Reimbursement Agreement. The effective interest rate of the Phase #2 Reimbursement Agreement interest payments is 4.45 percent per annum for 2023-24. Pursuant to Section 372.018 of the PID Act, the interest rate for that Assessment may not exceed a rate that is one-half of one percent higher than the actual interest rate paid on the debt. These payments, the Annual Installments of the Assessments, shall be billed by the City in 2023 and will be delinquent on February 1, 2024.

Pursuant to the Updated Service and Assessment Plan, the Annual Service Plan Update will show the remaining balance of the Assessments, the Annual Installment due for 2023-24 and the administrative expenses to be collected from each Parcel. Annual administrative expenses shall be allocated to each Parcel pro rata based on the Annual Installment on a Parcel to the total Annual Installments in the PID that are payable at the time of such allocation. Each Annual Installment shall be reduced by any credits applied under applicable documents including the Updated Service and Assessment Plan, such as capitalized interest and interest earnings on any account balances and by any other funds available to the PID.

#### Annual Budgets for the Repayment of Indebtedness

Debt service proportionately allocated to each Lot where a building permit was issued will be paid on the Phase #2 Reimbursement Agreement from the collection of the Annual Installments. In addition, Annual Collection Costs are to be collected with the Annual Installments to pay expenses related to the collection of the Annual Installments.

Phase #2 Annual Installments to be collected for 2023-24

The proportional Phase #2 budget for the PID will be paid from the collection of Annual Installments collected for 2023-24 as shown in Table II-K below.

**Table II-K**  
**Budget for the Phase #2 Annual Installments  
to be Collected for 2023-24**

Descriptions	Budget for Lots Based on Trigger Period		TOTAL
	2022-23	2023-24	
Interest payment on or after March 1, 2024	\$4,242	\$1,481	\$5,723
Interest payment on or after September 1, 2024	\$4,242	\$1,481	\$5,723
Principal payment on September 1, 2024	\$2,978	\$1,022	\$4,000
<i>Subtotal debt service on R.A.</i>	<i>\$11,463</i>	<i>\$3,984</i>	<i>\$15,447</i>
Administrative Expenses	\$6,901	\$2,043	\$8,945
Maintenance Assessment	\$12,899	\$3,896	\$16,795
<i>Subtotal Expenses</i>	<i>\$31,263</i>	<i>\$9,923</i>	<i>\$41,186</i>
Available Administrative Expense account	\$0	\$0	\$0
<i>Subtotal funds available</i>	<i>\$0</i>	<i>\$0</i>	<i>\$0</i>
<b>Annual Installments</b>	<b>\$31,263</b>	<b>\$9,923</b>	<b>\$41,186</b>

1- The numbers in this and subsequent tables are in some cases shown rounded to the nearest dollar; however, the calculations are made to the cent.

Debt Service Payments

Table II-L below shows the Annual Installments to be collected for principal and interest based on the outstanding Assessment balance for each trigger period and the effective interest rate of 4.45 percent.

**Table II-L**  
**Principal and Interest to be Collected for 2023-24**

Lots in Trigger Period	Outstanding Assessment Balance	Principal Due	Effective Interest Rate	3/1 Interest Due	9/1 Interest Due	Annual Installments to be Collected for P&I
2022-23	\$190,668	\$2,978	4.45%	\$4,242	\$4,242	\$11,463
2023-24	\$66,566	\$1,022	4.45%	\$1,481	\$1,481	\$3,984
<b>Total</b>	<b>\$257,234</b>	<b>\$4,000</b>		<b>\$5,723</b>	<b>\$5,723</b>	<b>\$15,447</b>

Administrative Expenses

The Phase #2 proportional annual administrative expenses include the City, Administrator, and contingency fees for 2023-24 and are shown in Table II-M on the following page.

**Table II-M**  
**Administrative Budget Breakdown**

<b>Lots in Trigger Period</b>	<b>2023-24 Estimated Budget</b>
2022-23	\$6,901
2023-24	\$2,043
<b>Total</b>	<b>\$8,945</b>

1- The numbers in this and subsequent tables are in some cases shown rounded to the nearest dollar; however, the calculations are made to the cent.

**Maintenance Expenses**

The Phase #2 proportional annual maintenance expenses to be proportionally collected for 2023-24 is shown below in Table II-N.

**Table II-N**  
**Maintenance Budget Breakdown**

<b>Lots in Trigger Period</b>	<b>2023-24 Estimated Budget</b>
2022-23	\$12,899
2023-24	\$3,896
<b>Total</b>	<b>\$16,795</b>

1- See Table II-J for a breakdown of the number of lots triggered within each period. The proportional annual maintenance expenses to be collected for 2023-24 are estimated to be \$269 per Lot.

2 - Pursuant to the Updated Service and Assessment Plan, Lots with prepaid Assessments will continue to pay a proportionate share of the total Maintenance Expense.

**Available Administrative Expense Account**

There are no available administrative expense funds to reduce the 2023-24 Annual Installment.

**F. ANNUAL INSTALLMENTS PER UNIT - PHASE #2**

According to the Updated Service and Assessment Plan, the Annual Installments shall be collected in an amount sufficient to pay (i) principal and interest on the Phase #2 Reimbursement Agreement and (ii) to cover Administrative Expenses of the PID.

According to the Developer, one-hundred thirty (130) units, representing 105.15 Equivalent Units, are anticipated to be built within Phase #2 of the PID. As of June 30, 2023, seventy-seven Phase #2 Lots have been triggered for Annual Installment collection, representing 56.77 Equivalent Units. See Table II-J of this report for the trigger period breakdown of the lots triggered in Phase #2. Additionally, three (3) 60 ft Lots and four (4) 55 ft Lots have prepaid their Assessments in full as of June 30, 2023, resulting in a current outstanding Equivalent Unit balance for Phase #2 Lots of 99.41 (105.15 - 5.74 = 99.41).

The Annual Installment to be collected from each Parcel within Phase #2 of the PID, excluding prepaid Parcels, is calculated by multiplying the Annual Installment for each unit shown in Table II-O below by the total estimated Equivalent Units for each Parcel in the PID.

**Table II-O**  
**Annual Installment Per EU – Phase #2**

<b>Lots in Trigger Period</b>	<b>Principal</b>	<b>Interest</b>	<b>Administrative Expense</b>	<b>Maintenance Expense</b>	<b>Annual Installment</b>
2022-23	\$70.46	\$200.73	\$163.26	\$268.68	\$703.13
2023-24	\$70.46	\$204.29	\$140.92	\$268.68	\$684.35

The list of Parcels within Phase #2 of the PID, the corresponding lot types of the Parcels, the corresponding total Equivalent Units, the total outstanding Assessment, the annual principal and interest, the Administrative Expenses, Maintenance Expenses and the Annual Installment to be collected for 2023-24 are shown in the Assessment Roll Summaries attached hereto as Appendices E-1, E-2 and E-3.

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### ***III. UPDATE OF THE ASSESSMENT PLAN***

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The Updated Service and Assessment Plan adopted by the City Council describes that the Authorized Improvement costs shall be allocated to the Assessed Property equally based on the equivalent number of residential dwelling units anticipated to be built on each Parcel once such property is fully developed, and that such method of allocation will result in the imposition of equal shares of the Authorized Improvement costs to Parcels similarly benefited.

Pursuant to Section VI.G of the Updated Service and Assessment Plan, “The collection of the first Annual Installment for a Phase #1 Lot or Parcel shall commence upon the earlier of: (i) with tax bills sent the first October following the issuance of the first building permit for each Lot within each Phase, such that Assessments are billed only for Lots for which a building permit has been issued, (ii) with tax bills sent the first October after issuance of a series of Bonds for Phase #1 Assessed Property, such that upon the issuance of Bonds, all Assessments in the applicable Phase shall begin collection, or (iii) with tax bills sent the first October occurring after the expiration of two years from the date of the levy of Assessments on the Phase #1 Assessed Property, such that all Assessments in the applicable Phase begin collection immediately after the expiration of such two year period. Such first Annual Installment for a Phase #1 Lot or Parcel for which collection has begun, shall be due by January 31st of the following calendar year.”

Pursuant to Section VI.G of the Updated Service and Assessment Plan, “The collection of the first Annual Installment for a Phase #2 Lot or Parcel shall commence upon the earlier of: (i) with tax bills sent the first October following the issuance of the first building permit for each Lot within each Phase, such that Assessments are billed only for Lots for which a building permit has been issued, (ii) with tax bills sent the first October after issuance of a series of Bonds for Phase #2 Assessed Property, such that upon the issuance of Bonds, all Assessments in the applicable Phase shall begin collection, or (iii) with tax bills sent the first October occurring after the expiration of two years from the date of the levy of Assessments on the Phase #2 Assessed Property, such that all Assessments in the applicable Phase begin collection immediately after the expiration of such two year period. Such first Annual Installment for a Phase #2 Lot or Parcel for which collection has begun, shall be due by January 31st of the following calendar year.”

#### *Assessment Methodology*

This method of assessing property, as updated in prior Annual Service Plan Updates, has not been changed and Assessed Property will continue to be assessed as provided for in the Updated Service and Assessment Plan.

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## ***IV. UPDATE OF THE ASSESSMENT ROLL***

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Pursuant to the Updated Service and Assessment Plan, the Assessment Rolls shall be updated each year to reflect:

(i) the identification of each Parcel (ii) the Assessment for each Parcel of Assessed Property, including any adjustments authorized by the Updated Service and Assessment Plan or in the PID Act; (iii) the Annual Installment for the Assessed Property for the year (if the Assessment is payable in installments); and (iv) payments of the Assessment, if any, as provided by Section VI.F of the Updated Service and Assessment Plan.

The summary of updated Assessment Roll is shown in Appendix D of this report. Each Parcel in the PID is identified, along with the Assessment on each Parcel and the Annual Installment to be collected from each Parcel. Assessments are to be reallocated for the subdivision of any Parcels.

### **A. PARCEL UPDATES**

According to the Updated Service and Assessment Plan, upon the subdivision of any Parcel, the Administrator shall reallocate the Assessment for the Parcel prior to the subdivision among the new subdivided Parcels according to the following formula:

$$A = B \times (C \div D)$$

Where the terms have the following meanings:

- A = the Assessment for each new subdivided Parcel
- B = the Assessment for the Parcel prior to subdivision
- C = the estimated number of Equivalent Units to be built on each new subdivided Parcel
- D = the sum of the estimated number of Equivalent Units to be built on all of the new subdivided Parcels

The calculation of the estimated number of Equivalent Units to be built on a Parcel shall be performed by the Administrator and confirmed by the City Council based on the information available regarding the use of the Parcel. The estimate as confirmed shall be conclusive. The number of units to be built on a Parcel may be estimated by net land area and reasonable density ratios.

According to the Johnson County Appraisal District and the Developer, a final plat for Phase #1 was filed and recorded on December 11, 2019, and amended on July 17, 2020. As a result, ninety-eight (98) residential Lots were subdivided and were officially recognized in the official Johnson County roll in 2019.

According to the City, building permits for forty-one (41) Phase #1 Lots had been issued as of July 31, 2020. As a result, condition (i) had been satisfied for the respective 41 Lots, and the first Annual Installments were due no later than January 31, 2021, for each Lot.

According to the City, building permits for an additional fifty-five (55) Phase #1 Lots had been issued during the period of August 1, 2020 through June 30, 2021. As a result, condition (i) has

been satisfied for the respective 55 Lots, and the first Annual Installment for these Lots were due no later than January 31, 2022 for each Lot.

Pursuant to condition (iii) of Section VI-G of the Updated Service and Assessment Plan, the remaining two (2) Phase #1 Lots were triggered for collection in 2022 and the first Annual Installment for these Lots were due no later than January 31, 2023 for each Lot.

According to the Johnson County Appraisal District and the Developer, a final plat for Phase #2 was filed and recorded on December 22, 2021. As a result, one-hundred thirty (130) residential Lots were subdivided and were officially recognized in the official Johnson County roll in 2021.

According to the City, building permits for fifty-nine (59) Phase #2 Lots had been issued as of June 30, 2022. As a result, condition (i) had been satisfied for the respective 59 Lots, and the first Annual Installments were due no later than January 31, 2023 for each lot.

Thereafter, according to the City, additional building permits for eighteen (18) Phase #2 Lots had been issued as of June 30, 2023. As a result, condition (i) had been satisfied for the respective eighteen (18) Lots triggered in 2023-24, and the first Annual Installments will be due no later than January 31, 2024 for each lot.

## **B. PREPAYMENT OF ASSESSMENTS**

There have been sixteen (16) Assessment prepayments as of June 30, 2023. See Appendix B of this report for additional prepayment related information.

The complete Assessment Roll is available for review at the City Hall, located at 141 W. Renfro Street, Burleson, Texas 76028.

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**APPENDIX A**  
**PID MAP**





**APPENDIX B**  
**PREPAID PARCELS**

**APPENDIX B**  
**LIST OF PREPAID PARCELS**

<b>Parcel ID</b>	<b>Prepayment Date</b>	<b>Amount</b>	<b>Full/Partial<sup>1</sup></b>
126.2233.01120	Oct-20	\$3,980.56	Full
126.2233.02150	Oct-20	\$3,980.56	Full
126.2233.01030	Nov-20	\$3,980.56	Full
126.2233.03060	Nov-21	\$3,566.55	Full
126.2233.02120	Dec-21	\$3,948.05	Full
126.2233.01200	Aug-21	\$3,948.05	Full
126.2233.05130	Nov-21	\$3,626.70	Full
126.2233.04100	Jul-21	\$3,948.05	Full
126.2233.03040	Jan-22	\$3,626.70	Full
126.2233.20720	Oct-22	\$3,626.70	Full
126.2233.20245	Jan-23	\$3,626.70	Full
126.2233.20813	Jan-23	\$3,626.70	Full
126.2233.20803	Apr-23	\$3,626.70	Full
126.2233.20740	May-23	\$3,948.05	Full
126.2233.20719	Jun-23	\$3,948.05	Full
126.2233.20244	Jun-23	\$3,948.05	Full

1 - Pursuant to the Updated Service and Assessment Plan, Lots with prepaid Assessments will continue to pay a proportionate share of the Maintenance Expense.

**APPENDIX C**  
**LAND USE CLASS AND EQUIVALENT UNITS**

## LAND USE CLASS AND EQUIVALENT UNITS

For purposes of allocating the Assessments, the Assessed Property has been classified in one of six Lot Types. Table C-1 below shows the original proposed residential Lot Types within the PID.

**Table C-1**  
**Proposed Development within the PID (Original)<sup>1</sup>**

<b>Lot Type</b>	<b>Description</b>	<b>Proposed Development</b>	
Lot Type 1	70 Ft Lots	43	Units
Lot Type 2	65 Ft Lots	73	Units
Lot Type 3	60 Ft Lots	315	Units
Lot Type 4	55 Ft Lots	228	Units
Lot Type 5	Multi-Family	250	Units
<b>Total</b>		<b>909</b>	<b>Units</b>

<sup>1</sup> As originally provided by the Developer

Pursuant to the Developer, the proposed development plan within the PID has been updated as shown in Table C-2 below.

**Table C-2**  
**Proposed Development within the PID (Updated)**

<b>Lot Type</b>	<b>Description</b>	<b>Proposed Development</b>	
Lot Type 1	70 Ft Lots	43	Units
Lot Type 2	65 Ft Lots	73	Units
Lot Type 3	60 Ft Lots	304	Units
Lot Type 4	55 Ft Lots	239	Units
Lot Type 5	Multi-Family	250	Units
<b>Total</b>		<b>909</b>	<b>Units</b>

<sup>1</sup> As updated by the Developer

Table C-3 below shows the original proposed residential Lot Types within Phase #1.

**Table C-3**  
**Proposed Development – Phase #1 (Original)**

<b>Lot Type</b>	<b>Description</b>	<b>Proposed Development</b>	
Lot Type 1	70 Ft Lots	0	Units
Lot Type 2	65 Ft Lots	0	Units
Lot Type 3	60 Ft Lots	69	Units
Lot Type 4	55 Ft Lots	29	Units
Lot Type 5	Multi-Family	0	Units
<b>Total</b>		<b>98</b>	<b>Units</b>

Table C-4 on the following page shows the updated proposed residential Lot Types within Phase #1.

**Table C-4**  
**Proposed Development – Phase #1 (Updated)**

<b>Lot Type</b>	<b>Description</b>	<b>Proposed Development</b>	
Lot Type 1	70 Ft Lots	0	Units
Lot Type 2	65 Ft Lots	0	Units
Lot Type 3	60 Ft Lots	58	Units
Lot Type 4	55 Ft Lots	40	Units
Lot Type 5	Multi-Family	0	Units
<b>Total</b>		<b>98</b>	<b>Units</b>

Table C-5 below shows the updated proposed residential Lot Types within Phase #2.

**Table C-5**  
**Proposed Development – Phase #2**

<b>Lot Type</b>	<b>Description</b>	<b>Proposed Development</b>	
Lot Type 1	70 Ft Lots	0	Units
Lot Type 2	65 Ft Lots	0	Units
Lot Type 3	60 Ft Lots	35	Units
Lot Type 4	55 Ft Lots	95	Units
Lot Type 5	Multi-Family	0	Units
<b>Total</b>		<b>130</b>	<b>Units</b>

As explained under Section IV.D, for purpose of this Updated Service and Assessment Plan, the City Council has determined that the Actual Costs of the portion of the Park Improvements to be financed shall be allocated to the Future Phases Assessed Property by spreading the entire Assessment across the Parcels based on the estimated Equivalent Units.

For purposes of this Updated Service and Assessment Plan, the City Council has determined that the Assessments shall be allocated to the Future Phases Assessed Property on the basis of the average home value of each Lot Type, and that such method of allocation will result in the imposition of equal shares of the Assessments on Parcels similarly benefited. In determining the average home value of each Lot Type, the City Council has taken into consideration (i) the type of lots (i.e., 70 Ft, 65 Ft, etc.); (ii) current and projected home prices; (iii) the costs of the Authorized Improvements, and (iv) the ability of different property types to utilize and benefit from the Authorized Improvements.

Having taken into consideration the matters described above, the City Council has determined that allocating the Assessments among Parcels based on average home value is best accomplished by creating classifications of benefited Parcels based on the “Lot Types” defined above. These classifications (from Lot Type 1 (70 Ft Lots) representing the highest value to Lot Type 5 (Multi-Family Lot) representing the lowest value for residential lots are set forth in Table C-6. Assessments are allocated to each Lot Type on the basis of the average home value for each class of lots. This is accomplished by giving each Lot Type an Equivalent Unit factor. Equivalent Units are the ratio of the average value of lots within each assessment class, setting the Equivalent Unit factor for Lot Type 1 (70 Ft Lots) to 1.00.

**Table C-6**  
**Equivalent Unit Factors**

<b>Lot Type</b>	<b>Estimated Average Unit Value</b>	<b>Equivalent Unit Factor</b>
Lot Type 1 (70 Ft Lot)	\$340,000	1.00 per dwelling unit
Lot Type 2 (65 Ft Lot)	\$315,000	0.93 per dwelling unit
Lot Type 3 (60 Ft Lot)	\$293,000	0.86 per dwelling unit
Lot Type 4 (55 Ft Lot)	\$269,000	0.79 per dwelling unit
Lot Type 6 (Multi-Family)	\$105,000	0.31 per dwelling unit

The original total estimated Equivalent Units within the PID are shown in Table C-7 as calculated based on the Equivalent Unit factors shown above in Table C-6 and estimated Lot Types and number of units estimated to be built within the PID as shown in Table C-2.

**Table C-7**  
**Equivalent Units- Total (Original)**

<b>Lot Type</b>	<b>No. of units</b>	<b>Equivalent Unit Factor</b>	<b>Total Equivalent Units</b>
Lot Type 1 (70 Ft Lot)	43	1.00	43.00
Lot Type 2 (65 Ft Lot)	73	0.93	67.89
Lot Type 3 (60 Ft Lot)	315	0.86	270.90
Lot Type 4 (55 Ft Lot)	228	0.79	180.12
Lot Type 6 (Multi-Family)	250	0.31	77.50
<b>Total Equivalent Units</b>	<b>909</b>		<b>639.41</b>

The updated total estimated Equivalent Units within the PID are shown in Table C-8 as calculated based on the Equivalent Unit factors shown above in Table C-6 and estimated Lot Types and number of units estimated to be built within the PID as shown in Table C-1.

**Table C-8**  
**Equivalent Units- Total (Updated)**

<b>Lot Type</b>	<b>No. of units</b>	<b>Equivalent Unit Factor</b>	<b>Total Equivalent Units</b>
Lot Type 1 (70 Ft Lot)	43	1.00	43.00
Lot Type 2 (65 Ft Lot)	73	0.93	67.89
Lot Type 3 (60 Ft Lot)	304	0.86	261.44
Lot Type 4 (55 Ft Lot)	239	0.79	188.81
Lot Type 6 (Multi-Family)	250	0.31	77.50
<b>Total Equivalent Units</b>	<b>909</b>		<b>638.64</b>

The original total estimated Equivalent Units for Phase #1 are shown in Table C-9 below as calculated based on the Equivalent Unit factors shown above in Table C-6 and estimated Lot Types and number of units estimated to be built within Phase #1 as shown in Table C-3.

**Table C-9**  
**Equivalent Units- Phase #1 (Original)**

<b>Lot Type</b>	<b>No. of units</b>	<b>Equivalent Unit Factor</b>	<b>Total Equivalent Units</b>
Lot Type 1 (70 Ft Lot)	0	1.00	0.00
Lot Type 2 (65 Ft Lot)	0	0.93	0.00
Lot Type 3 (60 Ft Lot)	69	0.86	59.34
Lot Type 4 (55 Ft Lot)	29	0.79	22.91
Lot Type 6 (Multi-Family)	0	0.31	0.00
<b>Total Equivalent Units</b>	<b>98</b>		<b>82.25</b>

The updated total estimated Equivalent Units for Phase #1 are shown in Table C-10 as calculated based on the Equivalent Unit factors shown above in Table C-6 and estimated Lot Types and number of units estimated to be built within Phase #1 as shown in Table C-4.

**Table C-10**  
**Equivalent Units- Phase #1 (Updated)**

<b>Lot Type</b>	<b>No. of units</b>	<b>Equivalent Unit Factor</b>	<b>Total Equivalent Units</b>
Lot Type 1 (70 Ft Lot)	0	1.00	0.00
Lot Type 2 (65 Ft Lot)	0	0.93	0.00
Lot Type 3 (60 Ft Lot)	58	0.86	49.88
Lot Type 4 (55 Ft Lot)	40	0.79	31.60
Lot Type 6 (Multi-Family)	0	0.31	0.00
<b>Total Equivalent Units</b>	<b>98</b>		<b>81.48</b>

The total estimated Equivalent Units for Phase #2 are shown in Table C-11 on the following page as calculated based on the Equivalent Unit factors shown above in Table C-6 and estimated Lot Types and number of units estimated to be built within Phase #2 as shown in Table C-4.

**Table C-11**  
**Equivalent Units- Phase #1 (Original)**

<b>Lot Type</b>	<b>No. of units</b>	<b>Equivalent Unit Factor</b>	<b>Total Equivalent Units</b>
Lot Type 1 (70 Ft Lot)	0	1.00	0.00
Lot Type 2 (65 Ft Lot)	0	0.93	0.00
Lot Type 3 (60 Ft Lot)	69	0.86	59.34
Lot Type 4 (55 Ft Lot)	29	0.79	22.91
Lot Type 6 (Multi-Family)	0	0.31	0.00
<b>Total Equivalent Units</b>	<b>98</b>		<b>82.25</b>



**APPENDIX D-1**  
**PHASE #1 ASSESSMENT ROLL – ALL PARCELS**

**Appendix D-1**  
**Phase #1 Assessment Roll**

**Lots**  
**Assessment**  
**Equivalent Units**

**98**  
**\$374,055**  
**81.48**

Year	Principal	Interest	Administrative Expense		Annual Installment
			Maintenance Assessment	Other Administrative Expenses	
1	\$5,741	\$19,077	\$21,892	\$11,483	\$58,192
2	\$5,741	\$18,784	\$21,892	\$11,712	\$58,129
3	\$6,379	\$18,491	\$21,892	\$11,946	\$58,708
4	\$6,379	\$18,166	\$21,892	\$12,185	\$58,622
5	\$7,017	\$17,841	\$21,892	\$12,429	\$59,178
6	\$7,017	\$17,483	\$21,892	\$12,678	\$59,069
7	\$7,655	\$17,125	\$21,892	\$12,931	\$59,603
8	\$7,655	\$16,734	\$21,892	\$13,190	\$59,471
9	\$8,293	\$16,344	\$21,892	\$13,454	\$59,982
10	\$8,931	\$15,921	\$21,892	\$13,723	\$60,466
11	\$8,931	\$15,466	\$21,892	\$13,997	\$60,285
12	\$9,569	\$15,010	\$21,892	\$14,277	\$60,748
13	\$10,207	\$14,522	\$21,892	\$14,277	\$60,898
14	\$10,845	\$14,002	\$21,892	\$14,277	\$61,015
15	\$10,845	\$13,448	\$21,892	\$14,277	\$60,462
16	\$11,483	\$12,895	\$21,892	\$14,277	\$60,547
17	\$12,120	\$12,310	\$21,892	\$14,277	\$60,599
18	\$12,758	\$11,692	\$21,892	\$14,277	\$60,619
19	\$13,396	\$11,041	\$21,892	\$14,277	\$60,606
20	\$14,034	\$10,358	\$21,892	\$14,277	\$60,561
21	\$14,672	\$9,642	\$21,892	\$14,277	\$60,483
22	\$15,948	\$8,894	\$21,892	\$14,277	\$61,010
23	\$16,586	\$8,080	\$21,892	\$14,277	\$60,835
24	\$17,224	\$7,234	\$21,892	\$14,277	\$60,627
25	\$18,500	\$6,356	\$21,892	\$14,277	\$61,024
26	\$19,138	\$5,413	\$21,892	\$14,277	\$60,719
27	\$20,413	\$4,437	\$21,892	\$14,277	\$61,019
28	\$21,051	\$3,395	\$21,892	\$14,277	\$60,616
29	\$22,327	\$2,322	\$21,892	\$14,277	\$60,818
30	\$23,200	\$1,183	\$21,892	\$14,277	\$60,552
<b>Total</b>	<b>\$374,055</b>	<b>\$363,664</b>	<b>\$656,751</b>	<b>\$410,992</b>	<b>\$1,805,462</b>

1 - The interest is calculated using a 5.10% interest rate for years 1 through 5 and an interest rate of 5.10% thereafter.

2 - The Administrative Expenses shown include estimates for the operations and maintenance of the Authorized Improvements, assessment collection costs, and other PID administrative expenses. These estimates will be updated each year as part of the Annual Service Plan Update.

**APPENDIX D-2**  
**PHASE #1 2023-24 ASSESSMENT ROLL SUMMARY – FOR LOTS TRIGGERED IN**  
**2020-21**

**Appendix D-2**  
**Panchasarp Farms Public Improvement District**  
**Phase #1 Assessment Roll Summary - 2020-21 Trigger Parcels**

Parcel	Estimated No. of units	Lot Type	Original Equivalent Units	Outstanding Equivalent Units	Outstanding Assessments	Principal	Interest	Administrative Expenses	Maintenance Expenses	Annual Installment
126.2233.01030	1	60 Ft	0.86	Prepaid	Prepaid	Prepaid	Prepaid	Prepaid	\$231.06	\$231.06
126.2233.01050	1	60 Ft	0.86	0.86	\$3,742.36	\$74.70	\$190.86	\$142.70	\$231.06	\$639.33
126.2233.01120	1	60 Ft	0.86	Prepaid	Prepaid	Prepaid	Prepaid	Prepaid	\$231.06	\$231.06
126.2233.01130	1	55 Ft	0.79	0.79	\$3,437.75	\$68.62	\$175.33	\$131.08	\$212.25	\$587.29
126.2233.01140	1	60 Ft	0.86	0.86	\$3,742.36	\$74.70	\$190.86	\$142.70	\$231.06	\$639.33
126.2233.02020	1	60 Ft	0.86	0.86	\$3,742.36	\$74.70	\$190.86	\$142.70	\$231.06	\$639.33
126.2233.02030	1	55 Ft	0.79	0.79	\$3,437.75	\$68.62	\$175.33	\$131.08	\$212.25	\$587.29
126.2233.02040	1	55 Ft	0.79	0.79	\$3,437.75	\$68.62	\$175.33	\$131.08	\$212.25	\$587.29
126.2233.02050	1	55 Ft	0.79	0.79	\$3,437.75	\$68.62	\$175.33	\$131.08	\$212.25	\$587.29
126.2233.02070	1	60 Ft	0.86	0.86	\$3,742.36	\$74.70	\$190.86	\$142.70	\$231.06	\$639.33
126.2233.02080	1	60 Ft	0.86	0.86	\$3,742.36	\$74.70	\$190.86	\$142.70	\$231.06	\$639.33
126.2233.02130	1	55 Ft	0.79	0.79	\$3,437.75	\$68.62	\$175.33	\$131.08	\$212.25	\$587.29
126.2233.02140	1	55 Ft	0.79	0.79	\$3,437.75	\$68.62	\$175.33	\$131.08	\$212.25	\$587.29
126.2233.02150	1	60 Ft	0.86	Prepaid	Prepaid	Prepaid	Prepaid	Prepaid	\$231.06	\$231.06
126.2233.02190	1	60 Ft	0.86	0.86	\$3,742.36	\$74.70	\$190.86	\$142.70	\$231.06	\$639.33
126.2233.02200	1	60 Ft	0.86	0.86	\$3,742.36	\$74.70	\$190.86	\$142.70	\$231.06	\$639.33
126.2233.02210	1	55 Ft	0.79	0.79	\$3,437.75	\$68.62	\$175.33	\$131.08	\$212.25	\$587.29
126.2233.02220	1	55 Ft	0.79	0.79	\$3,437.75	\$68.62	\$175.33	\$131.08	\$212.25	\$587.29
126.2233.02230	1	55 Ft	0.79	0.79	\$3,437.75	\$68.62	\$175.33	\$131.08	\$212.25	\$587.29
126.2233.02240	1	55 Ft	0.79	0.79	\$3,437.75	\$68.62	\$175.33	\$131.08	\$212.25	\$587.29
126.2233.02250	1	60 Ft	0.86	0.86	\$3,742.36	\$74.70	\$190.86	\$142.70	\$231.06	\$639.33
126.2233.02280	1	60 Ft	0.86	0.86	\$3,742.36	\$74.70	\$190.86	\$142.70	\$231.06	\$639.33
126.2233.02290	1	55 Ft	0.79	0.79	\$3,437.75	\$68.62	\$175.33	\$131.08	\$212.25	\$587.29
126.2233.03020	1	60 Ft	0.86	0.86	\$3,742.36	\$74.70	\$190.86	\$142.70	\$231.06	\$639.33
126.2233.03030	1	55 Ft	0.79	0.79	\$3,437.75	\$68.62	\$175.33	\$131.08	\$212.25	\$587.29
126.2233.03060	1	55 Ft	0.79	Prepaid	Prepaid	Prepaid	Prepaid	Prepaid	\$212.25	\$212.25
126.2233.03070	1	60 Ft	0.86	0.86	\$3,742.36	\$74.70	\$190.86	\$142.70	\$231.06	\$639.33
126.2233.04050	1	60 Ft	0.86	0.86	\$3,742.36	\$74.70	\$190.86	\$142.70	\$231.06	\$639.33
126.2233.04090	1	60 Ft	0.86	0.86	\$3,742.36	\$74.70	\$190.86	\$142.70	\$231.06	\$639.33
126.2233.04140	1	60 Ft	0.86	0.86	\$3,742.36	\$74.70	\$190.86	\$142.70	\$231.06	\$639.33
126.2233.04160	1	60 Ft	0.86	0.86	\$3,742.36	\$74.70	\$190.86	\$142.70	\$231.06	\$639.33
126.2233.04170	1	55 Ft	0.79	0.79	\$3,437.75	\$68.62	\$175.33	\$131.08	\$212.25	\$587.29
126.2233.05040	1	60 Ft	0.86	0.86	\$3,742.36	\$74.70	\$190.86	\$142.70	\$231.06	\$639.33
126.2233.05050	1	55 Ft	0.79	0.79	\$3,437.75	\$68.62	\$175.33	\$131.08	\$212.25	\$587.29
126.2233.05070	1	60 Ft	0.86	0.86	\$3,742.36	\$74.70	\$190.86	\$142.70	\$231.06	\$639.33
126.2233.05090	1	60 Ft	0.86	0.86	\$3,742.36	\$74.70	\$190.86	\$142.70	\$231.06	\$639.33
126.2233.05100	1	60 Ft	0.86	0.86	\$3,742.36	\$74.70	\$190.86	\$142.70	\$231.06	\$639.33
126.2233.05110	1	60 Ft	0.86	0.86	\$3,742.36	\$74.70	\$190.86	\$142.70	\$231.06	\$639.33
126.2233.05150	1	60 Ft	0.86	0.86	\$3,742.36	\$74.70	\$190.86	\$142.70	\$231.06	\$639.33
126.2233.05160	1	55 Ft	0.79	0.79	\$3,437.75	\$68.62	\$175.33	\$131.08	\$212.25	\$587.29
126.2233.05170	1	60 Ft	0.86	0.86	\$3,742.36	\$74.70	\$190.86	\$142.70	\$231.06	\$639.33
126.2233.01001	0	Common Area	0.00	0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
126.2233.01002	0	Common Area	0.00	0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
126.2233.02001	0	Common Area	0.00	0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
126.2233.04001	0	Common Area	0.00	0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
126.2233.05001	0	Common Area	0.00	0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total</b>	<b>41</b>		<b>34.14</b>	<b>30.77</b>	<b>\$133,898.25</b>	<b>\$2,672.87</b>	<b>\$6,828.81</b>	<b>\$5,105.64</b>	<b>\$9,172.59</b>	<b>\$23,779.91</b>

**APPENDIX D-3**  
**PHASE #1 2023-24 ASSESSMENT ROLL SUMMARY – FOR LOTS TRIGGERED IN**  
**2021-22**

**Appendix D-3**  
**Panchasarp Farms Public Improvement District**  
**Phase #1 Assessment Roll Summary - 2021-22 Trigger Parcels**

Parcel	Estimated No. of units	Lot Type	Original Equivalent Units	Outstanding Equivalent Units	Outstanding Assessments	Principal	Interest	Administrative Expenses	Maintenance Expenses	Annual Installment
126.2233.01010	1	55 Ft	0.79	0.79	\$3,504.19	\$68.06	\$178.71	\$130.00	\$212.25	\$589.02
126.2233.01020	1	55 Ft	0.79	0.79	\$3,504.19	\$68.06	\$178.71	\$130.00	\$212.25	\$589.02
126.2233.01040	1	55 Ft	0.79	0.79	\$3,504.19	\$68.06	\$178.71	\$130.00	\$212.25	\$589.02
126.2233.01060	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.01070	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.01080	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.01090	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.01100	1	55 Ft	0.79	0.79	\$3,504.19	\$68.06	\$178.71	\$130.00	\$212.25	\$589.02
126.2233.01110	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.01150	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.01160	1	55 Ft	0.79	0.79	\$3,504.19	\$68.06	\$178.71	\$130.00	\$212.25	\$589.02
126.2233.01170	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.01180	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.01190	1	55 Ft	0.79	0.79	\$3,504.19	\$68.06	\$178.71	\$130.00	\$212.25	\$589.02
126.2233.01200	1	60 Ft	0.86	Prepaid	Prepaid	Prepaid	Prepaid	Prepaid	\$231.06	\$231.06
126.2233.01210	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.01220	1	55 Ft	0.79	0.79	\$3,504.19	\$68.06	\$178.71	\$130.00	\$212.25	\$589.02
126.2233.01230	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.01240	1	55 Ft	0.79	0.79	\$3,504.19	\$68.06	\$178.71	\$130.00	\$212.25	\$589.02
126.2233.01250	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.01001	0	Common Area	0.00	0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
126.2233.01002	0	Common Area	0.00	0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
126.2233.02010	1	55 Ft	0.79	0.79	\$3,504.19	\$68.06	\$178.71	\$130.00	\$212.25	\$589.02
126.2233.02060	1	55 Ft	0.79	0.79	\$3,504.19	\$68.06	\$178.71	\$130.00	\$212.25	\$589.02
126.2233.02090	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.02100	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.02110	1	55 Ft	0.79	0.79	\$3,504.19	\$68.06	\$178.71	\$130.00	\$212.25	\$589.02
126.2233.02120	1	60 Ft	0.86	Prepaid	Prepaid	Prepaid	Prepaid	Prepaid	\$231.06	\$231.06
126.2233.02160	1	55 Ft	0.79	0.79	\$3,504.19	\$68.06	\$178.71	\$130.00	\$212.25	\$589.02
126.2233.02170	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.02180	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.02260	1	55 Ft	0.79	0.79	\$3,504.19	\$68.06	\$178.71	\$130.00	\$212.25	\$589.02
126.2233.02270	1	55 Ft	0.79	0.79	\$3,504.19	\$68.06	\$178.71	\$130.00	\$212.25	\$589.02
126.2233.02001	0	Common Area	0.00	0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
126.2233.03010	1	55 Ft	0.79	0.79	\$3,504.19	\$68.06	\$178.71	\$130.00	\$212.25	\$589.02
126.2233.03040	1	55 Ft	0.79	Prepaid	Prepaid	Prepaid	Prepaid	Prepaid	\$212.25	\$212.25
126.2233.03050	1	55 Ft	0.79	0.79	\$3,504.19	\$68.06	\$178.71	\$130.00	\$212.25	\$589.02
126.2233.04010	1	55 Ft	0.79	0.79	\$3,504.19	\$68.06	\$178.71	\$130.00	\$212.25	\$589.02
126.2233.04020	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.04030	1	55 Ft	0.79	0.79	\$3,504.19	\$68.06	\$178.71	\$130.00	\$212.25	\$589.02
126.2233.04040	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.04060	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.04070	1	55 Ft	0.79	0.79	\$3,504.19	\$68.06	\$178.71	\$130.00	\$212.25	\$589.02
126.2233.04080	1	55 Ft	0.79	0.79	\$3,504.19	\$68.06	\$178.71	\$130.00	\$212.25	\$589.02
126.2233.04100	1	60 Ft	0.86	Prepaid	Prepaid	Prepaid	Prepaid	Prepaid	\$231.06	\$231.06
126.2233.04110	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.04120	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.04130	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.04180	1	55 Ft	0.79	0.79	\$3,504.19	\$68.06	\$178.71	\$130.00	\$212.25	\$589.02
126.2233.04190	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.04001	0	Common Area	0.00	0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
126.2233.05010	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.05020	1	55 Ft	0.79	0.79	\$3,504.19	\$68.06	\$178.71	\$130.00	\$212.25	\$589.02
126.2233.05030	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.05060	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.05080	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.05120	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.05130	1	55 Ft	0.79	Prepaid	Prepaid	Prepaid	Prepaid	Prepaid	\$212.25	\$212.25
126.2233.05140	1	60 Ft	0.86	0.86	\$3,814.69	\$74.09	\$194.55	\$141.52	\$231.06	\$641.21
126.2233.05001	0	Common Area	0.00	0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total</b>	<b>55</b>		<b>45.62</b>	<b>41.46</b>	<b>\$183,903.68</b>	<b>\$3,571.65</b>	<b>\$9,379.09</b>	<b>\$6,822.48</b>	<b>\$12,256.98</b>	<b>\$32,030.20</b>

**APPENDIX D-4**  
**PHASE #1 2023-24 ASSESSMENT ROLL SUMMARY – FOR LOTS TRIGGERED IN**  
**2022-23**

Appendix D-4  
**Panchasarp Farms Public Improvement District**  
**Phase #1 Assessment Roll Summary - 2022-23 Trigger Parcels**

Parcel	Estimated No. of units	Lot Type	Original Equivalent Units	Outstanding Equivalent Units	Outstanding Assessments	Principal	Interest	Administrative Expenses	Maintenance Expenses	Annual Installment
126.2233.01260	1	60 Ft	0.86	0.86	\$3,887.45	\$60.60	\$198.26	\$128.61	\$231.06	\$618.53
126.2233.04150	1	60 Ft	0.86	0.86	\$3,887.45	\$60.60	\$198.26	\$128.61	\$231.06	\$618.53
<b>Total</b>	<b>2</b>		<b>1.72</b>	<b>1.72</b>	<b>\$7,774.90</b>	<b>\$121.20</b>	<b>\$396.52</b>	<b>\$257.23</b>	<b>\$462.12</b>	<b>\$1,237.06</b>



**APPENDIX E-1**  
**PHASE #2 ASSESSMENT ROLL – ALL PARCELS**

**Appendix E-1**  
**Phase #2 Assessment Roll**

<b>Lots</b>	<b>130</b>
<b>Assessment</b>	<b>\$482,718</b>
<b>Total Units</b>	<b>105.15</b>

Year	Principal	Interest	Administrative Expense		
			Maintenance Assessment	Other Administrative Expenses	Annual Installment
1	\$7,409	\$21,481	\$28,251	\$14,818	\$71,959
2	\$7,409	\$21,151	\$28,251	\$15,115	\$71,926
3	\$8,232	\$20,822	\$28,251	\$15,417	\$72,722
4	\$8,232	\$20,455	\$28,251	\$15,725	\$72,664
5	\$9,056	\$20,089	\$28,251	\$16,040	\$73,435
6	\$9,056	\$19,686	\$28,251	\$16,360	\$73,353
7	\$9,879	\$19,283	\$28,251	\$16,688	\$74,101
8	\$9,879	\$18,843	\$28,251	\$17,021	\$73,995
9	\$10,702	\$18,404	\$28,251	\$17,362	\$74,719
10	\$11,525	\$17,927	\$28,251	\$17,709	\$75,413
11	\$11,525	\$17,415	\$28,251	\$18,063	\$75,254
12	\$12,349	\$16,902	\$28,251	\$18,425	\$75,926
13	\$13,172	\$16,352	\$28,251	\$18,425	\$76,200
14	\$13,995	\$15,766	\$28,251	\$18,425	\$76,437
15	\$13,995	\$15,143	\$28,251	\$18,425	\$75,814
16	\$14,818	\$14,520	\$28,251	\$18,425	\$76,015
17	\$15,641	\$13,861	\$28,251	\$18,425	\$76,178
18	\$16,465	\$13,165	\$28,251	\$18,425	\$76,306
19	\$17,288	\$12,432	\$28,251	\$18,425	\$76,396
20	\$18,111	\$11,663	\$28,251	\$18,425	\$76,450
21	\$18,934	\$10,857	\$28,251	\$18,425	\$76,467
22	\$20,581	\$10,015	\$28,251	\$18,425	\$77,271
23	\$21,404	\$9,099	\$28,251	\$18,425	\$77,179
24	\$22,227	\$8,146	\$28,251	\$18,425	\$77,049
25	\$23,874	\$7,157	\$28,251	\$18,425	\$77,707
26	\$24,697	\$6,095	\$28,251	\$18,425	\$77,468
27	\$26,343	\$4,996	\$28,251	\$18,425	\$78,015
28	\$27,167	\$3,823	\$28,251	\$18,425	\$77,666
29	\$28,813	\$2,614	\$28,251	\$18,425	\$78,103
30	\$29,939	\$1,332	\$28,251	\$18,425	\$77,947
<b>Total</b>	<b>\$482,718</b>	<b>\$409,495</b>	<b>\$847,537</b>	<b>\$530,386</b>	<b>\$2,270,136</b>

1 - The interest is calculated using a 4.45% interest rate for years 1 through 5 and an interest rate of 4.45% thereafter.

2 - The Administrative Expenses shown include estimates for the operations and maintenance of the Authorized Improvements, assessment collection costs, and other PID administrative expenses. These estimates will be updated each year as part of the Annual Service Plan Update.

**APPENDIX E-2**  
**PHASE #2 2023-24 ASSESSMENT ROLL SUMMARY – FOR LOTS TRIGGERED IN  
2022-23**

**Appendix E-2**  
**Panchasarp Farms Public Improvement District**  
**Phase #2 Assessment Roll Summary - 2022-23 Trigger Parcels**

Parcel	Estimated No. of units	Lot Type	Original Equivalent Units	Outstanding Equivalent Units	Outstanding Assessments	Principal	Interest	Administrative Expenses	Maintenance Expenses	Annual Installment
126.2233.20231	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20233	1	60 Ft	0.86	0.86	\$3,879.22	\$60.60	\$172.63	\$140.41	\$231.06	\$604.69
126.2233.20234	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20236	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20237	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20238	1	60 Ft	0.86	0.86	\$3,879.22	\$60.60	\$172.63	\$140.41	\$231.06	\$604.69
126.2233.20239	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20242	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20243	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20244	1	60 Ft	0.86	Prepaid	Prepaid	Prepaid	Prepaid	Prepaid	\$231.06	\$231.06
126.2233.20245	1	55 Ft	0.79	Prepaid	Prepaid	Prepaid	Prepaid	Prepaid	\$212.25	\$212.25
126.2233.20246	1	60 Ft	0.86	0.86	\$3,879.22	\$60.60	\$172.63	\$140.41	\$231.06	\$604.69
126.2233.20247	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20248	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20249	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20251	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20253	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20255	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20260	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20261	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20262	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20263	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20266	1	60 Ft	0.86	0.86	\$3,879.22	\$60.60	\$172.63	\$140.41	\$231.06	\$604.69
126.2233.20267	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20270	1	60 Ft	0.86	0.86	\$3,879.22	\$60.60	\$172.63	\$140.41	\$231.06	\$604.69
126.2233.20271	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20272	1	60 Ft	0.86	0.86	\$3,879.22	\$60.60	\$172.63	\$140.41	\$231.06	\$604.69
126.2233.20276	1	60 Ft	0.86	0.86	\$3,879.22	\$60.60	\$172.63	\$140.41	\$231.06	\$604.69
126.2233.20277	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20280	1	60 Ft	0.86	0.86	\$3,879.22	\$60.60	\$172.63	\$140.41	\$231.06	\$604.69
126.2233.20601	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20602	1	60 Ft	0.86	0.86	\$3,879.22	\$60.60	\$172.63	\$140.41	\$231.06	\$604.69
126.2233.20605	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20609	1	60 Ft	0.86	0.86	\$3,879.22	\$60.60	\$172.63	\$140.41	\$231.06	\$604.69
126.2233.20610	1	60 Ft	0.86	0.86	\$3,879.22	\$60.60	\$172.63	\$140.41	\$231.06	\$604.69
126.2233.20703	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20708	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20710	1	60 Ft	0.86	0.86	\$3,879.22	\$60.60	\$172.63	\$140.41	\$231.06	\$604.69
126.2233.20712	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20718	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20719	1	60 Ft	0.86	Prepaid	Prepaid	Prepaid	Prepaid	Prepaid	\$231.06	\$231.06
126.2233.20720	1	55 Ft	0.79	Prepaid	Prepaid	Prepaid	Prepaid	Prepaid	\$212.25	\$212.25
126.2233.20723	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20725	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20726	1	60 Ft	0.86	0.86	\$3,879.22	\$60.60	\$172.63	\$140.41	\$231.06	\$604.69
126.2233.20732	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20734	1	60 Ft	0.86	0.86	\$3,879.22	\$60.60	\$172.63	\$140.41	\$231.06	\$604.69
126.2233.20738	1	60 Ft	0.86	0.86	\$3,879.22	\$60.60	\$172.63	\$140.41	\$231.06	\$604.69
126.2233.20739	1	60 Ft	0.86	0.86	\$3,879.22	\$60.60	\$172.63	\$140.41	\$231.06	\$604.69
126.2233.20740	1	60 Ft	0.86	Prepaid	Prepaid	Prepaid	Prepaid	Prepaid	\$231.06	\$231.06
126.2233.20744	1	60 Ft	0.86	0.86	\$3,879.22	\$60.60	\$172.63	\$140.41	\$231.06	\$604.69
126.2233.20803	1	55 Ft	0.79	Prepaid	Prepaid	Prepaid	Prepaid	Prepaid	\$212.25	\$212.25
126.2233.20804	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20808	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20810	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20812	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20813	1	55 Ft	0.79	Prepaid	Prepaid	Prepaid	Prepaid	Prepaid	\$212.25	\$212.25
126.2233.20815	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20817	1	55 Ft	0.79	0.79	\$3,563.47	\$55.67	\$158.57	\$128.98	\$212.25	\$555.47
126.2233.20001	0	Common Area	0.00	0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
126.2233.20002	0	Common Area	0.00	0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
126.2233.20003	0	Common Area	0.00	0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
126.2233.20004	0	Common Area	0.00	0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
126.2233.20005	0	Common Area	0.00	0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total</b>	<b>59</b>		<b>48.01</b>	<b>42.27</b>	<b>\$190,668.27</b>	<b>\$2,978.44</b>	<b>\$8,484.74</b>	<b>\$6,901.10</b>	<b>\$12,899.12</b>	<b>\$31,263.39</b>

**APPENDIX E-3**  
**PHASE #2 2023-24 ASSESSMENT ROLL SUMMARY – FOR LOTS TRIGGERED IN**  
**2023-24**

Appendix E-2  
**Panchasarp Farms Public Improvement District**  
**Phase #2 Assessment Roll Summary - 2023-24 Trigger Parcels**

Parcel	Estimated No. of units	Lot Type	Original Equivalent Units	Outstanding Equivalent Units	Outstanding Assessments	Principal	Interest	Administrative Expenses	Maintenance Expenses	Annual Installment
126.2233.20232	1	55 Ft	0.79	0.79	\$3,626.70	\$55.67	\$161.39	\$111.33	\$212.25	\$540.64
126.2233.20241	1	55 Ft	0.79	0.79	\$3,626.70	\$55.67	\$161.39	\$111.33	\$212.25	\$540.64
126.2233.20250	1	55 Ft	0.79	0.79	\$3,626.70	\$55.67	\$161.39	\$111.33	\$212.25	\$540.64
126.2233.20252	1	55 Ft	0.79	0.79	\$3,626.70	\$55.67	\$161.39	\$111.33	\$212.25	\$540.64
126.2233.20254	1	55 Ft	0.79	0.79	\$3,626.70	\$55.67	\$161.39	\$111.33	\$212.25	\$540.64
126.2233.20279	1	55 Ft	0.79	0.79	\$3,626.70	\$55.67	\$161.39	\$111.33	\$212.25	\$540.64
126.2233.20607	1	55 Ft	0.79	0.79	\$3,626.70	\$55.67	\$161.39	\$111.33	\$212.25	\$540.64
126.2233.20608	1	60 Ft	0.86	0.86	\$3,948.05	\$60.60	\$175.69	\$121.20	\$231.06	\$588.54
126.2233.20611	1	60 Ft	0.86	0.86	\$3,948.05	\$60.60	\$175.69	\$121.20	\$231.06	\$588.54
126.2233.20704	1	60 Ft	0.86	0.86	\$3,948.05	\$60.60	\$175.69	\$121.20	\$231.06	\$588.54
126.2233.20705	1	55 Ft	0.79	0.79	\$3,626.70	\$55.67	\$161.39	\$111.33	\$212.25	\$540.64
126.2233.20707	1	55 Ft	0.79	0.79	\$3,626.70	\$55.67	\$161.39	\$111.33	\$212.25	\$540.64
126.2233.20709	1	55 Ft	0.79	0.79	\$3,626.70	\$55.67	\$161.39	\$111.33	\$212.25	\$540.64
126.2233.20724	1	55 Ft	0.79	0.79	\$3,626.70	\$55.67	\$161.39	\$111.33	\$212.25	\$540.64
126.2233.20733	1	60 Ft	0.86	0.86	\$3,948.05	\$60.60	\$175.69	\$121.20	\$231.06	\$588.54
126.2233.20809	1	55 Ft	0.79	0.79	\$3,626.70	\$55.67	\$161.39	\$111.33	\$212.25	\$540.64
126.2233.20811	1	55 Ft	0.79	0.79	\$3,626.70	\$55.67	\$161.39	\$111.33	\$212.25	\$540.64
126.2233.20816	1	55 Ft	0.79	0.79	\$3,626.70	\$55.67	\$161.39	\$111.33	\$212.25	\$540.64
<b>Total</b>	<b>18</b>		<b>14.50</b>	<b>14.50</b>	<b>\$66,565.93</b>	<b>\$1,021.70</b>	<b>\$2,962.18</b>	<b>\$2,043.40</b>	<b>\$3,895.80</b>	<b>\$9,923.09</b>

**APPENDIX F**  
**PID ASSESSMENT NOTICE**

**PID Assessment Notice**

NOTICE OF OBLIGATION TO PAY PUBLIC IMPROVEMENT DISTRICT ASSESSMENT TO  
THE CITY OF BURLESON, TEXAS  
CONCERNING THE FOLLOWING PROPERTY

[insert property address]

As the purchaser of the real property described above, you are obligated to pay assessments to the City of Burleson, Texas (the "City"), for the costs of a portion of a public improvement or services project (the "Authorized Improvements") undertaken for the benefit of the property within the Parks at Panchasarp Farms Public Improvement District (the "District") created under Subchapter A, Chapter 372, Local Government Code.

AN ASSESSMENT HAS BEEN LEVIED AGAINST YOUR PROPERTY FOR THE AUTHORIZED IMPROVEMENTS, WHICH MAY BE PAID IN FULL AT ANY TIME. IF THE ASSESSMENT IS NOT PAID IN FULL, IT WILL BE DUE AND PAYABLE IN ANNUAL INSTALLMENTS THAT WILL VARY FROM YEAR TO YEAR DEPENDING ON THE AMOUNT OF INTEREST PAID, COLLECTION COSTS, ADMINISTRATIVE COSTS, AND DELINQUENCY COSTS.

The exact amount of the assessment may be obtained from the City. The exact amount of each annual installment will be approved each year by the City Council in the Annual Service Plan Update for the District. More information about the assessments, including the amounts and due dates, may be obtained from the City or MuniCap, Inc., the District Administrator for the City, located at 600 E. John Carpenter Fwy, Suite 150, Irving, Texas 75062 and available by telephone at (469) 490-2800 or (866) 648-8482 (toll free) and email at [txpid@municap.com](mailto:txpid@municap.com).

Your failure to pay any assessment or any annual installment may result in penalties and interest being added to what you owe or in a lien on and the foreclosure of your property.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Seller

\_\_\_\_\_  
Signature of Seller

The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Purchaser

\_\_\_\_\_  
Signature of Purchaser

STATE OF TEXAS

§

§

COUNTY OF \_\_\_\_\_

§



The foregoing instrument was acknowledged before me by \_\_\_\_\_ and \_\_\_\_\_, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed, in the capacity stated and as the act and deed of the above-referenced entities as an authorized signatory of said entities.

Given under my hand and seal of office on this \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

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## City Council Regular Meeting

**DEPARTMENT:** Development Services

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

**MEETING:** September 5, 2023

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**SUBJECT:**

Consider approval of an ordinance repealing in its entirety Article III “Amusements” of Chapter 14 “Businesses” of the Code of Ordinances, City of Burleson, Texas, setting forth rules and regulations for amusement centers and requiring certain amusement centers to obtain a permit for coin-operated machines. (Final Reading) (*Staff Contact: Tony McIlwain, Development Services Director*)

**SUMMARY:**

Staff has determined the need to update and standardize the review and approval processes /requirements relating to amusements. The City’s amusements provisions are contained within Chapter 14 of the Code of Ordinances. The earliest amusement provisions were written and took effect in 1977, with other provision taking place in the early 1980s. As presently written, the City Secretary has to accept and issue an operating license for an amusement use. Additionally, the Chief of Police has to review license renewals, replacements and temporary permits for amusement uses.

It is staff’s determination that this type of activity is best processed through the Development Services Department as the principal review authority. Deleting Article III “Amusements” of Chapter 14 “Businesses” of the Code of Ordinances will allow a hard- reset of the approval of these proposed land uses; these proposals will default to the standardized land use and permitting review process within Development Services and remove the unnecessary involvement of the City Secretary and Chief of Police in these routine requests.

Regulations pertaining to Amusements would remain in place as Appendix B Zoning, of the Code of Ordinances provides land use definitions, permissible land uses and zoning districts that the Planning staff routinely uses to evaluate and approve applications.

**OPTIONS:**

- 1) Approve the ordinance as presented
- 2) Approve the ordinance with changes
- 3) Deny the ordinance

**RECOMMENDATION:**

Staff recommendations approval of the ordinance.

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

August 21, 2023: City Council approved the first reading of the item.

**FISCAL IMPACT:**

None

**STAFF CONTACT:**

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



# Consider an Ordinance amending Chapter 14, Article III, Amusements

Presented to the City Council on  
September 5, 2023

## Chapter 14, Article III, Amusements

- The City's amusements regulations are contained in Article III, "Amusements" of Chapter 14 "Businesses" of the Code of Ordinances.
- The provisions of Article III are antiquated, and among other things, requires the following:

*No person may operate an amusement center in the city without first obtaining a license from the city secretary. All licenses, renewals, replacements or temporary permits must be approved first by the chief of police prior to final approval by the city secretary.*

- This requirement is atypical of other land use activities that are reviewed, approved and permitted by the City's Development Services Department.

## Chapter 14, Article III, Amusements

- Deleting Article III, “Amusements” of Chapter 14 “Businesses” of the Code of Ordinances will remove the unnecessary involvement of the City Secretary and Police Chief from the review and approval process.
- Staff conducted internal discussions and reached a determination that the Development Services Department is the most appropriate review authority for amusement(s) land use applications.
- Development Services would engage in a standardized process of application review, permit issuance, inspection services and issuance of a certificate of occupancy for amusement uses.

## Chapter 14, Article III, Amusements

- Regulations pertaining to Amusements would remain in place as Appendix B Zoning, of the Code of Ordinances provides land use definitions, permissible land uses and zoning districts that the Planning staff routinely uses to evaluate and approve applications.
- In the event there are nuisance complaints about any amusement land use activity, staff will coordinate a response through the most appropriate city department (e.g. Police Department, Neighborhood Services-Code Compliance, Fire Department- Fire Marshal's office).

### **Council Options**

- Approve the ordinance as presented
- Approve the ordinance with revisions
- Deny the ordinance

### **Staff's Recommendation**

Staff recommends approval of the ordinance as provided.



## **ORDINANCE**

**AN ORDINANCE AMENDING CHAPTER 14, “BUSINESSES” OF THE CODE OF ORDINANCES OF THE CITY OF BURLESON, TEXAS (2005), AS AMENDED, BY DELETING ARTICLE III, ENTITLED “AMUSEMENTS”; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Burleson (“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 Texas Local Government Code; and

WHEREAS, the City has reviewed its licensing procedures for amusements and found the process to be outdated and inconsistent with other city review and permitting processes; and

WHEREAS, the City Council finds and determines that the adoption of this ordinance is necessary and proper to provide a fair and balanced review and regulatory permitting framework for amusement land uses.

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

### **SECTION 1.**

The Code of Ordinances of Burleson, Texas (2005) is hereby amended by deleting Article III entitled “Amusements” to Chapter 14 “Businesses”, comprised of Sections 14-61 through 14-140:

### **SECTION 2.**

#### **CUMULATIVE**

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. This ordinance is consistent with and is not intended to repeal any provision in the zoning ordinance.

### **SECTION 3.**

#### **SEVERABILITY**

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 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 4. SAVINGS PROVISION

All rights and remedies of the City of Burleson are expressly saved as to any and all violations of the provisions of any ordinances concerning outdoor gatherings or Public Events which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

#### SECTION 5. PUBLICATION

Pursuant to Section 36 of the Charter of the City of Burleson, that this ordinance shall take effect after its passage and publication, and that the City Secretary is hereby directed to give notice of the passage of this ordinance by causing the caption or title and the penalty clause of this ordinance to be published once in a newspaper of general circulation in the city and on the city's website.

#### SECTION 6. EFFECTIVE DATE

This ordinance shall be in full force and effect on and after June 19, 2023. The City Secretary shall provide for the publication of this ordinance after its passage as required by law. And it is so ordained.

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

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

**PASSED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

---

Chris Fletcher, Mayor  
City of Burleson, Texas

ATTEST: APPROVED AS TO FORM:

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Amanda Campos, City Secretary

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E. Allen Taylor Jr., City Attorney

## City Council Regular Meeting

**DEPARTMENT:** City Secretary's Office  
**FROM:** Amanda Campos, City Secretary  
**MEETING:** September 5, 2023

### SUBJECT:

Consider approval of a minute order appointing members to the City of Burleson boards, commissions, and committees. *(Staff Presenter: Amanda Campos, City Secretary)*

### SUMMARY:

The Community & Intergovernmental Relations council committee members reviewed and discussed all the applications and made the following recommendations for appointments.

#### **Building Codes & Standards**

Place	Members	Appt.	Term
5 (Building Contractor)	<b>Justin Cannon</b>	New	2022-2025
6 (TC Fire Protection)	<b>Christian Valdez</b>	New	2021-2024

#### **Capital Improvement Program Advisory**

Place	Member	Appt.	Term
6	<b>Melanie McAnally</b>	New	2021-2024

#### **Cemetery**

Place	Member	Appt.	Term
9	<b>Billy Clark</b>	New	2022-2025

#### **Zoning Board of Adjustment**

Place	Member	Appt.	Term
2	<b>Antony Cognasi</b>	New	2021-2024
6	<b>Brent Molen</b>	New	2021-2024
8	<b>Sara Elizabeth Lytner</b>	New	2021-2024

**OPTIONS:**

- 1) Approve recommendations for appointments
- 2) Amend and approve amended recommendations for appointments
- 3) Deny recommendations for appointments

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

Community & Intergovernmental Relations Council Committee met and review applications for vacancies.

**STAFF CONTACT:**

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

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## City Council Regular Meeting

**DEPARTMENT:** Economic Development  
**FROM:** Alex Philips, Economic Development Director  
**MEETING:** September 5, 2023

---

**SUBJECT:**

Consider approval of a minute order ratifying the 4A Economic Development Corporation Board's action approving six speaking contracts for the 2024 Project U Leadership Conference in the total amount of \$93,000. *(Staff Contact: Alex Philips, Director of Economic Development)*

**SUMMARY:**

On July 24, 2023, the 4A Economic Development Board and the City Council approved the budget and high level details for the 2024 Project U Leadership Conference. The budget approved will allow staff to pay speaking fees and travel accommodations for the following speakers:

**Damon West**

- Motivational Speaker, "Change Agent"
- Topic: Keeping a positive mindset

**Jess Ekstrom**

- Founder and CEO, Headbands for Hope
- Topic: Optimism and activating purpose

**Stephen Mackey**

- Development Coach
- Topic: Teams overcoming adversity

**Carlos Whittaker**

- Motivational Speaker, "Hope Dealer"

- Topic: How to Human, best version of yourself

**Jon Acuff \*Headliner\***

- NYT Bestselling Author, Top 100 Leadership Speaker
- Topic: How the best teams overcome overthinking

In the event headliner Jon Acuff is unavailable for booking, staff has identified a substitute that would also fit within the approved budget for the event:

**Ryan Leak**

- Transformational Speaker and Executive Coach
- Topic: Self Leadership

The total amount to book and provide travel for all proposed speakers (or Ryan Leaks in lieu of Jon Acuff) will not exceed \$93,000.00

**OPTIONS:**

- 1) Approve as presented
- 2) Approve with changes
- 3) Deny

**RECOMMENDATION:**

Approve as presented

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

List date and description of any prior action related to the subject

**FISCAL IMPACT:**

Explain fiscal impact if any

**STAFF CONTACT:**

Alex Philips

Economic Development Director  
[aphilips@burlesontx.com](mailto:aphilips@burlesontx.com)  
817-426-9613





Leadership Conference



The City of Burleson Economic Development Corporation created this event to provide valuable resources for attendees to enhance their current skill set, collaborate with like-minded professionals and become better leaders within their community

Project U is a full-day leadership conference, featuring nationally recognized leaders, authors and business professionals

On July 24, the 4A Board and City Council approved a budget for Project U allowing staff to begin negotiations with proposed speakers for the event

# 2024 Speaker Lineup

## Damon West

- Motivational Speaker, “Change Agent”
- Topic: Keeping a positive mindset

## Jess Ekstrom

- Founder and CEO, Headbands for Hope
- Topic: Optimism and activating purpose

## Stephen Mackey

- Development Coach
- Topic: Teams overcoming adversity

## Carlos Whittaker

- Motivational Speaker, “Hope Dealer”
- Topic: How to Human, best version of yourself

## Jon Acuff \*Headliner\*

- NYT Bestselling Author, Top 100 Leadership Speaker
- Topic: How the best teams overcome overthinking

## Ryan Leek \*Alternate\*

- Transformational Speaker and Executive Coach
- Topic: Self Leadership



# Speaking Fees & Travel

The total amount to book and provide travel for all proposed speakers (or Ryan Leaks in lieu of Jon Acuff) will not exceed \$93,000.00

# Requested Council Action

- Approve a minute order ratifying the 4A Economic Development Corporation Board's action approving speaking contracts for the 2024 Project U Leadership Conference
- Deny a minute order ratifying the 4A Economic Development Corporation Board's action approving speaking contracts for the 2024 Project U Leadership Conference

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## City Council Regular Meeting

**DEPARTMENT:** Development Services

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

**MEETING:** September 5, 2023

**SUBJECT:**

QuikTrip at 5917 W FM 917 (Case 23-034): Consider approval of a resolution for variances to Chapter 63, Sign Regulations, relating to sign setbacks, number of signs, and allowance for a pole sign. *(Staff Presenter: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item.)(First and Final Reading)*

**SUMMARY:**

On March 20, 2023, an application was submitted by Bryan Clark representing QuikTrip South LLC,) for sign variances to allow a pole sign in lieu of a pylon sign, to allow two monument signs in addition to a pole sign, and to reduce the required sign setback for the site.

**Pole Sign:** The City's sign regulations do not allow pole signs to be erected outside of the North Wilshire Sign Corridor, or on properties that do not have frontage on IH35. The applicant is requesting a pole sign of 75 ft. in height and up to 292 sq. ft. in sign area.

**Additional Signs:** The City's sign regulations do not allow for more than one of the requested freestanding signs at this location. The applicant is requesting a monument sign along FM 917, as well as a monument sign along FM 1902, in addition to the requested pole sign (if approved) or pylon sign if the variance for the pole sign is not approved.

**Sign setback:** The City's sign regulations require a ten foot setback from all property lines. The applicant is requesting to reduce the setback to zero feet for all three requested signs.

The applicant's justification for approval in granting the variances has been attached as Exhibit 3.

**Planning Analysis**

*Section 63-50 (Generally) of the Sign Ordinance contains the following requirements:*

**(a) All freestanding signs shall be setback a minimum ten feet from the property line.**

(b) Combination of freestanding sign types allowed on a premises at any given time is as follows:

**(1) A premises may either have a pole sign, or a pylon sign or a monument sign if permitted by this chapter;**

*Section 63-56 (Pole Signs) of the Sign Ordinance contains the following requirements:*

(a) Location.

(1) Signs must be premises signs.

(2) Signs shall not be allowed in residentially zoned districts.

(3) Signs shall maintain a 100-foot separation from an adjacent pole sign on each premises and minimum of 50 feet on adjacent premises on the same side of the street.

**(4) Signs shall be allowed to locate on premises with frontage onto IH 35 and within the North Wilshire Sign Corridor only.**

(b) Area. Maximum 200 square feet.

(c) Height.

(1) Maximum 30 feet within the North Wilshire Sign Corridor.

(2) Maximum 50 feet on premises adjacent to IH 35.

(3) Signs must maintain a ten-foot clearance from ground to sign.

