



Elizabeth Woodall, Mayor

**CITY OF JUSTIN
CITY COUNCIL AGENDA
APRIL 11, 2023
415 N. COLLEGE AVE.
6:30 P.M.**

CALL TO ORDER

Convene into Session:
Invocation and Pledge of Allegiance
American Flag

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

PROCLAMATIONS

- Child Abuse Prevention Month 2023 for CASA of Denton County
- Mental Health Month in the City of Justin 2023

PUBLIC COMMENT

In order to expedite the flow of business and to provide all citizens the opportunity to speak, the mayor may impose a three-minute limitation on any person addressing the Council. The Texas Open Meetings Act prohibits the City Council from discussing issues, which the public have not been given a seventy-two (72) hour notice. Issues raised may be referred to City staff for research and/or placed on a future agenda.

CONSENT AGENDA

Any Council Member may request an item on the Consent Agenda to be taken up for individual consideration

1. Consider City Council minutes dated March 11, 2023, and March 28, 2023.

WORKSHOP

2. Discuss Chapter 52 rewrite proposal.

3. Discussion regarding a nomination of a candidate to serve on the Denco Board of Managers.

CONSIDER AND POSSIBLE ACTION ITEMS

4. **PUBLIC HEARING:** Public Hearing and Ordinance 749-23 on first reading to consider a Planned Development (PD-SF-2) for Timberbrook Ph 7, 8, and 9 legally described as Abstract No. 121 the Margaret Garnett Survey, Abstract No. 439 the William Reed Survey, Abstract No. 1071 and the Joseph Sutton Survey Abstract No. 1151.
 - a. open public hearing
 - b. close public hearing
 - c. consider and take appropriate action
5. Consider and take appropriate action to approve Ordinance 750-23 on first reading to consider the creation of the City of Justin Board of Ethics.
6. Consider and take appropriate action to approve award of proposal for the Eastside Water Loop Extension to Westwood Professional Services, Inc. in the amount of \$86,500.
7. Consider and take appropriate action to approve park improvement and new play structure purchases for Community Park, Reatta Park, and City Hall Park.

EXECUTIVE SESSION

Any item on this posted agenda could be discussed in Executive Session as long as it is within one of the permitted categories under sections 551.071 through 551.076 and Section 551.087 of the Texas Government Code.

- Under Section 551.071, to conduct private consultation with the City Attorney regarding:
 - Preserve Development Agreement
 - City of Justin/Town of Northlake Interlocal Cooperative Agreement for Wastewater Improvements
 - Oncor Transmission Line
- Under Section 551.074, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:
 - City Manager
 - City Attorney

Convene into executive session.

Adjourn into open meeting.

8. Discuss, consider, and act on items discussed in Executive Session.

FUTURE AGENDA ITEMS

ADJOURN

I, the undersigned authority, do hereby certify that the above notice of the meeting of the City Council of the City of Justin, Texas, is a true and correct copy of the said notice that I posted on the official bulletin board at Justin Municipal Complex, 415 North College Street, Justin, Texas, a place of convenience and readily accessible to the general public at all times, and said notice posted this 6th day of April, 2023 by 5:00 p.m., at least 72 hours preceding the scheduled meeting time.

Brittany Andrews

Brittany Andrews, City Secretary

City Council Meeting

April 11, 2023

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Items: 1 (Consent)

Title: Consider City Council minutes dated March 11, 2023, and March 28, 2023.

Department: Administration

Contact: City Secretary, Brittany Andrews

Recommendation:

Background:

City Attorney Review:

Attachments:

1. March 11, 2023 minutes
2. March 28, 2023 minutes



Mayor, Elizabeth Woodall

MINUTES

**State of Texas
County of Denton
City of Justin**

Justin City Council Regular Session Meeting- March 14, 2023

The Justin City Council Meeting convened into a Regular Session being open to the public the 14th day of March 2023 at 6:00 pm in the Council Chambers of Justin Municipal Complex, and notice of said meeting giving the time, place, date and subject there of having been posted as prescribed by Article 5 of the Texas Government Code, with the following members present and in attendance to wit: Mayor, Elizabeth Woodall, Mayor Pro Tem, John Mounce, Councilmembers, Tomas Mendoza, and Chrissa Hartle. Not Present: Councilman James Clark. City Staff: Interim City Manager, Jarrod Greenwood, City Secretary, Brittany Andrews, Public Works Director, Josh Little, Director of Development Services, Matt Cyr, Library Director/ Court Administrator, Lesa Keith, Public Works Administrative Assistant, Kira Sedivy.

Convene into Session: Mayor Woodall called the meeting to order at 6:00PM
Invocation led by: Councilman Mendoza

PUBLIC COMMENT

In order to expedite the flow of business and to provide all citizens the opportunity to speak, the mayor may impose a three-minute limitation on any person addressing the Council. The Texas Open Meetings Act prohibits the City Council from discussing issues, which the public have not been given a seventy-two (72) hour notice. Issues raised may be referred to City staff for research and/or placed on a future agenda.

Jeanette Richards, 1028 Elmwood Dr. Justin, TX 76247, Comment on record.
Joe Wallace, 1027 Elmwood Dr. Justin, TX 76247, Comment on record.

PRESENTATIONS

- Economic Development and Community Development Board
- Library Board
- Parks and Recreation Advisory Board
- Planning and Zoning Commission

CONSENT AGENDA

Any Council Member may request an item on the Consent Agenda to be taken up for individual consideration

1. Consider City Council minutes dated February 28, 2023.
2. (*Second Reading*) Consider and take appropriate action regarding Ordinance 746-23 an amendment to chapter 50 Vegetation of the code of ordinance to add article II relating to Public Tree Care.

Mayor Pro Tem, Mounce moved to approve consent items as presented.

Seconded by: Councilman Clark

Aye votes: Councilmembers Clark, Hartle, Mounce and Mendoza

Motion carries

ITEMS PULLED FROM CONSENT AGENDA

WORKSHOP

3. Discuss amending Chapter 52 of the Code of Ordinances to align with the Justin Comprehensive Plan.
4. Discuss transition to Court of Record in compliance with the Home Rule Charter.

Council and Staff discussed items 3 and 4. Discussion on record.

CONSIDER AND POSSIBLE ACTION ITEMS

5. Consider and take appropriate action regarding an amendment to the FY 2022/2023 Community Development Corporation budget.

Councilman Mendoza moved to approve the item as presented.

Seconded by: Councilwoman Hartle

Aye votes: Councilmembers Clark, Hartle, Mounce and Mendoza

Motion carries

6. **PUBLIC HEARING:** Public Hearing and Ordinance 747-23 on first reading to consider the adoption of the City of Justin Comprehensive Plan.
 - a. Open public hearing at **7:21PM**
 - b. Close public hearing at **7:21PM**
 - c. Consider and take appropriate action

Mayor Pro Tem, Mounce moved to approve Ordinance 747-23.

Seconded by: Councilman Clark

Aye votes: Councilmembers Clark, Hartle, Mounce and Mendoza

Motion carries

7. **PUBLIC HEARING:** Public Hearing and Ordinance 748-23 on first reading to consider a Specific Use Permit for a Temporary Batch Plant at Reatta Ridge Ph 3 & 5 legally described as REATTA RIDGE PH 4 BLK 1 LOT 1(W PT) and REATTA RIDGE ADDN BLK 2 LOT 1 ACRES 28.0670.
- a. Open public hearing at **7:37PM**
 - b. Close public hearing at **7:37PM**
 - c. Consider and take appropriate action

Councilman Clark moved to approve Ordinance 748-23.

Seconded by: Councilman Mendoza

Aye votes: Councilmembers Clark, Hartle, Mounce and Mendoza

Motion carries

8. **PUBLIC HEARING:** Public Hearing and Ordinance 749-23 on first reading to consider an amendment to the existing Planned-Development (GB-PD 724) to allow wall signage for Justin Self-Storage legally described as A0207A F.B. BORDEN, TR 8G(PT), 2.725 ACRES addressed as 103 HARDEMAN BLVD.
- a. Open public hearing at **8:06PM**
 - b. Close public hearing at **8:08PM**
 - c. Consider and take appropriate action

Councilman Clark made the motion to accept the amendments as presented

Seconded by: Mayor Pro Tem, Mounce

Aye votes: Councilman Clark and Mounce

Nay votes: Councilwoman Hartle and Councilman Mendoza

With a tie vote: Mayor Woodall voted in opposition.

Motion does not carry; with the Mayor voting to break the tie not in favor, item 8 is denied.

EXECUTIVE SESSION

Any item on this posted agenda could be discussed in Executive Session as long as it is within one of the permitted categories under sections 551.071 through 551.076 and Section 551.087 of the Texas Government Code.

- Under Section 551.071, to conduct private consultation with the City Attorney regarding:
 - Preserve Development Agreement
 - City of Justin/Town of Northlake Interlocal Cooperative Agreement for Wastewater Improvements
 - The Range Property
- Under Section 551.074, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:

- City Manager report

Convene into executive session at 8:09PM

Adjourn into open meeting at 9:15PM

9. Discuss, consider, and act on items discussed in Executive Session.

Item 1: Councilman Clark moved to approve the creation of a new position as discussed.

Seconded by: Mayor Pro Tem, Mounce

Aye votes: Councilmembers Clark, Hartle, Mounce and Mendoza

Motion carries

Item 2: Councilman Clark moved to direct the attorney to protest Ladera MUD No.1 of Denton County

Seconded by: Councilman Mendoza

Aye votes: Councilmembers Clark, Hartle, Mounce and Mendoza

Motion carries

COUNCIL RECAP/STAFF DIRECTION

Interim City Manager, Jarrod Greenwood reviewed items that would be brought to the March 28th Council meeting and future meetings.

FUTURE AGENDA ITEMS

ADJOURN

With there being no further business, the meeting was adjourned at 9:39PM

Brittany Andrews

Brittany Andrews, City Secretary

Seal:



Mayor, Elizabeth Woodall

MINUTES

**State of Texas
County of Denton
City of Justin**

Justin City Council Regular Session Meeting- March 28, 2023

The Justin City Council Meeting convened into a Regular Session being open to the public the 28th day of March 2023 at 6:00 pm in the Council Chambers of Justin Municipal Complex, and notice of said meeting giving the time, place, date and subject there of having been posted as prescribed by Article 5 of the Texas Government Code, with the following members present and in attendance to wit: Mayor, Elizabeth Woodall, Mayor Pro Tem, John Mounce, Councilmembers, Tomas Mendoza, Chrissa Hartle, and Councilman James Clark. City Staff: Interim City Manager, Jarrod Greenwood, City Secretary, Brittany Andrews, Public Works Director, Josh Little, Director of Development Services, Matt Cyr, .

Convene into Session: Mayor Woodall called the meeting to order at 6:00PM
Invocation led by: Councilman Clark

EVENTS

April 10 – Spring Business Roundtable
April 13 – Volunteer Appreciation Event
April 15 – Spring Cleanup Event
April 20 – Coffee with a Cop
April 24 – Early Voting Begins
April 26 – Library Story Time with the Mayor

PUBLIC COMMENT

In order to expedite the flow of business and to provide all citizens the opportunity to speak, the mayor may impose a three-minute limitation on any person addressing the Council. The Texas Open Meetings Act prohibits the City Council from discussing issues, which the public have not been given a seventy-two (72) hour notice. Issues raised may be referred to City staff for research and/or placed on a future agenda.

Jeanette Richards, 1028 Elmwood Dr. Justin, TX 76247, Comment on record.

MAYORAL UPDATE AND PRESENTATION

CONSENT AGENDA

Any Council Member may request an item on the Consent Agenda to be taken up for individual consideration

1. Consider approval of Resolution 601-23 adopting the Denton County Hazard Mitigation Plan.
2. (*Second Reading*) Ordinance 747-23 to consider the adoption of the City of Justin Comprehensive Plan.
3. (*Second Reading*) Ordinance 748-23 to consider a Specific Use Permit for a Temporary Batch Plant at Reatta Ridge Ph 3 & 5 legally described as REATTA RIDGE PH 4 BLK 1 LOT 1(W PT) and REATTA RIDGE ADDN BLK 2 LOT 1 ACRES 28.0670.
4. (*Second Reading*) Ordinance 749-23 to consider an amendment to the existing Planned-Development (GB-PD 724) to allow wall signage for Justin Self-Storage legally described as A0207A F.B. BORDEN, TR 8G(PT), 2.725 ACRES addressed as 103 HARDEMAN BLVD. (This item has been withdrawn).
5. Consider an amendment to the Code of Ethics to comply with the Home Rule Charter.

Councilmembers requested to pull Consent items 1, 4 and 5.

Mayor Pro tem, Mounce moved to approve consent items 2 and 3 as presented.

Seconded by: Councilwoman Hartle

Aye votes: Councilmembers Mounce, Hartle, Mendoza and Clark

Motion carries

ITEMS PULLED FROM CONSENT AGENDA

1. Consider approval of Resolution 601-23 adopting the Denton County Hazard Mitigation Plan.

Councilman Mendoza moved to approve Resolution 601-23 as presented.

Seconded by: Councilwoman Hartle

Aye votes: Councilmembers Mounce, Hartle, Mendoza and Clark

Motion carries

4. (*Second Reading*) Ordinance 749-23 to consider an amendment to the existing Planned-Development (GB-PD 724) to allow wall signage for Justin Self-Storage legally described as A0207A F.B. BORDEN, TR 8G(PT), 2.725 ACRES addressed as 103 HARDEMAN BLVD. (This item has been withdrawn).

Item has been withdrawn, no action.

5. Consider an amendment to the Code of Ethics to comply with the Home Rule Charter.

Councilman Clark moved to approve the code of ethics to comply with the home rule charter with the amendments as discussed.

Seconded by: Councilwoman Hartle
Aye votes: Councilmembers Mounce, Hartle, Mendoza and Clark
Motion carries

WORKSHOP ITEMS

6. Discussion regarding a License Plate Reader Policy.
7. Discuss departmental reporting and expectations.
8. Discussion regarding the creation of and membership to the City of Justin Board of Ethics.

Council and staff discussed items 2-4. Discussion on record.

CONSIDER AND POSSIBLE ACTION ITEMS

9. Consider Resolution 600-23 authorizing the Interim City Manager to work with the Justin Heritage Foundation, authorizing the Interim City Manager to approve protective measures related to the Gaston House and affirming approval of previous protective measures/actions by the Interim City Manager.

Councilman Clark moved to approve item 9 as presented.

Seconded by: Mayor Pro Tem, Mounce
Aye votes: Councilmembers Mounce, Hartle, Mendoza and Clark
Motion carries

EXECUTIVE SESSION

Any item on this posted agenda could be discussed in Executive Session as long as it is within one of the permitted categories under sections 551.071 through 551.076 and Section 551.087 of the Texas Government Code.

- Under Section 551.071, to conduct private consultation with the City Attorney regarding:
 - Preserve Development Agreement
 - City of Justin/Town of Northlake Interlocal Cooperative Agreement for Wastewater Improvements
- Under Section 551.074, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:
 - City Manager
 - City Attorney

Convene into executive session at **8:20PM**

Adjourn into open meeting at **8:50PM**

10. Discuss, consider, and act on items discussed in Executive Session.

No Action

FUTURE AGENDA ITEMS

ADJOURN

With there being no further business, the meeting was adjourned at 8:57PM

Brittany Andrews

Brittany Andrews, City Secretary

Seal:

City Council Meeting

April 11, 2023

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Items: 2

Title: Discuss Chapter 52 rewrite proposal.

Department: Development

Contact: Director of Planning and Development, Matt Cyr

Recommendation: Discuss accordingly and direct Staff on which deliverables Council is interested in moving forward with. Staff recommends a phased plan approach, which is detailed below.

Background:

On March 28, 2023, City Council unanimously adopted the Imagine Justin Comprehensive Plan. Staff brought forward a work session item relating to a rewrite of the zoning ordinances and other potential plans or deliverables. City Council directed Staff to bring a list of deliverables along with prices and timeframes.

The phases below would take place over a three-year period. If Council wants to be aggressive, Phase II and III can be conducted concurrently. **If done concurrently, it would save approximately \$120,000.**

Once directed, Staff will bring back a formal contract in accordance with State Laws.

The following items are a list of deliverables for all planning functions broken down into phases:

- Phase I (9 month time-frame)
 - Master Sewer Plan & Master Water Plan- \$115,000
 - Unified Development Code- \$120,000
 - Includes Ch. 52. Rewrite and Ch. 42 Subdivision
 - Engineering Manual Update- \$12,000
 - Ad Valorem Analysis- \$30,000 (estimated, depends on scope)

Total Phase I Cost: \$277,000

- Phase II (9-12 months)
 - Old Town/ Down Town Master Plan- \$160,000
 - Old Town Zoning District or Overlay- \$40,000

Total Phase II Cost: \$200,000

- Phase III (9-12 months)
 - FM 156 Corridor Plan- \$160,000
 - FM 156 Zoning Update or Overlay- \$40,000

Total Phase III Cost: \$200,000

Total Cost (Phase II and Phase III done separately): \$677,000

Total Cost (Phase II and Phase II done concurrently): \$497,000

City Attorney Review: N/A

Attachments:

1. Estimates from Consultants

UDC Scope + Engineering Manual Allowance

- 6-9 Months
- Assumes building on Comp Plan Engagement Process
- Led by Place Strategies
 - Sub-consultant – The Side Partners (Administrative and Policy Review)

Task 1 - Project Initiation and Management

1.1 – Project Initiation Meeting and City Tour (1 Meeting) - The Place Strategies Team will conduct a kick-off meeting to discuss our understanding of the project, the project schedule, scope, City staff and consultant team communication methods, and to receive data from City staff, as required. Recommended attendees include City staff that will ultimately guide the plan's progress, findings, and recommendations. Place Strategies will provide a virtual meeting room for the meeting. During the kick-off meeting, the Place Strategies Team will tour key areas and locations in the City of Justin with staff to better understand the place, opportunities, and challenges facing Old Town and the FM 156 Corridor.

1.2 – Kick-off Joint Work Session with Planning & Zoning Commission (PZC) and City Council (1 Meeting) – The Place Strategies Team will conduct an education session with the PZC and City Council in a joint work session to discuss the process, engage in dialogue about topics of concern for zoning and subdivision, and go through educational exercises on what a Unified Development Code will do for the City of Justin.

1.3 – Progress Meetings (Every month - up to 6 meetings) – The Place Strategies Team will meet in person or virtually with key City staff to discuss project progress, key action items and responsibilities, and the project schedule. Place Strategies will prepare an agenda and a checklist with action items, responsibilities, and due dates for appropriate team members. They will schedule and notify attendees of the meetings via email.

1.4 – Internal Team Meetings (Every 2 weeks – up to 12 meetings) – The Place Strategies Team will meet internally (including sub-consultants) virtually or in person to coordinate internal tasks and assignments. Place Strategies will prepare an agenda and a checklist with action items, responsibilities, and due dates for appropriate team members. They will schedule and notify attendees of the meetings via email.

Task 2 – Stakeholder + Public Engagement

2.1 – Open House During Review Process – The Place Strategies Team and City staff will identify opportunities to reach out to the public through public events, festivals, and regular meetings of partner organizations. In addition, a public open house will be provided to review the contents of the new code and answer questions.

2.2 – Web-Based Engagement – Online tools are basic forms of communication today. For this project, web-based engagement will be designed by the Place Strategies Team and hosted by City of Justin to make information more broadly available (to anyone who chooses to go online), more convenient (whenever someone is online or connected), and with more flexible (by using a variety of online and social networking tools). The Place Strategies Team will design the tools to assist City staff in making the tools a part of the day-to-day management of the project. The final components of the web strategy will be determined in consultation with the City. These tools and techniques could include:

- **Social Pinpoint Interactive Website.** An interactive planning and engagement website that conveys general project information such as meeting dates, background information, and contact information. It will also provide a means for obtaining public input and serve as the main portal for videos, presentations, workshop information, and downloadable reports. This will also be the main access to open virtual meetings for the initiative.

- **Social Media.** Plugging into existing city communication channels to engage readily available interested citizens.

Task 3 – UDC Development

3.1 – UDC Structure and Format – Place Strategies to develop a new code framework, including a Table of Contents and structure for the overall development-related ordinances with a specific focus on code administration (approval process for different application types and roles of appointed and elected boards and staff) and zoning district categories (including any recommend changes/modifications to current districts) with a master land use table. Framework to identify/incorporate special district standards for the different areas.

- Determine the relevance of the experience districts identified in the Imagine Justin Comprehensive Plan. Assess whether the experience district qualifies as a special district with rules separate from standard city-wide zoning rules (i.e. Old Town, etc.)
- Refine the boundaries of the Special district for zoning purposes.
- 1-day work session with city staff to review code framework (including an agreement on the phasing of the code development phase of the project).
- Work session with PZC and/or City Council (recommend a joint work session of both bodies) to review overall framework and special area code framework, if necessary.

3.2 – UDC Development

- Develop drafts of the overall code (zoning and subdivision, including the code standards for the special districts) in a phased/incremental manner (to be agreed upon at the end of the Code Framework Phase) for internal and staff review. Includes no more than three (3) complete drafts and no less than two (2) complete drafts; additional drafts and edits will be charged hourly.
- Review draft code with the Planning and Zoning Commission and City Council, including preparation time and joint or separate meetings. Additional meetings are charged hourly.

