

Ricky Jones, Place 1  
Tomas Mendoza, Place 2  
John Mounce, Mayor Pro Tem, Place 3



Dylan James, Place 5  
Chrissa Hartle, Place 6

**James Clark, Mayor**

**CITY OF JUSTIN  
CITY COUNCIL AGENDA  
AUGUST 22, 2023  
415 N. COLLEGE AVE.  
5:30 P.M.**

**CALL TO ORDER**

**PUBLIC HEARING**

1. Continue Public Hearing from June 27, 2023, to consider approving Resolution 612-23 for the appointment of City Council member, Place 4 for the remainder of the term.
2. Administer Oath and Statement of Office to the newly appointed City Council member, Place 4.

**PARLIAMENTARY PROCEDURE REVIEW – MAYOR CLARK**

**EXECUTIVE SESSION – *City Council will convene into regular session following the 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 a private consultation with the City Attorney regarding:
  - City of Justin/Town of Northlake Interlocal Cooperative Agreement for Wastewater Improvements
  - Dannheim Complaint Against The City of Justin; PUCT Docket No. 53836
  - Petition of Town of Northlake and City of Justin ; PUCT Docket No. 54243
  - Treeline Development Agreement
  - Oncor Transmission Line

Convene into executive session.

Adjourn into open meeting.

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

## **REGULAR 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”*

## **UPCOMING MEETINGS AND EVENTS**

September 4 – Labor Day, City Hall Closed  
September 5- Parks and Recreation Advisory Board  
September 11- Municipal Court  
September 12- City Council  
September 19 – EDC/CDC  
September 21– Planning and Zoning Commission  
September 26 – City Council

## **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 has 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.

## **PROCLAMATION/ RECOGNITIONS**

- Live United Month, September 2023
- Development Services Team Awards and Recognition

## **CONSENT AGENDA**

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

4. Consider and take appropriate action to approve City Council minutes dated August 8, 2023.
5. Consider and take appropriate action regarding appointments to and membership of the Planning and Zoning Commission.
6. Consider approval of Resolution 619-23 regarding the negotiated settlement between the Atmos Steering Committee and Atmos Energy Corp, Mid-Tex division regarding the 2023 rate review mechanism filings.

7. Consider and act upon a Preliminary Plat for LaDera Timberbrook described as Lot 1, Lot 2, Block A generally located northeast of Strader Lane and FM 407.

## **ITEMS PULLED FROM THE CONSENT AGENDA**

### **STAFF REPORTS**

8. Quarterly Investment Report.
9. Planning and deliverables calendar
10. 2023 Legislative Report

### **WORKSHOP**

11. Audit Presentation.
12. Discuss Fiscal Year 2023-2024 budget.
13. Discussion regarding City Council Liaison positions.
14. Discussion regarding the Board of Ethics.
15. Discuss the Oncor Ramhorn Hill transmission line.
16. Discuss future agenda items.

### **POSSIBLE ACTION ITEMS**

17. Consider and take appropriate action approving amendments to the Personnel Policy.
18. Consider and take appropriate action approving Resolution 620-23 authorizing the execution and delivery of a joint agreement between the City of Justin, the Town of Northlake, and the Trinity River Authority for certain wastewater collection mains and the transportation of wastewater.
19. Consider and take appropriate action approving and authorizing the City Manager to negotiate and execute an agreement with Texas Stix West, LLC for the use of facilities located at Community Park beginning September 3, 2023.

### **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 18<sup>th</sup> day of August 2023 by 5:00 p.m., at least 72 hours preceding the scheduled meeting time.

*Brittany Andrews*\_\_\_\_\_

Brittany Andrews, City Secretary



# **AGENDA**

## **ITEM**

### **1**

City Council Meeting

August 22, 2023

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item: 1

Title: Continue Public Hearing from June 27, 2023 to consider approving Resolution 612-23 for the appointment of City Council member, Place 4 for the remainder of the term.

Department: Administration

Contact: City Manager, Jarrod Greenwood

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Recommendation: Approve Resolution 612-23 to consider an appointment of (name of candidate) to fill the vacancy of City Council member, Place 4.

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Background:

Per City Charter Sec. 3.06, if there is a vacancy Council must hold a public hearing and make the appointment at that time by majority vote.

This public hearing is continued from the June 27, 2023 Council meeting. Should you approve the resolution appointing to fill the vacancy, the member will be sworn in and given the oath of office following their appointment.

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City Attorney Review:

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Attachments:

1. Draft Resolution

**RESOLUTION 612-23**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JUSTIN, TEXAS  
APPOINTING \_\_\_\_\_ TO THE CITY COUNCIL TO  
COMPLETE THE CURRENT TERM OF COUNCILMEMBER PLACE FOUR**

WHEREAS, a vacancy exists on the City of Justin City Council in Place Four following the General Municipal Elections on May 6, 2023; and

WHEREAS, in accordance with Section 12.012 of the Local Government Code, the City Council accepted the resignation; and

WHEREAS, the City Council wishes to appoint a replacement to the Council to complete the current term of Councilmember Place 4; and

WHEREAS, a public hearing was held in accordance with Section 3.06(5) of the City's Home Rule Charter; and

WHEREAS, the City of Justin City Council declares it in the best interests of the health, safety, and welfare of the public to adopt this resolution; and

WHEREAS, all prerequisites for the adoption of this resolution have been met, including but not limited to the Open Meetings Act.

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

Sec. 1. That all matters stated hereinabove

Sec. 2. That \_\_\_\_\_ is hereby appointed to the City Council to complete the current term of Councilmember Place 4.

Sec. 3. That this Resolution shall take effect immediately upon passage.

**AND IT IS SO RESOLVED.**

APPROVED BY A VOTE OF \_\_\_\_\_ AYES, \_\_\_\_\_ NAYS AND \_\_\_\_\_  
ABSTENTIONS ON THIS THE 22<sup>nd</sup> DAY OF AUGUST, 2023.

**ATTEST:**

**CITY OF JUSTIN**

\_\_\_\_\_  
Brittany Andrews  
City Secretary

\_\_\_\_\_  
James Clark  
Mayor

# **AGENDA**

## **ITEM**

### **4**

City Council Meeting

August 22, 2023

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item: 4(Consent)

Title: Consider approving City Council minutes dated August 8, 2023.

Department: Administration

Contact: City Secretary, Brittany Andrews

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Recommendation:

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Background:

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City Attorney Review:

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Attachments:

1. Draft August 8, 2023

Ricky Jones, Place 1  
Tomas Mendoza, Place 2  
John Mounce, Mayor Pro Tem, Place 3



Dylan James, Place 5  
Chrissa Hartle, Place 6

**Mayor, James Clark**

**MINUTES**

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

**Justin City Council Regular Session Meeting- August 8, 2023**

The Justin City Council Meeting convened into a Regular Session being open to the public the 8<sup>th</sup> day of August 2023 at 5:30 pm in the Council Chambers of Justin Municipal Complex, and notice of said meeting giving the time, place, date, and subject thereof having been posted as prescribed by Article 5 of the Texas Government Code, with the following members present and in attendance to wit: Mayor, James Clark, Mayor Pro Tem, John Mounce, Councilmembers, Tomas Mendoza, Dylan James, Ricky Jones, and Councilwoman Hartle. City Staff: City Manager, Jarrod Greenwood, Assistant City Manager, Abbey Reece, Public Works Director, Josh Little, Director of Development Services, Matt Cyr, Director of Finance, Josh Armstrong, and City Attorney, Matthew Boyle. Not present: Councilwoman Hartle.

**CALL TO ORDER**

Mayor Clark called the meeting to order at 5:31 PM.

**EXECUTIVE SESSION – *City Council will convene into regular session following the 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:
  - City of Justin/Town of Northlake Interlocal Cooperative Agreement for Wastewater Improvements
  - Dannheim Complaint Against The City of Justin; PUCT Docket No. 53836
  - Petition of Town of Northlake and City of Justin ; PUCT Docket No. 54243
  - Oncor Transmission Line

Convene into executive session at **5:31 PM**

Adjourn into an open meeting at **6:15 PM**

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

No Action taken

## **REGULAR SESSION**

Invocation and Pledge of Allegiance by Mayor Clark  
American Flag

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

## **UPCOMING MEETINGS AND EVENTS**

August 15– Planning and Zoning Commission  
August 17– EDC/CDC  
August 22– City Council  
September 5- Parks and Recreation Advisory Board  
September 11- Municipal Court  
September 12- City Council  
September 19 – EDC/CDC  
September 21– Planning and Zoning Commission  
September 26 – City Council

## **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.

Tom Cronberger – address on file, comment on record  
Kerry Goodman – address on file, comment on record

## **CONSENT AGENDA**

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

2. Consider and take appropriate action to approve City Council minutes from July 25, 2023.
3. (*second reading*) Consider approval of Ordinance No. 757-23, an ordinance of the City Council of the City of Justin, Texas approving the 2023 Annual Service Plan Update to the Service and Assessment Plan, including the Assessment Roll, for the Timberbrook Public Improvement District No. 1 in accordance with Chapter 372, Local Government Code, as amended; and providing an effective date.



4. Consider and take appropriate action to approve Resolution 618-23 naming the Justin Community Library, Mary Emma Tate Community Library.

**Mayor Pro Tem, Mounce moved to approve the consent items.**

**Seconded by: Councilman Jones**

**Aye votes: Councilmembers Clark, Hartle, James, Mounce, Mendoza, and Jones**

**Motion carries**

## **ITEMS PULLED FROM CONSENT AGENDA**

### **WORKSHOP**

5. Discuss proposed Fiscal Year 2023-2024 budget.

**Council held a discussion only on item 5.**

6. Discussion regarding November ballot language.

**Council held a discussion only on item 6.**

7. Discuss Ridgeview gates.

**Council held a discussion only on Item 7.**

**All comments on this item were read into the record and are attached as Exhibit A.**

8. Discuss financial reporting requirements and standards.

**Council held a discussion only on Item 8.**

9. Discuss Oncor Ramhorn Hill transmission line.

**Council held a discussion only on Item 9.**

### **POSSIBLE ACTION ITEMS**

10. (*second reading*) Consider approval of Ordinance 758-23 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.

**Mayor Pro Tem, Mounce moved to approve the item with an amendment that the sign has a timer that shuts off at 10:00 PM.**

**Councilman James made an amendment that the sign does not turn on before 8:00 AM.**

**Seconded by: Councilman Jones**

**Aye votes: Councilmembers Clark, Hartle, James, Mounce, and Jones**

**Nay votes: Councilman Mendoza**

**Motion carries**

11. Discuss and consider City Council vacancy applicants.

**Councilman James made the motion to nominate James Castle. Motion seconded by Mayor Clark. Motion ended in a tie vote and therefore the motion dies.**

**Councilman Mendoza moved to nominate Alyssa Linenkugel. With no second, the motion dies. Councilman Jones moved to nominate Daniel Dennis. Motion seconded by Mayor Clark. Motion ended in a tie vote and therefore the motion dies.**

**Councilwoman Hartle moved to nominate Alyssa Linenkugel.**

**Final Motion to nominate Alyssa Linenkugel seconded by: Councilman Mendoza**

**Aye votes: Councilmembers Mendoza, Mounce, James, and Hartle**

**Nay votes: Councilmembers Jones and Clark**

**Final Motion carries 4-2**

12. Discuss and consider appointments to and composition of the Justin Board of Ethics.

**Council held a discussion, provided staff direction and took no action.**

13. Discuss, consider, and take appropriate action regarding future agenda items.

**Council discussed their future agenda items and provided staff direction, no action was taken.**

**ADJOURN**

**With there being no further business, the meeting was adjourned at 9:12 PM**

*Brittany Andrews*

Brittany Andrews, City Secretary

Seal:

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#)  
**Subject:** Online Form Submittal: Public Comment Form  
**Date:** Monday, August 7, 2023 6:27:06 PM

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## Public Comment Form

City Council meetings and public hearings are recorded. They are part of the permanent and public record of The Justin City Council.