**(d) Number of signs. One per premises.**

#### **Approval Standards in Granting a Variance.**

(Chapter 63-Sign Regulations, Section 63-12(b) - Variances):

<b>Consideration</b>
<b><i>Special conditions</i></b> exist that are <b><i>peculiar to the land, structure or building</i></b> involved and are not applicable to other lands, buildings or structures in the same vicinity. The City may attach such conditions to granting all or a portion of any variance necessary to achieve the purpose of this chapter.
The <b><i>strict interpretation</i></b> of the chapter would <b><i>deprive the applicant of rights commonly enjoyed by other properties</i></b> in the vicinity under the terms of this chapter.
Special conditions and circumstances do not <b><i>result from the actions of the applicant(s)</i></b> and such conditions and circumstances do not merely constitute pecuniary hardship or inconveniences.

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

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 this chapter; and

Granting the variance will be in harmony with the ***spirit and purpose*** of this chapter.

### **OPTIONS:**

- 1) Approve the resolution for all requested sign variance with or without conditions; or
- 2) Approve a resolution for one or more of the requested sign variances with or without conditions; or
- 3) Deny the resolution for the sign variances.

### **RECOMMENDATION:**

Staff is opposed to the excessive height (75 ft.) of the requested pole based on the adjacent residential to the north and the potential fall zone of a pole sign that high across FM 917. Staff is not opposed to the other variance requests or a pole sign limited to 30 ft. and 200 sq. ft. in sign area.

Approve a resolution with conditions that the pole sign not exceed 30 feet in height and 200 square feet in sign area.

### **FISCAL IMPACT:**

None.

### **STAFF CONTACT:**

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



# FM 917 QuikTrip

## Location:

- 5917 W FM 917
- 1.52 acres

## Applicant:

Bryan Clark

QuikTrip South LLC

## Item for approval:

Sign Variances (Case 23-034)





# FM 917 QuikTrip

## Sign Variance Summary:

Sign regulations; Section 63-50 (Generally):

**(a) All freestanding signs shall be setback a minimum ten feet from the property line.**

Sign regulations; Section 63-56 (Pole Signs)

(a) Location.

**Signs shall be allowed to locate on premises with frontage onto IH 35 or within the North Wilshire Sign Corridor only.**

(b) Area. Maximum 200 square feet.

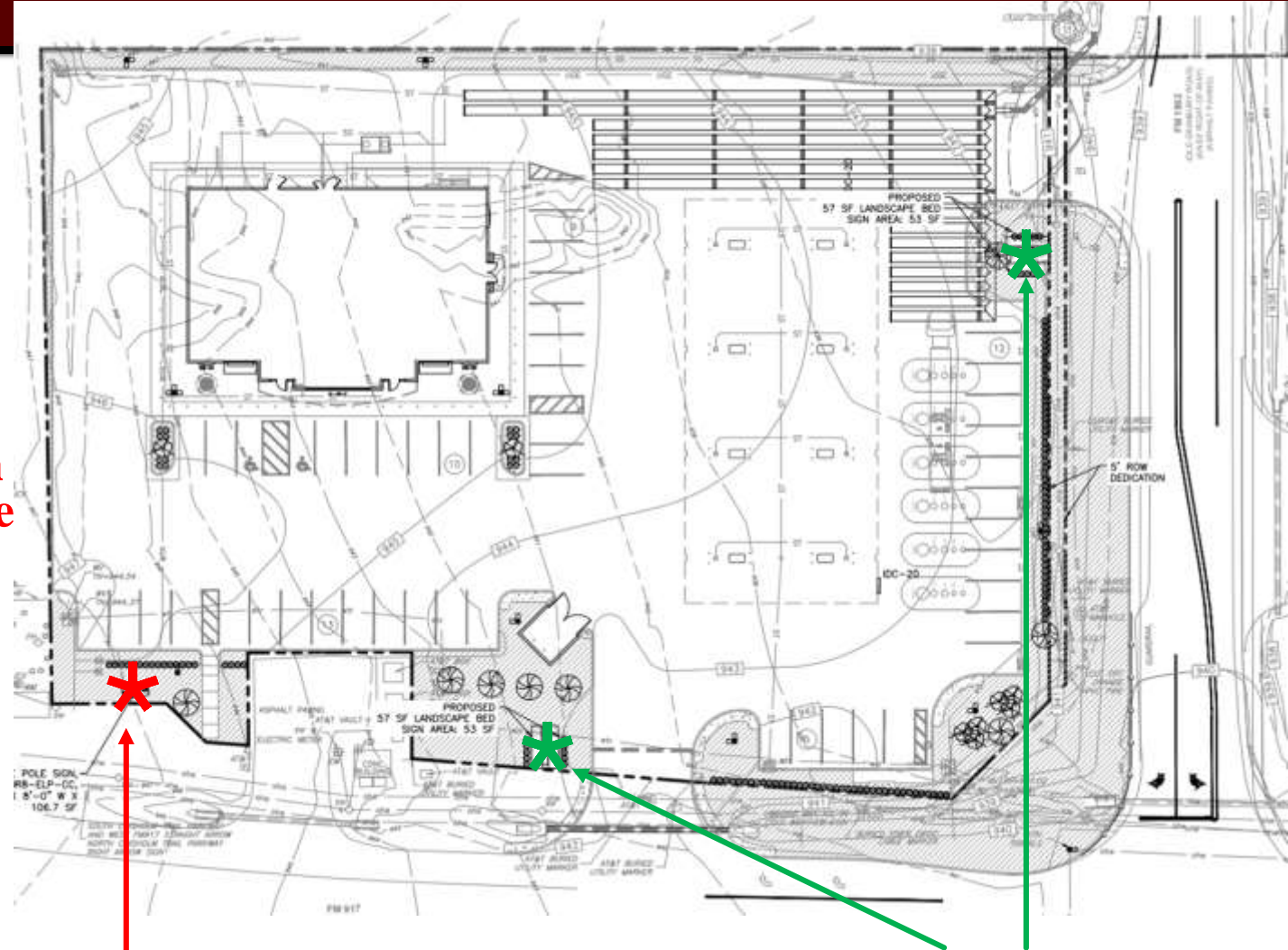
(c) Height.

(1) Maximum 30 feet within the North Wilshire Sign Corridor.

(2) Maximum 50 feet on premises adjacent to IH 35.

(3) Signs must maintain a ten-foot clearance from ground to sign.

**(d) Number of signs. One per premises.**



Proposed pole sign

Proposed monument s

336

# FM 917 QuikTrip

## Requests:

- A variance to allow a 75 foot / 292 Sq. foot pole sign in lieu of a 30 foot pylon sign; and
- Reduce the required setback of 10FT to zero; and
- Allow for more than one freestanding sign

## Applicant's Justification:

- The proposed development would have two monument signs and a pole sign in order to advertise to customers traveling on FM 917, FM 1902, and Chisholm Trail Parkway. Due to the unique nature of the property and its proximity to these corridors three signs are needed to effectively advertise



View of site from intersection of FM 917 and FM 1902

# FM 917 QuikTrip

Sign Code Criteria For Variance Approval
<i>Special conditions</i> exist that are <i>peculiar to the land, structure or building</i> involved and are not applicable to other lands, buildings or structures in the same vicinity. The City may attach such conditions to granting all or a portion of any variance necessary to achieve the purpose of this chapter.
The <i>strict interpretation</i> of the chapter would <i>deprive the applicant of rights commonly enjoyed by other properties</i> in the vicinity under the terms of this chapter.
Special conditions and circumstances do not <i>result from the actions of the applicant(s)</i> and such conditions and circumstances do not merely constitute pecuniary hardship or inconveniences.
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
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 this chapter; and
Granting the variance will be in harmony with the <i>spirit and purpose</i> of this chapter.



# FM 917 QuikTrip

## Staff recommendation

Staff is unable to recommend approval for the sign variances based on the proposals not meeting criteria required by Chapter 63; Sign Regulations. Staff is opposed to the excessive height (75 ft.) of the requested pole based on the adjacent residential to the north and the potential fall zone of a pole sign that high across FM 917.





*August 07, 2023*

*Lidon Pearce*

*Development Services Department*

*Senior Planner City of Burleson, TX*

*Project: QT-1858 Burleson Texas  
FM 917 & FM 1902*

QuikTrip would like to request a variance to the pole sign regulations in section Sec. 63-56 of the Burleson code of ordinances. The code allows for a 30' pole sign with frontage on Chisholm Trail.

The proposed pole sign is to be 75' tall with 292 square feet of area. The code allows for a 30' foot tall sign and 200 square feet. Due to the curvature of the road southbound and the existing treeline, a 30' foot pole sign is not visible. When conducting a sign ride, this is the height that allows for visibility.

We hope that staff will consider the requested variance and we seek approval of a waiver to the ordinance.

**Sincerely,**

**Tommy Vilbig, P.E.**

**469-907-4377 (Direct) [tommy@vilbig.com](mailto:tommy@vilbig.com) 214-352-7333 (Office)**

**Vilbig & Associates, PLLC | 517 W Woodard | Denison, TX 75020 | [www.vilbig.com](http://www.vilbig.com) |**

**Tx. Eng. Firm No. F-5614 | Tx. Surv. Firm No. 10033000**

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## **RESOLUTION**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, FOR VARIANCES OF CHAPTER 63, SIGN REGULATIONS, TO ALLOW FOR A POLE SIGN AT 5917 W FM 917, MULTIPLE FREESTANDING SIGNS, AND A REDUCTION TO THE MINIMUM REQUIRED SIGN SETBACK.**

**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**, 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 March 20, 2023, an application was submitted by Bryan Clark representing QuikTrip South LLC,) for sign variances to allow a pole sign at 5917 W FM 917, two monument signs in addition to the pole sign; and a reduction in the required sign setback to zero feet from the property line for the two monument and one pole sign, and

**WHEREAS**, on September 5, 2023, the City Council 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 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 grants a variance to Section 63-56(a)(4) of Chapter 63, Sign Regulations, of the City of Burleson Code of Ordinances (2005) requiring a pole sign to be located on premises with frontage onto IH 35 or within the North Wilshire Sign Corridor, to allow a pole sign to be located at 5917 W FM 917 with the following conditions:

**Height:** Pole sign shall not exceed 75 feet in height; and

**Sign Area:** Pole sign shall not exceed 292 square feet in sign area

City Council hereby grants a variance to Section 63-50(a) of Chapter 63, Sign Regulations, of the City of Burleson Code of Ordinances (2005) requiring a minimum setback of ten feet from the property line, to allow a pole sign and two monument signs to be located at 5917 W FM 917 with a zero foot setback.

City Council hereby grants a variance to Section 63-50(b)(1) of Chapter 63, Sign Regulations, of the City of Burleson Code of Ordinances (2005) restricting a premise to have either a pole sign, or a pylon sign, or a monument sign, to allow a pole sign and two monument signs to be located at 5917 W FM 917.

Except as otherwise specified above, 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 5917 W FM 917.

**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

---

E. Allen Taylor, Jr., City Attorney

## City Council Regular Meeting

**DEPARTMENT:** Development Services

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

**MEETING:** September 5, 2023

**SUBJECT:**

QuikTrip at 5917 W FM 917 (Case 23-031): Consider approval of a resolution authorizing a site plan for QuikTrip located at 5917 W FM 917. *(First and Final Reading) (Staff Presenter: Tony McIlwain, Development Services Director) (The Planning and Zoning Commission recommended approval by unanimous vote)*

### **SUMMARY:**

On March 20, 2023, an application was submitted by Bryan Clark representing QuikTrip South LLC, for a site plan on approximately 1.52 acres for a QuikTrip convenience store and fueling station. An ordinance for a zoning change request was approved for this site by City Council on March 20, 2023.

**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.

A separate sign variance request (Case 23-034) has been submitted by the applicant and will accompany this request at City Council. If one or more of the sign variances are 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 Conformance Table**

<b><u>Required</u></b>	<b><u>Staff's Findings</u></b>
<b><u>Lot Size, Coverage and Setbacks</u></b> 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 separate sign variance request(s). Case 23-034
<b><u>Landscaping –</u></b> 20% of Total Site shall be landscaped: 13,040	<b>Complies.</b> Landscaping proposed: 14,660 SF with credits as listed on landscaping plans.
<b><u>Parking Requirement –</u></b> 1 space per 200 SF: 27 spaces 2 ADA spaces	<b>Complies.</b> Parking provided: 49 spaces ADA spaces: 2 spaces

Site plan and landscaping exhibits are attached as Exhibit 4.

**Engineering:**

**Utilities & Drainage:**

Site will be served by Johnson County Special Utility District (JCSUD). Sewer will be extended to the site by the developer.

**Traffic:**

A variance to TxDOT regulations has been submitted for driveway spacing along FM917 and FM1902. Permits will not be issued until staff and TxDOT review and approve the access and any variance(s) that are granted.

**OPTIONS:**

- 1) Approve a resolution authorizing a site plan for QuikTrip located at 5917 W FM 917; or
- 2) Deny the resolution authorizing a site plan for QuikTrip located at 5917 W FM 917.

**RECOMMENDATION:**

Approve a resolution authorizing a site plan for QuikTrip located at 5917 W FM 917 (Case 23-031).

**Fiscal IMPACT:**

None.

**STAFF CONTACT:**

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



# FM 917 QuikTrip – Site Plan

## Location:

- 5917 W FM 917
- 1.52 acres

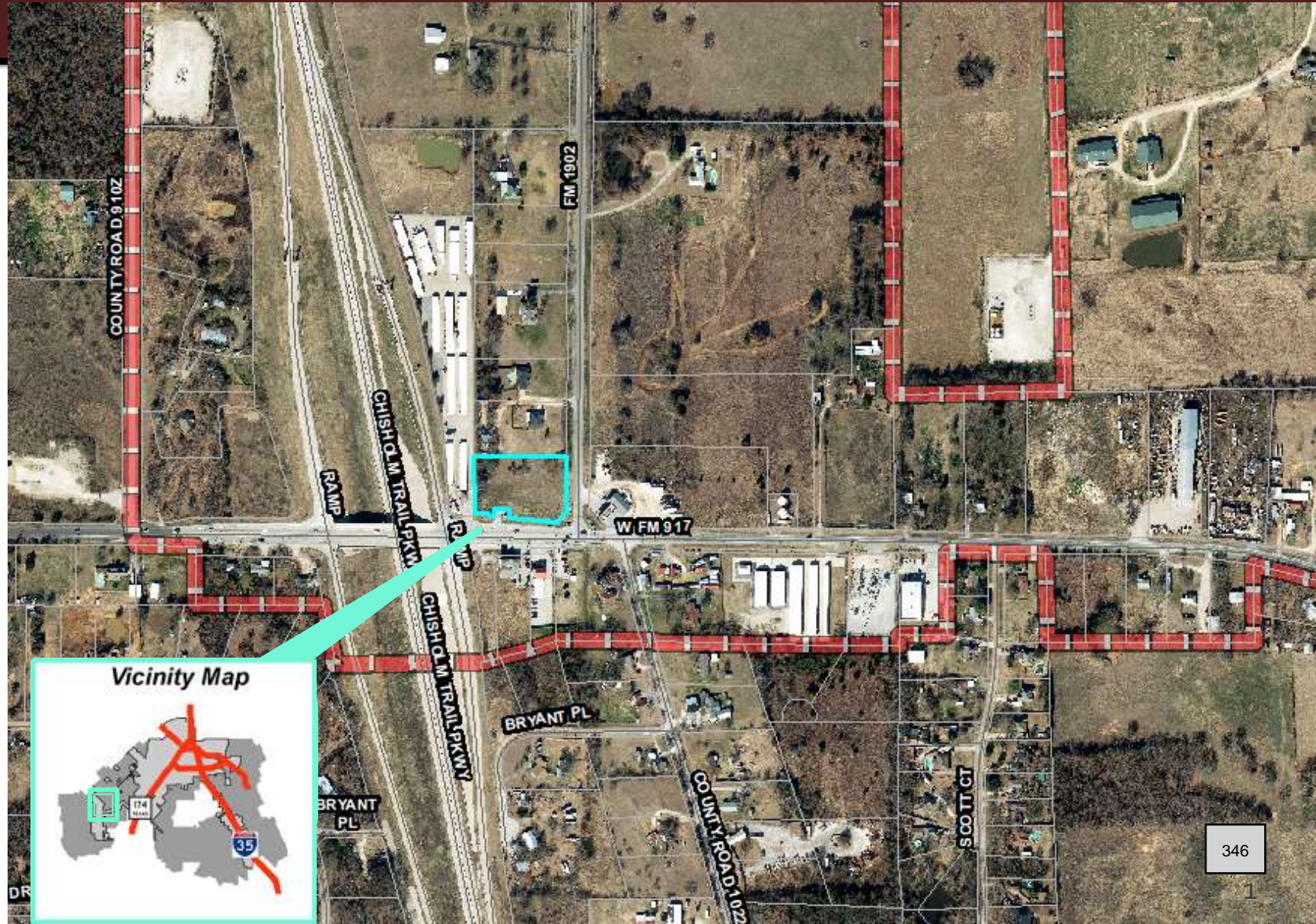
## Applicant:

Bryan Clark

QuikTrip South LLC

## Item for approval:

Site Plan (23-031)





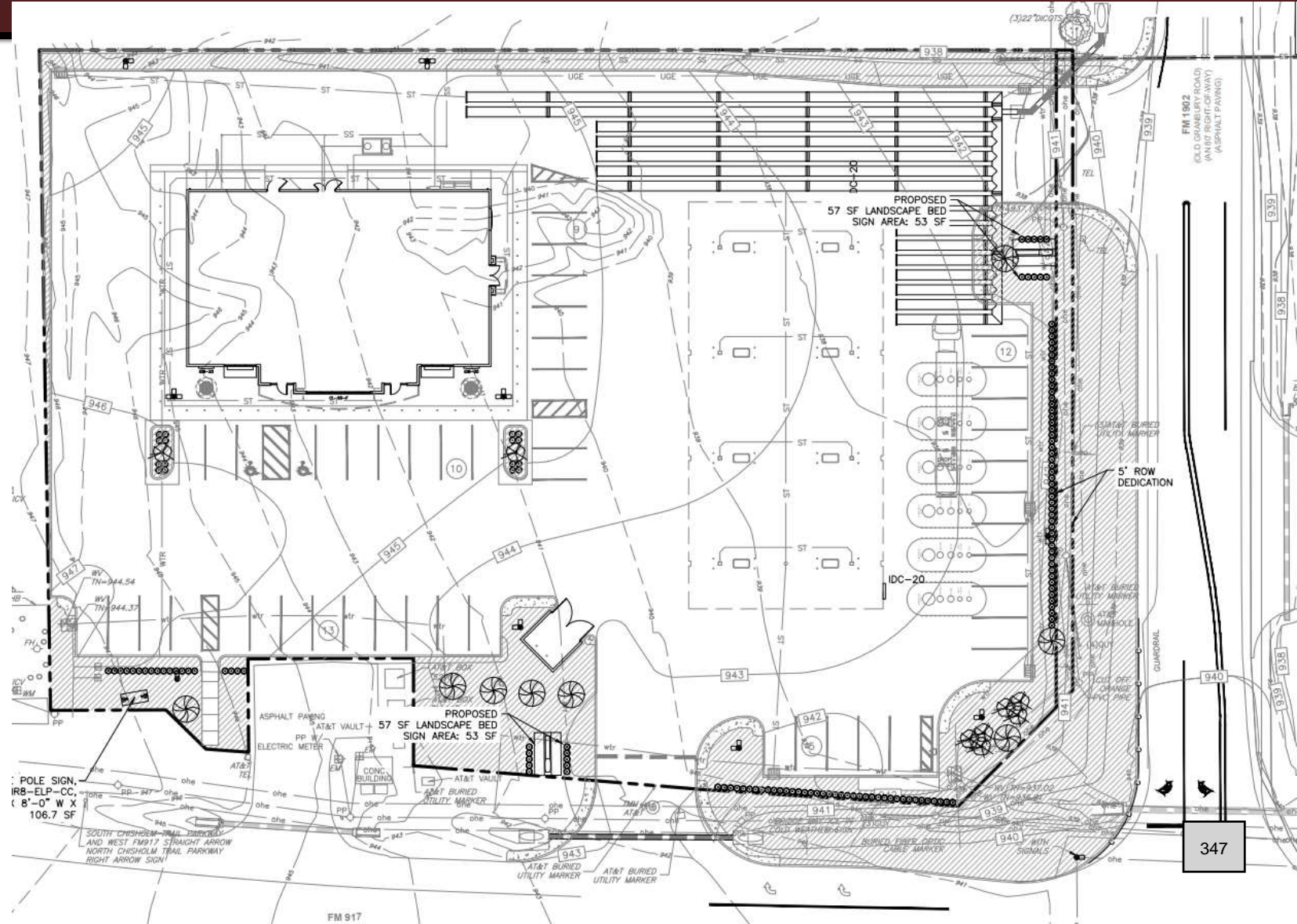
# FM 917 QuikTrip – Site Plan

## Property Information:

- Zoning change ordinance (Case 23-007) was approved by City Council on 3.20.23

## Site Plan Summary:

- 5,312 SF Building
- 20 feet in Height -Single-story
- Use – Convenience store with Automobile fuel sales



# FM 917 QuikTrip – Site Plan

## Building Renderings

Modern QuikTrip design utilizing a masonry brick (bronze stone), brushed aluminum, and red polycarbonate accents











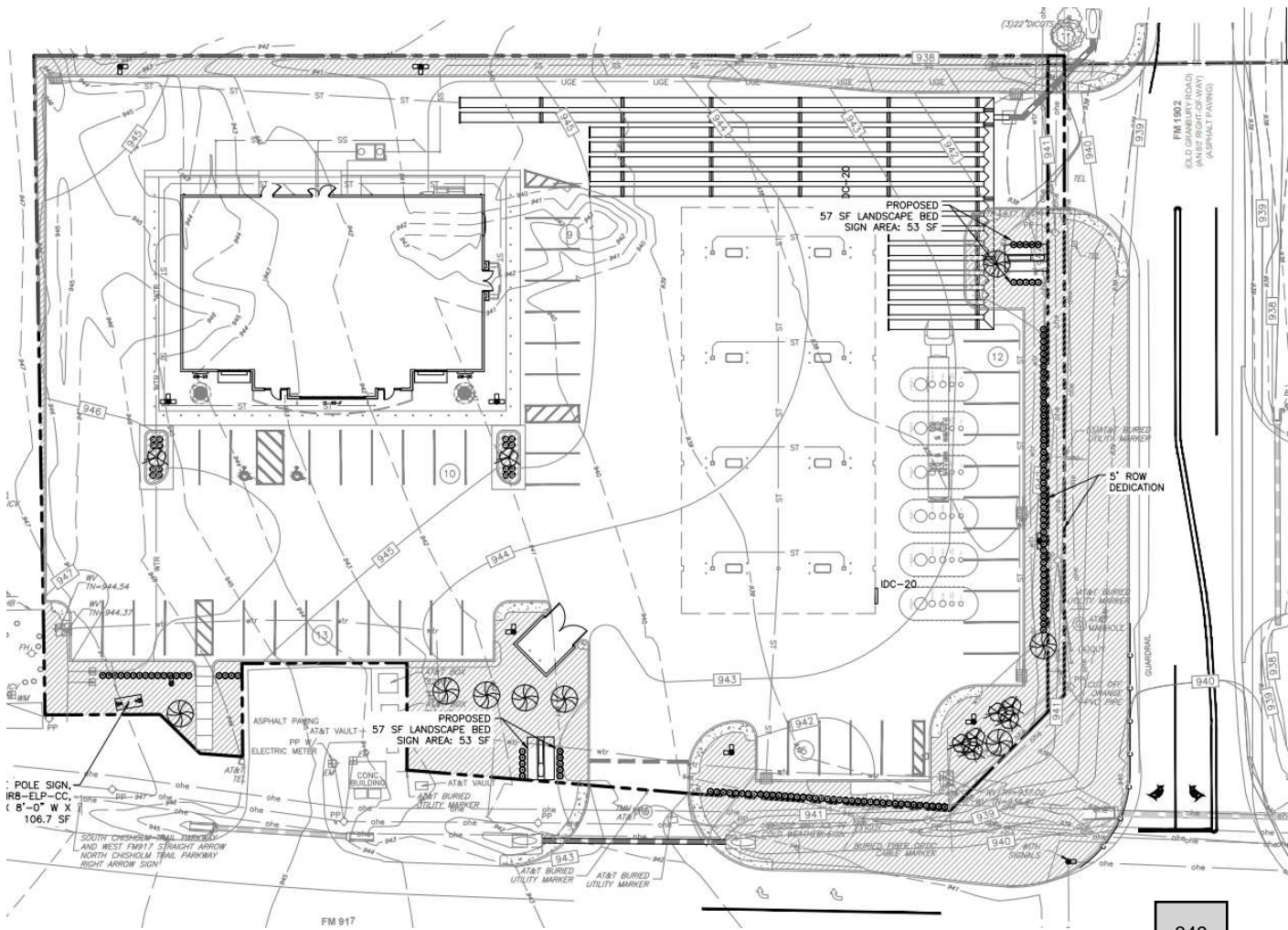
# FM 917 QuikTrip – Site Plan

## Landscaping

Required 13,040 SF  
Providing 14,660 SF

### Landscape Schedule

USE	SYMBOL	COMMON NAME <i>Botanical Name</i>	MINIMUM SIZE/ HEIGHT/SPREAD	QUANTITIES
SHRUBS		LOROPETALUM (CHINESE FRINGE FLOWER) <i>Loropetalum chinese var. rubrum</i>	HEIGHT/SPREAD RATIO = 3:2 15"Ø X 10" HT MIN	0
		NEEDLE POINT HOLLY <i>Ilex Cornuta "Needle Point"</i>	HEIGHT/SPREAD RATIO = 3:2 24"Ø X 16" HT MIN	144
TREES		CAPE MYRTLE <i>Lagerstroemia Indica</i>	3" CALIPER (TOTAL) 6' HT	8
		SHUMARD RED OAK <i>Quercus Shumardii</i> (SOUTHERN VARIETY)	6" CALIPER 12' HT	8
MISC		TIFWAY 419 BERMUDA SOD	15,278	S.F.
		BERMUDA SEED	0	S.F.



# FM 917 QuikTrip – Site Plan

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 exception of the separate sign variance request(s). Case 23-034
<u>Landscaping</u>  20% of Total Site shall be landscaped  13,040 SF required	<b>Complies.</b>  Providing 14,660 SF
<u>Parking Requirement</u>  1 space per 200 SF (27 spaces)	<b>Complies.</b>  49 spaces / 2 ADA



# FM 917 QuikTrip – Site Plan

## **Utilities & Drainage:**

Site will be served by Johnson County Special Utility District (JCSUD). Sewer will be extended to the site by the developer.

## **Traffic:**

A variance to TxDOT regulations has been submitted for driveway spacing along FM917 and FM1902. Permits will not be issued until staff and TxDOT review and approve the access and any variance(s) that are granted.

# FM 917 QuikTrip – Site Plan

## P&Z Summary

### Vote

Recommended approval of a resolution (9-0).

### Discussion

P&Z commissioner had a landscaping question related to a small portion of land at the front of the QuikTrip parcel. Area belongs to AT&T and is not part of the subject site.

### Speakers

Tommy Vilbig, P.E. representing QuikTrip

# Approval of a resolution for a commercial site plan (Case 23-031).



## RESOLUTION

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, FOR APPROVAL OF A COMMERCIAL SITE PLAN FOR A CONVENIENCE STORE WITH AUTOMOTIVE FUEL SALES LOCATED AT 5917 W FM 917.**

**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 20, 2023, an application was submitted by Bryan Clark representing QuikTrip South LLC, for a commercial site plan; and

**WHEREAS**, on September 5, 2023, 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.

### **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 23-031) for a convenience store with automotive fuels sales located at 5917 W FM 917.

#### **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:

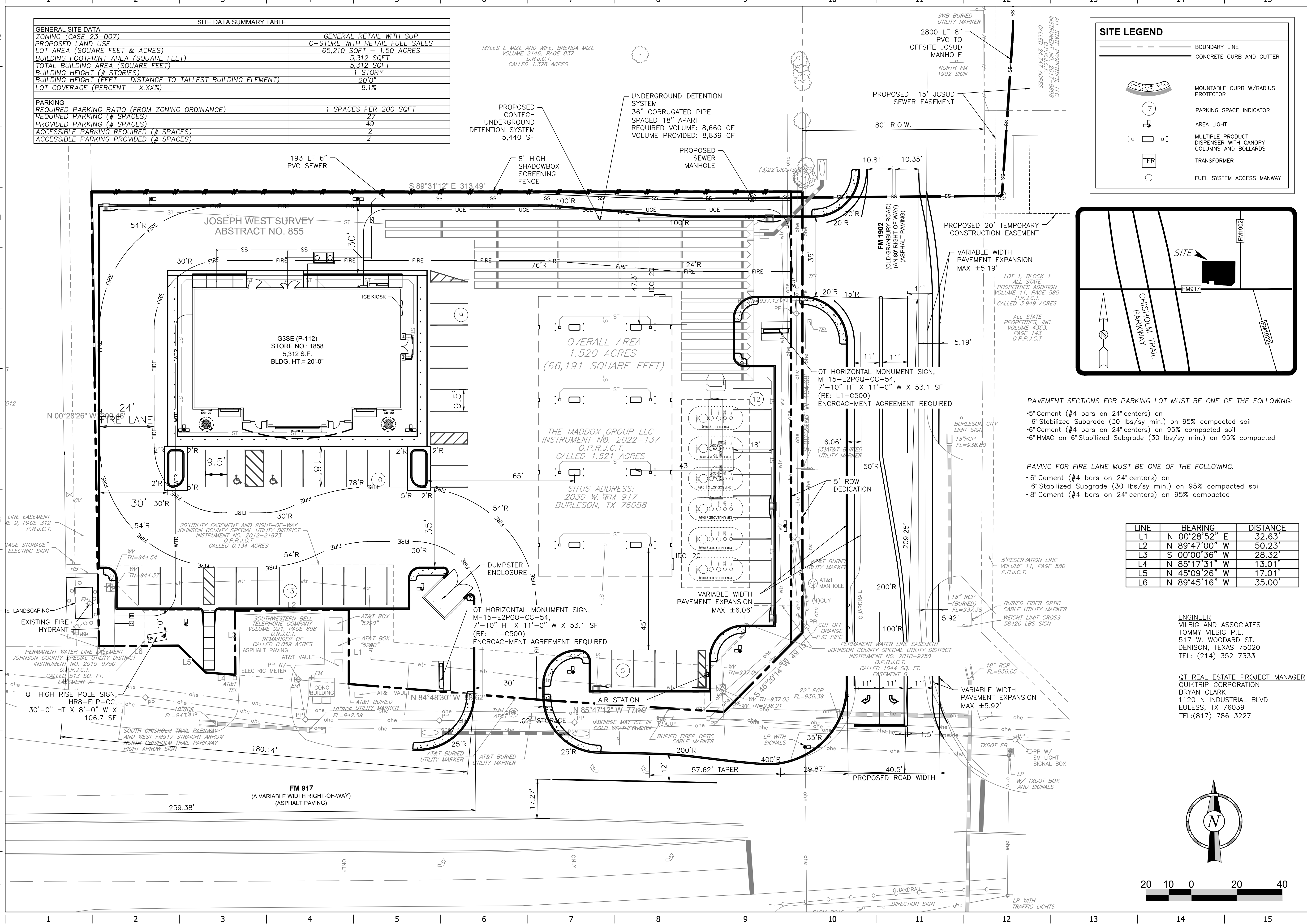
Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney



FILE LOCATION: \\10.0.3.100\Projects\2016-25-OT-1858-Burleson\TX\Civil\ Preliminary\25-1858 Civil CDP.dwg TAB NAME: Site (Prelim) USER: vilbig SAVER: 7/17/2023 5:28 PM PLOTTED: 7/17/2023 5:29 PM

SITE DATA SUMMARY TABLE	
GENERAL SITE DATA	
ZONING (CASE 23-007)	GENERAL RETAIL WITH SUP
PROPOSED LAND USE	C-STORE WITH RETAIL FUEL SALES
LOT AREA (SQUARE FEET & ACRES)	65,210 SQFT = 1.50 ACRES
BUILDING FOOTPRINT AREA (SQUARE FEET)	5,312 SQFT
TOTAL BUILDING AREA (SQUARE FEET)	5,312 SQFT
BUILDING HEIGHT (# STORIES)	1 STORY
BUILDING HEIGHT (FEET - DISTANCE TO TALLEST BUILDING ELEMENT)	20'0"
LOT COVERAGE (PERCENT - X.XX%)	8.1%
PARKING	
REQUIRED PARKING RATIO (FROM ZONING ORDINANCE)	1 SPACES PER 200 SQFT
REQUIRED PARKING (# SPACES)	27
PROVIDED PARKING (# SPACES)	49
ACCESSIBLE PARKING REQUIRED (# SPACES)	2
ACCESSIBLE PARKING PROVIDED (# SPACES)	2



THIS DOCUMENT IS RELEASED UNDER THE AUTHORITY OF THOMAS L. VILBIG, P.E. 131154 FOR THE PURPOSE OF INTERIM REVIEW ON JULY 5TH, 2023. IT IS NOT TO BE USED FOR CONSTRUCTION, FINAL BID, OR PERMIT PURPOSES.

**QuikTrip No. 1858**  
2030 W FM 917  
JOSHUA, TEXAS, 76058



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PROTOTYPE: P-112 (11/01/22)
DIVISION:
VERSION: 001
DESIGNED BY:
DRAWN BY:
REVIEWED BY:

REV	DATE	DESCRIPTION

SHEET TITLE:  
SITE (PRELIM)

SHEET NUMBER:  
3

ORIGINAL ISSUE DATE:





Vilbig and Associates PLLC  
Consulting Engineers and Surveyors  
Texas Engineering Firm # F-5614  
Texas Surveying Firm # 10033000  
www.vilbig.com

PROJECT NO.: 2016-25

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PROTOTYPE: P-112 (11/01/22)  
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REV	DATE	DESCRIPTION

ORIGINAL ISSUE DATE:

SHEET TITLE:

LANDSCAPE (PRELIM)

SHEET NUMBER:

7

### Landscape Schedule

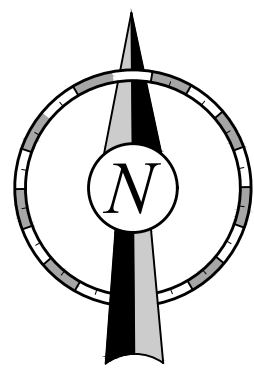
USE	SYMBOL	COMMON NAME <i>Botanical Name</i>	MINIMUM SIZE/ HEIGHT/SPREAD	QUANTITIES	COMMENTS
SHRUBS	○	LOROPETALUM (CHINESE FRINGE FLOWER) <i>Loropetalum chinense var. rubrum</i>	HEIGHT/SPREAD RATIO = 3:2 15"Ø X 10" HT MIN	0	SEE LANDSCAPE PLAN AND ASSOCIATED DETAILS FOR LANDSCAPE BED LOCATIONS AND SHRUB SPACING
	○	NEEDLE POINT HOLLY <i>Ilex Cornuta "Needle Point"</i>	HEIGHT/SPREAD RATIO = 3:2 24"Ø X 16" HT MIN	144	
TREES	⊗	CRAPE MYRTLE <i>Lagerstroemia Indica</i>	3" CALIPER (TOTAL) 6' HT	8	SEE LANDSCAPE PLAN AND ASSOCIATED DETAILS FOR TREE PLACEMENT, AND PLANTING SPECIFICATIONS
	⊗	SHUMMARD RED OAK <i>Quercus Shumardii</i> (SOUTHERN VARIETY)	6" CALIPER 12' HT	8	CONTRACTOR TO VERIFY TREE TYPE, LOCATION, SIZE, HEIGHT, AND SPREAD WITH OT REPRESENTATIVE PRIOR TO INSTALLATION
MISC	▨	TIFWAY 419 BERMUDA SOD	15,278	S.F.	
	▨	BERMUDA SEED	0	S.F.	

### LANDSCAPE REQUIREMENTS

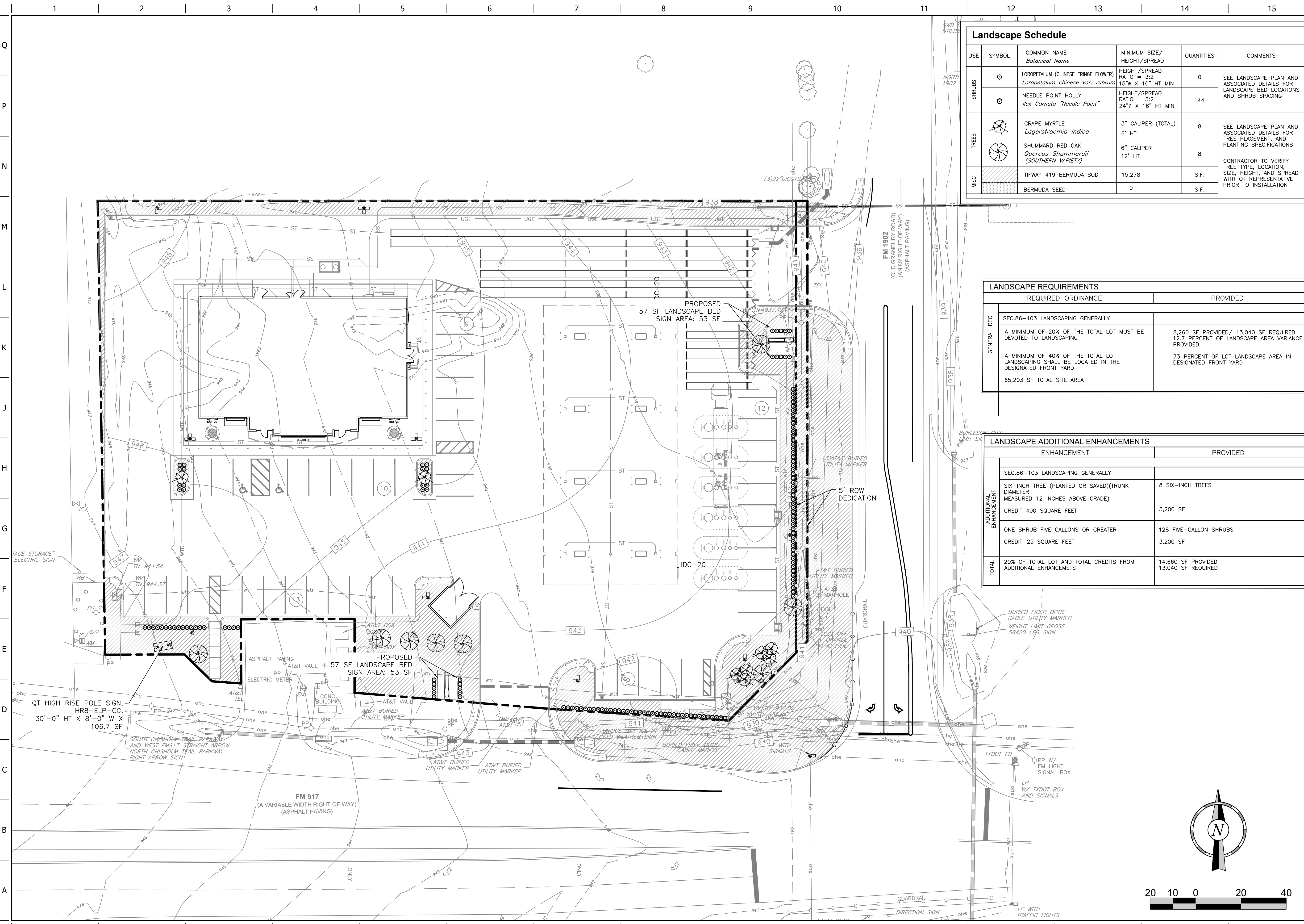
REQUIRED ORDINANCE		PROVIDED
SEC.86-103 LANDSCAPING GENERALLY		
GENERAL REQ	A MINIMUM OF 20% OF THE TOTAL LOT MUST BE DEVOTED TO LANDSCAPING	8,260 SF PROVIDED/ 13,040 SF REQUIRED 12.7 PERCENT OF LANDSCAPE AREA VARIANCE PROVIDED
	A MINIMUM OF 40% OF THE TOTAL LOT LANDSCAPING SHALL BE LOCATED IN THE DESIGNATED FRONT YARD	73 PERCENT OF LOT LANDSCAPE AREA IN DESIGNATED FRONT YARD
65,203 SF TOTAL SITE AREA		

### LANDSCAPE ADDITIONAL ENHANCEMENTS

ENHANCEMENT		PROVIDED
SEC.86-103 LANDSCAPING GENERALLY		
ADDITIONAL ENHANCEMENT	SIX-INCH TREE (PLANTED OR SAVED)(TRUNK DIAMETER MEASURED 12 INCHES ABOVE GRADE)	8 SIX-INCH TREES
	CREDIT 400 SQUARE FEET	3,200 SF
ADDITIONAL ENHANCEMENT	ONE SHRUB FIVE GALLONS OR GREATER	128 FIVE-GALLON SHRUBS
	CREDIT-25 SQUARE FEET	3,200 SF
TOTAL	20% OF TOTAL LOT AND TOTAL CREDITS FROM ADDITIONAL ENHANCEMENTS	14,660 SF PROVIDED 13,040 SF REQUIRED



20 10 0 20 40





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## City Council Regular Meeting

**DEPARTMENT:** Legal & Purchasing

**FROM:** Matt Ribitzki, Deputy City Attorney/Compliance Manager

**MEETING:** September 5, 2023

---

**SUBJECT:**

Hold a public hearing on the Fiscal Year 2023-2024 proposed annual budget. This budget will raise more property taxes than last year's budget by an amount of \$2,134,839, which is an 8.8 percent increase, and of that amount \$1,485,617 is tax revenue to be raised from new property added to the tax roll this year. *(Staff Presenter: John Butkus, Assistant Finance Director)*

**SUMMARY:**

On August 9, 2023, the city manager filed the proposed annual budget for Fiscal Year 2023-2024. On that same day, the city manager delivered a copy of the proposed budget to the city council. At the August 15, 2023, special city council meeting, the city manager presented the proposed budget to the council and members of the public. This agenda item is hold a public hearing and allow members of the public to address the city council regarding the city's proposed annual budget for Fiscal Year 2023-2024.

# CITY OF BURLESON

## NOTICE OF PUBLIC HEARING NOTICE

**NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS, THAT:**

The City Council of the City of Burleson, Texas will convene a public hearing to hear comments from the public regarding the proposed Annual Budget for Fiscal Year 2023-2024 on Tuesday, September 5, 2023, at 5:30 p.m. at City Hall, 141 W. Renfro St, Burleson, Texas.

This budget will raise more revenue from property taxes than last year's budget by an amount of \$2,134,839, which is a 8.8



percent increase, and of that amount \$1,485,617 is tax revenue to be raised from new property added to the tax roll this year.

A copy of the proposed Annual Budget is on file with the City Secretary for public review and inspection. The City Secretary's office is located at City Hall, 141 W. Renfro St, Burleson, Texas, and is open from 8:00 am to 5:00 pm Monday through Friday. A copy of the proposed Annual Budget is also available on the City of Burleson's website ([www.burlesontx.com](http://www.burlesontx.com)).

**OPTIONS:**

n/a

**RECOMMENDATION:**

n/a

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

At the August 15, 2023, special city council meeting, the city manager presented the proposed budget to the council and members of the public.

At the same meeting the city council set the date and time of the public hearing on the proposed budget for September 5, 2023.

**FISCAL IMPACT:**

n/a

**STAFF CONTACT:**

Matt Ribitzki  
Deputy City Attorney/Compliance Manager  
[mribitzki@burlesontx.com](mailto:mribitzki@burlesontx.com)  
817-426-9664



# Proposed Budget FY2024 Tax Rate and Related Ordinances

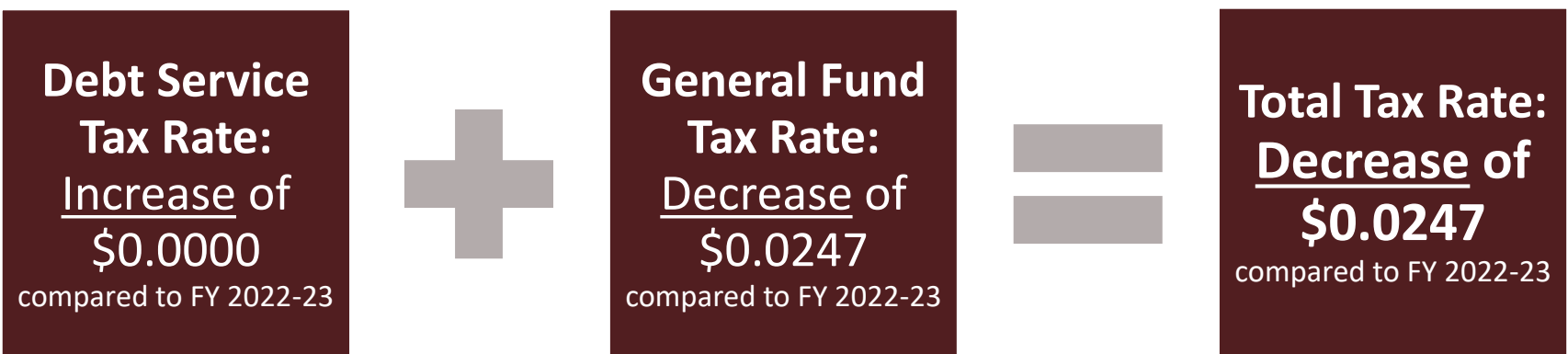
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*PRESENTED TO THE CITY COUNCIL ON SEPTEMBER 5, 2023*

# Assumptions for General Fund

## Assessed Value Increases

- FY 2025-28: Assumes 3.5% growth of existing properties and 2% new improvements
- FY 2025-26: Assumes an additional 1% homestead exemption each year.



Sales Tax		
FY 2023: Assumes 6%	↑	FY 2024 Proposed: Assumes 3% increase
		↑
		FY 2025-2028: Assumes 3% increase
		↑

# Tax Rate History

Tax Year	GF Rate	Debt Rate	Total Rate	Decrease \$0.0247
Proposed FY2023-24	\$0.4402	\$0.1923	\$0.6325	
FY2022-23	\$0.4649	\$0.1923	\$0.6572	
FY2021-22	\$0.4974	\$0.1885	\$0.6859	
FY2020-21	\$0.5187	\$0.1924	\$0.7111	
FY2019-20	\$0.5106	\$0.2094	\$0.7200	
FY2018-19	\$0.5228	\$0.2122	\$0.7350	
FY2017-18	\$0.5228	\$0.2122	\$0.7350	
FY2016-17	\$0.5228	\$0.2122	\$0.7350	
FY2015-16	\$0.5278	\$0.2122	\$0.7400	
FY2014-15	\$0.5278	\$0.2122	\$0.7400	
FY2013-14	\$0.5278	\$0.1622	\$0.6900	

# Average Home Value

---

Fiscal Year	Average Home Value	Tax Rate	Tax Levy	Homestead	Net Tax Bill
FY 2023	\$253,812	\$0.6572	\$1,668.05	(\$33.36)	\$1,634.69
FY 2024	\$282,966	\$0.6325	\$1,789.76	(\$53.69)	\$1,736.08
Net Difference	\$29,154	(\$0.0247)	\$121.71	\$20.33	\$101.39

- Monthly net tax bill increase of \$8.45 per month.

# Summary of Assumptions

	FY 24	FY 25	FY 26	FY 27	FY 28
Tax Levy	3.5%	3.5%	3.5%	3.5%	3.5%
New Construction Growth	2%	2%	2%	2%	2%
Sales Tax Growth	3%	3%	3%	3%	3%
Compensation	3.5%	3.0%	3.0%	3.0%	3.0%
Cash Funding – Capital Projects	\$1.4M	\$.64K	\$.88K	\$1.38M	\$0
Future Bond Sales	\$93.7M	\$74.5M	\$40.92M	\$15.93M	\$22.0M

# Water/Wastewater

---

Key issues in the development of the budget:

Projects	Capital Improvement Program	Rates
<ul style="list-style-type: none"><li>• Water Line Rehabilitation \$2.0M</li><li>• Hulen Ground Storage Tank Rehabilitation \$1.4M</li><li>• Sewer Line Rehabilitation \$3.0M</li></ul>	<ul style="list-style-type: none"><li>• \$9 million bond issue proposed in FY 2023/24</li><li>• 5 year Capital Improvement Plan 2024-2028:<ul style="list-style-type: none"><li>• Water - \$48.8 million</li><li>• Sewer - \$33.7 million</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Propose 3 percent for both water and sewer in FY 2024</li></ul>

# Water Rates -3% increase

Section 1		
The base water rates per meter size shall be as follow:		
	Current	Proposed
3/4	\$15.56	\$16.03
1	\$22.41	\$23.08
1.5	\$42.19	\$43.46
2	\$62.18	\$64.05
3	\$149.55	\$154.04
4	\$249.26	\$256.74
6	\$497.41	\$512.33
8	\$745.56	\$767.93
10	\$991.51	\$1,021.26
12	\$1,144.90	\$1,179.25

Section 2		
In addition to the base water rate per meter size, the water rates for all areas of the City are as follows.		
1 gallon to 10,000 gallons Meter Size	Current	Proposed
All	\$4.76/1000 gallons	\$4.90/1000 gallons
10,001-20,000 gallons Meter Size		
All	\$5.75/1000 gallons	\$5.92/1000 gallons
Over 20,000 gallons Meter Size		
All	\$6.57/1000 gallons	\$6.57/1000 gallons
Gas Well Drilling Meter Size		
All	\$13.55	\$13.96



# Wastewater Rates -3% increase

Section 3		
The base wastewater rate shall be as follows:		
	Current	Proposed
	\$19.16	\$19.73
Residential		
Residential wastewater volume will be determined as the average of water consumption billed in the months of January, February, and March up to a maximum of 12,000 gallons. If a customer has not established an average for these three months, wastewater volume will be determined as the citywide residential average for those months.		
The rate applied to this volume will be		
	Current	Proposed
	\$5.32/1,000 gallons	\$5.48/1,000 gallons
Maximum wastewater charge to residential customers using wastewater service only:		
Max	\$83.00	\$85.49
Commercial		
All usage	\$5.32	\$5.48
Abnormal Sewage Surcharge- rated determined by City of Fort Worth		
	Current	Proposed
Biochemical Oxygen Demand (BOD)	\$0.4407 per pound	\$0.5478 per pound
Total Suspended Solids (TSS)	\$0.2649 per pound	\$0.3175 per pound

# Solid Waste Fund

Revenues	
Projected 20% fee increase for FY 24 – \$3.64 per residential account	
Projected 10% fee increase for FY 25	
Project a 3% fee increase in FY 26-28	
2.50% increase in growth for FY 23-24	
Expenditures	
Collection contract	FY24 projected cost - \$3 million
Recycling program	FY24 projected cost - \$522,000
Current contract expires in FY 2029	

# Solid Waste Rates -20% increase

Residential		
	Current	Proposed
Waste Collection	\$13.50	\$16.20
Recycling	\$2.50	\$3.00
Admin & Overhead	\$1.00	\$1.10
Franchise Fee	\$1.20	\$1.54
	\$18.20	\$21.84
Small Collection Business		
Base Rate	\$16.88	\$23.43
Admin & Overhead	\$3.50	\$1.10
Franchise Fee	\$1.62	\$1.87
	\$22.00	\$26.40
Major Collection		
Base Rate	\$28.42	\$35.38
Admin & Overhead	\$1.91	\$1.10
Franchise Fee	\$2.43	\$2.83
	\$32.76	\$39.31

# Total Expenditure Budget by Fund

(in millions)

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FUND	FY22-23 ESTIMATE	FY23-24 PROPOSED	VARIANCE
GENERAL FUND	\$ 57.7	\$ 60.2	\$ 2.5
DEBT SERVICE	7.7	8.6	0.9
WATER AND WASTEWATER	26.7	28.0	1.3
SOLID WASTE	4.1	4.3	0.2
HIDDEN CREEK GOLF COURSE	3.8	3.4	(0.4)
PARKS PERFORMANCE	5.5	5.7	0.2
4A SALES TAX	3.8	9.1	5.3
4B SALES TAX	9.5	8.1	(1.4)
CAPITAL PROJECTS	68.3	97.4	29.1
OTHER FUNDS	29.2	31.0	1.8
<b>TOTAL</b>	<b>\$ 216.3</b>	<b>\$ 255.9</b>	<b>\$ 39.6</b>

# Fee Schedule Ordinance

- Recent fee schedule updates
  - Cemetery Fees – approved by Council on August 15, 2023
  - Development Engineering Review and Inspection Fees (In response to HB3492), approved by Council August 21, 2023
  - Short Term Rental – approved by Council on May 1, 2023

# Next Steps

---

## **September 11**

Special City Council meeting. Final reading of the ordinances to approve the budget and tax rate

# Action Requested

---

## Approve or Deny the following ordinances:

- FY2023-24 Budget – October 1, 2023 – September 30, 2024
- Levying the property tax for tax year 2023 taxable values and adopting the property tax rate of \$0.6325 per \$100 value
- Approving Tax Year 2023 tax roll
- Approving the FY2023-2024 schedule of fees
- Establishing the FY2023-2024 rates for water and wastewater services (3% increase)
- Establishing the FY2023-2024 rates for solid waste services (20%)
- Approving a 3% residential homestead exemption for Tax Year 2024 to be effective October 1, 2024 for FY2024-2025

# QUESTIONS/COMMENTS



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## City Council Regular Meeting

**DEPARTMENT:** Legal & Purchasing

**FROM:** Matt Ribitzki, Deputy City Attorney/Compliance Manager

**MEETING:** September 5, 2023

---

**SUBJECT:**

Hold a public hearing on the proposed ad valorem tax rate for Tax Year 2023. The proposed tax rate is \$0.6325 per \$100 valuation. The proposed tax rate exceeds the no-new-revenue tax rate. (*Staff Presenter: John Butkus, Assistant Finance Director*)

**SUMMARY:**

On August 9, 2023, the city manager filed the proposed annual budget for Fiscal Year 2023-2024. On that same day, the city manager delivered a copy of the proposed budget to the city council. At the August 15, 2023, special city council meeting, the city manager presented the proposed budget to the council and members of the public. This agenda item is to hold a public hearing and allow members of the public to address the city council regarding the city's proposed annual budget for Fiscal Year 2023-2024.

# NOTICE OF PUBLIC HEARING ON TAX INCREASE

A tax rate of \$0.6325 per \$100 valuation has been proposed by the governing body of City of Burleson.

Proposed Tax Rate	\$0.6325 per \$100
No-New-Revenue Tax Rate	\$0.5936 per \$100
Voters-Approval Tax Rate	\$0.6724 per \$100

The no-new-revenue tax rate is the tax rate for the 2023 tax year that will raise the same amount of property tax revenue for the City of Burleson from the same properties in both the 2022 tax year and the 2023 tax year.

The voter-approval tax rate is the highest tax rate that City of Burleson may adopt without holding an election to seek voter approval of the rate.

The proposed tax rate is greater than the no-new-revenue tax rate. This means that City of Burleson is proposing to increase property taxes for the 2023 tax year.

## A PUBLIC HEARING ON THE PROPOSED TAX RATE WILL BE HELD ON September 5, 2023 at 5:30 pm at City Hall, 141 W. Renfro, Burleson, Texas 76028.

The proposed tax rate is not greater than the voter-approval tax rate. As a result, City of Burleson is not required to hold an election at which voters may accept or reject the proposed tax rate. However, you may express your support for or opposition to the proposed tax rate by contacting members of the City Council of the City of Burleson at their offices or by attending the public hearing mentioned above.

YOUR TAXES OWED UNDER ANY OF THE TAX RATES MENTIONED ABOVE CAN BE CALCULATED AS FOLLOWS:

Property tax amount = tax rate x taxable value of your property / 100

List of names of all members of the governing body below, showing how each voted on the proposal to consider the tax increase or, if one or more were absent, indicating absences

**FOR: Chris Fletcher, Victoria Johnson, Phil Anderson, Ronnie Johnson, Larry Scott, Dan McClendon, and Adam Russell**

**AGAINST: n/a**

**PRESENT and not voting: n/a**

**ABSENT: n/a**

Visit [Texas.gov/PropertyTaxes](https://www.texas.gov/PropertyTaxes) to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information about proposed tax rates and scheduled public hearings of each entity that taxes your property.

The 86<sup>th</sup> Legislature modified the manner in which voter approval tax rate is calculated to limit the rate of growth of the property taxes in the state.

The following table compares the taxes imposed on the average residence homestead by City of Burleson last year to the taxes proposed to be imposed on the average residence homestead this year:

	2022	2023	Change
Total Tax Rate (per \$100 value)	\$0.6572	\$0.6325	Decrease of \$0.0247 or 3.76%
Average homestead taxable value	\$253,812	\$282,996	Increase of 11.50%
Tax on average homestead	\$1,668	\$1,790	Increase of \$122 or 7.31%
Total tax levy on all properties	\$29,492,329	\$32,535,829	Increase of \$3,043,500 or 10.32%

For assistance with tax calculation, please contact the tax assessor for the City of Burleson at 817-558-0122 or [jcto@johnsoncountytexas.org](mailto:jcto@johnsoncountytexas.org) or [www.johnsoncountytaxoffice.org](http://www.johnsoncountytaxoffice.org).

**OPTIONS:**

n/a

**RECOMMENDATION:**

n/a

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

At the August 15, 2023, special city council meeting, the city manager presented the proposed budget to the council and members of the public.

At the same meeting the city council approved a resolution proposing a 2023 tax rate of \$0.6325 per \$100 value and set the date and time of the public hearing on the proposed tax rate for September 5, 2023.

**FISCAL IMPACT:**

n/a

**STAFF CONTACT:**

Matt Ribitzki  
Deputy City Attorney/Compliance Manager  
[mribitzki@burlesontx.com](mailto:mribitzki@burlesontx.com)  
817-426-9664



# Proposed Budget FY2024 Tax Rate and Related Ordinances

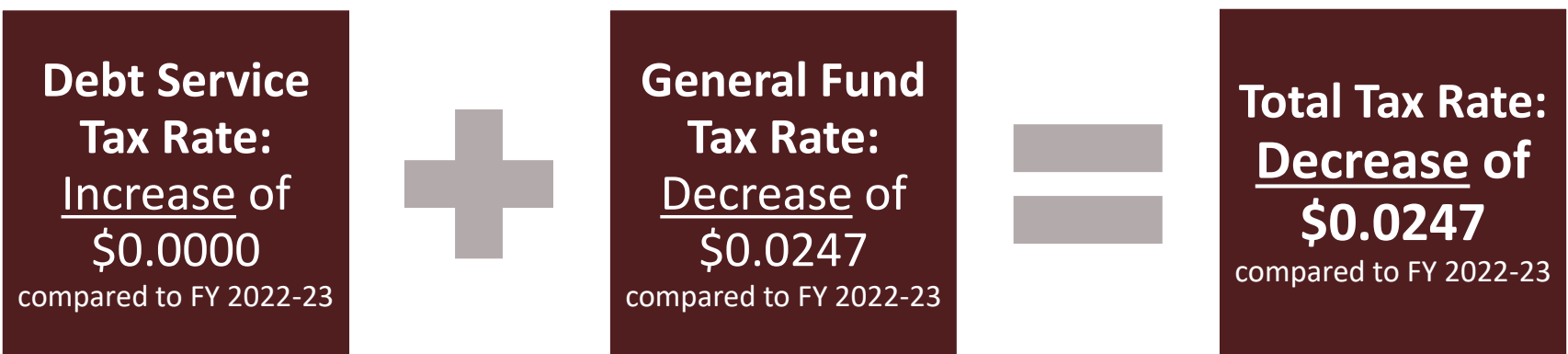
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*PRESENTED TO THE CITY COUNCIL ON SEPTEMBER 5, 2023*

# Assumptions for General Fund

## Assessed Value Increases

- FY 2025-28: Assumes 3.5% growth of existing properties and 2% new improvements
- FY 2025-26: Assumes an additional 1% homestead exemption each year.



Sales Tax		
FY 2023: Assumes 6%	↑	FY 2024 Proposed: Assumes 3% increase
		↑
		FY 2025-2028: Assumes 3% increase
		↑

# Tax Rate History

Tax Year	GF Rate	Debt Rate	Total Rate	
Proposed FY2023-24	\$0.4402	\$0.1923	\$0.6325	Decrease \$0.0247
FY2022-23	\$0.4649	\$0.1923	\$0.6572	
FY2021-22	\$0.4974	\$0.1885	\$0.6859	
FY2020-21	\$0.5187	\$0.1924	\$0.7111	
FY2019-20	\$0.5106	\$0.2094	\$0.7200	
FY2018-19	\$0.5228	\$0.2122	\$0.7350	
FY2017-18	\$0.5228	\$0.2122	\$0.7350	
FY2016-17	\$0.5228	\$0.2122	\$0.7350	
FY2015-16	\$0.5278	\$0.2122	\$0.7400	
FY2014-15	\$0.5278	\$0.2122	\$0.7400	
FY2013-14	\$0.5278	\$0.1622	\$0.6900	

# Average Home Value

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Fiscal Year	Average Home Value	Tax Rate	Tax Levy	Homestead	Net Tax Bill
FY 2023	\$253,812	\$0.6572	\$1,668.05	(\$33.36)	\$1,634.69
FY 2024	\$282,966	\$0.6325	\$1,789.76	(\$53.69)	\$1,736.08
Net Difference	\$29,154	(\$0.0247)	\$121.71	\$20.33	\$101.39

- Monthly net tax bill increase of \$8.45 per month.

# Summary of Assumptions

	FY 24	FY 25	FY 26	FY 27	FY 28
Tax Levy	3.5%	3.5%	3.5%	3.5%	3.5%
New Construction Growth	2%	2%	2%	2%	2%
Sales Tax Growth	3%	3%	3%	3%	3%
Compensation	3.5%	3.0%	3.0%	3.0%	3.0%
Cash Funding – Capital Projects	\$1.4M	\$.64K	\$.88K	\$1.38M	\$0
Future Bond Sales	\$93.7M	\$74.5M	\$40.92M	\$15.93M	\$22.0M



# Water/Wastewater

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Key issues in the development of the budget:

Projects	Capital Improvement Program	Rates
<ul style="list-style-type: none"><li>• Water Line Rehabilitation \$2.0M</li><li>• Hulen Ground Storage Tank Rehabilitation \$1.4M</li><li>• Sewer Line Rehabilitation \$3.0M</li></ul>	<ul style="list-style-type: none"><li>• \$9 million bond issue proposed in FY 2023/24</li><li>• 5 year Capital Improvement Plan 2024-2028:<ul style="list-style-type: none"><li>• Water - \$48.8 million</li><li>• Sewer - \$33.7 million</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Propose 3 percent for both water and sewer in FY 2024</li></ul>

# Water Rates -3% increase

Section 1		
The base water rates per meter size shall be as follow:		
	Current	Proposed
3/4	\$15.56	\$16.03
1	\$22.41	\$23.08
1.5	\$42.19	\$43.46
2	\$62.18	\$64.05
3	\$149.55	\$154.04
4	\$249.26	\$256.74
6	\$497.41	\$512.33
8	\$745.56	\$767.93
10	\$991.51	\$1,021.26
12	\$1,144.90	\$1,179.25

Section 2		
In addition to the base water rate per meter size, the water rates for all areas of the City are as follows.		
1 gallon to 10,000 gallons Meter Size	Current	Proposed
All	\$4.76/1000 gallons	\$4.90/1000 gallons
10,001-20,000 gallons Meter Size		
All	\$5.75/1000 gallons	\$5.92/1000 gallons
Over 20,000 gallons Meter Size		
All	\$6.57/1000 gallons	\$6.57/1000 gallons
Gas Well Drilling Meter Size		
All	\$13.55	\$13.96

# Wastewater Rates -3% increase

Section 3		
The base wastewater rate shall be as follows:		
	Current	Proposed
	\$19.16	\$19.73
Residential		
Residential wastewater volume will be determined as the average of water consumption billed in the months of January, February, and March up to a maximum of 12,000 gallons. If a customer has not established an average for these three months, wastewater volume will be determined as the citywide residential average for those months.		
The rate applied to this volume will be		
	Current	Proposed
	\$5.32/1,000 gallons	\$5.48/1,000 gallons
Maximum wastewater charge to residential customers using wastewater service only:		
Max	\$83.00	\$85.49
Commercial		
All usage	\$5.32	\$5.48
Abnormal Sewage Surcharge- rated determined by City of Fort Worth		
	Current	Proposed
Biochemical Oxygen Demand (BOD)	\$0.4407 per pound	\$0.5478 per pound
Total Suspended Solids (TSS)	\$0.2649 per pound	\$0.3175 per pound

# Solid Waste Fund

## Revenues

Projected 20% fee increase for FY 24 – \$3.64 per residential account  
Projected 10% fee increase for FY 25  
Project a 3% fee increase in FY 26-28

2.50% increase in growth for FY 23-24

## Expenditures

Collection contract	FY24 projected cost - \$3 million
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Recycling program	FY24 projected cost - \$522,000
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Current contract expires in FY 2029

# Solid Waste Rates -20% increase

Residential		
	Current	Proposed
Waste Collection	\$13.50	\$16.20
Recycling	\$2.50	\$3.00
Admin & Overhead	\$1.00	\$1.10
Franchise Fee	\$1.20	\$1.54
	\$18.20	\$21.84
Small Collection Business		
Base Rate	\$16.88	\$23.43
Admin & Overhead	\$3.50	\$1.10
Franchise Fee	\$1.62	\$1.87
	\$22.00	\$26.40
Major Collection		
Base Rate	\$28.42	\$35.38
Admin & Overhead	\$1.91	\$1.10
Franchise Fee	\$2.43	\$2.83
	\$32.76	\$39.31

# Total Expenditure Budget by Fund

(in millions)

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FUND	FY22-23 ESTIMATE	FY23-24 PROPOSED	VARIANCE
GENERAL FUND	\$ 57.7	\$ 60.2	\$ 2.5
DEBT SERVICE	7.7	8.6	0.9
WATER AND WASTEWATER	26.7	28.0	1.3
SOLID WASTE	4.1	4.3	0.2
HIDDEN CREEK GOLF COURSE	3.8	3.4	(0.4)
PARKS PERFORMANCE	5.5	5.7	0.2
4A SALES TAX	3.8	9.1	5.3
4B SALES TAX	9.5	8.1	(1.4)
CAPITAL PROJECTS	68.3	97.4	29.1
OTHER FUNDS	29.2	31.0	1.8
<b>TOTAL</b>	<b>\$ 216.3</b>	<b>\$ 255.9</b>	<b>\$ 39.6</b>

# Fee Schedule Ordinance

- Recent fee schedule updates
  - Cemetery Fees – approved by Council on August 15, 2023
  - Development Engineering Review and Inspection Fees (In response to HB3492), approved by Council August 21, 2023
  - Short Term Rental – approved by Council on May 1, 2023

# Next Steps

---

## **September 11**

Special City Council meeting. Final reading of the ordinances to approve the budget and tax rate



# Action Requested

---

## Approve or Deny the following ordinances:

- FY2023-24 Budget – October 1, 2023 – September 30, 2024
- Levying the property tax for tax year 2023 taxable values and adopting the property tax rate of \$0.6325 per \$100 value
- Approving Tax Year 2023 tax roll
- Approving the FY2023-2024 schedule of fees
- Establishing the FY2023-2024 rates for water and wastewater services (3% increase)
- Establishing the FY2023-2024 rates for solid waste services (20%)
- Approving a 3% residential homestead exemption for Tax Year 2024 to be effective October 1, 2024 for FY2024-2025

# QUESTIONS/COMMENTS

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## City Council Regular Meeting

**DEPARTMENT:** Legal & Purchasing

**FROM:** Matt Ribitzki, Deputy City Attorney/Compliance Manager

**MEETING:** September 5, 2023

---

**SUBJECT:**

Consider approval of an ordinance adopting the budget for Fiscal Year 2023-2024 beginning October 1, 2023, and terminating September 30, 2024, and making appropriations for each fund; repealing conflicting ordinances; providing a savings clause and an effective date; and finding that the meeting at which this ordinance is passed is open to the public. This budget will raise more property taxes than last year's budget by an amount of \$2,134,839, which is an 8.8 percent increase, and of that amount \$1,485,617 is tax revenue to be raised from new property added to the tax roll this year. (First Reading) *(Staff Presenter: John Butkus, Assistant Finance Director)*

**SUMMARY:**

On August 9, 2023, the city manager filed the proposed annual budget for Fiscal Year 2023-2024. On that same day, the city manager delivered a copy of the proposed budget to the city council. At the August 15, 2023, special city council meeting, the city manager presented the proposed budget to the council and members of the public.