Task 4 – Finalizing and Adoption

Task 4.1 – Final Draft UDC

- Provide a complete draft for stakeholder and public review/comment
- One public open house to review the draft code

Task 4.2 – Support Code Adoption

- Support adoption with City staff (formal public hearings at PZC (one hearing) and City Council two hearings) – Deliverable: PowerPoint presentation

UDC Process

All Tasks – \$120,000

Design Criteria Manual Update

To be performed by Westwood as needed – up to \$12,000

Old Town / FM 156 Master Plan Process + Zoning Updates

- 9-12 Months
- Assumes this occurs after the Zoning/Subdivision Process
- Assumes building on Comp Plan Engagement Process
- Led by Place Strategies
- Includes sub-consultants –
 - Pacheco Koch (civil and landscape)
 - Catalyst Commercial (economic development, ad valorem analysis - Old Town/FM 156 only)
 - 2 renderers

Task 1 - Project Initiation and Management

1.1 – Project Initiation Meeting and City Tour (1 Meeting) - The Place Strategies Team will conduct a kick-off meeting to discuss our understanding of the project, the project schedule, scope, City staff and consultant team communication methods, and to receive data from City staff, as required. Recommended attendees include City staff that will ultimately guide the plan's progress, findings, and recommendations. Place Strategies will provide a virtual meeting room for the meeting. During the kick-off meeting, the Place Strategies Team will tour key areas and locations in the City of Justin with staff to better understand the place, opportunities, and challenges facing Old Town and the FM 156 Corridor.

1.2 – Progress Meetings (Every month - up to 9 meetings) – The Place Strategies Team will meet in person or virtually with key City staff to discuss project progress, key action items and responsibilities, and the project schedule. Place Strategies will prepare an agenda and a checklist with action items, responsibilities, and due dates for appropriate team members. They will schedule and notify attendees of the meetings via email.

1.3 – Internal Team Meetings (Every 2 weeks – up to 18 meetings) – The Place Strategies Team will meet internally (including sub-consultants) virtually or in person to coordinate internal tasks and assignments. Place Strategies will prepare an agenda and a checklist with action items, responsibilities, and due dates for appropriate team members. They will schedule and notify attendees of the meetings via email.

Task 2 – Mapping and Base Data

2.1 – Base Mapping – the Place Strategies Team will prepare a project base map that will be used to create future presentations, existing conditions maps, and scenarios for the process.

2.2 – Existing Conditions Mapping – Based upon existing, readily available GIS or digital data (to be provided and maintained by the City), the Place Strategies Team will prepare existing conditions exhibits for public meetings and presentations.

Task 3 – Stakeholder + Public Engagement

3.1 – AC Meetings (up to three (3) in-person or virtual meetings in addition to Joint Meetings) – The Advisory Committee (AC) (to be identified by the City with assistance from Place Strategies Team) will serve as a review, input, and recommending body throughout the planning process. The Place Strategies Team will meet with the AC at key points during the planning process to present topical materials for committee background, discuss insight from selected reading material, discuss critical issues related to the development of the plan, and obtain feedback and direction from the Committee. City staff will notify AC members of meeting dates and times. The Place Strategies Team will provide a virtual platform for the AC meetings and provide agendas and materials for facilitated discussion at each meeting.

3.2 – Engagement through Community Events – The perspectives and ideas should inform the plan of people not typically involved in planning projects. The Place Strategies Team and City staff will identify opportunities to reach these people through public events and festivals and regular meetings of partner organizations. The specific events and type of engagement activities to be initiated at each one will be detailed in the Communications / Public Involvement Plan.

3.3 – Web-Based Engagement – Online tools are basic forms of communication today. For this project, web-based engagement will be designed by the Place Strategies Team and hosted by the City of Justin to make information more broadly available (to anyone who chooses to go online), more convenient (whenever someone is online or connected), and with more flexible (by using a variety of online and social networking tools). The Place Strategies Team will design the tools to assist City staff in making the tools a part of the day-to-day management of the project. The final components of the web strategy will be determined in consultation with the City. These tools and techniques could include:

- **Social Pinpoint Interactive Website.** An interactive planning and engagement website that conveys general project information such as meeting dates, background information, and contact information. It will also provide a means for obtaining public input and serve as the main portal for videos, presentations, workshop information, and downloadable reports. This will also be the main access to open virtual meetings for the initiative.
- **Social Media.** Plugging into existing city communication channels to engage readily available interested citizens.

Task 4 - Community Charrette (up to five (5) days on-site in Justin)

Building on the efforts of the Comprehensive Plan, a carefully crafted charrette process will be hosted locally in Justin to support additional input from the community. This will include small-area planning of the Old Town area and along FM 156, design exercises, large-scale planning strategies, and developing key elements in policy recommendations.

Task 5 – Draft Old Town and FM 156 Plan Components

The Place Strategies team will work with the City to develop an addendum to the Imagine Justin Comprehensive Plan that includes each of the following elements but will present them in such a manner that the result of each component is presented in an integrated fashion. The Place Strategies Team will prepare a draft plan outline and individual sections for CPAC input, staff review, and comments.

5.1 – Land Use and Development Strategy – The Place Strategies Team will develop the Land Use Strategy to align with the Vision developed with City Council. This strategy will craft clear goals and action items to evaluate development initiatives, align strategic partnerships in the region and state, and assess current zoning conditions in the City. Strategy, at a minimum, will include:

- Intended outcomes
- Strategic partner agencies and groups
- Key gateways
- Recommendations for preservation versus growth areas including:
 - Preferred use of the remaining undeveloped land.
 - Appropriate locations for various types, densities, and patterns of development; and
 - Adequate public facilities (utilities, public safety facilities, roadways) to ensure they are made available before or in conjunction with new construction.

5.2 – Economic Development Strategy – This strategy will focus on policies and actions that strengthen the community’s business and visitor climate. It will assess all aspects of the community that serve to advance or deter the City’s economic development objectives and speak to both preservation and development conditions. Strategies will address opportunities related to non-residential land uses, such as retail, office, industrial, hotel/lodging, and entertainment. Housing will also be addressed within this component since the future residential inventory needs to be consistent with the job base.

5.3 – Mobility Strategy - This component will build upon Imagine Justin’s Mobility Plan analysis. It will add detail related to the specific mobility elements, such as thoroughfare planning, multi-modal street design, and pedestrian and bicycle integration. The Place Strategies team will refine existing policies and determine new principles through public involvement to help guide the transportation plan through the Old Town/FM 156 plan. The Place Strategies Team will delineate the Thoroughfare Plan with desired changes, including:

- Incorporate potential changes to street types.
- Coordinate with appropriate City staff to incorporate any modifications to the mobility plan.
- Comments and changes made to new alignments, modifications to existing alignments, and other planned roadway alternatives described by City staff.
- Identify potential multi-modal street corridors following context-sensitive design to integrate multiple modes.

5.4 – Parks & Trails Strategy – This component will build upon the Imagine Justin Parks, Recreation, and Open Space Master Plan. It will add detail related to specific parks and trail elements, such as trail locations, sidewalk improvements, park enhancements, and connectivity improvements. The Place Strategies team will refine existing policies and determine new guiding principles through public involvement to help guide the PROS Master Plan through the Old Town/FM 156 plan.

5.5 – Implementation Strategy – This component will be driven in coordination with decided outcomes for Old Town / FM 156, and the implementation strategies of the Imagine Justin Comprehensive Plan.

Task 6 – Old Town / FM 156 Plan Adoption

12.1 – Planning and Zoning Commission Recommendation (one (1) meeting) – The Place Strategies Team will present the plan elements to the Planning and Zoning Commission in a public hearing for community and Commission comment. The Place Strategies Team will incorporate any additional Commission comments into the final plan prior to presentation to the City Council.

12.2 – City Council Adoption (up to two (2) meetings) – The Place Strategies Team will present the Final Old Town / FM 156 Plan to the City of Justin Council at a public hearing.

Task 7 – Zoning Drafting + Adoption

7.1 – Unified Development Code Updates for Old Town / FM 156 – Materially coordinated with the Justin UDC, the Place Strategies Team will develop improvements or additions to zoning district categories as recommended in the Old Town / FM 156 Plan.

7.2 – Final Draft UDC Updates

- Provide a complete draft for stakeholder and public review/comment.
- One public open house (social distancing rules permitting) to review the draft code (additional public meetings to be charged at a contracted amount per meeting).

7.3 – Support UDC Adoption – Plan and lead a joint work session (one (1) meeting) for the Board of Adjustment, Planning and Zoning Commission, and City Council. Support adoption with City staff (formal public hearings at Planning and Zoning Commission and City Council – one (1) hearing each).

Old Town Plan Alone

Planning Process (Tasks 1-6) – \$160,000

Zoning Update (Task 7) – \$40,000

FM 156 Plan Alone

Planning Process (Tasks 1-6) – \$160,000

Zoning Update (Task 7) – \$40,000

Performing Plans Together

Planning Process (Tasks 1-6) – \$220,000

Zoning Update (Task 7) – \$60,000

Exhibit “A” – Scope of Services

This Scope of Services is entered into pursuant to the terms of the pending Master Contract for Consulting Services (“MCA”) by and between Westwood Professional Services, Inc. (“Consultant”) and City of Justin (“Client”). This Scope of Services is subject to the terms and conditions of the MCA, all of which are incorporated herein by reference. To the extent this Scope of Services conflicts with the terms of the MCA, the terms of the MCA shall control, unless this Scope of Services specifically states that it is intended to supersede the MCA.

Task

No. Task Description

Engineering Services

- 1.0 Update Existing Water Model** – Westwood will work with Client to update the existing water model based on the latest approved master plan dated 2021. Westwood will add up to 4 additional subdivisions and completed CIP projects. The model will be prepared in WaterCAD unless another software is preferred by Client.
- 2.0 Update Existing Sewer Model** – Westwood will work with Client to update the existing sewer model based on the latest approved master plan dated 2015. Westwood will add up to 8 additional subdivisions and completed CIP projects. The model will be prepared in SewerCAD unless another software is preferred by Client.
- 3.0 Update Future Growth Water Model** – Westwood will work with Client to update the future growth area model based on information provided by City of Justin. Westwood will make recommendations for future water infrastructure sizing and facilities based on absorption rate assumptions provided by Client.
- 4.0 Update Future Growth Sanitary Sewer Model** – Westwood will work with Client to update the future growth area model based on information provided by City of Justin. Westwood will make recommendations for future water infrastructure sizing and facilities based on absorption rate assumptions provided by Client.
- 5.0 Future CIP Cost Estimates** – Westwood will update the preliminary cost estimates based on the results of the future growth models.
- 6.0 Future CIP Narrative** – Westwood will update the City of Justin Water, Wastewater and Roadway Impact Fee Study dated January 2022 based on the changes made to develop the future growth models for water and sewer. Westwood will recommend phasing priorities based on the latest growth estimates provided by Client.
- 7.0 Meetings, Coordination, Additional Exhibits, and Client Support** – It is anticipated that Westwood and its subconsultants will participate in on-going project team meetings as well as project coordination with agency staff. Westwood will provide additional exhibits, calculations, and client support as requested by the Client.
- 8.0 Supplementary Services** – Westwood will only perform supplementary services at the request of the client and only if authorized in writing. Westwood will start the supplementary activity after receipt of written authorization from the Client.

Proposal Conditions & Exclusions

- We will provide our services as expeditiously as practicable with the goal of meeting a mutually agreeable schedule. Our schedule is dependent upon receipt of information to be provided by the Client. We anticipate needing approximately 3-6 months from NTP and receipt of existing network maps to complete the preliminary water and sewer models

- Capacity analyses of existing reservoirs, pumping stations, and pressure reducing stations is excluded but available upon request,
- Future planning models are schematic in nature, addressing hydraulic requirements only. Right-of-Way, permitting and access are not included as a part of this analysis.
- All submittal, permit, and application fees will be paid by others.
- Architectural, landscape architecture, structural calculations, structural designs, geotechnical, environmental services, and any other sub-consultants not included in the scope and fee are excluded.
- Changes to the site plan, land plan, or drawings once the site plan is approved by the client or agency, whichever comes first will require additional fees.
- Technical studies (in addition to those listed above), improvement plans, or mapping services are excluded.
- Design or coordination of gas, electric, telephone and cable TV are not a part of this scope of work.
- Any coordination with adjacent property owners for access/easement/site plan changes will require additional fees – Westwood assumes this will be done by Client.
- Coordination for bidding documents or preparing bid plans for contractors is not included.
- Potholing or subsurface utility exploration is excluded from this scope and fee.
- Other improvements or construction documents not specifically outlined above are excluded.
- Value engineering meetings are excluded.
- Legal descriptions and exhibits not mentioned above are excluded.

Attached is a copy of our current Hourly Rate Schedule for services performed on a time and materials basis. The Hourly Rate Schedule is subject to revision on January 1 and July 1 of each year.

This authorization is bound by the terms and conditions of the Master Service Agreement.

Thank you for the opportunity to perform the engineering services for you on this project.

ACCEPTED AND AGREED TO:

City of Justin

By _____

Print _____

Title _____

Date _____

Westwood Professional Services, Inc.

By  _____

Print Travis Poechmann

Title Project Manager

Date 3/8/2023

Fee Summary

Westwood Professional Services, Inc.			
Task No.	Task Title	Fee	Notes/Clarifications
Engineering Services			
1.0	Update Existing Water Model	\$ 10,000	Lump Sum
2.0	Update Existig Sewer Model	\$ 15,000	Lump Sum
3.0	Update Future Growth Water Model	\$ 15,000	Lump Sum
4.0	Update Future Growth Sewer Model	\$ 15,000	Lump Sum
5.0	Update Future CIP Cost Estimates	\$ 10,000	Lump Sum
6.0	Update Future CIP Narrative	\$ 20,000	Lump Sum
7.0	Meeting, Coordination, and Client Support	\$ 10,000	Time & Materials
8.0	Supplementary Services	\$ 20,000	Time & Materials
Total		\$ 115,000	

Hourly Rate Schedule

FEE SCHEDULE FOR PROFESSIONAL SERVICES – 2023

The following is the fee schedule for all work performed under an hourly agreement.

<u>Classification</u>	<u>Hourly Rate</u>
Admin I – Admin V.....	\$80.00 - \$130.00
Intern I – Intern III	\$80.00 - \$130.00
Dust Monitor.....	\$70.00
Construction Observer I – Construction Observer V	\$106.00 - \$160.00
Engineering Tech I – Engineering Tech VII.....	\$100.00 - \$190.00
Graduate Engineer I – Graduate Engineer IV	\$145.00 - \$175.00
Engineer I – Engineer VI.....	\$175.00 - \$260.00
Environmental Scientist I – Environmental Scientist VIII	\$105.00 - \$225.00
GIS I – GIS V	\$95.00 - \$160.00
Graduate Landscape Architect I – III.....	\$115.00-\$145.00
Landscape Architect/Planner I – Landscape Architect/Planner VI	\$140.00 - \$225.00
Assistant Project Manager I – Assistant Project Manager III.....	\$185.00 - \$205.00
PM I – PM VII.....	\$190.00 - \$280.00
Survey Field I – Survey Field VII.....	\$60.00 - \$150.00
Survey Tech I – Survey Tech V	\$125.00 - \$190.00
Graduate Surveyor I – Graduate Surveyor III.....	\$145.00 - \$165.00
Surveyor I – Surveyor VI	\$165.00 - \$230.00
Project Processor I – Project Processor II	\$80.00 - \$100.00
Project Coordinator I – Project Coordinator II	\$125.00 - \$140.00
Senior Project Coordinator I – Senior Project Coordinator II	\$155.00 - \$180.00
GMS Tech I – GMS Tech III	\$75.00 - \$95.00
GMS Engineer I – GMS Engineer IV	\$125.00 - \$175.00
Geospatial Tech I – Geospatial Tech V	\$85.00 - \$160.00
Geospatial Manager	\$200.00

Charges for other direct costs, outside services, and facilities furnished by Westwood are computed on the basis of actual cost plus 15 percent.

City Council Meeting

April 11, 2023

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Items: 3 (workshop)

Title: Discussion regarding a nomination of a candidate to serve on the Denco Board of Managers.

Department: Administration

Contact: Interim City Manager, Jarrod Greenwood

Recommendation: Discuss and consider nomination of candidates.

Background:

Each year on September 30th, the term of one of the two members appointed by participating municipalities expires. This year it is the term of Sue Tejml. Members are eligible for consecutive terms and Mrs. Tejml has expressed his desire to serve another term.

If Council would like to nominate a candidate other than Mrs. Tejml to represent the municipalities on the Denco Board of Managers, a motion is needed, and resume submitted to be turned into the Denco district office by May 31st. A candidate can be a current or former elected official, however, there are no official prerequisites.

City Attorney Review:

Attachments:

1. Nomination Letter 2023
2. Resolution draft defining procedure for appointment



Denco Area 9-1-1 District

1075 Princeton Street ▪ Lewisville, TX 75067

Phone: 972-221-0911 ▪ Fax: 972-420-0709 ▪ Denco.ORG

TO: Denco Area 9-1-1 District Participating Municipal Jurisdictions

FROM: Gregory S. Ballentine, Executive Director

DATE: March 31, 2023

RE: Nomination for the Denco Area 9-1-1 District Board of Managers

Chapter 772, Texas Health and Safety Code, provides for the Denco Area 9-1-1 District Board of Managers to have “two members appointed jointly by all the participating municipalities located in whole or part of the district.” The enclosed resolution describes the appointment process of a municipal representative.

Each year on September 30th, the term of one of the two members appointed by participating municipalities expires. This year it is the term of Sue Tejml. Members are eligible for consecutive terms and Ms. Tejml has expressed her desire to serve another term.

Denco requests the following actions by the governing bodies of each of the 32 municipalities in the district:

- 1. Immediate Action (Nominate):** If your city/town would like to nominate a candidate to represent the municipalities on the Denco Board of Managers, please send a letter of nomination, by way of council action, and résumé of the candidate to the Denco Area 9-1-1 District office. Nominees are historically current or former elected officials in the district; however, there are no official prerequisites. **For a nomination to be considered, written notification of council action must reach the Denco Area 9-1-1 District by 5:00 p.m. May 31, 2023.** No nominations shall be considered after that time.
- 2. Future Action (Vote):** On June 1, 2023, Denco staff will send the slate of nominees to each city/town for consideration, requesting the city/town council vote by resolution for one of the nominees. **Written notice of the council’s selection must reach the Denco Area 9-1-1 District by 5:00 p.m. on July 31, 2023.** No votes will be accepted after that time. However, if a nominating municipality does not thereafter formally vote, its nomination will automatically count as a vote for its nominee.
- 3. Process Closure (Results):** The candidate with the most votes will be the municipalities’ representative to the Denco Area 9-1-1 District Board of Managers for the two-year term beginning October 1, 2023.

Please send a copy of your council’s official action and candidate résumé to the Denco Area 9-1-1 District, **1075 Princeton Street, Lewisville, TX 75067** or to Melinda Camp at melinda.camp@denco.org. Denco staff will acknowledge receipt and sufficiency of the submitted documents. **If that acknowledgement is not received within one (1) business day, or you have any other questions, please contact Ms. Camp at 972-221-0911.** As a courtesy, Denco will provide notification of your council’s action to the nominee.

Thank you for your support of the Denco Area 9-1-1 District.

Enclosure

DENCO AREA 9-1-1 DISTRICT

RESOLUTION

**DEFINING PROCEDURE FOR APPOINTMENT OF PARTICIPATING
MUNICIPALITIES' REPRESENTATIVE TO THE DISTRICT BOARD OF MANAGERS**

WHEREAS, this resolution shall take the place of Resolution 1999.02.04.R01 by the same title; and

WHEREAS, Chapter 772, Texas Health and Safety Code provides for the Denco Area 9-1-1 District Board of Managers to have "two members appointed jointly by all the participating municipalities located in whole or part of the district."; and

WHEREAS, each member serves a term of two years beginning on October 1st of the year member is appointed; and

WHEREAS, one member representing participating municipalities is appointed each year.

NOW, THEREFORE BE IT RESOLVED BY THE DENCO AREA 9-1-1 DISTRICT BOARD OF MANAGERS:

The procedure for participating municipalities to appoint a representative to the Denco Area 9-1-1 District Board of Managers shall be the following:

1. **Nominate Candidate:** Prior to April 1st of each year, the executive director shall send a written notice to the mayor of each participating municipality advising that nominations are being accepted until May 31st of that same year, for one of the municipal representatives to the Denco Area 9-1-1 District Board of Managers. The notice shall advise the mayors that for a nomination to be considered, written notification of council action must be received at the Denco office prior to 5:00 p.m. on May 31st of that year. No nominations shall be considered after that time.
2. **Vote for Candidate:** On June 1st of each year, the executive director shall send written notice to the mayor of each participating municipality, providing the slate of nominees to be considered for appointment to the Denco Area 9-1-1 District Board of Managers for the term beginning October 1st. The notice shall advise the mayor that the city/town council shall vote, by resolution from such city/town, for one of the nominees. Written notice of the council's selection must be received at the district office by 5:00 p.m. on July 31st. No votes will be accepted after that time. However, if a nominating municipality does not thereafter formally vote, its nomination will automatically count as a vote for its nominee.
3. **Tally Votes:** The one nominee with the most votes received by the deadline will be the municipal representative appointed for the two-year term beginning October 1st.
4. **Tie Breaker:** If there is a tie between two candidates with the most votes, a runoff election will be held immediately with the candidate receiving the most votes serving the remainder of the term. The incumbent representative shall serve in that position until replaced.