1. Pursuant to State Open Meetings Law, all individuals intending to offer oral or written testimony should complete this public input form prior to making a statement.

2. Give completed forms and any documentation to the City Secretary.

3. Testimony should be concise and present information not previously addressed. Testimony may be limited to three (3) minutes, in order to allow all participants to address the City Council.

4. City Council is restricted in discussing or taking action on items not posted on the agenda. Members of the City Council may ask questions of persons presenting oral testimony. Action on your statement can be taken only at a future meeting.

First Name Barbara

Last Name Holm

Address 1008 Ridgetop Drive

City Justin

State TX

Zip Code 76247

Phone Number

Agenda Item Potential opening of the gates at Hillside Drive

For or Against Item Against Item

Speaking I do not wish to speak, but please record my position.

Comments I do not want these gates to be opened because it will cause a lot of traffic on Ridgetop Dr and we have no sidewalks. Children have no choice but to ride their bikes and play some of their activities in the street. As well there are cars parked on both sides of the street. We don't need cars cutting through from Timberbrook speeding down Ridgetop to exit their neighborhood.

Our neighborhood was not built for over 1500 additional homes with most having multiple vehicles

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Supporting documents: *Field not completed.*

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Rules for public comments at City Council meetings:

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Public Comments/Regular and Consent Agendas: The City Council welcomes written and oral comments from the public at regular meetings. Individuals wishing to speak on matters posted on the regular or consent agendas, or in the City Council's jurisdiction but not posted on the regular or consent agendas, must submit a completed form to the City Manager's Office at City Hall in advance of the seventy-five (75) hour deadline. Individuals wishing to speak to matters posted on the consent or regular agendas only, must submit a completed form to the City Council meeting attendant thirty (30) minutes prior to the beginning of the meeting. Speakers will have one opportunity to speak during the allotted time period, and they must observe the three-minute time limit. Time cannot be transferred. When a speaker yields the floor, he/she waives any remaining time, but that remaining time does not get added to another speaker's time.

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Written Comments I Handouts: Individuals may use the comment sheets provided online, or in the City Manager's Office at City Hall. Comment sheets submitted at the City Council meeting thirty (30) minutes or more prior to its start will be copied and distributed to the Council Members. An individual who wishes to submit other written material should submit 10 copies to the City Manager, in advance, or to the attendant at the meeting for distribution to Council Members and senior staff.

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Public Hearing: Registering to speak at a Public Hearing is by the same method as for a regular agenda item. After a Public Hearing is closed, if Council needs additional information from the general public, some limited comments may be allowed at the discretion of the Mayor.

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Additional Rules for Speakers: 1. Speakers must state their name and address for the record. 2. Speakers must address all comments and questions to the presiding officer. 3. Speakers must limit their comments to three (3) minutes. 4. Speakers may not employ tactics of defamation, intimidation, personal affronts, profanity, or threats of violence.

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**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#)  
**Subject:** Online Form Submittal: Public Comment Form  
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First Name Richard

Last Name Holm

Address 1008 Ridgetop Dr

City Justin

State TX

Zip Code 76247

Phone Number

Agenda Item Potential opening of the gates at Hillside Dr.

For or Against Item Against Item

Speaking I do not wish to speak, but please record my position.

Comments I do not want these gates to be opened because it will cause a lot of traffic on Ridgetop Dr and we have no sidewalks. Children have no choice but to ride their bikes and play some of their activities in the street. As well there are cars parked on both sides of the street. We don't need cars cutting through from Timberbrook speeding down Ridgetop to exit their neighborhood.

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**To:** [Brittany Andrews](#)  
**Subject:** Online Form Submittal: Public Comment Form  
**Date:** Monday, August 7, 2023 9:17:29 PM

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First Name Kevin

Last Name Oliver

Address 1040 summit dr

City Justin

State Tx

Zip Code 76247

Phone Number

Agenda Item Ridgeview estate gate

For or Against Item Against Item

Speaking I do not wish to speak, but please record my position.

Comments Lock box was never installed on the west Emergency personnel gate on hillside. I live on the corner of summit and hillside for 23 years and I believe Accommodating to timberbrooks needs before the safty and high volume of traffic in the Ridgeview Neighborhood is wrong.. The city of justin needs to stand behind what was approved back in 2016 we already have the the gates

put in place that the city tax payed for all there is left to do is installed the electrical device for the police and the fire department to go through in case of a emergency. This would be a lot cheaper then installing sidewalk and speed bump at the gate entrance plus a we are going to need to install a Community sign on the east and west gates to inform timberbrook and the justin community residents we are Ridgeview estate. I VOTED TO KEEP THE GATE CLOSED. Note, I think cutting 7th or 12th street through would be a option, but then I don't think old town residents or Peggy on 7th street would appreciate that either like us living in Ridgeview estate.

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Supporting documents: *Field not completed.*

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**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#)  
**Subject:** Online Form Submittal: Public Comment Form  
**Date:** Monday, August 7, 2023 9:19:37 PM

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First Name Aimee

Last Name StClaire

Address 1037 Summit Dr

City Justin

State TX

Zip Code 76247

Phone Number

Agenda Item Ridgeview Gates on Hilltop

For or Against Item Against Item

Speaking I do not wish to speak, but please record my position.

Comments We purchased our home in Ridgeview subdivision in June 2019 because of its amenities, no HOA, and the amazing back yard view. It was my understanding that Timberbrook expansion, directly behind our home, was a five-year plan before starting of that phase. However, it was less than a year before the start of construction. Despite the "No construction traffic" signs as you

enter Ridgeview subdivision, we have already experienced a significant increase of traffic trying to access Timberbrook on Hillside Dr. If the Ridgeview North/South streets gates are opened on Hillside Drive, to allow residents of the Timberbrook subdivision to transit through Ridgeview, as requested to access Justin "old Town" or FM 156, it will cause significantly increased traffic for ALL of Ridgeview residents (especially Ridgetop Dr and Hillside Dr). With the narrow streets, no sidewalks, and on-street parking, the increased traffic will become a nuisance but most importantly an increased safety hazard. Unfortunately, there does not appear to be any positive incentive for our small Ridgeview subdivision (with approximately 130 homes) in this situation.

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Supporting documents: *Field not completed.*

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**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#)  
**Subject:** Online Form Submittal: Public Comment Form  
**Date:** Monday, August 7, 2023 10:33:07 PM

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## Public Comment Form

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3. Testimony should be concise and present information not previously addressed. Testimony may be limited to three (3) minutes, in order to allow all participants to address the City Council.

4. City Council is restricted in discussing or taking action on items not posted on the agenda. Members of the City Council may ask questions of persons presenting oral testimony. Action on your statement can be taken only at a future meeting.

First Name Suzanne

Last Name Brown

Address 1041 Ridgetop Dr

City Justin

State TX

Zip Code 76247

Phone Number

[REDACTED]

[REDACTED]

Ridgeview gates

For or Against Item Against Item

Speaking I do not wish to speak, but please record my position.

Comments I am very strongly opposed to the opening of the Ridgeview gates. I take daily walks in the neighborhood, as do many other residents. It is currently a very safe place to do so. More importantly, I have 4 young kids who ride their bikes, run, and rollerblade in the neighborhood - currently very safe, but will not be with hundreds of additional households using Ridgeview as a

shortcut. There are many other families with children who play outside; at one place on Ridgetop, kids on opposite sides often ride scooters or skateboards back and forth from their driveways. I know to go slowly and look carefully when I reach this spot, and I'm sure other Ridgeview residents do too, but drivers trying to zip through quickly will endanger these children as Ridgetop would likely be the main thoroughfare.

The very nature of a shortcut will mean that much of this additional traffic is speeding. Living at the corner of Ridgetop and Hillside, I frequently see vehicles trying to reach Timberbrook. These vehicles are often speeding (45-50mph), often ignore the stop sign, and leave at an even greater speed when they realize they cannot get through. The dangers posed by increasing this type of traffic a hundredfold cannot be overstated. Additionally, the streets in Ridgeview are not wide enough to support constant through traffic as well as residential parking.

My husband and I purchased our home 10 years ago because it is a low-traffic neighborhood and as such, is great for raising kids. We have made many friends through regular walking and biking of this neighborhood; it is a wonderful way to build community with our neighbors, but it will not be a safe place to walk/bike/scooter/skateboard/rollerblade if it becomes Timberbrook's shortcut. I hope city council will put the safety of residents over the convenience of others and keep the gates locked.

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Supporting documents: *Field not completed.*

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Rules for public comments at City Council meetings:

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Public Comments/Regular and Consent Agendas: The City Council welcomes written and oral comments from the public at regular meetings. Individuals wishing to speak on matters posted on the regular or consent agendas, or in the City Council's jurisdiction but not posted on the regular or consent agendas, must submit a completed form to the City Manager's Office at City Hall in advance of the seventy-five (75) hour deadline. Individuals wishing to speak to matters posted on the consent or regular agendas only, must submit a completed form to the City Council meeting attendant thirty (30) minutes prior to the beginning of the meeting. Speakers will have one opportunity to speak during the allotted time period, and they must observe the three-minute time limit. Time cannot be transferred. When a speaker yields the floor, he/she waives any remaining time, but that remaining time does not get added to another speaker's time.

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Public Hearing: Registering to speak at a Public Hearing is by the same method

as for a regular agenda item. After a Public Hearing is closed, if Council needs additional information from the general public, some limited comments may be allowed at the discretion of the Mayor.

---

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---

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**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#)  
**Subject:** Online Form Submittal: Public Comment Form  
**Date:** Tuesday, August 8, 2023 12:52:03 AM

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## Public Comment Form

City Council meetings and public hearings are recorded. They are part of the permanent and public record of The Justin City Council.

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1. Pursuant to State Open Meetings Law, all individuals intending to offer oral or written testimony should complete this public input form prior to making a statement.

---

2. Give completed forms and any documentation to the City Secretary.

---

3. Testimony should be concise and present information not previously addressed. Testimony may be limited to three (3) minutes, in order to allow all participants to address the City Council.

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4. City Council is restricted in discussing or taking action on items not posted on the agenda. Members of the City Council may ask questions of persons presenting oral testimony. Action on your statement can be taken only at a future meeting.