**OPTIONS:**

Approve the ordinance, approve the ordinance with modifications, or deny the ordinance

**RECOMMENDATION:**

Approve the ordinance

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

At the August 15, 2023, special city council meeting, the city manager presented the proposed budget to the council and members of the public.

**FISCAL IMPACT:**

n/a

**STAFF CONTACT:**

Matt Ribitzki  
Deputy City Attorney/Compliance Manager  
[mribitzki@burlesontx.com](mailto:mribitzki@burlesontx.com)  
817-426-9664



# Proposed Budget FY2024 Tax Rate and Related Ordinances

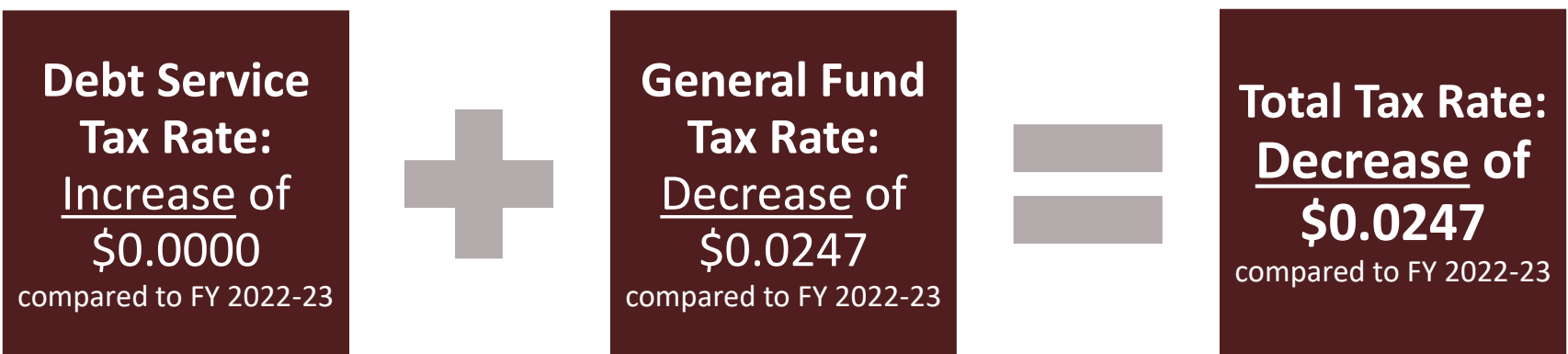
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*PRESENTED TO THE CITY COUNCIL ON SEPTEMBER 5, 2023*

# Assumptions for General Fund

## Assessed Value Increases

- FY 2025-28: Assumes 3.5% growth of existing properties and 2% new improvements
- FY 2025-26: Assumes an additional 1% homestead exemption each year.



Sales Tax		
FY 2023: Assumes 6%	↑	FY 2024 Proposed: Assumes 3% increase
		↑
		FY 2025-2028: Assumes 3% increase
		↑

# Tax Rate History

Tax Year	GF Rate	Debt Rate	Total Rate	Decrease \$0.0247
Proposed FY2023-24	\$0.4402	\$0.1923	\$0.6325	
FY2022-23	\$0.4649	\$0.1923	\$0.6572	
FY2021-22	\$0.4974	\$0.1885	\$0.6859	
FY2020-21	\$0.5187	\$0.1924	\$0.7111	
FY2019-20	\$0.5106	\$0.2094	\$0.7200	
FY2018-19	\$0.5228	\$0.2122	\$0.7350	
FY2017-18	\$0.5228	\$0.2122	\$0.7350	
FY2016-17	\$0.5228	\$0.2122	\$0.7350	
FY2015-16	\$0.5278	\$0.2122	\$0.7400	
FY2014-15	\$0.5278	\$0.2122	\$0.7400	
FY2013-14	\$0.5278	\$0.1622	\$0.6900	

# Average Home Value

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Fiscal Year	Average Home Value	Tax Rate	Tax Levy	Homestead	Net Tax Bill
FY 2023	\$253,812	\$0.6572	\$1,668.05	(\$33.36)	\$1,634.69
FY 2024	\$282,966	\$0.6325	\$1,789.76	(\$53.69)	\$1,736.08
Net Difference	\$29,154	(\$0.0247)	\$121.71	\$20.33	\$101.39

- Monthly net tax bill increase of \$8.45 per month.



# Summary of Assumptions

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Tax Levy	3.5%	3.5%	3.5%	3.5%	3.5%
New Construction Growth	2%	2%	2%	2%	2%
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Compensation	3.5%	3.0%	3.0%	3.0%	3.0%
Cash Funding – Capital Projects	\$1.4M	\$.64K	\$.88K	\$1.38M	\$0
Future Bond Sales	\$93.7M	\$74.5M	\$40.92M	\$15.93M	\$22.0M

# Water/Wastewater

---

Key issues in the development of the budget:

Projects	Capital Improvement Program	Rates
<ul style="list-style-type: none"><li>• Water Line Rehabilitation \$2.0M</li><li>• Hulen Ground Storage Tank Rehabilitation \$1.4M</li><li>• Sewer Line Rehabilitation \$3.0M</li></ul>	<ul style="list-style-type: none"><li>• \$9 million bond issue proposed in FY 2023/24</li><li>• 5 year Capital Improvement Plan 2024-2028:<ul style="list-style-type: none"><li>• Water - \$48.8 million</li><li>• Sewer - \$33.7 million</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Propose 3 percent for both water and sewer in FY 2024</li></ul>

# Water Rates -3% increase

Section 1		
The base water rates per meter size shall be as follow:		
	Current	Proposed
3/4	\$15.56	\$16.03
1	\$22.41	\$23.08
1.5	\$42.19	\$43.46
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Section 2		
In addition to the base water rate per meter size, the water rates for all areas of the City are as follows.		
	Current	Proposed
1 gallon to 10,000 gallons		
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All	\$4.76/1000 gallons	\$4.90/1000 gallons
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Abnormal Sewage Surcharge- rated determined by City of Fort Worth		
	Current	Proposed
Biochemical Oxygen Demand (BOD)	\$0.4407 per pound	\$0.5478 per pound
Total Suspended Solids (TSS)	\$0.2649 per pound	\$0.3175 per pound

# Solid Waste Fund

## Revenues

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Projected 10% fee increase for FY 25  
Project a 3% fee increase in FY 26-28

2.50% increase in growth for FY 23-24

## Expenditures

Collection contract	FY24 projected cost - \$3 million
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Recycling program	FY24 projected cost - \$522,000
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Current contract expires in FY 2029

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Base Rate	\$28.42	\$35.38
Admin & Overhead	\$1.91	\$1.10
Franchise Fee	\$2.43	\$2.83
	\$32.76	\$39.31

# Total Expenditure Budget by Fund

(in millions)

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FUND	FY22-23 ESTIMATE	FY23-24 PROPOSED	VARIANCE
GENERAL FUND	\$ 57.7	\$ 60.2	\$ 2.5
DEBT SERVICE	7.7	8.6	0.9
WATER AND WASTEWATER	26.7	28.0	1.3
SOLID WASTE	4.1	4.3	0.2
HIDDEN CREEK GOLF COURSE	3.8	3.4	(0.4)
PARKS PERFORMANCE	5.5	5.7	0.2
4A SALES TAX	3.8	9.1	5.3
4B SALES TAX	9.5	8.1	(1.4)
CAPITAL PROJECTS	68.3	97.4	29.1
OTHER FUNDS	29.2	31.0	1.8
<b>TOTAL</b>	<b>\$ 216.3</b>	<b>\$ 255.9</b>	<b>\$ 39.6</b>

# Fee Schedule Ordinance

- Recent fee schedule updates
  - Cemetery Fees – approved by Council on August 15, 2023
  - Development Engineering Review and Inspection Fees (In response to HB3492), approved by Council August 21, 2023
  - Short Term Rental – approved by Council on May 1, 2023



# Next Steps

---

## **September 11**

Special City Council meeting. Final reading of the ordinances to approve the budget and tax rate

# Action Requested

---

## Approve or Deny the following ordinances:

- FY2023-24 Budget – October 1, 2023 – September 30, 2024
- Levying the property tax for tax year 2023 taxable values and adopting the property tax rate of \$0.6325 per \$100 value
- Approving Tax Year 2023 tax roll
- Approving the FY2023-2024 schedule of fees
- Establishing the FY2023-2024 rates for water and wastewater services (3% increase)
- Establishing the FY2023-2024 rates for solid waste services (20%)
- Approving a 3% residential homestead exemption for Tax Year 2024 to be effective October 1, 2024 for FY2024-2025

# QUESTIONS/COMMENTS

## ORDINANCE

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND TERMINATING SEPTEMBER 30, 2024, AND MAKING APPROPRIATIONS FOR EACH FUND; FINDING THE RECITALS ARE TRUE AND CORRECT; INSTRUCTING THE CITY MANAGER TO FILE THE BUDGET WITH THE COUNTY CLERK AND POST TO THE CITY WEBSITE; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, the City Manager of the City of Burleson, Texas (hereinafter referred to as the "City") has caused to be filed with the City Secretary a budget to cover all proposed expenditures of the government of the City for the fiscal year beginning October 1, 2023, and ending September 30, 2024, (hereinafter referred to as the "Budget"); and

**WHEREAS**, public notice of the public hearing on the Budget, stating the date, time, place and subject matter of said public hearing, was given as required by the City Charter and the laws of the State of Texas; and

**WHEREAS**, the notice of a public hearing on the Budget was published on August 24, 2023 in the *Fort Worth Star-Telegram*, which was not earlier than the 30th, or later than the 10<sup>th</sup> day before the date of the said public hearing; and

**WHEREAS**, other legal notices of the Budget and said public hearing were given in accordance with all applicable law; and

**WHEREAS**, the Burleson 4A Economic Development Corporation adopted the corporation's FY2023-2024 annual budget on August 15, 2023; and

**WHEREAS**, the City Council ratified the budget of the Burleson 4A Economic Development Corporation on September 5, 2023; and

**WHEREAS**, the Burleson Community Services Development Corporation adopted the corporation's FY2023-2024 annual budget on August 15, 2023; and

**WHEREAS**, the City Council ratified the budget of the Burleson Community Services Development Corporation on September 5, 2023; and

**WHEREAS**, the Tax Increment Reinvestment Zone Number Two, City of Burleson, Texas adopted the board's FY2023-2024 annual budget on August 15, 2023, by resolution; and

**WHEREAS**, such public hearing was held on September 5, 2023, prior approval of such date being hereby ratified and confirmed by the City Council, and all those wishing to

Speak on the Budget were heard; and

**WHEREAS**, the City Council has studied the Budget and listened to the comments of the taxpayers at the public hearing held therefore and has determined that the Budget attached hereto is in the best interest of the City.

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

### **Section 1**

That all of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

### **Section 2**

That the Budget attached hereto and incorporated herein for all purposes is adopted for the Fiscal Year beginning October 1, 2023, and ending September 30, 2024; and there is hereby appropriated from the funds indicated such projects, operations, activities, purchases and other expenditures as proposed in the Budget.

### **Section 3**

That, in accordance with state law, the City Manager shall file or cause to be filed a true and correct copy of the approved Budget, along with this ordinance, with the City Secretary and in the office of the County Clerk of Johnson and Tarrant County, Texas, and post a copy of the budget on the City's Internet website. The Budget shall contain a cover page with the information required by Local Government Code § 102.007(d).

### **Section 4**

That the distribution and division of the above-named appropriations is made at the fund level in the general fund and the water and sewer fund for the payment of operating expenses and capital outlay as set out in the municipal budget.

### **Section 5**

That at any time during the fiscal year, the City Manager may transfer part or all of any unencumbered appropriation balance among or between accounts within a fund. The City Council may, at the recommendation of the City Manager or on its own volition, transfer part or all of any unencumbered appropriation balance from one fund to another fund by ordinance or resolution.

### **Section 6**

That any and all ordinances, resolutions, rules, regulations, policies or provisions in conflict with the provisions of this Ordinance are hereby repealed and rescinded to the extent of conflict herewith.

### **Section 7**

That if any section, article , paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

### **Section 8**

That the necessity of adopting and approving a proposed budget for the next fiscal year as required by the laws of the State of Texas requires that this Ordinance shall take effect immediately from and after its passage, and it is accordingly so ordained.

### **Section 9**

That the City Council finds at that meeting adopting the Budget there was a quorum present and finds further that said meeting was held in accordance with the provisions of Texas Government Code § 551.001, et. seq.

### **Section 10**

The City Secretary is hereby directed to record this Ordinance and the vote to adopt the Budget.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**FIRST READING - SEPTEMBER 5, 2023**

**The motion to approve this Ordinance was made by \_\_\_\_\_**  
**and seconded by \_\_\_\_\_, and the Ordinance was passed**  
**and approved by the vote [AYE \_\_\_\_\_ - NAY \_\_\_\_\_]:**

	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Chris Fletcher, Mayor				
Victoria Johnson, Place 1				
Phil Anderson, Place 2				
Ronnie Johnson, Place 3				
Larry Scott, Place 4				
Dan McClendon, Place 5				
Adam Russell, Place 6				

**FINAL READING - SEPTEMBER 11, 2023**

The motion to approve this Ordinance was made by \_\_\_\_\_  
and seconded by \_\_\_\_\_, and the Ordinance was passed  
and approved by the vote [AYE \_\_\_\_\_ - NAY \_\_\_\_\_]:

	Ave	Nay	Abstain	Absent
Chris Fletcher, Mayor				
Victoria Johnson, Place 1				
Phil Anderson, Place 2				
Ronnie Johnson, Place 3				
Larry Scott, Place 4				
Dan McClendon, Place 5				
Adam Russell, Place 6				

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

ATTEST:

APPROVED AS TO FORM:

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

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

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## City Council Regular Meeting

**DEPARTMENT:** Legal & Purchasing

**FROM:** Matt Ribitzki, Deputy City Attorney/Compliance Manager

**MEETING:** September 5, 2023

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**SUBJECT:**

Consider approval of an ordinance levying the ad valorem property tax of the City of Burleson for Tax Year 2023 on all taxable property within the corporate limits of the city on January 1, 2023, and adopting a tax rate of \$0.6325 per \$100 of valuation for Tax Year 2023; providing for revenues for payment of current municipal maintenance and operation expenses and for payment of interest and principal on outstanding City of Burleson debt; providing for enforcement of collections; repealing conflicting ordinances; providing a savings clause and an effective date; and finding that the meeting at which this ordinance is passed is open to the public. The proposed tax rate exceeds the no-new-revenue tax rate. (First Reading) *(Staff Presenter: John Butkus, Assistant Finance Director)*

**SUMMARY:**

On August 9, 2023, the city manager filed the proposed annual budget for Fiscal Year 2023-2024. On that same day, the city manager delivered a copy of the proposed budget to the city council. At the August 15, 2023, special city council meeting, the city manager presented the proposed budget to the council and members of the public.

The proposed ordinance will adopt a tax rate of \$0.6325 per \$100 of valuation for Tax Year 2023.

**OPTIONS:**

Approve the ordinance, approve the ordinance with modifications, or deny the ordinance

**RECOMMENDATION:**

Approve the ordinance

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

At the August 15, 2023, special city council meeting, the city manager presented the proposed budget to the council and members of the public.



At the same meeting the city council approved a resolution proposing a 2023 tax rate of \$0.6325 per \$100 value and set the date and time of the public hearing on the proposed tax rate for September 5, 2023.

**FISCAL IMPACT:**

n/a

**STAFF CONTACT:**

Matt Ribitzki  
Deputy City Attorney/Compliance Manager  
[mribitzki@burlesontx.com](mailto:mribitzki@burlesontx.com)  
817-426-9664



# Proposed Budget FY2024 Tax Rate and Related Ordinances

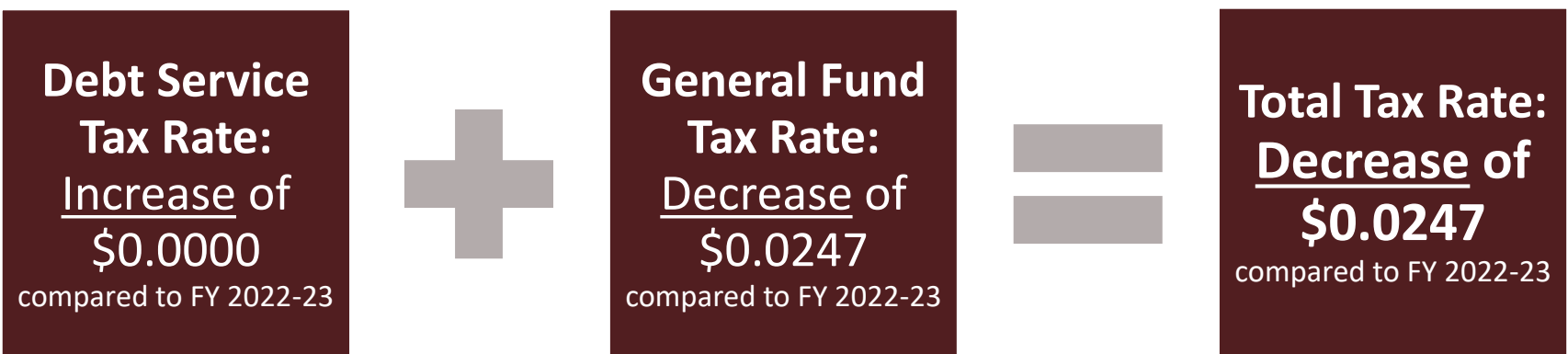
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*PRESENTED TO THE CITY COUNCIL ON SEPTEMBER 5, 2023*

# Assumptions for General Fund

## Assessed Value Increases

- FY 2025-28: Assumes 3.5% growth of existing properties and 2% new improvements
- FY 2025-26: Assumes an additional 1% homestead exemption each year.



Sales Tax		
FY 2023: Assumes 6%	↑	FY 2024 Proposed: Assumes 3% increase
		↑
		FY 2025-2028: Assumes 3% increase
		↑

# Tax Rate History

Tax Year	GF Rate	Debt Rate	Total Rate	
Proposed FY2023-24	\$0.4402	\$0.1923	\$0.6325	Decrease \$0.0247
FY2022-23	\$0.4649	\$0.1923	\$0.6572	
FY2021-22	\$0.4974	\$0.1885	\$0.6859	
FY2020-21	\$0.5187	\$0.1924	\$0.7111	
FY2019-20	\$0.5106	\$0.2094	\$0.7200	
FY2018-19	\$0.5228	\$0.2122	\$0.7350	
FY2017-18	\$0.5228	\$0.2122	\$0.7350	
FY2016-17	\$0.5228	\$0.2122	\$0.7350	
FY2015-16	\$0.5278	\$0.2122	\$0.7400	
FY2014-15	\$0.5278	\$0.2122	\$0.7400	
FY2013-14	\$0.5278	\$0.1622	\$0.6900	

# Average Home Value

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Fiscal Year	Average Home Value	Tax Rate	Tax Levy	Homestead	Net Tax Bill
FY 2023	\$253,812	\$0.6572	\$1,668.05	(\$33.36)	\$1,634.69
FY 2024	\$282,966	\$0.6325	\$1,789.76	(\$53.69)	\$1,736.08
Net Difference	\$29,154	(\$0.0247)	\$121.71	\$20.33	\$101.39

- Monthly net tax bill increase of \$8.45 per month.

# Summary of Assumptions

	FY 24	FY 25	FY 26	FY 27	FY 28
Tax Levy	3.5%	3.5%	3.5%	3.5%	3.5%
New Construction Growth	2%	2%	2%	2%	2%
Sales Tax Growth	3%	3%	3%	3%	3%
Compensation	3.5%	3.0%	3.0%	3.0%	3.0%
Cash Funding – Capital Projects	\$1.4M	\$.64K	\$.88K	\$1.38M	\$0
Future Bond Sales	\$93.7M	\$74.5M	\$40.92M	\$15.93M	\$22.0M

# Water/Wastewater

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Key issues in the development of the budget:

Projects	Capital Improvement Program	Rates
<ul style="list-style-type: none"><li>• Water Line Rehabilitation \$2.0M</li><li>• Hulen Ground Storage Tank Rehabilitation \$1.4M</li><li>• Sewer Line Rehabilitation \$3.0M</li></ul>	<ul style="list-style-type: none"><li>• \$9 million bond issue proposed in FY 2023/24</li><li>• 5 year Capital Improvement Plan 2024-2028:<ul style="list-style-type: none"><li>• Water - \$48.8 million</li><li>• Sewer - \$33.7 million</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Propose 3 percent for both water and sewer in FY 2024</li></ul>

# Water Rates -3% increase

Section 1		
The base water rates per meter size shall be as follow:		
	Current	Proposed
3/4	\$15.56	\$16.03
1	\$22.41	\$23.08
1.5	\$42.19	\$43.46
2	\$62.18	\$64.05
3	\$149.55	\$154.04
4	\$249.26	\$256.74
6	\$497.41	\$512.33
8	\$745.56	\$767.93
10	\$991.51	\$1,021.26
12	\$1,144.90	\$1,179.25

Section 2		
In addition to the base water rate per meter size, the water rates for all areas of the City are as follows.		
1 gallon to 10,000 gallons Meter Size	Current	Proposed
All	\$4.76/1000 gallons	\$4.90/1000 gallons
10,001-20,000 gallons Meter Size		
All	\$5.75/1000 gallons	\$5.92/1000 gallons
Over 20,000 gallons Meter Size		
All	\$6.57/1000 gallons	\$6.57/1000 gallons
Gas Well Drilling Meter Size		
All	\$13.55	\$13.96



# Wastewater Rates -3% increase

Section 3		
The base wastewater rate shall be as follows:		
	Current	Proposed
	\$19.16	\$19.73
Residential		
Residential wastewater volume will be determined as the average of water consumption billed in the months of January, February, and March up to a maximum of 12,000 gallons. If a customer has not established an average for these three months, wastewater volume will be determined as the citywide residential average for those months.		
The rate applied to this volume will be		
	Current	Proposed
	\$5.32/1,000 gallons	\$5.48/1,000 gallons
Maximum wastewater charge to residential customers using wastewater service only:		
Max	\$83.00	\$85.49
Commercial		
All usage	\$5.32	\$5.48
Abnormal Sewage Surcharge- rated determined by City of Fort Worth		
	Current	Proposed
Biochemical Oxygen Demand (BOD)	\$0.4407 per pound	\$0.5478 per pound
Total Suspended Solids (TSS)	\$0.2649 per pound	\$0.3175 per pound

# Solid Waste Fund

## Revenues

Projected 20% fee increase for FY 24 – \$3.64 per residential account  
Projected 10% fee increase for FY 25  
Project a 3% fee increase in FY 26-28

2.50% increase in growth for FY 23-24

## Expenditures

Collection contract	FY24 projected cost - \$3 million
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Recycling program	FY24 projected cost - \$522,000
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Current contract expires in FY 2029

# Solid Waste Rates -20% increase

Residential		
	Current	Proposed
Waste Collection	\$13.50	\$16.20
Recycling	\$2.50	\$3.00
Admin & Overhead	\$1.00	\$1.10
Franchise Fee	\$1.20	\$1.54
	\$18.20	\$21.84
Small Collection Business		
Base Rate	\$16.88	\$23.43
Admin & Overhead	\$3.50	\$1.10
Franchise Fee	\$1.62	\$1.87
	\$22.00	\$26.40
Major Collection		
Base Rate	\$28.42	\$35.38
Admin & Overhead	\$1.91	\$1.10
Franchise Fee	\$2.43	\$2.83
	\$32.76	\$39.31

# Total Expenditure Budget by Fund

(in millions)

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FUND	FY22-23 ESTIMATE	FY23-24 PROPOSED	VARIANCE
GENERAL FUND	\$ 57.7	\$ 60.2	\$ 2.5
DEBT SERVICE	7.7	8.6	0.9
WATER AND WASTEWATER	26.7	28.0	1.3
SOLID WASTE	4.1	4.3	0.2
HIDDEN CREEK GOLF COURSE	3.8	3.4	(0.4)
PARKS PERFORMANCE	5.5	5.7	0.2
4A SALES TAX	3.8	9.1	5.3
4B SALES TAX	9.5	8.1	(1.4)
CAPITAL PROJECTS	68.3	97.4	29.1
OTHER FUNDS	29.2	31.0	1.8
<b>TOTAL</b>	<b>\$ 216.3</b>	<b>\$ 255.9</b>	<b>\$ 39.6</b>

# Fee Schedule Ordinance

- Recent fee schedule updates
  - Cemetery Fees – approved by Council on August 15, 2023
  - Development Engineering Review and Inspection Fees (In response to HB3492), approved by Council August 21, 2023
  - Short Term Rental – approved by Council on May 1, 2023

# Next Steps

---

## **September 11**

Special City Council meeting. Final reading of the ordinances to approve the budget and tax rate

# Action Requested

---

## Approve or Deny the following ordinances:

- FY2023-24 Budget – October 1, 2023 – September 30, 2024
- Levying the property tax for tax year 2023 taxable values and adopting the property tax rate of \$0.6325 per \$100 value
- Approving Tax Year 2023 tax roll
- Approving the FY2023-2024 schedule of fees
- Establishing the FY2023-2024 rates for water and wastewater services (3% increase)
- Establishing the FY2023-2024 rates for solid waste services (20%)
- Approving a 3% residential homestead exemption for Tax Year 2024 to be effective October 1, 2024 for FY2024-2025

# QUESTIONS/COMMENTS



## **ORDINANCE**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, LEVYING THE AD VALOREM PROPERTY TAX OF THE CITY OF BURLESON, TEXAS, FOR THE YEAR 2023, ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY ON JANUARY 1, 2023, AND ADOPTING A TAX RATE OF \$0.6325 PER \$100 OF VALUATION FOR 2023; PROVIDING REVENUES FOR PAYMENT OF CURRENT MUNICIPAL MAINTENANCE AND OPERATION EXPENSES AND FOR PAYMENT OF INTEREST AND PRINCIPAL ON OUTSTANDING CITY OF BURLESON DEBT; PROVIDING FOR ENFORCEMENT OF COLLECTIONS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, notice of the tax rate and public hearing on the tax rate was published on August 24, 2022, in the *Fort Worth Star-Telegram*, in accordance with state law; and

**WHEREAS**, notice of the tax rate and public hearing on the tax rate was posted on the City of Burleson's Internet website in accordance with state law; and

**WHEREAS**, the City Council of the City of Burleson (the "City") held a public hearing on the proposed tax rate, and such public hearing was held on September 5, 2023, prior approval of such date being hereby ratified and confirmed by the City Council, and all those wishing to speak on the tax rate were heard; and

**WHEREAS**, this Ordinance sets a tax rate of \$0.6325 per \$100 of valuation that, if applied to the total taxable value, will impose an amount of taxes to fund maintenance and operation expenditures of the City that exceeds the amount of taxes imposed for that purpose in 2022; and

**WHEREAS**, the City Council has studied tax rate of \$0.6325 per \$100 of valuation and listened to the comments of the taxpayers at the public hearings held therefore, and has determined that the 2023 tax rate of tax rate of \$0.6325 per \$100 of valuation is in the best interest of the City.

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

### **Section 1**

That all of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

### **Section 2**

By authority of the Charter of the City of Burleson, Texas, and the laws of the State of Texas, there is hereby levied and adopted for the tax year 2023, on all taxable property situated within the corporate limits of the City of Burleson, Texas, on January 1, 2023, a tax rate of \$0.6325 for each \$100 of taxable value.

### **Section 3**

Of the total tax rate, \$0.4402 for each \$100 of taxable value is hereby included, adopted and shall be distributed to fund maintenance and operation expenditures of the City in accordance with Section 26.05(a)(2) of the Texas Tax Code and any other applicable laws. **THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 3.48 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$14.80.**

### **Section 4**

Of the total tax rate, \$0.1923 for each \$100 of taxable value is hereby included, adopted, and shall be distributed to pay the City's debt service as provided by Sections 26.04(e)(3)(C) and 26.05(a)(l) of the Texas Tax Code and any other applicable laws.

### **Section 5**

The City Manager, or the City Manager's designee, shall notify the tax assessor-collectors of Johnson and Tarrant counties of the ad valorem tax rate adopted by the City in this Ordinance before September 30, 2023.

### **Section 6**

The City Manager, or the City Manager's designee, shall include the following statement on the homepage of the City's Internet website: **THE CITY OF BURLESON, TEXAS, ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 3.48 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$14.80.**

### **Section 7**

For enforcement of the collection of taxes hereby levied the City of Burleson shall have available all rights and remedies provided by law.

### **Section 8**

That any and all ordinances, resolutions, rules, regulations, policies or provisions in conflict with the provisions of this Ordinance are hereby repealed and rescinded to the extent of conflict herewith.

### **Section 9**

That if any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

### **Section 10**

That the necessity of adopting and approving a proposed budget for the next fiscal year as required by the laws of the State of Texas requires that this Ordinance shall take effect immediately from and after its passage, and it is accordingly so ordained.

### **Section 11**

The City Council finds at that meeting adopting this Ordinance there was a quorum present and finds further that said meeting was held in accordance with the provisions of Texas Government Code § 551.001, et. seq.

### **Section 12**

The City Secretary is hereby directed to record this Ordinance and the vote to adopt the tax rate.

**PASSED AND APPROVED** \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**FIRST READING - SEPTEMBER 5, 2023**

**The motion to approve this Ordinance was made by \_\_\_\_\_**  
**and seconded by \_\_\_\_\_, and the Ordinance was passed**  
**and approved by the vote [AYE \_\_\_\_\_ - NAY \_\_\_\_\_]:**

	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Chris Fletcher, Mayor				
Victoria Johnson, Place 1				

Phil Anderson, Place 2				
Ronnie Johnson, Place 3				
Larry Scott, Place 4				
Dan McClendon, Place 5				
Adam Russell, Place 6				

**FINAL READING - SEPTEMBER 11, 2023**

**The motion to approve this Ordinance was made by \_\_\_\_\_**  
**and seconded by \_\_\_\_\_, and the Ordinance was passed**  
**and approved by the vote [AYE \_\_\_\_\_ - NAY \_\_\_\_\_]:**

	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Chris Fletcher, Mayor				
Victoria Johnson, Place 1				
Phil Anderson, Place 2				
Ronnie Johnson, Place 3				
Larry Scott, Place 4				
Dan McClendon, Place 5				
Adam Russell, Place 6				

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

ATTEST:

APPROVED AS TO FORM:

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

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

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## City Council Regular Meeting

**DEPARTMENT:** Legal & Purchasing

**FROM:** Matt Ribitzki, Deputy City Attorney/Compliance Manager

**MEETING:** September 5, 2023

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**SUBJECT:**

Consider approval of an ordinance approving the 2023 tax rolls; and declaring an effective date.  
(First Reading) (*Staff Presenter: John Butkus, Assistant Finance Director*)

**SUMMARY:**

On August 9, 2023, the city manager filed the proposed annual budget for Fiscal Year 2023-2024. On that same day, the city manager delivered a copy of the proposed budget to the city council. At the August 15, 2023, special city council meeting, the city manager presented the proposed budget to the council and members of the public.

The proposed ordinance will approve the tax rolls for Tax Year 2023.

**OPTIONS:**

Approve the ordinance, approve the ordinance with modifications, or deny the ordinance

**RECOMMENDATION:**

Approve the ordinance

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

At the August 15, 2023, special city council meeting, the city manager presented the proposed budget to the council and members of the public.

**FISCAL IMPACT:**

n/a

**STAFF CONTACT:**

Matt Ribitzki

Deputy City Attorney/Compliance Manager  
[mrbitzki@burlesontx.com](mailto:mrbitzki@burlesontx.com)  
817-426-9664



# Proposed Budget FY2024 Tax Rate and Related Ordinances

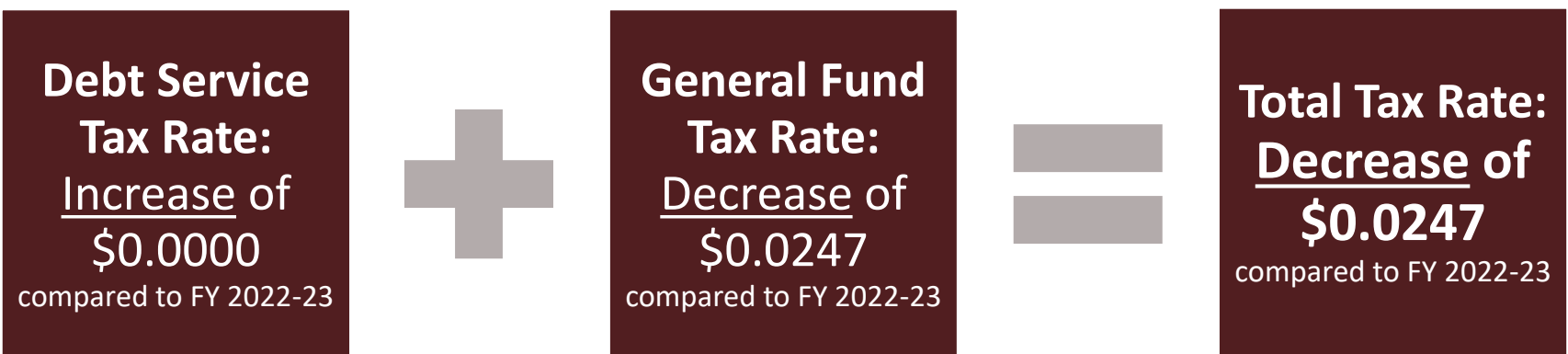
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*PRESENTED TO THE CITY COUNCIL ON SEPTEMBER 5, 2023*

# Assumptions for General Fund

## Assessed Value Increases

- FY 2025-28: Assumes 3.5% growth of existing properties and 2% new improvements
- FY 2025-26: Assumes an additional 1% homestead exemption each year.



Sales Tax		
FY 2023: Assumes 6%	↑	FY 2024 Proposed: Assumes 3% increase
		↑
		FY 2025-2028: Assumes 3% increase
		↑



# Tax Rate History

Tax Year	GF Rate	Debt Rate	Total Rate	Decrease \$0.0247
Proposed FY2023-24	\$0.4402	\$0.1923	\$0.6325	
FY2022-23	\$0.4649	\$0.1923	\$0.6572	
FY2021-22	\$0.4974	\$0.1885	\$0.6859	
FY2020-21	\$0.5187	\$0.1924	\$0.7111	
FY2019-20	\$0.5106	\$0.2094	\$0.7200	
FY2018-19	\$0.5228	\$0.2122	\$0.7350	
FY2017-18	\$0.5228	\$0.2122	\$0.7350	
FY2016-17	\$0.5228	\$0.2122	\$0.7350	
FY2015-16	\$0.5278	\$0.2122	\$0.7400	
FY2014-15	\$0.5278	\$0.2122	\$0.7400	
FY2013-14	\$0.5278	\$0.1622	\$0.6900	

# Average Home Value

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Fiscal Year	Average Home Value	Tax Rate	Tax Levy	Homestead	Net Tax Bill
FY 2023	\$253,812	\$0.6572	\$1,668.05	(\$33.36)	\$1,634.69
FY 2024	\$282,966	\$0.6325	\$1,789.76	(\$53.69)	\$1,736.08
Net Difference	\$29,154	(\$0.0247)	\$121.71	\$20.33	\$101.39

- Monthly net tax bill increase of \$8.45 per month.

# Summary of Assumptions

	FY 24	FY 25	FY 26	FY 27	FY 28
Tax Levy	3.5%	3.5%	3.5%	3.5%	3.5%
New Construction Growth	2%	2%	2%	2%	2%
Sales Tax Growth	3%	3%	3%	3%	3%
Compensation	3.5%	3.0%	3.0%	3.0%	3.0%
Cash Funding – Capital Projects	\$1.4M	\$.64K	\$.88K	\$1.38M	\$0
Future Bond Sales	\$93.7M	\$74.5M	\$40.92M	\$15.93M	\$22.0M

# Water/Wastewater

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Key issues in the development of the budget:

Projects	Capital Improvement Program	Rates
<ul style="list-style-type: none"><li>• Water Line Rehabilitation \$2.0M</li><li>• Hulen Ground Storage Tank Rehabilitation \$1.4M</li><li>• Sewer Line Rehabilitation \$3.0M</li></ul>	<ul style="list-style-type: none"><li>• \$9 million bond issue proposed in FY 2023/24</li><li>• 5 year Capital Improvement Plan 2024-2028:<ul style="list-style-type: none"><li>• Water - \$48.8 million</li><li>• Sewer - \$33.7 million</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Propose 3 percent for both water and sewer in FY 2024</li></ul>

# Water Rates -3% increase

Section 1		
The base water rates per meter size shall be as follow:		
	Current	Proposed
3/4	\$15.56	\$16.03
1	\$22.41	\$23.08
1.5	\$42.19	\$43.46
2	\$62.18	\$64.05
3	\$149.55	\$154.04
4	\$249.26	\$256.74
6	\$497.41	\$512.33
8	\$745.56	\$767.93
10	\$991.51	\$1,021.26
12	\$1,144.90	\$1,179.25

Section 2		
In addition to the base water rate per meter size, the water rates for all areas of the City are as follows.		
1 gallon to 10,000 gallons Meter Size	Current	Proposed
All	\$4.76/1000 gallons	\$4.90/1000 gallons
10,001-20,000 gallons Meter Size		
All	\$5.75/1000 gallons	\$5.92/1000 gallons
Over 20,000 gallons Meter Size		
All	\$6.57/1000 gallons	\$6.57/1000 gallons
Gas Well Drilling Meter Size		
All	\$13.55	\$13.96

# Wastewater Rates -3% increase

Section 3		
The base wastewater rate shall be as follows:		
	Current	Proposed
	\$19.16	\$19.73
Residential		
Residential wastewater volume will be determined as the average of water consumption billed in the months of January, February, and March up to a maximum of 12,000 gallons. If a customer has not established an average for these three months, wastewater volume will be determined as the citywide residential average for those months.		
The rate applied to this volume will be		
	Current	Proposed
	\$5.32/1,000 gallons	\$5.48/1,000 gallons
Maximum wastewater charge to residential customers using wastewater service only:		
Max	\$83.00	\$85.49
Commercial		
All usage	\$5.32	\$5.48
Abnormal Sewage Surcharge- rated determined by City of Fort Worth		
	Current	Proposed
Biochemical Oxygen Demand (BOD)	\$0.4407 per pound	\$0.5478 per pound
Total Suspended Solids (TSS)	\$0.2649 per pound	\$0.3175 per pound

# Solid Waste Fund

## Revenues

Projected 20% fee increase for FY 24 – \$3.64 per residential account  
Projected 10% fee increase for FY 25  
Project a 3% fee increase in FY 26-28

2.50% increase in growth for FY 23-24

## Expenditures

Collection contract	FY24 projected cost - \$3 million
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Recycling program	FY24 projected cost - \$522,000
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Current contract expires in FY 2029

# Solid Waste Rates -20% increase

Residential		
	Current	Proposed
Waste Collection	\$13.50	\$16.20
Recycling	\$2.50	\$3.00
Admin & Overhead	\$1.00	\$1.10
Franchise Fee	\$1.20	\$1.54
	\$18.20	\$21.84
Small Collection Business		
Base Rate	\$16.88	\$23.43
Admin & Overhead	\$3.50	\$1.10
Franchise Fee	\$1.62	\$1.87
	\$22.00	\$26.40
Major Collection		
Base Rate	\$28.42	\$35.38
Admin & Overhead	\$1.91	\$1.10
Franchise Fee	\$2.43	\$2.83
	\$32.76	\$39.31



# Total Expenditure Budget by Fund

(in millions)

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FUND	FY22-23 ESTIMATE	FY23-24 PROPOSED	VARIANCE
GENERAL FUND	\$ 57.7	\$ 60.2	\$ 2.5
DEBT SERVICE	7.7	8.6	0.9
WATER AND WASTEWATER	26.7	28.0	1.3
SOLID WASTE	4.1	4.3	0.2
HIDDEN CREEK GOLF COURSE	3.8	3.4	(0.4)
PARKS PERFORMANCE	5.5	5.7	0.2
4A SALES TAX	3.8	9.1	5.3
4B SALES TAX	9.5	8.1	(1.4)
CAPITAL PROJECTS	68.3	97.4	29.1
OTHER FUNDS	29.2	31.0	1.8
<b>TOTAL</b>	<b>\$ 216.3</b>	<b>\$ 255.9</b>	<b>\$ 39.6</b>

# Fee Schedule Ordinance

- Recent fee schedule updates
  - Cemetery Fees – approved by Council on August 15, 2023
  - Development Engineering Review and Inspection Fees (In response to HB3492), approved by Council August 21, 2023
  - Short Term Rental – approved by Council on May 1, 2023

# Next Steps

---

## **September 11**

Special City Council meeting. Final reading of the ordinances to approve the budget and tax rate

# Action Requested

---

## Approve or Deny the following ordinances:

- FY2023-24 Budget – October 1, 2023 – September 30, 2024
- Levying the property tax for tax year 2023 taxable values and adopting the property tax rate of \$0.6325 per \$100 value
- Approving Tax Year 2023 tax roll
- Approving the FY2023-2024 schedule of fees
- Establishing the FY2023-2024 rates for water and wastewater services (3% increase)
- Establishing the FY2023-2024 rates for solid waste services (20%)
- Approving a 3% residential homestead exemption for Tax Year 2024 to be effective October 1, 2024 for FY2024-2025

# QUESTIONS/COMMENTS

## **ORDINANCE**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, APPROVING THE 2023 TAX ROLLS; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Burleson, Texas (the "City") received the certified 2023 tax rolls of the City of Burleson; and

**WHEREAS**, the City desires to approve the tax rolls in accordance with state law.

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

#### **Section 1**

That the City Council hereby approves the 2023 tax rolls of the City of Burleson, Texas, which will result in a tax levy in the estimated amount of \$33,728,418 (of which \$1,192,589 is tax revenue from the Tax Increment Reinvestment Zone Number Two) based on the Certified Appraisal Rolls as approved and provided by the Appraisal Review Boards of the Johnson Central Appraisal District and the Tarrant Central Appraisal District.

#### **Section 2**

That 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 3**

This ordinance shall become effective immediately upon its passage and approval.

**PASSED AND APPROVED** the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

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

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Chris Fletcher, Mayor  
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM:

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Amanda Campos, City Secretary

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E. Allen Taylor, Jr., City Attorney

## City Council Regular Meeting

**DEPARTMENT:** Legal & Purchasing

**FROM:** Matt Ribitzki, Deputy City Attorney/Compliance Manager

**MEETING:** September 5, 2023

### **SUBJECT:**

Consider approval of an ordinance providing a Fiscal Year 2023-2024 schedule of fees for various City of Burleson services. (First Reading) (*Staff Presenter: John Butkus, Assistant Finance Director*)

### **SUMMARY:**

On August 9, 2023, the city manager filed the proposed annual budget for Fiscal Year 2023-2024. On that same day, the city manager delivered a copy of the proposed budget to the city council. At the August 15, 2023, special city council meeting, the city manager presented the proposed budget to the council and members of the public.

The chart below demonstrates fee schedules we have amended throughout the year:

Date	Description	CSO#
08/21/2023	Consider approval of an ordinance amending Ordinance CSO#3069-09-2022 the City's Fee Schedule by adding fees associated with the engineering review and inspection of private development; 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.	CSO#5192-08-2023
08/15/2023	Consider approval of an ordinance amending the City's fee schedule ordinance CSO#3069-09-2022 by adding fees associated with the Burleson Memorial Cemetery.	CSO#5180-08-2023



05/01/2023	Consider approval of an ordinance amending the City's fee schedule in Ordinance CSO# 3069-09-2022 by adding fees associated with the registration of short term rental properties; 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.	CSO#5093-05-2023
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The proposed ordinance will set fees for most City services and charges for Fiscal Year 2023-2024. At this time, there are no additional changes to the fee schedule.

**OPTIONS:**

Approve the ordinance, approve the ordinance with modifications, or deny the ordinance

**RECOMMENDATION:**

Approve the ordinance

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

At the August 15, 2023, special city council meeting, the city manager presented the proposed budget to the council and members of the public.

**FISCAL IMPACT:**

n/a

**STAFF CONTACT:**

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# Proposed Budget FY2024 Tax Rate and Related Ordinances

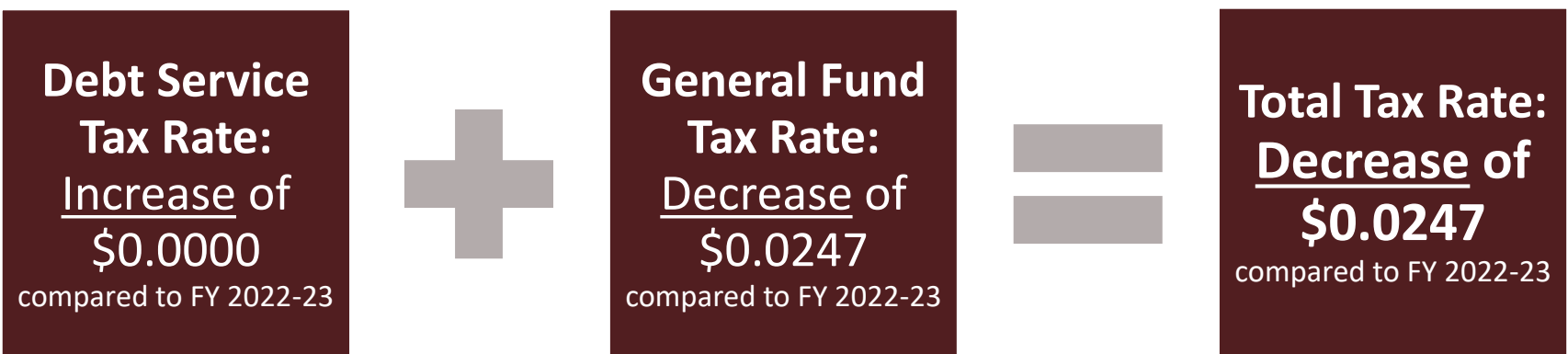
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*PRESENTED TO THE CITY COUNCIL ON SEPTEMBER 5, 2023*

# Assumptions for General Fund

## Assessed Value Increases

- FY 2025-28: Assumes 3.5% growth of existing properties and 2% new improvements
- FY 2025-26: Assumes an additional 1% homestead exemption each year.



Sales Tax		
FY 2023: Assumes 6%	↑	FY 2024 Proposed: Assumes 3% increase
		↑
		FY 2025-2028: Assumes 3% increase
		↑

# Tax Rate History

Tax Year	GF Rate	Debt Rate	Total Rate	
Proposed FY2023-24	\$0.4402	\$0.1923	\$0.6325	Decrease \$0.0247
FY2022-23	\$0.4649	\$0.1923	\$0.6572	
FY2021-22	\$0.4974	\$0.1885	\$0.6859	
FY2020-21	\$0.5187	\$0.1924	\$0.7111	
FY2019-20	\$0.5106	\$0.2094	\$0.7200	
FY2018-19	\$0.5228	\$0.2122	\$0.7350	
FY2017-18	\$0.5228	\$0.2122	\$0.7350	
FY2016-17	\$0.5228	\$0.2122	\$0.7350	
FY2015-16	\$0.5278	\$0.2122	\$0.7400	
FY2014-15	\$0.5278	\$0.2122	\$0.7400	
FY2013-14	\$0.5278	\$0.1622	\$0.6900	

# Average Home Value

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Fiscal Year	Average Home Value	Tax Rate	Tax Levy	Homestead	Net Tax Bill
FY 2023	\$253,812	\$0.6572	\$1,668.05	(\$33.36)	\$1,634.69
FY 2024	\$282,966	\$0.6325	\$1,789.76	(\$53.69)	\$1,736.08
Net Difference	\$29,154	(\$0.0247)	\$121.71	\$20.33	\$101.39

- Monthly net tax bill increase of \$8.45 per month.

# Summary of Assumptions

	FY 24	FY 25	FY 26	FY 27	FY 28
Tax Levy	3.5%	3.5%	3.5%	3.5%	3.5%
New Construction Growth	2%	2%	2%	2%	2%
Sales Tax Growth	3%	3%	3%	3%	3%
Compensation	3.5%	3.0%	3.0%	3.0%	3.0%
Cash Funding – Capital Projects	\$1.4M	\$.64K	\$.88K	\$1.38M	\$0
Future Bond Sales	\$93.7M	\$74.5M	\$40.92M	\$15.93M	\$22.0M

# Water/Wastewater

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Key issues in the development of the budget:

Projects	Capital Improvement Program	Rates
<ul style="list-style-type: none"><li>• Water Line Rehabilitation \$2.0M</li><li>• Hulen Ground Storage Tank Rehabilitation \$1.4M</li><li>• Sewer Line Rehabilitation \$3.0M</li></ul>	<ul style="list-style-type: none"><li>• \$9 million bond issue proposed in FY 2023/24</li><li>• 5 year Capital Improvement Plan 2024-2028:<ul style="list-style-type: none"><li>• Water - \$48.8 million</li><li>• Sewer - \$33.7 million</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Propose 3 percent for both water and sewer in FY 2024</li></ul>

# Water Rates -3% increase

Section 1		
The base water rates per meter size shall be as follow:		
	Current	Proposed
3/4	\$15.56	\$16.03
1	\$22.41	\$23.08
1.5	\$42.19	\$43.46
2	\$62.18	\$64.05
3	\$149.55	\$154.04
4	\$249.26	\$256.74
6	\$497.41	\$512.33
8	\$745.56	\$767.93
10	\$991.51	\$1,021.26
12	\$1,144.90	\$1,179.25

Section 2		
In addition to the base water rate per meter size, the water rates for all areas of the City are as follows.		
	Current	Proposed
1 gallon to 10,000 gallons		
Meter Size		
All	\$4.76/1000 gallons	\$4.90/1000 gallons
10,001-20,000 gallons		
Meter Size		
All	\$5.75/1000 gallons	\$5.92/1000 gallons
Over 20,000 gallons		
Meter Size		
All	\$6.57/1000 gallons	\$6.57/1000 gallons
Gas Well Drilling		
Meter Size		
All	\$13.55	\$13.96



# Wastewater Rates -3% increase

Section 3		
The base wastewater rate shall be as follows:		
	Current	Proposed
	\$19.16	\$19.73
Residential		
Residential wastewater volume will be determined as the average of water consumption billed in the months of January, February, and March up to a maximum of 12,000 gallons. If a customer has not established an average for these three months, wastewater volume will be determined as the citywide residential average for those months.		
The rate applied to this volume will be		
	Current	Proposed
	\$5.32/1,000 gallons	\$5.48/1,000 gallons
Maximum wastewater charge to residential customers using wastewater service only:		
Max	\$83.00	\$85.49
Commercial		
All usage	\$5.32	\$5.48
Abnormal Sewage Surcharge- rated determined by City of Fort Worth		
	Current	Proposed
Biochemical Oxygen Demand (BOD)	\$0.4407 per pound	\$0.5478 per pound
Total Suspended Solids (TSS)	\$0.2649 per pound	\$0.3175 per pound

# Solid Waste Fund

## Revenues

Projected 20% fee increase for FY 24 – \$3.64 per residential account  
Projected 10% fee increase for FY 25  
Project a 3% fee increase in FY 26-28

2.50% increase in growth for FY 23-24

## Expenditures

Collection contract	FY24 projected cost - \$3 million
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Recycling program	FY24 projected cost - \$522,000
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Current contract expires in FY 2029

# Solid Waste Rates -20% increase

Residential		
	Current	Proposed
Waste Collection	\$13.50	\$16.20
Recycling	\$2.50	\$3.00
Admin & Overhead	\$1.00	\$1.10
Franchise Fee	\$1.20	\$1.54
	\$18.20	\$21.84
Small Collection Business		
Base Rate	\$16.88	\$23.43
Admin & Overhead	\$3.50	\$1.10
Franchise Fee	\$1.62	\$1.87
	\$22.00	\$26.40
Major Collection		
Base Rate	\$28.42	\$35.38
Admin & Overhead	\$1.91	\$1.10
Franchise Fee	\$2.43	\$2.83
	\$32.76	\$39.31

# Total Expenditure Budget by Fund

(in millions)

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FUND	FY22-23 ESTIMATE	FY23-24 PROPOSED	VARIANCE
GENERAL FUND	\$ 57.7	\$ 60.2	\$ 2.5
DEBT SERVICE	7.7	8.6	0.9
WATER AND WASTEWATER	26.7	28.0	1.3
SOLID WASTE	4.1	4.3	0.2
HIDDEN CREEK GOLF COURSE	3.8	3.4	(0.4)
PARKS PERFORMANCE	5.5	5.7	0.2
4A SALES TAX	3.8	9.1	5.3
4B SALES TAX	9.5	8.1	(1.4)
CAPITAL PROJECTS	68.3	97.4	29.1
OTHER FUNDS	29.2	31.0	1.8
<b>TOTAL</b>	<b>\$ 216.3</b>	<b>\$ 255.9</b>	<b>\$ 39.6</b>

# Fee Schedule Ordinance

- Recent fee schedule updates
  - Cemetery Fees – approved by Council on August 15, 2023
  - Development Engineering Review and Inspection Fees (In response to HB3492), approved by Council August 21, 2023
  - Short Term Rental – approved by Council on May 1, 2023

# Next Steps

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## **September 11**

Special City Council meeting. Final reading of the ordinances to approve the budget and tax rate

# Action Requested

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## Approve or Deny the following ordinances:

- FY2023-24 Budget – October 1, 2023 – September 30, 2024
- Levying the property tax for tax year 2023 taxable values and adopting the property tax rate of \$0.6325 per \$100 value
- Approving Tax Year 2023 tax roll
- Approving the FY2023-2024 schedule of fees
- Establishing the FY2023-2024 rates for water and wastewater services (3% increase)
- Establishing the FY2023-2024 rates for solid waste services (20%)
- Approving a 3% residential homestead exemption for Tax Year 2024 to be effective October 1, 2024 for FY2024-2025

# QUESTIONS/COMMENTS



## **ORDINANCE**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, PROVIDING A NEW SCHEDULE OF FEES; INCORPORATING THE RECITALS INTO THE BODY OF THE ORDINANCE; PROVIDING A SEVERABILITY CLAUSE, CUMULATIVE CLAUSE, AND SAVINGS CLAUSE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Burleson, Texas 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 an ordinance on September 12, 2022, which, among other things, provided a fee schedule that contained a list of all fees charged by the City of Burleson (save and except water and wastewater impact fees, trash, recycling, and garbage collection rates, and impact fees which are wholly contained in a separate ordinances); and

**WHEREAS**, the fee schedule needs to be amended to provide for a fees effective for the 2023-2024 fiscal year; and

**WHEREAS**, the proposed amended fee schedule is attached hereto as Exhibit "A" and incorporated as part of this Ordinance (the "Incorporated Fee Schedule"); and

**WHEREAS**, such fee schedule is intended to repeal and replace existing fees in conflict with the Incorporated Fee Schedule, save and except water and wastewater fees, trash, recycling, and garbage collection rates, and impact fees, which are wholly contained in a separate ordinances; and

**WHEREAS**, the City Council desires that the Incorporated Fee Schedule repeal and replace the current fee schedule; and

**WHEREAS**, the City Council has determined that the adopting the Incorporated Fee Schedule is in the best interest of the City, and further finds and determines that the rules, regulations, terms, conditions, provisions, and requirements of this ordinance are reasonable and necessary to protect public health, safety, and quality of life in the City.

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

### **Section 1**

The City of Burleson hereby adopts the Incorporated Fee Schedule (attached hereto as Exhibit "A" and incorporated herein for all purposes) and repeals and replaces any prior fee schedule in conflict with the Incorporated Fee Schedule, to be effective October 1, 2023.

## **Section 2**

That all of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

## **Section 3**

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 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**

All rights and remedies of the City are expressly saved as to any and all provisions of any ordinance affecting fees of the City and to any and all violations of the provisions of any prior ordinance pertaining to the fee schedule and regulations within the City which have accrued as of the effective date of this ordinance; as to such accrued fees, collection activity, violations, and any pending litigation, both civil and criminal, whether pending in court or not, under such prior ordinances, same shall not be affected by this ordinance but may be prosecuted and pursued until final disposition by the courts.

## **Section 6**

That 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 7**

This ordinance shall be in full force and effect October 1, 2023 and after its passage and publication as provided by law.

**PASSED AND APPROVED** the \_\_\_\_ 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



# FEE SCHEDULE

## FY 2022-24 Proposed

Animal Control  
BRiCk  
Building Permits and Inspection  
City Manager's Office  
City Secretary's Office  
Code Enforcement  
Cemetery  
Economic Development/TIF  
Engineering  
Environmental Health  
Fire Department  
Finance  
Fire Prevention

Golf Course  
Library  
Municipal Court  
Parks  
City Ball Fields  
Park Facilities (Warren, Chisenhall and Mistletoe)  
Park Land Dedication  
Police Department  
Planning  
Records Management  
Russell Farm  
Utility Customer Service  
Water/Wastewater

## Animal Control

PERMIT/SERVICE	FEE
<b>1. Offense Fees (Impoundment)</b>	
A. First Offense (Altered/Unaltered)	\$30/\$45
B. Second Offense (Altered/Unaltered)	\$60/\$80
C. Third Offense (Altered/Unaltered)	\$85/\$120
<b>2. Small Animal Boarding Fee</b>	\$10/per Day
<b>3. Livestock Impounding Fee</b>	\$75
<b>4. Livestock Boarding Fee</b>	\$10/per Day
<b>5. Adoption Fee</b>	\$20/per Animal
<b>6. Adoption Spay/Neuter Fee</b>	\$75
<b>7. Immunization Fee</b>	
A. Distemper, Parvo and Bordetella	\$20
B. Rabies	\$10
<b>8. Quarantine Fee</b>	\$10/day
<b>9. Microchip Fee</b>	\$15
<b>10. Multi-Pet Permit</b>	
A. Application Fee	\$5
B. Permit Fee	\$25/Annually
<b>11. Kennel Permit</b>	
A. Application Fee	\$5
B. Permit Fee	\$100/Annually
<b>12. Dangerous Animal Registration Fee</b>	\$250/Annually

## BRiCK

PERMIT/SERVICE	FEE
<b>1. Definitions:</b>	
A. Adult	Ages 16-61
B. Non-Resident	Any individual or family not living within the defined city limits of Burleson
C. Resident	Person who resides within the city limits of Burleson
D. Senior	Ages 62 and older
E. Youth	Ages 3-15 (children under 3 years of age are free)
<b>2. General Policy for BRiCK:</b>	
A. Children below 10 years of age must be accompanied by an adult at all times.	
B. Children 15 and younger must have an adult present in the facility at all times and must be directly supervised in the fitness area.	
C. Children 13 and older may attend a fitness orientation class to be allowed future access to the fitness area without direct adult supervision. A parent or gaurdian must still be present in the facility.	
<b>3. Cancellations/Refunds/Transfers/Medical Policy:</b>	
A. Rentals canceled 30 calendar days or more prior to event date	Receive 100% of the deposit
B. Rentals canceled 29-15 calendar days prior to event date	Receive 50% deposit
C. Rentals cancelled 14 calendar days or less prior to the event date	Forfeit all deposits
D. Rentals downgraded from 2 rooms to 1 room 30 calendar days or more prior to event date	Refunded 100% of deposit paid for the additional room
E. Rentals downgraded from 2 rooms to 1 room less than 30 calendar days prior to event date	Forfeit the portion of the deposit paid for the additional room. For pool party rooms, one-half of the deposit paid for both rooms will be forfeited.
F. Sports rental cancellations	May be subject to an administrative fee not to exceed \$50.00
<b>5A. Memberships Fees</b>	<b>(Annual Contract/Monthly Draft/1 Month)</b>
Youth (3-15 yrs.)	\$235/\$25/\$30

Adult	\$330/\$35/\$40
Senior (62 & Up)	\$280/\$30/\$35
Family	\$505/\$50/\$65
<b>5B. Non-Resident Rate (Annual Contract/Monthly Draft/1 Month)</b>	
Youth (3-15 yrs.)	\$315/\$30/\$40
Adult	\$440/\$45/\$55
Senior (62 & Up)	\$380/\$40/\$50
Family	\$680/\$70/\$85
<b>5C. Military/First Responder Rate (Annual Contract/Monthly Draft/1 Month)</b>	
Youth (3-15 yrs.)	\$185/\$20/\$25
Adult	\$260/\$25/\$35
Senior (62 & Up)	\$225/\$23/\$30
Family	\$405/\$40/\$50
<b>5D. Corporate/Educator Rate (Annual Contract/Monthly Draft/1 Month)</b>	
Adult	\$285/\$30/\$35
Senior (62 & Up)	\$245/\$25/\$30
Family	\$445/\$45/\$60
<b>5E. Summer Punch Pass Rate (5 Day/10 Day)</b>	
Youth (3-15 yrs.)	\$20/\$25
Adult	\$25/\$30
Senior (62 & Up)	\$22/\$27
Family	\$35/\$40
<b>5F. Daily Guest Rate (1 Day/ Military, First Responder, Educator)</b>	
Daily Pass 3 & Up	\$8/\$6
Family Day Pass (up to 4)	\$20/\$15
Groups of 15+	\$6 each/\$4 each
<b>6. Fees in Addition to Membership</b>	
The following are available to members at an additional cost (not included in the membership fees) & subject to rules established by the Director of Parks and Recreation.	
<b>6A. Indoor Aquatics / Party Rooms (Deposit/Member or Resident/Non-Resident)</b>	
Pool Party Room - Max 25 guests	\$50/\$50 per hour/\$81 per hour
Pool Party Room - Max 50 guests	\$50/\$95 per hour/\$142 per hour
Private party without slide - Max 485 guests	\$50/\$237.50 per hour/\$262.50 per hour
Private party with slide - Max 485 guests	\$50/\$262.50 per hour/\$287.50 per hour
Private party with sundeck - 50 max	\$50/\$70/\$108
<b>General Policies (not limited to the following)</b>	
All rental rates are based on hourly rates with a minimum 2 hour rental.	
Rentals and private parties include the use of party room(s) and entire indoor aquatics area	
Private party fees include the cost of after-hours lifeguards	
<b>6B. Meeting Room Rentals (All rental rates are based on hourly rates with a minimum 2 hour rental) (Deposit/Member or Resident/Non-Resident)</b>	
1,400 square feet	\$50/\$45 per hour/\$61 per hour
2,800 square feet	\$50/\$80 per hour/\$108 per hour
Damage Deposit	Will be refundable provided the usage contract terms are met. Refund is subject to any remaining balance due on household.
After Hours Fee	<u><b>\$30/hr in addition to rental fees listed above</b></u>
<b>6C. Gymnasium Rentals (Deposit/Member or Resident/Non-Resident)</b>	
Half Court	\$50/\$25 per hour/\$46 per hour
Full Court	\$50/\$35 per hour/\$61 per hour
Two Full Courts	\$50/\$65 per hour/\$108 per hour
Damage Deposit	Will be refundable provided the usage contract terms are met. Refund is subject to any remaining balance due on household
After Hours Fee	<u><b>\$30/hr in addition to rental fees listed above</b></u>

<b>6D. Group Fitness</b>		<b>(Deposit/Member or Resident/Non-Resident)</b>
Group Exercise Room Rental - Max 25 guests		\$50/\$25 per hour/\$35 per hour
Damage Deposit		Will be refundable provided the usage contract terms are met. Refund is subject to any remaining balance due on household.
After Hours Fee		<b><u>\$30/hr in addition to rental fees listed above</u></b>
<b>6E. Kids Zone:</b>		
All Family memberships excluding Daily Guests		No additional cost
Daily Guests		\$2 per hour/per child
<b>General Policies (not limited to the following):</b>		
Ages 6 months through 12 years of age		
Parents/guardians must be on premises		
Maximum 2 hours		
Late fees will be charged for failure to pick up on time		
<b>6F. Outdoor Swimming Pool</b>		
<b>(All rentals are based on hourly rates with a minimum of two hour rental):</b>		<b>(Deposit/Member or Resident/Non-Resident)</b>
Daily Passes - Youth (Age 3-15)		\$0/\$3/\$3
Daily Passes - Adult (Age 16-61)		\$0/\$4/\$4
<b>6G. Outdoor Pool Rental/Private Parties:</b>		<b>(Deposit/Member or Resident/Non-Resident)</b>
0-49 attendees/ guests		\$75/\$65 per hour/\$75 per hour
50-149 attendees/ guests		\$75/\$75 per hour/\$85 per hour
<b>6H. Splash Pad Private Rental</b>		<b>(Deposit/Member or Resident/Non-Resident)</b>
<b>Max Guest: 150 Private Rental</b>		<b><i>\$50/\$60 per hour/\$70 per hour</i></b>
<b>6I. Party Packages (2 hours)</b>		<b>(Deposit/Fee)</b>
Basic - 1 Activity (24 participants)		\$50/\$225
Additional Activity (Pool or Gym/Boulder)		\$0/\$30
Additional Guests		\$5 each
<b>6J. Splash Pad Pavilion Rental</b>		<b>(Deposit/Member or Resident/Non-Resident)</b>
Cost per pavilion, 2 available		\$50/\$30 per hour/\$40 per hour
Max guests: 20 per pavilion		
<b>*Rentals of the splash pad pavilion will only be allowed during certain hours</b>		
<b>General Policies (not limited to the following):</b>		
Private party fees include the cost of afterhours lifeguards		
The Damage Deposit will be refundable provided the usage contract terms are met		
Refund is subject to any remaining balance due on household		

## Building Permits and Inspection

PERMIT/SERVICE	FEE
<b>1. Fees for new structural occupancy (<i>Single family dwelling, duplex, townhouse</i>)</b>	
	\$0.60/ft. all area under one roof
<b>2. Fees for new Commercial (Except apartment and shell buildings)</b>	
A. 500 SQ. FT. OR LESS	\$450
B. 501 - 1,000	\$850
C. 1,001 - 2,500	\$2,132
D. 2,501 - 8,500	\$65 + \$0.665/Sf
E. 8,501 - 50,000	\$5,000 + \$0.30/Sf
F. 50,001 - 100,000	\$12,285 + \$0.125/Sf
G. 100,001-500,000 SQ. FT.	\$17,485 + \$0.083/Sf
H. 500,001 or more SQ. FT.	\$43,485 + \$0.042/Sf
<b>3. Fees for Shell Buildings</b>	
A. Completion of Structure	1/2 the rates in "2" Above

B. Interior completion

1/2 the rates in "2" Above

#### 4. Fees for new Apartment Only

A. 50,000 or less SQ. FT.	\$.32/sq. ft
B. 50,001 - 100,000	\$4,000 + .24/sq.ft.
C. 100,001 - 200,000	\$12,000 + .16/sq.ft.
D. 201,000 or more SQ. FT.	\$20,000 + .12/sq.ft.