APPROVED and ADOPTED on this 30th day of January 2020.


Chairman of the Board


Secretary of the Board

City Council Meeting

April 11, 2023

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Items: 4 (PUBLIC HEARING)

Title: **PUBLIC HEARING:** Public Hearing and Ordinance 749-23 on first reading to consider a Planned Development (PD-SF-2) for Timberbrook Ph 7, 8, and 9 legally described as Abstract No. 121 the Margaret Garnett Survey, Abstract No. 439 the William Reed Survey, Abstract No. 1071 and the Joseph Sutton Survey Abstract No. 1151.

Department: Development

Contact: Director of Planning and Development, Matt Cyr

Recommendation:

Staff has reviewed the application to ensure consistency with the Developers Agreement that was approved on April 26, 2021. Staff has no concerns with the application.

Background:

On April 26, 2021, City Council approved a Development Agreement with Bloomfield and Royal Crest properties for approximately 1,079 acres of land. In May of 2021 City Council annexed the subject property into the City of Justin. Due to State Law the property is automatically zoned to the lowest density, which would be Large-Lot Residential. To move forward in eventually developing the properties, the Applicant is required to rezone the development.

The request is for an approximately 465 lot subdivision and is a continuation of the existing Timberbrook subdivision.

City Attorney Review: N/A

Attachments:

1. PZ Report
2. Supporting Documentation



PLANNING & ZONING COMMISSION MEETING

Staff Report
March 21, 2023

STAFF CONTACT: Matt Cyr, Director of Planning and Development Services

PROJECT: Consider and act upon a recommendation to City Council for a Planned Development (PD-SF-2) for Timberbrook Ph 7, 8, and 9 legally described as Abstract No. 121 the Margaret Garnett Survey, Abstract No. 439 the William Reed Survey, Abstract No. 1071 and the Joseph Sutton Survey Abstract No. 1151

APPLICANT: Jason Weaver, GM Civil

EXECUTIVE SUMMARY: The Applicant is requesting a zoning change from the Large Lot Zoning District to Planned Development (SF-2). The subject property will be developed as an approximate 465 lot single-family residential subdivision with public and private open spaces, an amenity center lot, and an elementary school site. The proposed subdivision will be a continuation of the existing Timberbrook development for Phases 7, 8, and 9.

DETAILS: On April 26, 2021, City Council approved a Development Agreement with Bloomfield and Royal Crest properties for approximately 1,079 acres of land.

In May of 2021 City Council annexed the subject property into the City of Justin. Due to State Law the property is automatically zoned to the lowest density, which would be Large-Lot Residential. To move forward in eventually developing the properties, the Applicant is required to rezone the development.

DESIGN STANDARDS:

PD ZONING RESIDENTIAL STANDARDS	SF-5.5	SF-7	SF-8.5
Lot Size (Minimum)			
Lot Area (sq. ft.)	5,500 ¹	7,000 ¹	8,500 ¹
Lot Width (feet)	50 ²	60 ²	70 ²
Lot Depth (feet)	110 ³	110 ³	110 ³
Dwelling Regulations (Minimum Square Footage)			
Minimum Dwelling Floor Area	1,600 ⁴	1,600 ⁴	1,800 ⁴
Yard Requirements			
Front Yard minimum (feet)	20	20	20
Side Yard minimum (feet)	5	5	5
Side Yard of Corner Lots minimum (feet)	10	10	10
Side Yard of Corner Lots (feet) on key lots	20	20	20
Rear Yard minimum (feet)	15 ⁵	15 ⁵	15 ⁵
Lot Coverage Main Structure	50%	50%	50%
Home Requirements			
Main Structure maximum Height (feet)	40	40	40
Accessory Structure Height maximum (feet)	14	14	14
Masonry Percentage minimum	70%	70%	70%
Roof Pitch Minimum	6:12	6:12	6:12

FENCING & SIGNAGE :

Along the east side of the development the Applicant is proposing to utilize a 6' ornamental fencing with stone masonry columns. The Applicant is also utilizing this to the southwest of the development as well. The Applicant will also utilize a 6' masonry (brick veneer) screening wall to the south entrance of the development.

The development will also have a main entry monument sign to the south entrance of the development. These exhibits are included in the agenda packet.

TRAILS:

The development will have a 6' trail that goes down the east side and west side of the development. The trail system will connect with the existing trail system in Timberbrook. The exhibit is attached as well in the agenda packet.

SCHOOL:

Northwest ISD has been in contact with Timberbrook about a school onsite. The lot will be approximately 11.96 acres. Staff has not confirmed if it is an elementary school or middle school. However, we will confirm ahead of the meeting. The School would be part of this Planned Development.



ACTION CONSIDERED:

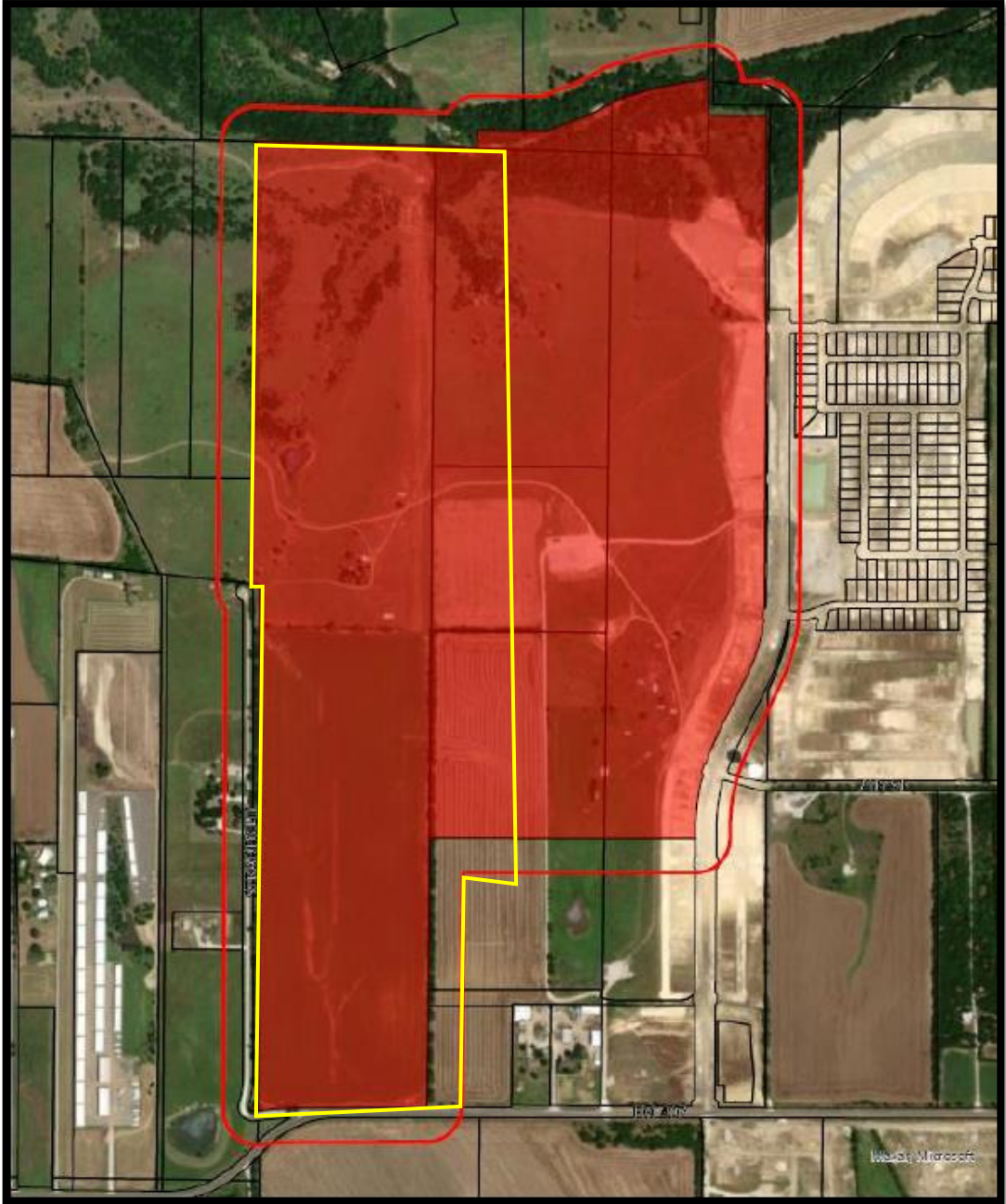
- 1) Make a recommendation to City Council to approve, approve with conditions, table with clarification and intent or deny.

STAFF RECOMMENDATION:

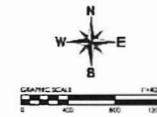
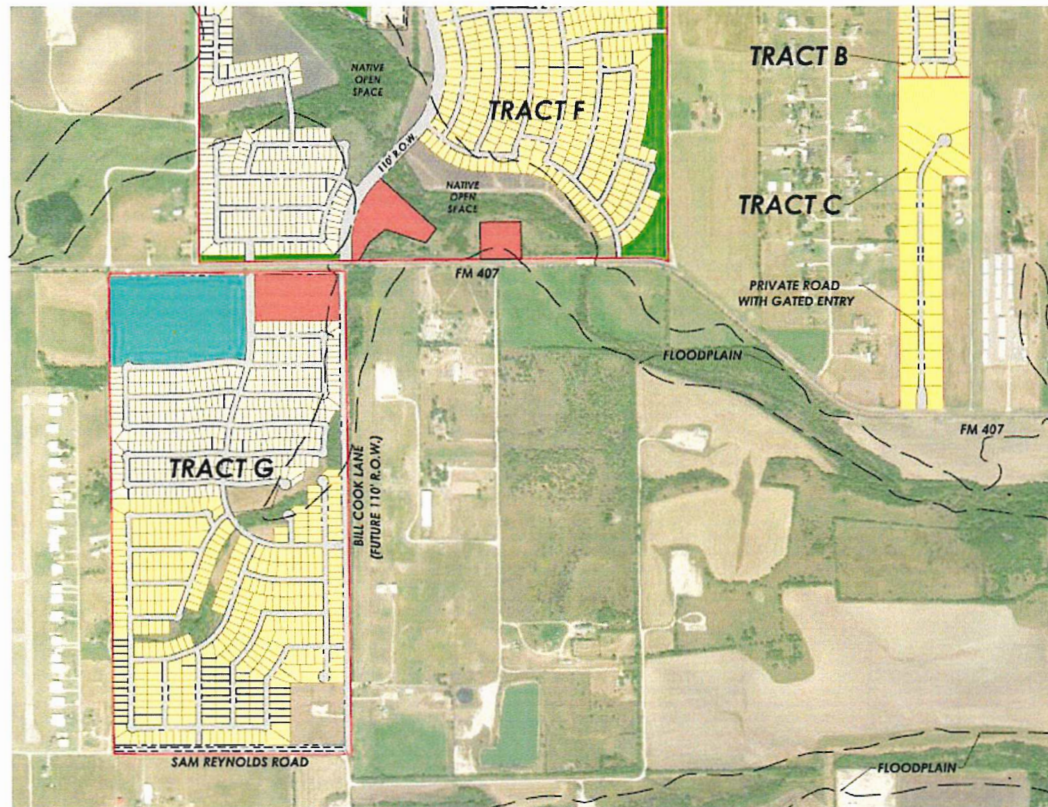
Staff has reviewed the application to ensure consistency with the Developers Agreement that was approved on April 26, 2021. Staff has no concerns with the application.

ATTACHMENTS:

- (A) Map
- (B) Supporting Documentation



APPROVED DEVELOPERS AGREEMENT EXHIBIT



LEGEND

- 50' X 110' LOTS
- 60' X 120' LOTS
- 1/2 ACRE LOTS (MIN. 100' WIDE)
- AMENITY CENTER
- OPEN SPACE / PUBLIC PARK
- SCHOOL SITE
- COMMERCIAL

EXHIBIT "C"
LOCATED IN
DENTON COUNTY, TEXAS
MARCH, 2021

SHEET 2 OF 2

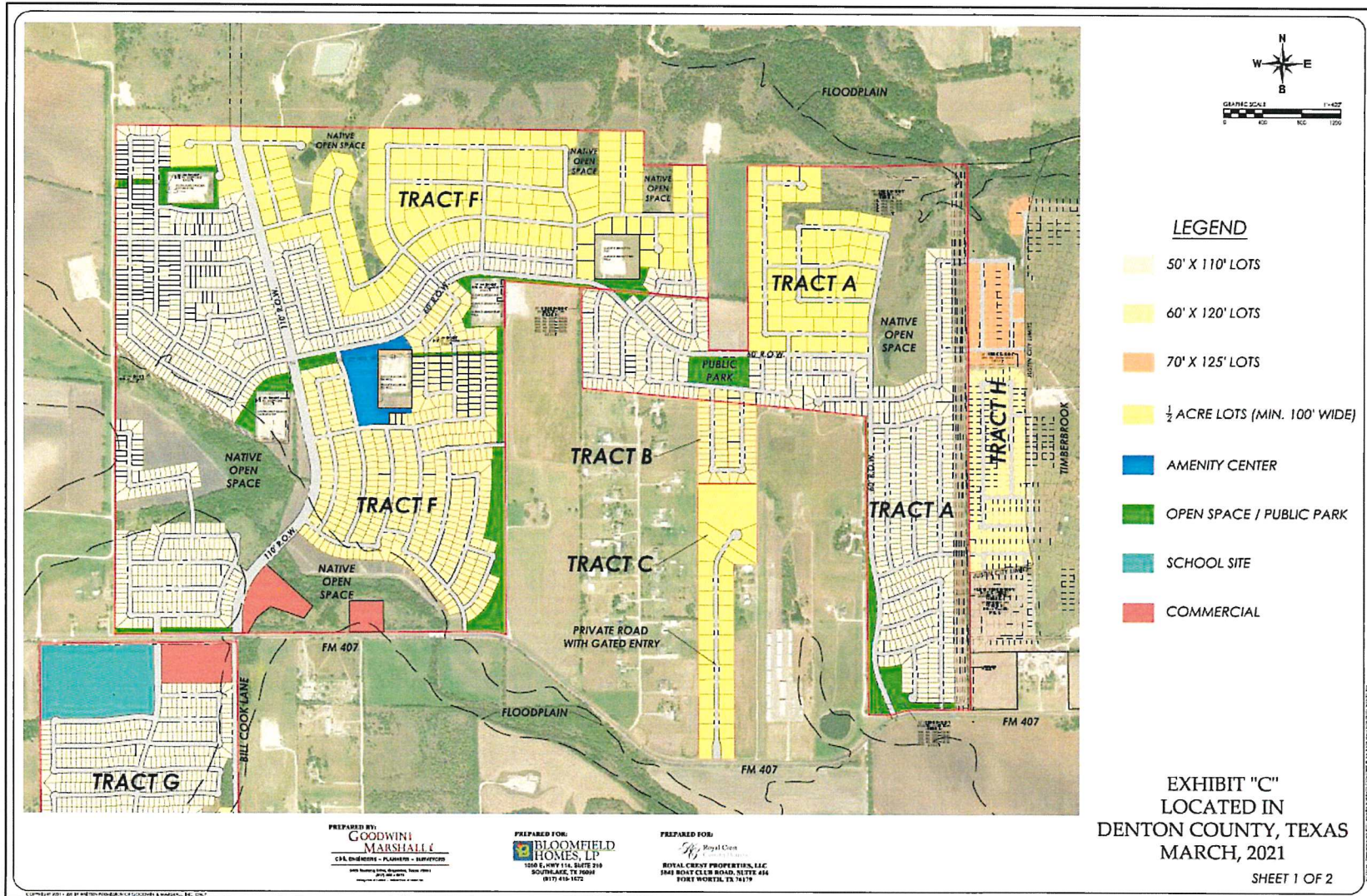
PREPARED BY:
**GOODWIN
MARSHALL**
CIVIL ENGINEERS - PLANNERS - SURVEYORS
2005 W. HWY 114, SUITE 210
SOUTH PLAINS, TX 75088
(972) 418-1072

PREPARED FOR:
**BLOOMFIELD
HOMES, LP**
1000 E. HWY 114, SUITE 210
SOUTH PLAINS, TX 75088
(972) 418-1072

PREPARED FOR:
Royal Crest
ROYAL CREST PROPERTIES, LLC
8844 BAYLOR BLVD., SUITE 400
FORT WORTH, TX 76120

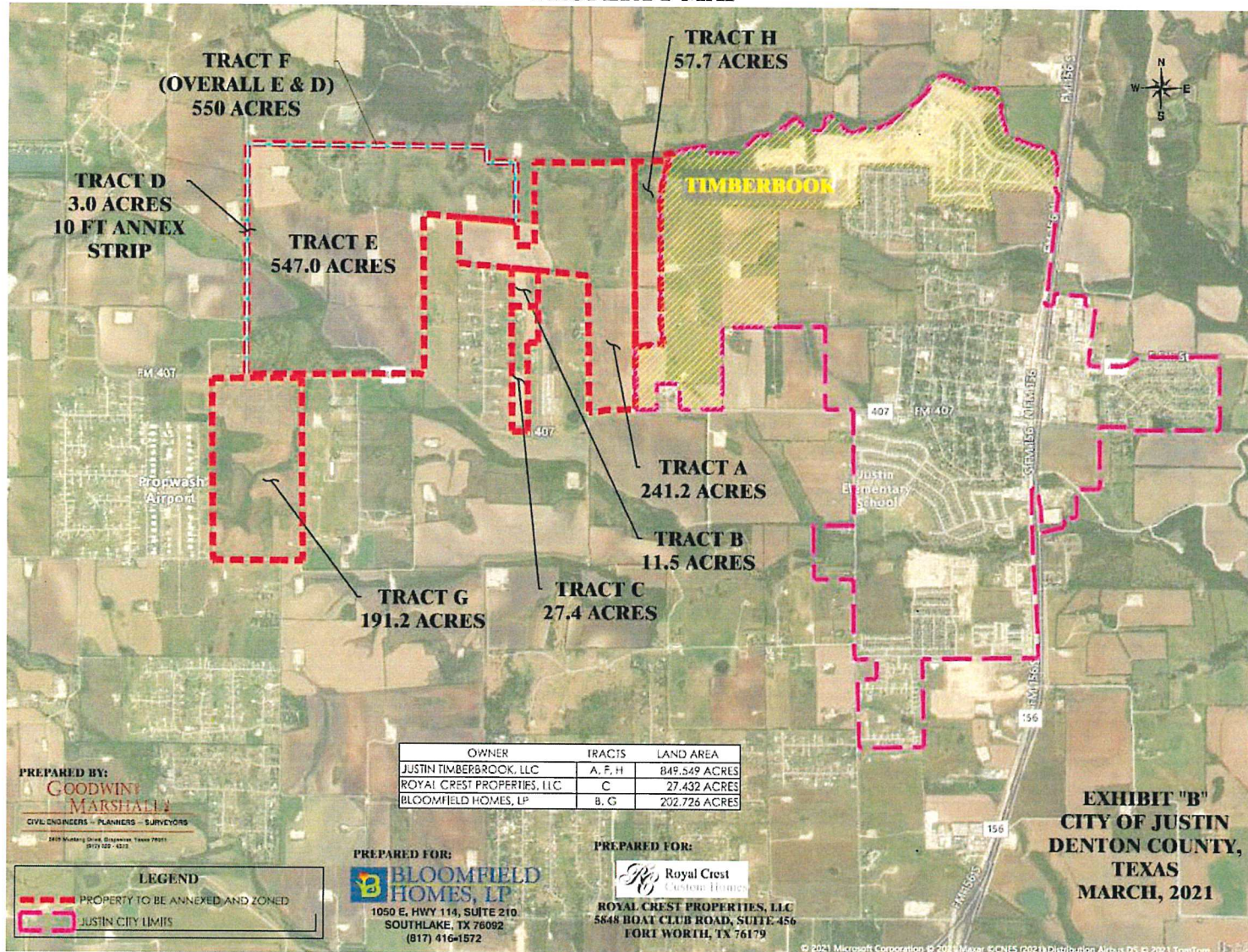
APPROVED DEVELOPERS AGREEMENT EXHIBIT

EXHIBIT C CONCEPT PLAN



APPROVED DEVELOPERS AGREEMENT EXHIBIT

EXHIBIT B PROPERTY MAP



Planned Development of Timberbrook Phases 7, 8, & 9

Justin, Texas

INTRODUCTION

Justin Timberbrook, LLC being the applicant, hereby request the property described herein to be rezoned from SF-LL to PD – Planned Development SF-2. The subject property totals 172.822 acres and will be developed as an approximate 830 lot single-family residential subdivision with public and private open spaces, an amenity center lot, and an elementary school site. The proposed subdivision will be a continuation of the existing **Timberbrook** development for Phases 7, 8, and 9.

page

PROJECT LOCATION AND DESCRIPTION

Timberbrook Phases 7, 8, & 9 is located on the north side of F.M. 407 west of Timberbrook Parkway continuing north to Oliver Creek. **Timberbrook Phases 7, 8, & 9** is situated in the Carl Boeger Survey, Abstract Number 121, M. Garnett Survey, Abstract Number 439, Joseph Sutton Survey, Abstract Number 1151, and W.M. Reed Survey, Abstract Number 1071, City of Justin, Denton County, Texas. The property is currently undeveloped and is bordered by undeveloped property to the north of Oliver Creek and along the west property line. The existing Timberbrook development is to the east of the subject property.