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First Name	David
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Last Name	Casperson
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Address	1040 Ridgetop Drive
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City	Justin
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State	Texas
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Zip Code	76247
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Phone Number	
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Agenda Item	Gates on hilltop Drive
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For or Against Item	Against Item
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Speaking	I do not wish to speak, but please record my position.
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Comments	I am out of the country. I tried to submit a form but don't know if it sent. I am totally opposed to the gates on Hilltop being opened so traffic from Timberland can cut through. This was discussed before and decided the gates should stay closed. The are toddlers living ion Hilltop across from my driveway and I see them running around at the street all the time. There are others I
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see on the street. We do not need the gates open so Timberland traffic can race down the street when they're late for work or in a hurry to get home. They purchased their homes knowing the gates were closed. This should not change

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Supporting documents: *Field not completed.*

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#### Rules for public comments at City Council meetings:

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**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#)  
**Subject:** Online Form Submittal: Public Comment Form  
**Date:** Sunday, August 6, 2023 1:55:16 PM

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First Name Shelby

Last Name StClaire

Address 1037 Summit Dr

City Justin

State TX

Zip Code 76247

Phone Number [REDACTED]

Agenda Item Ridgeview Gates

For or Against Item Against Item

Speaking I wish to speak

Comments The gates remaining closed is imperative to the safety of Ridgeview Residents. We do not have sidewalks and therefor must walk in the road. If the gates are opened or removed it will cause a lot of unnecessary traffic on our streets.

Supporting documents: *Field not completed.*



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**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#)  
**Subject:** Online Form Submittal: Public Comment Form  
**Date:** Sunday, August 6, 2023 2:13:04 PM

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First Name Vincent

Last Name Cheney

Address 1300 Hillside Dr

City Justin

State TX

Zip Code 76247

Phone Number

Agenda Item Ridgeview Gates

For or Against Item Against Item

Speaking I wish to speak

Comments Hello,

My wife and I are new residents to Ridgeview, having purchased our house this past July. Our house is on the corner of Hillside and Summit, right next to the town water well. We are also directly next to the western Ridgeview gate.

As you enter Ridgeview, the "No construction traffic" signs are very clearly posted. My understanding is that the gates in Ridgeview were put up in order to prevent thru-traffic from construction vehicles as Timberbrook was being built. I can see from the front doorstep of my house that Timberbrook is still actively being developed, along with further development planned in the surrounding communities, and on 12th street and 156 in years to come. With that in mind, it would be senseless to open the gates to allow that traffic.

Timberbrook residents purchased their homes knowing the gates would be closed for an indefinite period of time. Likewise, I purchased my home knowing these gates would be closed as well. Timberbrook was built with sidewalks, Ridgeview was not. There does not appear to be any positive incentive for Ridgeview in this situation. If an incentive was offered to Ridgeview residents, the suggestion of the gates opening would be more equitable. As it stands, it is one-sided in favor of Timberbrook.

Thank you for your time.

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Supporting documents: *Field not completed.*

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**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#)  
**Subject:** Online Form Submittal: Public Comment Form  
**Date:** Sunday, August 6, 2023 8:20:14 PM

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## Public Comment Form

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First Name Karen

Last Name Brooks

Address 1021 summit Dr

City Justin

State Tx

Zip Code 76247

Phone Number

Agenda Item Opening of gates from Timberbrook to Ridgeview

For or Against Item Against Item

Speaking I do not wish to speak, but please record my position.

Comments My husband and I are against opening the gates allowing traffic from Timberbrook to Ridgeview. We have no sidewalks and many of us walk, walk our dogs and ride bicycles in the street. Allowing more traffic would definitely be dangerous for Ridgeview residents. We see no reason to allow Timberbrook access to Ridgeview when they have better roads and plenty of access out

of their community.

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Supporting documents: *Field not completed.*

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Rules for public comments at City Council meetings:

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**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#)  
**Subject:** Online Form Submittal: Public Comment Form  
**Date:** Sunday, August 6, 2023 8:20:42 PM

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First Name Jane

Last Name Lee

Address 422 12th St

City Justin

State Tx

Zip Code 76247

Phone Number

Agenda Item Ridgeview Gates

For or Against Item Against Item

Speaking I wish to speak

Comments I'd like to publicly urge City Council to oppose opening the gates within Ridgeview for access to Timberbrook. As a resident on 12th St., I have significant concerns about increased traffic through our residential streets should the gates be opened. 12th St is not equipped to handle traffic for both Ridgeview and Timberbrook communities. While I understand the need for

accessible and safe entry and exit points accessing both of these neighborhoods, I sincerely hope city council will consider allocating resources to improve current roads (adding lines on roads, signage, sidewalks, sewer systems, and curbs) as well as implementing infrastructure to better support the traffic needs of these neighborhoods. I'd like the record to officially show I oppose opening the gates from Ridgeview to Timberbrook.

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Supporting documents: *Field not completed.*

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#### Rules for public comments at City Council meetings:

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**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#)  
**Subject:** Online Form Submittal: Public Comment Form  
**Date:** Sunday, August 6, 2023 9:30:56 PM

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First Name Becca

Last Name Cheney

Address 1300 Hillside Dr

City Justin

State TX

Zip Code 76247

Phone Number

Agenda Item Ridgeview Gates Opening

For or Against Item Against Item

Speaking I do not wish to speak, but please record my position.

Comments Hello,

I recently moved into Ridgeview Estates with my husband, coming up from Roanoke. I've been looking at maps about the incoming road construction, as well as current Google Maps routes and I just can't see an advantage of more than a minute or

two of travel to opening the gates for through traffic. On the other hand, as things currently stand, it would be unsafe. I've noticed even in the heat of summer, many people enjoy running or taking a stroll through this lovely neighborhood. There are no sidewalks, so this is of course all done in the road. There is a significant amount of street parking as well, so I'm always slow and careful coming through in my car with those two things in mind.

Neither of these things are conducive to a quicker trip for anyone who would cut through our neighborhood. After all, if they are driving at a speed appropriate for those potential hazards, it might even add time depending on what's going on in the neighborhood. On one walk I took to see my new neighborhood, I was happy to see a few cute kids rolling down with a wagon they were playing with. I would certainly like to keep the roads safe for them.

For the people and cars parked in the road, the through traffic is just an increased danger.

To mitigate some of these dangers would be costly, in the form of putting in sidewalks through the entire neighborhood, potentially even speed bumps and additional signage. Alternatively, for no cost at all, we can simply leave up the existing gates. I'm a big fan of fiscal responsibility and safety for people and property.

Thank you for the consideration.

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Supporting documents: *Field not completed.*

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**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#)  
**Subject:** Online Form Submittal: Public Comment Form  
**Date:** Monday, August 7, 2023 9:34:57 AM

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First Name Leilani

Last Name Akiona

Address 1013 Ridgetop Drive

City Justin

State TX

Zip Code 76247

Phone Number [REDACTED]

Agenda Item Opening Ridgeview/Timberbrook Gates

For or Against Item Against Item

Speaking I do not wish to speak, but please record my position.

Comments We moved to Justin because it had that small country feel. The kids were able to explore the neighborhood safely, ride their bikes with no fear of a lot of traffic, play football in the street with neighborhood kids and do the things that kids are supposed to do. Our nightly walks around the neighborhood will now become dangerous due to there not being an sidewalks.

By opening the gates this will increase traffic on the streets and make it unsafe for my family and all the other residents in the neighborhood. Not only will there be more traffic, there will be increased speeds as well.

When the homes were purchased in Timberbrook they knew there was one way in and one way out, just as the residents in Ridgeview did.

It is bad enough that they are going to put a 6 lane highway at the entrance to our neighborhood, we should not be subjected to even more traffic.

People are worried about making life better for the people in Timberbrook, what about making life better for the residents in Ridgeview? Especially since some of these residents have spent their whole lives here and have raised their kids and grandkids here.

It is a shame that this is even an option! Someone needs to help protect Ridgeview residents and homes!!!!

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Supporting documents: *Field not completed.*

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Rules for public comments at City Council meetings:

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profanity, or threats of violence.

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**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#)  
**Subject:** Online Form Submittal: Public Comment Form  
**Date:** Monday, August 7, 2023 4:05:10 PM

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First Name Traci

Last Name Kirkpatrick

Address 517 12th Street

City Justin

State Texas

Zip Code 76247

Phone Number

Agenda Item Gates in Ridgeview

For or Against Item Against Item

Speaking I do not wish to speak, but please record my position.

Comments opening these gates will just create traffic that the Ridgeview roads were not designed to accommodate. These roads are often walked by residents and played on by area children as there are no sidewalks. The streets are narrow and provide no room for added traffic. Children ride their bikes on the streets in Ridgeview. In addition, the Timberbrook neighborhood will soon

have access out Timberbrook Parkway to exit to 407 by Homeland and Ace. I find it difficult to believe maneuvering through Ridgeview is quicker to get to some areas of Justin. As a resident of 12th Street this will be a flood gate of hell with more cars traveling at excessive speeds. In addition, I would like to know what additional municipal resources are going to be deployed to deal with the constant issue with the stop sign being ran on the corner of 12th and creekhill as that will become an increased safety issue as well.

Overall the increase in safety issues by opening the gates is far more alarming than those posed by them being closed. It seems to me that opening the gates for a few people to be less inconvenienced is putting more people at risk.

---

Supporting documents: *Field not completed.*

---

#### Rules for public comments at City Council meetings:

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---



**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#)  
**Subject:** Online Form Submittal: Public Comment Form  
**Date:** Tuesday, August 8, 2023 11:54:01 AM

---

## Public Comment Form

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4. City Council is restricted in discussing or taking action on items not posted on the agenda. Members of the City Council may ask questions of persons presenting oral testimony. Action on your statement can be taken only at a future meeting.

First Name Jacob

Last Name Carter

Address 1025 summit dr

City justin

State TX

Zip Code 76247

Phone Number

Agenda Item Gate In Ridgeview to Timberbrook

For or Against Item Against Item

Speaking I do not wish to speak, but please record my position.

Comments My family moved here in October of 2021 and have loved the neighborhood from day 1. We also love the fact that the traffic within the neighborhood was kept to a minimum with the current entrance and exits that exist. We're a growing (and will continue to grow) family with a newborn and walking this neighborhood is a staple in our daily activities. We don't have sidewalks so that

leaves us walking in the streets but with no through traffic currently allowed it keeps the traffic to a bare minimum and our safety in tact. We live on Summit and opening the gates would turn our street/neighborhood into a drag strip of traffic which offers ZERO comfort to my wife, myself, our kids and my neighbors.

The homeowners in Timberbrook understood the gates would not be opened at any point, and with ZERO benefit to us here in Ridgeview I see absolutely zero reason to open the gates now.

Im asking as a father, husband, and resident of Ridgeview to keep the gates closed. Keep them closed for our safety, for our peace of mind. Keep them closed so ourselves, our children, parents, and friends can continue to enjoy our neighborhood.

Thank your for your time.

---

Supporting documents: *Field not completed.*

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Rules for public comments at City Council meetings:

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profanity, or threats of violence.

---

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**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#)  
**Subject:** Online Form Submittal: Public Comment Form  
**Date:** Tuesday, August 8, 2023 12:07:21 PM

---

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First Name Jessica

Last Name Carter

Address 1025 Summit Drive

City Justin

State TX

Zip Code 76247

Phone Number

Agenda Item Ridgeview Gates

For or Against Item Against Item

Speaking I do not wish to speak, but please record my position.

Comments I am very much against opening the gates to allow traffic into the Ridgeview neighborhood. There are many people who walk/run/etc in the neighborhood and without sidewalks, all of that happens on the street which hasn't been an issue with so little movement in and out of the neighborhood. With added traffic, the safety of our neighborhood would decrease. In

addition, the quality of our streets would deteriorate at a faster rate. Our community is a small, quiet one and that's a big reason why many people have chosen to live in this neighborhood. Let's keep it that way, please!