#### 5a. Commercial single trade permits

A. \$2,500 or less	\$50
B. \$2,501 - \$10,000	\$70
C. \$10,001 and over \$2,500 increments	\$75 Plus \$10/per Increment

#### 5b. Residential single trade permits

\$65/each

#### 6a. Residential Addition - addition to an existing residential structure

\$0.50/Sq Ft

#### 6b. Residential Remodel - alterations, repairs & remodeling to an existing residential structure

\$0.25 /Sq Ft

#### 7. Commercial Remodel / Addition - alterations, repairs, additions & remodeling to existing commercial structure. (Based on valuation)

A. <\$500	\$70
B. \$500 - \$2500	\$75
C. \$2500 - \$5000	\$80
D. \$5000 - \$7500	\$85
E. \$7500 - \$10,000	\$90
F. More than \$10,000	\$90 + \$10/\$2500 increments over \$10,000

#### 8. New Construction for garages, barns & storage buildings over 200 Sq Ft

A. <\$500	\$70
B. \$500 - \$2500	\$75
C. \$2500 - \$5000	\$80
D. \$5000 - \$7500	\$85
E. \$7500 - \$10,000	\$90
F. More than \$10,000	\$90 + \$10/\$2500 increments over \$10,000

#### 9. Certificate of Occupancy (Commercial remodel, new tenant, & tenant finish out)

A. 1-500 SQ. FT.	\$50
B. 501 - 2,500 SQ. FT.	\$60
C. 2,501 - 5,000 SQ. FT.	\$80
D. 5,000 - 10,000 SQ. FT.	\$100
E. 10,000 or more	\$150
F. Clean & show (Commercial Electric Release)	\$50
G. Temporary Certificate of Occupancy	\$300/30 days not to exceed 90 days

#### 10. Reinspection Fees

A. Reinspection Fee - 2nd red tag for same item	\$75
B. Reinspection Fee - 3rd red tag for same item	\$150

#### 11. Miscellaneous Permits

##### A. Swimming Pool

1. In-Ground	\$200
2. Above Ground	\$ 50

##### B. Other - Includes:

1. Storage Buildings (Less than 200 sq. ft.)	\$25
2. Moving Permit	\$25
3. Carport/Awning	\$25
4. Fence (New & Replace)	\$25
5. Retaining Wall	\$25
6. Window Replacement	\$25
7. Foundation (New)	\$75
8. Demolition Permits	\$25 for residential / \$100 for commercial
9. Patio Cover	\$50
10. Freestanding Structure (i.e. Pergola, Gazebo, Arbor)	\$50
11. Subdivision Entry Wall Screen	\$150

C. Lawn Sprinkler	\$100
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<b>D. Signs</b>	
1. Freestanding Sign	\$100 (Pole / Pylon / Monument / Flag Sign)
2. Wall Sign without CMS	\$50 (Awning / Canopy / Channel Letters / Marquee / Mural/Poster / Projection / Roof Sign / Sign Cabinet)
3. Wall Sign with CMS	\$100 (Awning / Canopy / Channel Letters / Marquee / Mural/Poster / Projection / Roof Sign / Sign Cabinet)
4. CMS added to existing Wall or Freestanding Sign	\$100
5. Shopping Center Sign Plan	\$250
6. Temporary Signs	\$25 (Banners / Homebuilder / Residential Subdivision Development)
7. Sign Variance	\$250
8. Billboard Conversion	\$200 (Static type to Electronic)
E. Subdivision Entry Wall Screen	\$150
<b>12. After Hours Inspection</b>	\$60 per hour (2 hour minimum)
<b>13. Plan Review</b>	
A. Commerical Plan Review (New Only)	40% of Building Permit Fee - \$250 minimum & a \$7,000 maximim (non-refundable)
B. Commerical Remodel/Addition	40% of Building Permit Fee (non-refundable)
C. Residential Plan Review (New)	\$75/each
D. Residential Plan Review (Remodel/Addition)	\$30
<b>14. Building Codes &amp; Standards Board</b>	\$150
<b>15. Electrician's License</b>	
A. Master	
1. First Annual	\$0
2. Renewal	\$0
B. Journeyman	
1. First Annual	\$0
2. Renewal	\$0
C. Sub-Contractor Base Permit Fee / Validation Fee	Residential \$65/Commercial \$75
<b>16. Mechanical License</b>	
A. Mechanical	
1. First Annual	\$100
2. Renewal	\$50
B. Sub-Contractor Base Permit Fee / Validation Fee	Residential \$65/Commercial \$75
<b>17. Plumbing Contractor's Registration</b>	
A. First Annual	\$0
B. Renewal	\$0
C. Sub-Contractor Base Permit Fee / Validation Fee	Residential \$65/Commercial \$75
<b>18. Temporary Use</b>	
A. Special Events	\$50
B. Seasonal Use	\$50
C. Temporary Outdoor Sales	\$50
D. Stationary Food Vendors	\$50
E. Carnival & Circus	\$50
<b>19. Administrative fee (Applied when changes are made to previously reviewed and/or permitted projects for residential or commercial -- i.e. revised site plan, floor plan, etc.)</b>	
A. First Revision	\$75
B. Second Revision	\$150
C. Each Additional Revision	\$200/each
<b>20. Modular buildings/construction trailers (Utilities require separate permit - see #5 - one trade only permits)</b>	
	\$50
<b>21. Commercial Canopy/Cover</b>	
	1/4 cost of Commercial
A. 500 sq. ft. or less	\$120
B. 501-1,000	\$210
C. 1,001-2,500	\$410
D. 2,501-8500	\$12.50 + .16/sq. ft.
E. 8,501-50,000	\$862.50 + .06/sq. ft.
F. 50,001-100,000	\$2,362.50 + .03/sq. ft.
G. 100,001-500,000	\$3,362.50 + .02/sq. ft.
H. 500,001 or more sq. ft.	\$8,362.50 + .01/sq. ft.

## City Manager's Office

PERMIT/SERVICE	FEE
1. Solid Waste Collection Service application fee	\$75.00
2. Limousine Service Permit	\$25/Year
3. Annual License to operate any manufactured home park, mobile home park or travel trailer park within the City	\$25.00 plus \$1.00 per space for all spaces in excess of 25
4. Transfer fee for transfer of annual license to operate any manufactured home park, mobile home park or travel trailer park within the City	\$25

## City Secretary's Office

PERMIT/SERVICE	FEE
1. Amusement Center License	Occupation Tax \$7.50/ per machine annually
2. Pool Hall License	Occupation Tax \$7.50/ per machine annually
3. Taxicab Franchise	2% of Annual Gross Receipts
4. Taxicab Application Fee	\$50
5. Skating Rink Application	\$100 Annual License
6. Beer and Wine Permit	One half of fee assessed by TABC for each State permit issued
7. Mixed Beverage Permit-After 3rd yr of operations	One half of fee assessed by TABC for each State permit issued

## Code Enforcement

PERMIT/SERVICE	FEE
1. Administrative Cost to File Liens for Cost of Mowing and Nuisance Abatement	\$120
2. Weed mowing and nuisance abatement notification fee	\$50

## Cemetery

PERMIT/SERVICE	FEE
1. Original Cemetery Upright Monument	\$1,450
2. Original Cemetery Flat Monument	\$1,450
3. Original Cemetery Double Depth	\$900
4. Original Cemetery Baby Space	\$245
5. 2023 Expanded Cemetery Upright Monument	\$2,000
6. 2023 Expanded Cemetery Flat Monument	\$1,700
7. 2023 Expanded Cemetery Double Depth	\$900
8. 2023 Expanded Cemetery Baby Space	\$400
9. 2023 Expanded Cemetery Cremation Garden Space	\$995
10. 2023 Expanded Cemetery Cremation Columbarium Space	\$2,200
11. 2023 Expanded Cemetery Family Estate A	\$11,250
12. 2023 Expanded Cemetery Family Estate B	\$15,000

## Economic Development/TIF

PERMIT/SERVICE	FEE
<b>Mayor Vera Calvin Plaza in Old Town:</b>	
1. Plaza reservation: half-day (up to 6 hours)	\$2,500 + \$1,500 refundable deposit
2. Plaza reservation: full day (in excess of 6 hours)	\$5,000 + \$2,500 refundable deposit

## Engineering

PERMIT/SERVICE	FEE
1. Construction Plan Review	10% (residential) or 20% (commercial and industrial) of the following paid at submittal with balance due prior to Notice to Proceed for Public
A. Residential	\$500 + \$87.98 per hour x 4.28 hours x number of lots
B. Commercial	\$500 + \$87.98 per hour x 3.44 hours x number of acres (up to 15 acres)
C. Industrial (new)	\$1,000.00 + \$87.98 per hour

**2. Construction Inspection (\$500.00 + the following costs)**

A. Water Line	\$0.88 per linear foot
B. Sewer Line	\$0.88 per linear foot
C. Storm Sewer	\$1.32 per linear foot
D. Roadway Paving (public and private)	\$1.14 per square yard
E. Sidewalk / Trail	\$2.79 per square yard
F. Handicap Ramps	\$28.39 each
G. Water and Sewer Services	\$17.39 each
H. Sewer Manholes	\$37.26 each
I. Storm Manholes / Inlets	\$37.26 each
J. Lift Station	\$1,242 each
K. Public Infrastructure not listed (includes private storm infrastructure associated with roadway)	\$49.68 per hour (estimated prior to Notice to Proceed for Public Improvements)
L. Final Inspections	\$49.68 per hour (Two hour minimum)
M. Construction Materials Testing	Applicant pays directly to City-approved vendor
<b>3. Inspection Overtime Rate</b>	\$74.52 per hour (Two hour minimum)

**4. Closing / Abandoning of**

A. Right-of-Way	\$550.00
B. Easement	\$250.00

**5. Sign Installation**

\$250.00 per sign

**6. Easement/Right of Way Use Agreement**

\$125.00

**7. Traffic Study Fee**

\$1,400.00

**8. Flood Study Reviews (Includes detention/retention analysis)**

\$1 per foot of reach length (\$2,000 minimum)

## Environmental Health

PERMIT/SERVICE	FEE
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**1. Food Safety Inspection Fees**

A. Grocery	
1. ≤ 5,000 sq. ft.	\$275
2. > 5,000 sq. ft.	\$400
B. Food Service	
1. ≤ 500 sq. ft.	\$150
2. > 500 ≤ 1,500 sq. ft.	\$200
3. > 1,500 ≤ 3,000 sq. ft.	\$275
4. > 3,000 ≤ 6,000 sq. ft.	\$350
5. > 6,000 sq. ft.	\$400
C. Child Care Food Service	\$150
D. Catering Operation	\$250
E. Temporary Food Service	\$50
F. Food Court	\$200 per establishment
G. Adjunct Operation	
1. Food Service	\$150 per independent operation
2. Food Store ≤ 5,000 sq. ft.	\$150 per independent operation
3. Food Store > 5,000 sq. ft.	\$200 per independent operation
H. Commissary	
1. No food prep	\$100
2. With food prep	\$200
I. Mobile Units	
1. Prepackaged food only	\$100
2. Open and/or food prep	\$200
3. Push Carts	\$200
J. Plan Review	
1. ≤ 500 sq. ft.	\$0
2. >500 ≤ 3,000 sq. ft.	\$50
3. >3,000 sq. ft.	\$100
K. Late Fee	The late fee increases 10% for each 30 day block until permit fee and late fee is paid. Permits that are more than 90 days overdue will be required to be applied for.
1. From 1-30 days	10% of fee owed
2. From 31-60 days	20% of fee owed

**2. On-site sewage facility fees**

DETERMINED BY TARRANT COUNTY

<b>A. New System</b>	
1. Application Fee	\$0
2. Water research fee	\$10
3. Permit Fee	\$250
4. Total for new system	\$260
B. Reinspection of system	\$75
C. Repair of system previously permitted	\$100
<b>3. Beer and Wine Permit</b>	One half the state fee assessed for each State permit issued
<b>4. Mixed Beverage Permit- After third year of operations</b>	One half the state fee assessed for each State permit issued
<b>5. Municipal Settings Designation</b>	
A. Application Fee	\$2,000
B. Third-party environmental review fee	\$5,000
<b>6. Miscellaneous Permits</b>	
A. Swimming Pool, Spa & Interactive Water Feature	
1. Plan Review and Opening Inspection	\$150
2. Annual Permit	\$250
3. Required Reinspection	\$75
<b>7. Food Truck Operational Site permit</b>	\$50 for Six Months
<b>8. Seasonal Permit (Farmers Market and Snow Cone Stand)</b>	\$100
<b>9. Food Handler Class Fee</b>	\$15

## Fire Department

PERMIT/SERVICE	FEE
1. Hazardous Materials Response	Cost + 10%
2. CPR Training Class	Overtime for Instructor
3. Fire Fighter Training Courses	
A. Fire Officer 1	\$250.00 per student
B. Fire Officer 2	\$250.00 per student
C. Instructor Certification	\$150.00 per student
D. Driver/Operator	\$150.00 per student

## Finance

PERMIT/SERVICE	FEE
1. Data Processing Services Request	\$25/hr or \$.42/Min
2. Return Check Fee	\$ 35 each

## Fire Prevention

PERMIT/SERVICE	FEE
<b>1. Fire Alarm System</b>	
A. 1 to 10 Devices	\$125
B. 11 to 25 Devices	\$150
C. 26 to 50 Devices	\$175
D. 51 to 100 Devices	\$225
E. 101 to 200 Devices	\$300
F. 201 to 500 Devices	\$450
G. Over 500 Devices	\$450 plus \$75 for each additional; 100 devices or fraction thereof in excess of 25.
H. Plan review fee for all fire alarm systems	25% of permit fee
<b>2. Automatic Sprinkler System Fees</b>	
A. Underground Installation	\$165
B. 1 to 20 Sprinklers	\$125
C. 21 to 100 Sprinklers	\$200
D. 101 to 150 Sprinklers	\$250
E. 151 to 200 Sprinklers	\$300
F. Over 200 Sprinklers	\$300 plus \$75 for each additional 100 sprinklers or fraction thereof
G. Fire Pump - Additional	\$300
H. Residential Systems	\$150
I. Plan review fee for all automatic sprinkler systems	25% of permit fee
<b>3. Other Extinguishing System</b>	\$150

4. Underground Storage Tanks Installation/Removal, Combustible/Flammable Liquid	\$125 per tank
5. Pyrotechnic Display	\$150 per display per day
6. LPG Installation - portable containers of greater than 125 gallons water capacity at properties where natural gas service is not available	\$125 per container
7. Above Ground Storage Tanks Installation/Removal, Combustible/Flammable Liquid	\$125 per tank
8. Authorized Burning Permit	\$250 per trench/pit, plus \$25 each burn day
9. Carnival/Circus Permit	\$50
10. Foster Home Inspections	\$35
11. Daycare/Health Facilities Licensing Inspections	\$75
12. Other Permits required by Fire Code	\$50
13. Re-inspections Fees	\$45
14. Registration of firms selling and/or servicing hand fire extinguishers, "Vent-a-Hood" fire extinguisher systems, and fire sprinklers within the City	\$50 annually
15. Installation of Special Locking Systems	\$250
16. Gate Installation Permit (Required for gates across private streets or electric gates across fire lanes)	\$50
17. Standpipe Systems	\$50 each standpipe
18. Tent Permit	\$100
19. Public Event Permit Fee	\$250
20. Gas Well Fees	
A. Oil and Gas Well Permit	\$5,000 per wellhead
B. Road Damage Remediation Fee	Assessment per lane mile x Access lane miles per site x OCI (Overall Condition Indicator)
C. Gas Well Pad Site Annual Inspection Fee	\$5,000 per pad site (due June 1 annually)

## Golf Course

PERMIT/SERVICE	FEE
<b>1. Green Fees (All Fees include 1/2 cart and applicable taxes)</b>	
A. Monday through Friday	<b>(Cart Inclusive Rate/Green Fee)</b>
1. M-F: Open - Noon	\$30/\$21 - Senior & Active Military Rate
2. M-F: Noon - 3pm	\$30/\$21 - Senior & Active Military Rate
3. M-F: 3pm - Close	\$20
4. Super Twilight @ 5pm	\$15
5. Senior Card (55+)	\$49.99 (year)
B. Saturday, Sunday, & Holidays Green Fees	
1. Sat & Sun (& Holidays): Open - Noon	\$37
2. Sat & Sun (& Holidays): Noon - 3pm	\$37
3. Sat & Sun (& Holidays): 3pm - Close	\$21
4. Super Twilight @ 5PM	\$15
C. Replay Green Fees	
1. 9 additional holes	\$10
2. 18 additional holes	\$15
3. Senior Card (55+)	\$21

All Golf fees listed are maximum fees to be charged. Golf course management has authority to adjust fees and run seasonal specials as needed to maximize play. In the event of a question or conflict, the City Council shall provide the final resolution.

<b>2. Cart Fees</b>	
9 holes	\$8.00
18 holes	\$15.00
<b>3. Monthly Membership Fees: both include unlimited range balls, 10% discount in the pro-shop &amp; \$20 golf after 2pm.</b>	
Silver	\$29.99
Gold - Golf discounts prior to 2pm daily	\$69.99

## Library

PERMIT/SERVICE	FEE
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<b>1. Overdue Library Materials</b>	No Charge
<b>2. Overdue Interlibrary Loan Materials</b>	No Charge
<b>3. Replacement of Lost Materials</b>	Cost or exact replacement
<b>4. Damaged Library Materials</b>	Cost or exact replacement
<b>5. Black &amp; White Copies/Printing</b>	\$.10/Page
<b>6. Use computer / internet / wireless internet</b>	No Charge
<b>7. Color Copies / Printing</b>	\$.25/Page
<b>8. Library Cards for Residents, Teachers and Students from schools within City Limits, TexShare Cardholders</b>	No Charge
<b>9. Non-Resident Fees</b>	
Annually Renewable	\$25/ individual or \$50/ family
**In lieu of fee (patron can volunteer)	
<b>10. Senior Non-Resident Fee (age 62 and over)</b>	
Annually Renewable	\$12.50/ individual
<b>11. Meeting Room Fees/ Usage Fees</b>	<b>Non-Cardholders / Businesses / Other For Profit Groups</b>
A. Small conference room	\$25 minimum (1st 2 hours) + \$10 each addl. Hour
B. Large conference room	\$50 minimum (1st 2 hours) + \$25 each addl. hour
<b>12. Proctoring Fee</b>	\$20/exam
<b>13. 3D Printing</b>	\$.10/gram - \$1.00 minimum

## Municipal Court

PERMIT/SERVICE	FEE
Return Check Fee	\$ 35 per

## Parks

PERMIT/SERVICE	FEE
<b>City Ball Fields</b>	
<b>1. Unreserved</b>	No Charge
<b>2. Organized League Athletics</b>	City Leagues, PeeWee Football, and BYA are allowed to use fields for organized game play
<b>3. Ball Field Reservations</b>	
A. Reservations/Field	\$25 w/o lights
<b>4. Tournament Fees</b>	
A. Ballfield Rental Girls	\$300 per field minimum of 5 fields
B. Ballfield Rental Boys	\$400 per field per day minimum of 10 fields max of 15 fields

## Park Facilities (Warren, Chisenhall and Mistletoe)

<b>1. Pavillion</b>	
A. Full Shelter	\$20/HR
<b>2. Tennis Courts</b>	
A. Tournament Reservations - Resident	\$10/HR.
B. Tournament Reservations - Non-Resident	\$15/HR.

## Stage Rental Fees

(All fees are based on a 4 hour stage rental)

<b>1. For Profit Organizations</b>	\$3,300
A. Extra Speakers	\$450
B. Additional Hours	\$500/hour
C. Deposit	\$1,000
D. Mileage greater than 5 miles	\$20/mile
<b>2. Not For Profit Org (501c3 required)</b>	\$1,650
A. Extra Speakers	\$450
B. Additional Hours	\$250/hour
C. Deposit	\$1,000
D. Mileage greater than 5 miles	\$20/mile

All Recreation fees listed are maximum fees to be charged. Recreation management has authority to adjust fees and run seasonal specials as needed to In the event of a question or conflict, the City Council shall provide the final resolution to maximize play.

## Park Land Dedication

Fee in lieu of land - <b>Single Family</b> (Charged with filing of the plat & only applicable if land is not dedicated)	\$458
Park Development Fee - <b>Single Family</b> (charged with filing of the plat)	\$818
Fee in lieu of land - <b>Multi-Family</b> (Charged with filing of the plat & only applicable if land is not dedicated)	\$399
Park Development Fee - <b>Multi Family</b> (charged with filing of the plat)	\$711

## Police Department

PERMIT/SERVICE	FEE
<b>1. Copy Services for Accident Reports or information or Copy of Certification of no report</b>	\$6.00/EA
<b>2 Additional Fee for Certified Copies</b>	2/EA
<b>3. License for Sexually Oriented Businesses</b>	
A. New license	\$500
B. License renewal	\$500
C. Non-conforming license	\$500
D. Reinstatement fee	\$500
E. Application for location exemption	\$250
<b>4. Alarm System Fees</b>	
A. Residential Permit Fee	\$50
B. Commercial Permit Fee	\$75 + \$10 Per Agent for More Than 5 Agents
C. Residential Permit Renewal	\$50 annually
D. Commercial Permit Renewal	\$100 annually
E. Residential Permit Reinstatement	\$50
F. Commercial Permit Reinstatement	\$100
G. False Alarm Response Fee	
1-3	\$0
4-5	\$50
6-7	\$75
8-9	\$100
10	\$100 and Police response revoked
<b>5. Solicitor Permits/Registration</b>	
A. Local - 1 year	\$100
B. Interstate Commerce Registration	
90 Days	0
6 Months	0
1 Year	0
<b>6. Good Conduct Letter</b>	\$8/Each

## Planning

PERMIT/SERVICE	FEE
<b>1. Preliminary Plat</b>	
A. Residential	\$850 + \$15/lot
B. Non-residential	\$500 + \$20 per acre
<b>2. Final Plat</b>	
A. Residential	\$500 + \$10/lot
B. Non-residential	\$500 + \$15 per acre
<b>3. Plat Revision</b>	
A. Re-plat	\$500 + \$10/lot
B. Amending Plat	\$350
<b>4. Plat Vacation/Short Form</b>	\$300

<b>5. Minor Plat</b>	\$400
<b>6. ETJ Plat Exemption Letters</b>	\$25
<b>7. Zoning Change/Specific Use Permit</b>	
A. Less than 3 acres	\$700
B. 3.1 - 10 acres	\$900
C. 11 -29 acres	\$1,400
D. 30+ acres	\$1,600 + \$15/acre over 30 (\$2800 max)
<b>8. Planned Development/Permit</b>	\$1,000 + \$20 per acre
<b>9. Preprinted Zoning Ordinances</b>	Free Online
<b>10. Pre-Printed Subdivision Policies</b>	Free Online
<b>11. Comprehensive Plan</b>	Free Online
<b>12. Comprehensive Plan Summary</b>	Free Online
<b>13. Interpretation request for new or unlisted uses in zoning ordinance (City refunds \$350 if no ordinance amendment is necessary)</b>	\$500
<b>14. Legal Filing Fees</b>	
A. First sheet - Small plat	\$50
B. First sheet - Large plat	\$80
C. Each additional sheet	\$25
<b>15. Shopping Center Sign Package Review Fee</b>	\$250
<b>16. Commercial Site Plan (CSP) fee</b>	\$500
<b>17. Commercial Site Plan Amendment</b>	\$250
<b>18. Annexation/Disannexation Requests</b>	\$500
<b>19. Renotification Fee (at applicant's request)</b>	\$125
<b>20. Zoning Verification Letter fee</b>	\$25
<b>21. Roadway Impact Fees</b>	Refer to Current Impact Fee Ordinance for Fees
<b>22. Variances and Waiver Requests:</b>	
A. Zoning Ordinance	\$250
B. Community Facility Policy	\$200
C. Landscape Requirements	\$250
D. Masonry Ordinance (new construction only)	\$250
E. Subdivision Ordinance	\$250
F. Old Town Design Standards (new construction only)	\$250
G. Commercial Site Plan	\$0
H. Fencing and Screening Ordinance	\$250
G. Any other Development-related Ordinance	\$250
<b>23. Deployment of Wireless Network (small cell) Nodes in the Right of Way</b>	Refer to the current Cell Nodes Ordinance for Fees
<b>24. Emergency Warning System Cost (charged with filing of the plat)</b>	\$25/acre
<b>25. Short Term Rental</b>	
A. Application	\$150 (Non-refundable)
B. Permit Renewal	\$150 (Non-refundable)

## Records Management

PERMIT/SERVICE	FEE
<b>1. Paper Copies</b>	
A. Standard-Size Paper Copy (Measures less than 8.5 X 14)	\$ .10 per page
B. Non-Standard Size Paper Copy (Larger than 8.5 X 14)	\$.50 per page
C. Specialty Paper	Actual Cost
<b>2. Computer Diskette (CD/CDR)</b>	\$1.00 each
<b>3. Digital Video Disc (DVD)</b>	\$3.00 each
<b>4. Audio Cassette</b>	\$1.00 each
<b>5. VHS Video Cassette</b>	\$2.50 each
<b>6. Computer Magnetic Tape</b>	Actual Cost
<b>7. Data Cartridge</b>	Actual Cost
<b>8. Tape Cartridge</b>	Actual Cost
<b>9. Thumb Drive</b>	Actual Cost
<b>10. JAZ drive</b>	Actual Cost
<b>11. Other Electronic Media</b>	Actual Cost
<b>12. Miscellaneous Supplies</b>	Actual Cost



<b>13. Postage &amp; Shipping</b>	Actual Cost
<b>14. Photographs</b>	Actual Cost
<b>15. Maps</b>	Actual Cost
<b>16. Other Costs</b>	Actual Cost
<b>17. Outsourced/Contracted Services (may not include development costs)</b>	Actual Cost
<b>18. Microfiche/Microform</b>	
A. Paper Copy	\$.10 per page
B. Film/Fiche Copy	actual cost
C. Document Retrieval/Remote	actual cost
<b>19. Computer Resource</b>	
A. PC or LAN	\$1.00 per clock hour
B. Client/Server	\$2.20 per clock min
C. Midsize	\$1.50 per CPU min
D. Mainframe	\$10.00 per CPU min
<b>20. Labor Charges</b>	
A. Programming Time	\$28.50 per hour
B. Locating/Compiling/Reproducing	\$15.00 per hour
C. Labor Charge - CANNOT be charged for 50 or fewer pages; Overhead charge can only be added if there is a charge for labor (>50 pgs)	20% of labor cost
<b>21. FAX</b>	
A. Local	N/A
B. Long Distance, Same Area Code	N/A
C. Long Distance, Different Area Code	N/A
<b>22. General Information</b>	
A. Down Payments *NO SALES TAX CAN BE CHARGED per AG	50% of estimated cost if the requestor is given an itemized statement
B. Credit Card Transaction fee	fees may be recovered
<b>23. Body Worn Camera Recordings</b>	
A. Responsive to Request / AND	\$10.00 per recording
B. Audio or Video Footage	\$1.00 per full min

## Russell Farm

PERMIT/SERVICE	FEE
<b>1. Building Rental</b>	<b>All rental rates based on hourly rates w/ a minimum 4 hour rental</b>
A. Chesapeake Building - Operational hours	\$50 per hour
B. Chesapeake Building - Non-operational hours	\$71 per hour
C. Baker Building - Operational Hours - 500 Sq ft. - Max occupancy: 50	\$38 per hour
D. Baker Building - Non-Operational Hours	\$59 per hour
E. Hay Barn/Outdoor Pavilion - Operational Hours - 1,110 sq. ft. - Max occupancy: 100	\$31 per hour
F. Hay Barn/Outdoor Pavilion - Non-Operational Hours	\$53 per hour
<b>2. Reservation and Refund Policies</b>	
A. All reservations must be made at Russell Farm with the Facility Supervisor.	
B. All refund/refund fees are paid at the Burleson Recreation Center.	
C. All reservations must be paid in full 48 hours prior to rental.	
D. Rental Deposit Fee: \$100.00 per building reserved.	
E. A deposit is required on facility rentals along with the completion of the Russell Farm Reservation contract. The deposit will be refunded if the area used has been left in good order and if all conditions of the Russell Farms rental/refund policies are met. Refund of damage deposit is subject to any remaining balance due on household.	
<b>3. Rental Cancellation Refunds:</b>	
A. Rentals cancelled 30 calendar days or more prior to booking will receive 100% of the deposit.	
B. Rentals cancelled 29 - 15 calendar days or more prior to booking will receive 50% of the deposit.	
C. Rentals cancelled 14 calendar days or less prior to booking will receive 50% of the deposit.	

D. User shall not collect fees at the Russell Farm unless approval has been granted in writing by an authorized representative of the City's Park and Recreation Department. All reservations where monies are collected are subject to approval by the Park and Recreation Department. The City of Burleson will receive 15% of total collections (admission, concession etc.) or \$50.00 whichever is greater. This fee is in addition to all applicable reservation fees. Note: All Russell Farm Fees listed are the maximum fees to be charged. Park and Recreation Management have the authority to adjust fees and run seasonal specials. In the event of a conflict, the City Council shall provide the final resolution.

## Utility Customer Service

PERMIT/SERVICE	FEE
<b>1. Security Deposits</b>	
A. Minimum Residential	\$135
B. Commercial	
1. Minimum for 3/4" Meter	\$ 135
2. Minimum for 1 1/2" Meter	\$ 160
3. Minimum for 2" Meter	\$ 185
4. Minimum for 3" Meter	\$ 210
5. Minimum for 4" Meter or Larger	\$ 260
C. Security Deposit for Fire Hydrant Meters	\$ 1,800
<b>2. Penalty Amount for Late Bills</b>	10% Excluding Tax
<b>3. Returned Payment Fee</b>	\$35
<b>4. Extension Fee</b>	\$5
<b>5. Reconnect Fee</b>	
A. Standard	\$35
B. Reconnect Fee After 5:00 PM and on weekends and holidays	\$50
<b>6. Extra Trip Fee</b>	\$15
<b>7. Meter Test Fee</b>	
A. For 3/4" or 1" Meter	\$30
B. For 1 1/2" Meter and Larger	\$125
<b>8. Temporary Service Fee (2 day limit and 2,000 gallons)</b>	\$30
<b>9. Transfer Fee</b>	\$15
<b>10. Construction Meter Non-Read Fee</b>	\$100
<b>11. After Hours Turn-on Fee</b>	\$50
<b>12. Initiation Fee (in addition to deposit)</b>	\$10
<b>13. Tampering Fee</b>	
A. First Occurrence	\$50
B. Second Occurrence	\$100
C. Third Occurrence	\$150
<b>14. Pull Meter Fee</b>	\$30

## Water/Wastewater

PERMIT/SERVICE	FEE	ADDITIONAL INFORMATION/REQUIREMENTS
<b>1. Tap Fees</b>		
A. 5/8" Meter Set	\$295.59	
B. 5/8" Meter, dig out, U Branch	\$415.80	
C. 5/8" Tap, Meter and Box in easement	\$1,379.88	Pavement work : Get quote from Public Works
D. 1" Meter Set	\$385.54	
E. 1" Water Tap, Meter and Box in easement	\$1,458.53	
F. 1 1/2" Meter Set	\$578.75	
G. 1 1/2" Tap, Meter and Box	\$2,204.33	Positive displacement meter in easement, pavement work: Get quote from Public Works
H. 1 1/2" Tap, Meter and Box	\$2,601.35	Turbine meter in easement, pavement work: Get quote from Public Works
I. 1 1/2" Meter (positive disp.)	\$578.75	
J. 1 1/2" Meter (turbine)	\$835.77	
K. 2" Meter (positive disp.)	\$749.10	
L. 2" Meter (turbine)	\$850.32	
M. 2" Meter (compound)	\$1,711.32	
N. 2" Tap, Meter and Box	\$2,314.90	Positive displacement meter in easement, pavement work: Get quote from Public Works
O. 2" Tap, Meter and Box	\$2,416.12	Turbine meter in easement, pavement work: Get quote from Public Works
P. 2" Tap, Meter and Box	\$3,277.12	Compound meter in easement, pavement work: Get quote from Public Works
Q. 3" Tap, Meter and Box		TBD by Utilities Supervisor
R. 4" Tap, Meter and Box		TBD by Utilities Supervisor
S. 4" Sewer Tap in Pavement	\$866	
T. 4" Sewer Tap in Easement	\$985.41	
U. Relocate 5/8" Meter	\$201	12 ft. or less in easement, pavement work: Get quote from Public Works
V. Relocate 5/8" Meter (more than 12 ft.)	Get quote from Public Works	Get quote from Public Works
W. Relocate 1" Meter	\$215	12 ft. or less in easement, pavement work: Get quote from Public Works
X. Relocate 1" Meter (more than 12 ft.)		Get quote from Public Works
Y. Pull Meter	\$10	
Z. Double Meter Box	\$30.50	
AA. 2" and 1 1/2" Meter Box	\$217	
AB. 2" + Meter Box	\$117	
AC. Pavement Cut / Replacement		TBD by Utilities Supervisor
AD. Automatic Flush Valve	\$1,000	
AE. Water and Wastewater Impact Fees (Burleson charges both City of Burleson and City of Fort Worth Impact Fees)		Refer to Current Impact Fee Ordinance for Fees

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## City Council Regular Meeting

**DEPARTMENT:** Legal & Purchasing

**FROM:** Matt Ribitzki, Deputy City Attorney/Compliance Manager

**MEETING:** September 5, 2023

---

**SUBJECT:**

Consider approval of an ordinance providing Fiscal Year 2023-2024 rates for water and wastewater service. (First Reading) (*Staff Presenter: John Butkus, Assistant Finance Director*)

**SUMMARY:**

On August 9, 2023, the city manager filed the proposed annual budget for Fiscal Year 2023-2024. On that same day, the city manager delivered a copy of the proposed budget to the city council. At the August 15, 2023, special city council meeting, the city manager presented the proposed budget to the council and members of the public.

The proposed ordinance will set rates for water and wastewater services for Fiscal Year 2023-2024. The rates are as follows:

**WATER**

The base water rates per meter size shall be as follow:

	<b>Current</b>	<b>Proposed</b>
3/4	\$15.56	\$16.03
1	\$22.41	\$23.08
1.5	\$42.19	\$43.46
2	\$62.18	\$64.05
3	\$149.55	\$154.04
4	\$249.26	\$256.74
6	\$497.41	\$512.33
8	\$745.56	\$767.93
10	\$991.51	\$1,021.26
12	\$1,144.90	\$1,179.25

In addition to the base water rate per meter size, the water rates for all areas of

the City are as follows.

	<b>Current</b>	<b>Proposed</b>
1 gallon to 10,000 gallons		
Meter Size		
All	\$4.76/1000 gallons	\$4.90/1000 gallons
10,001-20,000 gallons		
Meter Size		
All	\$5.75/1000 gallons	\$5.92/1000 gallons
Over 20,000 gallons		
Meter Size		
All	\$6.57/1000 gallons	\$6.57/1000 gallons
Gas Well Drilling		
Meter Size		
All	\$13.55	\$13.96

### **WASTEWATER**

The base wastewater rate shall be as follows:

<b>Current</b>	<b>Proposed</b>
\$19.16	\$19.73

#### **Residential**

Residential wastewater volume will be determined as the average of water consumption billed in the months of January, February, and March up to a maximum of 12,000 gallons. If a customer has not established an average for these three months, wastewater volume will be determined as the citywide residential average for those months.

The rate applied to this volume will be

<b>Current</b>	<b>Proposed</b>
\$5.32/1,000 gallons	\$5.48/1,000 gallons

Maximum wastewater charge to residential customers using wastewater service only:

Max	\$83.00	\$85.49
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#### **Commercial**

All usage	\$5.32	\$5.48
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### **Abnormal Sewage Surcharge**

	<b>Current</b>	<b>Proposed</b>
Biochemical Oxygen Demand (BOD)	\$0.4407 per pound	\$0.5478 per pound
Total Suspended Solids (TSS)	\$0.2649 per pound	\$0.3175 per pound

### **OPTIONS:**

Approve the ordinance, approve the ordinance with modifications, or deny the ordinance

### **RECOMMENDATION:**

Approve the ordinance

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

At the August 15, 2023, special city council meeting, the city manager presented the proposed budget to the council and members of the public.

### **FISCAL IMPACT:**

n/a

### **STAFF CONTACT:**

Matt Ribitzki  
Deputy City Attorney/Compliance Manager  
[mribitzki@burlesontx.com](mailto:mribitzki@burlesontx.com)  
817-426-9664



# Proposed Budget FY2024 Tax Rate and Related Ordinances

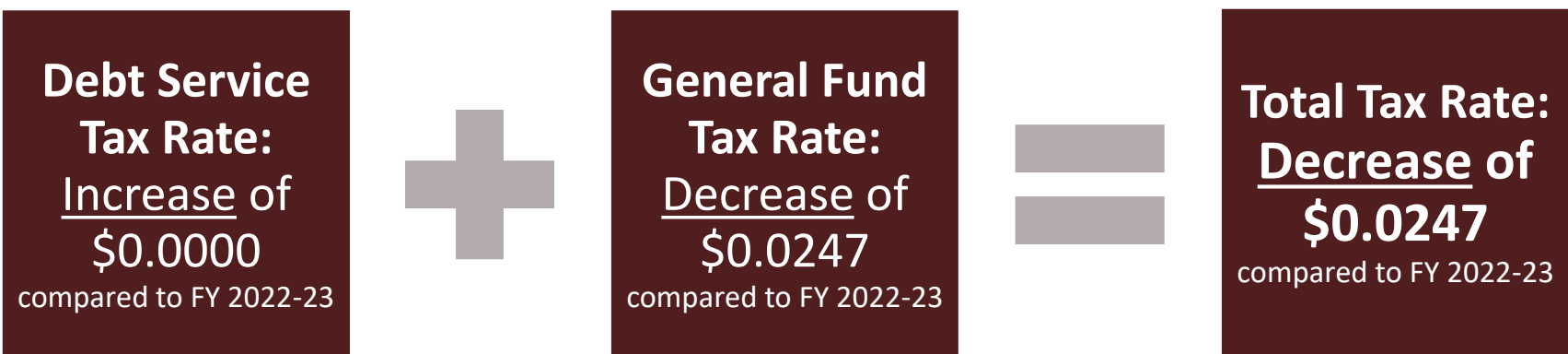
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*PRESENTED TO THE CITY COUNCIL ON SEPTEMBER 5, 2023*

# Assumptions for General Fund

## Assessed Value Increases

- FY 2025-28: Assumes 3.5% growth of existing properties and 2% new improvements
- FY 2025-26: Assumes an additional 1% homestead exemption each year.



Sales Tax		
FY 2023: Assumes 6%	↑	FY 2024 Proposed: Assumes 3% increase
		↑
		FY 2025-2028: Assumes 3% increase
		↑



# Tax Rate History

Tax Year	GF Rate	Debt Rate	Total Rate	
Proposed FY2023-24	\$0.4402	\$0.1923	\$0.6325	Decrease \$0.0247
FY2022-23	\$0.4649	\$0.1923	\$0.6572	
FY2021-22	\$0.4974	\$0.1885	\$0.6859	
FY2020-21	\$0.5187	\$0.1924	\$0.7111	
FY2019-20	\$0.5106	\$0.2094	\$0.7200	
FY2018-19	\$0.5228	\$0.2122	\$0.7350	
FY2017-18	\$0.5228	\$0.2122	\$0.7350	
FY2016-17	\$0.5228	\$0.2122	\$0.7350	
FY2015-16	\$0.5278	\$0.2122	\$0.7400	
FY2014-15	\$0.5278	\$0.2122	\$0.7400	
FY2013-14	\$0.5278	\$0.1622	\$0.6900	

# Average Home Value

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Fiscal Year	Average Home Value	Tax Rate	Tax Levy	Homestead	Net Tax Bill
FY 2023	\$253,812	\$0.6572	\$1,668.05	(\$33.36)	\$1,634.69
FY 2024	\$282,966	\$0.6325	\$1,789.76	(\$53.69)	\$1,736.08
Net Difference	\$29,154	(\$0.0247)	\$121.71	\$20.33	\$101.39

- Monthly net tax bill increase of \$8.45 per month.

# Summary of Assumptions

	FY 24	FY 25	FY 26	FY 27	FY 28
Tax Levy	3.5%	3.5%	3.5%	3.5%	3.5%
New Construction Growth	2%	2%	2%	2%	2%
Sales Tax Growth	3%	3%	3%	3%	3%
Compensation	3.5%	3.0%	3.0%	3.0%	3.0%
Cash Funding – Capital Projects	\$1.4M	\$.64K	\$.88K	\$1.38M	\$0
Future Bond Sales	\$93.7M	\$74.5M	\$40.92M	\$15.93M	\$22.0M

# Water/Wastewater

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Key issues in the development of the budget:

Projects	Capital Improvement Program	Rates
<ul style="list-style-type: none"><li>• Water Line Rehabilitation \$2.0M</li><li>• Hulen Ground Storage Tank Rehabilitation \$1.4M</li><li>• Sewer Line Rehabilitation \$3.0M</li></ul>	<ul style="list-style-type: none"><li>• \$9 million bond issue proposed in FY 2023/24</li><li>• 5 year Capital Improvement Plan 2024-2028:<ul style="list-style-type: none"><li>• Water - \$48.8 million</li><li>• Sewer - \$33.7 million</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Propose 3 percent for both water and sewer in FY 2024</li></ul>

# Water Rates -3% increase

Section 1		
The base water rates per meter size shall be as follow:		
	Current	Proposed
3/4	\$15.56	\$16.03
1	\$22.41	\$23.08
1.5	\$42.19	\$43.46
2	\$62.18	\$64.05
3	\$149.55	\$154.04
4	\$249.26	\$256.74
6	\$497.41	\$512.33
8	\$745.56	\$767.93
10	\$991.51	\$1,021.26
12	\$1,144.90	\$1,179.25

Section 2		
In addition to the base water rate per meter size, the water rates for all areas of the City are as follows.		
	Current	Proposed
1 gallon to 10,000 gallons		
Meter Size		
All	\$4.76/1000 gallons	\$4.90/1000 gallons
10,001-20,000 gallons		
Meter Size		
All	\$5.75/1000 gallons	\$5.92/1000 gallons
Over 20,000 gallons		
Meter Size		
All	\$6.57/1000 gallons	\$6.57/1000 gallons
Gas Well Drilling		
Meter Size		
All	\$13.55	\$13.96

# Wastewater Rates -3% increase

Section 3		
The base wastewater rate shall be as follows:		
	Current	Proposed
	\$19.16	\$19.73
Residential		
Residential wastewater volume will be determined as the average of water consumption billed in the months of January, February, and March up to a maximum of 12,000 gallons. If a customer has not established an average for these three months, wastewater volume will be determined as the citywide residential average for those months.		
The rate applied to this volume will be		
	Current	Proposed
	\$5.32/1,000 gallons	\$5.48/1,000 gallons
Maximum wastewater charge to residential customers using wastewater service only:		
Max	\$83.00	\$85.49
Commercial		
All usage	\$5.32	\$5.48
Abnormal Sewage Surcharge- rated determined by City of Fort Worth		
	Current	Proposed
Biochemical Oxygen Demand (BOD)	\$0.4407 per pound	\$0.5478 per pound
Total Suspended Solids (TSS)	\$0.2649 per pound	\$0.3175 per pound

# Solid Waste Fund

Revenues	
Projected 20% fee increase for FY 24 – \$3.64 per residential account	
Projected 10% fee increase for FY 25	
Project a 3% fee increase in FY 26-28	
2.50% increase in growth for FY 23-24	
Expenditures	
Collection contract	FY24 projected cost - \$3 million
Recycling program	FY24 projected cost - \$522,000
Current contract expires in FY 2029	

# Solid Waste Rates -20% increase

Residential		
	Current	Proposed
Waste Collection	\$13.50	\$16.20
Recycling	\$2.50	\$3.00
Admin & Overhead	\$1.00	\$1.10
Franchise Fee	\$1.20	\$1.54
	\$18.20	\$21.84
Small Collection Business		
Base Rate	\$16.88	\$23.43
Admin & Overhead	\$3.50	\$1.10
Franchise Fee	\$1.62	\$1.87
	\$22.00	\$26.40
Major Collection		
Base Rate	\$28.42	\$35.38
Admin & Overhead	\$1.91	\$1.10
Franchise Fee	\$2.43	\$2.83
	\$32.76	\$39.31



# Total Expenditure Budget by Fund

(in millions)

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FUND	FY22-23 ESTIMATE	FY23-24 PROPOSED	VARIANCE
GENERAL FUND	\$ 57.7	\$ 60.2	\$ 2.5
DEBT SERVICE	7.7	8.6	0.9
WATER AND WASTEWATER	26.7	28.0	1.3
SOLID WASTE	4.1	4.3	0.2
HIDDEN CREEK GOLF COURSE	3.8	3.4	(0.4)
PARKS PERFORMANCE	5.5	5.7	0.2
4A SALES TAX	3.8	9.1	5.3
4B SALES TAX	9.5	8.1	(1.4)
CAPITAL PROJECTS	68.3	97.4	29.1
OTHER FUNDS	29.2	31.0	1.8
<b>TOTAL</b>	<b>\$ 216.3</b>	<b>\$ 255.9</b>	<b>\$ 39.6</b>

# Fee Schedule Ordinance

- Recent fee schedule updates
  - Cemetery Fees – approved by Council on August 15, 2023
  - Development Engineering Review and Inspection Fees (In response to HB3492), approved by Council August 21, 2023
  - Short Term Rental – approved by Council on May 1, 2023

# Next Steps

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## **September 11**

Special City Council meeting. Final reading of the ordinances to approve the budget and tax rate

# Action Requested

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## Approve or Deny the following ordinances:

- FY2023-24 Budget – October 1, 2023 – September 30, 2024
- Levying the property tax for tax year 2023 taxable values and adopting the property tax rate of \$0.6325 per \$100 value
- Approving Tax Year 2023 tax roll
- Approving the FY2023-2024 schedule of fees
- Establishing the FY2023-2024 rates for water and wastewater services (3% increase)
- Establishing the FY2023-2024 rates for solid waste services (20%)
- Approving a 3% residential homestead exemption for Tax Year 2024 to be effective October 1, 2024 for FY2024-2025

# QUESTIONS/COMMENTS

## ORDINANCE

**AN ORDINANCE ESTABLISHING RATES TO BE CHARGED FOR WATER AND WASTEWATER SERVICE IN THE CITY OF BURLESON; INCORPORATING THE RECITALS INTO THE BODY OF THE ORDINANCE; PROVIDING A SEVERABILITY CLAUSE, CUMLUATIVE CLAUSE, AND SAVINGS CLAUSE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Burleson, Texas 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 an ordinance in September of 2022 which, among other things, provided rates to be charged for water and wastewater service; and

**WHEREAS**, the rates for water and wastewater may be amended from time to time as provided by Section 82-2 of the City of Burleson Code of Ordinances; and

**WHEREAS**, the rates and fees industrial waste discharge as described in Article II (Industrial Waste Discharge) of Chapter 82 (Utilities) of the City of Burleson Code of Ordinances may be amended from time to time; and

**WHEREAS**, the City Council desires set new rates for water and wastewater service; and

**WHEREAS**, City Council desires to set new fees and rates related to industrial waste discharge; and

**WHEREAS**, the City Council has determined that adopting the rates for water and wastewater service as set forth herein is in the best interest of the City.

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

### **Section 1**

The base water rates per meter size shall be as follows:

3/4	\$16.03
1	\$23.08
1.5	\$43.46
2	\$64.05
3	\$154.04
4	\$256.74
6	\$512.33

8	\$767.93
10	\$1,021.26
12	\$1,179.25

## **Section 2**

In addition to the base water rate per meter size, the water rates for all areas of the City are as follows:

1 gallon to 10,000 gallons

Meter Size

All	\$4.90/1000 gallons
-----	---------------------

10,001-20,000 gallons

Meter Size

All	\$5.92/1000 gallons
-----	---------------------

Over 20,000 gallons

Meter Size

All	\$6.57/1000 gallons
-----	---------------------

Gas Well Drilling

Meter Size

All	\$13.96
-----	---------

## **Section 3**

The base wastewater rate shall be as follows: \$19.73/month.

## **Section 4**

The wastewater volume rates are as follows:

### **Residential**

Residential wastewater volume will be determined as the average of water consumption billed in the months of January, February, and March up to a maximum of 12,000 gallons. If a customer has not established an average for these three months, wastewater volume will be determined as the citywide residential average for those months.

The rate applied to this volume will be \$5.48 per 1,000 gallons.

Maximum wastewater charge to residential customers using wastewater services only:

Maximum residential wastewater rate: \$85.49

### Commercial

All usage: \$5.48 per 1000 gallons

### Abnormal Sewage Surcharge

Commercial customers whose discharge is found to qualify under the abnormal sewage ordinance will be surcharged according to the following rates:

Biochemical Oxygen Demand (BOD) \$0.5478 per pound

Total Suspended Solids (TSS) \$0.3175 per pound

## **Section 5**

That all of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

## **Section 6**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

## **Section 7**

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 8**

All rights and remedies of the City are expressly saved as to any and all provisions of any ordinance affecting water and wastewater fees of the City and to any and all violations of the provisions of any prior ordinance pertaining to water and wastewater fees and regulations within the City which have accrued as of the effective date of this ordinance; as to such accrued fees, collection activity, violations, and any pending litigation, both civil and criminal, whether pending in court or not, under such prior ordinances, same shall not be affected by this



ordinance but may be prosecuted and pursued until final disposition by the courts.

**Section 9**

That 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 10**

This ordinance shall be in full force and effect October 1, 2023, and after its passage and publication as provided by law.

**PASSED AND APPROVED** the \_\_\_\_\_ 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

## City Council Regular Meeting

**DEPARTMENT:** Legal & Purchasing

**FROM:** Matt Ribitzki, Deputy City Attorney/Compliance Manager

**MEETING:** September 5, 2023

### **SUBJECT:**

Consider approval of an ordinance providing Fiscal Year 2023-2024 rates for collection and disposal of residential and non-residential solid waste, recyclables, and trash. (First Reading)  
(Staff Presenter: John Butkus, Assistant Finance Director)

### **SUMMARY:**

On August 9, 2023, the city manager filed the proposed annual budget for Fiscal Year 2023-2024. On that same day, the city manager delivered a copy of the proposed budget to the city council. At the August 15, 2023, special city council meeting, the city manager presented the proposed budget to the council and members of the public.

The proposed ordinance will set rates collection and disposal of residential and non-residential solid waste, recyclables, and trash for Fiscal Year 2023-2024. The rates are as follows:

	<b><u>Residential</u></b>	
	<b>Current</b>	<b>Proposed</b>
Waste Collection	\$13.50	\$16.20
Recycling	\$2.50	\$3.00
Admin & Overhead	\$1.00	\$1.10
Franchise Fee	\$1.20	\$1.54
	<u>\$18.20</u>	<u>\$21.84</u>

	<b><u>Small Collection Business</u></b>	
	<b>Current</b>	<b>Proposed</b>
Base Rate	\$16.88	\$23.43
Admin & Overhead	\$3.50	\$1.10
Franchise Fee	\$1.62	\$1.87
	<u>\$22.00</u>	<u>\$26.40</u>

	<b><u>Major Collection</u></b>	
	<b>Current</b>	<b>Proposed</b>
Base Rate	\$28.42	\$35.38
Admin & Overhead	\$1.91	\$1.10
Franchise Fee	\$2.43	\$2.83
	<hr/> \$32.76	<hr/> \$39.31

**OPTIONS:**

Approve the ordinance, approve the ordinance with modifications, or deny the ordinance

**RECOMMENDATION:**

Approve the ordinance

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

At the August 15, 2023, special city council meeting, the city manager presented the proposed budget to the council and members of the public.

**FISCAL IMPACT:**

n/a

**STAFF CONTACT:**

Matt Ribitzki  
Deputy City Attorney/Compliance Manager  
[mribitzki@burlesontx.com](mailto:mribitzki@burlesontx.com)  
817-426-9664



# Proposed Budget FY2024 Tax Rate and Related Ordinances

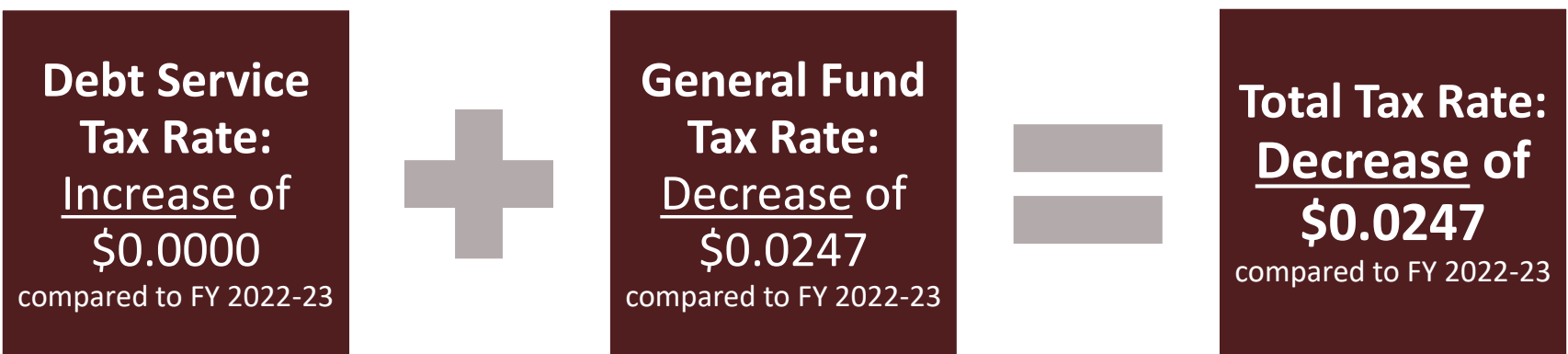
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*PRESENTED TO THE CITY COUNCIL ON SEPTEMBER 5, 2023*

# Assumptions for General Fund

## Assessed Value Increases

- FY 2025-28: Assumes 3.5% growth of existing properties and 2% new improvements
- FY 2025-26: Assumes an additional 1% homestead exemption each year.



Sales Tax		
FY 2023: Assumes 6%	↑	FY 2024 Proposed: Assumes 3% increase
		↑
		FY 2025-2028: Assumes 3% increase
		↑

# Tax Rate History

Tax Year	GF Rate	Debt Rate	Total Rate	Decrease \$0.0247
Proposed FY2023-24	\$0.4402	\$0.1923	\$0.6325	
FY2022-23	\$0.4649	\$0.1923	\$0.6572	
FY2021-22	\$0.4974	\$0.1885	\$0.6859	
FY2020-21	\$0.5187	\$0.1924	\$0.7111	
FY2019-20	\$0.5106	\$0.2094	\$0.7200	
FY2018-19	\$0.5228	\$0.2122	\$0.7350	
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FY2016-17	\$0.5228	\$0.2122	\$0.7350	
FY2015-16	\$0.5278	\$0.2122	\$0.7400	
FY2014-15	\$0.5278	\$0.2122	\$0.7400	
FY2013-14	\$0.5278	\$0.1622	\$0.6900	

# Average Home Value

---

Fiscal Year	Average Home Value	Tax Rate	Tax Levy	Homestead	Net Tax Bill
FY 2023	\$253,812	\$0.6572	\$1,668.05	(\$33.36)	\$1,634.69
FY 2024	\$282,966	\$0.6325	\$1,789.76	(\$53.69)	\$1,736.08
Net Difference	\$29,154	(\$0.0247)	\$121.71	\$20.33	\$101.39

- Monthly net tax bill increase of \$8.45 per month.

# Summary of Assumptions

	FY 24	FY 25	FY 26	FY 27	FY 28
Tax Levy	3.5%	3.5%	3.5%	3.5%	3.5%
New Construction Growth	2%	2%	2%	2%	2%
Sales Tax Growth	3%	3%	3%	3%	3%
Compensation	3.5%	3.0%	3.0%	3.0%	3.0%
Cash Funding – Capital Projects	\$1.4M	\$.64K	\$.88K	\$1.38M	\$0
Future Bond Sales	\$93.7M	\$74.5M	\$40.92M	\$15.93M	\$22.0M



# Water/Wastewater

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Key issues in the development of the budget:

Projects	Capital Improvement Program	Rates
<ul style="list-style-type: none"><li>• Water Line Rehabilitation \$2.0M</li><li>• Hulen Ground Storage Tank Rehabilitation \$1.4M</li><li>• Sewer Line Rehabilitation \$3.0M</li></ul>	<ul style="list-style-type: none"><li>• \$9 million bond issue proposed in FY 2023/24</li><li>• 5 year Capital Improvement Plan 2024-2028:<ul style="list-style-type: none"><li>• Water - \$48.8 million</li><li>• Sewer - \$33.7 million</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Propose 3 percent for both water and sewer in FY 2024</li></ul>

# Water Rates -3% increase

Section 1		
The base water rates per meter size shall be as follow:		
	Current	Proposed
3/4	\$15.56	\$16.03
1	\$22.41	\$23.08
1.5	\$42.19	\$43.46
2	\$62.18	\$64.05
3	\$149.55	\$154.04
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Section 2		
In addition to the base water rate per meter size, the water rates for all areas of the City are as follows.		
	Current	Proposed
1 gallon to 10,000 gallons		
Meter Size		
All	\$4.76/1000 gallons	\$4.90/1000 gallons
10,001-20,000 gallons		
Meter Size		
All	\$5.75/1000 gallons	\$5.92/1000 gallons
Over 20,000 gallons		
Meter Size		
All	\$6.57/1000 gallons	\$6.57/1000 gallons
Gas Well Drilling		
Meter Size		
All	\$13.55	\$13.96

# Wastewater Rates -3% increase

Section 3		
The base wastewater rate shall be as follows:		
	Current	Proposed
	\$19.16	\$19.73
Residential		
Residential wastewater volume will be determined as the average of water consumption billed in the months of January, February, and March up to a maximum of 12,000 gallons. If a customer has not established an average for these three months, wastewater volume will be determined as the citywide residential average for those months.		
The rate applied to this volume will be		
	Current	Proposed
	\$5.32/1,000 gallons	\$5.48/1,000 gallons
Maximum wastewater charge to residential customers using wastewater service only:		
Max	\$83.00	\$85.49
Commercial		
All usage	\$5.32	\$5.48
Abnormal Sewage Surcharge- rated determined by City of Fort Worth		
	Current	Proposed
Biochemical Oxygen Demand (BOD)	\$0.4407 per pound	\$0.5478 per pound
Total Suspended Solids (TSS)	\$0.2649 per pound	\$0.3175 per pound

# Solid Waste Fund

## Revenues

Projected 20% fee increase for FY 24 – \$3.64 per residential account  
Projected 10% fee increase for FY 25  
Project a 3% fee increase in FY 26-28

2.50% increase in growth for FY 23-24

## Expenditures

Collection contract	FY24 projected cost - \$3 million
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Recycling program	FY24 projected cost - \$522,000
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Current contract expires in FY 2029

# Solid Waste Rates -20% increase

Residential		
	Current	Proposed
Waste Collection	\$13.50	\$16.20
Recycling	\$2.50	\$3.00
Admin & Overhead	\$1.00	\$1.10
Franchise Fee	\$1.20	\$1.54
	\$18.20	\$21.84
Small Collection Business		
Base Rate	\$16.88	\$23.43
Admin & Overhead	\$3.50	\$1.10
Franchise Fee	\$1.62	\$1.87
	\$22.00	\$26.40
Major Collection		
Base Rate	\$28.42	\$35.38
Admin & Overhead	\$1.91	\$1.10
Franchise Fee	\$2.43	\$2.83
	\$32.76	\$39.31

# Total Expenditure Budget by Fund

(in millions)

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FUND	FY22-23 ESTIMATE	FY23-24 PROPOSED	VARIANCE
GENERAL FUND	\$ 57.7	\$ 60.2	\$ 2.5
DEBT SERVICE	7.7	8.6	0.9
WATER AND WASTEWATER	26.7	28.0	1.3
SOLID WASTE	4.1	4.3	0.2
HIDDEN CREEK GOLF COURSE	3.8	3.4	(0.4)
PARKS PERFORMANCE	5.5	5.7	0.2
4A SALES TAX	3.8	9.1	5.3
4B SALES TAX	9.5	8.1	(1.4)
CAPITAL PROJECTS	68.3	97.4	29.1
OTHER FUNDS	29.2	31.0	1.8
<b>TOTAL</b>	<b>\$ 216.3</b>	<b>\$ 255.9</b>	<b>\$ 39.6</b>

# Fee Schedule Ordinance

- Recent fee schedule updates
  - Cemetery Fees – approved by Council on August 15, 2023
  - Development Engineering Review and Inspection Fees (In response to HB3492), approved by Council August 21, 2023
  - Short Term Rental – approved by Council on May 1, 2023

# Next Steps

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## **September 11**

Special City Council meeting. Final reading of the ordinances to approve the budget and tax rate



# Action Requested

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## Approve or Deny the following ordinances:

- FY2023-24 Budget – October 1, 2023 – September 30, 2024
- Levying the property tax for tax year 2023 taxable values and adopting the property tax rate of \$0.6325 per \$100 value
- Approving Tax Year 2023 tax roll
- Approving the FY2023-2024 schedule of fees
- Establishing the FY2023-2024 rates for water and wastewater services (3% increase)
- Establishing the FY2023-2024 rates for solid waste services (20%)
- Approving a 3% residential homestead exemption for Tax Year 2024 to be effective October 1, 2024 for FY2024-2025

# QUESTIONS/COMMENTS

## ORDINANCE

**AN ORDINANCE ESTABLISHING RATES TO BE CHARGED FOR THE COLLECTION AND DISPOSAL OF RESIDENTIAL AND NON-RESIDENTIAL SOLID WASTE, RECYCLABLES AND TRASH WITHIN THE CITY OF BURLESON; INCORPORATING THE RECITALS INTO THE BODY OF THE ORDINANCE; PROVIDING A SEVERABILITY CLAUSE, CUMULATIVE CLAUSE, AND SAVINGS CLAUSE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Burleson, Texas 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 previously passed an ordinance, which, among other things, provided a set of fees for solid waste, recyclables, and trash collection; and

**WHEREAS**, the fees for solid waste, recyclables, and trash collection need to be amended and may be amended in accordance with Section 82-92 of the City of Burleson Code of Ordinances; and

**WHEREAS**, the City Council desires set fees for solid waste, recyclables, and trash collection for the upcoming fiscal year; and

**WHEREAS**, the City Council has determined that adopting the fees for solid waste, recyclables, and trash collection set forth herein is in the best interest of the City.

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

### **Section 1**

The monthly charge for gathering and removal of all solid waste (as defined in Section 82-81 of the Code of Ordinances of the City of Burleson, Texas) for residential and non-residential units within the corporate limits of the City of Burleson shall be as follows:

- (1) Residential Unit exclusive of sales tax and applicable state fees:

Waste Collection	\$16.20	2X/Week
Recycling	\$ 3.00	
Admin and Overhead	\$ 1.10	
Franchise Fee	\$ 1.54	
Total	\$21.84	

- (2) Non-Residential Unit exclusive of sales tax and applicable state fees:

Minor Collection (10 bags or 1- 96 gallon container)		
Base Rate	\$23.43	2X/Week
Administration	\$ 1.10	
Franchise Fee	\$ 1.87	
Total	\$26.40	

Major Collection (20 bags or 2- 96 gallon containers)		
Base Rate	\$35.38	2X/Week
Administration	\$ 1.10	
Franchise Fee	\$ 2.83	
Total	\$39.31	

## **Section 2**

That all of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

## **Section 3**

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 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**

All rights and remedies of the City are expressly saved as to any and all provisions of any ordinance affecting solid waste, recyclables, and trash collection fees of the City and to any and all violations of the provisions of any prior ordinance pertaining to solid waste, recyclables, and trash collection fees and regulations within the City which have accrued as of the effective date of this ordinance; as to such accrued fees, collection activity, violations, and any pending litigation, both civil and criminal, whether pending in court or not, under such prior ordinances, same shall not be affected by this ordinance but may be prosecuted and pursued until final disposition by the courts.

**Section 6**

That 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 7**

This ordinance shall be in full force and effect October 1, 2023, and after its passage and publication as provided by law.

**PASSED AND APPROVED** the \_\_\_\_\_ 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

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## City Council Regular Meeting

**DEPARTMENT:** Legal & Purchasing

**FROM:** Matt Ribitzki, Deputy City Attorney/Compliance Manager

**MEETING:** September 5, 2023

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**SUBJECT:**

Consider approval of an ordinance providing for a residential homestead exemption from the ad valorem tax for Tax Year 2024 and all future years unless revised of an amount equal to three percent of the appraised value; repealing conflicting ordinances; providing a savings clause; incorporating the recitals; finding that the meeting at which this ordinance is passed is open to the public; and declaring an effective date. (First Reading) *(Staff Presenter: John Butkus, Assistant Finance Director)*

**SUMMARY:**

On August 9, 2023, the city manager filed the proposed annual budget for Fiscal Year 2023-2024. On that same day, the city manager delivered a copy of the proposed budget to the city council. At the August 15, 2023, special city council meeting, the city manager presented the proposed budget to the council and members of the public.

As part of the FY2021-2022 budget process, city council approved a 1% residential homestead exemption to be effective for Tax Year 2022 (FY2022-2023). This was the first residential homestead exemption in the history of City of Burleson. As part of the 5 year projections, City staff projected 1% increase each of the following years.

As part of the FY2022-2023 budget process, city council approved a 1% increase to the residential homestead exemption, for a total of 2%, to be effective for Tax Year 2023.

The proposed ordinance will approve another 1% increase to the residential homestead exemption, for a total of 3%, to be effective for Tax Year 2024 (FY2024-2025).

City Council must adopt a homestead exemption before July 1st of the tax year the exemption is effective. A homestead exemption for Tax Year 2024 (FY2024-2025) must be approved by Council prior to July 1, 2024.

**OPTIONS:**

Approve the ordinance, approve the ordinance with modifications, or deny the ordinance

**RECOMMENDATION:**

Approve the ordinance

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

At the August 15, 2023, special city council meeting, the city manager presented the proposed budget to the council and members of the public.

**FISCAL IMPACT:**

n/a

**STAFF CONTACT:**

Matt Ribitzki  
Deputy City Attorney/Compliance Manager  
[mribitzki@burlesontx.com](mailto:mribitzki@burlesontx.com)  
817-426-9664



# Proposed Budget FY2024 Tax Rate and Related Ordinances

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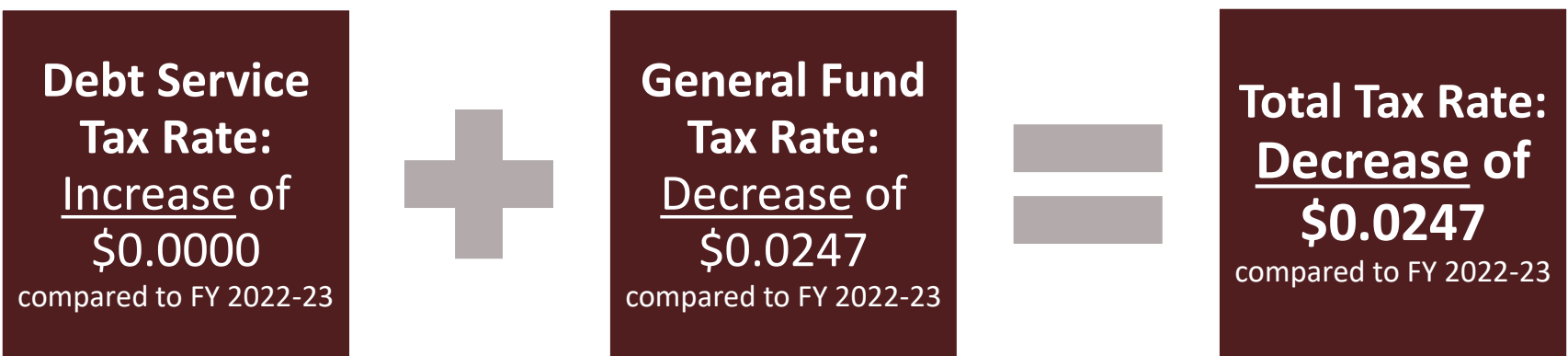
*PRESENTED TO THE CITY COUNCIL ON SEPTEMBER 5, 2023*



# Assumptions for General Fund

## Assessed Value Increases

- FY 2025-28: Assumes 3.5% growth of existing properties and 2% new improvements
- FY 2025-26: Assumes an additional 1% homestead exemption each year.