SUBDIVISION REGULATIONS

The Subdivision Regulations of the City of Justin shall apply to development of the Property, except as modified as follows:

All water and sanitary sewer plans shall comply with the City's water and sewer Master Plan and be approved by the City Engineer or designee.

All water and sanitary sewer plans, specifications, and construction shall comply with Texas Commission on Environmental Quality requirements 30 TAC Chapter 290, Subchapter D; Rules and Regulations for Public Water Systems (as amended) and Chapter 217: Design Criteria for Domestic Wastewater Systems (as amended)

DEVELOPMENT STANDARDS

RESIDENTIAL

PD ZONING RESIDENTIAL STANDARDS	SF-5.5	SF-7	SF-8.5
Lot Size (Minimum)			
Lot Area (sq. ft.)	5,500 ¹	7,000 ¹	8,500 ¹
Lot Width (feet)	50 ²	60 ²	70 ²
Lot Depth (feet)	110 ³	110 ³	110 ³
Dwelling Regulations (Minimum Square Footage)			
Minimum Dwelling Floor Area	1,600 ⁴	1,600 ⁴	1,800 ⁴
Yard Requirements			
Front Yard minimum (feet)	20	20	20
Side Yard minimum (feet)	5	5	5
Side Yard of Corner Lots minimum (feet)	10	10	10
Side Yard of Corner Lots (feet) on key lots	20	20	20
Rear Yard minimum (feet)	15 ⁵	15 ⁵	15 ⁵
Lot Coverage Main Structure	50%	50%	50%
Home Requirements			
Main Structure maximum Height (feet)	40	40	40
Accessory Structure Height maximum (feet)	14	14	14
Masonry Percentage minimum	70%	70%	70%
Roof Pitch Minimum	6:12	6:12	6:12

- 1) Minimum square footage based on maintaining a minimum lot width or depth
- 2) Lot Width for curvilinear lots shall be measured at the tangent of the curve at the front setback of the lot.
- 3) Lot Depths for cul-de-sacs and knuckles may be less than minimum depth, while maintaining the minimum lot area (5,500 SF, 7,000 SF, 8,500 SF).
- 4) No more than 25% of dwelling units may be less than 2,000 S.F.
- 5) Rear Yard setbacks for lots on cul-de-sacs and knuckles shall be 10' minimum.

SPECIAL CONDITIONS:

1. Three-tab roofing shall not be permitted.
2. No alleys shall be required and garage doors may face the street.
3. Developer shall install a minimum 6-foot masonry wall or a minimum 6-foot high decorative iron fence with living screen where lots back to a roadway with a 4-foot sidewalk back of curb. Lots which back onto parkland or open space shall provide a minimum 4-foot high decorative iron fence of uniform design. Lots which back onto parkland shall provide a decorative iron fence of uniform design to be approved by the Owners and be installed by the homebuilder.
4. Hike & Bike Trails may be installed in the Flood Plain and Flood Way.
5. Homes shall be set back a minimum 150 feet from existing well heads.
6. Any trees in right-of-ways, easements, house pads, within 10 feet from any house pad, and future roads shall not be mitigated. Any trees planted on lots, medians, landscape buffers, and private or public open space should count for mitigated trees.
7. The only City Fees that will be paid with this project will be water fees, certificate of occupancy fees and building fees.
8. Water services shall be allowed to tap 12-inch diameter or smaller water lines.
9. Roll over curbs will be allowed.
10. All lot purchasers will be required by deed to be members of a homeowners' association.
11. Type B Lot-to-Lot drainage split from the front or rear pad of the upstream lot will be allowed with defined side yard swales.
12. The owner reserves the right to modify the lot mix, street configuration, and layout for the development as presented on Planned Development Zoning Exhibit through the preliminary plat and final plat process, allowing up to a 10% increase or reduction in density for the single-family residential lots.

STREET STANDARDS

Per the approved Development Agreement (**Agreement**) for **Timberbrook**, the Subdivision Regulations shall apply to the development of the Property, except as modified as follows:

50' R.O.W. streets shall be 31' B-B. All paving or other improvements for the 50' R.O.W. road shall be financed by Assessments or the proceeds of PID Bonds to the extent allowed by law.

60' R.O.W. streets along the west property line and adjacent to the school site shall be 37' B-B for two 12 foot lanes with a 12 foot center two way left turn lane. All paving or other improvements for the 60' R.O.W. road shall be financed by Assessments or the proceeds of PID Bonds to the extent allowed by law.

In constructing the roads subject to the **Agreement**, the Owners shall comply with any applicable standards of the City, the County, the State of Texas, and the United States of America (including any agency thereof) with respect to safety requirements and compliance with the Americans with Disabilities Act in force at the time of construction of such road.

Street sections for each class of street are shown in the attached exhibits.

MISCELLANEOUS CONDITIONS

Gas Wells

Must be set back at least 150 feet from existing well heads, homes and parks, and screened in compliance with the City's ordinances.

Park Land, Hike & Bike Trails

Owners shall offer park land for dedication in the final plat to the City in accordance with the City's park dedication requirements in effect as of the Effective Date and the Owners' development plan, in the Owners' sole discretion. Concrete hike and bike trails shall be installed at a width of 6' in the flood plain and flood way. The concrete hike and bike trails shall be paid for with Assessments on the Property within the PIDs to the extent allowed by law.

Screening

Owners shall, at Owners' sole discretion, install a minimum 6-foot high masonry screening wall or wrought iron fence with living screen where lots back to an arterial or collector roadway, with a 4-foot sidewalk. Lots which back onto park land or private open space shall provide a minimum 4-foot high decorative iron fence of uniform design.

Entry Features/Monumentation

Entry features, landscaping, and monumentation to identify the **Timberbrook** development may be installed within roadway medians. The homeowner's association shall be responsible for maintenance for these improvements within public right-of-way.

[illegible]

50'-0" R.O.W.

31'-0" B-B

4'-0" SIDEWALK

2.00%

6" Pavement

2.00%

6" Lime Stabilized Subgrade

2.00%

4'-0" SIDEWALK

2.00%

MOUNTABLE CURB (MONOLITHIC POUR)

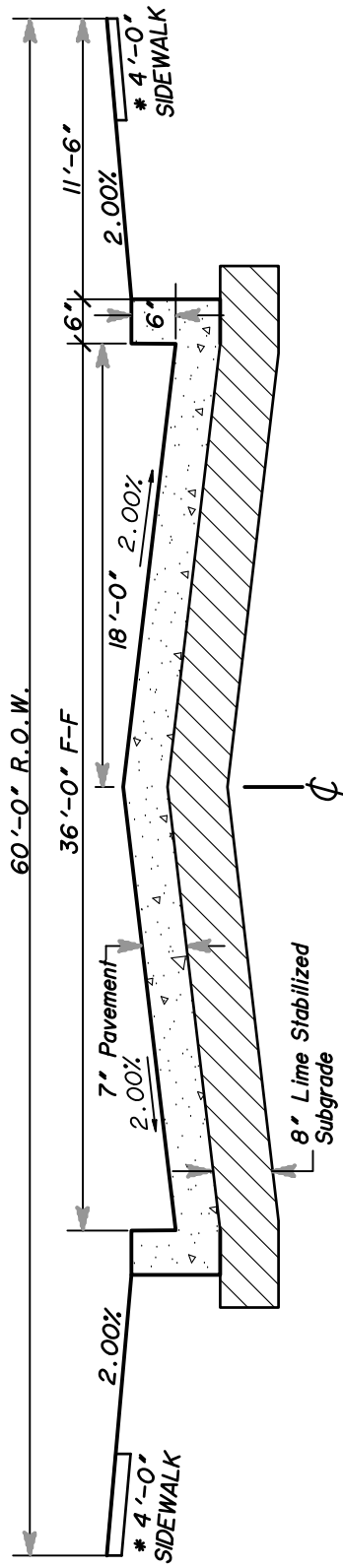
MOUNTABLE CURB (MONOLITHIC POUR)

9'-6"

NTS

NOTES:
ALL CONCRETE PAVEMENT TO BE 3,600 PSI MIN.
REINFORCEMENT SHALL BE NO. 4 BARS @ 18" O.C.B.W.
LIME APPLICATION RATE AS DETERMINED BY LIME
SERIES TEST BY GEOTECHNICAL ENGINEER.

* THE 6' HIKE/BIKE TRAIL
REPLACES THE 4' SIDEWALK
IF TRAIL IS LOCATED ADJACENT
TO OR WITHIN THE R.O.W.



60' R.O.W. CROSS-SECTION

TIMBERBROOK STANDARD 60' R.O.W. - COLLECTOR STREET DETAIL

NTS



TIMBERBROOK PHASES 7, 8, & 9 - PLANNED DEVELOPEMNT ZONING DESCRIPTION 172.882 ACRES

All that certain lot, tract, or parcel of land, situated in a portion of the Carl Boeger Survey, Abstract No. 121, the Margaret Garnett Survey, Abstract No. 439, the William Reed Survey, Abstract No. 1071, and the Joseph Sutton Survey, Abstract No. 1151, City of Justin, Denton County, Texas, being part of that certain called 411.268 acre tract described as Tract 1 in a deed to Justin Timberbrook, LLC recorded in Document No. 2016-55837 of the Deed Records of Denton County, Texas (DRDCT) and being part of that certain called 241.210 acre tract described in a deed to Justin Timberbrook, LLC recorded in Document No. 2017-5803 (DRDCT), and being more completely described as follows, to-wit:

BEGINNING at a 5/8" iron rod found for the Southeast corner of said 241.210 acre tract, the Southwest corner of said 411.268 acre tract and being in the North right-of-way line of Farm-to-Market Highway No. 407 (90' wide public right-of-way), from which a 5/8" iron rod found for the most southerly Southeast corner of said 411.268 acre tract and the Southwest corner of a called 3.0 acre tract described in a deed to William D. Mitchell recorded in Volume 2292, Page 269 (DRDCT) bears North 89 deg. 20 min. 19 sec. East – 480.36 feet;

THENCE South 89 deg. 20 min. 19 sec. West along the South line of said 241.210 acre tract and said North right-of-way line, a distance of 559.43 feet to a 1/2" capped iron rod found stamped "GOODWIN & MARSHALL" hereinafter referred to as 1/2" capped iron rod found, from which a wood highway post bears North 77 deg. 58 min. 45 sec. East – 1.77 feet, said point being a Point of Curvature of a circular curve to the left, having a radius of 617.96 feet, a central angle of 21 deg. 56 min. 53 sec., and being subtended by a chord which bears South 78 deg. 21 min. 53 sec. West - 235.27 feet;

THENCE in a westerly direction along said South line, North right-of-way line and curve to the left, a distance of 236.72 feet to a 1/2" capped iron rod found for a PI in said South line and the Northeast corner of called 0.4136 acre tract described as Tract 1 in a deed to Tom Strader and Jan Strader recorded in Volume 3347, Page 942 (DRDCT), from which a 5/8" iron rod found bears South 55 deg. 10 min. 08 sec. West – 4.21 feet;

THENCE South 89 deg. 23 min. 23 sec. West non-tangent to said curve and departing said North right-of-way line and continue along the North line of said 0.4136 acre tract and the South line of said 241.210 acre tract, a distance of

256.24 feet to a 1/2" capped iron rod found for the Northwest corner of said 0.4136 acre tract, the most southerly Southwest corner of said 241.210 acre tract and being in the East line of a called 39.95 acre tract described as Tract 2 in said deed to Tom Strader and Jan Strader;

THENCE North 00 deg. 34 min. 11 sec. West along the East line of said 39.95 acre tract and the West line of said 241.210 acre tract, a distance of 3,076.82 feet to a 5/8" iron rod found for the Northeast corner of said 39.95 acre tract and an ell corner of said 241.210 acre tract;

THENCE South 85 deg. 36 min. 42 sec. East, a distance of 17.09 feet to a 1/2" capped iron rod set stamped "GMCIVIL" hereinafter referred as 1/2" capped iron rod set;

THENCE North 00 deg. 22 min. 06 sec. West, a distance of 201.64 feet to a 1/2" capped iron rod set;

THENCE North 89 deg. 37 min. 54 sec. East, a distance of 60.00 feet to a 1/2" capped iron rod set;

THENCE North 00 deg. 22 min. 06 sec. West, a distance of 110.00 feet to a 1/2" capped iron rod set;

THENCE North 89 deg. 37 min. 54 sec. East, a distance of 190.28 feet to a 1/2" capped iron rod set;

THENCE North 04 deg. 54 min. 30 sec. East, a distance of 2,281.01 feet to a 1/2" capped iron rod set in the North line of said 241.210 acre tract;

THENCE North 88 deg. 14 min. 56 sec. East along said North line and the North line of said 411.268 acre tract, a distance of 1,229.45 feet to a point in Oliver Creek for an ell corner of said 411.268 acre tract;

THENCE North 03 deg. 52 min. 41 sec. West departing said Oliver Creek and continue along the West line of said 411.268 acre tract, a distance of 134.57 feet to a 10" cedar fence post for the most northerly Northwest corner of said 411.268 acre tract;

THENCE North 77 deg. 31 min. 56 sec. East along the North line of said 411.268 acre tract, a distance of 74.88 feet to a 20" double pecan tree;

THENCE North 74 deg. 21 min. 14 sec. East departing said North line, a distance of 163.65 feet to a 1/2" capped iron rod set for a Point of Curvature of a non-tangent circular curve to the left, having a radius of 2,640.00 feet, a central angle of 26 deg. 01 min. 14 sec., and being subtended by a chord which bears South 13 deg. 59 min. 29 sec. West - 1,188.66 feet;

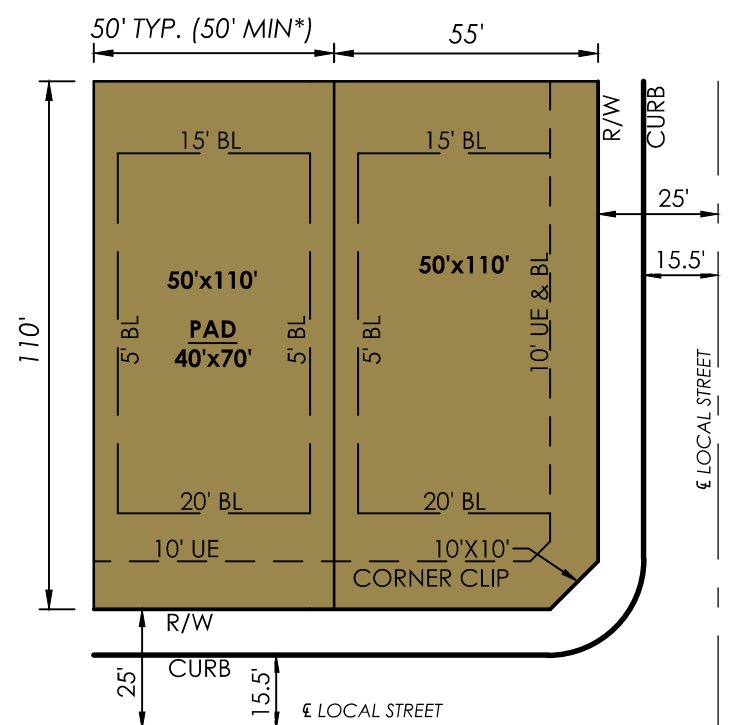
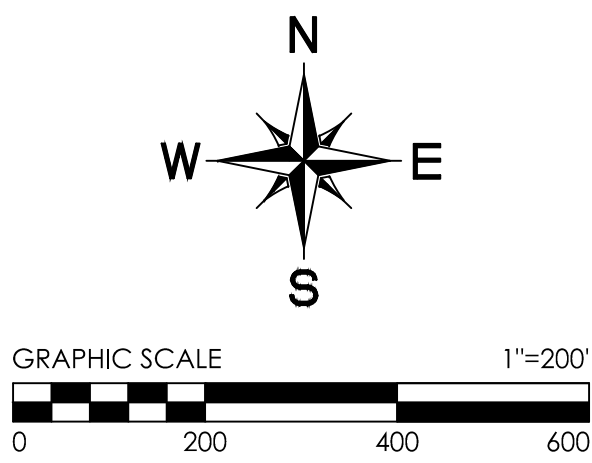
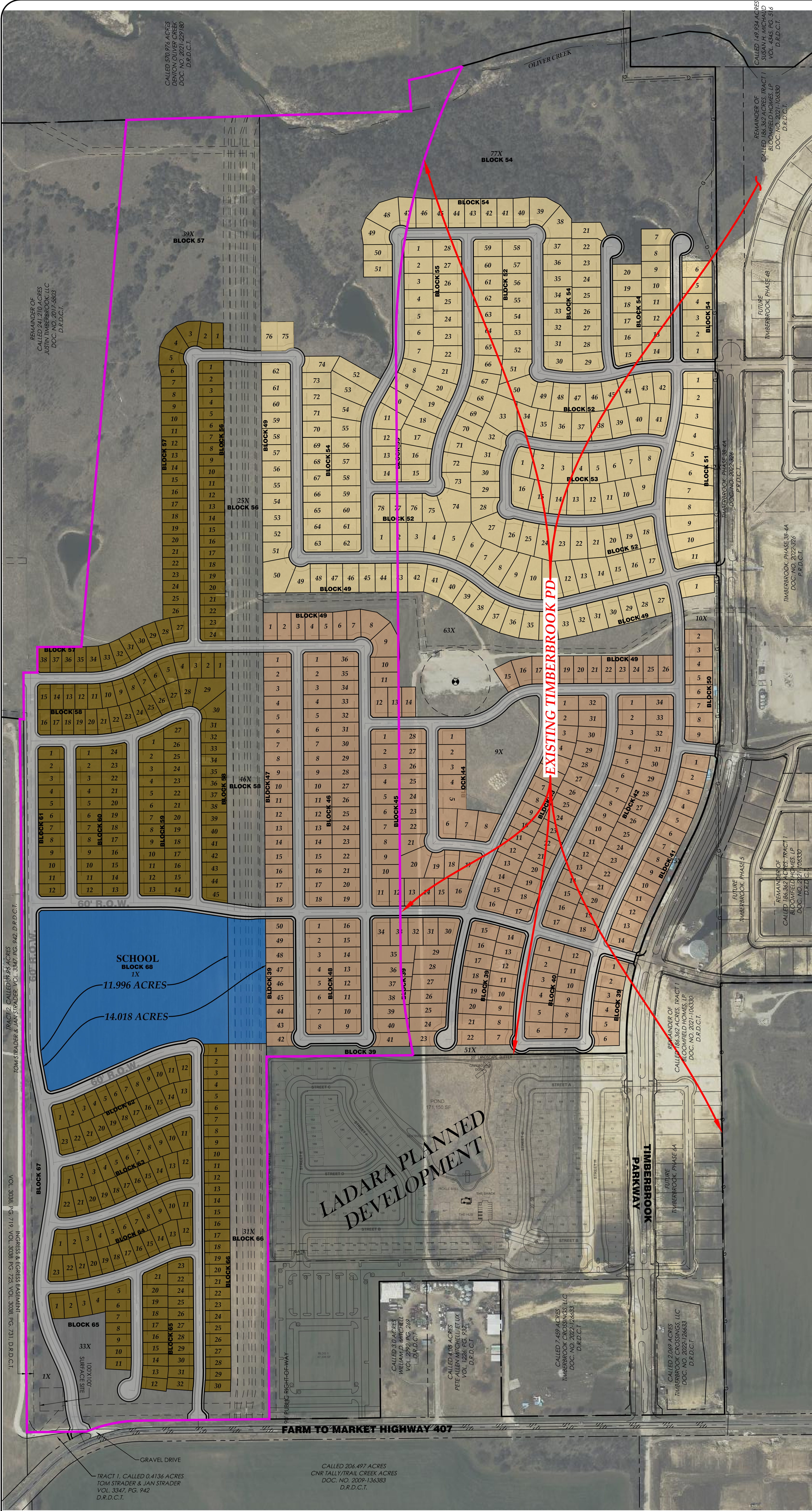
THENCE in a southerly direction along said curve to the left, a distance of 1,198.94 feet to a 1/2" capped iron rod set;

THENCE South 00 deg. 25 min. 43 sec. East non-tangent to said curve, a distance of 2,736.00 feet to a 1/2" capped iron rod set for a Point of Curvature of a non-tangent circular curve to the left, having a radius of 2,640.00 feet, a central angle of 08 deg. 17 min. 29 sec., and being subtended by a chord which bears South 08 deg. 13 min. 52 sec. East – 381.71 feet;

THENCE in a southerly direction along said curve to the left, a distance of 382.04 feet to a 1/2" capped iron rod set;

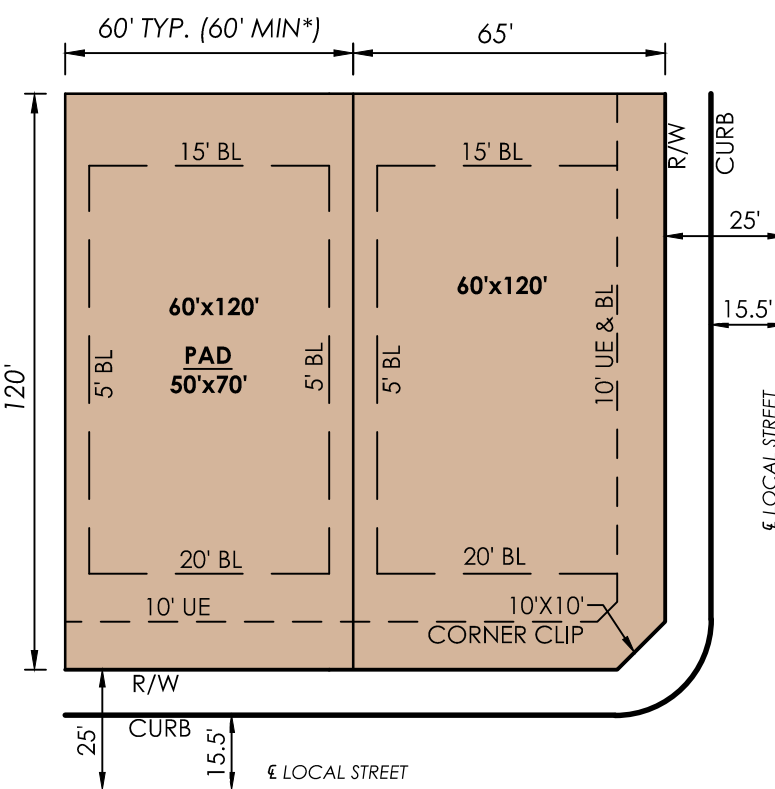
THENCE South 89 deg. 27 min. 48 sec. West non-tangent to said curve, a distance of 633.74 feet to a 1/2" capped iron rod set in the East line of said 241.210 acre tract and the West line of said 411.268 tract;

THENCE South 00 deg. 25 min. 43 sec. East along said East and West lines, a distance of 1,563.75 feet to the **POINT OF BEGINNING**, containing 7,530,737 square feet or 172.882 acres of land, more or less.