---

Supporting documents: *Field not completed.*

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#### Rules for public comments at City Council meetings:

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---

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**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#)  
**Subject:** Online Form Submittal: Public Comment Form  
**Date:** Tuesday, August 8, 2023 12:00:17 PM

---

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First Name Courtney/ Matt

Last Name Ward

Address 1020 Scenic Dr

City Justin

State TX

Zip Code 76247

Phone Number

Agenda Item Ridgeview Gates

For or Against Item Against Item

Speaking I do not wish to speak, but please record my position.

Comments I would like to put on record that we are against opening the gates between us and Timberbrook at this time. While I know it will be necessary at some point in the future, there continues to be construction throughout the south side of Timberbrook that would be accessible through our neighborhood. The increased traffic that this will cause as well as increased through traffic from

residents will pose a safety threat for our neighborhood as we do not have sidewalks for safety for kids or adults running/ walking in the streets.

---

Supporting documents: *Field not completed.*

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Rules for public comments at City Council meetings:

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**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#)  
**Subject:** Online Form Submittal: Public Comment Form  
**Date:** Tuesday, August 8, 2023 2:04:36 PM

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## Public Comment Form

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First Name Terry

Last Name HOLLAND

Address 1033 Canyon Dr

City Justin

State TX

Zip Code 76247

Phone Number

Agenda Item Ridgeview Gates- stay locked

For or Against Item For Item

Speaking I do not wish to speak, but please record my position.

Comments I WANT These gates to remain locked. after all these years, it is rather pointless for them to be 'unlocked'. we are a very quiet community, not having to deal with fast cars up & down our narrow streets. we have no sidewalks. we have to walk in the streets. kids play in our streets. we do not need to be known as the 'cut-through neighborhood'. as for police & fire equipment



they've been going around our neighborhood for a few years,  
why should it change??

---

Supporting documents: *Field not completed.*

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Rules for public comments at City Council meetings:

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**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#)  
**Subject:** Online Form Submittal: Public Comment Form  
**Date:** Tuesday, August 8, 2023 2:25:20 PM

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First Name Darrell and Janice

Last Name Clendennen

Address 1017 Scenic Drive

City Justin

State Texas

Zip Code 76247

Phone Number



Agenda Item Ridgeview Gates

For or Against Item Against Item

Speaking I do not wish to speak, but please record my position.

Comments NOT in favor of opening the gates. Too much traffic as it is in Ridgeview neighborhood. Many walkers/joggers/pet walking/cycling are already endangered by the current traffic, let alone more.

Supporting documents: *Field not completed.*

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## Rules for public comments at City Council meetings:

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**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#)  
**Subject:** Online Form Submittal: Public Comment Form  
**Date:** Tuesday, August 8, 2023 2:41:46 PM

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First Name Debbie

Last Name Haire

Address 1013 SCENIC DR

City JUSTIN

State TX

Zip Code 76247

Phone Number [REDACTED]

Agenda Item Ridgeview Gates / removal

For or Against Item Against Item

Speaking I do not wish to speak, but please record my position.

Comments I am against the removal of the Ridgeview gates. Removal and/or opening of the gates presents a safety hazard to our community. We have no sidewalks and many residents and their children walk and bike our neighborhood. Increasing the traffic flow will make it more dangerous for us to be safe. For it to become a cut thru for Timberbook residents to save time to get to

156 or Old Town only emphasized that speed on our streets will be a factor. Timberbrook has a 156 entrance and exit. They have or will have a 407 entrance/exit when their neighborhood roads are connected. They do not need access through Ridgeview. There is no viable reason for them to need to drive through Ridgeview to access town. Also, when those gates come down, there will be construction traffic. You won't be able to stop it. It will destroy Ridgeview streets and there will be a cost to the city to repair those. Please keep the gates up for the safety of our residents. Thank you.

---

Supporting documents: *Field not completed.*

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**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#)  
**Subject:** Online Form Submittal: Public Comment Form  
**Date:** Tuesday, August 8, 2023 6:24:37 PM

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First Name Brandi

Last Name Greathouse

Address 1041 Scenic Dr

City Justin

State TX

Zip Code 76247

Phone Number

Agenda Item Opening Hillside Dr gates in Ridgeview

For or Against Item Against Item

Speaking I do not wish to speak, but please record my position.

Comments I live at the corner of Scenic and Hillside. Opening the gates will directly affect me and my house and therefore I am against it.

Supporting documents: *Field not completed.*

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**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#)  
**Subject:** Online Form Submittal: Public Comment Form  
**Date:** Tuesday, August 8, 2023 3:02:27 PM

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First Name Christina

Last Name Osteen

Address 1029 Summit Dr

City Justin

State TX

Zip Code 76247

Phone Number [REDACTED]

Agenda Item #7 Ridgeview Gates -

For or Against Item Against Item

Speaking I do not wish to speak, but please record my position.

Comments Good evening Mr. Mayor, Councilmembers, Staff, & Residents; My name is Christina Osteen, my husband and I live at 1029 Summit Dr, in Ridgeview Estates. We purchased our home 5 years ago. We chose our home for many reasons, one of which being its location, at the very back of Ridgeview, which limited the traffic around our home. Another reason we purchased was



the barricade around the corner from our home, preventing us from being swallowed by the Timberbrook Development. We were made aware of the THREE properties that would be built on our Western Property line, but the tree removal came as a shock. -In the fall of 2020, that barricade was replaced with a locked gate, to allow emergency personnel to access Timberbrook, in the event of an actual emergency.

-After we took possession of our home, a final decision was made that FM407 would be relocated to the entry road we have to our small community, 12th street, destroying the homes of several of our neighbors.

-Ridgeview is under attack from every direction. They are removing our monument sign and there is nothing we can do about it. Developers have removed our large trees, and there is nothing we can do about it. And now, 'they' want to remove the gates, so 'they' can cut through our little community.

-Let me remind everyone, lack of patience in this world has cost several people their lives on FM156. The last thing we need is to double-triple-quadruple the traffic flow on our community roads, because our neighbors, in Timberbrook need a 'faster way to 'cut through' to old town'. They purchased their homes knowing there was either a barricade or a secured gate; just like we did. They will have additional access points to use in the very near future, some are using them now.

-The topic of the gates and safety of Ridgeview has been discussed several times since our 2018 purchase. In October of 2020, the gates were on the City Council agenda again. During that Council meeting, the Gates were an "Action Item", and the result was "No Action". In December of 2020, The City of Justin's Official Facebook Page posted a statement regarding the gates. Within the statement, it was said, and I quote "...there WILL be a gate installed preventing traffic flow between the subdivisions" it went on to say "There have not been any changes to this planned gate, which will be installed after the roadway connection is complete" end quote.

-Many of the homeowners of Ridgeview and 12th street, as they are equally impacted; have voiced their firm opinion of keeping those gates closed. It's been recently stated that the locks and chains are being illegally removed by vandals.

-Past sitting councils have taken no action on the topic, in all the times, we've found it to have appeared on the agenda. Someone needs to take action, similar to the action taken to get the barricades installed in the first place.

-Without a formal action to keep the gates closed, we will continue to have this discussion every year, as we have for the past 5, that I'm aware of.

-The primary reasons the Homeowners of Ridgeview keep

bringing it to Council meetings are Pedestrian Safety, Road Quality, and traffic volume. Ridgeview does not have sidewalks for our moms with babies taking walks, kids on Bikes or our Joggers who prefer to jog in the early mornings and evenings when it's cooler, and may I add, darker; so, cars 'rushing to cut through' may not even see them.

-We have far more important issues to deal with, as a growing city, than the residents of Timberbrook's need to 'cut through' Ridgeview.

-The safety of our Ridgeview Estates residents is paramount and should be of the highest consideration.

-I respectfully ask again, as I asked in 2020, please keep the gates closed.

Instead of further punishing the residents of Ridgeview and 12th street, prosecute the vandals who keep tampering with the chains and locks installed by the Fire Department and Code Enforcement.

Thank you.

---

Supporting documents: [8-8-2023 Council Meeting -1.docx](#)

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Rules for public comments at City Council meetings:

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Public Comments/Regular and Consent Agendas: The City Council welcomes written and oral comments from the public at regular meetings. Individuals wishing to speak on matters posted on the regular or consent agendas, or in the City Council's jurisdiction but not posted on the regular or consent agendas, must submit a completed form to the City Manager's Office at City Hall in advance of the seventy-five (75) hour deadline. Individuals wishing to speak to matters posted on the consent or regular agendas only, must submit a completed form to the City Council meeting attendant thirty (30) minutes prior to the beginning of the meeting. Speakers will have one opportunity to speak during the allotted time period, and they must observe the three-minute time limit. Time cannot be transferred. When a speaker yields the floor, he/she waives any remaining time, but that remaining time does not get added to another speaker's time.

---

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---

Public Hearing: Registering to speak at a Public Hearing is by the same method as for a regular agenda item. After a Public Hearing is closed, if Council needs additional information from the general public, some limited comments may be allowed at the discretion of the Mayor.

---

Additional Rules for Speakers: I. Speakers must state their name and address for

the record. 2. Speakers must address all comments and questions to the presiding officer. 3. Speakers must limit their comments to three (3) minutes. 4. Speakers may not employ tactics of defamation, intimidation, personal affronts, profanity, or threats of violence.

---

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**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#)  
**Subject:** Online Form Submittal: Public Comment Form  
**Date:** Tuesday, August 8, 2023 4:21:33 PM

---

## Public Comment Form

City Council meetings and public hearings are recorded. They are part of the permanent and public record of The Justin City Council.

1. Pursuant to State Open Meetings Law, all individuals intending to offer oral or written testimony should complete this public input form prior to making a statement.

2. Give completed forms and any documentation to the City Secretary.

3. Testimony should be concise and present information not previously addressed. Testimony may be limited to three (3) minutes, in order to allow all participants to address the City Council.

4. City Council is restricted in discussing or taking action on items not posted on the agenda. Members of the City Council may ask questions of persons presenting oral testimony. Action on your statement can be taken only at a future meeting.

First Name Heather

Last Name Bedinger

Address 1036 Ridgetop Dr

City Justin

State TX

Zip Code 76247

Phone Number



Ridgeview Gates

For or Against Item Against Item

Speaking I do not wish to speak, but please record my position.

Comments My name is Heather Bedinger, wife to Blake, and mom to Helen, Ruthie and Will and we live in Ridgeview. Our kids are 6, 4 and 3, and our oldest has Sown syndrome. Her intellectual//developmental disability causes her to have very little fear of danger or harm. Because of this, we have taken steps to protect her in and around our home to keep her safe, but there

have been a couple times where she has left our house on foot and run down the street. We were grateful that we live in a small, low traffic neighborhood so that this mishap didn't turn into a disaster. If we open the Ridgeview gates and allow more traffic through our small neighborhood, this mom will be much more anxious worrying about what could happen to my kids if they somehow get out unsupervised. Please consider leaving the gates as is to protect my kids and prevent extra traffic that our small neighborhood is not designed for. Thank you.