## Sales Tax

FY 2023: Assumes 6%	↑	FY 2024 Proposed: Assumes 3% increase	↑	FY 2025-2028: Assumes 3% increase	↑
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# Tax Rate History

Tax Year	GF Rate	Debt Rate	Total Rate	
Proposed FY2023-24	\$0.4402	\$0.1923	\$0.6325	Decrease \$0.0247
FY2022-23	\$0.4649	\$0.1923	\$0.6572	
FY2021-22	\$0.4974	\$0.1885	\$0.6859	
FY2020-21	\$0.5187	\$0.1924	\$0.7111	
FY2019-20	\$0.5106	\$0.2094	\$0.7200	
FY2018-19	\$0.5228	\$0.2122	\$0.7350	
FY2017-18	\$0.5228	\$0.2122	\$0.7350	
FY2016-17	\$0.5228	\$0.2122	\$0.7350	
FY2015-16	\$0.5278	\$0.2122	\$0.7400	
FY2014-15	\$0.5278	\$0.2122	\$0.7400	
FY2013-14	\$0.5278	\$0.1622	\$0.6900	

# Average Home Value

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Fiscal Year	Average Home Value	Tax Rate	Tax Levy	Homestead	Net Tax Bill
FY 2023	\$253,812	\$0.6572	\$1,668.05	(\$33.36)	\$1,634.69
FY 2024	\$282,966	\$0.6325	\$1,789.76	(\$53.69)	\$1,736.08
Net Difference	\$29,154	(\$0.0247)	\$121.71	\$20.33	\$101.39

- Monthly net tax bill increase of \$8.45 per month.

# Summary of Assumptions

	FY 24	FY 25	FY 26	FY 27	FY 28
Tax Levy	3.5%	3.5%	3.5%	3.5%	3.5%
New Construction Growth	2%	2%	2%	2%	2%
Sales Tax Growth	3%	3%	3%	3%	3%
Compensation	3.5%	3.0%	3.0%	3.0%	3.0%
Cash Funding – Capital Projects	\$1.4M	\$.64K	\$.88K	\$1.38M	\$0
Future Bond Sales	\$93.7M	\$74.5M	\$40.92M	\$15.93M	\$22.0M

# Water/Wastewater

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Key issues in the development of the budget:

Projects	Capital Improvement Program	Rates
<ul style="list-style-type: none"><li>• Water Line Rehabilitation \$2.0M</li><li>• Hulen Ground Storage Tank Rehabilitation \$1.4M</li><li>• Sewer Line Rehabilitation \$3.0M</li></ul>	<ul style="list-style-type: none"><li>• \$9 million bond issue proposed in FY 2023/24</li><li>• 5 year Capital Improvement Plan 2024-2028:<ul style="list-style-type: none"><li>• Water - \$48.8 million</li><li>• Sewer - \$33.7 million</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Propose 3 percent for both water and sewer in FY 2024</li></ul>

# Water Rates -3% increase

Section 1		
The base water rates per meter size shall be as follow:		
	Current	Proposed
3/4	\$15.56	\$16.03
1	\$22.41	\$23.08
1.5	\$42.19	\$43.46
2	\$62.18	\$64.05
3	\$149.55	\$154.04
4	\$249.26	\$256.74
6	\$497.41	\$512.33
8	\$745.56	\$767.93
10	\$991.51	\$1,021.26
12	\$1,144.90	\$1,179.25

Section 2		
In addition to the base water rate per meter size, the water rates for all areas of the City are as follows.		
1 gallon to 10,000 gallons Meter Size	Current	Proposed
All	\$4.76/1000 gallons	\$4.90/1000 gallons
10,001-20,000 gallons Meter Size		
All	\$5.75/1000 gallons	\$5.92/1000 gallons
Over 20,000 gallons Meter Size		
All	\$6.57/1000 gallons	\$6.57/1000 gallons
Gas Well Drilling Meter Size		
All	\$13.55	\$13.96

# Wastewater Rates -3% increase

Section 3		
The base wastewater rate shall be as follows:		
	Current	Proposed
	\$19.16	\$19.73
Residential		
Residential wastewater volume will be determined as the average of water consumption billed in the months of January, February, and March up to a maximum of 12,000 gallons. If a customer has not established an average for these three months, wastewater volume will be determined as the citywide residential average for those months.		
The rate applied to this volume will be		
	Current	Proposed
	\$5.32/1,000 gallons	\$5.48/1,000 gallons
Maximum wastewater charge to residential customers using wastewater service only:		
Max	\$83.00	\$85.49
Commercial		
All usage	\$5.32	\$5.48
Abnormal Sewage Surcharge- rated determined by City of Fort Worth		
	Current	Proposed
Biochemical Oxygen Demand (BOD)	\$0.4407 per pound	\$0.5478 per pound
Total Suspended Solids (TSS)	\$0.2649 per pound	\$0.3175 per pound

# Solid Waste Fund

## Revenues

Projected 20% fee increase for FY 24 – \$3.64 per residential account  
Projected 10% fee increase for FY 25  
Project a 3% fee increase in FY 26-28

2.50% increase in growth for FY 23-24

## Expenditures

Collection contract	FY24 projected cost - \$3 million
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Recycling program	FY24 projected cost - \$522,000
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Current contract expires in FY 2029



# Solid Waste Rates -20% increase

Residential		
	Current	Proposed
Waste Collection	\$13.50	\$16.20
Recycling	\$2.50	\$3.00
Admin & Overhead	\$1.00	\$1.10
Franchise Fee	\$1.20	\$1.54
	\$18.20	\$21.84
Small Collection Business		
Base Rate	\$16.88	\$23.43
Admin & Overhead	\$3.50	\$1.10
Franchise Fee	\$1.62	\$1.87
	\$22.00	\$26.40
Major Collection		
Base Rate	\$28.42	\$35.38
Admin & Overhead	\$1.91	\$1.10
Franchise Fee	\$2.43	\$2.83
	\$32.76	\$39.31

# Total Expenditure Budget by Fund

(in millions)

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FUND	FY22-23 ESTIMATE	FY23-24 PROPOSED	VARIANCE
GENERAL FUND	\$ 57.7	\$ 60.2	\$ 2.5
DEBT SERVICE	7.7	8.6	0.9
WATER AND WASTEWATER	26.7	28.0	1.3
SOLID WASTE	4.1	4.3	0.2
HIDDEN CREEK GOLF COURSE	3.8	3.4	(0.4)
PARKS PERFORMANCE	5.5	5.7	0.2
4A SALES TAX	3.8	9.1	5.3
4B SALES TAX	9.5	8.1	(1.4)
CAPITAL PROJECTS	68.3	97.4	29.1
OTHER FUNDS	29.2	31.0	1.8
<b>TOTAL</b>	<b>\$ 216.3</b>	<b>\$ 255.9</b>	<b>\$ 39.6</b>

# Fee Schedule Ordinance

- Recent fee schedule updates
  - Cemetery Fees – approved by Council on August 15, 2023
  - Development Engineering Review and Inspection Fees (In response to HB3492), approved by Council August 21, 2023
  - Short Term Rental – approved by Council on May 1, 2023

# Next Steps

---

## **September 11**

Special City Council meeting. Final reading of the ordinances to approve the budget and tax rate

# Action Requested

---

## Approve or Deny the following ordinances:

- FY2023-24 Budget – October 1, 2023 – September 30, 2024
- Levying the property tax for tax year 2023 taxable values and adopting the property tax rate of \$0.6325 per \$100 value
- Approving Tax Year 2023 tax roll
- Approving the FY2023-2024 schedule of fees
- Establishing the FY2023-2024 rates for water and wastewater services (3% increase)
- Establishing the FY2023-2024 rates for solid waste services (20%)
- Approving a 3% residential homestead exemption for Tax Year 2024 to be effective October 1, 2024 for FY2024-2025

# QUESTIONS/COMMENTS

## ORDINANCE

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, AMENDING ORDINANCE NO. CSO#1857-09-2021 AND ORDINANCE NO. CSO#3072-09-2022 BY PROVIDING FOR A RESIDENTIAL HOMESTEAD EXEMPTION FROM THE AD VALOREM PROPERTY TAX OF THE CITY OF BURLESON, TEXAS, FOR THE 2024 TAX YEAR AND ALL FUTURE YEARS UNLESS REVISED AT AN AMOUNT EQUAL TO THREE PERCENT OF THE APPRAISED VALUE; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; INCORPORATING THE RECITALS; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; DECLARING AN EFFECTIVE DATE.**

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

**WHEREAS**, the Texas Tax Code provides that the City Council may exempt from ad valorem taxation up to twenty percent (20%) percent of the appraised value of a residential homestead; and

**WHEREAS**, Section 11.13(n) of the Texas Tax Code states that if the exemption percentage set by the City produces an exemption in a tax year of less than \$5,000 when applied to a particular residential homestead, the taxpayer is entitled to an exemption of \$5,000 of the appraised value; and

**WHEREAS**, the City Council must adopt a homestead exemption before July 1<sup>st</sup> of the tax year the exemption is effective; and

**WHEREAS**, on September 13, 2021, the City Council adopted Ordinance No. CSO#1857-09-2021 providing for the owner of a residence homestead who makes application therefore an exemption for the 2022 tax year and all future tax years, unless revised, from City ad valorem taxation of an amount equal to the sum of one percent (1%) of the appraised value; and

**WHEREAS**, on September 12, 2022, the City Council adopted Ordinance No. 3072-09-2022, which amended Ordinance No. CSO#1857-09-2021 by providing for the owner of a residence homestead who makes application therefore an exemption for the 2023 tax year and all future tax years, unless revised, from City ad valorem taxation of an amount equal to the sum of two percent (2%) of the appraised value; and

**WHEREAS**, the City Council desires revise and amend Ordinance No. CSO1857-09-2021 and Ordinance No. 3072-09-2022 by increasing the amount of the residence homestead exemption beginning tax year 2024; and

**WHEREAS**, the City Council desires to increase the exemption provided for in Ordinance No. CSO#1857-09-2021 and Ordinance No. 3072-09-2022 and adopt a total three percent (3%) residential homestead ad valorem tax exemption pursuant to Section 11.13 of the Texas Tax Code for the tax year 2024 and all future years, unless such exemption is amended by City Council.

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

**Section 1**

In addition to any other exemptions provided by state law or City ordinance, except for Ordinance No. CSO#1857-09-2021 and Ordinance No. 3072-09-2022 which are hereby revised and amended, the owner of a residence homestead who makes application therefore shall be entitled to an exemption for the 2024 tax year and all future tax years, unless revised, from City ad valorem taxation of an amount equal to the sum of three percent (3%) of the appraised value.

**Section 2**

Any and all ordinances, resolutions, rules, regulations, policies or provisions in conflict with the provisions of this ordinance are hereby repealed and rescinded to the extent of conflict herewith.

**Section 3**

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 4**

All of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

**Section 5**

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 6**

This ordinance shall become effective immediately upon its passage and approval.

**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

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## City Council Regular Meeting

**DEPARTMENT:** Finance

**FROM:** John Butkus, Assistant Finance Director

**MEETING:** September 5, 2023

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**SUBJECT:**

Consider approval of ordinance amending the City budget for fiscal year 2022-2023 by increasing appropriations to various funds to offset expenses incurred throughout the fiscal year. (First and Final Reading) (*Staff Presenter: John Butkus, Assistant Finance Director*)

**SUMMARY:**

Amending the City budget for fiscal year 2022-2023 by increasing appropriations in the general fund by \$1,618,143 due to reimbursement to Hill College and market wage adjustments for Public Safety. Increasing appropriations in the debt service fund by \$216,702 due to increased debt service charges for FY2023 bond sale. Increasing appropriations in the health service fund by \$1,732,181 due to increased claims expenses. Increasing appropriations in the solid waste fund by \$251,318 due to customer growth not reflected in the original budget. Increasing appropriations for the grant fund \$1,095,651 due to CAD system and police equipment cost increases not reflected in the original budget. Increasing appropriations in the 4B fund by \$535,751 because of increased golf and parks performance costs. Increasing appropriations for the parks performance fund by \$340,105 due to salaries and overtime. Increasing the water and wastewater fund by \$1,261,052 due to increased purchased water cost and transfers to the technology fund. Increasing appropriations in the proprietary equipment replacement fund by \$537,943 due to a transfer to the solid waste fund for target fund balance. Increasing appropriations for the golf fund \$10,100 because of increased salary and part time expenses.

**OPTIONS:**

- 1) Approve as presented
- 2) Approve with changes
- 3) Deny

**RECOMMENDATION:**

Staff recommendations approval of amended budget ordinance

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

N/A

**FISCAL IMPACT:**

Fund Name:	General	Fund Name:	Parks Performance
Fund number:	101	Fund number:	203
Amount: \$	\$ 1,618,143	Amount: \$	\$ 340,105
Fund Name:	Debt Service	Fund Name:	Golf
Fund number:	301	Fund number:	530
Amount: \$	\$ 216,702	Amount: \$	\$ 10,100
Fund Name:	Health Insurance	Fund Name:	4B
Fund number:	620	Fund number:	202
Amount: \$	\$ 1,732,181	Amount: \$	\$ 535,751
Fund Name:	Solid Waste	Fund Name:	Water & Wastewater
Fund number:	525	Fund number:	501
Amount: \$	\$ 251,318	Amount: \$	\$ 1,261,052
Fund Name:	Grant	Fund Name:	Equipment Replacement Proprietary
Fund number:	229	Fund number:	603
Amount: \$	\$ 1,095,651	Amount: \$	\$ 537,943

**STAFF CONTACT:**

John Butkus  
Assistant Finance Director  
[jbutkus@burlesontx.com](mailto:jbutkus@burlesontx.com)  
817-426-9627

[burlesontx.com](http://burlesontx.com) | 817.426.9611 | 141 W Renfro Street, Burleson, Texas 76028





# Budget Amendments

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*Presented to Council on September 5, 2023*

# Overview

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- Throughout budget deliberations with Council, the need for budget adjustments in various funds have been discussed due to increases within operating and other expenditures
- The budget and year-end estimates match those previously presented to the Council, with the exception of the health fund which has increased due to recent claim estimates
- All fund adjustments total \$4,235,413 for a 2.95% change

# Amendment Summary

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## General Fund FY2023

- Operating Budget \$56,080,241
- Year End Estimate \$57,698,384
- Variance \$1,618,143

## All Funds FY2023

- Operating Budget \$143,768,592
- Year End Estimate \$148,004,005
- Variance \$4,235,413

# General Fund

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Increased appropriations with the General Fund – \$1,618,143

- Contributing factors for increased expenses:
  - Hill College
  - Police and Fire wage adjustments
  - Parks Right of Way maintenance



# Debt Service Fund

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Increased appropriation in the debt service fund to include FY2023 principal and interest charges for TIF #2 CO 2022 series budget amendment

- Debt Service Fund – \$216,702
  - Bond Principal \$85,000
  - Bond Interest \$131,702

# Health Insurance Fund

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Increased appropriations in the health insurance fund as a result of a consistent trend with the rise in claims expenses. Next fiscal year staff will work to identify plan and contribution adjustments necessary to ensure an appropriate fund balance over time. Current fiscal estimates regarding reimbursements from stop loss insurance is \$344,687

- Health Insurance Fund – \$1,732,181

# Solid Waste Fund

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Increased appropriations in the solid waste fund to account for customer growth

- Solid Waste Fund – \$251,318

# Grant Fund

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Increased appropriations in the grant fund as the planned CAD system ARPA transfer was not created in the budget. Mobility Command Unit and the Armored Rescue Vehicle cost increases, which match the current ARPA expenditure plan as presented to Council

- Grant Fund – \$1,095,651

# 4B Fund

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Increased appropriations in the 4B fund as a result of increased golf and parks performance costs

- 4B Fund \$535,751
  - Golf Fund
    - Increased costs include, transaction fees, cost of sales, battery replacements for golf carts
  - Parks Performance Fund
    - Increases with natural gas, water, salaries, transaction fees

# Parks Performance Fund

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Increased appropriations in the parks performance fund

- Parks Performance Fund \$340,105
  - Recreation and athletics salaries and overtime
  - Utilities and transaction fees

# Water and Waste Water Fund

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Increased appropriations in the water and wastewater fund due to increased purchased water costs and transfers to the technology fund for the 311 system

- Water and Wastewater Fund \$1,261,052

# Proprietary Equipment Replacement Fund

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Increased appropriations in the proprietary equipment replacement fund as a result of proceeds from the sale of the equipment (land and equipment) being transferred to the solid waste fund to ensure sufficient fund balance

- Equipment Replacement - Proprietary – \$537,943



# Golf Fund

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Increased appropriations in the golf fund due to increases with salaries and transaction fees - \$10,100

# Options

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- Approve or Deny All Budget Amendments
- Approve or Deny Selected Budget Amendments
- Staff recommends approval of Budget Amendments

# QUESTIONS/COMMENTS

## **ORDINANCE**

**AN ORDINANCE AMENDING THE CITY BUDGET FOR FISCAL YEAR 2022-2023 BY INCREASING APPROPRIATIONS IN THE GENERAL FUND IN THE AMOUNT OF \$1,618,143 FOR REIMBURSEMENT FOR HILL COLLEGE AND MARKET WAGE ADJUSTMENT FOR PUBLIC SAFETY; BY INCREASING APPROPRIATIONS IN THE DEBT SERVICE FUND IN THE AMOUNT OF \$216,702 FOR INCREASED DEBT SERVICE CHARGES FOR THE FY2023 BOND SALE; BY INCREASING APPROPRIATIONS IN THE HEALTH SERVICE FUND IN THE AMOUNT OF \$1,732,181 FOR INCREASED CLAIM EXPENSES; BY INCREASING APPROPRIATIONS IN THE GRANT FUND IN THE AMOUNT OF \$1,095,651 FOR CAD SYSTEM AND POLICE EQUIPMENT COSTS; BY INCREASING APPROPRIATIONS IN THE 4B FUND IN THE AMOUNT OF \$535,751 FOR GOLF AND PARKS COSTS; BY INCREASING APPROPRIATIONS IN THE PARKS PERFORMANCE FUND IN THE AMOUNT OF \$340,105 FOR INCREASED SALARIES AND OVERTIME; BY INCREASING APPROPRIATIONS IN THE WATER AND WASTEWATER FUND IN THE AMOUNT OF \$1,261,052 FOR INCREASED WATER PURCHASE AND TECHNOLOGY COSTS; BY INCREASING APPROPRIATIONS IN THE PROPRIETARY EQUIPMENT REPLACEMENT FUND IN THE AMOUNT OF \$537,943 FOR A TRANSFER TO THE SOLID WASTE FUND; BY INCREASING APPROPRIATIONS TO THE SOLID WASTE FUND BY \$251,318 FOR INCREASED CUSTOMER GROWTH; BY INCREASING APPROPRIATIONS IN THE GOLF FUND IN THE AMOUNT OF \$10,100 FOR INCREASED SALARY EXPENSES; FINDING THAT TIME IS OF THE ESSENCE AND THAT THIS ORDINANCE MAY BE CONSIDERED AND APPROVED AT ONLY ONE MEETING; INCORPORATING THE RECITALS INTO THE BODY OF THE ORDINANCE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC; AND, PROVIDING FOR A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Burleson, Texas, 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 desires to increase the appropriations in the general fund in the amount of \$1,618,143 for reimbursement for hill college and market wage adjustment for public safety; and

**WHEREAS**, the City desires to increase the appropriations in the debt service fund in the amount of \$216,702 for increased debt service charges for the FY2023 bond sale; and

**WHEREAS**, the City desires to increase the appropriations in the health service fund in the amount of \$1,732,181 for increased claim expenses; and

**WHEREAS**, the City desires to increase the appropriations in the grant fund in the amount of \$1,095,651 for CAD system and police equipment costs; and

**WHEREAS**, the City desires to increase the appropriations in the 4B fund in the amount of \$535,751 for golf and parks costs; and

**WHEREAS**, the City desires to increase the appropriations in the parks performance fund in the amount of \$340,105 for unrealized salary and insurance savings; and

**WHEREAS**, the City desires to increase the appropriations in the water and wastewater fund in the amount of \$1,261,052 for increased water purchase and technology costs; and

**WHEREAS**, the City desires to increase the appropriations in the proprietary equipment replacement fund in the amount of \$537,943 for a transfer to the solid waste fund; and

**WHEREAS**, the City desires to increase the appropriations in the golf fund in the amount of \$10,100 for increased salary expenses; and

**WHEREAS**, the City desires to increase the appropriations in the solid waste fund in the amount of \$251,318 for increased customer growth; and

**WHEREAS**, the City Council may consider and approve certain ordinances or ordinance amendments at only one meeting in accordance with Section 2-4 of the Code of Ordinances of the City of Burleson; and

**WHEREAS**, the City Council finds and determines that this ordinance may be considered and approved in only one meeting because the provisions of this ordinance supplements the adopted budget by appropriating additional funds, because this ordinance is not considered as part of the consent agenda, and because time is of the essence; and

**WHEREAS**, the City Council hereby finds and determines that the amendments and regulations set forth herein are in the best interest of the public and are adopted in furtherance of the public health, safety, welfare, morals, and general welfare.

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

### **Section 1.**

In addition to those amounts appropriated from the various City departments for Fiscal Year 2022-2023 in the Budget, there shall also be increased estimated appropriations in the following funds for the following purposes:

1. In the General Fund (101) in the amount of \$1,618,143 for reimbursement for hill college and market wage adjustment for public safety;

2. In the Debt Service Fund (301) in the amount of \$216,702 for increased debt service charges for the FY2023 bond sale;
3. In the Health Service Fund (620) in the amount of \$1,732,181 for increased claim expenses;
4. In the Grant Fund (229) in the amount of \$1,095,651 for CAD system and police equipment costs;
5. In the 4B Fund (202) in the amount of \$535,751 for golf and parks costs;
6. In the Parks Performance Fund (203) in the amount of \$340,105 for unrealized salary and insurance savings;
7. In the Water and Wastewater Fund (501) in the amount of \$1,261,052 for increased water purchase and technology costs;
8. In the Proprietary Equipment Replacement Fund (603) in the amount of \$537,943 for a transfer to the solid waste fund; and
9. In the Golf Fund (530) in the amount of \$10,100 for increased salary expenses.
10. In the Solid Waste fund (525) in the amount of \$251,318 for increased customer growth.

## **Section 2.**

The findings set forth above in the recitals of this ordinance are incorporated into the body of this ordinance as if fully set forth herein.

## **Section 3.**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

## **Section 4.**

The terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

## **Section 5.**

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 6.**

This ordinance shall become effective immediately upon its passage and publication as required by law.

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**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

## City Council Regular Meeting

**DEPARTMENT:** Customer Service  
**FROM:** Jesse Elizondo, Director of Customer Service  
**MEETING:** September 5, 2023

### SUBJECT:

Consider approval of an ordinance amending the city's utility customer service leak adjustment policy in Section 82-11 of Division 1 "Utility Charges and Fees" of Article 1 "General" of Chapter 82 "Utilities" of the City of Burleson Code of Ordinances. (First Reading) (*Staff Contact: Jesse Elizondo, Director of Customer Service*)

### SUMMARY:

The city employs its utility customer service leak adjustment policy (Chapter 82 Sec. 82-11 (b)) to define eligibility criteria and procedures for Burleson's residents and businesses. This policy serves as a guideline for addressing concerns pertaining to water leaks within residential and commercial water systems. The primary purpose of the policy is to establish equitable and accountable procedures for managing scenarios where a business or property owner experiences abnormally high water bills due to undetected water leaks on their property. These leaks, typically beyond their awareness or control, can impose substantial financial burden as the wasted water often leads to an unexpected spike in their water bill.

On August 21, 2023 the leak adjustment policy was presented and modified by city council lowering the eligible use frequency to "once every 24 months" along with several changes to eligibility requirements and forgiveness calculations. The new policy breakdown is outlined below with the changes outlined in red:

Frequency	Requirements	Calculation
Once every 24 months	<ul style="list-style-type: none"> <li>- Evidence of repair (service/parts receipt or shutoff documentation)</li> <li>- All dates or evidence of repair must coincide with dates of high usage</li> <li>- Residential and commercial are both eligible</li> <li>- Must apply within 90 days of the repair</li> </ul>	<ul style="list-style-type: none"> <li>- Forgiveness given above 12 month average (not including leak) if there is not 12 months history, utilize available history or city average</li> <li>- Leak adjustments cover 50% of high usage above the average, up to \$500</li> </ul>

As the utility customer service leak adjustment policy is contained within Chapter 82, "Utilities" Article 1, "In General" Division 1, "Utility Rates Charges and Fees" Section 11, "Responsibility of consumer for loss; averaging of charges." of the code of ordinances, staff is bringing forward the ordinance (Exhibit 3) on first reading to solidify the necessary changes to the policy.



**OPTIONS:**

- 1) Approve the ordinance as written on first reading.
- 2) Approve the ordinance with changes on first reading.
- 3) Deny the ordinance.

**RECOMMENDATION:**

Staff is recommending approval of the ordinance as written.

**FISCAL IMPACT:**

No immediate fiscal impact. Possible impact would be determined by the future frequency of use.

**STAFF CONTACT:**

Jesse Elizondo  
Director of Customer Service  
[jelizondo@burlesontx.com](mailto:jelizondo@burlesontx.com)  
817-426-9662



# Utility Customer Service Leak Adjustment Policy - Ordinance

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PRESENTED TO THE CITY COUNCIL ON  
SEPTEMBER 5, 2023

# Utility Customer Service Leak Adjustment Policy

## Timeline of Leak Adjustment Policy

- January 20, 2015 – Policy Last Modified
- August 21, 2023 – Council Discussed and Modified
- September 5, 2023 – First Reading of Ordinance
- September 18, 2023 – Final Reading of Ordinance
- September 19, 2023 – New Policy in Effect
- Ongoing Monitoring and Updates with City Management



# Utility Customer Service Leak Adjustment Policy

## Current Leak Adjustment Policy

City	Frequency	Requirements	Calculation
Burleson	Once every 10 years	<ul style="list-style-type: none"><li>- Evidence of repair (service/parts receipt or shutoff documentation)</li><li>- All dates or evidence of repair must coincide with dates of high usage</li><li>- Residential and commercial are both eligible</li></ul>	<ul style="list-style-type: none"><li>- Forgiveness given above a calculated 12 month average (not including leak)</li></ul>

## New Leak Adjustment Policy

City	Frequency	Requirements	Calculation
Burleson	Once every 24 months	<ul style="list-style-type: none"><li>- Evidence of repair (service/parts receipt or shutoff documentation)</li><li>- All dates or evidence of repair must coincide with dates of high usage</li><li>- Residential and commercial are both eligible</li><li>- Must apply within 90 days of the repair</li></ul>	<ul style="list-style-type: none"><li>- Forgiveness given above 12 month average (not including leak) if there is not 12 months history, utilize available history or city average</li><li>- Leak adjustments cover 50% of high usage above the average, up to \$500</li></ul>

# Utility Customer Service Leak Adjustment Policy

## **New Leak Adjustment Policy as § 82-11 in Code of Ordinance**

- (b) All customers may request a “one-time every 24 months” leak adjustment credit to their water utility account with the City of Burleson. Any request for adjustment must be initiated by submitting an acceptable form of documentation within 90 days of the water loss incident. Acceptable forms of documentation are intended to provide proof of leak with adequate and responsible repairs may include but are not limited to:
1. A receipt for repairs accomplished by a licensed plumber
  2. Proof of leak and receipt showing parts purchased by homeowner
  3. Proof of leak and documentation by city records which reflect date and time called in for shutoff of water meter for repairs

All dates on documentation or city work orders must coincide with dates of high water usage. Failure to submit an acceptable form of documentation may result in denial of the “one-time every 24 months” credit, but can be appealed to the city manager or his/her designee. The “one-time every 24 months” credit will be applied to any water consumption surpassing the customer's average from the previous 12 months. Any usage beyond this 12-month average will be credited to the customer at a rate of 50%, up to a total of \$500. Months in which a leak occurred will not factor into the calculation of this 12-month average. In cases where a customer has not yet established a 12-month average water consumption history, the city may consider any available historical data or utilize the citywide average. A credit may be applied for two months of usage if there is documentation or evidence indicating that a leak persisted throughout two consecutive billing periods. However, no credit for sewer charges will be extended to residential accounts, as the city employs “winter quarter averaging.” Sewer credits may be considered for commercial accounts, provided the documentation demonstrates that the leak originated outside of the building and did not impact the sanitary sewer system.

# Utility Customer Service Leak Adjustment Policy

## Council Options

- 1) Approve the ordinance as written on first reading
- 2) Approve the ordinance with changes on first reading
- 3) Deny the ordinance

## Staff Recommendation

Staff is recommending approval of ordinance as written



## Questions or Comments?

## **ORDINANCE**

**AN ORDINANCE AMENDING SECTION 82-11 “RESPONSIBILITY OF CONSUMER FOR LOSS; AVERAGING OF CHARGES” OF DIVISION 1 “UTILITY CHARGES AND FEES” OF ARTICLE 1 “IN GENERAL” OF CHAPTER 82 “UTILITIES” OF THE CITY OF BURLESON CODE OF ORDINANCES TO UPDATE THE UTILITY CUSTOMER SERVICE LEAK ADJUSTMENT POLICY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCORPORATION OF THE RECITALS, DETERMINING THAT THE MEETINGS AT WHICH THIS ORDINANCE WAS PASSED WAS NOTICED AND OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City of Burleson (“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 Texas Local Government Code; and

WHEREAS, the Burleson City Council employs its utility customer service leak adjustment policy to define eligibility criteria and procedures for Burleson's residents and businesses; and

WHEREAS, the Burleson City Council intends for the utility customer service leak adjustment policy to establish equitable and accountable procedures for managing scenarios where a business or property owner experiences abnormally high water bills due to undetected water leaks on their property; and

WHEREAS, the Burleson City Council desires to amend Chapter 82, "Utilities" Article 1, “In General” Division 1, “Utility Rates Charges and Fees” Section 82-11, “Responsibility of consumer for loss; averaging of charges” of the Code of Ordinances to update the utility customer service leak adjustment policy; and

WHEREAS, the City Council of the City of Burleson has determined that it is in the best interest of the citizens of the City of Burleson to amend Chapter 82 “Utilities” as provided herein, and has further determined that this ordinance will promote the health, safety and general welfare of the citizens of the City of Burleson and the general public;

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

### **SECTION 1.**

Chapter 82, "Utilities" Article 1, “In General” Division 1, “Utility Rates Charges and Fees” of the Code of Ordinances, City of Burleson, Texas is hereby amended by repealing and replacing Section 82-11, “Responsibility of consumer for loss; averaging of charges.” to read as follows:

**“§ 82-11. Responsibility of consumer for loss; averaging of charges.**

- (a) A consumer shall be held responsible for loss of water including breakage in pipe or plumbing on the discharge side of the meter, and if this water is not paid for according to the established rates when it becomes due, the service shall be discontinued until all charges are paid.
- (b) All customers may request a “one-time every twenty-four (24) months” leak adjustment credit to their water utility account with the City of Burleson. Any request for adjustment must be initiated by submitting an acceptable form of documentation within ninety (90) days of the water loss incident. Acceptable forms of documentation are intended to provide proof of leak with adequate and responsible repairs and may include but are not limited to:
  - 1. A receipt for repairs accomplished by a licensed plumber
  - 2. Proof of leak and receipt showing parts purchased by homeowner
  - 3. Proof of leak and documentation by city records which reflect date and time called in for shutoff of water meter for repairs

All dates on documentation or city work orders must coincide with dates of high water usage. Failure to submit an acceptable form of documentation may result in denial of the “one-time every twenty-four (24) months” credit, but can be appealed to the city manager or his/her designee. The “one-time every twenty-four (24) months” credit will be applied to any water consumption surpassing the customer's average from the previous twelve (12) months. Any usage beyond this twelve-month average will be credited to the customer at a rate of fifty percent (50%), up to a total of five hundred dollars (\$500). Months in which a leak occurred will not factor into the calculation of this twelve-month average. In cases where a customer has not yet established a twelve-month average water consumption history, the city may consider any available historical data or utilize the citywide average. A credit may be applied for two months of usage if there is documentation or evidence indicating that a leak persisted throughout two consecutive billing periods. However, no credit for sewer charges will be extended to residential accounts, as the city employs "winter quarter averaging." Sewer credits may be considered for commercial accounts, provided the documentation demonstrates that the leak originated outside of the building and did not impact the sanitary sewer system.

- (c) Should any meter fail to register correctly the amount of water used by a consumer since the previous reading, the right shall exist on the part of the city water and sewer department to average the month and charge for water on the basis of same basis of the prior three months' average, twelve (12) months' average, or same month in previous year (whichever one of the three options appears to be the most accurate and fair for the customer).”

**SECTION 2.  
CUMULATIVE**

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 3.  
SEVERABILITY**



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 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 4.  
RECITALS INCORPORATED

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 5.  
OPEN MEETING

It is hereby officially found and determined that the meetings at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meetings was given as required by law.

SECTION 6.  
EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

**PASSED AND APPROVED** this 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 B  
Utility Customer Service  
Leak Adjustment Policy

- All customers may request a “one-time every ten years” leak adjustment credit to their water utility account with the City of Burleson. Any request for adjustment may be initiated by submitting an acceptable form of documentation of the water loss incident. Acceptable forms of documentation may include but are not limited to:
  - A. A receipt for repairs accomplished by a licensed plumber
  - B. Receipt showing parts purchased by homeowner
  - C. Documentation by city records which reflect date and time called in for shutoff of water meter for repairs
- All dates on documentation or city work orders must coincide with dates of high water usage.
- Failure to submit an acceptable form of documentation will normally result in denial of the “one-time every ten years” credit, but may be appealed to the Public Works Director.
- The “one-time every ten years” credit will be applied to the water usage above the last 12 months average monthly water consumption, with the amount exceeding the 12 month average to be charged per one-thousand gallons of water to the City of Burleson by the wholesale water provider (City of Fort Worth). (Months in which the leak occurred will not be used in the calculation of the 12 month average).
- A credit may apply for two months usage if documentation or usage shows that the leak ran during two consecutive billing periods.
- No credit for sewer charges will be made to residential accounts since the City uses “winter quarter averaging”.
- Sewer credits may be made to commercial accounts if the documentation shows that the leak occurred outside of the building and did not enter the sanitary sewer system.

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## City Council Regular Meeting

**DEPARTMENT:** Public Works

**FROM:** Eric Oscarson, Director of Public Works

**MEETING:** September 5, 2023

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**SUBJECT:**

Consider approval of a minute order to reject bids for ITB 2023-013 ITS Construction. *(Staff Contact: Eric Oscarson, Director of Public Works)*

**SUMMARY:**

The recently adopted Intelligent Traffic Systems Strategic Plan focuses on the Traffic Management aspect of Smart Mobility. An Intelligent Transportation System (ITS) is an operational system of various technologies that, when combined and managed, improve the operating capabilities of the overall transportation system. The city utilized a consultant to assist in the design of the city-wide ITS. This design included a traffic management software and hardware, new vehicle detection, new video cameras, video wall and Traffic Management Center build-out, and emergency vehicle preemption. These updates will include all current traffic signals (16) and adding all Texas Department of Transportation (TxDOT) traffic signals (27).

The city was awarded a Highway Safety Improvement Program grant for signal improvements along the Alsbury Blvd corridor. This will include traffic equipment and vehicle detection upgrades. The city will contribute \$89,329 in funding and TxDOT will provide \$743,590 in grant funding. This project will be bid separately from the current ITS project.

The city has a total of \$2,517,812 for the ITS project with \$155,644 allocated for design and \$2,362,168 identified for construction costs. Staff initiated ITB 2023-013 ITS Construction with the intent to solicit bids for implementation of the City's ITS Plan. Unfortunately the city only received one bid and it was \$3,099,757, which did not include any alternates or contingency.

Staff is exploring options for additional funding including funding from the North Central Texas Council of Governments and utilizing additional capital funding.

Staff is recommending approval of a minute order to reject the bid received for ITB 2023-013 ITS Construction.

**OPTIONS:**

- 1) Approve a minute order to reject bids for ITB 2023-013 ITS Construction.
- 2) Deny a minute order to reject proposals for ITB 2023-013 ITS Construction.

**RECOMMENDATION:**

Approval of a minute order to reject bids for ITB 2023-013 ITS Construction.

**STAFF CONTACT:**

Eric Oscarson  
Director of Public Works  
[eoscarson@burlesontx.com](mailto:eoscarson@burlesontx.com)  
817-426-9837

# ITB 2023-013 ITS CONSTRUCTION

Rejection of Bid





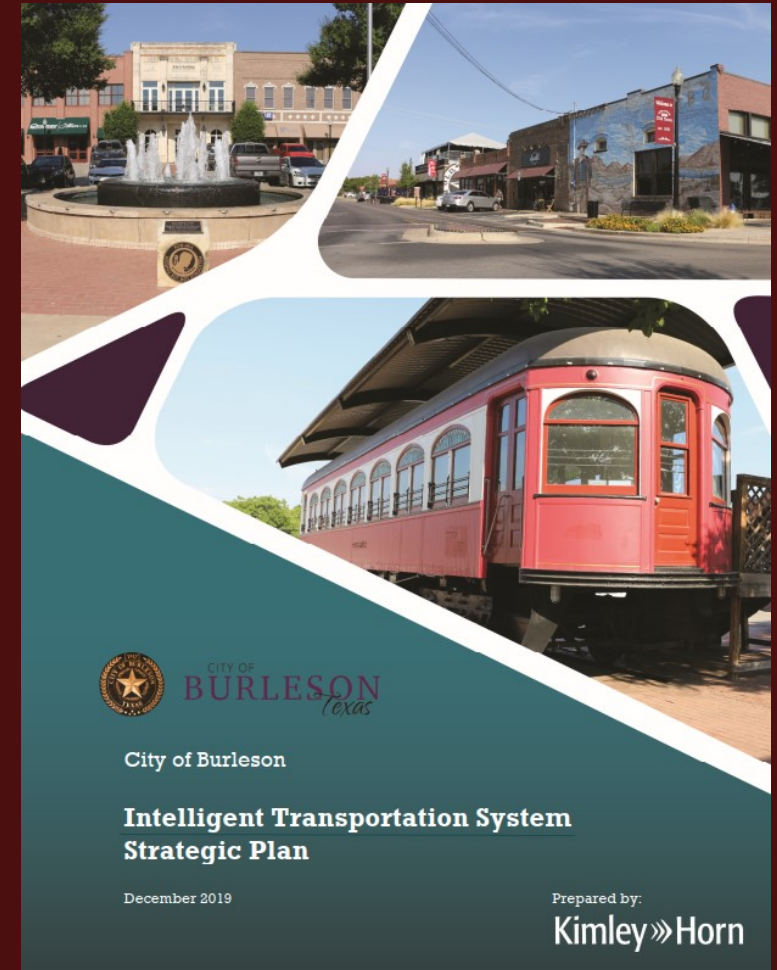
# WHAT IS INTELLIGENT TRANSPORTATION SYSTEMS

**An intelligent transportation system (ITS) is an advanced application which aims to provide innovative services relating to different modes of transport and traffic management and enable users to be better informed and make safer, more coordinated, and 'smarter' use of transport networks.**



# INTELLIGENT TRANSPORTATION SYSTEMS STRATEGIC PLAN

- Kimley-Horn and Associates, Inc. hired to develop plan in March of 2018.
- Plan adopted by City Council in December of 2019.
- Plan included: Advanced Traffic Management System (ATMS) software, local control software, and devices in support of the system, and traffic management center. Including: vehicle detection, signal controller, communications, point and zoom cameras (PTZ), and workstations.
- Goals to improve mobility and efficiency, add signal performance measures, provide traveler information and support the smart city initiative.
- Kimley-Horn and Associates, Inc. hired to develop construction documents in support of the plan in July 2020.



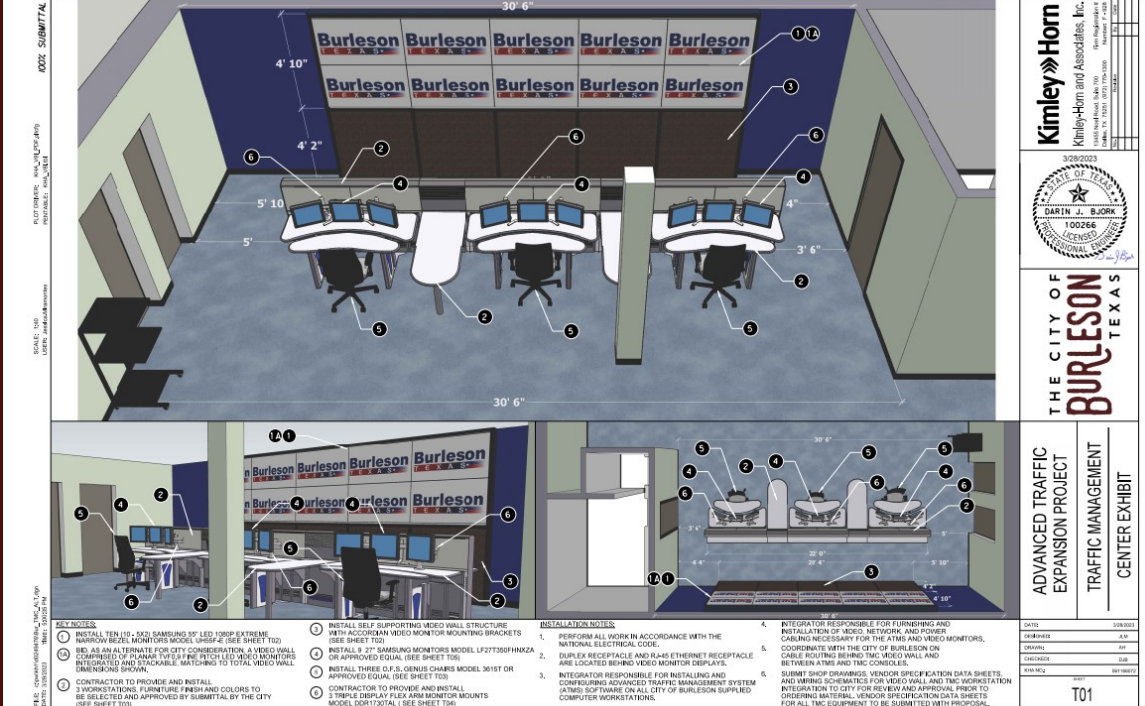
# ITB 2023-013 ITS CONSTRUCTION DETAILS



- Traffic signal management software and hardware
- Purchase and installation of new vehicle detection systems
- Traffic management center including video wall and work stations
- Field CCTV systems for monitoring intersection operations
- Emergency vehicle pre-emption, including hardware for the traffic signals and for the Fire Response Vehicles



## 5



# TRAFFIC SYSTEM

- Current System
  - 16 Traffic Signals
- Proposed Additions
  - 27 TxDOT Signals



# HSIP GRANT

## Highway Safety Improvement Program

- City Awarded Grant for Alsbury Corridor Improvements
- City Contribution of \$89,329
- Total Grant Award of \$743,590

Project to be designed and constructed independently of ITS project with anticipated construction to begin next year.





# ITS FUNDING

Total Funding Available for Project - \$2,517,812

- Non-GO Bond Funding
  - \$356,689
- 2022 GO Bond
  - \$2,161,123

Design Contract for ITS - \$155,644

Available Construction Funding - \$2,362,168



# ITB 2023-013 ITS CONSTRUCTION BIDS

- Staff initiated ITB 2023-013 ITS Construction with the intent to solicit bids for implementation of the City's ITS Plan.
- Unfortunately at bid close on in April of 2023, the city only received one bid out of two vendors that requested documents.
- Bid was \$3,099,757, which is significantly over the allocated funding of \$2,362,168.
- Unstable market, and supply chain issues continue to drive prices higher than estimates could anticipate.



# NEXT STEPS

- Alternate sources of funding
  - Possible NCTCOG Federal Funding
    - Delay in project 18-24 months
  - Additional Capital Funding
    - \$1.5M included in 5-year CIP
- Review Construction Documents to identify opportunities for savings
  - IT Assistance
  - Amending Construction Phasing



# OPTIONS

RECOMMENDED



**APPROVE**

Approval of a minute order to reject bids for  
ITB 2023-013 ITS Construction.



**DENY**

# QUESTIONS?





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## City Council Regular Meeting

**DEPARTMENT:** Public Works

**FROM:** Errick Thompson, P.E., Deputy Public Works Director

**MEETING:** September 5, 2023

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**SUBJECT:**

Consider approval of an ordinance amending Article III “Flood Damage Prevention” of Chapter 42 “Floods” of the City of Burleson Code of Ordinances. (*First Reading*) (*Staff Presenter: Errick Thompson, Deputy Public Works Director*)

**SUMMARY:**

The original Flood Ordinance (B-154) was adopted on November 23, 1971. There have been several amendments, and the last amendment was in October 2008. The City is a member of the National Flood Insurance Program (NFIP), making the City eligible for federal assistance in the event a disaster is declared for Johnson or Tarrant County. The City’s membership also enables individual Burleson property owners to purchase flood insurance.

The Federal Emergency Management Agency (FEMA) recently completed revisions to the countywide Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) for Johnson and Tarrant Counties, including the incorporated areas. FEMA requires that the City adopt the updated FIS report and FIRM by September 21, 2023. If they are not adopted, the City’s membership in the NFIP may be suspended.

Staff is proposing minor updates to the ordinance to provide clear direction for developing within the FEMA regulated floodplain. Several text amendments are proposed to align the City’s ordinance with the Texas Water Development Board’s (TWDB’s) current model ordinance. The TWDB and FEMA require that our proposed ordinance be submitted for review prior to presenting to the City Council to ensure that our proposed ordinance is at least as stringent as their model ordinance if we are not adopting their model ordinance. Both entities have reviewed and approved the proposed ordinance amendment. A copy of the final approved ordinance is required to be submitted to TWDB and FEMA following City Council approval.

Current City policy requires property owners to evaluate the impacts of their proposed development against the City’s Master Drainage Study (MDS). The MDS models are based on fully developed flows using the City’s future land use map and anticipated growth in the area. In addition, proposed developments are not allowed to increase the water surface elevation within the City’s MDS nor increase the floodplain boundary on adjacent neighboring properties. The

proposed ordinance amendment includes language to clearly convey these requirements to property owners and the development community.

Staff recommends the following changes to Chapter 42, Floods as shown in the corresponding exhibit:

- |  |   |
|--|---|
| 1. Section 42-34 (Definitions)   | Added definitions for “adverse impacts” and “fully developed”   |
| 2. Section 42-42 (Basis for establishing areas of special flood hazards; maps) | <p>Updated language to adopt the recently updated Flood Insurance Study (FIS) with accompanying Flood Insurance Rate Maps (FIRM) for Johnson and Tarrant Counties and incorporated areas</p> <p>Added language adopting the City’s most recent master drainage study models and the resulting floodplain areas for the purposes of regulating adverse impacts and establishing fully developed flood elevations</p> |
| 3. Section 42-43 (Letters of map revision)                                     | Deleted – language included in Section 42-42 that any revisions thereto are adopted by reference and automatically become part of the ordinance   |
| 4. Section 42-61 (Floodplain administrator)                                    | Added language restricting new construction, substantial improvements, or other development (including fill) from increasing the base flood elevation or fully developed water surface elevation more than 0.0 feet   |
| 5. Section 42-92 (Specific standards)  | <p>Deleted “whichever is higher” in provision 1 , 2, and 4.c.1</p> <p>Added “on separate walls” in provision 3a</p>   |
| 6. Section 42-94 (Standards for areas of shallow flooding (AO/AH zones))       | Deleted “whichever is higher” in provision 2.b  |
| 7. Section 42-96 (Severability)  | Added a severability clause   |

### **OPTIONS:**

- 1) Approve an ordinance amending Chapter 42, Floods; 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*).

- 2) Deny an ordinance amending Chapter 42, Floods; 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*).

**RECOMMENDATION:**

Approve an ordinance amending Chapter 42, Floods; 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*).

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

None

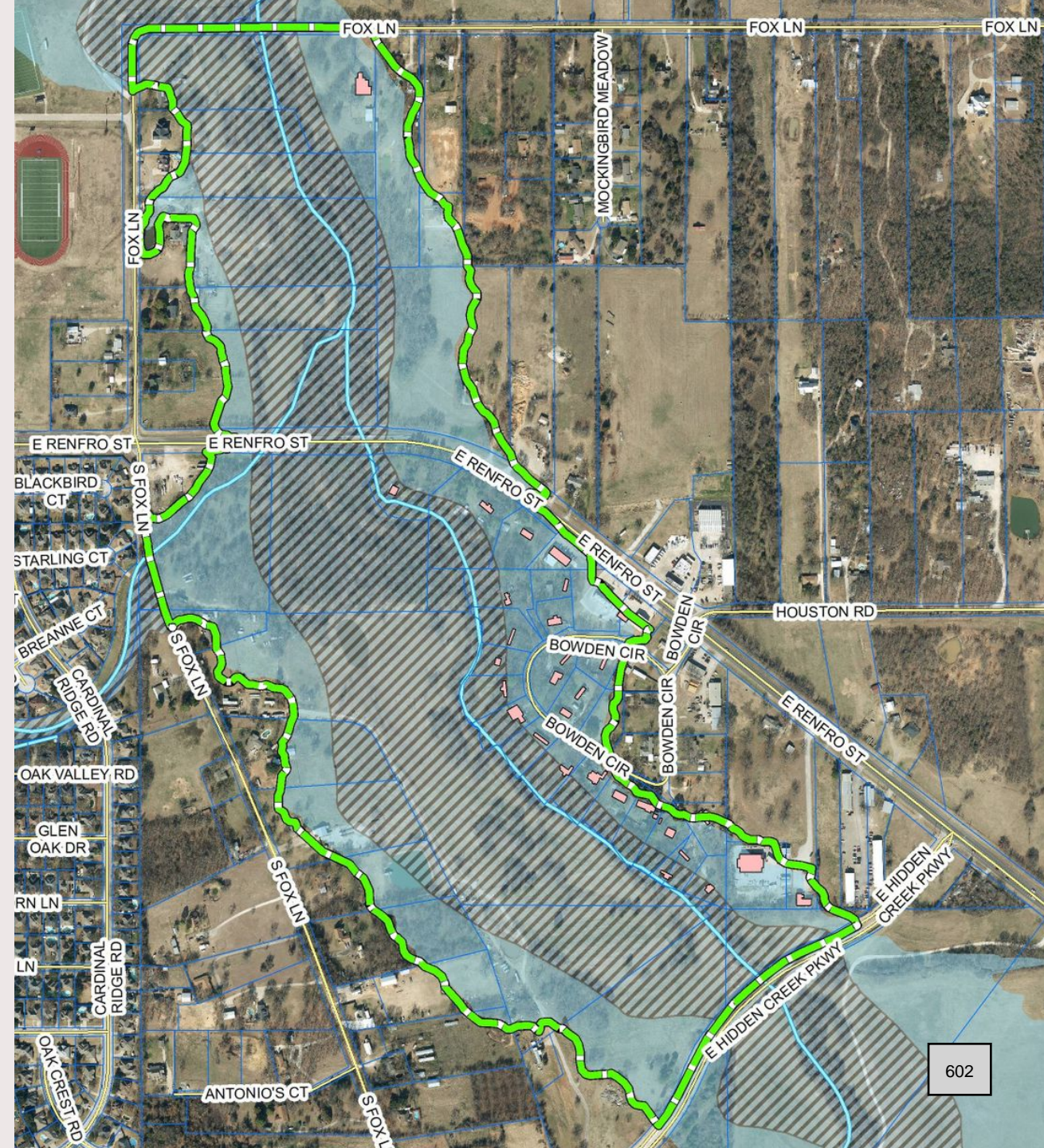
**STAFF CONTACT:**

Errick Thompson, P.E., CFM®  
Deputy Public Works Director  
[ethompson@burlesontx.com](mailto:ethompson@burlesontx.com)  
817-426-9610



# FLOODPLAIN ORDINANCE UPDATE

City Council  
September 5, 2023  
*First Reading*







**DOBSON ROAD -  
5/25/2015**

# OBJECTIVES

- 1 PROVIDE BRIEF FLOODPLAIN MANAGEMENT OVERVIEW**
- 2 COMPARE CURRENT FEMA AND CITY REGULATIONS**
- 3 DISCUSS PROPOSED MINOR AMENDMENTS TO CURRENT CITY REGULATIONS**
- 4 SEEK COUNCIL FEEDBACK AND ACTION TO UPDATE CURRENT ORDINANCE**



# WHY REGULATE DEVELOPMENT IN THE FLOODPLAIN?

**Significant city growth over the last 15 years - increased impervious area generates more runoff**

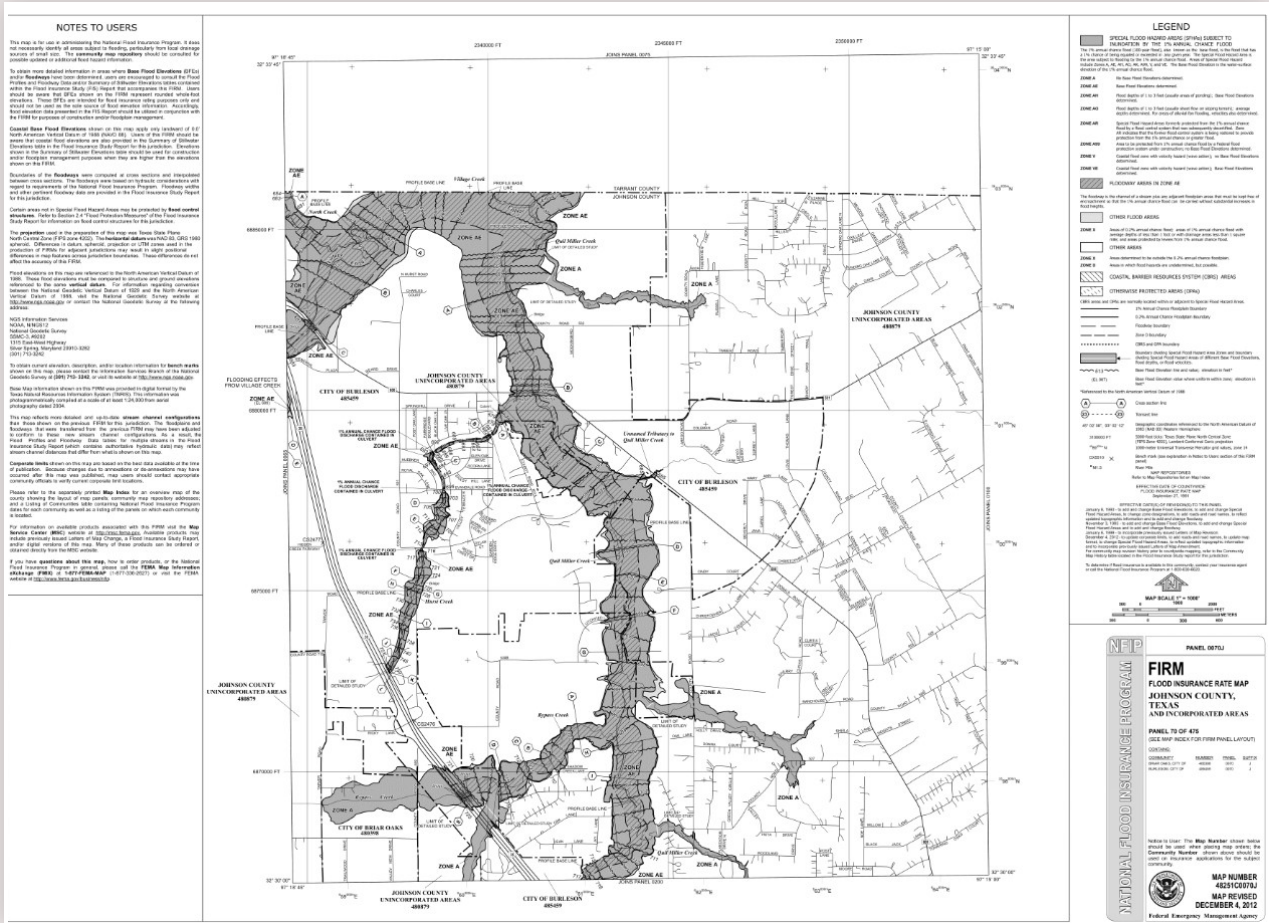
- Commercial and industrial development with large parking lots
- Residential subdivisions and apartments

**Benefits of regulating development in the floodplain include:**

- Helps preserve floodplains for flood water storage
- Makes the City of Burleson eligible for membership in the National Flood Insurance Program (NFIP)
  - Makes the City of Burleson eligible for disaster relief
  - Allows Burleson property owners to purchase flood insurance (FEMA requires insurance for federally backed loans for homes located in the floodplain)

***Note: Johnson County regulates floodplains within the ETJ. Their regulations are generally less restrictive than the City's. Development in the county can affect flooding in the city.***

# 100-YEAR SPECIAL FLOODPLAIN HAZARD AREA



## FEMA SPECIAL FLOOD HAZARD AREA (SFHA) MAPS

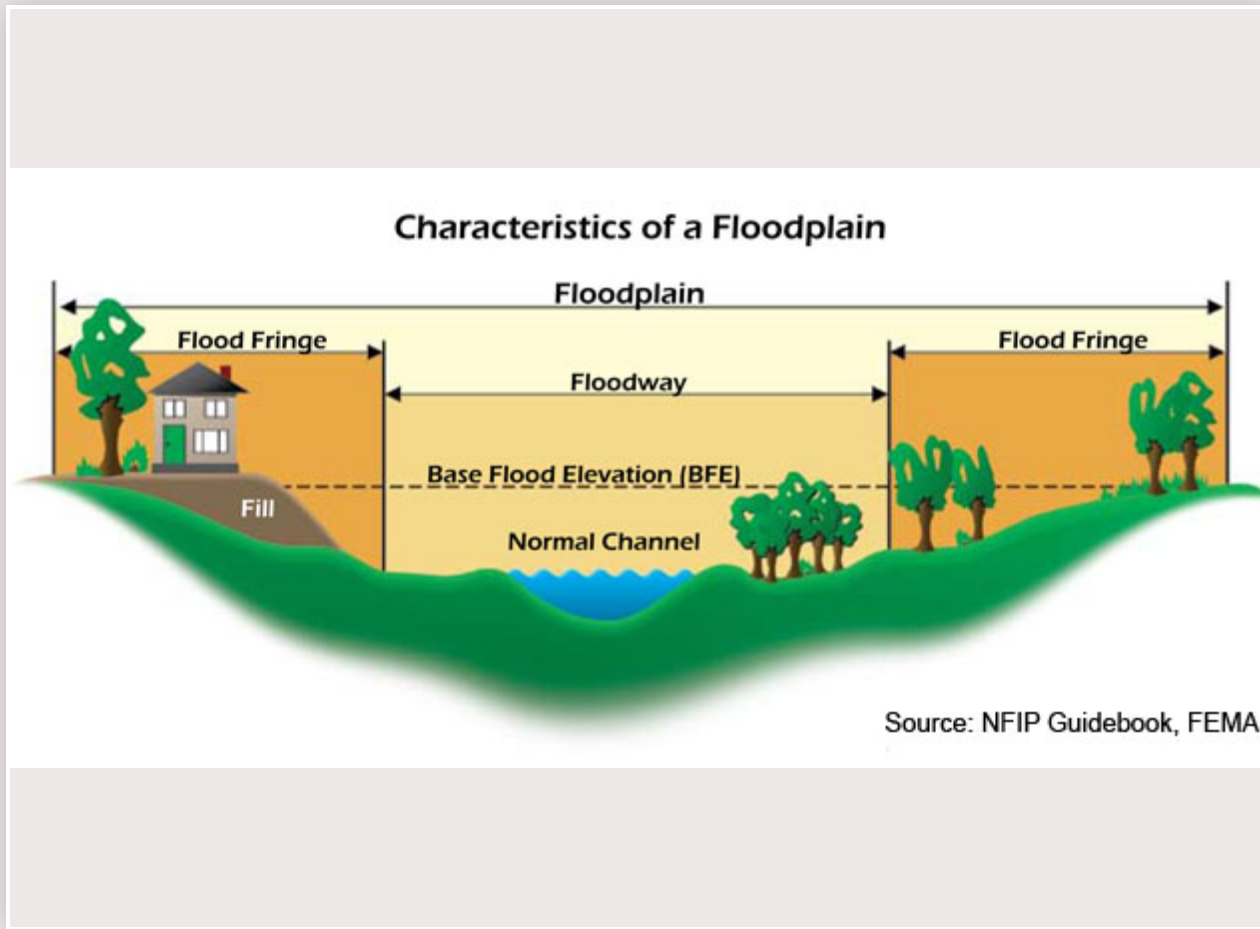
- 1973 - First City of Burleson maps issued
- 1991 - County-wide maps issued
- 2012 - Most recent update

## EXISTING STRUCTURES PRIOR TO INITIAL MAPS CONSIDERED PRE-FLOOD INSURANCE RATE MAP (FIRM)

- Modifications to existing structures require that the improvements conform with current standards
- If the value of modifications exceed the most recent tax roll value by 50% or more, then the entire structure has to conform with current standards



# 100-YEAR SPECIAL FLOODPLAIN HAZARD AREA



## 100-YEAR STORM

- 3.75 inches in one hour
- One percent chance of occurring every year

## BASE FLOOD ELEVATION (BFE)

Expected height of river / stream / creek water surface during a 100-year storm event

## FLOODWAY

- Channel of the river or stream and the adjacent land that MUST remain free from obstruction so that the 100-year flood can be conveyed downstream
- Area of fastest velocities and greatest damage
- FEMA and state regulations permit development to occur but with more restrictions

## FLOOD FRINGE

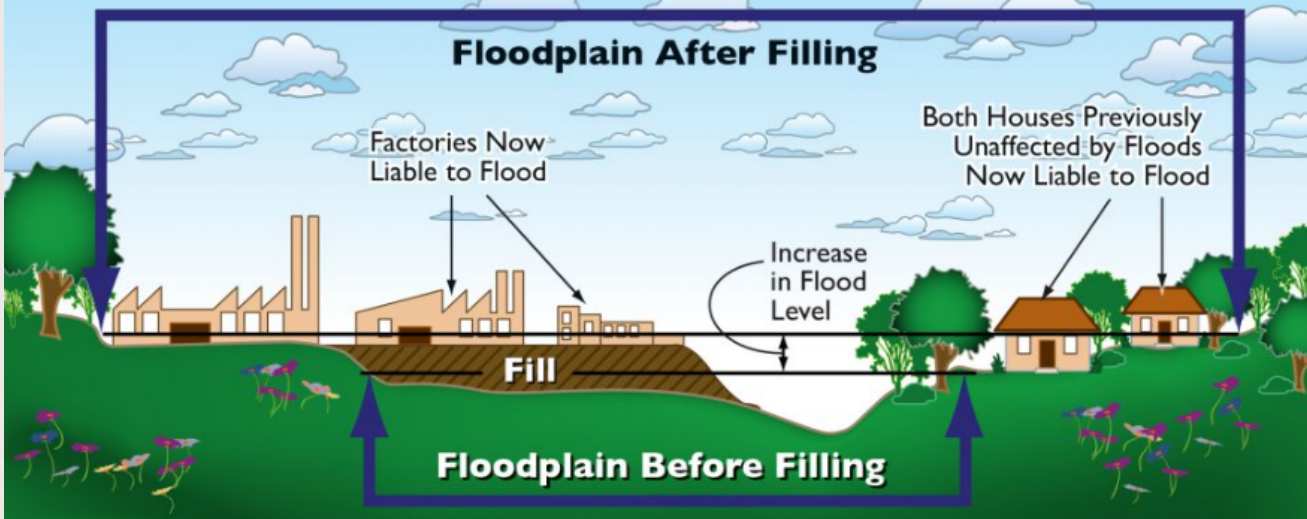
Remaining portion of floodplain

FEMA ALLOWS FLOOD FRINGE TO BE FILLED CREATING UP TO A ONE FOOT RISE IN THE WATER SURFACE ELEVATION OR "BFE"





# Today and Tomorrow's Floodplain



Source: ASFPM

*If large areas of the floodplain are filled, then there will be an increase in the land area needed to store flood waters. This means your home or business may be impacted.*

## FEMA vs City Regulations

FEMA Regulations	City Regulations
Modeled to existing conditions - data can be dated and as a result not reflect recent development	Modeled to Buildout Conditions - city models are being updated to reflect existing and updated future land use conditions
Allows flood fringe to be filled creating a one foot rise in water surface elevation	Allows flood fringe to be filled but maintains a zero rise in water surface elevation
RECOMMENDS top of lowest floor a minimum of one foot above base flood elevation	REQUIRES top of lowest floor to be a minimum of two feet above base flood elevation
Allows structures to be built in floodplain if at or above the base flood elevation	New Subdivisions must design so that all structures are out of the floodplain

# CITY OF BURLESON FLOODPLAIN REGULATIONS

## Development less than two acres

- Floodplain development permit required
- Grading plan by engineer required
- Floodplain analysis performed comparing to the City's Master Drainage Study (MDS) - no rise in BFE allowed
- LOMR-F required - submittal to FEMA prior to building permit issuance
- Top of slab set two or more feet higher than BFE
- All electrical equipment two or more feet higher than BFE
- Elevation certificate required to verify elevation of top of slab - pre-construction and post-construction
- FEMA approval prior to final acceptance (possession of structure)

## Development greater than two acres

- Floodplain development permit required
- Grading plan by engineer required
- Floodplain analysis performed comparing to the City's Master Drainage Study (MDS) - no rise in BFE allowed; detention analysis required
- LOMR required - submittal to FEMA prior to building permit issuance
- Structures and lots removed from floodplain
- Top of slab set two or more feet higher than BFE (extra factor of safety)
- All electrical equipment two or more feet higher than BFE
- Survey of pad lots from developer showing elevations conform to accepted grading plan prior to substantial acceptance of improvements and building permit issuance
- Form board survey with elevations required prior to pouring slab
- Johnson County has jurisdiction over floodplain requirements within the City's ETJ; however, the City imposes stormwater detention requirements as part of the Subdivision Ordinance within the ETJ





# FLOODPLAIN ORDINANCE

FEMA recently completed revisions to county-wide Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM)

As a member of NFIP, the City is required to adopt ordinance revisions by September 21, 2023

Original ordinance adopted November 1971 and last updated in 2008

Staff proposes additional updates and clarifications to align with the Texas Water Development Board's model ordinance and City's current practices

FEMA and TWDB have reviewed and approved proposed changes

# FLOODPLAIN ORDINANCE UPDATE SUMMARY

## Flood Plain Ordinance

## Summary

1. Section 42-34 (Definitions)	Added definitions for “adverse impacts” and “fully developed”
2. Section 42-42 (Basis for establishing areas of special flood hazards; maps)	Updated language to adopt the recently updated Flood Insurance Study (FIS) with accompanying Flood Insurance Rate Maps (FIRM) for Johnson and Tarrant Counties and incorporated areas Added language adopting the City’s most recent master drainage study models and the resulting floodplain areas for the purposes of regulating adverse impacts and establishing fully developed flood elevations
3. Section 42-43 (Letters of map revision)	Deleted – language included in Section 42-42 that any revisions thereto are adopted by reference and automatically become part of the ordinance
4. Section 42-61 (Floodplain administrator)	Added language restricting new construction, substantial improvements, or other development (including fill) from increasing the base flood elevation or fully developed water surface elevation more than 0.0 feet
5. Section 42-92 (Specific standards)	Deleted “whichever is higher” in provision 1, 2, and 4.c.1 Added “on separate walls” in provision 3a
6. Section 42-94 (Standards for areas of shallow flooding (AO/AH zones))	Deleted “whichever is higher” in provision 2.b
7. Section 42-96 (Severability)	Added a severability clause

Johnson Ave (Warren Park) - April 2022





# NEXT STEPS

- 1 **FINAL READING AND ADOPTION -  
SEPTEMBER 18, 2023**
- 2 **SUBMIT UPDATED ORDINANCE  
TO FEMA AND TWBD**

# OPTIONS

RECOMMENDED



**APPROVE**

Approve an ordinance  
amending Chapter 42, Floods



**DENY**

Deny an ordinance amending  
Chapter 42, Floods





## **ORDINANCE**

**AN ORDINANCE AMENDING ARTICLE III "FLOOD DAMAGE PREVENTION" OF CHAPTER 42 "FLOODS" OF THE CODE OF ORDINANCES OF THE CITY OF BURLESON, TEXAS ADOPTING A NEW FLOOD INSURANCE RATE MAP, MAKING OTHER TEXTUAL AMENDMENTS, AND ADDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCORPORATION OF THE RECITALS, DETERMINING THAT THE MEETINGS AT WHICH THIS ORDINANCE WAS PASSED WAS NOTICED AND OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND ESTABLISHING THE 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 Texas Local Government Code; and

**WHEREAS,** the Federal Emergency Management Agency ("FEMA") has identified special flood hazard areas within the boundaries of the City and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and

**WHEREAS,** the Legislature of the State of Texas has, in Texas Water Code Sections 16.3145 and 16.315, conferred upon local governments the authority to adopt regulations to minimize flooding that are not less stringent than the requirements and criteria of the National Flood Insurance Program in order for the City to qualify for the National Flood Insurance Program; and

**WHEREAS,** the City Council desires to continue to meet the requirements of Texas Water Code Sections 16.3145 and 16.315 and Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for participation in the National Flood Insurance Program as administered by FEMA; and

**WHEREAS,** the City Council of the City of Burleson has determined that it is in the best interest of the citizens of the City of Burleson to update and amend Article III of Chapter 42 of the City of Burleson Code of Ordinances, and has determined that this ordinance will promote the health, safety and general welfare of the citizens of the City of Burleson and the general public;

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



## **SECTION 1.**

Article III, "Flood Damage Prevention," of Chapter 42, "Floods," of the Code of Ordinances, City of Burleson, Texas is hereby amended to read as set forth below:

### **"ARTICLE II. FLOOD DAMAGE PREVENTION**

#### **Division 1. Generally**

##### **Sec. 42-31. Statutory authorization.**

The legislature of the state has, in V.T.C.A., Water Code § 16.3145, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the city council does hereby ordain this article.