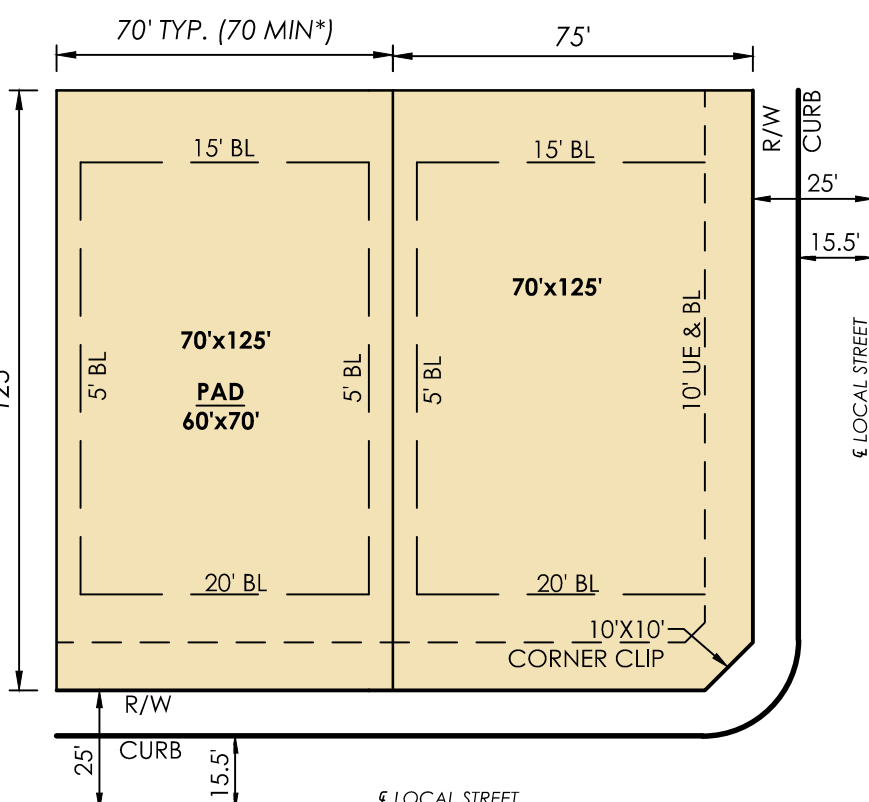
TYPICAL LOT DETAIL - S.F. 5.5
N.T.S.
MINIMUM AREA = 5,500 SQ. FT.

*LOT WIDTH MAY BE 50 FEET, AS MEASURED AT THE FRONT BUILDING LINE, ON A CUL-DE-SAC BULB.



TYPICAL LOT DETAIL - S.F. 7.0
N.T.S.
MINIMUM AREA = 7,000 SQ. FT.

*LOT WIDTH MAY BE 60 FEET, AS MEASURED AT THE FRONT BUILDING LINE, ON A CUL-DE-SAC BULB.



TYPICAL LOT DETAIL - S.F. 8.5
N.T.S.
MINIMUM AREA = 8,500 SQ. FT.

*LOT WIDTH MAY BE 70 FEET, AS MEASURED AT THE FRONT BUILDING LINE, ON A CUL-DE-SAC BULB.

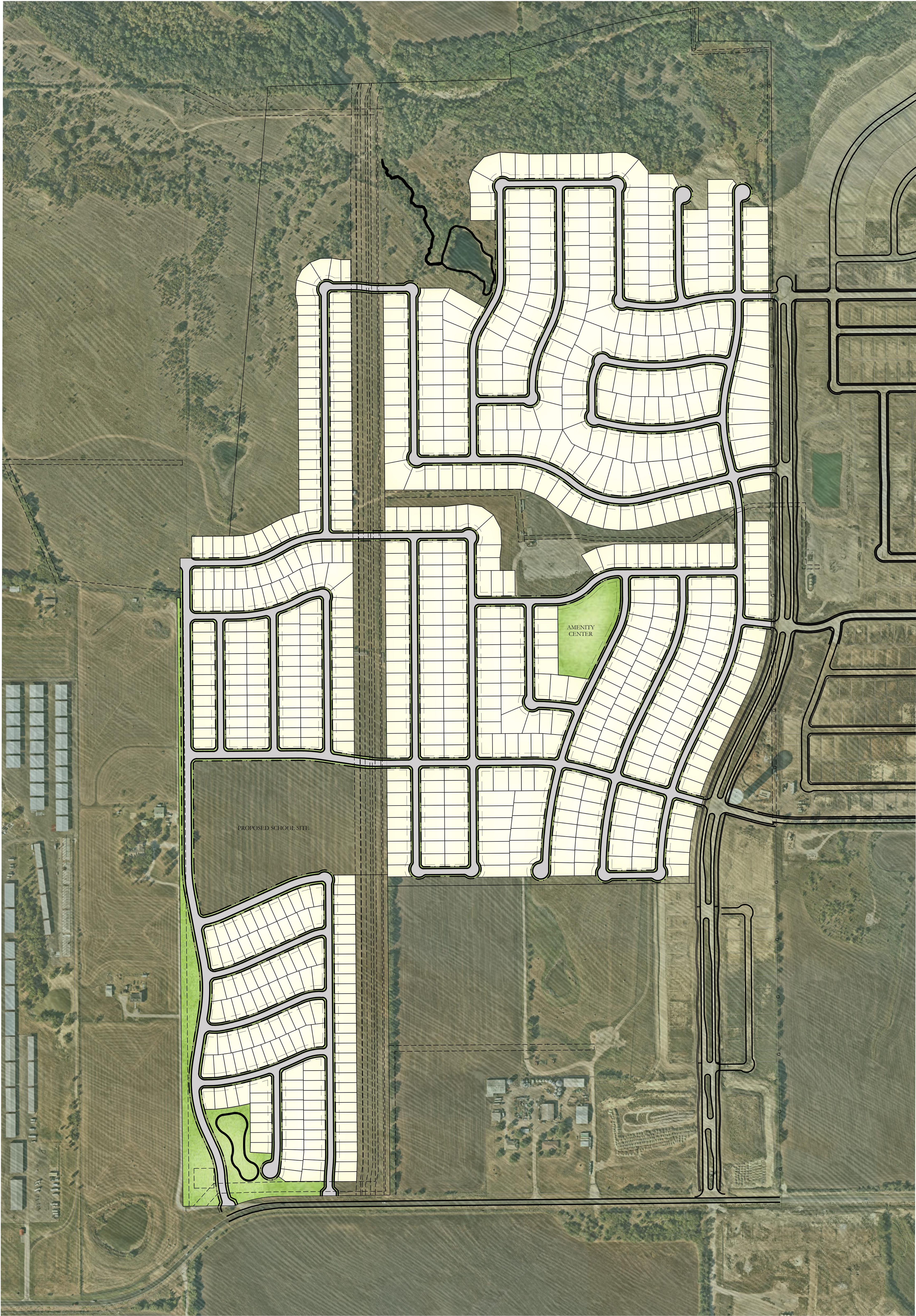
LOT MATRIX TABLE		
PHASE	NUMBER OF LOTS	PERCENTAGE
50' LOTS	300	36.23%
60' LOTS	282	34.06%
70' LOTS	246	29.71%
TOTAL	828	100.00%

LEGEND	
	BOUNDARY LINE
	ADJOINER LINE
	ABSTRACT LINE
	CREEK CENTERLINE
	CENTERLINE
	RIGHT-OF-WAY LINE
	CURB LINE
	CITY LIMIT LINE
	PROPOSED ZONING PD LINE

**PLANNED DEVELOPMENT
ZONING EXHIBIT**
FOR
**TIMBERBROOK,
PHASES 7, 8 & 9**
BEING
172.882 ACRES
SITUATED IN THE
CITY OF JUSTIN, DENTON COUNTY,
TEXAS
Date: December 2022

DEVELOPER:
B **BLOOMFIELD
HOMES, LP**
1050 E. HWY 114, SUITE 210
SOUTHLAKE, TX 76092
(817) 416-1572

PREPARED BY:
GMcivil
Engineering & Surveying
2557 SW Grapevine Hwy, Grapevine, Texas 76051
817-329-4373
TxEng Firm # F-2944 | TxSurv Firm # 10021700



NORTH

SCALE: 1" = 200'-0"

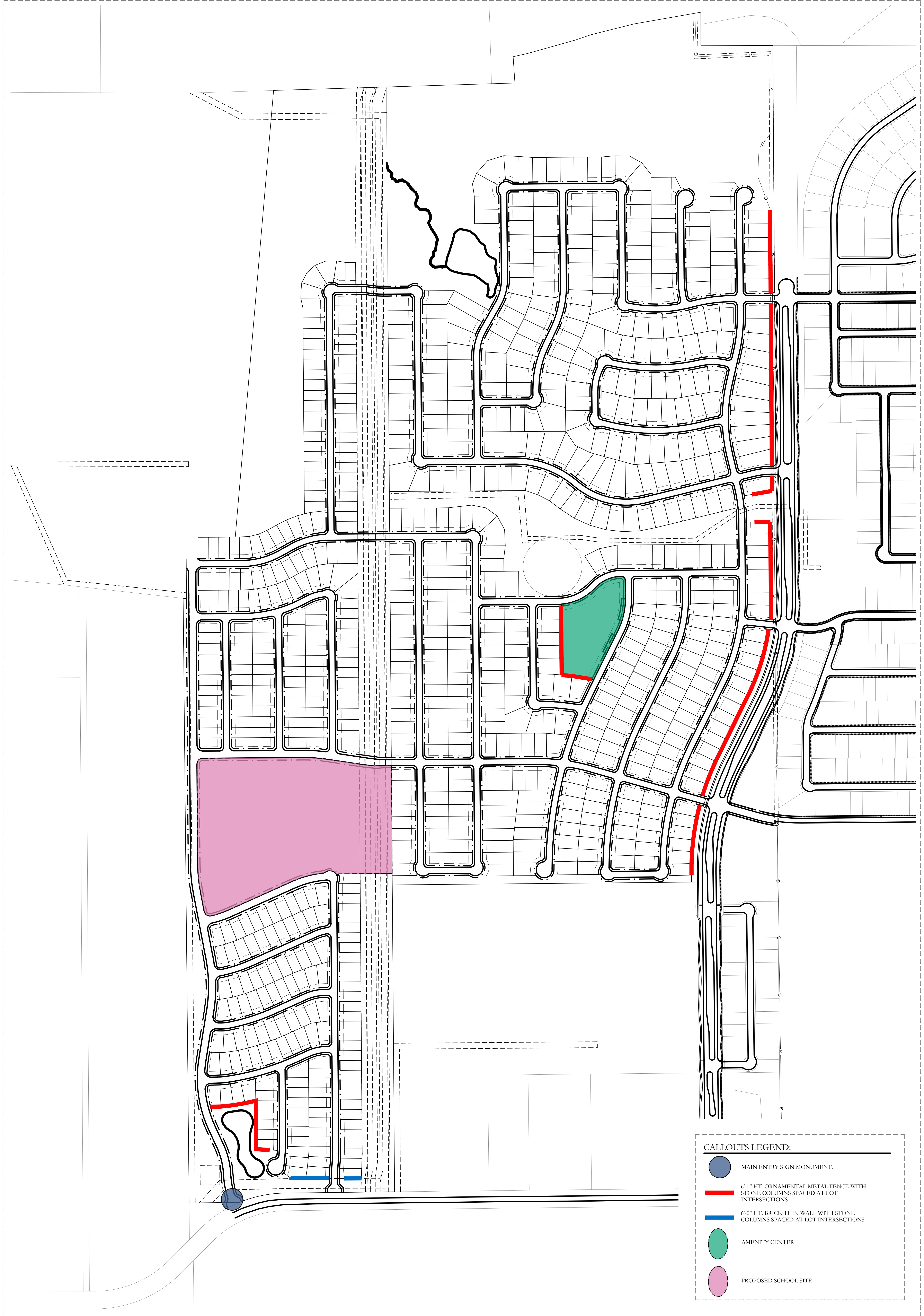
TIMBERBROOK PHASES 7, 8, & 9 / OVERALL CONCEPT PLAN

City of Justin, Denton County, Texas








JOHNSON VOLK
CONSULTING

TBPELS: Engineering Firm No. 11962 / Land Surveying Firm No. 10194033
704 Central Parkway East | Suite 1200 | Plano, TX 75074 | 972.201.3100



CALLOUTS LEGEND:

-  MAIN ENTRY SIGN MONUMENT.
-  6'-0" HT. ORNAMENTAL METAL FENCE WITH STONE COLUMNS SPACED AT LOT INTERSECTIONS.
-  6'-0" HT. BRICK THIN WALL WITH STONE COLUMNS SPACED AT LOT INTERSECTIONS.
-  AMENITY CENTER
-  PROPOSED SCHOOL SITE



NORTH

SCALE: 1" = 200'-0"

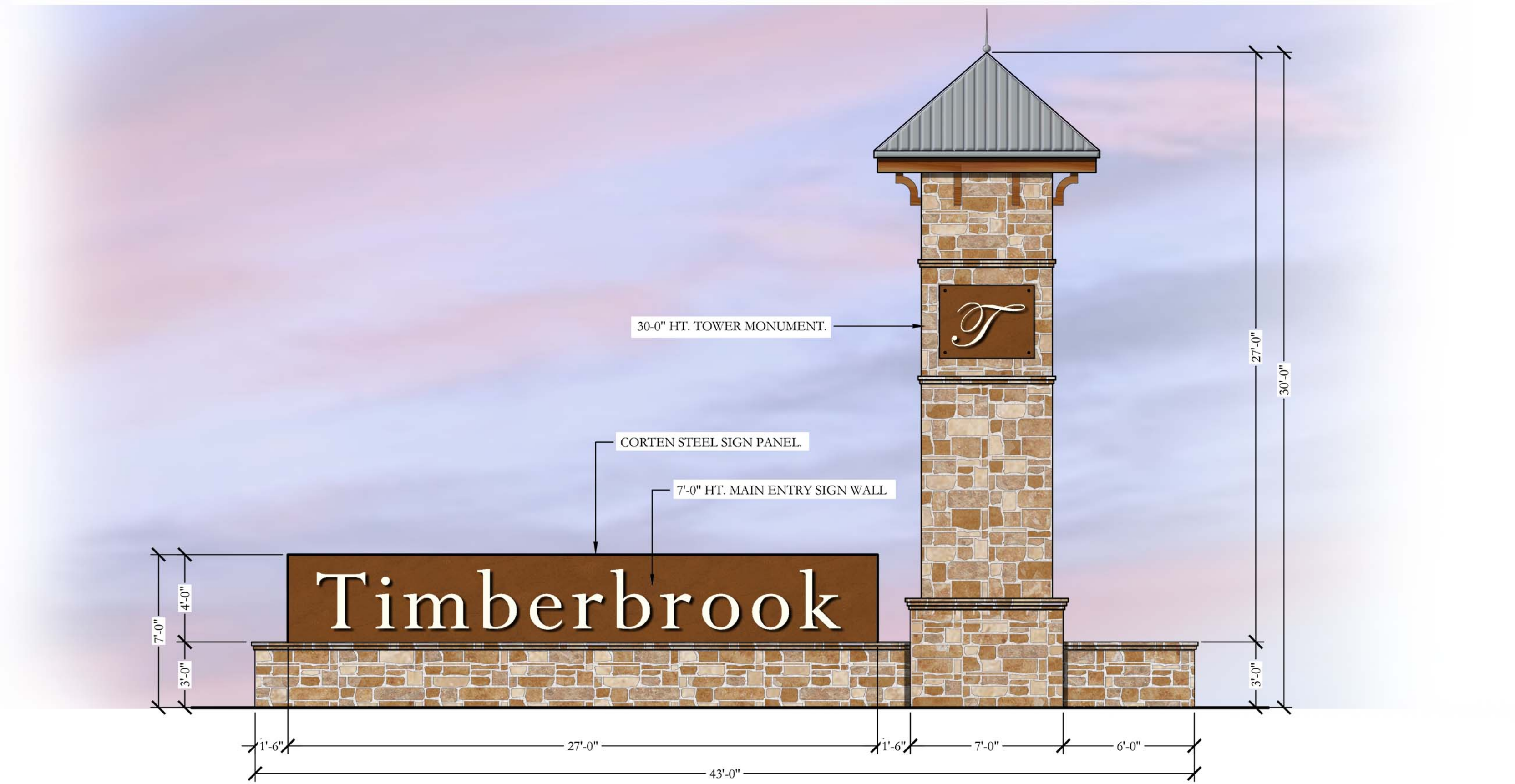
TIMBERBROOK PHASES 7, 8, & 9 / SCREENING AND ENTRY

City of Justin, Denton County, Texas



JOHNSON VOLK
CONSULTING

TBPCLS Engineering Firm No. 11962 / Land Surveying Firm No. 10194033
704 Central Parkway East | Suite 1200 | Plano, TX 75074 | 972.201.3100



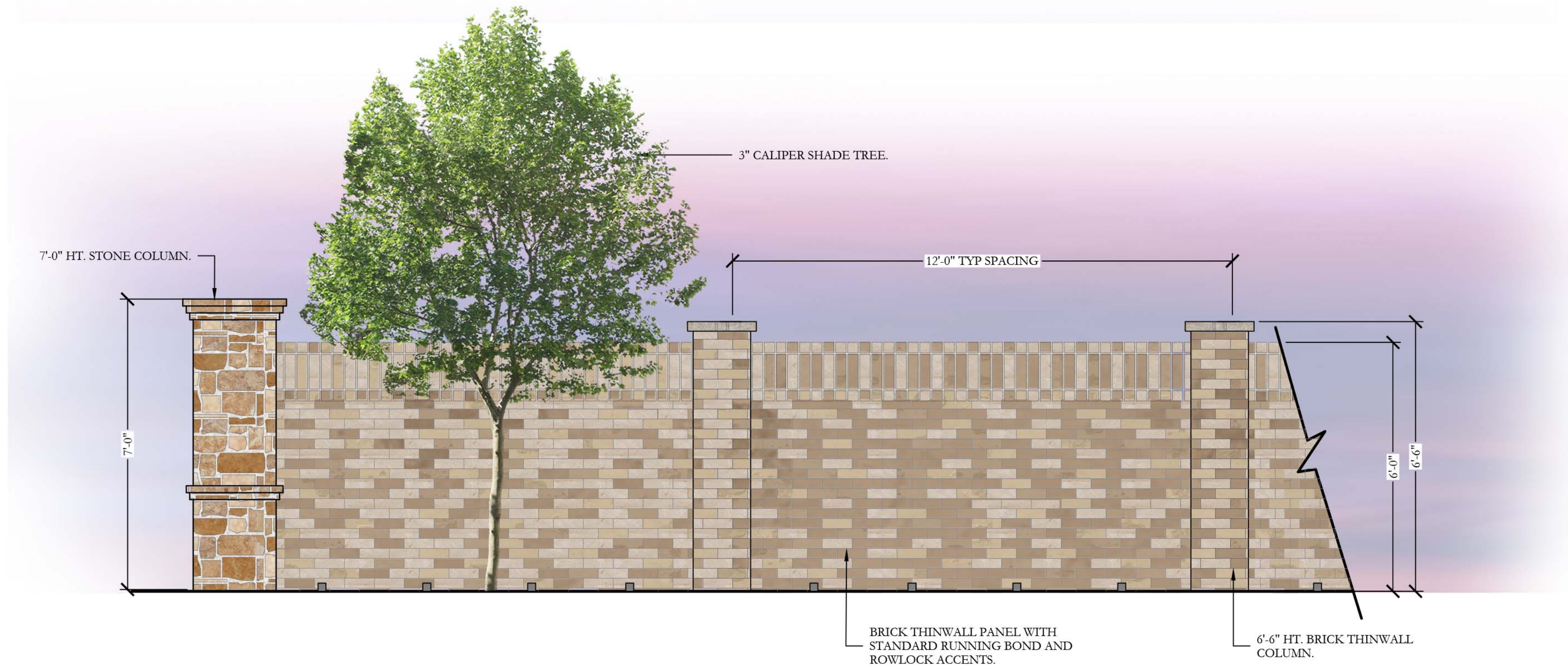
MAIN ENTRY MONUMENT
ELEVATION

SCALE: 1/4" = 1'-0"