---

Supporting documents: *Field not completed.*

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---

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---

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---

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**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#); [Abbey Reece](#)  
**Subject:** Online Form Submittal: Board, Commission & Committee Application  
**Date:** Wednesday, August 9, 2023 9:02:13 AM

---

## Board, Commission & Committee Application

First Name	Shelby
Last Name	StClaire
Address	1037 Summit Dr
City	Justin
State	TX
Zip Code	76247
Mailing Address (If different)	1037
City	Justin
State	TX
Zip Code	76247
Phone Number	<div></div>
Email Address	shelby.st.claire@gmail.com
Are you over the age of 18?	Yes
Are you a registered voter in Justin?	Yes
Are you a Justin resident, property, business owner, or City Staff?	Yes
Current Occupation/Employer	Account Executive
Education, Licenses, or Certifications	High School Diploma, USAC Certified
	No

Are you a current or past member of a Council-appointed Board, Commission, or Corporation?

On which Board, Commission, or Committee are you interested in serving? (First Choice)

Board of Ethics

If you have a second choice for a Board, Commission, or Committee on which you would like to serve, please also select that.

Planning and Zoning Commission

What work experience, educational experience, community involvement, and/or other skills do you have that would qualify you for a Council-appointed Board, Commission, or Committee?

I have integrity and I always live by my word

List any additional information which you believe would be of value for the City Council to know about you.

Resident of Justin for over 4 years.

Do you or any member of your immediate family residing in your household, hold a position (paid or unpaid) with any person or organization, or have a contract with or any obligation to any person or entity which might constitute a conflict of interest?

No

Have you ever been convicted of a felony, violation of law, or misdemeanor involving moral turpitude (any offense involving lying, stealing, or cheating?)

No

---

Are there any criminal charges or proceedings pending against you?

No

---

By typing your full name in the box, you acknowledge that the information provided is correct to the best of your ability.

Shelby Scott StClaire

---

Date of Submission

8/9/2023

---

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**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#)  
**Subject:** Online Form Submittal: Public Comment Form  
**Date:** Monday, August 7, 2023 8:06:51 PM

---

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4. City Council is restricted in discussing or taking action on items not posted on the agenda. Members of the City Council may ask questions of persons presenting oral testimony. Action on your statement can be taken only at a future meeting.

First Name Jennifer

Last Name Oliver

Address 1040summit dr

City Justin

State Tx

Zip Code 76247

Phone Number

Agenda Item The gates in ridgeview being opened.

For or Against Item Against Item

Speaking I do not wish to speak, but please record my position.

Comments I do not think we should have the gates opened at all do to our neighborhood has no sidewalks. We also have tons of kids in our neighborhood playing . Plus we walk on our streets. That is alot of houses in timberbrook which would create alot of traffic for our little neighborhood.

Supporting documents: *Field not completed.*

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---

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# **AGENDA**

## **ITEM**

### **5**

City Council Meeting

August 22, 2023

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item: 5 (Consent)

Title: Consider and take appropriate action regarding the appointment to and membership of the Planning and Zoning Commission.

Department: Development

Contact: Director of Development, Matt Cyr

---

Recommendation:

Consider Emily Krzyzek for Place 8 (Alternate) on the Planning and Zoning Commission

---

P&Z Recommendation:

The Commission unanimously recommended approval of Emily Krzyzek to Place 8 on August 15, 2023.

---

Background:

Approximately a month ago Lisa Leary resigned from Place 2. Scott Hill was then appointed by City Council to Place 2 on July 25, 2023. Consequently, Place 8 was then left vacant.

Place 1: Vicente Barrientos, Member

Place 2: Scott Hill, Member

Place 3: Gary Davis, Member

Place 4: John Tinsley, Vice-Chair

Place 5: Tory Turner, Member

Place 6: David Beck, Chair

Place 7: Thomas Cronberger, Member

Place 8: VACANT

---

City Attorney Review: N/A

---

Attachments:

1. Application

**From:** [Brittany Andrews](#)  
**To:** [Matthew Cyr](#)  
**Subject:** FW: Online Form Submittal: Board, Commission & Committee Application  
**Date:** Thursday, August 10, 2023 10:01:05 AM

---

Thank you,

*Brittany Andrews, City Secretary TRMC*

City of Justin  
415 N. College Ave.  
Justin, TX 76247

**ATTENTION ELECTED OFFICIALS:**

-  
*A "Reply to All" of this email could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.*

*This message is intended only for the named recipient. If you are not the recipient, you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.*

---

**From:** noreply@civicplus.com <noreply@civicplus.com>  
**Sent:** Tuesday, July 25, 2023 2:33 PM  
**To:** Brittany Andrews <bandrews@cityofjustin.com>; Abbey Reece <areece@cityofjustin.com>  
**Subject:** Online Form Submittal: Board, Commission & Committee Application

## Board, Commission & Committee Application

First Name	Emily
Last Name	Krzyzek
Address	230 S Snyder Ave
City	Justin
State	TX
Zip Code	76247
Mailing Address (If different)	230 S Snyder Ave

City	Justin
State	TX
Zip Code	76247
Phone Number	203-376-6695
Email Address	<a href="mailto:sunb6@aol.com">sunb6@aol.com</a>
Are you over the age of 18?	Yes
Are you a registered voter in Justin?	Yes
Are you a Justin resident, property, business owner, or City Staff?	Yes
Current Occupation/Employer	Northwest ISD
Education, Licenses, or Certifications	Master's Degree in Special Education
Are you a current or past member of a Council-appointed Board, Commission, or Corporation?	Yes
If yes, please specify	Past member of Planning and zoning
On which Board, Commission, or Committee are you interested in serving? (First Choice)	Planning and Zoning Commission
If you have a second choice for a Board, Commission, or Committee on which you would like to serve, please also select that.	<i>Field not completed.</i>
What work experience, educational experience, community involvement,	I have previously served on planning and zoning. I have worked as a teacher at Northwest ISD for over 10 years.

and/or other skills do you have that would qualify you for a Council-appointed Board, Commission, or Committee?

List any additional information which you believe would be of value for the City Council to know about you.

I am very organized. I have lived in Justin for 17 years. I am committed to doing what is best for the citizens of this community.

Do you or any member of your immediate family residing in your household, hold a position (paid or unpaid) with any person or organization, or have a contract with or any obligation to any person or entity which might constitute a conflict of interest?

No

Have you ever been convicted of a felony, violation of law, or misdemeanor involving moral turpitude (any offense involving lying, stealing, or cheating?)

No

Are there any criminal charges or proceedings pending against you?

No

By typing your full name in the box, you acknowledge that the information provided is correct to the best of your ability.

Emily Krzyzek

Date of Submission

7/25/2023



# **AGENDA**

## **ITEM**

### **6**

City Council Meeting

August 22, 2023

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item: 6 (Consent)

Title: Consider and take appropriate action approving Resolution 619-23 regarding the negotiated settlement between the Atmos Steering Committee and Atmos Energy Corp, Mid-Tex division regarding the 2023 rate review mechanism filings.

Department: Administration

Contact: City Manager, Jarrod Greenwood

---

Recommendation: Approve Resolution

---

Cities have more than 100 years' experience in regulating natural gas rates in Texas. Most municipalities have retained their original jurisdiction over gas utility rates and services within their corporate limits. The Atmos Cities Steering Committee ("ACSC") is composed of municipalities, including Justin, in the service area of Atmos Energy Corporation, Mid-Tex Division regardless of whether original jurisdiction has been retained. Atmos is a monopoly public utility provider of natural gas. Because Atmos has no competitors, regulation of the rates it charges its customers in the only way that cities can ensure that natural gas rates are equitable and competitive. Working as a coalition, via the Atmos Cities Steering Committee, to review the rates charged by Atmos allows cities to accomplish more collectively than each municipality could do acting alone.

Justin, along with 181 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC"). In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism ("RRM"), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members in 2018. On or about March 31, the Company filed a rate request

pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2022, entitled it to additional system-wide revenues of \$165.9 million.

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

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

#### **RATE TARIFFS**

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

#### **BILL IMPACT**

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

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

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

## RRM SAVINGS OVER GRIP

While residents outside municipal limits must pay rates governed by GRIP, there are some cities served by Atmos Mid-Tex that chose to remain under GRIP rather than adopt RRM. Additionally, the City of Dallas adopted a variation of RRM which is referred to as DARR. When new rates become effective on October 1, 2023, ACSC residents will maintain an economic monthly advantage over GRIP and DARR rates.

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

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

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

ACSC has reached a settlement agreement with Atmos resolving the 2023 RRM filing. In its filing, the Company requested a rate increase of \$165.9 million on a system-wide basis. This was reduced to \$156.1 million due to limitations in the RRM tariff. Our consultants conducted discovery and prepared a report detailing adjustments totaling \$25.2 million. This translates into a \$130.9 million increase (i.e.  $\$156.1 - \$25.2 = \$130.9$ ). The Company has agreed to settle the case for \$142 million. This is a reduction of \$23.9 million to the Company's initial request. This includes payment of ACSC's expenses.

The Legislature's GRIP process allowed gas utilities to receive annual rate increases associated with capital investments. The RRM process has proven to result in a more efficient and less costly (both from a consumer rate impact perspective and from a ratemaking perspective) than the GRIP process. Given Atmos Mid-Tex's claim that its historic cost of service should entitle it to recover \$165.9 million in additional system-wide revenues, the RRM settlement at \$142 million for ACSC members reflects substantial savings to ACSC cities. Settlement at \$142 million is fair and reasonable. The ACSC Executive Committee consisting of city employees of 18 ACSC members urges all ACSC members to pass the Resolution/Ordinance before September 30, 2023. New rates become effective October 1, 2023.

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City Attorney Review: Yes

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#### Attachments:

1. Resolution with Attachments
2. Average Bill Comparison

## RESOLUTION NO. 619-23

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

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

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

**WHEREAS**, ACSC and the Company worked collaboratively to develop a Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

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

**WHEREAS**, on about March 1, 2023, Atmos Mid-Tex filed its 2023 RRM rate request with ACSC Cities based on a test year ending December 31, 2022; and

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

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

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

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

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

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

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

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

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

**SECTION 1.** That the findings set forth in this Resolution are hereby in all things approved.

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

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

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

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

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

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

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

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

**SECTION 10.** That consistent with the City Ordinance that established the RRM process, this Resolution shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after September 30, 2023.

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

**DULY PASSED** and approved by the City Council of the City of Justin, Texas, by a vote of \_\_\_\_ to \_\_\_\_, on this the 22<sup>nd</sup> day of August 2023.

**APPROVED:**

\_\_\_\_\_  
James Clark, Mayor

**ATTEST:**

\_\_\_\_\_  
Brittany Andrews, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Matthew Boyle, City Attorney

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

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

**Application**

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

**Type of Service**

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

**Monthly Rate**

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

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

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

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

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

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

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

**Agreement**

An Agreement for Gas Service may be required.

**Notice**

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

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

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



**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

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

**Application**

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

**Type of Service**

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

**Monthly Rate**

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

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

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

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

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

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

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

**Agreement**

An Agreement for Gas Service may be required.

**Notice**

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

**Presumption of Plant Protection Level**

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

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

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

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

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

**Application**

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

**Type of Service**

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

**Monthly Rate**

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

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

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

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

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

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

**Curtailment Overpull Fee**

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

**Replacement Index**

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

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

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

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

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

**Agreement**

An Agreement for Gas Service may be required.