##### **Sec. 42-32. Findings of fact.**

- (a) The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

##### **Sec. 42-33. Statement of purpose.**

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and
- (7) Ensure that potential buyers are notified that property is in a flood area.

## **Sec. 42-34. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Adverse impacts* means any increase in flood stages, flood velocity, flows, the potential for erosion and sedimentation, degradation of water quality, or increased cost of public services.

*Alluvial fan flooding* means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

*Apex* means a point on an alluvial fan or similar land form below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

*Appeal* means a request for a review of the floodplain administrator's interpretation of any provision of this article or a request for a variance.

*Appeal board* means the board of adjustment created in the zoning ordinance number B-582, printed as appendix B to this Code.

*Area of shallow flooding* means a designated AO or AH zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Area of special flood hazard* means the land in the floodplain within the community subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AE, AH, AO, A1 through 99.

*Base flood* means the flood having a one percent chance of being equalled or exceeded in any given year.

*Basement* means any area of the building having its floor subgrade (below ground level) on all sides.

*City engineer* means that person or group of persons or consultants or any employee thereof who has been appointed as city engineer, or authorized designee, in accordance with Ordinance No. C-153 or as such ordinance may be amended.

*Critical feature* means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

*Development* means any manmade change in improved and unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

*Elevated building* means a nonbasement building built, in the case of a building in zones A1 through 30, AE, A, A99, AO, AH, B, C, X and D, to have the top of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to

the floor of the water, and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of zones A1 through 30, AE, A, A99, AO, AH, B, C, X, and D, the term "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater.

*Existing construction* means, for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. The term "existing construction" may also be referred to as "existing structures."

*Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*Flood or flooding* means a general and temporary condition or partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface water from any source.

*Flood hazard boundary map (FHBM)* means an official map of a community, issued by the Federal Emergency Management Agency, where the areas within the boundaries of special flood hazards have been designated as zone A.

*Flood insurance rate map (FIRM)* means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

*Flood insurance study* means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the flood boundary-floodway map.

*Flood protection system* means those physical structural works for which funds have been authorized, appropriated and expended, and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths or associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

*Floodplain or flood-prone area* means any land area susceptible to being inundated by water from any source (see definition of *Flood or flooding*).

*Floodplain management* means the operation of an overall program or corrective and preventive measures for reducing flood damage including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

*Floodplain management regulations* means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

*Floodproofing* means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floodway (regulatory floodway)* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

*Fully developed* shall refer to the discharges calculated by the City's most recent master drainage study models assuming future land use conditions in the watershed.

*Functionally dependent use* means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

*Habitable floor* means any floor usable for the following purposes, which include working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a habitable floor.

*Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Historic structure* means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior; or
  - b. Directly by the secretary of the interior in states without approved programs.

*Levee* means a manmade structure, usually an earthen embankment, designated and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

*Levee system* means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

*Lowest floor* means the lowest floor of the lowest enclosed area (including the basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, however, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of section 60.3 of the National Flood Insurance Program regulations.

*Manufactured home* means and shall include mobile homes and HUD code manufactured homes as defined in appendix B, zoning ordinance, section 12, "special definitions and explanations". For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

*Manufactured home park* means a unified development of local manufactured housing spaces arranged on a large tract or site under single ownership, meeting all requirements of chapter 9, manufactured homes and travel trailers, and designed to accommodate manufactured houses for either a temporary or permanent duration.

*Manufactured home subdivision* means a unified development of manufactured housing sites on lots platted for such purposes, which lots may be sold to the owners of manufactured houses situated thereof, meeting the area and yard requirements of the zoning ordinance and designed to accommodate manufactured houses on a permanent basis.

*Mean sea level* means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

*New construction* means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

*Recreational vehicles* means a vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projections; designed to be self-propelled or

permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Start of construction* (for other than new construction or substantial improvements under the Coastal Barrier Resources Act, Pub. L. 97-348), includes substantial improvement and means the date of the building permit (or first building permit for a succession of building permits) was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Structure* means a walled and roofed building, including a gas or liquid storage tank, that is principally aboveground, as well as a manufactured home.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*Substantial improvement* means any repair, reconstruction or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions; or
- (2) Alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Any building permit issued that causes the total cumulative value of all improvements to exceed 50 percent of the market value of the structure prior to the issuance of the first building permit will be classified as a substantial improvement.

*Variance* means a grant of relief to a person from the requirements of this article when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this article. (For full requirements see section 60.6 of the National Flood Insurance Program regulations.)

*Violation* means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section

60.3(b)(5), (c)(4), (c)(10), or (d)(3), (NFIP regulations) is presumed to be in violation until such time as that documentation is provided.

*Water surface elevation* means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

#### **Sec. 42-35. Penalties for violation of article.**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violation of the provisions of this article by failure to comply with any of its requirements (including violations or conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Each day that a violation is permitted to exist shall constitute a separate offense. Nothing herein contained shall prevent the city from taking other lawful action as is necessary to prevent or remedy any violation.

#### **Sec. 42-36. Methods of reducing flood losses.**

In order to accomplish its purposes, this article uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filing, grading, dredging and other development which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

#### **Sec. 42-37. Lands to which this article applies.**

The article shall apply to all areas of special flood hazard within the jurisdiction of the city.

#### **Sec. 42-38. Compliance with article provisions.**

No structure or land shall hereafter be located, altered or have its use changed without full compliance with the terms of this article and other applicable regulations.

#### **Sec. 42-39. Abrogation and greater restrictions.**

This article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **Sec. 42-40. Interpretation of article provisions.**

In the interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

#### **Sec. 42-41. Warning and disclaimer of liability.**

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

#### **Sec. 42-42. Basis for establishing areas of special flood hazard; maps.**

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "Flood Insurance Study (FIS) for Johnson and Tarrant Counties, Texas and Incorporated Areas," dated September 21, 2023, with accompanying Flood Insurance Rate Maps (FIRM) dated September 21, 2023 and with accompanying flood insurance rate maps (FIRM) dated September 21, 2023 and any revisions thereto are hereby adopted by reference and declared to be a part of this article. The City's most recent master drainage study models and the resulting floodplain areas are adopted for the purposes of regulating adverse impacts and establishing fully developed flood elevations.

#### **Secs. 42-43—42-60. Reserved.**

### **Division 2. Administration**

#### **Sec. 42-61. Floodplain administrator.**

- (a) *Designation.* The city engineer is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (National Flood Insurance Program regulations pertaining to floodplain management).
- (b) *Duties and responsibilities.* Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:



- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this article.
- (2) Review permit application to determine whether proposed building site will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by adoption of this article.
- (4) Review permits for proposed development to ensure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334) from which prior approval is required.
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.
- (6) Notify, in riverine situations, adjacent communities and the state coordinating agency which is the state water development board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When the base flood elevation data has not been provided in accordance with section 42-42, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of sections 42-91—42-95.
- (9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1 through 30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 0.00-feet at any point within the community. Any deviation from this standard shall be approved by the Floodplain Administrator.
- (10) Under the provisions of 44 CFR chapter 1, section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA.
- (11) All new construction, substantial improvements, or other developments shall be evaluated for adverse impacts to flood conditions in accordance with the standards described in the then currently adopted City of Burleson Design Criteria Manual and may require mitigation.
- (12) For all floodplains, the floodplain administrator must require that no new construction,

substantial improvements, or other development (including fill) shall be permitted within the floodplain, unless it is demonstrated that the effect of the proposed development will not increase the base flood elevation or the fully developed water surface elevation more than 0.0 feet without approval of the Floodplain Administrator.

**Sec. 42-62. Establishment of development permit.**

A development permit shall be required to ensure conformance with the provisions of this article.

**Sec. 42-63. Permit procedures.**

- (a) Application for a development permit shall be presented to the floodplain administrator on forms furnished by him and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures or improvements, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
  - (1) Elevation (in relation to mean sea level), of the lowest floor (including the basement) of all new and substantially improved structures;
  - (2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
  - (3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of section 42-92(2);
  - (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
  - (5) Maintain a record of all such information in accordance with section 42-61(b)(1).
- (b) Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors:
  - (1) The danger to life and property due to flooding or erosion damage;
  - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (3) The danger that materials may be swept onto other lands to the injury of others;
  - (4) The compatibility of the proposed use with existing and anticipated development;
  - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
  - (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

- (8) The necessity to the facility of a waterfront location, where applicable;
- (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (10) The relationship of the proposed use to the comprehensive plan for that area.

**Sec. 42-64. Variance procedures.**

- (a) The appeal board shall hear and render judgment on requests for variances from the requirements of this article.
- (b) The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision or determination made by the floodplain administrator in the enforcement of administration of this article.
- (c) Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.
- (d) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this article.
- (f) Variances may be issued for new construction and substantial improvements to be erected on a lot one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in section 42-63(b) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (g) Upon consideration of the factors noted above and the intent of this article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article (section 42-33).
- (h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (j) Prerequisites for granting variances:
  - (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (2) Variances shall only be issued upon:
    - a. Showing a good and sufficient cause;
    - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

- c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (k) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that criteria outlined in subsections (a)—(i) of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

**Secs. 42-65—42-90. Reserved.**

### **Division 3. Flood Hazard Reduction**

#### **Sec. 42-91. General standards.**

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage.
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters.
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding i.e., waste disposal systems shall not be located within a floodplain; floodway area.

## Sec. 42-92. Specific standards.

In all of special flood hazards where base flood elevation data has been provided as set forth in sections 42-37, 42-61(8), or 42-93(d), the following provisions are required:

- (1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floors (including the basement) elevated to at least three feet above the base flood elevation as designated in the FIRM or two feet above the ultimate (fully-developed) water surface elevation as determined by a flood study prepared by a licensed engineer. A licensed professional engineer or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection is satisfied.
- (2) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including the basement) elevated to at least three feet above the base flood elevation as designated in the FIRM or two feet above the ultimate (fully-developed) water surface elevation as determined by a flood study prepared by a licensed engineer. In the alternative, the building, together with attendant utility and sanitary facilities, may be designed so that below the base flood level, plus three feet, the structure is watertight with walls substantially impermeable to the passage of water with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.
- (3) *Enclosures.* New construction and substantial improvements, with fully enclosed area below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - a. A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than one foot above grade.
  - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (4) *Manufactured homes.*
  - a. Require that all manufactured homes to be placed within zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to,

use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

- b. Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  - c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of this subsection (4) of this section be elevated so that either:
    - 1. The lowest floor of the manufactured home is at least three feet above the base flood elevation as designated in the FIRM or two feet above the ultimate (fully-developed) water surface elevation as determined by a flood study prepared by a licensed engineer. A licensed professional engineer or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection is satisfied.
    - 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (5) *Recreational vehicles.* Require that recreational vehicles placed on sites within zones A1-30, AH and AE on the community's FIRM either be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use, or meet the permit requirements of section 42-63(a), and the elevation and anchoring requirements for "manufactured homes" in subsection (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

#### **Sec. 42-93. Standards for subdivision proposals.**

- (a) All subdivision proposals, including manufactured home parks and subdivisions, shall be consistent with sections 42-32, 42-33 and 42-36.
- (b) All proposals for the development of subdivisions, including manufactured home parks and subdivisions, shall meet development permit requirements of section 42-61—42-63 and the provisions of sections 42-91—42-95.

- (c) Base flood elevation data shall be generated for subdivision proposals and other proposed development including manufactured home parks if not otherwise provided pursuant to section 42-42 or section 42-61(b)(8).
- (d) All subdivision proposals, including manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.
- (e) All subdivision proposals, including manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas electrical and water systems located and constructed to minimize or eliminate flood damage.

**Sec. 42-94. Standards for areas of shallow flooding (AO/AH zones).**

Located within the areas of special flood hazard established in section 42-42 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures have the lowest floor (including the basement) elevated above the highest adjacent grade at least as high as the depth number plus three feet as specified in feet on the FIRM or at least two feet above the ultimate (fully-developed) water surface elevation as determined by a licensed engineer. This requirement will also apply to manufactured homes.
- (2) All new construction and substantial improvements of nonresidential structures shall:
  - a. Have the lowest floor (including the basement) elevated above the highest adjacent grade at least as high as the depth number, plus three feet, as specified on the FIRM or at least two feet above the water surface elevation as determined by a licensed engineer.
  - b. Together with attendant utility and sanitary facilities, be designed so that the structure is watertight with walls substantially impermeable to the passage of water to an elevation three feet above the depth number as designated in the FIRM or two feet above the ultimate (fully-developed) water surface elevation as determined by a flood study prepared by a licensed engineer. The structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (3) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this article, as proposed in section 42-63(a)(1), are satisfied.
- (4) Require within zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

**Sec. 42-95. Floodways.**

Located within areas of special flood hazard established in section 42-42 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity

of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (2) If subsection (1) of this section is satisfied, all new construction and substantial improvement shall comply with all applicable flood hazard reduction provisions of this division.
- (3) Under the provisions of 44 CFR chapter 1, section 65.12 of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revisions through FEMA.

#### **Sec. 42-96. Severability.**

If any section, clause, sentence, or phrase of this article is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this article.”

### **SECTION 2. PENALTY CLAUSE**

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 five hundred dollars (\$500.00), 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 3. CUMULATIVE CLAUSE**

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 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 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.  
SAVINGS CLAUSE**

All rights and remedies of the City of Burleson, Texas, are expressly saved as to any and all violations of the provisions of any ordinances affecting building construction, building codes, fire codes, plumbing codes, mechanical codes, electrical codes, residential codes, energy conservation codes, fuel gas codes, permit issuance, or contractor registration within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 6.  
RECITALS INCORPORATED**

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 7.  
OPEN MEETING**

It is hereby officially found and determined that the meetings at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meetings was given as required by law.

**SECTION 7.  
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

AND IT IS SO ORDAINED.

**PASSED AND APPROVED** the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

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

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Chris Fletcher, Mayor  
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM:

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Amanda Campos, City Secretary

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E. Allen Taylor, Jr., City Attorney

## **Chapter 42 FLOODS<sup>1</sup>**

### ***ARTICLE I. IN GENERAL***

**Secs. 42-1—42-30. Reserved.**

### ***ARTICLE II. FLOOD DAMAGE PREVENTION<sup>2</sup>***

#### ***DIVISION 1. GENERALLY***

##### **Sec. 42-31. Statutory authorization.**

The legislature of the state has, in V.T.C.A., Water Code § 16.3145, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the city council does hereby ordain this article.

(Code 1983, § 5-120; Ord. No. B-432, § 1, 5-14-1987)

##### **Sec. 42-32. Findings of fact.**

- (a) The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(Code 1983, § 5-121; Ord. No. B-432, § 1, 5-14-1987)

##### **Sec. 42-33. Statement of purpose.**

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

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<sup>1</sup>Cross reference(s)—Buildings and building regulations, ch. 10; environment, ch. 34; manufactured homes and trailers, ch. 50; planning and development, ch. 62; streets, sidewalks and other public places, ch. 70; utilities, ch. 82; subdivision and development, app. A; zoning, app. B.

<sup>2</sup>State law reference(s)—Flood Control and Insurance Act, V.T.C.A., Water Code § 16.311 et seq.

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- (1) Protect human life and health;
  - (2) Minimize expenditure of public money for costly flood control projects;
  - (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  - (4) Minimize prolonged business interruptions;
  - (5) Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
  - (6) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and
  - (7) Ensure that potential buyers are notified that property is in a flood area.

(Code 1983, § 5-122; Ord. No. B-432, § 1, 5-14-1987)

## **Sec. 42-34. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Adverse impacts* means any increase in flood stages, flood velocity, flows, the potential for erosion and sedimentation, degradation of water quality, or increased cost of public services.

*Alluvial fan flooding* means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

*Apex* means a point on an alluvial fan or similar land form below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

*Appeal* means a request for a review of the floodplain administrator's interpretation of any provision of this article or a request for a variance.

*Appeal board* means the board of adjustment created in the zoning ordinance number B-582, printed as appendix B to this Code.

*Area of shallow flooding* means a designated AO or AH zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Area of special flood hazard* means the land in the floodplain within the community subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AE, AH, AO, A1 through 99.

*Base flood* means the flood having a one percent chance of being equalled or exceeded in any given year.

*Basement* means any area of the building having its floor subgrade (below ground level) on all sides.

*City engineer* means that person or group of persons or consultants or any employee thereof who has been appointed as city engineer, or authorized designee, in accordance with Ordinance No. C-153 or as such ordinance may be amended.

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*Critical feature* means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

*Development* means any manmade change in improved and unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

*Elevated building* means a nonbasement building built, in the case of a building in zones A1 through 30, AE, A, A99, AO, AH, B, C, X and D, to have the top of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the floor of the water, and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of zones A1 through 30, AE, A, A99, AO, AH, B, C, X, and D, the term "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater.

*Existing construction* means, for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. The term "existing construction" may also be referred to as "existing structures."

*Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*Flood or flooding* means a general and temporary condition or partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface water from any source.

*Flood hazard boundary map (FHBM)* means an official map of a community, issued by the Federal Emergency Management Agency, where the areas within the boundaries of special flood hazards have been designated as zone A.

*Flood insurance rate map (FIRM)* means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

*Flood insurance study* means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the flood boundary-floodway map.

*Flood protection system* means those physical structural works for which funds have been authorized, appropriated and expended, and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths or associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

*Floodplain or flood-prone area* means any land area susceptible to being inundated by water from any source (see definition of *Flood or flooding*).

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*Floodplain management* means the operation of an overall program or corrective and preventive measures for reducing flood damage including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

*Floodplain management regulations* means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

*Floodproofing* means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floodway (regulatory floodway)* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

*Fully developed* shall refer to the discharges calculated by the City's most recent master drainage study models assuming future land use conditions in the watershed.

*Functionally dependent use* means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

*Habitable floor* means any floor usable for the following purposes, which include working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a habitable floor.

*Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Historic structure* means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior; or
  - b. Directly by the secretary of the interior in states without approved programs.

*Levee* means a manmade structure, usually an earthen embankment, designated and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

*Levee system* means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

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*Lowest floor* means the lowest floor of the lowest enclosed area (including the basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, however, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of section 60.3 of the National Flood Insurance Program regulations.

*Manufactured home* means and shall include mobile homes and HUD code manufactured homes as defined in appendix B, zoning ordinance, section 12, "special definitions and explanations". For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

*Manufactured home park* means a unified development of local manufactured housing spaces arranged on a large tract or site under single ownership, meeting all requirements of chapter 9, manufactured homes and travel trailers, and designed to accommodate manufactured houses for either a temporary or permanent duration.

*Manufactured home subdivision* means a unified development of manufactured housing sites on lots platted for such purposes, which lots may be sold to the owners of manufactured houses situated thereof, meeting the area and yard requirements of the zoning ordinance and designed to accommodate manufactured houses on a permanent basis.

*Mean sea level* means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

*New construction* means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

*Recreational vehicles* means a vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Start of construction* (for other than new construction or substantial improvements under the Coastal Barrier Resources Act, Pub. L. 97-348), includes substantial improvement and means the date of the building permit (or first building permit for a succession of building permits) was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual

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start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Structure* means a walled and roofed building, including a gas or liquid storage tank, that is principally aboveground, as well as a manufactured home.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*Substantial improvement* means any repair, reconstruction or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions; or
- (2) Alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Any building permit issued that causes the total cumulative value of all improvements to exceed 50 percent of the market value of the structure prior to the issuance of the first building permit will be classified as a substantial improvement.

*Variance* means a grant of relief to a person from the requirements of this article when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this article. (For full requirements see section 60.6 of the National Flood Insurance Program regulations.)

*Violation* means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), or (d)(3), (NFIP regulations) is presumed to be in violation until such time as that documentation is provided.

*Water surface elevation* means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Code 1983, § 5-124; Ord. No. B-432, § 1, 5-14-1987; Ord. No. B-502, § I, 8-22-1991; Ord. No. B-533, § 1, 10-28-1993; Ord. No. B-559, § I, 8-10-1995; Ord. No. B-559(A1008), §§ I, II, 10-23-2008)

Cross reference(s)—Definitions generally, § 1-3.

## **Sec. 42-35. Penalties for violation of article.**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violation of the provisions of this article by failure to comply with any of its requirements (including violations or conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Each day that a violation is permitted to exist shall constitute a separate offense. Nothing herein contained shall prevent the city from taking other lawful action as is necessary to prevent or remedy any violation.



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(Code 1983, § 5-141; Ord. No. B-398, § 1, 9-26-1985; Ord. No. B-432, § 4, 5-14-1987; Ord. No. B-559(A1008), § III, 10-23-2008)

#### **Sec. 42-36. Methods of reducing flood losses.**

In order to accomplish its purposes, this article uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filing, grading, dredging and other development which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Code 1983, § 5-123; Ord. No. B-432, § 1, 5-14-1987)

#### **Sec. 42-37. Lands to which this article applies.**

The article shall apply to all areas of special flood hazard within the jurisdiction of the city.

(Code 1983, § 5-125; Ord. No. B-432, § 1, 5-14-1987)

#### **Sec. 42-38. Compliance with article provisions.**

No structure or land shall hereafter be located, altered or have its use changed without full compliance with the terms of this article and other applicable regulations.

(Code 1983, § 5-128; Ord. No. B-432, § 1, 5-14-1987)

#### **Sec. 42-39. Abrogation and greater restrictions.**

This article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Code 1983, § 5-129; Ord. No. B-432, § 1, 5-14-1987)

#### **Sec. 42-40. Interpretation of article provisions.**

In the interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

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(Code 1983, § 5-130; Ord. No. B-432, § 1, 5-14-1987)

#### **Sec. 42-41. Warning and disclaimer of liability.**

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

(Code 1983, § 5-131; Ord. No. B-432, § 1, 5-14-1987)

#### **Sec. 42-42. Basis for establishing areas of special flood hazard; maps.**

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "Flood Insurance Study (FIS) for Johnson and Tarrant Counties, Texas and Incorporated Areas," dated September 21, 2023, with accompanying Flood Insurance Rate Maps (FIRM) dated September 21, 2023 and with accompanying flood insurance rate maps (FIRM) dated August 2, 1995 September 21, 2023 and any revisions thereto are hereby adopted by reference and declared to be a part of this article. The City's most recent master drainage study models and the resulting floodplain areas are adopted for the purposes of regulating adverse impacts and establishing fully developed flood elevations.

(Code 1983, § 5-126; Ord. No. B-432, § 1, 5-14-1987; Ord. No. B-437, § 1, 8-13-1987; Ord. No. B-502, § I, 8-22-1991; Ord. No. B-521, § 1, 1-28-1993; Ord. No. B-537, § 1, 12-2-1993; Ord. No. B-559, § I, 8-10-1995; Ord. No. B-559(A1008), § IV, 10-23-2008)

#### **~~Sec. 42-43. Letters of map revision.~~**

~~The following letters of map revision (LOMR) to the maps listed in section 42-42 has been approved by the Federal Emergency Management Agency removing the listed properties from the regulatory floodway and is attached as Exhibit A and adopted by the city:~~

~~(1) — LOMR Date: December 2, 1993.~~

~~National Flood Insurance Program Map Number Revised: 48251C, Panel 0029H, dated November 3, 1993.~~

~~Property description: Lot 4, Block 47, Summercrest Addition, Phase V.~~

~~Street address: 555 S.W. Rand Drive.~~

~~Flooding source: Little Booger Creek.~~

~~(2) — LOMR Date: November 23, 1994.~~

~~National Flood Insurance Program Map Numbers revised: 48251C, Panel 0029H, dated November 3, 1993.~~

~~Property description: Lot 1, 2, 3, and a portion of lot 5, Block 47, Summercrest Addition, Phase V. The legal description of the portion of lot 5 reference is as follows:~~

~~All of said lot 5 except the following portion:~~

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~~Beginning at the south corner of said Lot 5; thence N 44°51'50" W along the southwesterly line of said Lot 5, 36.7 feet to a point for corner; thence N 82°10'45" E, 35.24 feet to a point for corner; thence 36°47'17" E, 18.39 feet to a point for corner; thence N 60°04'58" E, 21.83 feet to a point for corner; thence S 64°58'20" E, 11.78 feet to a point for corner in the southeasterly line of said Lot 5; thence S 43°58'37" W, 71.48 feet to the point of beginning.~~

~~Street address: On S.W. Rand Drive: 543 (Lot 1), 547 (Lot 2), 551 (Lot 3), and 559 (Lot 5).~~

~~Flooding source: Little Booger Creek.~~

~~(Code 1983, § 5-126.1; Ord. No. B-538, § 1, 1-13-1994; Ord. No. B-546, § 1, 11-17-1994; Ord. No. B-547, § 1, 1-26-1995)~~

**Secs. 42-44—42-60. Reserved.**

## *DIVISION 2. ADMINISTRATION<sup>3</sup>*

### **Sec. 42-61. Floodplain administrator.**

- (a) *Designation.* The city engineer is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (National Flood Insurance Program regulations pertaining to floodplain management).
- (b) *Duties and responsibilities.* Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:
  - (1) Maintain and hold open for public inspection all records pertaining to the provisions of this article.
  - (2) Review permit application to determine whether proposed building site will be reasonably safe from flooding.
  - (3) Review, approve or deny all applications for development permits required by adoption of this article.
  - (4) Review permits for proposed development to ensure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334) from which prior approval is required.
  - (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.
  - (6) Notify, in riverine situations, adjacent communities and the state coordinating agency which is the state water development board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
  - (7) Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
  - (8) When the base flood elevation data has not been provided in accordance with section 42-42, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and

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<sup>3</sup>Cross reference(s)—Administration, ch. 2.

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floodway data available from a federal, state or other source, in order to administer the provisions of sections 42-91—42-95.

- (9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1 through 30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than **0.00-feet** at any point within the community. **Any deviation from this standard shall be approved by the Floodplain Administrator.**
- (10) Under the provisions of 44 CFR chapter 1, section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA.
- (11) **All new construction, substantial improvements, or other developments shall be evaluated for adverse impacts to flood conditions in accordance with the standards described in the then currently adopted City of Burleson Design Criteria Manual and may require mitigation.**
- (12) **For all floodplains, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within the floodplain, unless it is demonstrated that the effect of the proposed development will not increase the base flood elevation or the fully developed water surface elevation more than 0.0 feet without approval of the Floodplain Administrator.**

(Code 1983, § 5-133; Ord. No. B-432, § 1, 5-14-1987; Ord. No. B-559, § I, 8-10-1995; Ord. No. B-559(A1008), §§ V, VI, 10-23-2008)

## **Sec. 42-62. Establishment of development permit.**

A development permit shall be required to ensure conformance with the provisions of this article.

(Code 1983, § 5-127; Ord. No. B-432, § 1, 5-14-1987)

## **Sec. 42-63. Permit procedures.**

- (a) Application for a development permit shall be presented to the floodplain administrator on forms furnished by him and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures or improvements, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
  - (1) Elevation (in relation to mean sea level), of the lowest floor (including the basement) of all new and substantially improved structures;
  - (2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
  - (3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of section 42-92(2);
  - (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

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- (5) Maintain a record of all such information in accordance with section 42-61(b)(1).
- (b) Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors:
- (1) The danger to life and property due to flooding or erosion damage;
  - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (3) The danger that materials may be swept onto other lands to the injury of others;
  - (4) The compatibility of the proposed use with existing and anticipated development;
  - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
  - (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
  - (8) The necessity to the facility of a waterfront location, where applicable;
  - (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - (10) The relationship of the proposed use to the comprehensive plan for that area.
- (Code 1983, § 5-134; Ord. No. B-432, § 1, 5-14-1987; Ord. No. B-502, § I, 8-22-1991)

#### **Sec. 42-64. Variance procedures.**

- (a) The appeal board shall hear and render judgment on requests for variances from the requirements of this article.
- (b) The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision or determination made by the floodplain administrator in the enforcement of administration of this article.
- (c) Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.
- (d) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this article.
- (f) Variances may be issued for new construction and substantial improvements to be erected on a lot one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in section 42-63(b) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (g) Upon consideration of the factors noted above and the intent of this article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article (section 42-33).

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- (h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
  - (i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
  - (j) Prerequisites for granting variances:
    - (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
    - (2) Variances shall only be issued upon:
      - a. Showing a good and sufficient cause;
      - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
      - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
    - (3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
  - (k) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that criteria outlined in subsections (a)—(i) of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Code 1983, § 5-135; Ord. No. B-432, § 1, 5-14-1987; Ord. No. B-502, § I, 8-22-1991; Ord. No. B-559, § I, 8-10-1995; Ord. No. B-559(A1008), § VII, 10-23-2008)

## **Secs. 42-65—42-90. Reserved.**

### ***DIVISION 3. FLOOD HAZARD REDUCTION***

#### **Sec. 42-91. General standards.**

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage.

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- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  - (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
  - (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters.
  - (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding i.e., waste disposal systems shall not be located within a floodplain; floodway area.

(Code 1983, § 5-136; Ord. No. B-432, § 1, 5-14-1987; Ord. No. B-502, § I, 8-22-1991)

## **Sec. 42-92. Specific standards.**

In all of special flood hazards where base flood elevation data has been provided as set forth in sections 42-37, 42-61(8), or 42-93(d), the following provisions are required:

- (1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floors (including the basement) elevated to at least three feet above the base flood elevation as designated in the FIRM or two feet above the ultimate (fully-developed) water surface elevation as determined by a flood study prepared by a licensed engineer, ~~whichever is higher~~. A licensed professional engineer or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection is satisfied.
- (2) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including the basement) elevated to at least three feet above the base flood elevation as designated in the FIRM or two feet above the ultimate (fully-developed) water surface elevation as determined by a flood study prepared by a licensed engineer, ~~whichever is higher~~. In the alternative, the building, together with attendant utility and sanitary facilities, may be designed so that below the base flood level, plus three feet, the structure is watertight with walls substantially impermeable to the passage of water with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.
- (3) *Enclosures.* New construction and substantial improvements, with fully enclosed area below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - a. A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than one foot above grade.

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- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) *Manufactured homes.*

- a. Require that all manufactured homes to be placed within zone A on a community's FHB or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- b. Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of this subsection (4) of this section be elevated so that either:
  - 1. The lowest floor of the manufactured home is at least three feet above the base flood elevation as designated in the FIRM or two feet above the ultimate (fully-developed) water surface elevation as determined by a flood study prepared by a licensed engineer, ~~whichever is higher~~. A licensed professional engineer or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection is satisfied.
  - 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- (5) *Recreational vehicles.* Require that recreational vehicles placed on sites within zones A1-30, AH and AE on the community's FIRM either be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use, or meet the permit requirements of section 42-63(a), and the elevation and anchoring requirements for "manufactured homes" in subsection (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

(Code 1983, § 5-137; Ord. No. B-432, § 1, 5-14-1987; Ord. No. B-502, § I, 8-22-1991; Ord. No. B-559, § I, 8-10-1995; Ord. No. B-559(A1008), § VIII, 10-23-2008)

## **Sec. 42-93. Standards for subdivision proposals.**

- (a) All subdivision proposals, including manufactured home parks and subdivisions, shall be consistent with sections 42-32, 42-33 and 42-36.



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- (b) All proposals for the development of subdivisions, including manufactured home parks and subdivisions, shall meet development permit requirements of section 42-61—42-63 and the provisions of sections 42-91—42-95.
  - (c) Base flood elevation data shall be generated for subdivision proposals and other proposed development including manufactured home parks if not otherwise provided pursuant to section 42-42 or section 42-61(b)(8).
  - (d) All subdivision proposals, including manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.
  - (e) All subdivision proposals, including manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas electrical and water systems located and constructed to minimize or eliminate flood damage.

(Code 1983, § 5-138; Ord. No. B-432, § 1, 5-14-1987; Ord. No. B-559(A1008), § IX, 10-23-2008)

### **Sec. 42-94. Standards for areas of shallow flooding (AO/AH zones).**

Located within the areas of special flood hazard established in section 42-42 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures have the lowest floor (including the basement) elevated above the highest adjacent grade at least as high as the depth number plus three feet as specified in feet on the FIRM or at least two feet above the ultimate (fully-developed) water surface elevation as determined by a licensed engineer, ~~whichever is higher~~. This requirement will also apply to manufactured homes.
- (2) All new construction and substantial improvements of nonresidential structures shall:
  - a. Have the lowest floor (including the basement) elevated above the highest adjacent grade at least as high as the depth number, plus three feet, as specified on the FIRM or at least two feet above the water surface elevation as determined by a licensed engineer.
  - b. Together with attendant utility and sanitary facilities, be designed so that the structure is watertight with walls substantially impermeable to the passage of water to an elevation three feet above the depth number as designated in the FIRM or two feet above the ultimate (fully-developed) water surface elevation as determined by a flood study prepared by a licensed engineer, ~~whichever is higher~~. The structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (3) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this article, as proposed in section 42-63(a)(1), are satisfied.
- (4) Require within zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(Code 1983, § 5-139; Ord. No. B-432, § 1, 5-14-1987; Ord. No. B-559(A1008), § X, 10-23-2008)

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### **Sec. 42-95. Floodways.**

Located within areas of special flood hazard established in section 42-42 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (2) If subsection (1) of this section is satisfied, all new construction and substantial improvement shall comply with all applicable flood hazard reduction provisions of this division.
- (3) Under the provisions of 44 CFR chapter 1, section 65.12 of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revisions through FEMA.

(Code 1983, § 5-140; Ord. No. B-432, § 1, 5-14-1987; Ord. No. B-559, § I, 8-10-1995)

### **Sec. 42-96. Severability.**

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

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## City Council Regular Meeting

**DEPARTMENT:** Parks and Recreation  
**FROM:** Jen Basham, Parks and Recreation Director  
**MEETING:** September 5, 2023

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**SUBJECT:**

Consider approval of a 3-year contract with Yellowstone Landscape LLC for mowing of Tier 2 properties for monthly mowing cycles for an amount not to exceed \$395,279.23. (*Staff Presenter: Jen Basham, Parks and Recreation Director*)

**SUMMARY:**

The current mowing contract for Tier 2 right-of-way properties began in November 2021. Due to challenges in accommodating demands of mowing schedules, the decision was made to issue a new request for proposals for mowing services for these properties. Submissions were evaluated based on best overall value for services offered.

Yellowstone Landscaping LLC is being recommended for the following services:

1. Tier 2 mowing services per year: \$125,485.47
2. Tier 2 mowing cycles per year plus 5% contingency: \$131,759.74

3-year contract annualized summary with 5% contingency:

Year 1	Year 2	Year 3	Total 3-year contract
\$131,759.74	\$131,759.74	\$131,759.74	\$395,279.23

**OPTIONS:**

- 1) Approve as presented
- 2) Approve with changes
- 3) Deny

**RECOMMENDATION:**

Staff recommendations if any

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

List date and description of any prior action related to the subject

**FISCAL IMPACT:**

Total of \$131,759.74 is budgeted in fiscal year 2023-24

Budgeted Y/N: Y

Fund Name

Account #:

**STAFF CONTACT:**

Jen Basham, CPRE  
Parks and Recreation Director  
[jbasham@burlesontx.com](mailto:jbasham@burlesontx.com)  
817-426-9201



A person wearing a hat and a blue shirt is riding a red and black riding mower on a golf course. The mower is moving away from the camera along a path that has been mowed. To the right of the path, there is a line of tall grass and a fence made of wooden posts and white and orange caution tape. In the background, there are large, leafy trees and a clear sky. The scene is brightly lit, suggesting it is daytime.

# Right-of-Way Mowing Contracts

City Council Meeting: September 5, 2023

**Staff Presenter: Jen Basham, Parks and Recreation Director**

# Overview

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- ① **Background**
- ② **Mowing Services**
- ③ **Description of Tiers**
- ④ **Financial and Bid Summary**
- ⑤ **Options**



# **Background**

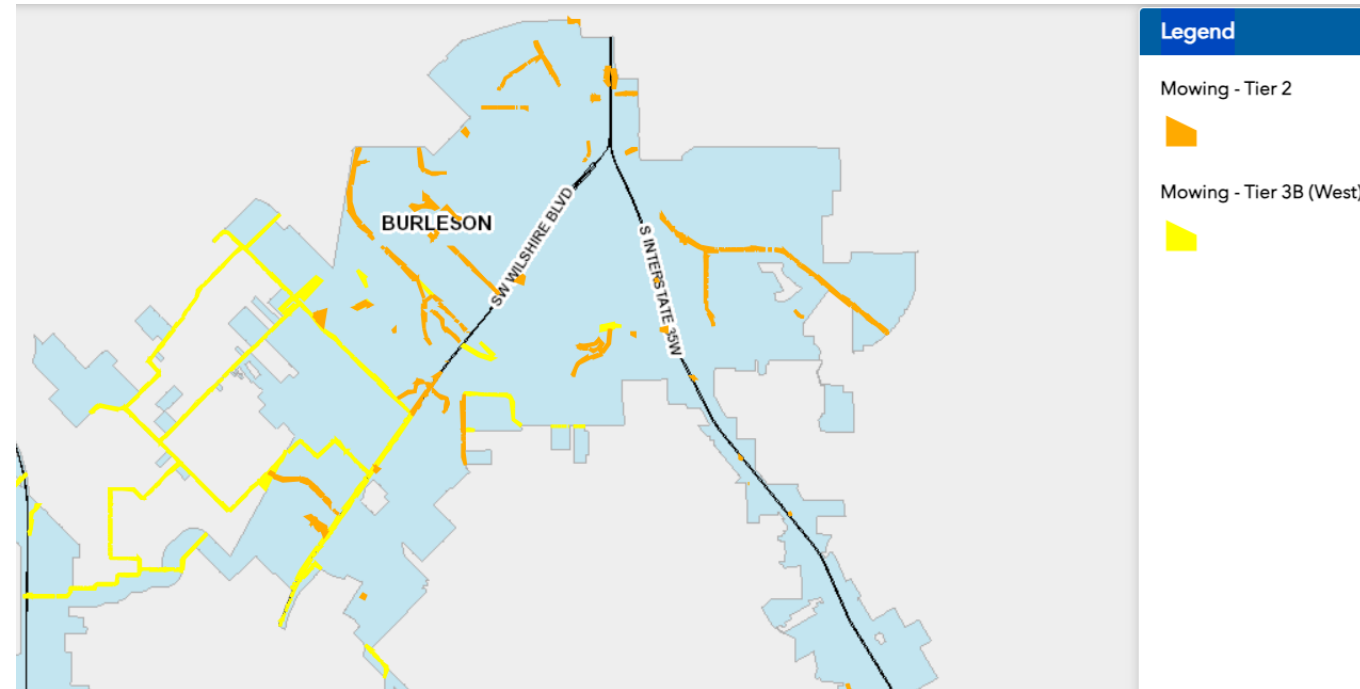
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- **November 2021: 5-year right-of-way mowing contracts approved**
- **Due to challenges with contractor's ability to maintain service demands of Tier 2 and Tier 3 West mowing specifications over two growing seasons, staff felt it was necessary to solicit new bids**
- **Presented to Parks Board for recommendation on August 24, 2023**

# Right-of-Way Mowing Services

**Services provided during growing season - March thru November**

- **Mowing**
- **Edging**
- **Line trimming**
- **Minor litter removal prior to mowing**
- **Back-back blowing**
- **Ornamental tree sucker removal**





# Mowing Service Tiers Under Consideration



- **Tier 2**

- Bi-weekly services (20 cycles per year)
- Moderately visible properties, medians and rights-of-way
- 33 properties comprising approximately 90 acres

- **Tier 3 (West)**

- Monthly services (10 cycles per year)
- Low traffic and visibility rights-of-way
- 37 properties comprising approximately 100 acres

# Tier 2 Bid Summary

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- **Request for Proposals: best overall value**
- **Total responsive bidders: 3**
- **Bid range:**
  - High \$257,520.00
  - Median \$137,800.00
  - Low \$125,485.47
- **Recommended award:**
  - Contractor: Yellowstone Landscape, LLC
  - Bid: \$125,485.47
  - 5% contingency: \$6,274.27
  - Annual award: \$131,759.74
  - Total 3-year award: \$395,279.23
- **Funding source: Existing contract funds**



# Tier 3 West Bid Summary

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- **Request for Proposals: best overall value**
- **Total responsive bidders: 4**
- **Bid range:**
  - High \$199,800.00
  - Median \$118,935.00
  - Low \$74,609.40
- **Recommended award:**
  - Contractor: BST Mowing
  - Bid: \$74,609.40
  - 5% contingency: \$3,730.47
  - Annual award: \$78,339.87
  - Total 3-year award: \$235,019.61
- **Funding source: Existing contract funds**

# 3-year Bid Summary

Tier/Vendor	Year 1	Year 2	Year 3	3-year Total
Tier 2/Yellowstone	\$131,759.74	\$131,759.74	\$131,759.74	\$395,279.23
Tier 2/Current Vendor	\$102,380.25	\$102,380.25	\$102,380.25	\$307,155.8
Tier 3W/BST	\$78,339.87	\$78,339.87	\$78,339.87	\$235,019.61
Tier 3W/Current Vendor	\$81,753	\$81,753	\$81,753	\$245,259
Net Increase	\$25,976.36	\$25,973.36	\$25,976.36	\$77,929.08

# Options for Tier 2 Mowing Services

## Staff Recommendation



**Approve a 3-year contract for  
Tier 2 Mowing Services with  
Yellowstone Landscape LLC for  
\$395,279.23**



**Deny a 3-year contract for Tier  
2 Mowing Services with  
Yellowstone Landscape LLC for  
\$395,279.23**

## Parks Board Recommendation 8/24/23

# Options for Tier 3 West Mowing Services

## Staff Recommendation



**Approve a 3-year contract for  
Tier 3 West Mowing Services  
with BST Mowing for  
\$235,019.61**



**Deny a 3-year contract for Tier  
3 West Mowing Services with  
BST Mowing for \$235,019.61**

**Parks Board Recommendation 08/24/23**

**PURCHASING AGREEMENT WITH  
THE CITY OF BURLESON, TEXAS  
RFP 2023-018 – TIER 2**

**THIS AGREEMENT** is made and entered into by and between the **CITY OF BURLESON, TEXAS**, a Texas home-rule municipality (the “CITY”) and **YELLOWSTONE LANDSCAPE - CENTRAL** (the “VENDOR”).

For an in consideration of the covenants and agreements contained herein, and for the mutual benefits to be obtained hereby, the parties agree as follows:

1. **Contract Documents.** The parties agree that the contract documents of this Agreement shall consist of the following:
  - i. This contract;
  - ii. RFP 2013-018; and
  - iii. Vendor’s Proposal in RFP 2023-2018 (collectively, the “Agreement”).

These contract documents form the Agreement and are a part of this Agreement as if fully set forth herein. The contract documents are complementary and what is called for by one shall be as binding as if called for by all. In the event of an inconsistency in any of the provisions of the contract documents, the inconsistency shall be resolved by giving precedence to the contract documents in the order in which they are listed above.

2. **Work and Services.** Vendor shall provide all labor, supervision, materials, and equipment necessary to perform all the work and services required by the **TIER 2 PORTION ONLY** of the contract documents in connection with the services set forth in RFP 2023-018.
3. **Time of Commencement.** Vendor shall commence work within 30 calendar days after receiving from the City a notice to proceed.
4. **Contract Sum.** The City shall pay the Vendor for the performance of the work in unit prices as provided by the Vendor’s proposal, subject to additions and deductions by change orders as provided in the contract documents, for an amount not to exceed \$395,279.23. Payment will be invoiced and due as provided in the contract documents.
5. **Termination for Convenience.** The City may cancel or terminate this Agreement at any time for any reason by giving the Vendor thirty (30) days written notice. To the extent City finds the services provided satisfactory, Vendor shall be entitled to payment for services actually rendered.
6. **Insurance.** The Vendor shall, at Vendor’s own expense, maintain and keep in force insurance coverage in the minimum amounts as specified in the general conditions and specifications of RFP 2023-018, with the City as an additional named insured providing primary coverage. Certificates of coverage, including workers compensation insurance, must be submitted with the contract. Insurance coverage must also cover all subcontractors

employed by Vendor. Insurance coverage shall be written by companies approved by the State of Texas and acceptable to the City. All required insurance certificates must be submitted prior to commencement of work.

7. Notice. Any notice to be given or served hereunder or under any document or instrument executed pursuant hereto shall be in writing and shall be (i) delivered personally, with a receipt requested; or (ii) sent by a nationally recognized overnight courier service; or (iii) delivered by United States certified mail, return receipt requested, postage prepaid. All notices shall be addressed to the respective party at its address set forth below, and shall be effective (a) upon receipt or refusal if delivered personally; (b) one business day after depositing, with such an overnight courier service or (c) two business days after deposit in the United States mails, if mailed. Any party hereto may change its address for receipt of notices by service of a notice of such change in accordance with this section.

**VENDOR:**

Yellowstone Landscape – Central  
8360 Old Denton Rd  
Fort Worth, TX 76244

**CITY:**

City Manager  
City of Burleson, Texas  
141 West Renfro  
Burleson, TX 76028

With a copy to:

Purchasing Department  
City of Burleson, Texas  
141 W. Renfro St.  
Burleson, TX 76028

8. Choice of Law; Venue; Interpretation. The parties agree that the laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this construction agreement, and that the exclusive venue for any legal proceeding involving this construction agreement shall be Johnson County, Texas. No additional work shall be authorized or charged for unless authorized by a change order signed by a person authorized by the City to do so. In the event of litigation between the parties, the prevailing party shall be entitled to reasonable attorney fees. In the event of any dispute regarding the interpretation of this Agreement, this Agreement will be interpreted fairly and reasonably and neither more strongly for nor against any Party based on draftsmanship.
9. Entire Agreement; Amendments. This Agreement represents the entire and integrated agreement between City and the Vendor, and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both City and Vendor.
10. Effective Date. This Agreement, shall be effective upon the date specified in the notice to proceed issued by the City of Burleson. In the event that the parties execute on different dates, the effective date shall be the date the last party executes the Agreement.



11. Counterparts, Electronic Signatures. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Any pdf-format or other electronic transmission of any signature of a signatory shall be deemed an original and shall bind such signatory. For these purposes, "electronic transmission" means electronically scanned or signed and transmitted versions (e.g. via pdf file or facsimile transmission) of an original signature, or signatures electronically inserted via software such as Adobe Sign or DocuSign.

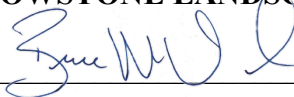
12. Term: The contract shall be effective until November of 2026 from the date specified in the notice to proceed. The City anticipates that contract shall be renewed pursuant to the availability of funds and at the discretion of the City.

IN WITNESS WHEREOF, the Parties execute this Agreement.

**CITY OF BURLESON, TEXAS**

**YELLOWSTONE LANDSCAPE - CENTRAL**

By: \_\_\_\_\_

By: 

Printed Name: \_\_\_\_\_

Printed Name: Bruce McDonald

Title: \_\_\_\_\_

Title: Sr Business Development Manager

Date: \_\_\_\_\_

Date: 8/29/2023

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney, Assistant City Attorney,  
or Deputy City Attorney



## REQUEST FOR PROPOSALS

**Proposal Reference Number:** 2023-018

**Project Title:** Tier 2 and Tier 3 West Mowing

ANTICIPATED SCHEDULE	
RFP Issue Date	Monday, July 3, 2023
RFP Publication Dates	Monday, July 3, 2023 & Monday, July 10, 2023
Deadline for Questions	Friday, July 10, 2023 @ 10:00am CST
Proposals Due	Thursday, July 20, 2023 @ 3:00pm CST
Recommendation to City Council	August 21, 2023

### Important Information

The City of Burleson will receive sealed proposals for the services specified until the deadline indicated above. Proposals will only be received electronically through the City's e-procurement system, Bonfire, at <https://burlesontx.bonfirehub.com> (registration required). *Extensions will not be granted. Late submittals will not be accepted.*

Questions and requests for additional information should be made in writing and no later than the questions deadline above and shall be directed to the Purchasing Agent via <https://burlesontx.bonfirehub.com>.

Any interpretations, corrections, clarifications, or changes to this Request for Proposals or specifications will be issued via addendum. Addenda will be posted at <https://burlesontx.bonfirehub.com>. It is the responsibility of the respondent to monitor the Bonfire website for addenda. **Bidders shall acknowledge receipt of each addendum by submitting a signed copy with their proposal.** *Oral explanations will not be binding.*

The City of Burleson reserves the right to reject any proposal and to waive defects in proposals. No officer or employee of the City of Burleson shall have a financial interest, direct or indirect, in this or any contract with the City of Burleson. Minority and small business vendors are encouraged to submit bids/proposals on applicable City solicitations.

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**1. Introduction**

A. Project Overview: The City of Burleson (“City”) is requesting Proposals with the intent of awarding a contract for Tier 2 and Tier 3 West Mowing Services.

i. Tier 2 and Tier 3 West Mowing Services

ii. Project Schedule: 2024, 2025, 2026 Mowing Season.

**2. Definitions**

Proposal: The signed and executed submittal of the entirety of Appendix B – Proposal.

Proposer: The Proposer and the Proposer’s designated contact signing the first page of the Proposal.

City of Burleson (“City”): The City of Burleson, Texas.

Project: The name of this Request for Proposals as identified on the cover sheet and first page of Appendix A – Scope of Services.

Purchasing Agent: The City of Burleson Purchasing Agent is Andrea Anderson.

Phone: (817) 426-9847

E-Mail: [purchasing@burlesontx.com](mailto:purchasing@burlesontx.com)

Request for Proposals (RFP): The entirety of this document, including all Appendices and Addenda.

**3. General Information**

A. Tax Exempt Status: City purchases are exempt from State Sales Tax and Federal Excise Tax. Do not include tax in the Proposal. City will furnish Excise Tax Exemption Certificate upon request.

B. Public Inspection of Proposals: The City strictly adheres to the Texas Public Information Act (Texas Government Code Chapter 552.001, et seq.) and all other governing statutes, regulations, and laws regarding the disclosure of RFP information. Proposals are not available for public inspection until after the contract award. If the Proposer has notified the City, in writing, that the Proposal contains trade secrets or confidential information, the City will generally take reasonable steps to prevent disclosure of such information, in accordance with the Public Information Act. This is a statement of general policy only, and in no event shall the City be liable for disclosure of such information by the City in response to a request, regardless of the City’s failure to take any such reasonable steps, even if the City is negligent in failing to do so.

C. Notification of Errors or Omissions: Proposers shall promptly notify the City of any omissions, ambiguity, inconsistency or error that they may discover upon examination of this RFP. The City shall not be responsible or liable for any errors and/or misrepresentation that result from the solicitations which are inadvertently incomplete, ambiguous, inconsistent or obviously erroneous.

D. Anti-Boycotting Provisions. Vendor acknowledges this Agreement may be terminated and payment withheld if this certification is inaccurate.

E. Pursuant to Section 2271.002 of the Texas Government Code, Vendor certifies that either (i) it meets an exemption criterion under Section 2271.002; or (ii) it does not boycott Israel and will not boycott Israel during the term of the Agreement. Vendor acknowledges this Agreement may

be terminated and payment withheld if this certification is inaccurate.

- F. Pursuant to SB 13, 87th Texas Legislature, Vendor certifies that either (i) it meets an exemption criterion under SB 13, 87th Texas Legislature; or (ii) it does not boycott energy companies, as defined in Section 1 of SB 13, 87th Texas Legislature, and will not boycott energy companies during the term of the Agreement. Vendor acknowledges this Agreement may be terminated and payment withheld if this certification is inaccurate.
- G. Pursuant to SB 19, 87th Texas Legislature, Vendor certifies that either (i) it meets an exemption criterion under SB 19, 87th Texas Legislature; or (ii) it does not discriminate against a firearm entity or firearm trade association, as defined in Section 1 of SB 19, 87th Texas Legislature, and will not discriminate against a firearm entity or firearm trade association during the term of the Agreement. Vendor acknowledges this Agreement may be terminated and payment withheld if this certification is inaccurate.

#### **4. RFP Withdrawals and/or Amendments**

- A. RFP Withdrawal: The City reserves the right to withdraw this RFP for any reason.
- B. RFP Amendments: The City reserves the right to amend any aspect of this RFP by formal written addendum prior to the Proposal submittal deadline and will endeavor to notify all potential Proposers that have registered with the City, but failure to notify shall impose no obligation or liability on the City.

#### **5. Proposal Submittal Requirements**

- A. Submittal Packet – Required Content: All proposals must be submitted electronically. The Proposer must visit <https://burlesontx.bonfirehub.com/login> and register. Once registered for this complimentary service, the Proposer may submit proposal documents electronically by selecting the appropriate proposal identification.
- B. Submittal Deadline: It is the Proposer's responsibility to have the Proposal Documents correctly electronically submitted by the submittal deadline. No extensions will be granted and no late submissions will be accepted.
- C. Proposals Received Late: Proposers are encouraged to submit their proposals as soon as possible. The time and date of receipt as recorded within the Bonfire electronic system shall be the official time of receipt. The City is not responsible for late submission regardless of the reason. Late Proposals will not be considered under any circumstances.
- D. Alterations or Withdrawals of Proposal Document: Any submitted Proposal may be withdrawn or a revised proposal substituted prior to the submittal deadline. Proposal documents cannot be altered, amended or withdrawn by the Proposer after the submittal deadline, unless such alteration, amendment or withdrawal notice is approved in writing by the Purchasing Agent.

#### **6. Proposal Evaluation and Contract Award**

- A. Proposal Evaluation and Contract Award Process:

The City will evaluate all proposals to determine which proposers are reasonably qualified for the award of the contract, applying the anticipated evaluation factors and emphasis to be placed on

City of Burleson  
Tier 2 and Tier 3 West Mowing

each factor as identified in the Scope of Services. The City may, at its option, conduct discussions with or accept proposal revisions from any reasonably qualified proposer. The City reserves the right to determine which proposal will be most advantageous to the City.

**B. Evaluation Criteria**

A full description of each criterion is included in Appendix B.

Emphasis	Criteria
10%	Background of company
30%	Ability to provide services *Vendor must demonstrate their ability to provide the requested services at the expected level of service
30%	Cost *If vendor is only participating on one tier the same factors are still applicable
10%	Work chart including and applicable certifications
20%	Top three contracts in terms of price and scope demonstrating the vendor's ability to handle the service requested in this RFP

**C. Contract Award**

An award of a contract to provide the goods or services specified herein will be made using competitive sealed proposals, in accordance with Chapter 252 of the Texas Local Government Code and with the City's purchasing policy. The City's Standard Terms & Conditions have been provided with this RFP. The Proposer must submit and objections to the contract along with responses. A fully executed contract shall be comprised of the following documents:

- i. This Request for Proposal, including all attachments
- ii. The successful Proposer's proposal.

**D. Completeness:** If the Proposal is incomplete or otherwise fails to conform to the requirements of the RFP, the City alone will determine whether the variance is so significant as to render the Proposal non-responsive, or whether the variance may be cured by the Proposer or waived by the City, such that the Proposal may be considered for award.

**E. Ambiguity:** Any ambiguity in the Proposal as a result of omission, error, lack of clarity or non-compliance by the Proposer with specifications, instructions and all conditions shall be construed in the favor of the City. In the event of a conflict between these standard RFP requirements and details provided in Appendix A – Scope of Services or Appendix B – Proposal, the Appendices shall prevail.

**F. Additional Information:** The City may request any other information necessary to determine Proposer's ability to meet the minimum standards required by this RFP.

**G. Partial Contract Award:** The City reserves the right to award one contract for some or all the requirements proposed or award multiple contracts for various portions of the requirements to

different Proposers based on the unit prices proposed in response to this request, or to reject any and all Proposals and re-solicit for Proposals, as deemed to be in the best interest of the City.

- H. Cooperative Governmental Purchasing Notice: Other governmental entities maintaining interlocal agreements with the City, may desire, but are not obligated, to purchase goods and services defined in this RFP from the successful Proposer. All purchases by governmental entities, other than the City, will be billed directly to and paid by that governmental entity. The City will not be responsible for another governmental entity's debts. Each governmental entity will place their own orders with the successful Proposer and be responsible for ensuring full compliance with the RFP specifications. Prior to other governmental entities placing orders, the City will notify the successful Proposer of their intent.
- I. Billing for Services; Payment: Successful Proposers are encouraged to register through the City's Vendor Self Service portal to submit payment requests, invoices, and set up direct deposit prior to providing goods and/or services. Register and submit required documentation on the website at <https://burlesontx.munisselfservice.com/vss/Vendors/default.aspx>
- J. Terminate for Cause: The occurrence of any one or more of the following events will justify termination of the contract by the City of Burleson for cause:
1. The successful Proposer fails to perform in accordance with the provisions of these specifications; or
  2. The successful Proposer violates any of the provisions of these specifications; or
  3. The successful Proposer disregards laws or regulations of any public body having jurisdiction; or
  4. The successful Proposer transfers, assigns, or conveys any or all of its obligations or duties under the contract to another party(ies) without written consent of the City.
  5. If one or more of the events identified in subparagraphs J.1 through J.4 occurs, the City may terminate the contract by giving the successful Proposer seven (7) days written notice. In such case, the successful Proposer shall only be entitled to receive payment for goods and services provided before the effective date of termination. The successful Proposer shall not receive any payment on account of loss of anticipated profits or revenue or other economic loss resulting from such termination.
  6. When the contract has been so terminated by the City, such termination shall not affect any rights or remedies of the City then existing or which may thereafter accrue.
- K. Terminate for Convenience: This contract may be cancelled or terminated at any time by giving vendor thirty (30) days written notice. Proposer may be entitled to payment for services actually performed; to the extent said services are satisfactory.

## Appendix A – Scope of Services

### 1. Scope of Services

The City of Burleson is seeking to secure a qualified contractor to provide Rights of Way and median mowing in accordance with the specifications provided herein.

#### **MOW/TRIM MAINTENANCE SERVICES**

**Mow/trim Maintenance Services** will be accomplished based on tiers outlined in the interactive map that is provided as part of this RFP. **Vendors will have the ability to Tier 2 and Tier 3 West.** The frequency of the service cycles will be bi-weekly service *average* for 28 annual mowing cycles for Tier 2 properties and a monthly service *average* for 9 annual mowing cycles for Tier 3 West properties as routine service standards. The frequency of services may be increased or decreased at the request of the City based upon seasonal demands to comply with service standards. It will be the vendor's responsibility to provide a level of service that is consistent with the expectations of the City that is outlined in the map. Schedules will be approved in advance by the Deputy Director of Parks or their designee. Each property will serve as a bid line in each Tier to include the following services for that property:

#### **[City of Burleson Mowing Contractor Bids Map \(burlesontx.com\)](http://burlesontx.com)**

**Tier 2** – Mowing within Burleson's City Limits on 14-day average cycles during the growing season.

- Requires finish-cut mowing
- Requires litter/debris removal prior to mowing
- Some sections include bar ditches
- Pruning of epicormic sprouts or "suckers" on trees as encountered

**Tier 3 West** – Mowing ROW outside the City limits of the Burleson on 28-day average cycles during the growing season.

- May require rough-cut mowers when mowed monthly, depending on season
- Requires litter/debris removal prior to mowing
- Several sections include bar ditches adjacent to fence lines
- Pruning of epicormic sprouts or "suckers" on trees as encountered

**Finish-cut Mowing Additions (cost per acre)** – for new Tier 2 park land acquired not featured as a current property.

**Rough-cut Mowing Additions (cost per acre)** – for new Tier 3 park land acquired not featured as a current property.

### 2. Restriction on Communication

All communications relating to this sealed bid must be directed to the City's contact person named above. All



other communications between a Vendor and City staff and public officials concerning this bid are prohibited. Failure to comply with this requirement may result in the City disqualifying the Vendor's bid.

3. **Requirements Contract**

**The Parks & Recreation Director or designee has the authority to cancel maintenance cycles at any time. The cancellation will be based upon need, prevailing weather conditions and available funding. It is assumed that the Contractor shall be notified of any cancellation(s) at such time that a Notice To Proceed is issued for any maintenance cycle.**

Any quantities that are included in the scope of work reflect the current expectations of the City for the period of the contract. The amount is only an estimate and the contractor understands and agrees that the City is under no obligation to the contractor to buy any amount of services as a result of having provided this estimate or of having any typical or measurable requirement in the past. The contractor further understands and agrees that the City may require services in excess of the estimated annual contract amount and that the quantity actually used whether in excess of, or less than, the estimated annual contract amount and that the quantity actually used shall not give rise to any claim for compensation other than the total of the unit prices in the contract for the quantity actually used.

If new properties that require maintenance are acquired, the City will provide the contractor with at least 30 days' notice to allowing time to augment staffing levels.

4. **Transitional Period**

In the event that a new Contractor(s) is (are) not selected by the City of Burleson, it shall be incumbent upon the Contractor to continue the contract under the same terms and conditions until new contracts can be completely operational. At no time shall this transition period extend more than ninety (90) days beyond the original expiration date of the existing contract and any extension thereof.

5. **Contractor Selection**

If awarded, the contract shall be based on the City's evaluation criteria of price, equipment, ability to maintain adequate staffing levels, experience/references and compliance with bid requirements. A responsive bidder shall have submitted a complete sealed bid packet within the stated timeline and in accordance with the bid specifications. A responsible bidder shall demonstrate the ability to successfully deliver the supplies, equipment and/or services being procured.

6. **Contractor's Responsibility for Work**

- The Contractor shall be responsible for the complete performance of all of the work under the Contract.
- Contractor shall be responsible for furnishing all tools, equipment, labor, supplies and incidentals required to complete the work

7. **Cancellation**

The Contractor shall strictly comply with the provisions of the contract with an adequate number of quality personnel and equipment to perform the work described in these specifications. **Non- performance or non-compliance with the requirements of this specification by the awarded vendor(s) shall be basis for the termination of the contract by the City immediately.**

**The Contractor shall be given forty-eight hours following receipt of notification of default in which to remedy the deficiencies.** If the deficiencies are not remedied as a result of the notification, the contract shall be terminated.

At the discretion of the City, subsequent notification(s) may be issued upon the occurrence of each default(s) and the contractor shall have forty-eight hours following receipt of the second notification to remedy the deficiencies. If deficiencies are not remedied following the subsequent notification(s) period, the Contractor shall be deemed in default of the contract and the contract shall be terminated.

The City shall not pay for services or supplies that are deemed by the City to be unsatisfactory. Vendors will be given reasonable opportunity, before termination, to correct any deficiencies; however, this in no way may be construed as negating the basis for cancellation.

8. **General Requirements**

General Contractor's Work. The City reserves the right to reject any and all bids.

**Each bid shall contain a written operational plan outlining bidders proposed work scheduled to ensure compliance of cycle time. Any proposal without an operational plan will be considered non-responsive.**

Bids shall also include a completed "Bidders Questionnaire" which is part of the operational plan as well as an equipment list and past work history to determine whether or not a bidder can adequately perform the necessary work. The City has the right to inspect all equipment dedicated for use on this project prior to award of the bid. During inspection the Contractor must have all equipment which will be dedicated to the Contract on hand or have original receipt of purchase or lease to show ownership. All equipment the bidder is committing to this Contract, if awarded, should be included in the listing. Past experience has shown that it is absolutely essential to have back-up equipment to allow for breakdowns.

It is the spirit and intent of these specifications and plans to secure for the City, and Director, the work described, complete in every respect, and the general conditions there for shall be complied with, whether items are specifically mentioned or not.

9. **Definitions:**

A responsive bidder: is defined to be one who submits a completed sealed bid packet within the stated time deadline and in accordance with the bid specifications.

A responsible bidder: is defined to be one who demonstrates via their responses to the selection criteria his or her ability to successfully deliver the supplies, equipment, or services being procured.

Project Area: Shall refer to geographic area(s) of the City designated to receive specified grounds maintenance services. This area includes medians, rights-of-way and landscape beds. See Maps.

Maintenance Schedule: Shall mean the time periods established for the project including scheduled, routine service visits.

Maintenance Cycle: Shall refer to each time period in the maintenance schedule for the project year. A beginning and ending date, in which all prescribed maintenance activities for each area shall be completed, define each time period.

Director: The term Director shall mean the duly appointed officer of the Department of Parks and Recreation of the City who is empowered by the

Inspector: Shall mean the Deputy Director of Parks or authorized designee, who shall monitor the Contractor's progress within the Project Area he is assigned. The inspector shall have no duty to inspect, but may inspect at his discretion.

Inclement Weather: Shall mean wet or rainy weather when the condition of the soil is such that the rutting of property will not allow cutting of grass to be accomplished satisfactorily. This determination shall be made at the sole discretion of the Deputy Director of Parks or designee.

Trash and Litter: Shall mean any debris within the Project Area such as paper, cans, bottles, limbs four (4") inches diameter or smaller, trash bags, rocks, etc., which is not intended to be present as part of the landscape. The project area includes streets, sidewalks, curbs, catch basins, gutters, hillsides, ditches, etc. *Removal of debris will require sweeping or blowing off of hard surfaces such as sidewalks and concrete noses of medians.*

**\*\*No visible litter or debris in finished product after mowing\*\***

Trimming: Shall refer to the cutting or removal of all plant material immediately adjacent to Project Area structures, poles, trees, signs, planting beds, etc. Also, includes removal of all plant material from expansion joints and any other cracks in curbs, sidewalks (both sides), driveways and any other concrete surface within the median or rights of way.