COLUMN WITH 6'-0" HT. ORNAMENTAL METAL FENCE
ELEVATION

SCALE: 1/2" = 1'-0"



COLUMN WITH 6'-0" HT. BRICK THIN WALL
ELEVATION

SCALE: 1/2" = 1'-0"

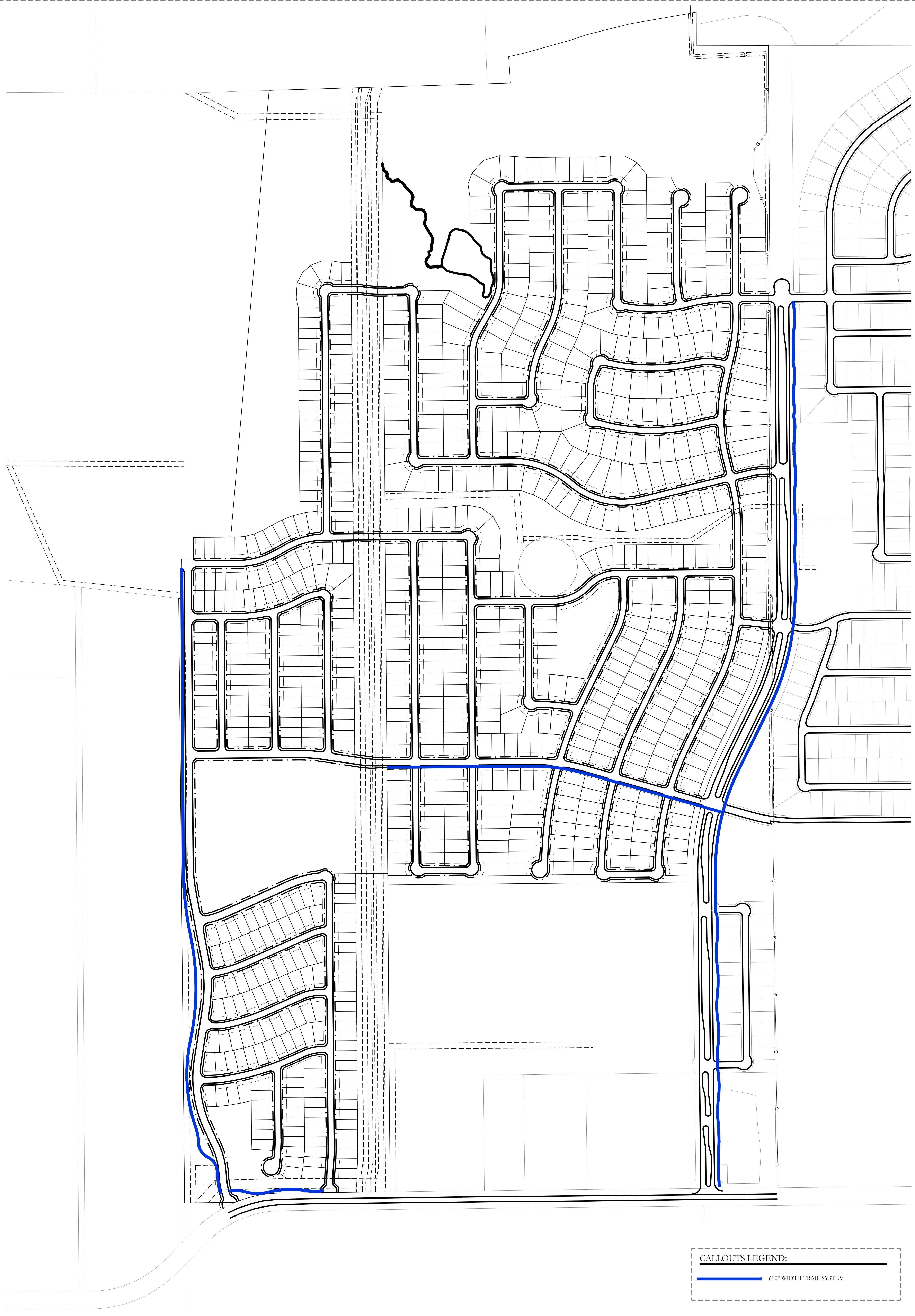


TYPICAL ORNAMENTAL METAL FENCE
SECTION

SCALE: 1/2" = 1'-0"

TIMBERBROOK PHASES 7, 8, & 9 / SCREENING AND ENTRY

City of Justin, Denton County, Texas



CALLOUTS LEGEND:

6'-0" WIDTH TRAIL SYSTEM



NORTH

TIMBERBROOK PHASES 7, 8, & 9 / TRAIL SYSTEM

City of Justin, Denton County, Texas



CALLOUTS LEGEND:

A CONCRETE TRAIL SYSTEM

3" CALIPER SHADE TREE;
SPECIES TBD.

2" CALIPER ORNAMENTAL
TREE; SPECIES TBD.

SHRUB AND
GROUND COVER BED.



NORTH

SCALE: 1" = 30'-0"

TIMBERBROOK PHASES 7, 8, & 9 / DETENTION AREA

City of Justin, Denton County, Texas

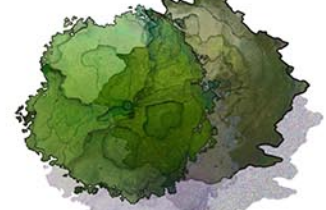
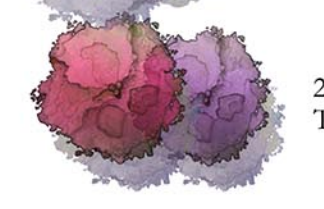
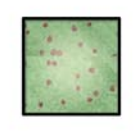


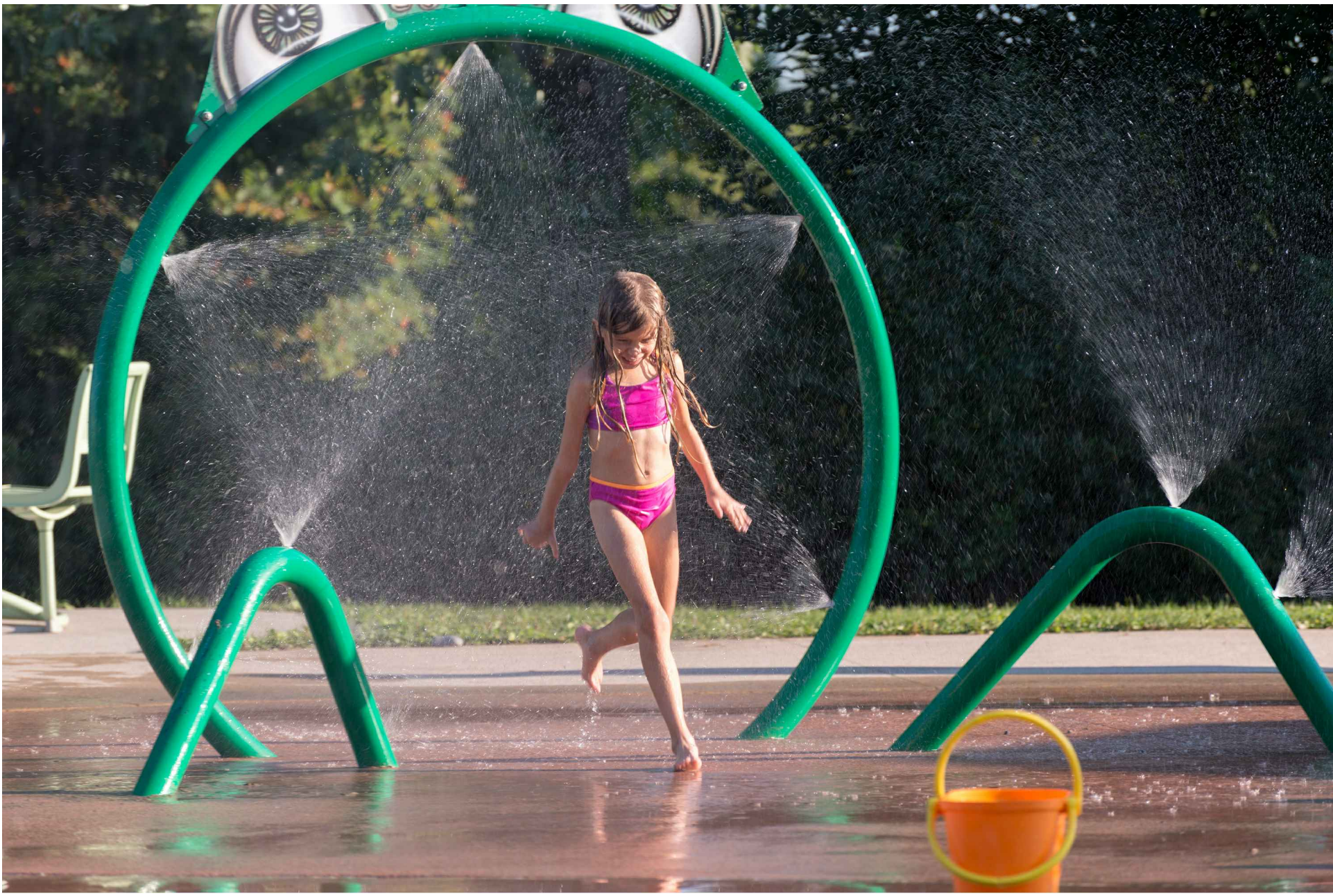
JOHNSON VOLK
CONSULTING

TBPELS: Engineering Firm No. 11962 / Land Surveying Firm No. 10194033
704 Central Parkway East | Suite 1200 | Plano, TX 75074 | 972.201.3100



CALLOUTS LEGEND:

(A) CEDAR SHADE STRUCTURE		3" CALIPER SHADE TREE; SPECIES TBD.
(B) CONCRETE POOL DECK		2" CALIPER ORNAMENTAL TREE; SPECIES TBD.
(C) CONCRETE SIDEWALK		SHRUB AND GROUNDCOVER BED.
(D) SWIMMING POOL (3,228 SQ. FT.)		
(E) CHILDREN'S POOL AREA		
(F) TANNING LEDGE		
(G) RESTROOM BUILDING (+/- 500 SQ. FT.)		
(H) POOL EQUIPMENT ENCLOSURE		
(I) PROPOSED PARKING LOT (10 PARKING STALLS)		
(J) OPEN PLAY AREA		
(K) PLAYGROUND FACILITY		



TIMBERBROOK PHASES 7, 8, & 9 / AMENITY CENTER PHOTO BOARD

City of Justin, Denton County, Texas



TIMBERBROOK PHASES 7, 8, & 9 / LANDSCAPE PHOTO BOARD

City of Justin, Denton County, Texas

City Council Meeting

April 11, 2023

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Items: 5

Title: Consider and take appropriate action to approve Ordinance 750-23 on first reading to consider the creation of the City of Justin Board of Ethics.

Department: Human Resources/ Administration

Contact: Human Resource Generalist, Janet Holden, Interim City Manager, Jarrod Greenwood

Recommendation:

Background:

In discussion during the 3/28 Council Meeting, the process for the selection of candidates was brought up. At this time, there are no policies from other cities that have defined this procedure, and selection process outside of the norm. Options can be by means of in-person interviews, recorded interviews with the provided questions, etc. Staff would like direction in order to write in this practice to the current draft policy.

City Attorney Review:

Attachments:

1.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF JUSTIN, TEXAS AMENDING THE CODE OF ORDINANCES CHAPTER 2 ADMINISTRATION BY ADDING SEC. 2-111 RELATIVE TO THE CREATION OF THE BOARD OF ETHICS; PROVIDING A PENALTY; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Justin (the “City”) is a home rule municipality incorporated and operating under the laws of the State of Texas and 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, Sec 13.08 of the Home Rule Charter of City of Justin provides that “no more than 30 days after the May 2023 regular City election, the City Council shall create a Board of Ethics, which shall consist of five regular members and up to three alternate members[;]” and

WHEREAS, the provisions of this ordinance are intended to comply with Sec 13.08 of the Home Rule Charter of City of Justin;

WHEREAS, all statutory and constitutional requirements for the passage of this ordinance have been adhered to, including but not limited to the Open Meetings Act.

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

SECTION 1: THAT the foregoing recitals are hereby incorporated by and made a part hereof as if fully set forth.

SECTION 2: THAT Chapter 2, Article IV is hereby amended by adding Sec. 2-111, which shall read as follows:

Sec. 2-111. – Board of ethics.

(a) There is hereby created a Board of Ethics for the City of Justin.

(b) Organization.

- (1) The Board of Ethics shall consist of five (5) members and up to three (3) alternates.
- (2) Each member and alternate shall be appointed by the affirmative vote of a majority of the full membership of the City Council.
- (3) Board of Ethics members shall be appointed for two (2) year, staggered terms. Members may be reappointed for successive terms. Members of the inaugural

Board of Ethics shall draw straws to determine which (3) members shall receive an initial term of one (1) year in order to stagger terms.

- (4) Any appointment to fill a vacancy on the board shall be for the remainder of the unexpired term.

(c) To be eligible to be a member, or alternate member, of the board of ethics a person must:

- (1) be 18 years of age at the time of application;
- (2) meet all requirements to be a qualified voter as set forth in the Texas Election Code at the time of application.
- (3) have resided in the corporate limits of the City of Justin, or recently annexed territory for at least 12 months immediately preceding application;
- (4) comply with all City Ordinances or resolutions that may be applicable;
- (5) if applicable, resign from any City of Justin Board position which they may currently hold;
- (6) provide consent for a background investigation. which shall be limited in scope to confirm compliance with this section;
- (7) not be ineligible pursuant to subsection (d).

(d) The following individuals are not eligible to become a member, or alternate member, of the board of ethics:

- (1) city officials;
- (2) former city officials who have been separated from city service for a period of less than one year at the time of application;
- (3) any individual who is within the first (1st) degree of affinity (marriage), or the first (1st) degree of consanguinity (blood or adoption) of a City Official;
- (4) any individual who is a member of a City official's household;
- (5) any person who currently serves as an elected official in Denton County; and
- (6) any person who has been convicted of a offense, regardless if it is a felony or a misdemeanor offenses, involving moral turpitude from which the person had not been pardoned or otherwise released from the resulting disability.

- (e) Scope of authority. The Board of Ethics shall have jurisdiction to conduct investigations and make recommendations on any ethics complaint filed.
- (f) Submission of ethics complaint. Any person who has first-hand knowledge that there has been a violation of the Code of Ethics may allege such violations by submitting a complaint in writing to the Human Resources Department of the City of Justin. Submission of Complaints may be made by hand delivery, U.S. Mail, or emailed directly to the Human Resources Department. A complainant must be a resident of the City of Justin, own real property in the City of Justin, or be an employee or City Official to be eligible to file a complaint with the Board of Ethics. A complaint filed under this section must include a sworn, written statement that sets forth the following:
 - (1) The name of the Complainant.
 - (2) The street or mailing address, email address, and the telephone number of the Complainant.
 - (3) The name of the person violating the Code of Ethics. (if more than one person involved, then a separate complaint must be filed).
 - (4) The position or title of the person accused of violating the Code of Ethics.
 - (5) The nature of the alleged violation, including (whenever possible) the specific provision of the Code of Ethics that has been alleged to have been violated.
 - (6) The facts constituting the alleged violation and the dates on which or period of time in which the alleged violation occurred.
 - (7) All documents or other material available to the Complainant that are relevant to the allegation.
 - (8) A conspicuous statement that the allegation, if true, constitutes a violation of the Code of Ethics.
- (g) A Complaint must be submitted within six (6) months of the Complainant becoming aware of the act or omission that constitutes a violation of the Code of Ethics. A complaint will not be accepted more than two (2) years after the date of the act or omission.
- (h) Acceptance of Complaint. Within five (5) business days of receiving a Complaint, Human Resources shall determine if it is administratively complete, and timely.
 - (1) Administratively Complete: A complaint is administratively complete if contains the information described above. If the Complaint is administratively complete, Human Resources shall proceed as described in the Code of Ethics.

If the Complaint is incomplete, Human Resources shall send a written deficiency notice to the Complainant identifying the required information that was not submitted.

- (2) The Complainant shall have ten (10) business days after the date Human Resources sends a deficiency notice to the Complainant to provide the required information to Human Resources, or the Complaint is automatically deemed abandoned and may not be processed in accordance with the Code of Ethics. Within five (5) business days of a Complaint being abandoned, Human Resources shall send written notification to the Complainant.
- (i) A Complaint that has been submitted to the City is hereby deemed confidential until such time as the Complaint is either dismissed or placed on an agenda for consideration by the Board of Ethics in accordance with the Code of Ethics. The Confidentiality created by the Board of Ethics includes the fact that a Complaint was submitted and the contents of that Complaint. It shall be a violation of the Code of Ethics, for a Human Resources, City Attorney, or other official to publicly disclose information relating to the filing or processing of a Complaint, except as required for the performance of official duties or as required by law. Requests for records pertaining to Complaints shall be responded to in compliance with the State law. The limited confidentiality created by the Board of Ethics is limited in scope and application by the mandates of the Texas Public Information Act, Chapter 552 of the Texas Government Code.
 - (j) Ex Parte Communications. After a Complaint has been filed and during the pendency of a Complaint before the Board of Ethics, it shall be a violation of the Code of Ethics:
 - (1) For the Complainant, or any person acting on their behalf to engage or attempt to engage directly or indirectly about the subject matter or merits of a Complaint in ex parte communication with a member of the Board of Ethics or any known witness to the Complaint.
 - (2) For a member of the Board of Ethics, to knowingly allow an ex parte communication about the subject matter or merits of a Complaint, or to communicate about any issue of fact or law relating to the Complaint directly or indirectly with any person other than a member of the Board of Ethics, Human Resources, the City Attorney's office or Special Counsel.
 - (k) Preliminary Assessment.
 - (1) Referral to Chairperson – Accepted Complaint(s) shall be referred to the Chairperson of the Board of Ethics within (5) business days of being determined an Accepted Complaint.

- (2) Validity of Complaint – Within five (5) business days of receiving an Accepted Complaint, the Chairperson will request the Board of Ethics to convene to determine the validity of the Complaint.
- (3) Board Determination – Within five (5) business days of being convened, the Board of Ethics shall review the Complaint on its face and determine whether the Complaint is an Actionable Complaint, Baseless Complaint or Frivolous Complaint.
- (4) Actionable Complaints shall be returned to the Chairperson for listing on an agenda for investigation. Human Resources will notify the person accused in the complaint that the Board of Ethics has received a Complaint and forward the Accused a copy of the complaint. As well as notify both the Complainant and the Accused of the Board of Ethics meeting to investigate the complaint. The accused may submit a written statement to Human Resources prior to the Board of Ethics investigation.

(1) Meetings:

- (1) Meetings of the Board of Ethics shall be called upon request of the Chairperson, three (3) members, or Human Resources.
- (2) The quorum necessary to conduct meetings of the Board of Ethics shall be three (3) members. The Chairperson shall count toward the establishment of a quorum.

(3) Hearings.

- (A) Hearings shall be scheduled by Human Resources upon the filing of a Committee determination that a Complaint is Actionable Complaint.
- (B) The Purposes of the hearing(s) shall be solely to determine whether a violation of the Code of Ethics occurred, and if so to make recommendations for the appropriate sanction, or if an accepted Complaint is a Frivolous Complaint.
- (C) The Board of Ethics shall adopt rules of procedure governing how to conduct hearings on Actionable Complaints. Such procedural rules are subject to confirmation or modification by the City Council.
- (D) All witness testimony provided to the Board of Ethics shall be under oath.
- (E) Because the burden of showing that a violation of the Code of Ethics occurred is placed on the Complainant, it is the Complainant that has the obligation to put forth evidence, including testimony, supporting the Complaint. The complainant is required to testify at the hearing. A

complainant's failure to testify at a hearing shall be grounds for dismissal of a Complaint.

- (4) All meetings and hearings of the Board of Ethics shall be conducted pursuant to the Texas Open Meeting Act. The Board of Ethics may convene in Executive Session (i.e., conduct a closed meeting) as allowed by the act. All final action of the Board of Ethics shall take place in open session.
- (5) Postponement in Certain Instances. If a Complaint alleges facts that are involved in a criminal investigation or a criminal proceeding before a grand jury or the courts, the Board of Ethics may, when a majority of its members deem appropriate, postpone any hearing or any appeal concerning the Complaint until after the criminal investigation or criminal proceedings are terminated.

(m)Disposition.