**Notice**

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

**Special Conditions**

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

**Presumption of Plant Protection Level**

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

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

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

**Application**

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

**Type of Service**

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

**Monthly Rate**

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

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

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

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

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

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

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

**Imbalance Fees**

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

**Monthly Imbalance Fees**

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

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

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

**Curtailment Overpull Fee**

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

**Replacement Index**

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

**Agreement**

A transportation agreement is required.

**Notice**

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

**Special Conditions**

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

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

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

Provisions for Adjustment

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

Computation of Weather Normalization Adjustment

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

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

Where

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

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

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

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

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

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

Base Use/Heat Use Factors

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

Weather Normalization Adjustment (WNA) Report

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

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

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



**ATMOS ENERGY CORP., MID-TEX DIVISION**  
**MID-TEX RATE REVIEW MECHANISM**  
**AVERAGE BILL COMPARISON - BASE RATES**  
**TEST YEAR ENDING DECEMBER 31, 2022**

Line No.	Description	Current	Proposed	Change	
				Amount	Percent
	(a)	(b)	(c)	(d)	(e)
1	<b>Rate R @ 43.6 Ccf</b>				
2	Customer charge	\$ 21.55			
3	Consumption charge 43.6 CCF X \$ 0.36223 =	15.79			
4	Rider GCR Part A 43.6 CCF X \$ 0.63625 =	27.74			
5	Rider GCR Part B 43.6 CCF X \$ 0.41732 =	18.20			
6	Subtotal	\$ 83.28			
7	Rider FF & Rider TAX \$ 83.28 X 0.06237 =	5.19			
8	Total	<u>\$ 88.47</u>			
9					
10	Customer charge		\$ 22.25		
11	Consumption charge 43.6 CCF X \$ 0.48567 =		21.18		
12	Rider GCR Part A 43.6 CCF X \$ 0.63625 =		27.74		
13	Rider GCR Part B 43.6 CCF X \$ 0.41732 =		18.20		
14	Subtotal		\$ 89.37		
15	Rider FF & Rider TAX \$ 89.37 X 0.06237 =		5.57		
16	Total		<u>\$ 94.94</u>	\$ 6.47	7.31%
17					

**ATMOS ENERGY CORP., MID-TEX DIVISION  
MID-TEX RATE REVIEW MECHANISM  
AVERAGE BILL COMPARISON - BASE RATES  
TEST YEAR ENDING DECEMBER 31, 2022**

Line No.	Description	Current	Proposed	Change	
				Amount	Percent
	(a)	(b)	(c)	(d)	(e)
18	<b><u>Rate C @ 356.6 Ccf</u></b>				
19	Customer charge	\$ 63.50			
20	Consumption charge 356.6 CCF X \$ 0.14137 =	50.41			
21	Rider GCR Part A 356.6 CCF X \$ 0.63625 =	226.86			
22	Rider GCR Part B 356.6 CCF X \$ 0.30202 =	107.69			
23	Subtotal	\$ 448.46			
24	Rider FF & Rider TAX \$ 448.46 X 0.06237 =	27.97			
25	Total	<u>\$ 476.43</u>			
26					
27	Customer charge		\$ 72.00		
28	Consumption charge 356.6 CCF X \$ 0.18280 =	65.18			
29	Rider GCR Part A 356.6 CCF X \$ 0.63625 =	226.86			
30	Rider GCR Part B 356.6 CCF X \$ 0.30202 =	107.69			
31	Subtotal	\$ 471.73			
32	Rider FF & Rider TAX \$ 471.73 X 0.06237 =	29.42			
33	Total	<u>\$ 501.15</u>	<u>\$ 24.72</u>		5.19%
34					

**ATMOS ENERGY CORP., MID-TEX DIVISION  
MID-TEX RATE REVIEW MECHANISM  
AVERAGE BILL COMPARISON - BASE RATES  
TEST YEAR ENDING DECEMBER 31, 2022**

Line No.	Description	Current	Proposed	Change	
				Amount	Percent
	(a)	(b)	(c)	(d)	(e)
35	<b>Rate I @ 1720 MMBTU</b>				
36	Customer charge	\$ 1,204.50			
37	Consumption charge 1,500 MMBTU X \$ 0.4939 =	740.85			
38	Consumption charge 220 MMBTU X \$ 0.3617 =	79.64			
39	Consumption charge 0 MMBTU X \$ 0.0776 =	-			
40	Rider GCR Part A 1,720 MMBTU X \$ 6.2134 =	10,688.12			
41	Rider GCR Part B 1,720 MMBTU X \$ 0.6267 =	1,078.08			
42	Subtotal	\$ 13,791.19			
43	Rider FF & Rider TAX \$13,791.19 X 0.06237 =	860.17			
44	Total	<u>\$ 14,651.36</u>			
45					
46	Customer charge		\$ 1,382.00		
47	Consumption charge 1,500 MMBTU X \$ 0.7484 =	1,122.62			
48	Consumption charge 220 MMBTU X \$ 0.5963 =	131.30			
49	Consumption charge 0 MMBTU X \$ 0.2693 =	-			
50	Rider GCR Part A 1,720 MMBTU X \$ 6.2134 =	10,688.12			
51	Rider GCR Part B 1,720 MMBTU X \$ 0.6267 =	1,078.08			
52	Subtotal	\$ 14,402.12			
53	Rider FF & Rider TAX \$14,402.12 X 0.06237 =	898.28			
54	Total	<u>\$ 15,300.40</u>	\$ 649.04	4.43%	
55					

**ATMOS ENERGY CORP., MID-TEX DIVISION  
MID-TEX RATE REVIEW MECHANISM  
AVERAGE BILL COMPARISON - BASE RATES  
TEST YEAR ENDING DECEMBER 31, 2022**

Line No.	Description	Current	Proposed	Change	
				Amount	Percent
	(a)	(b)	(c)	(d)	(e)
56	<b>Rate T @ 4720 MMBTU</b>				
57	Customer charge	\$ 1,204.50			
58	Consumption charge 1,500 MMBTU X \$ 0.4939 =	740.85			
59	Consumption charge 3,220 MMBTU X \$ 0.3617 =	1,164.50			
60	Consumption charge 0 MMBTU X \$ 0.0776 =	-			
61	Rider GCR Part B 4,720 MMBTU X \$ 0.6267 =	2,957.85			
62	Subtotal	\$ 6,067.70			
63	Rider FF & Rider TAX \$ 6,067.70 X 0.06237 =	378.45			
64	Total	<u>\$ 6,446.15</u>			
65					
66	Customer charge		\$ 1,382.00		
67	Consumption charge 1,500 MMBTU X \$ 0.5684 =		852.60		
68	Consumption charge 3,220 MMBTU X \$ 0.4163 =		1,340.29		
69	Consumption charge 0 MMBTU X \$ 0.0893 =		-		
70	Rider GCR Part B 4,720 MMBTU X \$ 0.6267 =		2,957.85		
71	Subtotal		\$ 6,532.74		
72	Rider FF & Rider TAX \$ 6,532.74 X 0.06237 =		407.45		
73	Total		<u>\$ 6,940.19</u>	<u>\$ 494.04</u>	<u>7.66%</u>

# **AGENDA**

## **ITEM**

### **7**

City Council Meeting

August 22, 2023

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item: 7 (Consent)

Title: Consider and act upon a Preliminary Plat for LaDera Timberbrook described as Lot 1, Lot 2, Block A generally located northeast from Strader Lane and FM 407.

Department: Development

Contact: Director of Planning and Development, Matt Cyr

---

**P&Z Recommendation:** The Commission unanimously recommended approval based on the preliminary plat meeting all of the requisite regulations on August 15, 2023.

---

**Staff Recommendation:**

Staff has reviewed the application and recommends approval as presented based on the preliminary plat meeting all the requisite regulations. All preliminary drainage run-off, all easements, and lots have been reviewed by the Development Review Committee (which includes the City Engineer).

---

**Background:**

The Applicant is proposing a preliminary plat for the Milestone lot and the LaDera Lot.

On December 13, 2022, City Council approved a Planned Development request for LaDera Farms and Milestone Church. Milestone was approved for an approximately 47,000 square-foot Church off of FM 407 and LaDera was approved for an age restricted development located behind the Church.

The site is approximately 41 acres and is located on the frontage of FM 407 going north. The residential is to be 157 units, while the Church is approved for approximately 47,000 square-feet.

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City Attorney Review: N/A

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Attachments:

1. Map
2. Supporting Documentation



## PLANNING & ZONING COMMISSION MEETING

Staff Report  
August 15, 2023

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

**PROJECT:** Consider and act upon a recommendation to City Council for a Preliminary Plat for LaDera Timberbrook described as Lot 1, Lot 2, Block A generally located northeast from Strader Lane and FM 407.

---

**APPLICANT:** Cole Carpenter, McAdams

**EXECUTIVE  
SUMMARY:**

The Applicant is proposing a preliminary plat for the Milestone lot and the LaDera Lot.

On December 13, 2022, City Council approved a Planned Development request for LaDera Farms and Milestone Church. Milestone was approved for an approximately 47,000 square-foot Church off of FM 407 and LaDera was approved for an age restricted development located behind the Church.

The site is approximately 41 acres and is located on the frontage of FM 407 going north. The residential is to be 157 units (10 units to be duplexes), while the Church is approved for approximately 47,000 square-feet.

**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 and recommends approval as presented based on the preliminary plat meeting all the requisite regulations. All pre-liminary drainage run-off, all easements, and lots have been reviewed by the Development Review Committee (which includes the City Engineer).