**\*\*No vegetation taller than existing turf around structures and obstacles \*\***

Edging: Shall refer to the vertical removal of any and all plant material no lower than 4 inches, which encroaches over or onto sidewalks (both sides), curbs, steps, driveways, and pavements. Edge cut shall remove vegetation from concrete services.

**\*\*Visible separation of turf from concrete and no vegetation overhanging onto concrete surface.**

Chemical edging is not permitted without expressed written consent for Deputy Director or designee. Request of use of such products must be submitted in writing by contractor. If approved all TDA records must be submitted to Deputy Director or designee. All chemical applications must be performed by a licensed TDA applicator.

**\*\*Visible separation of turf from concrete and no vegetation overhanging onto concrete surface and no larger than a 6" band around obstacles.**

Scalping: Shall refer to any action resulting in the mowing of any turf area below a three-inch (3") height down to and including the soil.

**\*\* No scalped areas.**

Work Record Summary: Shall mean a written record detailing times and locations of when the contractor and employees were on the job site completing work per contract specifications.

Median: Shall mean the center island of the listed streets from curb line to curb line plus all traffic triangles, where they exist, on sides of the intersections. This includes curb gutter joints where the curb meets the roadway and concrete paved areas from end of grass to the curb.

Rights of Way: Shall mean the area extending from the right or left of the center line of the road bed or paved surface to the nearest property line; that includes but is not limited to curbs, sidewalks, walkways, drainage ditches, burrow ditches and any other areas owned, dedicated, used or reserved for public use.

Uniforms: Contractor shall provide and require its employees to wear a uniform that bears the company name, logo, and employee's name. Uniforms are not to be dirty, stained or torn. Uniforms shall be worn at all times while on the job. Contractor shall provide and ensure the wearing of protective clothing, masks, eye protection, etc., as required by laws, regulation, ordinances, and/or manufacturer's instruction for material and equipment. All employees of contractor working on right-of-ways or medians must utilize personal protective equipment such as safety vest to insure their visibility to drivers.

Warning Devices and Barricades: The Contractor shall furnish and maintain such warning devices, barricades, lights, signs, and other devices as may be necessary or appropriate or required by the City to protect persons or property in, near of adjacent to the jobsite. The contractor shall comply with all applicable Federal, State, and Local laws regarding occupational safety and health as well as providing protection of the environment. This shall include but not be limited to compliance with U.S. Department of Labor-Occupational Safety and Health Administration (OSHA), and U.S. Environmental Protection Agency (EPA) guidelines and regulations. No separate compensation shall be paid to the contractor for such measures.

Subcontracts: Contractor may hire qualified subcontractors to perform functions or work requiring specialized equipment. Contractor is liable for any damages caused by the sub- contractor that they appoint to complete the work. Contractor must notify the Deputy Director of Parks in writing for any work performed by a subcontractor and proof of adequate insurance coverage must be provided.

10. **Work Orders, Assignments and Inspection of Work:**

- Initial Clean-Up: On the first clean-up prior to the first ROW mowing the City will provide free disposal of trash and debris collected. All disposal of trash and debris after that will be charged at the published rates.
- Disposal of Large Item: Contractor shall contact the Deputy Director of Parks for disposal of large item. i.e.; couches, refrigerator, tires washer and dryer. The City will collect the item for disposal.
- Inspectors Duties: The Deputy Director of Parks or designee may make inspections, re- inspections, monitor Contractor activities, ensure the work performed in the assigned project area is done to the quality level prescribed in this Contract and in accordance with prescribed time schedules; however the Deputy Director of Parks or designee has no duty or obligation to make inspections. Upon determination of any violation of the specifications and/or terms of this contract, the Inspector shall record, process, and submit all pertinent information to the Deputy Director of Parks for appropriate action.
- Contact: The Contractor shall notify the Deputy Director of Parks or designee prior to daily mowing operations. This contact is for the purpose of discussing areas to be maintained, Contractor's work schedule for the day, areas to be inspected for approval. Failure to contact the Deputy Director of Parks, or designee, before mowing begins may constitute a breach of Contract.
- Scheduling: Once routine service schedules are approved by the City, contractor will submit monthly schedules at least one week prior to the beginning of the service month. Any request by contractor to deviate from schedule due to weather or related concerns should be submitted to the Deputy Director of Parks or designee no later than the beginning of the scheduled work day. If approved, a proposed rescheduled date will be provided by the contractor for City approval. A summary of completed services will be provided to the Deputy Director in writing no later than the morning of the following business day.
- Time to Complete Work: Contractor shall begin work and proceed with all reasonable dispatch to completion. The Contractor will be required to maintain all project areas assigned to them in the time allotted (maintenance cycle) for each project area. Work started within a project area should be completed in consecutive days.
- Verification of work: Contractor will email a service log to the Deputy Director of Parks or designee for each service day **before noon on the following calendar day** outlining services rendered by the property.
- Inclement weather may result in the cancellation or delay of a mowing cycle. Deputy Director of Parks will be responsible for cancellation of cycles.
- Failure to Maintain Maintenance Schedule: Failure on the part of the Contractor to maintain the required production rate for a project area shall be sufficient reason for the Deputy Director of Parks to have the work in question or portions thereof completed by others if the Contractor shall not cure the default within forty-eight (48) hours of written notice of the default. If others complete work, any additional cost caused by a higher bid price will be deducted from the original contractor's next payment, if any. Failure to maintain the mowing schedule shall be determined in the following manner:

- All project areas shall be maintained according to the maintenance schedule assigned. Final assessment of each area may be made by the Inspector on the morning following the end of each mowing cycle. If the Contractor fails to meet the Contract specifications within the time limits of the schedule, then that portion of the work may be removed from his responsibility and may be reassigned to another contractor.
- Contractor shall correct any deficiencies in work within 48 hours of written or verbal notification. In the event the Contractor fails to correct the default to the satisfaction of the City within the specified time, or such greater time as the City may permit, the City shall exercise all rights, including the right to terminate the Contract in whole or part. The Contractor shall pay all costs and attorney's fees incurred by the City in the enforcement of any provision herein or within this document.
- Assessment of Damage to Trees During Grounds Maintenance Operations: Trees in the Contract area may be checked by the assigned Inspector before work begins, and random checks may be carried out during the Contract period at the option of Parks and Recreation.
- The Contractor should inspect, upon Contract award, all trees for existing damages prior to conducting any work activity in the assigned project area. Observed tree damage shall be documented by memo to the Deputy Director of Parks.
- Protection of Existing Sites, Structures and Utilities: Where performance of maintenance activities endangers adjacent sites, structures and utilities, the Contractor shall at his own expense carefully protect all such sites, structures and utilities so that there will be no loss or utilities service damage. In case of damage to existing sites, structures or utilities, the Contractor shall restore the site, structure or utility to its original condition and position without compensation from the City.

11. **Mowing and Trimming**

*Contractor shall remove all trash and litter from the entire area prior to initiating any mowing of the turf areas.* All mowing equipment shall be of rotary type mowers (Toro Groundsmaster, Jacobsen Turf Cat, brush hog/bat wing or equal) equipped with sharp blades so as not to tear, but cleanly cut the blades of grass. All grass shall be cut at a height of 3-4". Fence lines, cyclone, barbwire or any wire shall be mowed within 4" and trimmed with a string trimmer on remaining 4". All brick or cinder block walls shall be trimmed up the structure.

All mowing must be completely mowed to the next natural barrier (i.e. street, intersection, dead end, etc.) within 24 hours of start of mowing of said area.

**\*\* Zero visible litter and debris on finished mowing areas.**

12. **Work Crew**

Each work crew shall have a designated person on the work site with the authority to respond to inquiries about work details or priorities.

The Contractor will assign only qualified, trained, competent and reliable personnel to perform the services. The City shall have the right to request the immediate removal from its premises of any employee of the Contractor or of the Contractor's subcontractors.

13. **Safety of Work Crew**

Contractor shall wear and/or display proper warning devices (safety vest, flashers, strobe lights, warning signs, etc.) in order to ensure both employee and public safety. Contractor and his employees shall dress and remain dressed in a presentable fashion due to high public visibility of these employees. Should problems occur, Contractor will be advised of the circumstances and shall take appropriate action.

The Contractor shall be responsible for furnishing all signs and traffic controls in accordance with

the Texas Manual on Uniform Traffic Control Devices, and make adjustments as required by Inspector.

All signs must be mounted on their own stands and be mounted not less than three feet (3 ft.) from the bottom of the sign to the natural ground line. Each sign shall have two brightly colored safety flags attached to it. It will not be permissible to hang or lean these signs. The signs shall be erected in such a manner that they will not obstruct the traveling public view of the normal roadway signing.

**\*\*Proper warning devices and clothing due to high visibility of employees who work on roadways.**

**14. Identification**

All Contractor vehicles under the performance of this Contract that are licensed for travel on public roads shall have the name of the Contractor neatly exhibited on each side of the vehicle. Vehicles shall park in areas that do not create potential hazardous traffic situations.

**15. Communication**

Contractor shall provide communication equipment as necessary to perform the services of this Contract. This may include 2-way radios, pagers, cellular phones, telephone answering devices, fax machine etc. The Contractor or his designate shall respond to communication requests from the Deputy Director of Parks or designee, within four (4) hours during the normal working hours of 7:30 a.m. to 5:00 p.m.

**\*\*Four-hour turnaround time for information between City and Contractor\*\***

**16. Prohibition/Non-Storm Water Discharges**

No person shall introduce or cause to be introduced into the municipal separate storm sewer system (MS4) any discharge that is not composed entirely of storm water.

No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce or cause, allow, or permit to be introduced any of the following substances into the MS4:

Any used motor oil, antifreeze, or any other motor vehicle fluid;

Any garbage, rubbish, yard waste, or other floatable material;

Any wastewater from any vehicle washing;

Any wastewater from the wash-down or other cleaning of pavement that contains any harmful quantity of soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance, or that is at a temperature that has been elevated by induced heating; or any wastewater from the wash-down or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed;

Any ready-mixed concrete, mortar, or asphalt base material or hydro mulch material, or any wastewater or substance from the cleaning of any vehicle or equipment containing, or used in transporting or applying, such material;

Any substance or material that will damage, block, or clog the MS4;

No person shall use or cause to be used any pesticide or herbicide contrary to any directions for use on any labeling required by state or federal statute or regulation.

No person shall use or cause to be used any pesticide, herbicide, or fertilizer in any manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter the MS4 or waters of the United States.

No person shall dispose of, discard, store, or transport a pesticide, herbicide, or fertilizer, or a pesticide, herbicide, or fertilizer container, in a manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter the MS4 or waters of the United States.

No person shall apply used oil to a road or land for dust suppression, weed abatement, or other similar use that introduces used oil into the environment.

*Burleson Code of Ordinances Chapter 82. Article IV. Stormwater Pollution Control*

For more information or inquiry's regarding Environmental Services please call 311.

## Appendix B – Proposal

### Submittal Checklist: (To determine validity of proposal)

- \_\_\_\_\_ Appendix B (Pages B-1 through B-3) must be included in the proposal submittal
- \_\_\_\_\_ Appendix C (Pages C1-C2) exceptions must be included in the proposal submittal
- \_\_\_\_\_ Organizational Chart
- \_\_\_\_\_ Equipment List
- \_\_\_\_\_ House Bill 89 Verification Form (public files in Bonfire)
- \_\_\_\_\_ Form 1295 Certificate of Interested Party (Public files in Bonfire)
- \_\_\_\_\_ W9 (Public files in Bonfire)

All proposals submitted to the City of Burleson shall include this page with the submitted Proposal.

<b>RFP Number:</b>	<b>2023-018</b>
<b>Project Title:</b>	<b>Tier 2 &amp; Tier 3 West Mowing Services</b>
<b>Submittal Deadline:</b>	<b>Friday, July 20, 2023 at 3:00 PM (CST)</b>

### Submit Electronically\* to:

**<https://burlesontx.bonfirehub.com/login>**

**\* Requires email account login and password.**

### Proposer Information:

<b>Proposer's Legal Name:</b>	Yellowstone Landscape - Central		
<b>Address:</b>	8360 Old Denton Rd		
<b>City, State &amp; Zip</b>	Fort Worth, Texas 76244		
<b>Federal Employers Identification Number #</b>	76-0340243		
<b>Phone Number:</b>	469-682-0986	<b>Fax Number:</b>	
<b>E-Mail Address:</b>	bmcdonald@yellowstonelandscape.com		

### Proposer Authorization

**I, the undersigned, have the authority to execute this Proposal in its entirety as submitted and enter into a contract on behalf of the Proposer.**

Printed Name and Position of Authorized Representative: Bruce McDonald

Signature of Authorized Representative: 

Signed this 18 (day) of July (month), 2023 (year)

**I learned of this Request for Proposals by the following means:**

☐ Newspaper Advertisement

☒ Bonfire

☐ Other



**Appendix B – Proposal (continued)**

**1. REQUIRED PROPOSAL INFORMATION. IN ORDER FOR A PROPOSAL TO BE CONSIDERED COMPLETE, AND TO BE EVALUATED FOR A CONTRACT AWARD BY THE CITY, PROPOSER MUST SUBMIT ALL OF THE FOLLOWING INFORMATION:**

**A. Experience and Services:**

Each bidder is responsible for submitting all relevant, factual and correct information with their bid. The below listed criteria will be assessed by the vendors submitted data. If additional sheets are attached to the bid specification, the bidder shall clearly cross-reference the appropriate location in the solicitation (i.e. page number, paragraph, subject, etc.)

Contractor must submit with their bid, a list of equipment to be used for this contract. The list of equipment should include year, model, make, and number of hours on all equipment to be used. Equipment can be subject to inspection by the City representative. Contractor may use attached form.

- Contractor shall have in his or her employment at the time of the bid the minimum number of employees to successfully execute the bid as specified.
- Contractor must be able to demonstrate the ability to maintain adequate staffing levels for contract compliance by providing an organizational chart.
- Contractor shall be capable of securing the specified insurance in the amount of the contract within fifteen (15) working days after the formal acceptance of the proposal.

**B. Cost:**

The cost breakdown for each property should be organized in the provided excel spreadsheet by property defined in the Scope of Services in Appendix A to include the estimated hours necessary to complete each task.

**C. References:**

Contractor shall provide a minimum of 3 current references with the bid. References shall be from clients the contractor has served in a similar capacity within the last 24 months.

- i. Name of the reference, organization, phone number and email.

**2. Federal, State and/or Local Identification Information**

- A. Centralized Master Bidders List registration number: 76-0340243.
- B. Prime contractor HUB / MWBE registration number: \_\_\_\_\_.
- C. An individual Proposer acting as a sole proprietor must also enter the Proposer's Social Security Number: # \_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_.

**3. Emergency Business Services Contact Notice**

- A. During a natural disaster, or homeland security event, there may be a need for the City of Burleson to access your business for products or services after normal business hours and/or holidays. The City may request City employee pick up or vendor delivery of product or services.

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Tier 2 and Tier 3 West Mowing

- B. For this purpose, a primary and secondary emergency contact name and phone number are required. It is critical the vendor's emergency contact information remains current. City shall be contacted by E-mail with any change to a contact name or phone number of these emergency contacts.
- C. All products or services requested during an emergency event are to be supplied as per the established contract prices, terms and conditions. The vendor shall provide the fee (pricing) for an after-hours emergency opening of the business, if any. In general, orders will be placed using a City of Burleson procurement card (Master Card) or City issued Purchase Order. The billing is to include the emergency opening fee, if applicable.
- D. The contractor shall provide the names, phone numbers and fee (pricing), if any, for an after-hours emergency opening of the business listed below.

Business Name: Yellowstone Landscape - Central

Contract #: 2023-18

Description: Tier 2 and Tier 3 West Mowing

Primary Contact (Name): Jermey Foster

Primary Contact Phone Numbers: Home: \_\_\_\_\_ Cell: 817-819-3052

Secondary Contact (Name): Bruce McDonald

Secondary Contact Phone Numbers: Home: \_\_\_\_\_ Cell: 469-682-0986

After Hours emergency opening fee, if applicable: \$ 125.00 per man hour

- E. Please indicate below if you will permit other governmental entities to purchase from your agreement with the City.

☒ **Yes, Others can purchase  
purchase**

☐ **No, Only the City can**

## Appendix C – Standard Terms & Conditions

**1. CONTRACT TERMS AND CONDITIONS. EXCEPT WHERE PROPOSER MAKES SPECIFIC EXCEPTION IN THE SUBMITTED PROPOSAL, ANY CONTRACT RESULTING FROM THIS RFP WILL CONTAIN THE FOLLOWING TERMS AND CONDITIONS, WHICH PROPOSER HEREBY ACKNOWLEDGES, AND TO WHICH PROPOSER AGREES BY SUBMITTING A PROPOSAL:**

**A. Delivery of Products and/or Services**

- i. Payment Terms: Unless otherwise specified in the Scope of Services or otherwise agreed to in writing by the City, payment terms for the City are Net 30 days upon receipt of invoice.
- ii. Warranty of Products and Services: All products furnished under this contract shall be warranted to be merchantable and good quality and fit for the purposes intended as described in this Proposal, to the satisfaction of City and in accordance with the specifications, terms, and conditions of the Scope of Services, and all services performed shall be warranted to be of a good and workmanlike quality, in addition to, and not in lieu of, any other express written warranties provided.
- iii. Late Delivery or Performance: If Proposer fails to deliver acceptable goods or services within the timeframes established in the Project Schedule, the City shall be authorized to purchase the goods or services from another source and assess any increase in costs to the defaulting Proposer, who agrees to pay such costs within ten days of invoice.
- iv. Title to Goods and Risk of Loss: For goods to be provided by Proposers hereunder, if any, the title and risk of loss of the goods shall not pass to City until City actually receives, takes possession, and accepts the goods and the installation of such goods, has tested the system, and determined that it is in good and acceptable working order.

**B. Miscellaneous**

- i. Independent Contractor: Proposer agrees that Proposer and Proposer's employees and agents have no employer-employee relationship with City. Proposer agrees that if Proposer is selected and awarded a contract, City shall not be responsible for the Federal Insurance Contribution Act (FICA) payments, Federal or State unemployment taxes, income tax withholding, Workers Compensation Insurance payments, or any other insurance payments, nor will City furnish any medical or retirement benefits or any paid vacation or sick leave.
- ii. Assignments: The rights and duties awarded the successful Proposer shall not be assigned to another without the written consent of the Purchasing Agent. Such consent shall not relieve the assigner of liability in the event of default by the assignee.
- iii. Liens: Proposer shall indemnify and save harmless the City against any and all liens and encumbrances for all labor, goods, and services which may be provided to the City by Proposer or Proposer's vendor(s), and if the City requests, a proper release of all liens or satisfactory evidence of freedom from liens shall be delivered to the City.
- iv. Gratuities / Bribes: Proposer certifies that no bribes in the form of entertainment, gifts, or otherwise, were offered or given by the successful Proposer, or its agent or representative, to any City officer, employee or elected representative, with respect to this RFP or any contract with the City, and that if any such bribe is found to have been made this shall be grounds for voiding of the contract.

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- v. Financial Participation: Proposer certifies that it has not received compensation from the City to participate in preparing the specifications or RFP on which the Proposal is based and acknowledges that this contract may be terminated and/or payment withheld if this certification is inaccurate.
- vi. Authority to Submit Proposal and Enter Contract: The person signing on behalf of Proposer certifies that the signer has authority to submit the Proposal on behalf of the Proposer and to bind the Proposer to any resulting contract.
- vii. Compliance with Applicable Law: Proposer agrees that the contract will be subject to, and Proposer will strictly comply with, all applicable federal, state, and local laws, ordinances, rules, and regulations.
- viii. Compliance with HB 89: Proposer agrees per HB 89 vendor shall not boycott Israel at any time while providing products or services to the City of Burleson.

☒ **Yes, we agree**                      ☐ **No, we do not agree**                      ☐ **N/A**

- ix. Compliance with SB 252: Proposer agrees per SB 252 vendor shall not do business with Iran, Sudan or a foreign terrorist organization while providing products or services to the City of Burleson.

☒ **Yes, we agree**                      ☐ **No, we do not agree**

**2. Financial Responsibility Provisions**

- A. Insurance: The Proposer, consistent with its status as an independent contractor, shall carry, and shall require any of its subcontractors to carry, at least the following insurance in such form, with such companies, and in such amounts (unless otherwise specified) as City may require:
  - i. Worker's Compensation and Employer's Liability insurance, including All States Endorsement, to the extent required by federal law and complying with the laws of the State of Texas;
  - ii. Commercial General Liability insurance, including Blanket Contractual Liability, Broad Form Property Damage, Personal Injury, Completed Operations/Products Liability, Premises Liability, Medical Payments, Interest of Employees as additional insureds, and Broad Form General Liability Endorsements, for at least One Million Dollars (\$1,000,000) Combined Single Limit Bodily Injury and Property Damage on an occurrence basis;
  - iii. Comprehensive Automobile Liability insurance covering all owned, non-owned or hired automobiles to be used by the Contractor, with coverage for at least One Million Dollars (\$1,000,000) Combined Single Limit Bodily Injury and Property Damage.
- B. Indemnification: Proposer agrees to defend, indemnify and hold harmless the City, all of its officers, Council members, agents and employees from and against all claims, actions, suits, demands, proceedings, costs, damages and liabilities, including reasonable attorneys' fees, court costs and related expenses, arising out of, connected with, or resulting from any acts or omissions of Proposer or any agent, employee, subcontractor, or supplier of Proposer in the execution or performance of this contract without regard to whether such persons are under the direction of City agents or employees.
- C. Term of Contract and Option to Extend
  - i. Any contract resulting from this RFP shall be effective until November of 2026. The City anticipates that contract shall be renewed pursuant to the availability of funds and at the discretion of the City.

# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.  
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

## OFFICE USE ONLY CERTIFICATION OF FILING

**1 Name of business entity filing form, and the city, state and country of the business entity's place of business.**

Yellowstone Landscape - Central  
Fort Worth, TX United States

**Certificate Number:**  
2023-1047429

**Date Filed:**  
07/18/2023

**Date Acknowledged:**

**2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.**

City of Burleson

**3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.**

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4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

**5 Check only if there is NO Interested Party.**



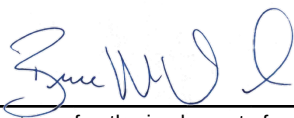
### 6 UNSWORN DECLARATION

My name is Bruce McDonald, and my date of birth is 2/22/1972.

My address is 296 Hacienda Dr, Pottsboro, TX, 75056, USA.  
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Collin County, State of TX, on the 18 day of July, 2023.  
(month) (year)

  
\_\_\_\_\_  
Signature of authorized agent of contracting business entity  
(Declarant)

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## City Council Regular Meeting

**DEPARTMENT:** Parks and Recreation

**FROM:** Jen Basham, Parks and Recreation Director

**MEETING:** September 5, 2023

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**SUBJECT:**

Consider approval of a 3-year contract with BST Mowing for mowing of Tier 3 West properties for monthly mowing cycles for an amount not to exceed \$235,019.61. (*Staff Presenter: Jen Basham, Parks and Recreation Director*)

**SUMMARY:**

The current mowing contract for Tier 3 West right-of-way properties began in November 2021. Due to challenges in accommodating demands of mowing schedules, the decision was made to issue a new request for proposals for mowing services for these properties. Submissions were evaluated based on best overall value for services offered.

BST Mowing is being recommended for the following services:

1. Tier 3 West mowing services per year: \$74,609
2. Tier 3 West mowing cycles per year plus 5% contingency: \$78,339.87

3-year contract annualized summary with 5% contingency:

Year 1	Year 2	Year 3	Total 3-year contract
\$78,339.87	\$78,339.87	\$78,339.87	\$235,019.61

**OPTIONS:**

- 1) Approve as presented
- 2) Approve with changes
- 3) Deny

**RECOMMENDATION:**

Staff recommendations if any

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

List date and description of any prior action related to the subject

**FISCAL IMPACT:**

Total of \$78,339.87 is budgeted in fiscal year 2023-24

Budgeted Y/N: Y

Fund Name

Account #:

**STAFF CONTACT:**

Jen Basham, CPRE  
Parks and Recreation Director  
[jbasham@burlesontx.com](mailto:jbasham@burlesontx.com)  
817-426-9201



A person wearing a hat and a blue shirt is riding a red and black riding mower on a golf course. The mower is moving away from the camera along a path that has been mowed. To the right of the path, there is a line of tall grass and a fence made of wooden posts and white and orange caution tape. In the background, there are large, leafy trees and a clear sky. The scene is brightly lit, suggesting it is daytime.

# Right-of-Way Mowing Contracts

City Council Meeting: September 5, 2023

**Staff Presenter: Jen Basham, Parks and Recreation Director**



# Overview

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- ① **Background**
- ② **Mowing Services**
- ③ **Description of Tiers**
- ④ **Financial and Bid Summary**
- ⑤ **Options**

# Background

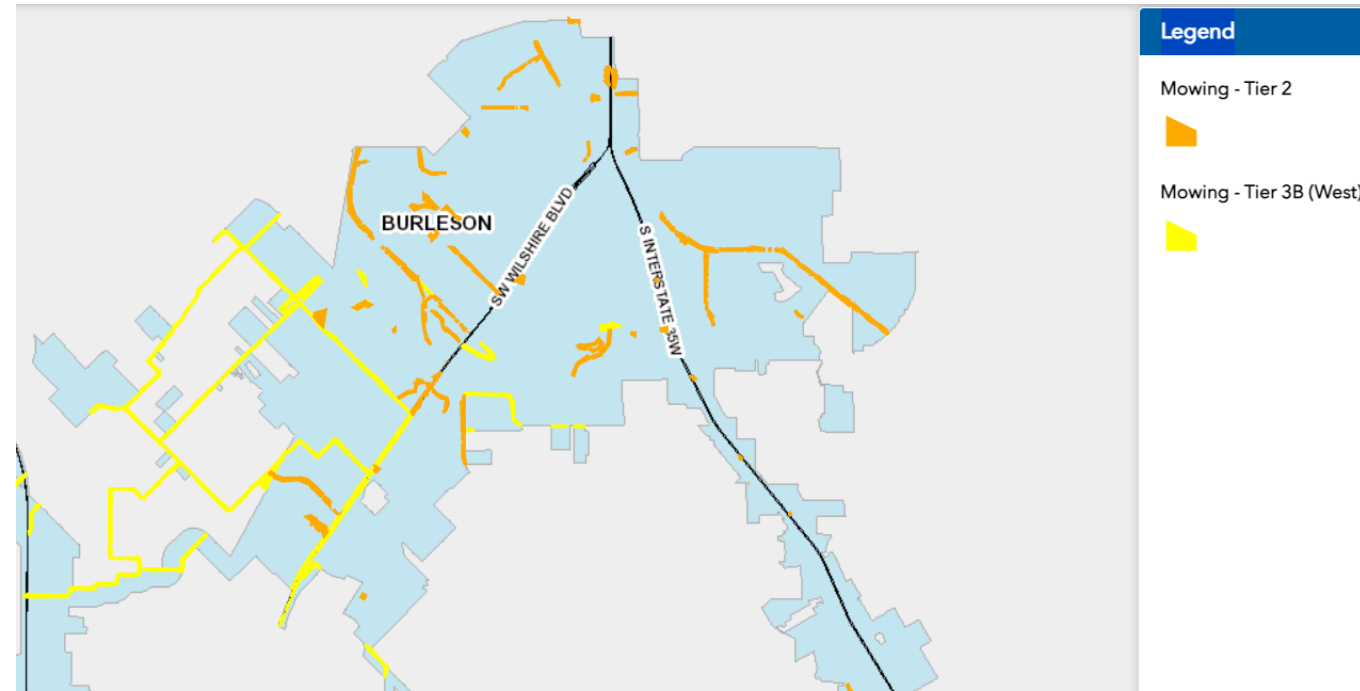
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- **November 2021: 5-year right-of-way mowing contracts approved**
- **Due to challenges with contractor's ability to maintain service demands of Tier 2 and Tier 3 West mowing specifications over two growing seasons, staff felt it was necessary to solicit new bids**
- **Presented to Parks Board for recommendation on August 24, 2023**

# Right-of-Way Mowing Services

**Services provided during growing season - March thru November**

- **Mowing**
- **Edging**
- **Line trimming**
- **Minor litter removal prior to mowing**
- **Back-back blowing**
- **Ornamental tree sucker removal**



# Mowing Service Tiers Under Consideration



- **Tier 2**

- Bi-weekly services (20 cycles per year)
- Moderately visible properties, medians and rights-of-way
- 33 properties comprising approximately 90 acres

- **Tier 3 (West)**

- Monthly services (10 cycles per year)
- Low traffic and visibility rights-of-way
- 37 properties comprising approximately 100 acres



# Tier 2 Bid Summary

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- **Request for Proposals: best overall value**
- **Total responsive bidders: 3**
- **Bid range:**
  - High \$257,520.00
  - Median \$137,800.00
  - Low \$125,485.47
- **Recommended award:**
  - Contractor: Yellowstone Landscape, LLC
  - Bid: \$125,485.47
  - 5% contingency: \$6,274.27
  - Annual award: \$131,759.74
  - Total 3-year award: \$395,279.23
- **Funding source: Existing contract funds**

# Tier 3 West Bid Summary

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- **Request for Proposals: best overall value**
- **Total responsive bidders: 4**
- **Bid range:**
  - High \$199,800.00
  - Median \$118,935.00
  - Low \$74,609.40
- **Recommended award:**
  - Contractor: BST Mowing
  - Bid: \$74,609.40
  - 5% contingency: \$3,730.47
  - Annual award: \$78,339.87
  - Total 3-year award: \$235,019.61
- **Funding source: Existing contract funds**

# 3-year Bid Summary

Tier/Vendor	Year 1	Year 2	Year 3	3-year Total
Tier 2/Yellowstone	\$131,759.74	\$131,759.74	\$131,759.74	\$395,279.23
Tier 2/Current Vendor	\$102,380.25	\$102,380.25	\$102,380.25	\$307,155.8
Tier 3W/BST	\$78,339.87	\$78,339.87	\$78,339.87	\$235,019.61
Tier 3W/Current Vendor	\$81,753	\$81,753	\$81,753	\$245,259
Net Increase	\$25,976.36	\$25,973.36	\$25,976.36	\$77,929.08

# Options for Tier 2 Mowing Services

## Staff Recommendation



**Approve a 3-year contract for  
Tier 2 Mowing Services with  
Yellowstone Landscape LLC for  
\$395,279.23**



**Deny a 3-year contract for Tier  
2 Mowing Services with  
Yellowstone Landscape LLC for  
\$395,279.23**

## Parks Board Recommendation 8/24/23



# Options for Tier 3 West Mowing Services

## Staff Recommendation



**Approve a 3-year contract for  
Tier 3 West Mowing Services  
with BST Mowing for  
\$235,019.61**



**Deny a 3-year contract for Tier  
3 West Mowing Services with  
BST Mowing for \$235,019.61**

**Parks Board Recommendation 08/24/23**

**PURCHASING AGREEMENT WITH  
THE CITY OF BURLESON, TEXAS  
RFP 2023-018 – TIER 3 WEST**

**THIS AGREEMENT** is made and entered into by and between the **CITY OF BURLESON, TEXAS**, a Texas home-rule municipality (the “CITY”) and **BST MOWING** (the “VENDOR”).

For an in consideration of the covenants and agreements contained herein, and for the mutual benefits to be obtained hereby, the parties agree as follows:

1. Contract Documents. The parties agree that the contract documents of this Agreement shall consist of the following:
  - i. This contract;
  - ii. RFP 2013-018; and
  - iii. Vendor’s Proposal in RFP 2023-2018 (collectively, the “Agreement”).

These contract documents form the Agreement and are a part of this Agreement as if fully set forth herein. The contract documents are complementary and what is called for by one shall be as binding as if called for by all. In the event of an inconsistency in any of the provisions of the contract documents, the inconsistency shall be resolved by giving precedence to the contract documents in the order in which they are listed above.

2. Work and Services. Vendor shall provide all labor, supervision, materials, and equipment necessary to perform all the work and services required by the **TIER 3 WEST PORTION ONLY** of the contract documents in connection with the services set forth in RFP 2023-018.
3. Time of Commencement. Vendor shall commence work within 30 calendar days after receiving from the City a notice to proceed.
4. Contract Sum. The City shall pay the Vendor for the performance of the work in unit prices as provided by the Vendor’s proposal, subject to additions and deductions by change orders as provided in the contract documents, for an amount not to exceed \$235,019.61. Payment will be invoiced and due as provided in the contract documents.
5. Termination for Convenience. The City may cancel or terminate this Agreement at any time for any reason by giving the Vendor thirty (30) days written notice. To the extent City finds the services provided satisfactory, Vendor shall be entitled to payment for services actually rendered.
6. Insurance. The Vendor shall, at Vendor’s own expense, maintain and keep in force insurance coverage in the minimum amounts as specified in the general conditions and specifications of RFP 2023-018, with the City as an additional named insured providing primary coverage. Certificates of coverage, including workers compensation insurance, must be submitted with the contract. Insurance coverage must also cover all subcontractors

employed by Vendor. Insurance coverage shall be written by companies approved by the State of Texas and acceptable to the City. All required insurance certificates must be submitted prior to commencement of work.

7. Notice. Any notice to be given or served hereunder or under any document or instrument executed pursuant hereto shall be in writing and shall be (i) delivered personally, with a receipt requested; or (ii) sent by a nationally recognized overnight courier service; or (iii) delivered by United States certified mail, return receipt requested, postage prepaid. All notices shall be addressed to the respective party at its address set forth below, and shall be effective (a) upon receipt or refusal if delivered personally; (b) one business day after depositing, with such an overnight courier service or (c) two business days after deposit in the United States mails, if mailed. Any party hereto may change its address for receipt of notices by service of a notice of such change in accordance with this section.

**VENDOR:**

BST Mowing  
PO Box 1455  
Kennedale, TX 76060

**CITY:**

City Manager  
City of Burleson, Texas  
141 West Renfro  
Burleson, TX 76028

**With a copy to:**

Purchasing Department  
City of Burleson, Texas  
141 W. Renfro St.  
Burleson, TX 76028

8. Choice of Law; Venue; Interpretation. The parties agree that the laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this construction agreement, and that the exclusive venue for any legal proceeding involving this construction agreement shall be Johnson County, Texas. No additional work shall be authorized or charged for unless authorized by a change order signed by a person authorized by the City to do so. In the event of litigation between the parties, the prevailing party shall be entitled to reasonable attorney fees. In the event of any dispute regarding the interpretation of this Agreement, this Agreement will be interpreted fairly and reasonably and neither more strongly for nor against any Party based on draftsmanship.
9. Entire Agreement; Amendments. This Agreement represents the entire and integrated agreement between City and the Vendor, and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both City and Vendor.
10. Effective Date. This Agreement, shall be effective upon the date specified in the notice to proceed issued by the City of Burleson. In the event that the parties execute on different dates, the effective date shall be the date the last party executes the Agreement.



11. Counterparts, Electronic Signatures. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Any pdf-format or other electronic transmission of any signature of a signatory shall be deemed an original and shall bind such signatory. For these purposes, "electronic transmission" means electronically scanned or signed and transmitted versions (e.g. via pdf file or facsimile transmission) of an original signature, or signatures electronically inserted via software such as Adobe Sign or DocuSign.

12. Term: The contract shall be effective until November of 2026 from the date specified in the notice to proceed. The City anticipates that contract shall be renewed pursuant to the availability of funds and at the discretion of the City.

IN WITNESS WHEREOF, the Parties execute this Agreement.

**CITY OF BURLESON, TEXAS**

**BST MOWING**

By: \_\_\_\_\_

By: 

Printed Name: \_\_\_\_\_

Printed Name: BEATRICE TAYLOR

Title: \_\_\_\_\_

Title: OWNER

Date: \_\_\_\_\_

Date: 8/29/2023

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney, Assistant City Attorney,  
or Deputy City Attorney



## REQUEST FOR PROPOSALS

**Proposal Reference Number:** 2023-018

**Project Title:** Tier 2 and Tier 3 West Mowing

ANTICIPATED SCHEDULE	
RFP Issue Date	Monday, July 3, 2023
RFP Publication Dates	Monday, July 3, 2023 & Monday, July 10, 2023
Deadline for Questions	Friday, July 10, 2023 @ 10:00am CST
Proposals Due	Thursday, July 20, 2023 @ 3:00pm CST
Recommendation to City Council	August 21, 2023

### Important Information

The City of Burleson will receive sealed proposals for the services specified until the deadline indicated above. Proposals will only be received electronically through the City's e-procurement system, Bonfire, at <https://burlesontx.bonfirehub.com> (registration required). *Extensions will not be granted. Late submittals will not be accepted.*

Questions and requests for additional information should be made in writing and no later than the questions deadline above and shall be directed to the Purchasing Agent via <https://burlesontx.bonfirehub.com>.

Any interpretations, corrections, clarifications, or changes to this Request for Proposals or specifications will be issued via addendum. Addenda will be posted at <https://burlesontx.bonfirehub.com>. It is the responsibility of the respondent to monitor the Bonfire website for addenda. **Bidders shall acknowledge receipt of each addendum by submitting a signed copy with their proposal.** *Oral explanations will not be binding.*

The City of Burleson reserves the right to reject any proposal and to waive defects in proposals. No officer or employee of the City of Burleson shall have a financial interest, direct or indirect, in this or any contract with the City of Burleson. Minority and small business vendors are encouraged to submit bids/proposals on applicable City solicitations.

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**1. Introduction**

A. Project Overview: The City of Burleson (“City”) is requesting Proposals with the intent of awarding a contract for Tier 2 and Tier 3 West Mowing Services.

i. Tier 2 and Tier 3 West Mowing Services

ii. Project Schedule: 2024, 2025, 2026 Mowing Season.

**2. Definitions**

Proposal: The signed and executed submittal of the entirety of Appendix B – Proposal.

Proposer: The Proposer and the Proposer’s designated contact signing the first page of the Proposal.

City of Burleson (“City”): The City of Burleson, Texas.

Project: The name of this Request for Proposals as identified on the cover sheet and first page of Appendix A – Scope of Services.

Purchasing Agent: The City of Burleson Purchasing Agent is Andrea Anderson.

Phone: (817) 426-9847

E-Mail: [purchasing@burlesontx.com](mailto:purchasing@burlesontx.com)

Request for Proposals (RFP): The entirety of this document, including all Appendices and Addenda.

**3. General Information**

A. Tax Exempt Status: City purchases are exempt from State Sales Tax and Federal Excise Tax. Do not include tax in the Proposal. City will furnish Excise Tax Exemption Certificate upon request.

B. Public Inspection of Proposals: The City strictly adheres to the Texas Public Information Act (Texas Government Code Chapter 552.001, et seq.) and all other governing statutes, regulations, and laws regarding the disclosure of RFP information. Proposals are not available for public inspection until after the contract award. If the Proposer has notified the City, in writing, that the Proposal contains trade secrets or confidential information, the City will generally take reasonable steps to prevent disclosure of such information, in accordance with the Public Information Act. This is a statement of general policy only, and in no event shall the City be liable for disclosure of such information by the City in response to a request, regardless of the City’s failure to take any such reasonable steps, even if the City is negligent in failing to do so.

C. Notification of Errors or Omissions: Proposers shall promptly notify the City of any omissions, ambiguity, inconsistency or error that they may discover upon examination of this RFP. The City shall not be responsible or liable for any errors and/or misrepresentation that result from the solicitations which are inadvertently incomplete, ambiguous, inconsistent or obviously erroneous.

D. Anti-Boycotting Provisions. Vendor acknowledges this Agreement may be terminated and payment withheld if this certification is inaccurate.

E. Pursuant to Section 2271.002 of the Texas Government Code, Vendor certifies that either (i) it meets an exemption criterion under Section 2271.002; or (ii) it does not boycott Israel and will not boycott Israel during the term of the Agreement. Vendor acknowledges this Agreement may

be terminated and payment withheld if this certification is inaccurate.

- F. Pursuant to SB 13, 87th Texas Legislature, Vendor certifies that either (i) it meets an exemption criterion under SB 13, 87th Texas Legislature; or (ii) it does not boycott energy companies, as defined in Section 1 of SB 13, 87th Texas Legislature, and will not boycott energy companies during the term of the Agreement. Vendor acknowledges this Agreement may be terminated and payment withheld if this certification is inaccurate.
- G. Pursuant to SB 19, 87th Texas Legislature, Vendor certifies that either (i) it meets an exemption criterion under SB 19, 87th Texas Legislature; or (ii) it does not discriminate against a firearm entity or firearm trade association, as defined in Section 1 of SB 19, 87th Texas Legislature, and will not discriminate against a firearm entity or firearm trade association during the term of the Agreement. Vendor acknowledges this Agreement may be terminated and payment withheld if this certification is inaccurate.

#### **4. RFP Withdrawals and/or Amendments**

- A. RFP Withdrawal: The City reserves the right to withdraw this RFP for any reason.
- B. RFP Amendments: The City reserves the right to amend any aspect of this RFP by formal written addendum prior to the Proposal submittal deadline and will endeavor to notify all potential Proposers that have registered with the City, but failure to notify shall impose no obligation or liability on the City.

#### **5. Proposal Submittal Requirements**

- A. Submittal Packet – Required Content: All proposals must be submitted electronically. The Proposer must visit <https://burlesontx.bonfirehub.com/login> and register. Once registered for this complimentary service, the Proposer may submit proposal documents electronically by selecting the appropriate proposal identification.
- B. Submittal Deadline: It is the Proposer's responsibility to have the Proposal Documents correctly electronically submitted by the submittal deadline. No extensions will be granted and no late submissions will be accepted.
- C. Proposals Received Late: Proposers are encouraged to submit their proposals as soon as possible. The time and date of receipt as recorded within the Bonfire electronic system shall be the official time of receipt. The City is not responsible for late submission regardless of the reason. Late Proposals will not be considered under any circumstances.
- D. Alterations or Withdrawals of Proposal Document: Any submitted Proposal may be withdrawn or a revised proposal substituted prior to the submittal deadline. Proposal documents cannot be altered, amended or withdrawn by the Proposer after the submittal deadline, unless such alteration, amendment or withdrawal notice is approved in writing by the Purchasing Agent.

#### **6. Proposal Evaluation and Contract Award**

- A. Proposal Evaluation and Contract Award Process:

The City will evaluate all proposals to determine which proposers are reasonably qualified for the award of the contract, applying the anticipated evaluation factors and emphasis to be placed on



City of Burleson  
Tier 2 and Tier 3 West Mowing

each factor as identified in the Scope of Services. The City may, at its option, conduct discussions with or accept proposal revisions from any reasonably qualified proposer. The City reserves the right to determine which proposal will be most advantageous to the City.

**B. Evaluation Criteria**

A full description of each criterion is included in Appendix B.

Emphasis	Criteria
10%	Background of company
30%	Ability to provide services *Vendor must demonstrate their ability to provide the requested services at the expected level of service
30%	Cost *If vendor is only participating on one tier the same factors are still applicable
10%	Work chart including and applicable certifications
20%	Top three contracts in terms of price and scope demonstrating the vendor's ability to handle the service requested in this RFP

**C. Contract Award**

An award of a contract to provide the goods or services specified herein will be made using competitive sealed proposals, in accordance with Chapter 252 of the Texas Local Government Code and with the City's purchasing policy. The City's Standard Terms & Conditions have been provided with this RFP. The Proposer must submit and objections to the contract along with responses. A fully executed contract shall be comprised of the following documents:

- i. This Request for Proposal, including all attachments
- ii. The successful Proposer's proposal.

**D. Completeness:** If the Proposal is incomplete or otherwise fails to conform to the requirements of the RFP, the City alone will determine whether the variance is so significant as to render the Proposal non-responsive, or whether the variance may be cured by the Proposer or waived by the City, such that the Proposal may be considered for award.

**E. Ambiguity:** Any ambiguity in the Proposal as a result of omission, error, lack of clarity or non-compliance by the Proposer with specifications, instructions and all conditions shall be construed in the favor of the City. In the event of a conflict between these standard RFP requirements and details provided in Appendix A – Scope of Services or Appendix B – Proposal, the Appendices shall prevail.

**F. Additional Information:** The City may request any other information necessary to determine Proposer's ability to meet the minimum standards required by this RFP.

**G. Partial Contract Award:** The City reserves the right to award one contract for some or all the requirements proposed or award multiple contracts for various portions of the requirements to

different Proposers based on the unit prices proposed in response to this request, or to reject any and all Proposals and re-solicit for Proposals, as deemed to be in the best interest of the City.

- H. Cooperative Governmental Purchasing Notice: Other governmental entities maintaining interlocal agreements with the City, may desire, but are not obligated, to purchase goods and services defined in this RFP from the successful Proposer. All purchases by governmental entities, other than the City, will be billed directly to and paid by that governmental entity. The City will not be responsible for another governmental entity's debts. Each governmental entity will place their own orders with the successful Proposer and be responsible for ensuring full compliance with the RFP specifications. Prior to other governmental entities placing orders, the City will notify the successful Proposer of their intent.
- I. Billing for Services; Payment: Successful Proposers are encouraged to register through the City's Vendor Self Service portal to submit payment requests, invoices, and set up direct deposit prior to providing goods and/or services. Register and submit required documentation on the website at <https://burlesontx.munisselfservice.com/vss/Vendors/default.aspx>
- J. Terminate for Cause: The occurrence of any one or more of the following events will justify termination of the contract by the City of Burleson for cause:
1. The successful Proposer fails to perform in accordance with the provisions of these specifications; or
  2. The successful Proposer violates any of the provisions of these specifications; or
  3. The successful Proposer disregards laws or regulations of any public body having jurisdiction; or
  4. The successful Proposer transfers, assigns, or conveys any or all of its obligations or duties under the contract to another party(ies) without written consent of the City.
  5. If one or more of the events identified in subparagraphs J.1 through J.4 occurs, the City may terminate the contract by giving the successful Proposer seven (7) days written notice. In such case, the successful Proposer shall only be entitled to receive payment for goods and services provided before the effective date of termination. The successful Proposer shall not receive any payment on account of loss of anticipated profits or revenue or other economic loss resulting from such termination.
  6. When the contract has been so terminated by the City, such termination shall not affect any rights or remedies of the City then existing or which may thereafter accrue.
- K. Terminate for Convenience: This contract may be cancelled or terminated at any time by giving vendor thirty (30) days written notice. Proposer may be entitled to payment for services actually performed; to the extent said services are satisfactory.

## Appendix A – Scope of Services

### 1. Scope of Services

The City of Burleson is seeking to secure a qualified contractor to provide Rights of Way and median mowing in accordance with the specifications provided herein.

#### **MOW/TRIM MAINTENANCE SERVICES**

**Mow/trim Maintenance Services** will be accomplished based on tiers outlined in the interactive map that is provided as part of this RFP. **Vendors will have the ability to Tier 2 and Tier 3 West.** The frequency of the service cycles will be bi-weekly service *average* for 28 annual mowing cycles for Tier 2 properties and a monthly service *average* for 9 annual mowing cycles for Tier 3 West properties as routine service standards. The frequency of services may be increased or decreased at the request of the City based upon seasonal demands to comply with service standards. It will be the vendor's responsibility to provide a level of service that is consistent with the expectations of the City that is outlined in the map. Schedules will be approved in advance by the Deputy Director of Parks or their designee. Each property will serve as a bid line in each Tier to include the following services for that property:

#### **[City of Burleson Mowing Contractor Bids Map \(burlesontx.com\)](http://burlesontx.com)**

**Tier 2** – Mowing within Burleson's City Limits on 14-day average cycles during the growing season.

- Requires finish-cut mowing
- Requires litter/debris removal prior to mowing
- Some sections include bar ditches
- Pruning of epicormic sprouts or "suckers" on trees as encountered

**Tier 3 West** – Mowing ROW outside the City limits of the Burleson on 28-day average cycles during the growing season.

- May require rough-cut mowers when mowed monthly, depending on season
- Requires litter/debris removal prior to mowing
- Several sections include bar ditches adjacent to fence lines
- Pruning of epicormic sprouts or "suckers" on trees as encountered

**Finish-cut Mowing Additions (cost per acre)** – for new Tier 2 park land acquired not featured as a current property.

**Rough-cut Mowing Additions (cost per acre)** – for new Tier 3 park land acquired not featured as a current property.

### 2. Restriction on Communication

All communications relating to this sealed bid must be directed to the City's contact person named above. All

other communications between a Vendor and City staff and public officials concerning this bid are prohibited. Failure to comply with this requirement may result in the City disqualifying the Vendor's bid.

3. **Requirements Contract**

**The Parks & Recreation Director or designee has the authority to cancel maintenance cycles at any time. The cancellation will be based upon need, prevailing weather conditions and available funding. It is assumed that the Contractor shall be notified of any cancellation(s) at such time that a Notice To Proceed is issued for any maintenance cycle.**

Any quantities that are included in the scope of work reflect the current expectations of the City for the period of the contract. The amount is only an estimate and the contractor understands and agrees that the City is under no obligation to the contractor to buy any amount of services as a result of having provided this estimate or of having any typical or measurable requirement in the past. The contractor further understands and agrees that the City may require services in excess of the estimated annual contract amount and that the quantity actually used whether in excess of, or less than, the estimated annual contract amount and that the quantity actually used shall not give rise to any claim for compensation other than the total of the unit prices in the contract for the quantity actually used.

If new properties that require maintenance are acquired, the City will provide the contractor with at least 30 days' notice to allowing time to augment staffing levels.

4. **Transitional Period**

In the event that a new Contractor(s) is (are) not selected by the City of Burleson, it shall be incumbent upon the Contractor to continue the contract under the same terms and conditions until new contracts can be completely operational. At no time shall this transition period extend more than ninety (90) days beyond the original expiration date of the existing contract and any extension thereof.

5. **Contractor Selection**

If awarded, the contract shall be based on the City's evaluation criteria of price, equipment, ability to maintain adequate staffing levels, experience/references and compliance with bid requirements. A responsive bidder shall have submitted a complete sealed bid packet within the stated timeline and in accordance with the bid specifications. A responsible bidder shall demonstrate the ability to successfully deliver the supplies, equipment and/or services being procured.

6. **Contractor's Responsibility for Work**

- The Contractor shall be responsible for the complete performance of all of the work under the Contract.
- Contractor shall be responsible for furnishing all tools, equipment, labor, supplies and incidentals required to complete the work

7. **Cancellation**

The Contractor shall strictly comply with the provisions of the contract with an adequate number of quality personnel and equipment to perform the work described in these specifications. **Non- performance or non-compliance with the requirements of this specification by the awarded vendor(s) shall be basis for the termination of the contract by the City immediately.**

**The Contractor shall be given forty-eight hours following receipt of notification of default in which to remedy the deficiencies.** If the deficiencies are not remedied as a result of the notification, the contract shall be terminated.

At the discretion of the City, subsequent notification(s) may be issued upon the occurrence of each default(s) and the contractor shall have forty-eight hours following receipt of the second notification to remedy the deficiencies. If deficiencies are not remedied following the subsequent notification(s) period, the Contractor shall be deemed in default of the contract and the contract shall be terminated.

The City shall not pay for services or supplies that are deemed by the City to be unsatisfactory. Vendors will be given reasonable opportunity, before termination, to correct any deficiencies; however, this in no way may be construed as negating the basis for cancellation.

8. **General Requirements**

General Contractor's Work. The City reserves the right to reject any and all bids.

**Each bid shall contain a written operational plan outlining bidders proposed work scheduled to ensure compliance of cycle time. Any proposal without an operational plan will be considered non-responsive.**

Bids shall also include a completed "Bidders Questionnaire" which is part of the operational plan as well as an equipment list and past work history to determine whether or not a bidder can adequately perform the necessary work. The City has the right to inspect all equipment dedicated for use on this project prior to award of the bid. During inspection the Contractor must have all equipment which will be dedicated to the Contract on hand or have original receipt of purchase or lease to show ownership. All equipment the bidder is committing to this Contract, if awarded, should be included in the listing. Past experience has shown that it is absolutely essential to have back-up equipment to allow for breakdowns.

It is the spirit and intent of these specifications and plans to secure for the City, and Director, the work described, complete in every respect, and the general conditions there for shall be complied with, whether items are specifically mentioned or not.

9. **Definitions:**

A responsive bidder: is defined to be one who submits a completed sealed bid packet within the stated time deadline and in accordance with the bid specifications.

A responsible bidder: is defined to be one who demonstrates via their responses to the selection criteria his or her ability to successfully deliver the supplies, equipment, or services being procured.

Project Area: Shall refer to geographic area(s) of the City designated to receive specified grounds maintenance services. This area includes medians, rights-of-way and landscape beds. See Maps.

Maintenance Schedule: Shall mean the time periods established for the project including scheduled, routine service visits.

Maintenance Cycle: Shall refer to each time period in the maintenance schedule for the project year. A beginning and ending date, in which all prescribed maintenance activities for each area shall be completed, define each time period.

Director: The term Director shall mean the duly appointed officer of the Department of Parks and Recreation of the City who is empowered by the

Inspector: Shall mean the Deputy Director of Parks or authorized designee, who shall monitor the Contractor's progress within the Project Area he is assigned. The inspector shall have no duty to inspect, but may inspect at his discretion.

Inclement Weather: Shall mean wet or rainy weather when the condition of the soil is such that the rutting of property will not allow cutting of grass to be accomplished satisfactorily. This determination shall be made at the sole discretion of the Deputy Director of Parks or designee.

Trash and Litter: Shall mean any debris within the Project Area such as paper, cans, bottles, limbs four (4") inches diameter or smaller, trash bags, rocks, etc., which is not intended to be present as part of the landscape. The project area includes streets, sidewalks, curbs, catch basins, gutters, hillsides, ditches, etc. *Removal of debris will require sweeping or blowing off of hard surfaces such as sidewalks and concrete noses of medians.*

**\*\*No visible litter or debris in finished product after mowing\*\***

Trimming: Shall refer to the cutting or removal of all plant material immediately adjacent to Project Area structures, poles, trees, signs, planting beds, etc. Also, includes removal of all plant material from expansion joints and any other cracks in curbs, sidewalks (both sides), driveways and any other concrete surface within the median or rights of way.

**\*\*No vegetation taller than existing turf around structures and obstacles \*\***

Edging: Shall refer to the vertical removal of any and all plant material no lower than 4 inches, which encroaches over or onto sidewalks (both sides), curbs, steps, driveways, and pavements. Edge cut shall remove vegetation from concrete services.

**\*\*Visible separation of turf from concrete and no vegetation overhanging onto concrete surface.**

Chemical edging is not permitted without expressed written consent for Deputy Director or designee. Request of use of such products must be submitted in writing by contractor. If approved all TDA records must be submitted to Deputy Director or designee. All chemical applications must be performed by a licensed TDA applicator.

**\*\*Visible separation of turf from concrete and no vegetation overhanging onto concrete surface and no larger than a 6" band around obstacles.**

Scalping: Shall refer to any action resulting in the mowing of any turf area below a three-inch (3") height down to and including the soil.

**\*\* No scalped areas.**

Work Record Summary: Shall mean a written record detailing times and locations of when the contractor and employees were on the job site completing work per contract specifications.

Median: Shall mean the center island of the listed streets from curb line to curb line plus all traffic triangles, where they exist, on sides of the intersections. This includes curb gutter joints where the curb meets the roadway and concrete paved areas from end of grass to the curb.

Rights of Way: Shall mean the area extending from the right or left of the center line of the road bed or paved surface to the nearest property line; that includes but is not limited to curbs, sidewalks, walkways, drainage ditches, burrow ditches and any other areas owned, dedicated, used or reserved for public use.

Uniforms: Contractor shall provide and require its employees to wear a uniform that bears the company name, logo, and employee's name. Uniforms are not to be dirty, stained or torn. Uniforms shall be worn at all times while on the job. Contractor shall provide and ensure the wearing of protective clothing, masks, eye protection, etc., as required by laws, regulation, ordinances, and/or manufacturer's instruction for material and equipment. All employees of contractor working on right-of-ways or medians must utilize personal protective equipment such as safety vest to insure their visibility to drivers.

Warning Devices and Barricades: The Contractor shall furnish and maintain such warning devices, barricades, lights, signs, and other devices as may be necessary or appropriate or required by the City to protect persons or property in, near of adjacent to the jobsite. The contractor shall comply with all applicable Federal, State, and Local laws regarding occupational safety and health as well as providing protection of the environment. This shall include but not be limited to compliance with U.S. Department of Labor-Occupational Safety and Health Administration (OSHA), and U.S. Environmental Protection Agency (EPA) guidelines and regulations. No separate compensation shall be paid to the contractor for such measures.

Subcontracts: Contractor may hire qualified subcontractors to perform functions or work requiring specialized equipment. Contractor is liable for any damages caused by the sub- contractor that they appoint to complete the work. Contractor must notify the Deputy Director of Parks in writing for any work performed by a subcontractor and proof of adequate insurance coverage must be provided.

10. **Work Orders, Assignments and Inspection of Work:**

- Initial Clean-Up: On the first clean-up prior to the first ROW mowing the City will provide free disposal of trash and debris collected. All disposal of trash and debris after that will be charged at the published rates.
- Disposal of Large Item: Contractor shall contact the Deputy Director of Parks for disposal of large item. i.e.; couches, refrigerator, tires washer and dryer. The City will collect the item for disposal.
- Inspectors Duties: The Deputy Director of Parks or designee may make inspections, re- inspections, monitor Contractor activities, ensure the work performed in the assigned project area is done to the quality level prescribed in this Contract and in accordance with prescribed time schedules; however the Deputy Director of Parks or designee has no duty or obligation to make inspections. Upon determination of any violation of the specifications and/or terms of this contract, the Inspector shall record, process, and submit all pertinent information to the Deputy Director of Parks for appropriate action.
- Contact: The Contractor shall notify the Deputy Director of Parks or designee prior to daily mowing operations. This contact is for the purpose of discussing areas to be maintained, Contractor's work schedule for the day, areas to be inspected for approval. Failure to contact the Deputy Director of Parks, or designee, before mowing begins may constitute a breach of Contract.
- Scheduling: Once routine service schedules are approved by the City, contractor will submit monthly schedules at least one week prior to the beginning of the service month. Any request by contractor to deviate from schedule due to weather or related concerns should be submitted to the Deputy Director of Parks or designee no later than the beginning of the scheduled work day. If approved, a proposed rescheduled date will be provided by the contractor for City approval. A summary of completed services will be provided to the Deputy Director in writing no later than the morning of the following business day.
- Time to Complete Work: Contractor shall begin work and proceed with all reasonable dispatch to completion. The Contractor will be required to maintain all project areas assigned to them in the time allotted (maintenance cycle) for each project area. Work started within a project area should be completed in consecutive days.
- Verification of work: Contractor will email a service log to the Deputy Director of Parks or designee for each service day **before noon on the following calendar day** outlining services rendered by the property.
- Inclement weather may result in the cancellation or delay of a mowing cycle. Deputy Director of Parks will be responsible for cancellation of cycles.
- Failure to Maintain Maintenance Schedule: Failure on the part of the Contractor to maintain the required production rate for a project area shall be sufficient reason for the Deputy Director of Parks to have the work in question or portions thereof completed by others if the Contractor shall not cure the default within forty-eight (48) hours of written notice of the default. If others complete work, any additional cost caused by a higher bid price will be deducted from the original contractor's next payment, if any. Failure to maintain the mowing schedule shall be determined in the following manner:

- All project areas shall be maintained according to the maintenance schedule assigned. Final assessment of each area may be made by the Inspector on the morning following the end of each mowing cycle. If the Contractor fails to meet the Contract specifications within the time limits of the schedule, then that portion of the work may be removed from his responsibility and may be reassigned to another contractor.
- Contractor shall correct any deficiencies in work within 48 hours of written or verbal notification. In the event the Contractor fails to correct the default to the satisfaction of the City within the specified time, or such greater time as the City may permit, the City shall exercise all rights, including the right to terminate the Contract in whole or part. The Contractor shall pay all costs and attorney's fees incurred by the City in the enforcement of any provision herein or within this document.
- Assessment of Damage to Trees During Grounds Maintenance Operations: Trees in the Contract area may be checked by the assigned Inspector before work begins, and random checks may be carried out during the Contract period at the option of Parks and Recreation.
- The Contractor should inspect, upon Contract award, all trees for existing damages prior to conducting any work activity in the assigned project area. Observed tree damage shall be documented by memo to the Deputy Director of Parks.
- Protection of Existing Sites, Structures and Utilities: Where performance of maintenance activities endangers adjacent sites, structures and utilities, the Contractor shall at his own expense carefully protect all such sites, structures and utilities so that there will be no loss or utilities service damage. In case of damage to existing sites, structures or utilities, the Contractor shall restore the site, structure or utility to its original condition and position without compensation from the City.

11. **Mowing and Trimming**

*Contractor shall remove all trash and litter from the entire area prior to initiating any mowing of the turf areas.* All mowing equipment shall be of rotary type mowers (Toro Groundsmaster, Jacobsen Turf Cat, brush hog/bat wing or equal) equipped with sharp blades so as not to tear, but cleanly cut the blades of grass. All grass shall be cut at a height of 3-4". Fence lines, cyclone, barbwire or any wire shall be mowed within 4" and trimmed with a string trimmer on remaining 4". All brick or cinder block walls shall be trimmed up the structure.

All mowing must be completely mowed to the next natural barrier (i.e. street, intersection, dead end, etc.) within 24 hours of start of mowing of said area.

**\*\* Zero visible litter and debris on finished mowing areas.**

12. **Work Crew**

Each work crew shall have a designated person on the work site with the authority to respond to inquiries about work details or priorities.

The Contractor will assign only qualified, trained, competent and reliable personnel to perform the services. The City shall have the right to request the immediate removal from its premises of any employee of the Contractor or of the Contractor's subcontractors.

13. **Safety of Work Crew**

Contractor shall wear and/or display proper warning devices (safety vest, flashers, strobe lights, warning signs, etc.) in order to ensure both employee and public safety. Contractor and his employees shall dress and remain dressed in a presentable fashion due to high public visibility of these employees. Should problems occur, Contractor will be advised of the circumstances and shall take appropriate action.

The Contractor shall be responsible for furnishing all signs and traffic controls in accordance with



the Texas Manual on Uniform Traffic Control Devices, and make adjustments as required by Inspector.

All signs must be mounted on their own stands and be mounted not less than three feet (3 ft.) from the bottom of the sign to the natural ground line. Each sign shall have two brightly colored safety flags attached to it. It will not be permissible to hang or lean these signs. The signs shall be erected in such a manner that they will not obstruct the traveling public view of the normal roadway signing.

**\*\*Proper warning devices and clothing due to high visibility of employees who work on roadways.**

**14. Identification**

All Contractor vehicles under the performance of this Contract that are licensed for travel on public roads shall have the name of the Contractor neatly exhibited on each side of the vehicle. Vehicles shall park in areas that do not create potential hazardous traffic situations.

**15. Communication**

Contractor shall provide communication equipment as necessary to perform the services of this Contract. This may include 2-way radios, pagers, cellular phones, telephone answering devices, fax machine etc. The Contractor or his designate shall respond to communication requests from the Deputy Director of Parks or designee, within four (4) hours during the normal working hours of 7:30 a.m. to 5:00 p.m.

**\*\*Four-hour turnaround time for information between City and Contractor\*\***

**16. Prohibition/Non-Storm Water Discharges**

No person shall introduce or cause to be introduced into the municipal separate storm sewer system (MS4) any discharge that is not composed entirely of storm water.

No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce or cause, allow, or permit to be introduced any of the following substances into the MS4:

Any used motor oil, antifreeze, or any other motor vehicle fluid;

Any garbage, rubbish, yard waste, or other floatable material;

Any wastewater from any vehicle washing;

Any wastewater from the wash-down or other cleaning of pavement that contains any harmful quantity of soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance, or that is at a temperature that has been elevated by induced heating; or any wastewater from the wash-down or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed;

Any ready-mixed concrete, mortar, or asphalt base material or hydro mulch material, or any wastewater or substance from the cleaning of any vehicle or equipment containing, or used in transporting or applying, such material;

Any substance or material that will damage, block, or clog the MS4;

No person shall use or cause to be used any pesticide or herbicide contrary to any directions for use on any labeling required by state or federal statute or regulation.

No person shall use or cause to be used any pesticide, herbicide, or fertilizer in any manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter the MS4 or waters of the United States.

No person shall dispose of, discard, store, or transport a pesticide, herbicide, or fertilizer, or a pesticide, herbicide, or fertilizer container, in a manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter the MS4 or waters of the United States.

No person shall apply used oil to a road or land for dust suppression, weed abatement, or other similar use that introduces used oil into the environment.

*Burleson Code of Ordinances Chapter 82. Article IV. Stormwater Pollution Control*

For more information or inquiry's regarding Environmental Services please call 311.

## Appendix B – Proposal

Submittal Checklist: (To determine validity of proposal)

- ☒ Appendix B (Pages B-1 through B-3) must be included in the proposal submittal
- ☒ Appendix C (Pages C1-C2) exceptions must be included in the proposal submittal
- ☒ Organizational Chart
- ☒ Equipment List
- ☒ House Bill 89 Verification Form (public files in Bonfire)
- ☒ Form 1295 Certificate of Interested Party (Public files in Bonfire)
- ☒ W9 (Public files in Bonfire)

All proposals submitted to the City of Burleson shall include this page with the submitted Proposal.

RFP Number:

2023-018

Project Title:

Tier 2 & Tier 3 West Mowing Services

Submittal Deadline:

Friday, July 20, 2023 at 3:00 PM (CST)

Submit Electronically\* to:

<https://burlesontx.bonfirehub.com/login>

\* Requires email account login and password.

**Proposer Information:**

Proposer's Legal Name:

Beatrice Taylor

Address:

P.O. Box 1455

City, State & Zip

Kennedale TX 76060

Federal Employers  
Identification Number #

Phone Number:

682-552-4936

Fax Number:

E-Mail Address:

bstmowing@gmail.com

**Proposer Authorization**

I, the undersigned, have the authority to execute this Proposal in its entirety as submitted and enter into a contract on behalf of the Proposer.

Printed Name and Position of Authorized Representative:

Beatrice Taylor, Owner

Signature of Authorized Representative:

*Beatrice Taylor*

Signed this 20th (day) of July (month), 2023 (year)

I learned of this Request for Proposals by the following means:

☐ Newspaper Advertisement

☒ Bonfire

☐ Other



**Appendix B – Proposal (continued)**

**1. REQUIRED PROPOSAL INFORMATION. IN ORDER FOR A PROPOSAL TO BE CONSIDERED COMPLETE, AND TO BE EVALUATED FOR A CONTRACT AWARD BY THE CITY, PROPOSER MUST SUBMIT ALL OF THE FOLLOWING INFORMATION:**

**A. Experience and Services:**

Each bidder is responsible for submitting all relevant, factual and correct information with their bid. The below listed criteria will be assessed by the vendors submitted data. If additional sheets are attached to the bid specification, the bidder shall clearly cross-reference the appropriate location in the solicitation (i.e. page number, paragraph, subject, etc.)

Contractor must submit with their bid, a list of equipment to be used for this contract. The list of equipment should include year, model, make, and number of hours on all equipment to be used. Equipment can be subject to inspection by the City representative. Contractor may use attached form.

- Contractor shall have in his or her employment at the time of the bid the minimum number of employees to successfully execute the bid as specified.
- Contractor must be able to demonstrate the ability to maintain adequate staffing levels for contract compliance by providing an organizational chart.
- Contractor shall be capable of securing the specified insurance in the amount of the contract within fifteen (15) working days after the formal acceptance of the proposal.