- (1) Dismissal. If the Board of Ethics determines at the conclusion of a hearing by simple majority vote of its members that a Complaint should be dismissed, it may do so upon finding:
 - (A) The Complaint is a Baseless Complaint or Frivolous Complaint.
 - (B) The alleged violation did not occur.
 - (C) The Complainant failed to testify at the hearing.
- (2) Sanctions. If the Board of Ethics determines at the conclusion of a hearing that a violation has occurred, it may within ten (10) business days recommend any of the following sanctions:
 - (A) *Letter of Notification* – If the violation is clearly unintentional, or when the Accuser's action was made in reliance on a written opinion of the City Attorney. A letter of notification shall advise the Accused of any steps to be taken to avoid future violations.
 - (B) *Letter of Admonition* – If the Board of Ethics finds that the violation is minor and may have been unintentional, but calls for a more substantial response then a letter of notifications.
 - (C) *A Reprimand* – If the Board of Ethics finds that the violation was minor and was committed knowingly, intentionally or in disregard of the Code of Ethic, or was serious and may have been unintentional.
 - (D) *Recommendation of Suspension*. If the Board of Ethics finds that a violation Was serious and that was committed knowingly, intentionally or in disregard of the Code of Ethics or a state conflict of interest law, or was minor but similar to a previous violation by the Person, and was committed knowingly, intentionally or in disregard to the Code of Ethics.
- (3) Frivolous complaints.
 - (A) *Prohibition*. It is a violation of the Code of Ethics for a Person to submit a Frivolous Complaint.
 - (B) *Super-Majority Vote*. If the Board of Ethics determines at the conclusion of a hearing by a vote of two-thirds (2/3) of its members that a Complaint was Frivolous, the Board may prohibit the Complainant from

filing a Complaint with the Board for a period of time up to one (1) year after the date the Frivolous determination was made.

(C) *Factors* – In making a determination on frivolity, the Board of Ethics shall consider the following factors:

1. The timing of the sworn Complaint with respect to when the facts supporting the alleged violation became known or should have become known to the Complainant, and with respect to the date of any pending election in which the Accused is a Candidate or is involve with a candidacy, if any.
2. The nature and type of any publicity surrounding the filing of the Complaint, and the degree of participation by the Complainant in publicizing the fact that a Complaint was filed.
3. The existence and nature of any relationship between the Accused and the Complainant before the Complaint was filed.
4. If the Accused is a Candidate, the existence and nature of any relationship between the Complainant and any Candidate or group opposing the Accused.
5. Any evidence that the Complainant knew or reasonably should have known that the allegations in the Complaint were groundless.
6. Any evidence of the Complainant's motives in filing the Complaint.

(n) All recommendations by the Board of Ethics shall be transmitted to the Accused, Complainant, Human Resources, City Attorney and City Council.

(o) *Reconsideration.* The Complainant or Accused may request the Board of Ethics to reconsider its recommendations. The request must be filed with Human Resources withing five (5) business days of receiving the final opinion of the City Council. The request for reconsideration shall be sent to the Chairperson of the Board of Ethics, and the non-filing party (Complainant or Accused). If the Chairperson find, in the Chairperson's sole discretion, that the request includes new evidence that was not submitted at a prior hearing, and that the new evidence bears directly on the Board of Ethic's previous recommendation, the Chairperson shall schedule a hearing on the request for reconsideration to occur within thirty (30) days after filing of the reconsideration request. Absent new evidence the Chairperson shall unilaterally dismiss the request for reconsideration and provide the decision to the Parties.

(p) *Definitions.* In this section:

- (1) "City Official" means a member of the City Council or another officer, whether elected, appointed, paid, or unpaid, of the City who exercises responsibilities beyond those that are advisory in nature.

SECTION 3. THAT this Ordinance shall be cumulative of all other City Ordinances and that all other provisions of other Ordinances adopted by the City which are inconsistent with the terms or provisions of this Ordinance are hereby repealed.

SECTION 4. THAT it is hereby declared to be the intention of the City Council of the City of Justin, Texas, that sections, paragraphs, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared legally invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such legal invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Council of the City of Justin without the incorporation in this Ordinance of any such legally invalid or unconstitutional, phrase, sentence, paragraph or section.

SECTION 5: THAT Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed the maximum amount allowed by law.

SECTION 6: THAT this ordinance shall take effect immediately from and after its passage as the law in such case provides.

PASSED ON THE FIRST READING BY THE CITY COUNCIL ON THE 11th DAY OF APRIL, 2023.

PASSED ON SECOND READING BY THE CITY COUNCIL ON THE _____ DAY OF _____, 2023.

**Elizabeth Woodall,
Mayor**

ATTESTED:

**Brittany Andrews,
City Secretary**

APPROVED AS TO FORM:

City Attorney

City Council Meeting

April 11, 2023

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Items: 6

Title: Consider and take appropriate action to approve award of proposal for the Eastside Water Loop Extension to Westwood Professional Services, Inc. in the amount of \$86,500.

Department: Public Works

Contact: Director of Public Works, Josh Little

Recommendation: Staff recommends approval of design proposal.

Background: The east side of Justin is currently only supplied water from one 8" water line. The Upper Trinity supplies the City of Justin water directly to the Elevated Storage Tank in Old Town. The water then is distributed to the city from the Old Town EST. The water supply from 8" water line has to come back to the east side to provide water to all residents & businesses. The main purpose of this proposed 12" water line is to provide a second feed to the east side of Justin. This will improve water pressure & water reliability. The city is also planning on eliminating the 8" water line once the Public Works Ground Storage Tank is in service early 2024. That will give the east side of Justin two 12" water lines to supply the distribution system.

City Attorney Review:

Attachments:

1. Westwood Proposals Exhibit A & B
2. Project Map Location
3. Engineer's Opinion of Probable Construction Cost

EXHIBIT 'A' – SCOPE OF SERVICES

CITY OF JUSTIN EAST SIDE WATER LOOP

PROJECT DESCRIPTION:

The project consists of civil engineering, design and survey for the City of Justin's East Side Water Loop located in Justin Texas. The design will consist of new 12" water main installed in the casing pipe near Hardeman and FM 156 to the 8" water main near Longmeadow in Meadowlands. This is approximately 5,100 linear feet and provides a loop for the water system for the areas of the City East of FM 156. (PROJECT)

BASIC SERVICES:

A. Project Management, Coordination & Permitting

1. Manage the Team:

- Lead, manage and direct design team activities
- Ensure quality control is practiced in performance of the work
- Communicate internally among team members
- Allocate team resources

2. Communications and Reporting:

- Attend a pre-design project kickoff meeting with City staff to confirm and clarify scope, understand CITY objectives, and ensure economical and functional designs that meet CITY requirements.
- Conduct review meetings with the CITY at the end of each design phase.
- Prepare and submit monthly invoices in the format acceptable to the CITY.
- Prepare and submit monthly progress reports.
- Prepare and submit baseline Project Schedule initially and Project Schedule updates.
- Coordinate with other agencies and entities as necessary for the design of the proposed infrastructure and provide and obtain information needed to prepare the design.
- With respect to coordination with permitting authorities, CONSULTANT shall communicate with permitting authorities such that their regulatory requirements are appropriately reflected in the designs. CONSULTANT shall work with regulatory authorities to obtain approval of the designs, and make changes necessary to meet their requirements.

EXHIBIT A to Agreement between the
City of Justin, (CITY) and Westwood
Professional Services, Inc.,
(CONSULTANT) for Consulting
Services

3. Constructability Review:

- Prior to the 90 percent review meeting with the CITY, the CONSULTANT shall schedule and attend a project site visit with the CITY Project Manager and Construction personnel to walk the project. The CONSULTANT shall summarize the CITY's comments from the field visit and submit this information to the CITY in writing.

4. Utility Clearance:

- The CONSULTANT will consult with the CITY, public utilities, private utilities and government agencies to determine the approximate location of above and underground utilities, and other facilities (current and future) that have an impact or influence on the project. CONSULTANT will design CITY facilities to avoid or minimize conflicts with existing utilities, and where known and possible consider potential future utilities in designs.
- CONSULTANT will provide plans to and coordinate with utility CITY related to the relocation efforts of franchise utilities that remain in conflict with the proposed construction.

B. Preliminary Design (60% Submittal)

1. Prepare preliminary construction plans. Prepare the following sheets at the engineering scale indicated:

- Cover Sheet
- General Notes
- Quantity Sheet
- Project Layout & Survey Control Sheet
- Water Main Plan & Profile Sheets.
Scale 1" = 40' Horizontal; 1" = 4' Vertical
- Erosion Control Sheets
- Detail Sheets

Information required can be combined on sheets if the information can be clearly shown and is approved by CITY's project manager.

2. Assemble City of Justin standard construction contract documents and modify special technical specifications, if needed, for the project (if any).
3. Prepare an estimate of construction quantities and develop the preliminary opinion of probable construction costs.
4. Submit one (1) full sized 22"x34" set of preliminary 60% plans, two (2) sets of half size (11"x17") plans, one (1) set of preliminary construction contract documents, special conditions and preliminary opinion of probable construction costs to the CITY for review.

EXHIBIT A to Agreement between the
City of Justin, (CITY) and Westwood
Professional Services, Inc.,
(CONSULTANT) for Consulting
Services

C. Final Design (90% & 100% Submittals)

1. Revise preliminary plans incorporating comments from the CITY.
2. Submit one (1) full sized 22"x34" set of 90% plans, two (2) sets of half size (11"x17") plans, one (1) set of 90% construction contract documents and 90% opinion of probable construction costs for CITY review.
3. Incorporate final CITY review comments into the plans and construction contract documents to finalize construction plans for proposed improvements.
4. Finalize construction contract documents including CITY standard specifications, special technical specifications and special conditions (if any).
5. Estimate of final construction quantities and final opinions of construction cost.
6. Submit (1) sealed (100%) set of final plans and construction documents.

D. Bid Phase Services

CONSULTANT will support the bid phase of the project as follows.

1. Bid Advertisement:
 - CONSULTANT shall prepare and submit to CITY a draft Bid Advertisement for publishing by the CITY.
2. Bid Document Distribution:
 - The CONSULTANT shall sell construction plans and contract bid documents. The CONSULTANT shall also maintain a plan holders list of documents sold.
3. Bidder Assistance:
 - The CONSULTANT will develop and implement procedures for receiving and answering bidders' questions and requests for additional information. The procedures shall include a log of all significant bidders' questions and requests, and the response thereto. The CONSULTANT will provide technical interpretation of the contract bid documents and will prepare proposed responses to all bidders' questions and requests, in the form of addenda.
 - Attend the prebid conference in support of the CITY.
 - Attend the bid opening in support of the CITY.
4. Bid Analysis and Recommendation of Award:

EXHIBIT A to Agreement between the
City of Justin, (CITY) and Westwood
Professional Services, Inc.,
(CONSULTANT) for Consulting
Services

- The CONSULTANT will tabulate and review all bids received for the construction project, assist the CITY in evaluating bids, and recommend award of the contract.
- The CONSULTANT will assist the CITY in determining the qualifications and acceptability of prospective contractors, subcontractors, and suppliers.
- The CONSULTANT shall make a recommendation of award to the CITY.

5. Conformed Construction Documents:

- Upon award of a contract by the CITY, the CONSULTANT shall assist with the execution, assembly and distribution of the construction contract documents for the Project.

E. Construction Phase Services

1. Preconstruction Conference:

- The CONSULTANT shall attend the preconstruction conference.

2. Site Visits:

- The CONSULTANT shall visit the project site at appropriate intervals as construction proceeds to observe and report on progress. It is estimated that one (1) visit per month will be made by the CONSULTANT.

3. Shop Drawing and Lab Report Review

- The CONSULTANT shall review shop and erection drawings submitted by the contractor for compliance with design concepts. The CONSULTANT shall review laboratory, shop, and mill test reports on materials and equipment.

4. Instructions to Contractor

- The Engineer shall provide necessary interpretations and clarifications of contract documents, review change orders and make recommendations as to the acceptability of the work, at the request of the CITY.

5. Contractor's Payment Estimates

- The Engineer shall review monthly and final estimates for payments to contractors. The payment estimates shall include appropriate certifications.

7. Final Inspection

- The Engineer shall attend final inspection of the Project with representatives of the CITY and the construction contractor.

F. Project Completion

EXHIBIT A to Agreement between the
City of Justin, (CITY) and Westwood
Professional Services, Inc.,
(CONSULTANT) for Consulting
Services

- 1. Prepare construction "Record Drawings" based upon mark-ups and information provided by the construction contractor(s). Submit one (1) set of the record drawings (with "record drawing stamp" bearing the signature of the Engineer and the date) to the CITY on a CD-ROM disk or flash drive containing 22"x34" black and white PDF images.

G. Direct Expenses

1. Included in this item are usual and customary expenses normally incurred during performance of the services described. These expenses could include courier delivery charges, copies of existing engineering plans and/or maps, printing and reproduction (either in-house or by a reproduction company) and mileage.

SPECIAL SERVICES:

H. Field Survey

1. Establish Survey Control

Establish survey control along each street or intersecting streets as necessary. These control points will be established based on and tied to established CITY horizontal and vertical control points. The horizontal control for each street in the PROJECT will be established on the State Plane Coordinate System (NAD'83 Surface Coordinates) from CITY monumentation. Control points will be established using 5/8" iron rods, 18" long. These control points will be established using GPS and conventional surveying methods.

2. Benchmark Loop

A benchmark circuit will be established, based on the vertical control points provided. These benchmarks will be located outside of the construction limits and put in such a place so that they may be easily found for future use. Benchmarks will be located at about 1,000' intervals and will be referenced. Benchmarks shall be looped in accordance with good surveying practice prior to field surveys. All control leveling work will be performed using appropriate modified second order procedures with closed loops into the PROJECT vertical control.

EXHIBIT A to Agreement between the
City of Justin, (CITY) and Westwood
Professional Services, Inc.,
(CONSULTANT) for Consulting
Services

3. Existing Streets, Driveways and Right-of-Way

Existing streets, driveways and right-of-way will be profiled and cross-sectioned at 50' intervals and to a point at least 10' outside of the easement line. Low points, high points and other unique features will be noted. Pavement surfacing will be determined by visual inspection only.

4. Existing Drainage Channels and Drainage Area Verification

Existing drainage channels and swales will be profiled and cross sectioned within the immediate vicinity of the PROJECT, 100' upstream and downstream. Low points, high points and any other unique features will be noted. Additional surveying may be necessary to verify the limits of drainage areas.

5. Existing Underground and/or Overhead Utilities

Utility CITY's will be contacted, on an as-needed basis, and requested to assist in locating existing utilities identified for the PROJECT. Above ground features of existing utilities within the proposed Right-of-Way for the limits of the PROJECT will be field located, including elevations of sanitary and storm sewer manhole flowlines and water/gas valve stems. The location of utilities between above ground features will be determined from visual inspection, utility records, and/or from locations determined by the respective utility companies. The utilities will be tied to the PROJECT control points and depths determined in sufficient detail to identify potential conflicts with proposed construction. The excavation and other costs required to expose or probe the underground utilities will be the responsibility of others.

6. Right-of-Way

Right-of-Way lines along the PROJECT will be located. This information will be included on the PROJECT's plan sheets.

7. Existing Storm Sewers and Culverts

The size of existing culverts will be measured and tied along with existing headwalls, channels and aprons. The size, length, and flowline elevation of existing storm sewers will be surveyed. Drainage areas contributing to the PROJECT or conveying water from the PROJECT will be determined through field investigations and available topographic mapping.

8. Temporary Signs, Traffic Control, Flags, Safety Equipment, Etc.

EXHIBIT A to Agreement between the
City of Justin, (CITY) and Westwood
Professional Services, Inc.,
(CONSULTANT) for Consulting
Services

The Surveyor will exercise care in completing this surveying assignment by using traffic control devices, flags and safety equipment when necessary.

I. Easement Preparation (If Required)

If additional rights-of-way and/or easements are needed for the Project, the Engineer will perform the necessary surveying services to prepare drawings and descriptions to be used by the City in acquisition. The Engineer shall determine the apparent ownership of the land where rights-of-way and/or easements are needed from tax records. The Engineer shall acquire copies of plats and/or deeds needed to determine the property location from the City of county records. The Engineer shall locate available property corners in the field. The Engineer shall prepare a property map to be used as part of the Engineer's design drawings. The Engineer shall furnish the City with the necessary drawings and descriptions for acquiring the rights-of-way and/or easements acquisition for the construction of this Project. Drawings and descriptions are to be presented in form suitable for direct use by the City in obtaining right-of-way and/or easements. The Engineer will furnish four (4) copies of each document prepared.

Services not included in this contract:

- *Construction inspection services*
- *As-built surveys of constructed improvements*
- *Subsurface Utility Engineering*
- *Geotechnical Investigation*
- *Public hearings or CITY Council/Commission meetings*
- *Utility coordination meeting(s) to start relocation process with affected franchise utilities.*
- *Reset property corner monumentation disturbed or removed during or after construction*
- *Phase II Environmental Site Assessments*
- *Storm Water Pollution Prevention Plans (SWPPP)*

END OF EXHIBIT 'A'

EXHIBIT B to Agreement between the
City of Justin, (CITY) and Westwood
Professional Services, Inc.,
(CONSULTANT) for Consulting
Services

EXHIBIT 'B' – COMPENSATION AND METHOD OF PAYMENT

CITY OF JUSTIN EAST SIDE WATER LOOP

COMPENSATION:

For all professional services included in EXHIBIT 'A', Scope of Services, the CONSULTANT shall be compensated a lump sum fee of \$ 86,500.00 as summarized below. The total lump sum fee shall be considered full compensation for the services described in EXHIBIT A, including all labor materials, supplies, and equipment necessary to deliver the services.

Basic & Special Services

A.	Project Management, Coordination & Permitting	\$ 3,500
B.	Preliminary Design (60% Submittal)	35,000
C.	Final Design (90% & 100% Submittals)	25,000
D.	Bid Phase Services	5,500
E.	Construction Phase Services	4,500
F.	Direct Expense (Not to Exceed)	1,000
G.	Field Survey	12,000
H.	Easement Preparation as Needed (\$2,500/each)	<u>0</u>
TOTAL		\$ 86,500.00

METHOD OF PAYMENT:

The CONSULTANT shall be paid monthly payments as described in Article 3 of the AGREEMENT. The cumulative sum of such monthly partial fee payments shall not exceed the total current project budget including all approved Amendments. Each invoice shall be verified as to its accuracy and compliance with the terms of this Agreement by an officer of the CONSULTANT.

Monthly statements for reimbursable services performed by sub consultants will be based upon the actual cost to the CONSULTANT plus ten percent (10%). Direct expenses for services such as printing, express mail, fees, mileage and other direct expenses that are incurred during the progress of the project will be billed at 1.1 times the CONSULTANT'S cost.