**ATTACHMENTS:**

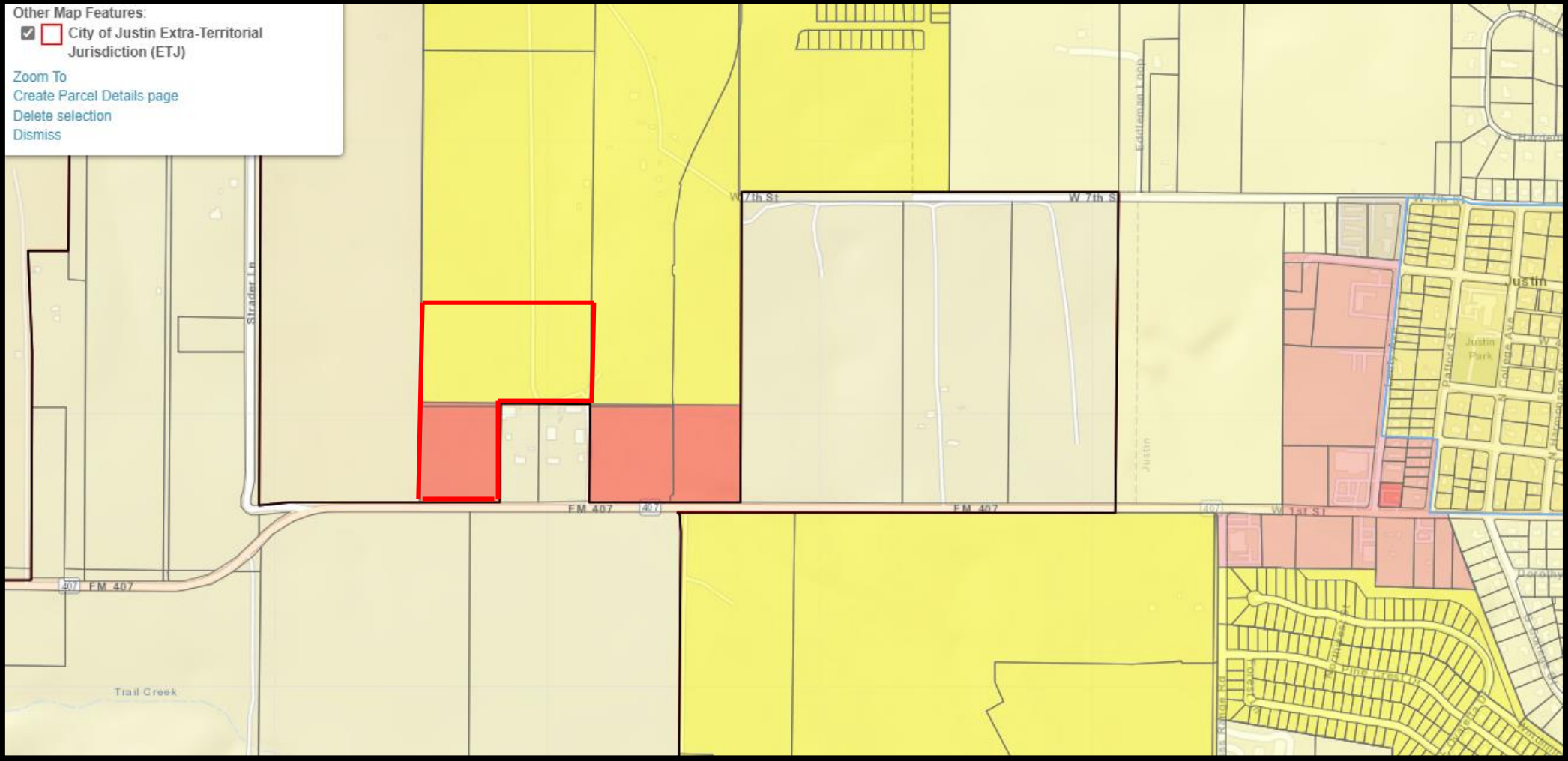
- (A) Map
- (B) Supporting Documentation



Other Map Features:

☒  City of Justin Extra-Territorial Jurisdiction (ETJ)

[Zoom To](#)  
[Create Parcel Details page](#)  
[Delete selection](#)  
[Dismiss](#)



# LADERA TIMBERBROOK

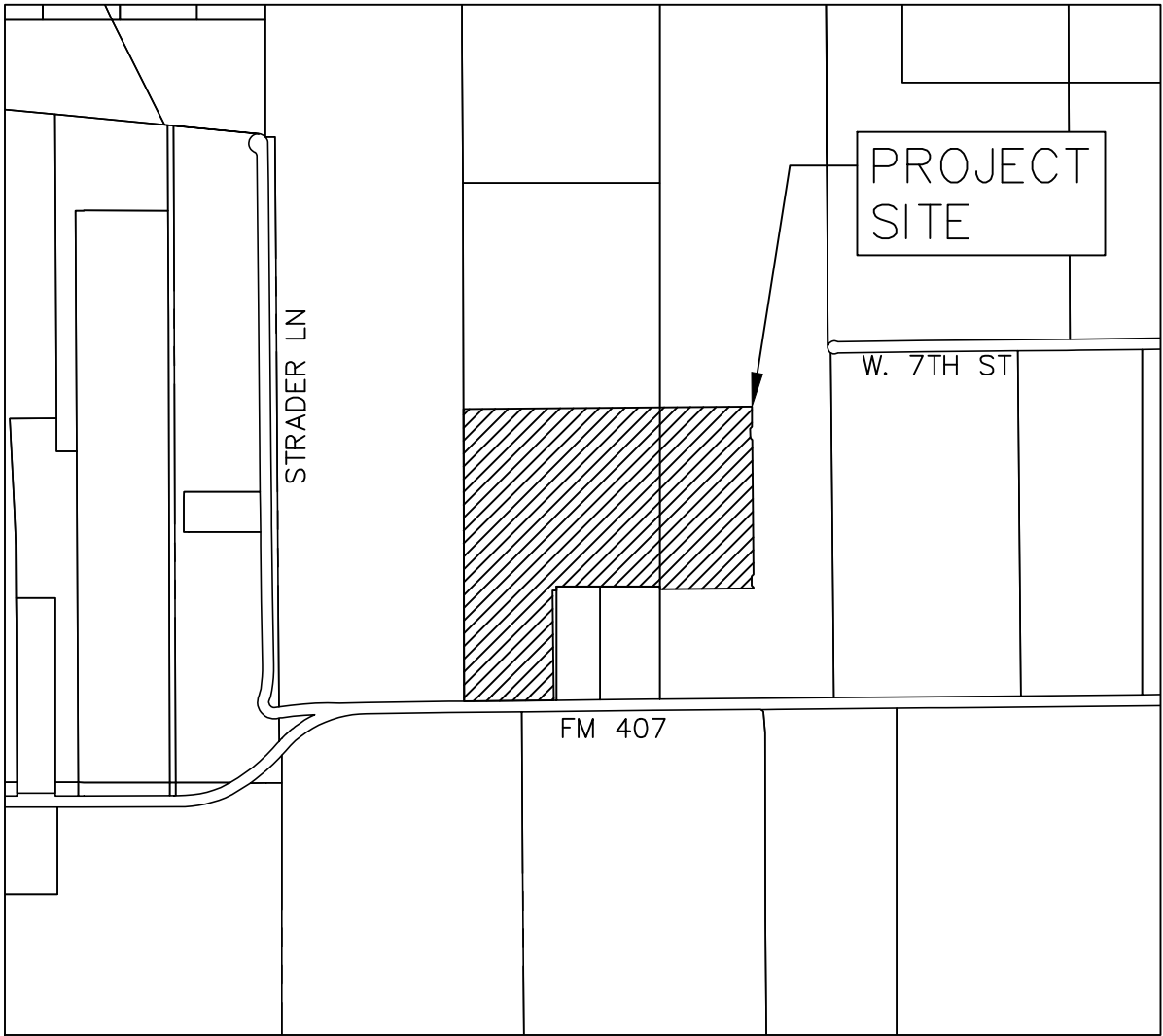
TIMBERBROOK PARKWAY  
CITY OF JUSTIN, TEXAS, 76247  
DENTON COUNTY

LADERA TIMBERBROOK  
LOT 1 & 2, BLOCK A  
in the  
M. GARNETT SURVEY, ABSTRACT NO. 0439  
41.217 ACRES

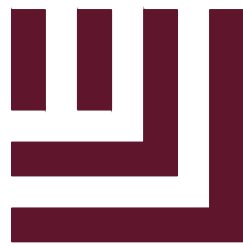
ZONING: PLANNED DEVELOPMENT - SINGLE FAMILY 2 (PD-SF2)

**PRELIMINARY PLAT**  
PROJECT NUMBER: 2021310647  
DATE: JULY 25, 2023

Sheet List Table	
C0.00	COVER SHEET
C0.01	PRELIMINARY PLAT
C0.02	PRELIMINARY PLAT
C3.00	EXISTING DRAINAGE AREA MAP
C3.01	EXISTING DRAINAGE AREA CALCULATIONS
C3.02	PROPOSED DRAINAGE AREA MAP
C3.03	PROPOSED DRAINAGE AREA CALCULATIONS
C4.00	STORM WATER PLAN
C4.01	SEWER PLAN
C4.02	WATER PLAN
C7.00	STREET PLAN
C7.01	TYPICAL STREET SECTION



**VICINITY MAP**  
N.T.S. 1"=1000'



**McAdams**

The John R. McAdams Company, Inc.  
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Roanoke, Texas 76262

phone 940. 240. 1012  
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TBPE: 19762 TBPLS: 10194440

www.mcadamsco.com

**CONTACT**

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JLANSDOWNE@MCADAMSCO.COM  
PHONE: 469.253.5379

**CLIENT**

INTEGRITY GROUP, LLC  
361 W. BYRON NELSON BLCD., SUITE 104  
ROANOKE, TEXAS, 76262  
(917)-430-3318  
JOHN DELIN



**PROJECT DIRECTORY**

DEVELOPER  
INTEGRITY GROUP, LLC  
361 W. BYRON NELSON BLCD., SUITE 104  
ROANOKE, TEXAS, 76262  
(917)-430-3318

GEOTECHNICAL ENGINEER  
BURGESS CONSTRUCTION CONSULTANTS, INC  
25211 GROGANS MILL RD, SUITE 240  
THE WOODLANDS, TEXAS, 77380  
PHONE: 972.841.5438



**REVISIONS**

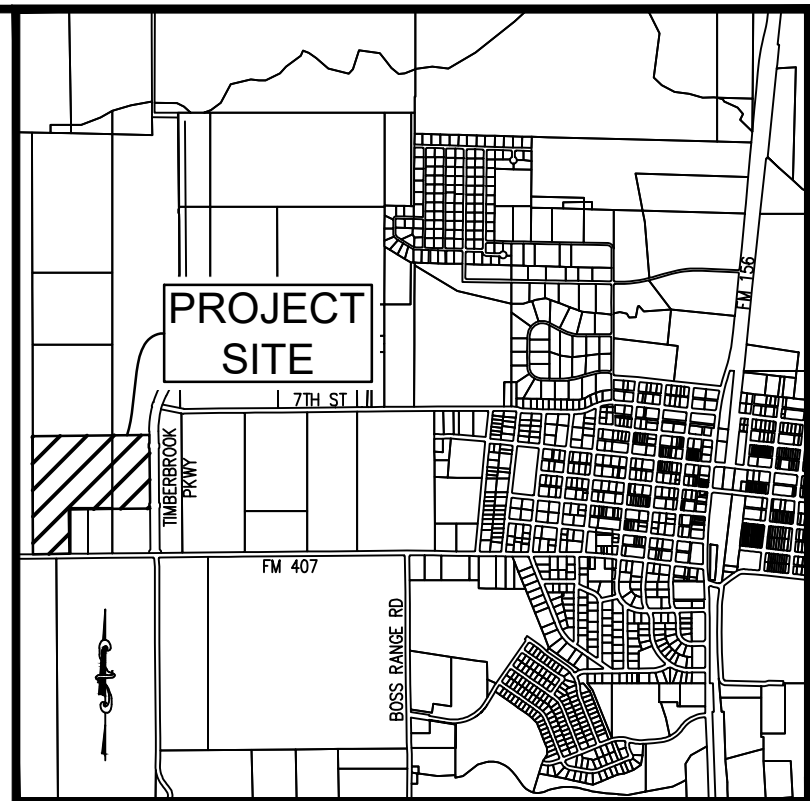
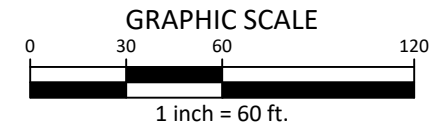
NO.	DATE	DESCRIPTION
1	06.26.2023	1ST SUBMITTAL
2	07.25.2023	2ND SUBMITTAL

**PRELIMINARY PLAT FOR:**

LADERA TIMBERBROOK  
CITY OF JUSTIN, TEXAS, 76247  
PROJECT NUMBER: 2021310647



- P.O.B. = POINT OF BEGINNING  
P.O.C. = POINT OF COMMENCEMENT  
RF = REBAR FOUND  
CRS = CAPPED REBAR SET  
CRF = CAPPED REBAR FOUND  
BL = BUILDING LINE  
UE = UTILITY EASEMENT  
AE = ACCESS EASEMENT  
DE = DRAINAGE EASEMENT  
SSE = SANITARY SEWER EASEMENT  
WLE = WATER LINE EASEMENT  
MADUE = MUTUAL ACCESS, DRAINAGE,  
 & UTILITY EASEMENT