**B. Cost:**

The cost breakdown for each property should be organized in the provided excel spreadsheet by property defined in the Scope of Services in Appendix A to include the estimated hours necessary to complete each task.

**C. References:**

Contractor shall provide a minimum of 3 current references with the bid. References shall be from clients the contractor has served in a similar capacity within the last 24 months.

- i. Name of the reference, organization, phone number and email.

**2. Federal, State and/or Local Identification Information**

- A. Centralized Master Bidders List registration number: \_\_\_\_\_.
- B. Prime contractor HUB / MWBE registration number: \_\_\_\_\_.
- C. An individual Proposer acting as a sole proprietor must also enter the Proposer's Social Security Number: # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_.

**3. Emergency Business Services Contact Notice**

- A. During a natural disaster, or homeland security event, there may be a need for the City of Burleson to access your business for products or services after normal business hours and/or holidays. The City may request City employee pick up or vendor delivery of product or services.

City of Burleson  
Tier 2 and Tier 3 West Mowing

- B. For this purpose, a primary and secondary emergency contact name and phone number are required. It is critical the vendor's emergency contact information remains current. City shall be contacted by E-mail with any change to a contact name or phone number of these emergency contacts.
- C. All products or services requested during an emergency event are to be supplied as per the established contract prices, terms and conditions. The vendor shall provide the fee (pricing) for an after-hours emergency opening of the business, if any. In general, orders will be placed using a City of Burleson procurement card (Master Card) or City issued Purchase Order. The billing is to include the emergency opening fee, if applicable.
- D. The contractor shall provide the names, phone numbers and fee (pricing), if any, for an after-hours emergency opening of the business listed below.

Business Name: BST MOWING

Contract #: 682-552-4936

Description: Cell

Primary Contact (Name): Beatrice Taylor

Primary Contact Phone Numbers: Home: 682-552-4936 Cell: 682-552-4936

Secondary Contact (Name): Johnathan Taylor

Secondary Contact Phone Numbers: Home: \_\_\_\_\_ Cell: 817-914-5797

After Hours emergency opening fee, if applicable: \$ 45.00

- E. Please indicate below if you will permit other governmental entities to purchase from your agreement with the City.

☒ Yes, Others can purchase  
purchase

☐ No, Only the City can



## Appendix C – Standard Terms & Conditions

**1. CONTRACT TERMS AND CONDITIONS. EXCEPT WHERE PROPOSER MAKES SPECIFIC EXCEPTION IN THE SUBMITTED PROPOSAL, ANY CONTRACT RESULTING FROM THIS RFP WILL CONTAIN THE FOLLOWING TERMS AND CONDITIONS, WHICH PROPOSER HEREBY ACKNOWLEDGES, AND TO WHICH PROPOSER AGREES BY SUBMITTING A PROPOSAL:**

**A. Delivery of Products and/or Services**

- i. Payment Terms: Unless otherwise specified in the Scope of Services or otherwise agreed to in writing by the City, payment terms for the City are Net 30 days upon receipt of invoice.
- ii. Warranty of Products and Services: All products furnished under this contract shall be warranted to be merchantable and good quality and fit for the purposes intended as described in this Proposal, to the satisfaction of City and in accordance with the specifications, terms, and conditions of the Scope of Services, and all services performed shall be warranted to be of a good and workmanlike quality, in addition to, and not in lieu of, any other express written warranties provided.
- iii. Late Delivery or Performance: If Proposer fails to deliver acceptable goods or services within the timeframes established in the Project Schedule, the City shall be authorized to purchase the goods or services from another source and assess any increase in costs to the defaulting Proposer, who agrees to pay such costs within ten days of invoice.
- iv. Title to Goods and Risk of Loss: For goods to be provided by Proposers hereunder, if any, the title and risk of loss of the goods shall not pass to City until City actually receives, takes possession, and accepts the goods and the installation of such goods, has tested the system, and determined that it is in good and acceptable working order.

**B. Miscellaneous**

- i. Independent Contractor: Proposer agrees that Proposer and Proposer's employees and agents have no employer-employee relationship with City. Proposer agrees that if Proposer is selected and awarded a contract, City shall not be responsible for the Federal Insurance Contribution Act (FICA) payments, Federal or State unemployment taxes, income tax withholding, Workers Compensation Insurance payments, or any other insurance payments, nor will City furnish any medical or retirement benefits or any paid vacation or sick leave.
- ii. Assignments: The rights and duties awarded the successful Proposer shall not be assigned to another without the written consent of the Purchasing Agent. Such consent shall not relieve the assigner of liability in the event of default by the assignee.
- iii. Liens: Proposer shall indemnify and save harmless the City against any and all liens and encumbrances for all labor, goods, and services which may be provided to the City by Proposer or Proposer's vendor(s), and if the City requests, a proper release of all liens or satisfactory evidence of freedom from liens shall be delivered to the City.
- iv. Gratuities / Bribes: Proposer certifies that no bribes in the form of entertainment, gifts, or otherwise, were offered or given by the successful Proposer, or its agent or representative, to any City officer, employee or elected representative, with respect to this RFP or any contract with the City, and that if any such bribe is found to have been made this shall be grounds for voiding of the contract.

City of Burleson  
Tier 2 and Tier 3 West Mowing

- v. Financial Participation: Proposer certifies that it has not received compensation from the City to participate in preparing the specifications or RFP on which the Proposal is based and acknowledges that this contract may be terminated and/or payment withheld if this certification is inaccurate.
  - vi. Authority to Submit Proposal and Enter Contract: The person signing on behalf of Proposer certifies that the signer has authority to submit the Proposal on behalf of the Proposer and to bind the Proposer to any resulting contract.
  - vii. Compliance with Applicable Law: Proposer agrees that the contract will be subject to, and Proposer will strictly comply with, all applicable federal, state, and local laws, ordinances, rules, and regulations.
  - viii. Compliance with HB 89: Proposer agrees per HB 89 vendor shall not boycott Israel at any time while providing products or services to the City of Burleson.
- ☒ **Yes, we agree**                      ☐ **No, we do not agree**                      ☐ **N/A**
- ix. Compliance with SB 252: Proposer agrees per SB 252 vendor shall not do business with Iran, Sudan or a foreign terrorist organization while providing products or services to the City of Burleson.

☒ **Yes, we agree**                      ☐ **No, we do not agree**

**2. Financial Responsibility Provisions**

- A. Insurance: The Proposer, consistent with its status as an independent contractor, shall carry, and shall require any of its subcontractors to carry, at least the following insurance in such form, with such companies, and in such amounts (unless otherwise specified) as City may require:
  - i. Worker's Compensation and Employer's Liability insurance, including All States Endorsement, to the extent required by federal law and complying with the laws of the State of Texas;
  - ii. Commercial General Liability insurance, including Blanket Contractual Liability, Broad Form Property Damage, Personal Injury, Completed Operations/Products Liability, Premises Liability, Medical Payments, Interest of Employees as additional insureds, and Broad Form General Liability Endorsements, for at least One Million Dollars (\$1,000,000) Combined Single Limit Bodily Injury and Property Damage on an occurrence basis;
  - iii. Comprehensive Automobile Liability insurance covering all owned, non-owned or hired automobiles to be used by the Contractor, with coverage for at least One Million Dollars (\$1,000,000) Combined Single Limit Bodily Injury and Property Damage.
- B. Indemnification: Proposer agrees to defend, indemnify and hold harmless the City, all of its officers, Council members, agents and employees from and against all claims, actions, suits, demands, proceedings, costs, damages and liabilities, including reasonable attorneys' fees, court costs and related expenses, arising out of, connected with, or resulting from any acts or omissions of Proposer or any agent, employee, subcontractor, or supplier of Proposer in the execution or performance of this contract without regard to whether such persons are under the direction of City agents or employees.
- C. Term of Contract and Option to Extend
  - i. Any contract resulting from this RFP shall be effective until November of 2026. The City anticipates that contract shall be renewed pursuant to the availability of funds and at the discretion of the City.





Andrea Anderson  
Purchasing Agent  
141 West Renfro  
Burleson, TX 76028  
817-426-9847

**ADDENDUM 1:**

**RFP 2023-018 Tier 2 & Tier 3 West Mowing Services**

Any interpretations, corrections or changes to this ITB and Specifications will be made by addendum, unless otherwise stated. Submitting companies shall return and acknowledge receipt of all addenda when replying to this bid.

1. Is there scheduled walk through of the 2 tiers. Or is there a person I can contact to schedule a site visit/walk through with. *A pre bid conference has been schedule for Wednesday, July 12, 2023 at 11:00am CST. A link to this conference has been posted to public files. The question deadline will be extended as well.*
2. Do you have to login to the map to search for areas? *The map has been updated and no longer required login credentials.*
3. Can you make available the bid tabulations from previous award? *The Bid Summary has been posted to public files.*

***A signed copy of this addendum MUST be signed and included in any submittal that will be considered for award.***

*BS&T MOWING*

Company Name

*Beatrice Taylor*

Authorized Representative

*Beatrice Taylor*

Print Signature and Title

*7/20/23*

Date

*682 552 4936*

Phone





Andrea Anderson  
Purchasing Agent  
141 West Renfro  
Burleson, TX 76028  
817-426-9847

**ADDENDUM 2:**  
**RFP 2023-018 Tier 2 & Tier 3 West Mowing Services**

Any interpretations, corrections or changes to this ITB and Specifications will be made by addendum, unless otherwise stated. Submitting companies shall return and acknowledge receipt of all addenda when replying to this bid.

1. Can you please give cross streets or addresses for the following?

**Tier 2**

Village Creek Trail- **behind Sherwin Williams to Elk Creek Assisted Living (access from behind Sherwin Williams building off John Jones)**  
Stone Rd- **Stretch from Alsbury Blvd to Boone Rd by Spinks Airport (Connects to Village Creek Pkwy)**  
Gateway Lift Station- **1101 N Burleson Blvd**  
Mockingbird Lift Station- **1990 S Burleson Blvd**  
Mountain Valley Tank- **214 Lakeaire Dr**  
Turkey Peak Tank- **635 NW Jayellen Ave**  
Wicker Hill Tank- **2321 SW Wilshire**  
Hidden Creek Tank – **941 Dobson Rd**  
Industrial Tank- **101 Industrial Park Blvd**  
Reverie Greenbelt- **Accessible from Joy Ct off of Candler Drive**

**Tier 3B West**

County Rd. 1016A & County Rd. 913- **Begins at CR 914A and continues to connect to Count Rd. 913**  
Commons Dr. – **Commons Dr on north and south side of John Jones.**  
W Bethesda Rd. – **Remove on Tier 3 East**

**A signed copy of this addendum MUST be signed and included in any submittal that will be considered for award.**

BST Mowing  
Company Name

Beatrice Taylor  
Authorized Representative

Beatrice Taylor  
Print Signature and Title

7/20/23

Date

682 552 4936  
Phone

# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.  
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

## OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:  
2023-1044513

Date Filed:  
07/11/2023

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

BST Mowing  
Fort Worth, TX United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City Of Burleson TX

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

RFP 2023-018 Tier 2 & Tier 3  
Mowing and Landscape

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.



### 6 UNSWORN DECLARATION

My name is Beatrice Taylor, and my date of birth is 2/10/68.

My address is P.O. Box 1455, Kennedale, TX, 76060.  
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(month) (year)

\_\_\_\_\_  
Signature of authorized agent of contracting business entity  
(Declarant)

---

## City Council Regular Meeting

**DEPARTMENT:** Public Works

**FROM:** Errick Thompson, P.E., Deputy Public Works Director

**MEETING:** September 5, 2023

---

**SUBJECT:**

Consider approval of a Right-of-Way Use Agreement for outdoor patio seating and metal awning at 112 E. Ellison Street, Old Texas Brewing Company restaurant. *(Staff Contact: Errick Thompson, Deputy Public Works Director)*

**SUMMARY:**

Phillip Waddell, owner of the Old Texas Brewing Company restaurant (OTB), submitted a Right-of-Way Use Agreement application for a metal awning to be constructed within the City's right-of-way. The awning is proposed to be constructed over the existing outdoor tabletop patio seating, and is located in approximately 850 sf of the City right-of-way within four existing parking spaces. This outdoor patio seating was approved in July 2015 as a temporary right-of-way use agreement from July 21, 2015, to December 31, 2015. That agreement's purpose was to temporarily allow installation of tabletop dining and potted plants to create a public space and to evaluate the potential for similar uses in the Old Town District. A standard Right-of-Way Use Agreement would be considered if no issues or concerns were identified during the evaluation period.

The proposed Right-of-Use Agreement includes the new awning and the existing tabletop patio tables, plants, and other materials within the right-of-way. An existing monument sign constructed with the Old Town improvements within the right-of-way will be relocated by the applicant as part of this request.

There is an existing water line within the location of the proposed metal awning. The awning will be removable to facilitate the maintenance of the water line and any existing franchise utilities. The agreement (corresponding exhibit) includes a number of conditions such as:

- Applicant shall bear all costs of tables, plants, and any other materials required including the cost of repair or replacement.
- Applicant shall maintain a physical barrier between patrons of the public space and drivers on Ellison Street.
- Applicant is responsible for ADA compliance within the request area. All exit pathways, sidewalks and any public access routes shall remain unobstructed at all times.
- Additional measures for public safety for patrons, pedestrians and drivers in the area may be required by the City at any time.

- Applicant shall be responsible for addressing any issues of compliance with the Texas Alcohol Beverage Commission (TABC) and remains solely responsible for compliance.
- Applicant shall clear the area of all debris and trash throughout the day and at the end of the day.
- Applicant shall be responsive to concerns expressed by business owners or property owners in the Old Town District.
- Applicant acknowledges that users of the public space are not required to be patrons.
- Applicant shall be responsible for removing and replacing the metal awning at its own expense in the event the City or any Franchise Utility needs perform replacement or maintenance on any existing infrastructure within the designated area.
- Applicant shall be responsible for any expense incurred by the City or any Franchise Utility for removal of the awning in the event of an emergency repair of the existing water line or any other existing public infrastructure within the designated area. Applicant agrees the City will not be responsible for any damage to the awning, tables, chairs, and any other materials belonging to Applicant.
- Applicant agrees to obtain and maintain a certificate of insurance for the right-of-way area and to name the City as an additional insured.

**OPTIONS:**

- 1) Approve a Right-of-Way Use Agreement for outdoor patio seating and metal awning at 112 E. Ellison Street, Old Texas Brewing Company restaurant.
- 2) Deny a Right-of-Way Use Agreement for outdoor patio seating and metal awning at 112 E. Ellison Street, Old Texas Brewing Company restaurant.

**RECOMMENDATION:**

Approve a Right-of-Way Use Agreement for outdoor patio seating and metal awning at 112 E. Ellison Street, Old Texas Brewing Company restaurant.

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

July 21, 2015 – Temporary Right-of-Way Use Agreement approved for table top dining tables, plants and other materials to provide a barrier between patrons and drivers.

**FISCAL IMPACT:**

None

**STAFF CONTACT:**

Errick Thompson, P.E.  
Deputy Public Works Director  
[ethompson@burlesontx.com](mailto:ethompson@burlesontx.com)  
817-426-9610



# RIGHT-OF-WAY USE AGREEMENT

Old Texas Brewing Company  
112 W. Ellison Street

City Council

September 5, 2023



# HISTORY

## July 21, 2015 - City Council approved a right-of-way use agreement

- Allowed table top seating within four parking spaces (approximately 850 sf)
- Included potted plants and other material as physical barrier between patrons and drivers
- Considered as a means to evaluate potential for similar uses in the Old Town District

### Right-of-way Use Agreements:

- Used to officially permit certain private uses of rights-of-way
  - Document that the City is not responsible for private improvements in the request area
- Confirm that the applicant must remove the improvements at the request of the City

Concept Sketch by OTB



Initial Concept Plan

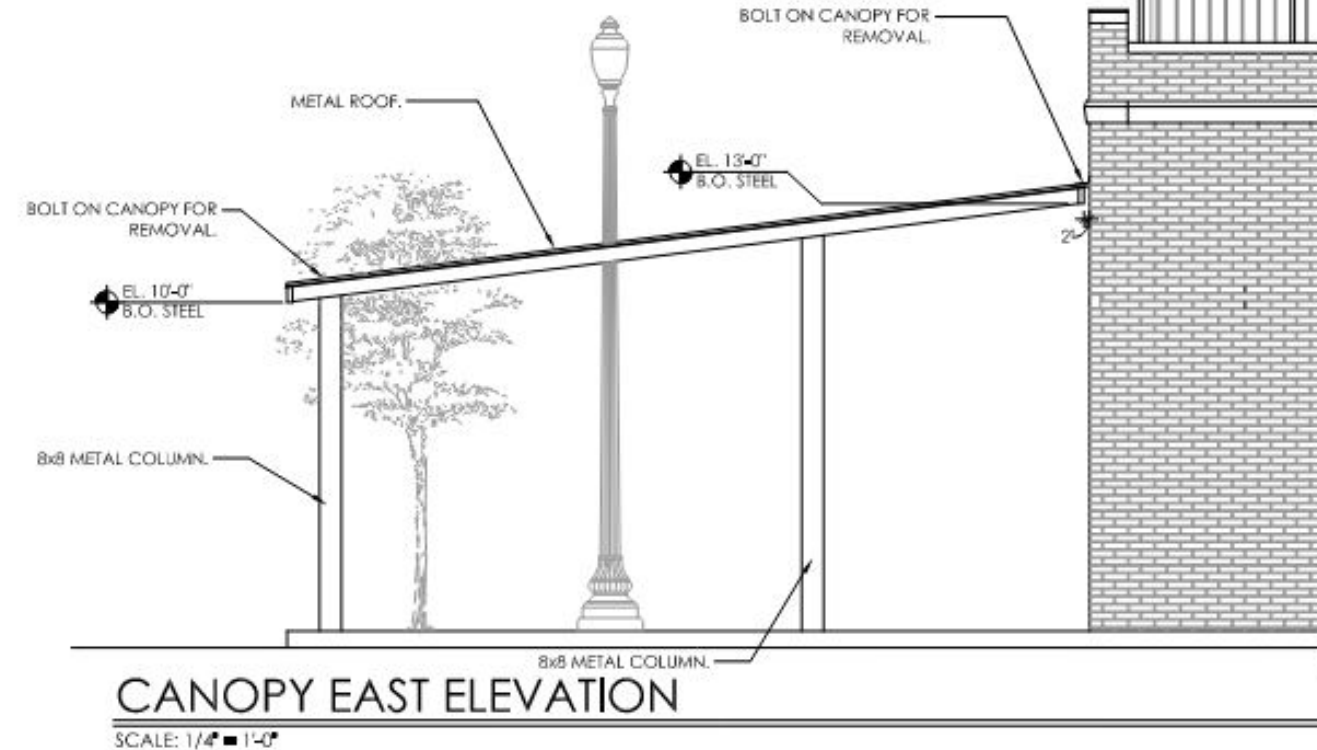


# REQUESTED ROW USE AGREEMENT

- Same 850sf area
- Removable metal awning to be added within right-of-way over existing tabletop patio seating
- Tabletop patio seating, plants, and barriers to separate patrons from vehicular traffic
- Existing water line within request area



Owner will be responsible for removal of the awning for the purpose of replacing or maintaining the existing City of Burleson public water line. The city will not be responsible for any damage to any private improvements located within the public right-of-way. The owner will be given adequate notice and a reasonable time frame to have the canopy removed.



- Monument sign to be relocated by applicant
- City's ability to maintain existing water line addressed by conditions

# CONDITIONS

- Applicant shall bear all costs of tables, plants, and any other materials required including the cost of repair or replacement.
- Applicant shall maintain a physical barrier between patrons of the public space and drivers on Ellison Street.
- All exit pathways, sidewalks and any public access routes shall remain unobstructed at all times.
- City may require additional measures for public safety for patrons, pedestrians and vehicular traffic at any time.
- Applicant shall be responsible for addressing any issues of compliance with the TABC.
- Applicant shall clear the area of all debris and trash throughout the day and at the end of the day.
- Applicant shall be responsive to concerns expressed by business owners or property owners in the Old Town District.
- Applicant acknowledges that users of the public space are not required to be patrons of its restaurant.
- Applicant shall be responsible for removing and replacing the metal awning at its own expense in the event the City or any Franchise Utility needs perform replacement or maintenance on any existing infrastructure within the designated area.
- Applicant shall be responsible for any expense incurred by the City or any Franchise Utility for removal of the awning in the event of an emergency repair of the existing water line or any other existing public infrastructure within the designated area. Applicant agrees the City will not be responsible for any damage to the awning, tables, chairs, and any other materials belonging to Applicant.
- Applicant agrees to obtain and maintain insurance per the requirements of the ROW Use Agreement.



# REQUESTED ACTION

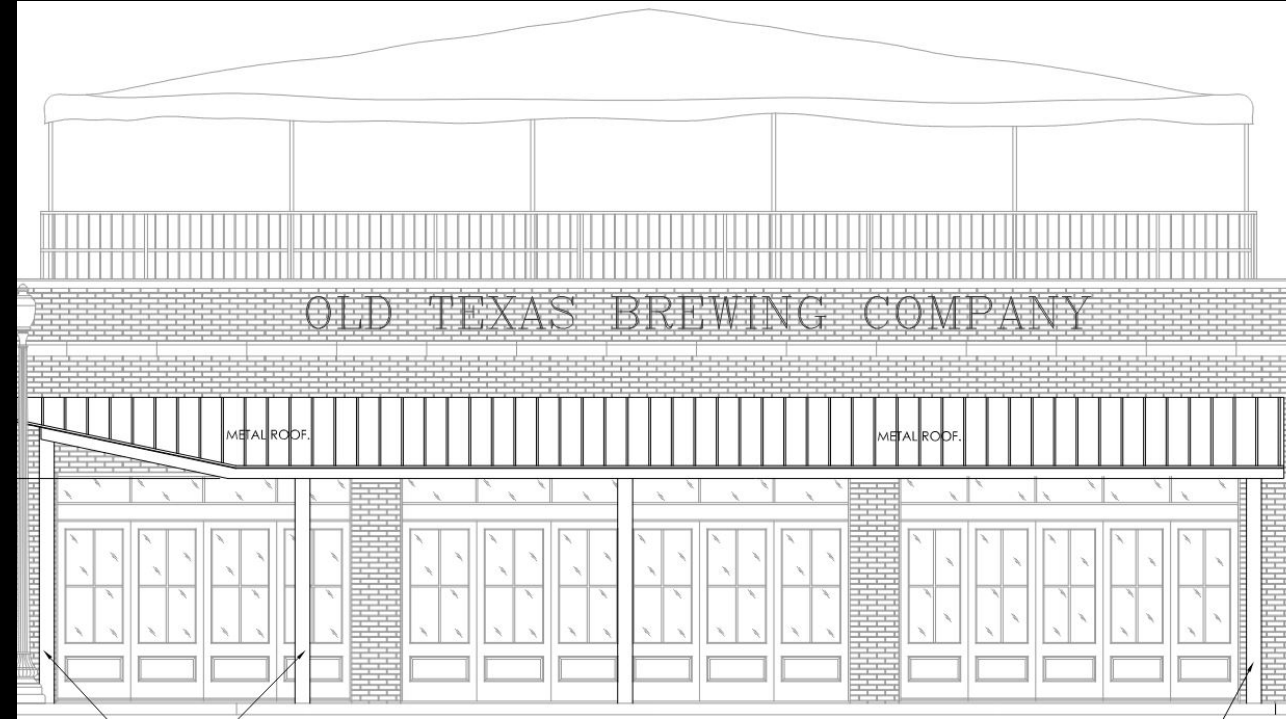
## RECOMMENDED



**APPROVE A  
RIGHT-OF-WAY USE  
AGREEMENT FOR  
OUTDOOR PATIO  
SEATING AND METAL  
AWNING AT 112 E.  
ELLISON STREET, OLD  
TEXAS BREWING  
COMPANY**



**DENY THE  
RIGHT-OF-WAY USE  
AGREEMENT**



## QUESTIONS / DISCUSSION

## INSTRUCTIONS FOR COMPLETING EASEMENT & RIGHT-OF-WAY USE AGREEMENT

The forms shall be signed (in black ink only) by a legal partner, corporate officer, or individual owner(s) of the land. An authorized agent of the landowner must submit a Power of Attorney.

**APPLICATION:** The application shall be completely filled out, signed and notarized.

**EASEMENT AND RIGHT-OF-WAY USE AGREEMENT:** The Agreement shall be completed, signed and notarized. All signatures and notary acknowledgments must be originals, no copies. In the second blank of the first paragraph, please describe specifically the intended use of the easement or right-of-way.

**EXHIBIT NO. 1:** Provide a general vicinity map indicating the project location. The map should be of small enough scale to include at least one (1) major intersection in the City of Burleson. The map may be hand drawn, aerial, from GIS or from an internet mapping program such as yahoo maps.

**EXHIBIT NO. 2:** Provide an accurate, to scale drawing of the proposed area of usage of the easement/right-of-way, including all dimensions as required to accurately stake the area in the field. If needed to accurately describe the area, include metes and bounds. Please limit the requested area of usage to the minimum required to accommodate your needs. Additional pages may be attached, but all drawings must be no larger than 11" x 17". Reducing large plans or plats to use as the base drawing is acceptable, providing the final document is legible to City staff. Include all existing easements, overhead or underground utilities, drainage facilities or other improvements within 50' of the proposed area of usage and show the location of the proposed improvements.

**EXHIBIT NO. 3:** Provide a detail and/or cross-section of the private facilities to be placed in the right-of-way/easement. Vertical alignment of existing and proposed facilities must be shown. Information on existing public water, sewer and drainage facilities can be obtained from Engineering Services.

**EXHIBIT NO. 4:** Signatures are required from Burleson staff and each franchise utility, regardless of whether or not they have utility equipment in the easement. Each utility can sign on a separate sheet. **The City will obtain these signatures.** Applicant need only complete the top portion of the page.

- 
- NOTES:**
1. Contact the Development Engineering Division at 817-426-9611 to discuss any questions regarding the right-of-way/easement agreement application.
  2. Please provide the complete application with the \$125 review fee and allow approximately 3 to 4 weeks for city staff review of the agreement and collection of all franchise utility signatures.
  3. Once complete, staff will compose the document to be filed and assess the County filing fee (Johnson Co. 1st page \$26 + \$4 for each additional page). This fee is to be paid by the applicant prior to city staff filing the document.
  4. Staff will email applicant with the filing information and final PDF of the document.

## APPLICATION

DATE: 8/1/23

Application for the Use of a Portion of the City of Burleson Public Right-of-Way/Easement within Lot 11, Block 3 Burleson Addition Addition to the City of Burleson, Texas.  
Street Address: 112 W. Ellison Street.

The undersigned hereby makes application for the joint use of that portion of the public utility easement/ drainage easement/ right-of-way situated in the above named addition, and particularly described in Exhibit No. 2 of the attached agreement. In support of this application, the undersigned represent and warrant the following:

1. The undersigned will hold the City of Burleson harmless, and indemnify it against all suits, costs, expenses, and damages that may arise or grow out of my use of the easement/right-of-way.
2. The proposed joint use of the easement/right-of-way is as follows:  
Proposes to continue the current use as an outdoor seating area and construct a new removable awning that will extend from the private property to the approximately 25 feet into the ROW.
3. Said public utility easement/drainage easement/right-of-way has been and is being used as follows (explain existing use of easement):  
Currently has been used as an outdoor seating area since July 2015

I respectfully request your favorable consideration of this application for joint use of the easement/right-of-way described and will authorize the execution of the attached agreement.

Printed Name: Phillip Waddell Phone No.: \_\_\_\_\_

Mailing Address: 112 W. Ellison Street (Old Texas Brewery) Email : waddell@oldtexasbrewing.com`  
Burleson, Texas 76028

Signature: \_\_\_\_\_ Date : \_\_\_\_\_

**CITY OF BURLESON  
EASEMENT & RIGHT-OF-WAY USE AGREEMENT**

THE STATE OF TEXAS                   §

COUNTY OF JOHNSON                   §

That the City of Burleson, hereinafter referred to as “City”, and its franchised Utility Companies, herein referred to as “Utilities”, do consent and agree to permit **Old Texas Brewery Company**, herein after referred to as “Applicant”, to use an easement/right-of-way dedicated to City. Such easement/right-of-way being described in Exhibit Number 2, to be used for the purposes of **constructing a removeable awning that will cover the existing outdoor seating currently allowed within the ROW** upon the following conditions:

I.

That Applicant, his successors or assigns shall maintain and keep in slightly condition all of the easement area and the improvements situated thereon; and, that City and Utilities shall not become responsible for such maintenance at any time in the future. Applicant shall repair any damage to City or Utility facilities caused by Applicant within a reasonable time. In addition, the following conditions shall apply:

- Applicant shall bear all costs of tables, plants, and any other materials required including the cost of repair or replacement.
- Applicant shall maintain a physical barrier between patrons of the public space and drivers on Ellison Street.
- All exit pathways, sidewalks and any public access routes shall remain unobstructed at all times.
- Additional measures for public safety for patrons, pedestrians and drivers in the area may be required by the City at any time.
- Applicant shall be responsible for addressing any issues of compliance with the TABC.
- Applicant shall clear the area of all debris and trash throughout the day and at the end of the day.
- Applicant shall be responsive to concerns expressed by business owners or property owners in the Old Town District.
- Applicant acknowledges that users of the public space are not required to be patrons of its restaurant.
- Applicant shall be responsible for removing and replacing the metal awning at its own expense in the event the City or any Franchise Utility needs perform replacement or maintenance on any existing infrastructure within the designated area.
- Applicant shall be responsible for any expense incurred by the City or any Franchise Utility for removal of the awning in the event of an emergency repair of the existing water line or any other existing public infrastructure within the designated area. Applicant agrees the City will not be responsible for any damage to the awning, tables, chairs, and any other materials belonging to Applicant.
- Applicant agrees to obtain and maintain insurance in the following amounts at all times during the term of this Agreement: (i) Commercial General Liability \$1,000,000; (ii) Damage to Premises \$100,000; (iii) Medical \$1,000; (iv) Personal Injury \$1,000,000, (v) General Aggregate \$3,000,000; (vi) Excess Accident \$100,000 with a maximum \$50.00 deductible. Applicant is not required to obtain Automobile Liability insurance. Applicant shall provide certificates of insurance to City evidencing that Applicant has obtained all required insurance thirty (30) days prior to the start of each year of the agreement. Insurers for all policies must be authorized to do business in the state of Texas or be otherwise approved by City; and, such insurers shall be acceptable to City in terms of their financial strength and solvency. All policies shall be endorsed to name City as an additional insured. The insurance policies required by this Agreement shall cover all public risks related to Applicant's use of the easement/right-of-way. The Commercial General Liability insurance policy shall have no exclusions by endorsements unless City approves such exclusions. All policies required above shall be written on an occurrence basis. All policies shall be endorsed with a waiver of subrogation in favor of City. A minimum of thirty (30) days notice of cancellation or material change in coverage shall be provided to City. A ten (10) days notice shall be acceptable in the event of non-payment of premium. Such terms shall be endorsed onto Applicant's insurance policies. Notice shall be sent to City of Burleson, Attn: City Manager, 141 West Renfro, Burleson, Texas 76028-4261. City shall be entitled, upon its request and without incurring expense, to review Applicant's insurance policies including endorsements thereto and at City's discretion. Applicant may be required to provide proof of insurance premium payments. City shall not be responsible for the direct payment of any insurance premiums required by this Agreement. Any failure on part of City to request required insurance documentation shall not constitute a waiver of the insurance requirements.

II.

**That Applicant shall and does hereby agree to indemnify and hold harmless City and Utilities from any and all damages, loss or liability of any kind whatsoever by reason of injury to property or third person occasioned by its use of the easement/right-of-way or act of omission, neglect or wrong doing of Applicant, his officers, agents, employees, invitees or other persons, with regard to the improvements and maintenance of such improvements; and the Applicant shall, at his own cost and expense, defend and protect City and Utilities against any and all such claims and demands.**

III.

That Applicant shall arrange for all activities and improvements in the easements to be discontinued and/or removed within thirty (30) days of notification by City. The cost associated with the discontinuing of such activities, and the removal of such improvements, as well as property adjacent to the easement/right-of-way necessitated by such discontinuation of the easement/right-of-way use, shall be borne by the Applicant.

IV.

That Applicant, his successors or assigns shall not seek compensation from City or Utilities for loss of the value of the improvements made hereunder when such improvements are required to be removed by Applicant.

V.

This agreement shall be filed of record in the Deed Records of Johnson County, Texas, and shall bind all future owners of this lot and shall for all purposes be considered a covenant running with the land.

IN TESTIMONY WHEREOF, Applicant executes this Easement/Right-of-Way Use Agreement on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**CITY OF BURLESON:**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

**APPLICANT (S):**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

THE STATE OF TEXAS                   §

BURLESON ACKNOWLEDGMENT

COUNTY OF JOHNSON               §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared\_\_\_\_\_, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that same was the act of said \_\_\_\_\_City of Burleson\_\_\_\_\_, and that he executed same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the\_\_\_\_\_day of\_\_\_\_\_, 2023.

Notary Seal:

\_\_\_\_\_  
Notary Public in and for the  
State of Texas

My Commission Expires:\_\_\_\_\_

APPLICANT ACKNOWLEDGMENT

Page 4

THE STATE OF TEXAS                   §

COUNTY OF JOHNSON               §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared\_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the\_\_\_\_\_day of\_\_\_\_\_, 2023.

Notary Seal:

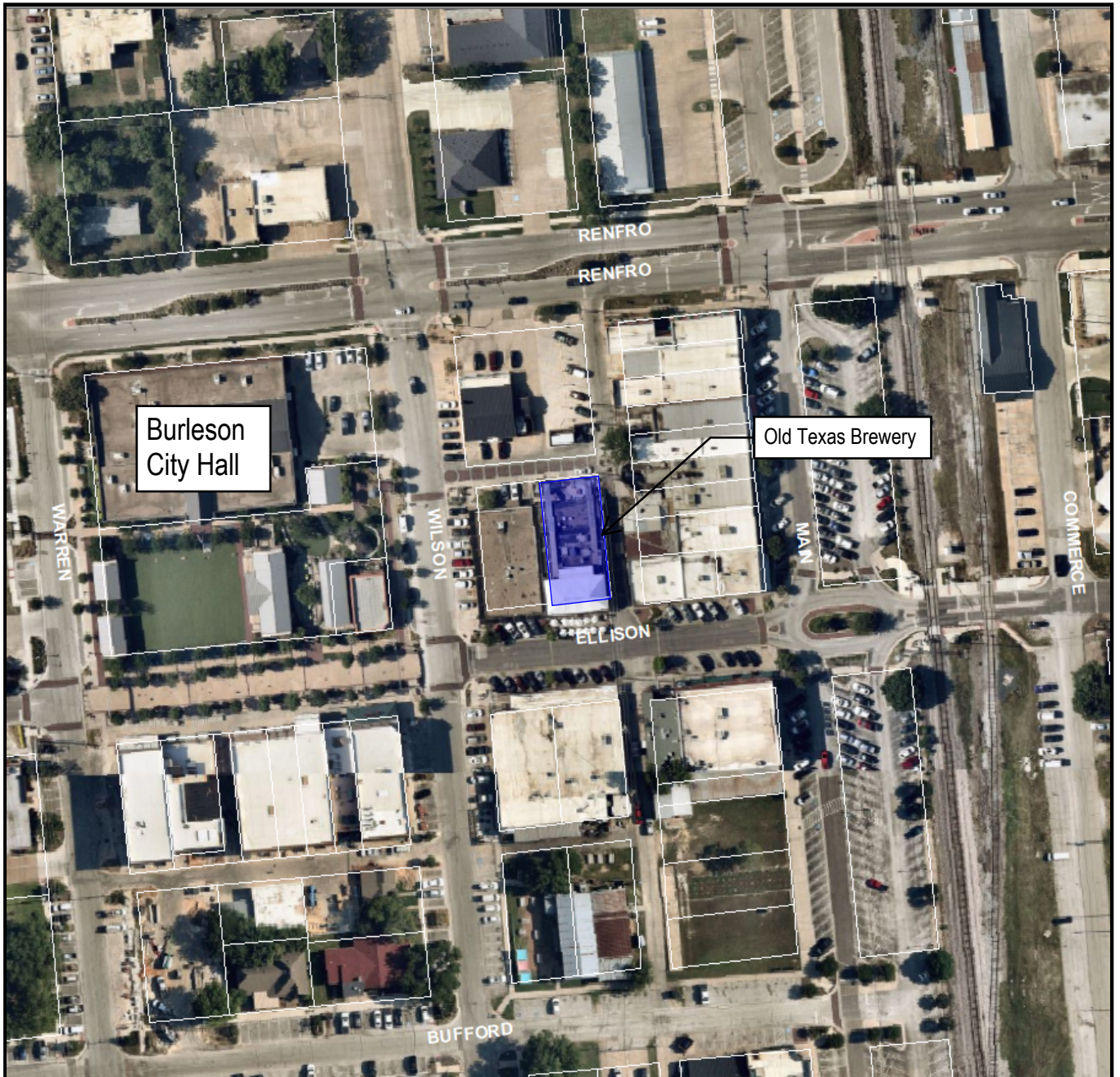
\_\_\_\_\_  
Notary Public in and for the  
State of Texas

My Commission Expires:\_\_\_\_\_

Page 4



**EXHIBIT NUMBER 1**  
Vicinity Map for Proposed Easement/Right-of-Way Use Area

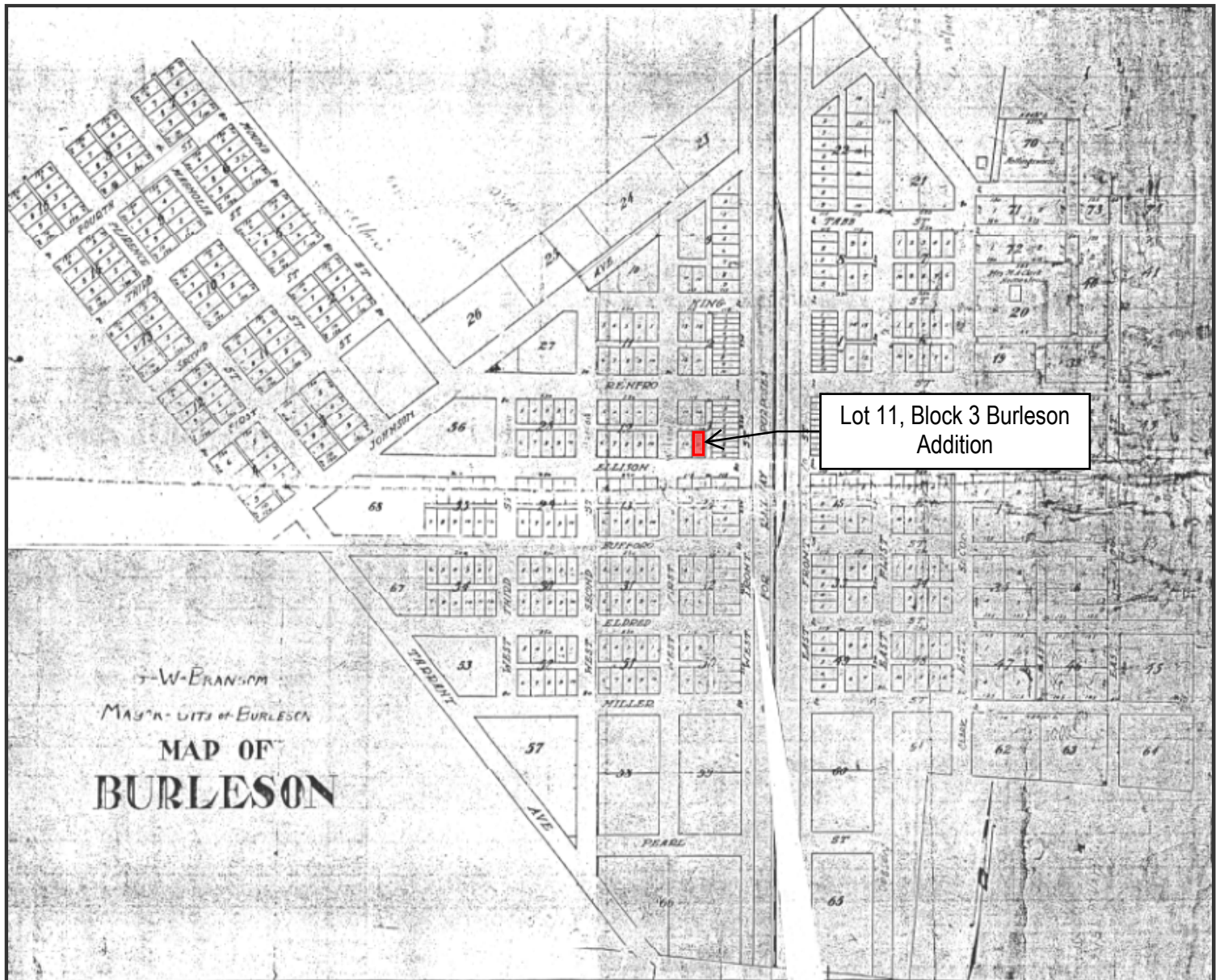




## EXHIBIT NUMBER 2

### Graphic and/or Metes and Bounds Description of Proposed Easement/Right-of-Way Use Area

Show surrounding area to the nearest streets in all directions, abutting lots, the block(s) in which the portion of the utility easement/ drainage easement/ right-of-way sought to be the subject of joint use agreement is situated, and the addition or additions in which the portion of the easement/ right-of-way sought to be joint use is situated.



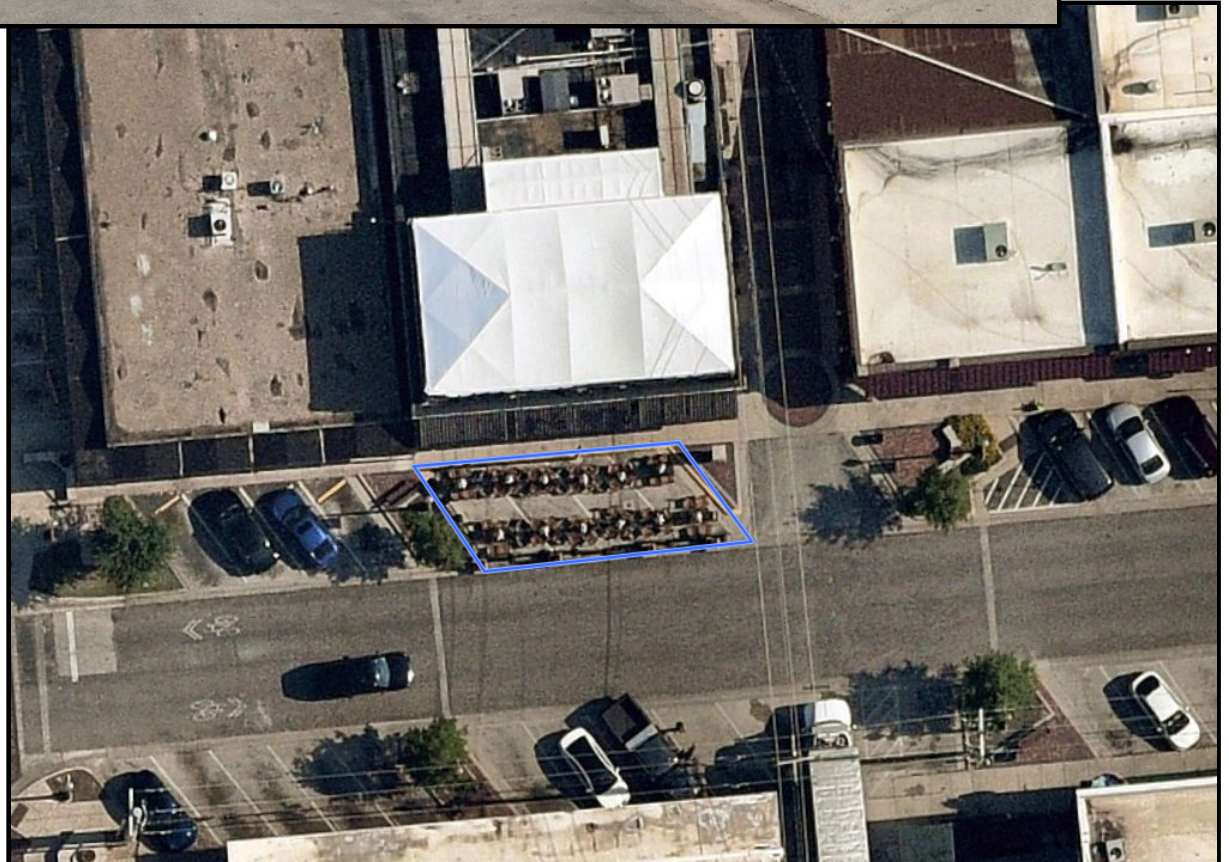


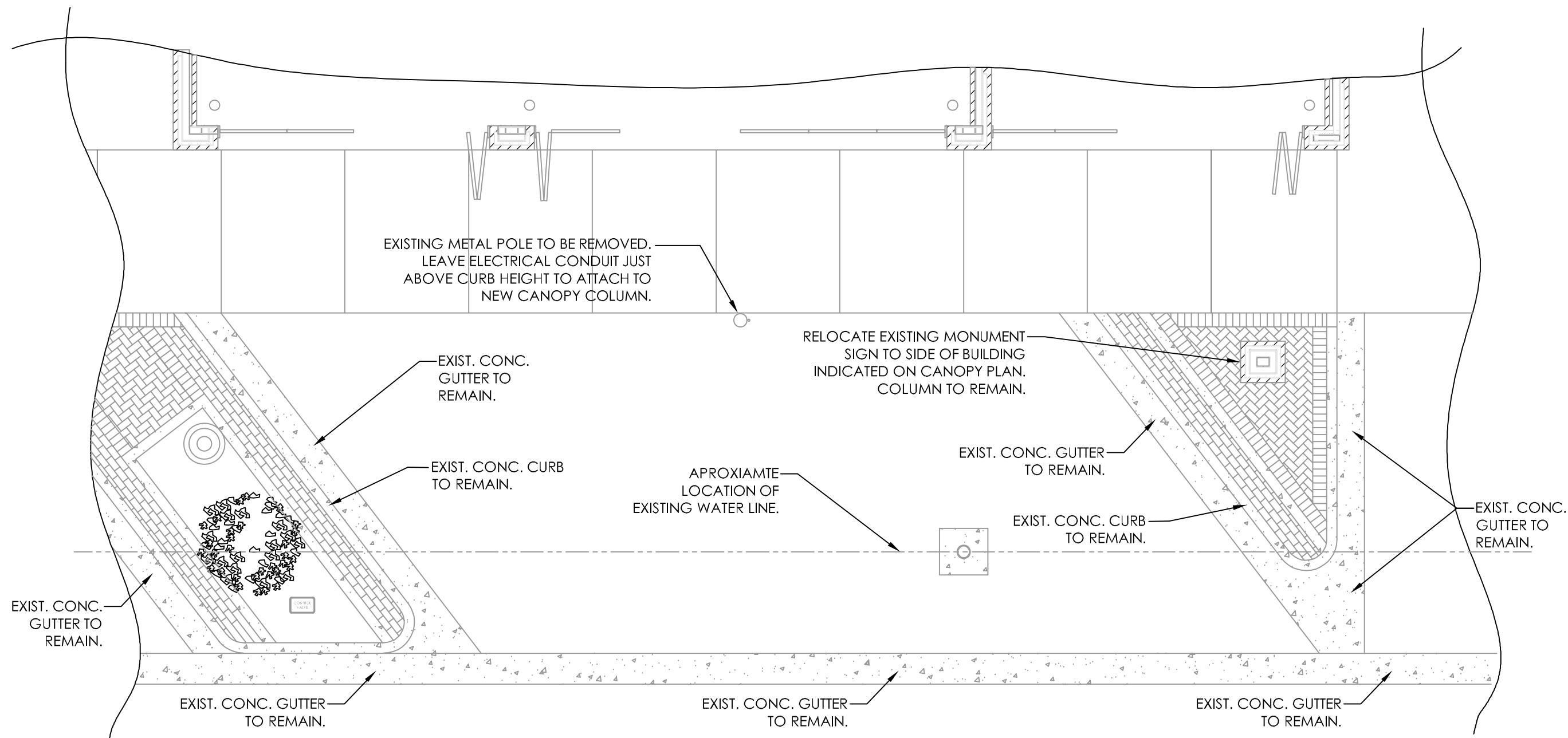
**EXHIBIT NUMBER 3**  
Section/Detail of Improvements with Profile View

The following is a detail and/or cross section drawing of the improvement(s) in the easement/right-of-way to be subject of the joint use agreement in the above numbered application.

**See Next Page for Awning Plans**

**Outdoor Patio Seating area**





# DEMO PLAN

SCALE: 3/16" = 1'-0"



201 W. BUFORD  
Burleson, TX 76028  
817.447.3200

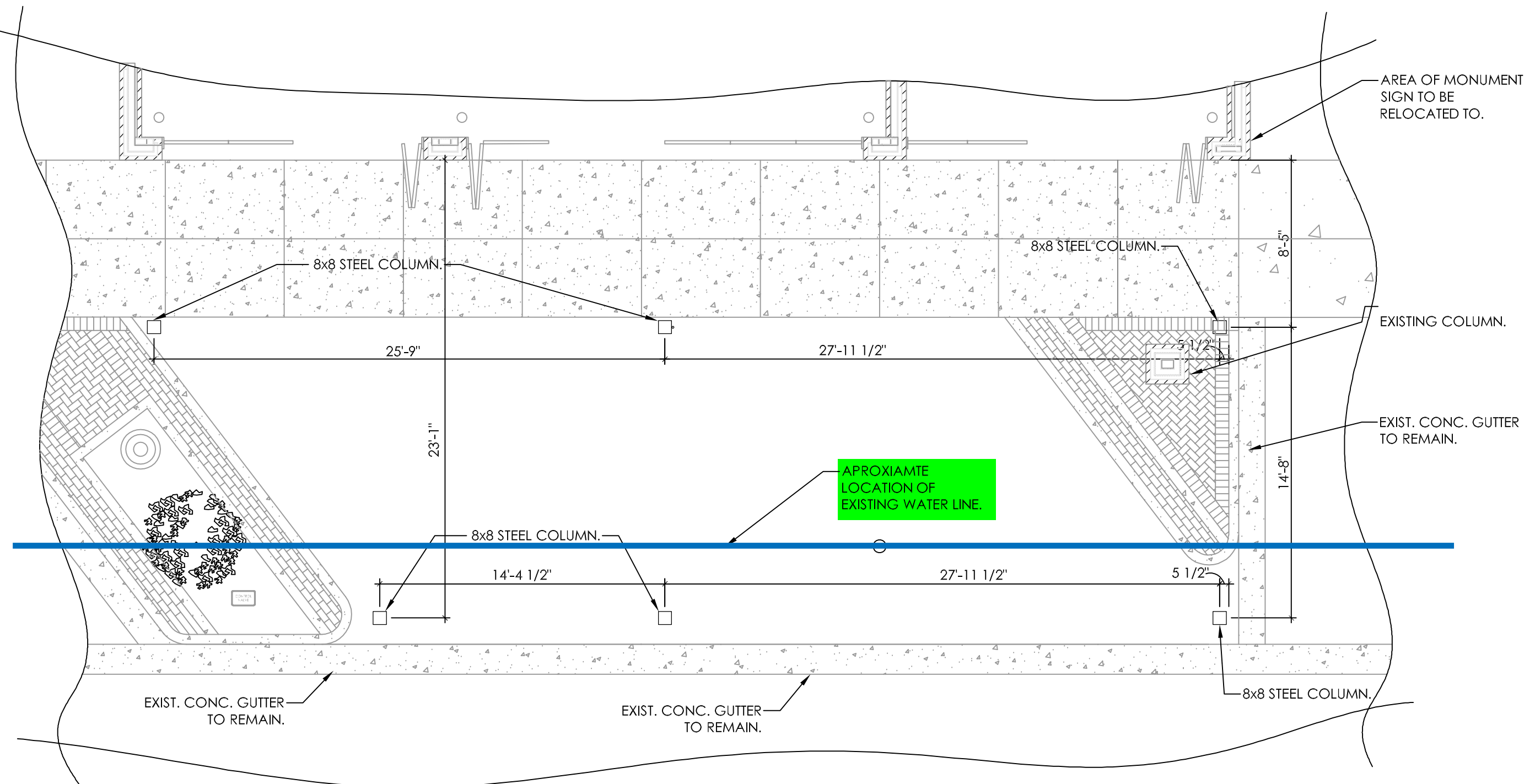
Apex of Texas assumes no liability for any structure built from these plans. Before construction, the purchaser, builder, or contractor must verify all dimensions, verify compliance with all building codes, and incorporate site conditions. Only a qualified designer, architect, or structural engineer should be permitted to alter these plans, with written release of Apex of Texas Homes.

OLD TEXAS BREWING COMPANY  
112 W ELLISON ST  
BURLESON, TEXAS 76028

DRAWN BY:  
M.J.

DATE:  
08-09-2023

A-1



# CANOPY COLUMN PLAN

SCALE: 3/16" = 1'-0"



201 W. BUFORD  
Burleson, TX 76028  
817.447.3200

Apex of Texas assumes no liability for any structure built from these plans. Before construction, the purchaser, builder, or contractor must verify all dimensions, verify compliance with all building codes, and incorporate site conditions. Only a qualified designer, architect, or structural engineer should be permitted to alter these plans, with written release of Apex of Texas Homes.

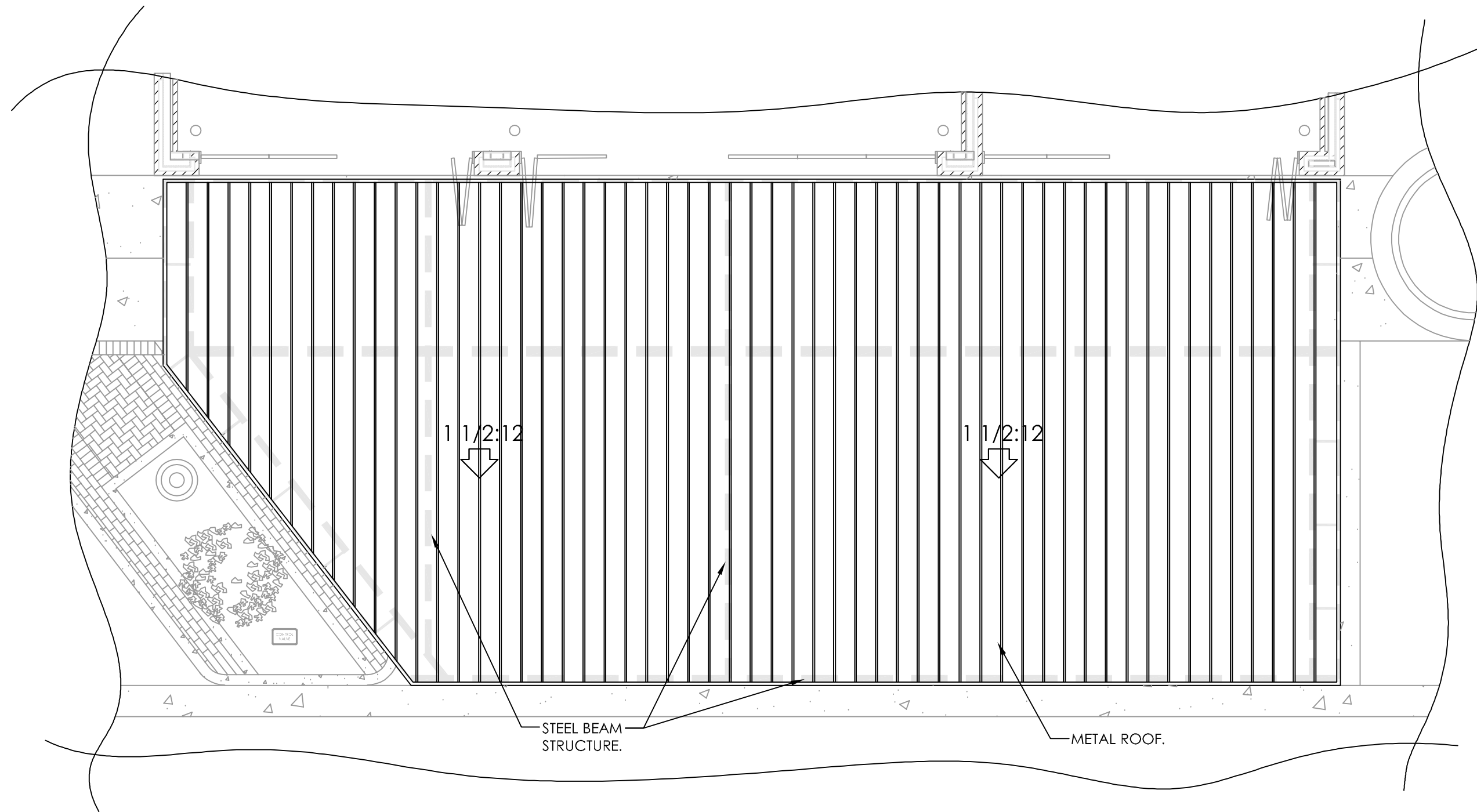
OLD TEXAS BREWING COMPANY  
112 W ELLISON ST  
BURLESON, TEXAS 76028

DRAWN BY:  
M.J.

DATE:  
08-09-2023

A-2





# CANOPY AND BEAM PLAN

SCALE: 3/16" = 1'-0"



201 W. BUFORD  
Burleson, TX 76028  
817.447.3200

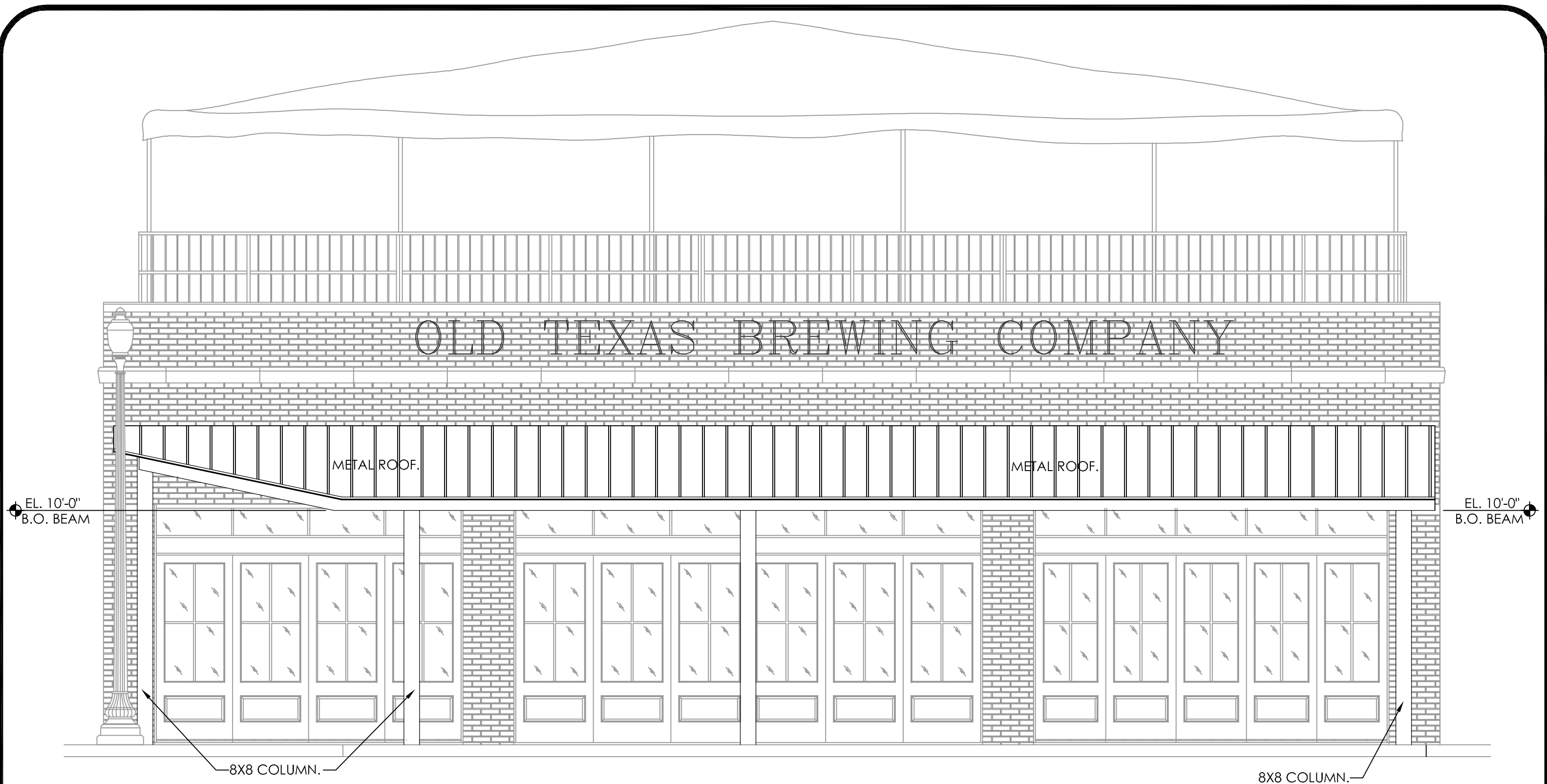
Apex of Texas assumes no liability for any structure built from these plans. Before construction, the purchaser, builder, or contractor must verify all dimensions, verify compliance with all building codes, and incorporate site conditions. Only a qualified designer, architect, or structural engineer should be permitted to alter these plans, with written release of Apex of Texas Homes.

OLD TEXAS BREWING COMPANY  
112 W ELLISON ST  
BURLESON, TEXAS 76028

DRAWN BY:  
M.J.

DATE:  
08-09-2023

A-3



# CANOPY FRONT ELEVATION

SCALE: 1/4" = 1'-0"



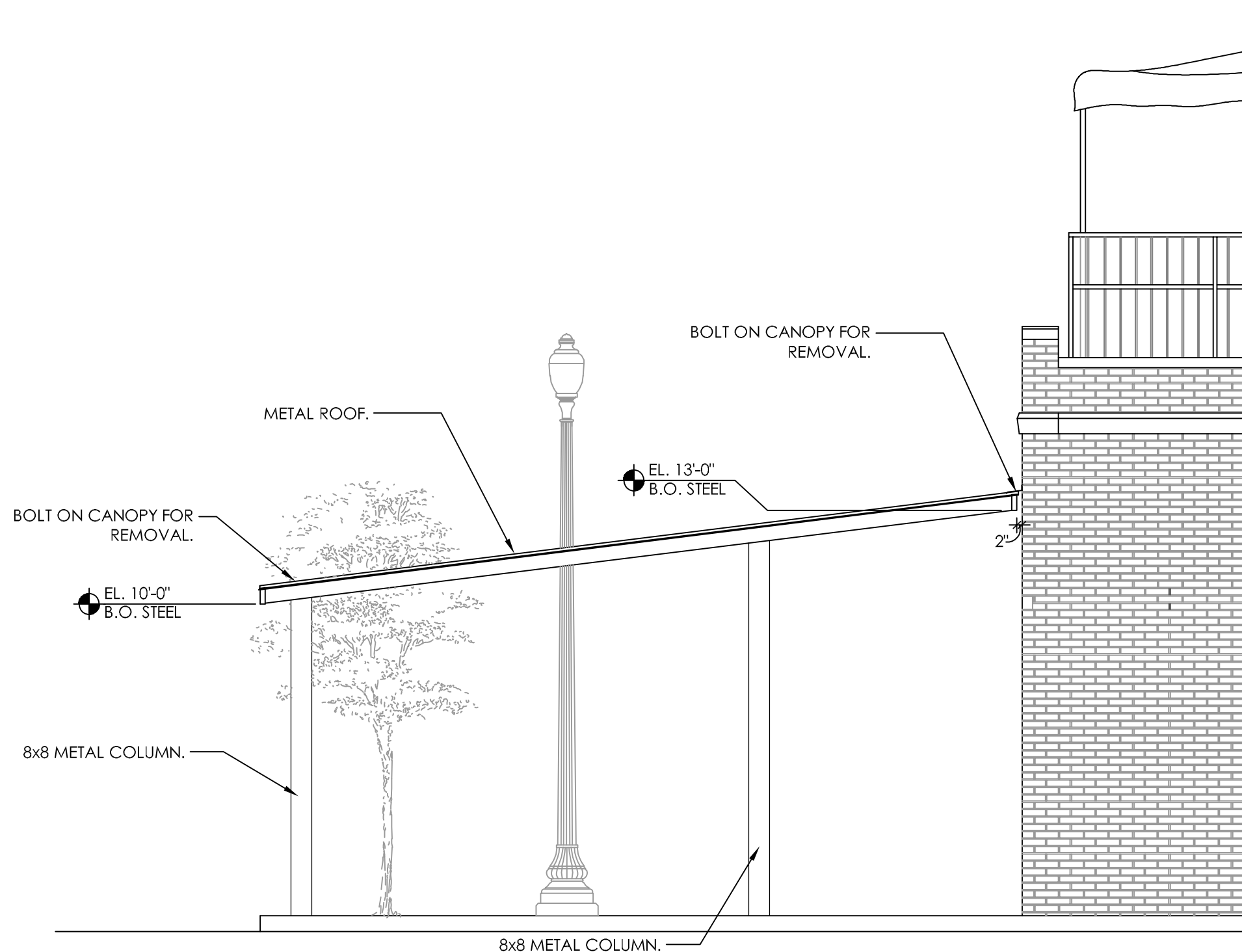
201 W. BUFORD  
Burleson, TX 76028  
817.447.3200

Apex of Texas assumes no liability for any structure built from these plans. Before construction, the purchaser, builder, or contractor must verify all dimensions, verify compliance with all building codes, and incorporate site conditions. Only a qualified designer, architect, or structural engineer should be permitted to alter these plans, with written release of Apex of Texas Homes.

OLD TEXAS BREWING COMPANY  
112 W ELLISON ST  
BURLESON, TEXAS 76028

DRAWN BY:  
M.J.  
DATE:  
08-09-2023

A-4



## CANOPY EAST ELEVATION

SCALE: 1/4" = 1'-0"



201 W. BUFORD  
Burleson, TX 76028  
817.447.3200

Apex of Texas assumes no liability for any structure built from these plans. Before construction, the purchaser, builder, or contractor must verify all dimensions, verify compliance with all building codes, and incorporate site conditions. Only a qualified designer, architect, or structural engineer should be permitted to alter these plans, with written release of Apex of Texas Homes.

OLD TEXAS BREWING COMPANY  
112 W ELLISON ST  
BURLESON, TEXAS 76028

DRAWN BY:  
M.J.

DATE:  
08-09-2023

A-5

## EXHIBIT NUMBER 4

### Agreement/Acknowledgement of Public Utility Companies

The undersigned public utility companies, using or entitled to use under the terms and provisions of agreements with the City of Burleson, that portion of the public utility easement/ drainage easement/ utility easement/ right-of-way sought to be used in Application for joint use of the utility easement/ drainage easement/ utility easement/right-of-way, do hereby consent to the joint use of the described portion of such utility easement/ drainage easement/ utility easement/ right-of-way within \_\_\_\_\_ addition to the City of Burleson, Johnson County, Texas.

Street name/address (if applicable): \_\_\_\_\_

#### **Oncor Electric Delivery (Electric)**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

#### **Pathway Communications**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

#### **Atmos Energy (Gas)**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

#### **Bethesda Water Supply Corporation**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

#### **AT&T Telephone Company**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

#### **United Cooperative Services (Electric)**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

#### **Charter Spectrum Communications**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

#### **City of Burleson**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

#### **Johnson County Special Utility District**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

#### **Other: \_\_\_\_\_**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_