END OF EXHIBIT 'B'

ENGINEER'S PRE-DESIGN OPINION OF PROBABLE CONSTRUCTION COST

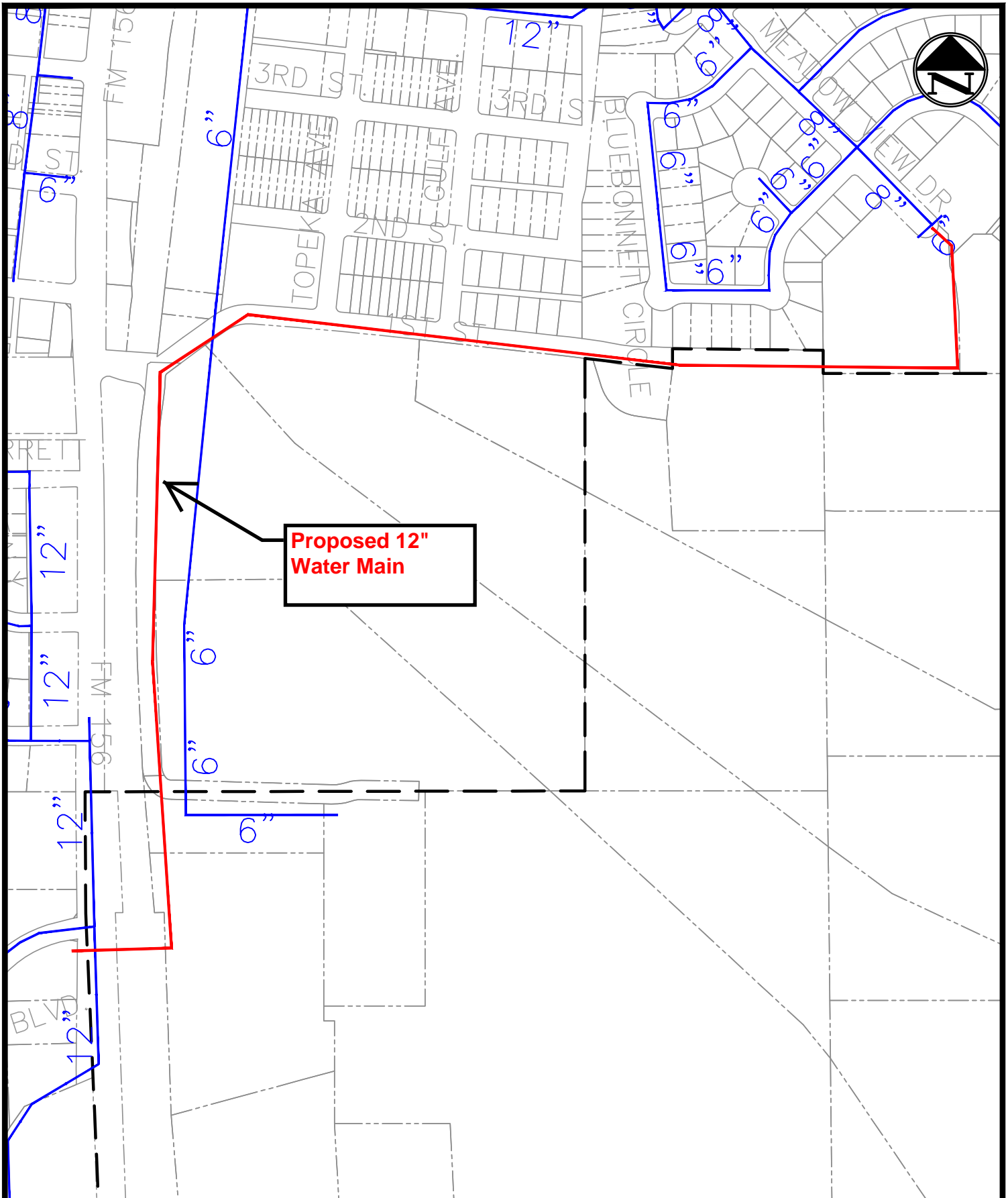
Client Name: City of Justin, Texas
Project Title: East Side Water Connection

PK No.: 3340-13.294
Date: 9/26/2022

Bid No.	Bid Item Description	Units	Estimated Quantity	Unit Cost	Total Cost
UTILITIES					
1	Mobilization	LS	1	\$ 40,000.00	\$ 40,000.00
2	Temporary Erosion, Sedimentation and Water Pollution Prevention (SWPPP)	LS	1	5,500.00	5,500.00
3	Prepare ROW/Site Clearing	STA	51	2,000.00	102,000.00
4	Traffic Control	LS	1	7,500.00	7,500.00
5	12" Gate Valve And Valve Box	EA	6	3,500.00	21,000.00
6	8" Gate Valve And Valve Box	EA	1	2,800.00	2,800.00
7	6" Gate Valve And Valve Box	EA	5	2,200.00	11,000.00
8	1" Water Meter Service and Box	EA	4	2,000.00	8,000.00
9	Fire Hydrant Assembly	EA	5	7,500.00	37,500.00
10	6" PVC DR-18 Water Main Pipe	LF	100	70.00	7,000.00
11	8" PVC DR-18 Water Main Pipe	LF	120	83.00	9,960.00
12	12" PVC DR-18 Water Main Pipe	LF	5,100	95.00	484,500.00
13	Ductile Iron Fitting	TON	3.00	8,500.00	25,500.00
14	Connection to Existing Water Main	EA	2	2,500.00	5,000.00
15	Flexible Base Pavement Repair	SY	3,400	25.00	85,000.00
16	Trench Safety	LF	5,320	2.00	10,640.00
	TOTAL UTILITIES				\$ 862,900.00
	SUB-TOTAL CONSTRUCTION COSTS				\$ 862,900.00
	30% CONTINGENCY				\$ 260,000.00
	TOTAL OPINION OF CONSTRUCTION COSTS				\$ 1,122,900.00

Assumptions:

1. Project limits are from FM 156/Hardeman Blvd to Meadowlands connection near Longmeadow Nursing Home, approximately 5,100 linear feet
2. OPCC does not include easement/ROW, railroad permit, legal, engineering, and surveying costs
3. Assumed pavement to be replaced with flexible base and no pavement repair needed on FM 156 and Hardeman
4. Casing pipe installed with WWTP lift station, will be utilized so no additional boring anticipated
5. Assumed 5 fire hydrants would be needed along the route to satisfy fire coverage
6. Ductile Iron Fittings assumed at 3 tons
- 7.



**Proposed 12"
Water Main**



JUSTIN
— 1887 —

PROJECT LOCATION MAP EAST SIDE LOOP WATER IMPROVEMENTS

LEGEND

- EXISTING WATER MAIN
 - PROPERTY LINE
- 0 200 400 600

HORIZONTAL SCALE IN FEET

City Council Meeting

April 11, 2023

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Items: 7

Title: Consider and take appropriate action to approve park improvement and new play structure purchases for Community Park, Reatta Park, and City Hall Park.

Department: Public Works

Contact: Director of Public Works, Josh Little

Recommendation: Staff recommend approval based on Parks Board Priority List.

Background: The City Council identified Parks and Recreation as one of their key pillars of focus for city initiatives. The newly adopted Comprehensive Plan supports Parks and Recreation as a key focus for the city.

The City Council approved funds for the 2022/ 2023 FY Budget for Park Improvements. The Parks Board was tasked with identifying improvements to our city parks. Staff have met with the mayor to review these recommendations. Staff have also acquired quotes based on the priorities.

This has been placed on the agenda for discussion and potential action.

City Attorney Review:

Attachments:

1.

PARK IMPROVEMENTS PRIORITY LIST

Reatta Park

1. Replace large play structure, install engineered wood chips & installation – \$45,156
2. Remove sand from both playground areas and install engineered wood chips – \$5,986.14

Community Park

1. Remove gravel from playground area and install engineered wood chips – see City Hall quote
 2. Bleachers for large soccer field – $\$1,472 \times 2 = \$2,944$
 3. Add 4 picnic tables (2 at each concession stand) – $\$1,150 \times 4 = \$4,600$
 4. Trees to plant around the park to add shade (Live Oak @ Calloway's) – \$400 each $\times 10 = \$4,000$
 5. Install shade structure over baseball bleachers – \$99,458.32 see total cost below
 6. Install shade structure over playground play structure – \$31,478 see total cost below
- Sunshade misc fees, shipping, engineering & installation fees – $\$84,494.07 + \$130,936.32 = \$215,430.39$ (total for both)

City Hall Park

1. Add Round Net Climbing play structure, engineered wood chips & installation – \$26,338.80
2. Replace engineered wood chips on playground and swing set areas – \$4,758.76 (split w/ community park)
3. Remove Volleyball court and fill in with a concrete slab – met with vendor, waiting on quote
4. Repair existing sidewalks around the park – met with vendor, waiting on quote
5. Replace picnic tables (existing are plastic folding tables) – $\$1,150 \times 2 = \$2,300$

Tally Pond

1. Replace picnic tables (existing are plastic folding tables) – $\$1,150 \times 3 = \$3,450$

Bishop Park

1. Replace picnic tables (existing are plastic folding tables) – $\$1,150 \times 2 = \$2,300$

Picnic table shipping charge \$664.73

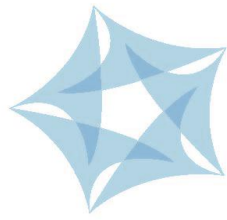
Concrete to anchor in picnic tables – $\$5.13 \text{ a bag} \times 44 = \225.72

8' Heavy Duty ADA Picnic Table (Uline)
Item# H-2673G



3 Row 15' Aluminum Bleachers – Sideline Series (The Park Catalog)
Item# 569-1214





USASHADE
& Fabric Structures®

Ovaletta Park Shade

4/3/2023

Buyboard 679-22

Pricing valid for 15 days

Proposal Prepared For:

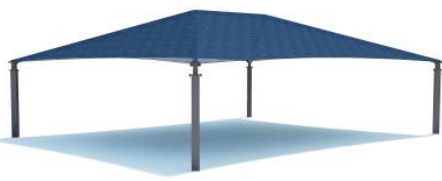
City of Justin


217 E 4th St

Justin , Texas 76247

AZ: 289388 CA: 989458 LA: 61718 NV: 78724
NM: 383826 TN: 68712 DIR: 1000003533

Structure Pricing

Structure 1				
UNIT IMAGE	UNIT DETAILS			
 Community Park Playground Shade Structure	Unit Quantity:	1	Foundations By	USA Shade
	Unit Type:	Super Span Hip	Grout Installation	USA Shade
	Structure Size:	45x40	Footing Type:	Drilled Pier
	USA Shade Model Number		Base Attachment:	Recessed Base Plate
	Entry Height:	16	Anchor Bolts:	USA Shade
	No of Columns:	4	Concrete Cutting:	Drilled Pier
	No of Fabric Tops:	1	Dirt Removal:	USA Shade
	Fabric Type:	Shadesure	Surface Type:	Concrete
	Fabric Color:	TBD	NOTES TURNKEY Installation with drill pier foundations. Foundation final locations and elevations to be staked and confirmed by Client. USA Shade is not responsible for any underground utilities or relocation of them. Geotech must be provided for review. Hard dig conditions not included in pricing. Excludes Crane if we do not have clear access	
	Steel Finish:	Powder Coated		
	Steel Color:	TBD		
PRICE	Electrical Provisions:	N/A		
See Pricing	Cable/HDW Finish:	Galvanized		
	Concept No:			

Structure 2				
UNIT IMAGE	UNIT DETAILS			
 Community Park Baseball Bleachers Shade Structure	Unit Quantity:	4	Foundations By	USA Shade
	Unit Type:	Full Hip Cantilever Joined	Grout Installation	USA Shade
	Structure Size:	43x22	Footing Type:	Drilled Pier
	USA Shade Model Number	302.5	Base Attachment:	Recessed Base Plate
	Entry Height:	12	Anchor Bolts:	USA Shade
	No of Columns:	4	Concrete Cutting:	Drilled Pier
	No of Fabric Tops:	1	Dirt Removal:	USA Shade
	Fabric Type:	Shadesure	Surface Type:	Concrete
	Fabric Color:	TBD	NOTES TURNKEY Installation with drill pier foundations. Foundation final locations and elevations to be staked and confirmed by Client. USA Shade is not responsible for any underground utilities or relocation of them. Geotech must be provided for review. Hard dig conditions not included in pricing. Excludes Crane if we do not have clear access	
	Steel Finish:	Powder Coated		
	Steel Color:	TBD		
PRICE	Electrical Provisions:	N/A		
See Pricing	Cable/HDW Finish:	Galvanized		
	Concept No:			

ACCESS/MISC.			
QTY	ITEM	DETAILS	COST
4	Bleachers	43x21.5 Full Hip Cantilever	\$99,458.32
1	Playground	40x45 Hip Super Span	\$31,478.00
TOTAL FOR ACCESS/MISC ITEMS:			

PRICING TOTALS:	
Unit Total	\$130,936.32
Accessories/Miscellaneous	\$44,194.00
Shipping/Handling *subject to market fluctuation	\$800.00
SUBTOTAL	\$131,736.32
Sales Tax (8.25%)	Excluded
Engineering	\$1,800.00
Installation	\$37,700.07
TOTAL PRICE	\$215,430.39

PAYMENT TERMS:	
(1) Upon execution of the Agreement (Deposit)	50%
(2) Upon delivery of Unit(s)	
(3) Upon completion of assembly/installation	50%
(4) Other (specify):	
NOTES:	
Pricing Terms above subject to credit approval	

USA SHADE reserves the right to implement a surcharge for significant increases in raw materials, including the following, but not limited to: fuel, steel, fabric, and concrete. Proposal pricing is only valid for 15 days to the fluctuation in pricing. Due to recent significant increases experienced in raw steel and fabric materials, it may be necessary to order, invoice, and receive payments for steel and fabric as soon as final sizing can be determined.

ENGINEERING REQUIREMENTS		NOTES
Building Code	IBC 2018	
Wind Load	90 mph	
Snow Load	5 psf	
Drawing Size	11 X 17	
No. of Sealed Drawings	0	
Calculations Required	Yes	

INCLUSIONS / EXCLUSIONS					
INCLUDED	EXCLUDED	ENGINEERING REQUIREMENTS	INCLUDED	EXCLUDED	INSTALLATION - MISCELLANEOUS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sealed Drawings & Calculations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Prevailing Wage / Certified Payroll
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Permit Submittal	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Union Wages
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Permit Fee	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fencing
<input type="checkbox"/>	<input checked="" type="checkbox"/>	DSA Submittal & Fees	<input type="checkbox"/>	<input checked="" type="checkbox"/>	water and Electrical
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Design and Engineering of Structure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Landscape Repair
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Design and Engineering of Foundation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Demolition (Existing Structures)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Reactions and Loads for attachment to Walls, Rooftops, or Other	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Payment and Performance Bonds
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Foundation Location and Elevation Survey	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Special Inspection Fees

Strawtown Pike Play System

MSRP \$33,458.00

SALE \$25,737.00

Highlights:

- Easy to advanced climbers
- Mix of elevated and ground activities
- Bridges and tubes connect the entire unit together
- ADA compliant making it excellent for public spaces

Age Group: 5 to 12 years

Capacity: 46-53

Fall Height: 72"

Use Zone: 36' 11" x 39' 2"

COMPLIES With:

ASTM F1487-17

CPSC PUB #325

ADA Compliant



The Strawtown Pike Play System is our largest in-stock structure with the ability to be shipped in Primary or Neutral color schemes in one to two weeks. For those that are looking for a structure for an upcoming event fast, the Strawtown Pike brings play for elementary aged children to a playground near you quickly. If you're interested in a custom color palette, it can be ordered in a wide variety of colors at a six to seven week shipping time. This unit can comfortably accommodate several play hungry children that are ready to adventure through a maze of plastic and steel. Children can ascend the Lotus Step Climber, Vertical Ladder, Vertical PE Rock Climbing Wall or Figure Climber to get back into the thick of it in unique ways. A system with this much variation is a captivatingly fun time for school-aged children of any size or shape. The Strawtown Pike Play System is as safe as it is fun. The steel of the unit is powder-coat painted and the plastic is roto-molded.



Quote #810055

Customer ID: 27409

NVB Playgrounds
d/b/a AAA State of Play
10859 E Washington St. Ste 100
Indianapolis, IN 46229
Phone: (877) 826-2776
Local: (317) 826-2777
Fax: (317) 245-2375

Ship Via: Freight
Request By: Anita
Quote Out: 3/29/2023
Tax Exempt #: TECCERT

Visit:
www.AAASTATEOFPLAY.com
for more great deals

Bill To

City of Justin
Kira Sedivy
415 N. College Ave
Justin, TX 76247 US
ksedivy@cityofjustin.com
Ph: (940) 648-2541 Ext 117 Cell 940-279-5681
Fax:

Ship To:

Reatta Park
Kira Sedivy

Justin, TX 76247 USA
Ph: 1(940) 648-2541

Product ID	Description	Weight	Qty	Price	Discount	Amount
KP182P	Strawtown Pike Play System (3.5-inch Posts) - Primary	4,225 lbs	1	\$25,737.00	\$2,573.00	\$23,164.00
WCEWF	Wood Carpet - Engineered Wood Fiber - 4228 square foot		178	\$33.63		\$5,986.14
TIMBER 12"	4 Foot x 12-inch Timber with Stake	12 lbs	28	\$26.00		\$728.00

Subtotal: \$29,878.14

Shipping: \$2,220.00

QUOTE ONLY
VALID FOR 30 DAYS FROM DATE OF ISSUE

If submitting a PO: Please CC orders@aaastateofplay.com and your sales person with reference to your quote number in the subject line. POS ONLY ACCEPTED FROM GOVERNMENT ENTITIES UNLESS OTHERWISE APPROVED.

Sales Tax: \$0.00
Total Weight: 4,561 lbs
Installation: \$19,044.00
Total: **\$51,142.14**

Due to supply chain issues industry wide, we are currently experiencing longer than average lead times from most manufacturers.

Effective March 1st, 2023 NVB Playgrounds, Inc. has instituted a storage policy on equipment that does not leave our dock in a timely manner. For additional information please visit <https://www.aaastateofplay.com/aaa-state-of-play-policies/>

It is the customer's responsibility to provide a valid phone number for deliveries. In the event that a courier cannot reach you, or changes are made to delivery services, all additional fees will be paid by the customer.

Round Super Net Climber 2 (148-inch install height)

MSRP \$6,470.00

SALE \$5,662.00

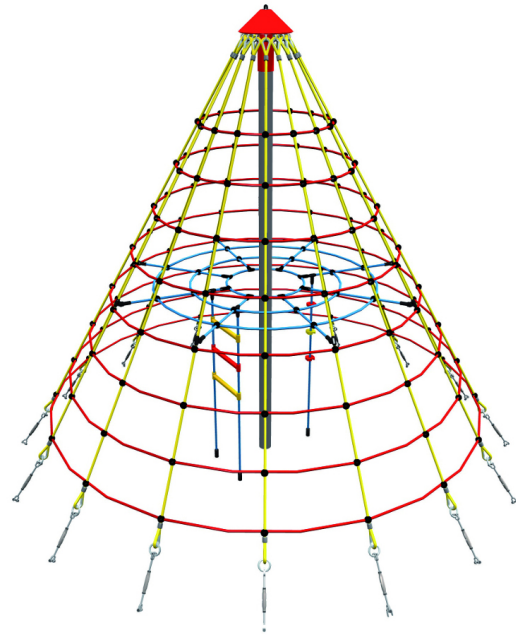
Highlights:

- Internal elevated play level
- Easily climbed on the inside or outside
- Internal ladders up to the second level
- Encourages social engagement
- Black ropes define the structure
- Powder coat is available for the central galvanized steel post at an additional cost

Age Group: 5 to 12 years

Footprint: 13' 1" x 13' 1"

Use Zone: 25' 1" x 25' 1"



The Round Super Net Climber 2 combines the best qualities of a net climber, jungle gym, and teepee into one exciting playground structure. The simple, conical shape is formed by 16 synthetic ropes which extend outwards from the top of the 148-inch central galvanized steel support post and are securely anchored to the ground. These are all connected by rope rings which form the horizontal climbing rungs of the structure. Rather than knots, the ropes are fastened together with sturdy plastic connectors. The spaces between them are large enough to work as excellent footholds, and large enough for kids to slip through them to get from one side to the other. The inside of the structure is mostly hollow to allow space for kids to move around, but there is also a 'platform' of ropes bisecting it, which children can play either on top of or beneath. This platform even has two types of climbing ropes leading up to it, so that children can easily reach.



Quote #810057

Customer ID: 27409

NVB Playgrounds
d/b/a AAA State of Play
10859 E Washington St. Ste 100
Indianapolis, IN 46229
Phone: (877) 826-2776
Local: (317) 826-2777
Fax: (317) 245-2375

Ship Via:
Request By: Anita
Quote Out: 3/29/2023
Tax Exempt #: TECCERT

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Bill To

City of Justin
Kira Sedivy
415 N. College Ave
Justin, TX 76247 US
ksedivy@cityofjustin.com
Ph: (940) 648-2541 Ext 117 Cell 940-279-5681
Fax:

Ship To:

City Hall Park
Kira Sedivy
Justin, TX 76247 USA
Ph: 1(940) 648-2541

Product ID	Description	Weight	Qty	Price	Amount
46431BUS16	Round Super Net Climber 2 (148" install height) -16mm Ages: 5-12	470 lbs	1	\$5,662.00	\$5,662.00
WCEWF	Wood Carpet - Engineered Wood Fiber-4993 square foot		210	\$36.98	\$7,765.80

Subtotal: \$13,427.80

Shipping: \$1,211.00

QUOTE ONLY
VALID FOR 30 DAYS FROM DATE OF ISSUE

If submitting a PO: Please CC orders@aaastateofplay.com and your sales person with reference to your quote number in the subject line. POS ONLY ACCEPTED FROM GOVERNMENT ENTITIES UNLESS OTHERWISE APPROVED.

Due to supply chain issues industry wide, we are currently experiencing longer than average lead times from most manufacturers.

Effective March 1st, 2023 NVB Playgrounds, Inc. has instituted a storage policy on equipment that does not leave our dock in a timely manner. For additional information please visit <https://www.aaastateofplay.com/aaa-state-of-play-policies/>

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Sales Tax: \$0.00
Total Weight: 470 lbs
Installation: \$11,700.00
Total: **\$26,338.80**

Notes



Quote 2970

Quote date: 04/05/23

Pay terms: Net 30

Customer: Justin, City of Attn: Accts. Payable 415 N. College JUSTIN, TX 76247	Ship to: City Hall Park 415 N. College JUSTIN, TX 76247
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P.O. Number	Contact Name:	Contact Number:	Purchasing Coop:
	Steve Hartman	940-465-4056	Buyboard 679-22

Description	U/M	Quantity	Sell Price	Amount
Deliver & Dump Only	cubic yards	200.00	19.50	3,900.00
EcoKid Exp Freight		2.00	300.00	600.00
5.75% Fuel Surcharge		1.00	258.76	258.76
Sub Total:				4,758.76
Sales Tax:				0.00
Total:				\$4,758.76

Fuel Surcharge Policy: This surcharge will be charged in the event that the price of diesel fuel rises above the established price of \$2.75. The current fuel price will be based upon the D.O.E Energy Information Administration posting for highway diesel fuel for the Gulf Coast Region each Tuesday morning. The fuel surcharge will be .25% of the total invoice amount for every \$.05 the posted price of fuel rises above the established base price. Fuel surcharges are locked in for delivery within 30 days of the date the quote is issued. Deliveries beyond 30 days will be charged the current fuel surcharge at the time of delivery.

Important Notes: This quote is valid for 30 days only. If installation crew arrives at the job site and is unable to perform the work due to the site not being ready, a \$500.00 trip charge will be due immediately. Pneumatic installation price includes labor, installation, clean-up, and up to 200' of hose. A surcharge of \$1 per cubic yard will be added to your invoice for each additional 25' section of hose needed to access the site. Your signature will authorize work at the price shown above and acknowledges receipt of the recommended maintenance and/or installation procedures.

Signature