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TBPE: 19762 TBPLS: 10194440  
[www.mcadamsco.com](http://www.mcadamsco.com)

## CLIENT

JT LADERA LLC  
361 W. BYRON NELSON BLVD STE. 104  
ROANOKE, TX 76262  
PHONE: 817-430-3318

**SURVEYOR**

COLE CARPENTER, RPLS  
201 COUNTRY VIEW DRIVE  
ROANOKE, TX 76262

**PRELIMINARY PLAT  
LADERA TIMBERBROOK  
LOTS 1 & 2, BLOCK A  
BEING 41.217 ACRES**

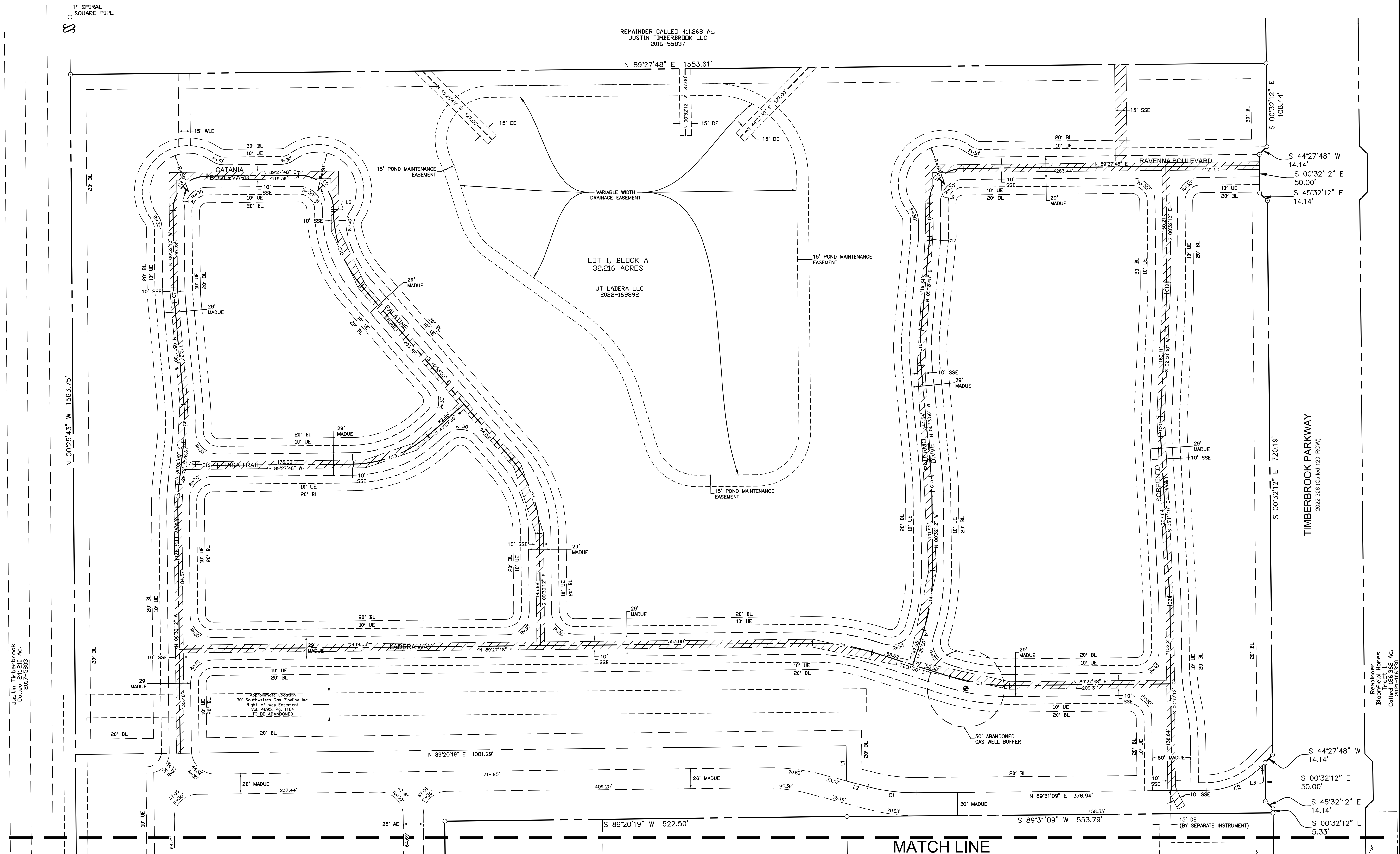
MARGARET GARNETT SURVEY, ABSTRACT NO. 439,  
AN ADDITION TO THE CITY OF JUSTIN, DENTON COUNTY, TEXAS

## PROJECT INFORMATION

PROJECT NO.	ITG 2021310647
FILENAME	2021310647 - P
CHECKED BY	CC
DRAWN BY	AT
SCALE	1"=60'
DATE	07.25.2023

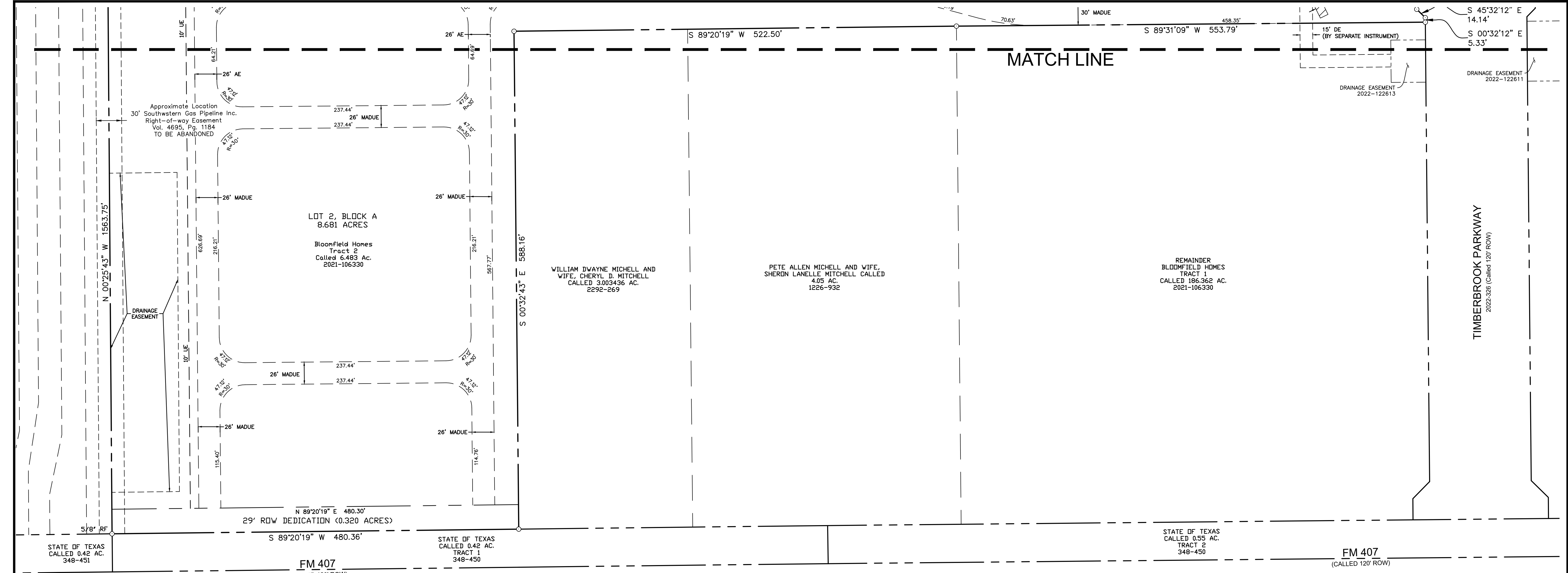
Remainder  
Bloomfield Homes  
Tract 1  
Called 186.362 Ac.  
2021-106330

M:\Projects\ITG\2021\2021310647 Timberbrook\02-Geomatics\Survey\Plats\2021310647-PP.dwg, 7/25/2023 11:40:05 AM, Cara King





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STATE OF TEXAS  
COUNTY OF DENTON

WHEREAS (Name of Individual), and (Name of 2nd Individual, if applicable), is/are the sole owner(s) of a tract of land located in the (Survey Name and Abstract Number), City of Justin, Denton County, Texas, according to the deed recorded in Volume XXX, Page XXX, of the Deed Records of Denton County, Texas, and being more particularly described as follows:

LEGAL DESCRIPTION  
41.217 ACRES

Being all that certain lot, tract or parcel of land situated in the Margaret Garnett Survey, Abstract Number 439, City of Justin, Denton County, Texas, being part of that certain called 411.268 acre tract of land described in deed in favor of Justin Timberbrook, LLC, recorded in Document Number 2016-55837 of the Real Property Records of Denton County, Texas, being all of that certain called 6.483 acre tract of land described as Tract 2 in deed in favor of Bloomfield Homes, LP, recorded in Document Number 2021-106330 of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8" rebar found at the southwest corner of said Tract 2 and the southwest corner of said 411.268 acre tract, being the southeast corner of that certain called 241.210 acre tract of land described in deed in favor of Justin Timberbrook, LLC, recorded in Document Number 2017-5803 of the Real Property Records of Denton County, Texas, being the northwest corner of that certain called 1.04 acre tract of land described in Right-of Way deed in favor of the State of Texas recorded in Volume 348, Page 450 of the Real Property Records of Denton County, Texas, and being the northeast corner of that certain called 0.42 acre tract of land described in Right-of Way deed in favor of the State of Texas recorded in Volume 348, Page 451 of the Real Property Records of Denton County, Texas, and being on the north right-of-way line of F.M. 407 (90' right-of-way);

THENCE N 00°25'43" W, with the west line of said 411.268 acre tract and the west line of said Tract 2 passing at 589.13 feet the northwest corner of said Tract 2 and continuing for a total distance of 1563.75 feet to 1/2" capped rebar set "McAdams" from witch a 1" spiral square pipe on the west line of said 411.268 acre tract and the apst line of said 241.210 acre tract bears N 00°25'43" W, 3878.3" and the northwest corner of said 411.268 acre tract and the northeast corner of said 241.210 acre tract bears N 00°25'43" W, 4058.56" from which a 1" spiral square pipe bears N 19°26'40" E, 5.6 feet;

THENCE N 89°27'48" E, 1553.61 feet to the west line of that certain called 186.362 acre tract of land described as Tract 1 in the aforementioned deed in favor of Bloomfield Homes, LP;

THENCE with the west line of said Tract 1 the following nine (9) calls:

S 00°32'12" E, 108.44 feet;  
S 44°27'48" W, 14.14 feet;  
S 00°32'12" E, 50.00 feet;  
S 45°32'12" E, 14.14 feet;  
S 00°32'12" E, 720.19 feet;  
S 44°27'48" W, 14.14 feet;  
S 00°32'12" E, 50.00 feet;  
S 45°32'12" E, 14.14 feet;  
S 00°32'12" E, 5.33 feet;

THENCE S 89°31'09" W, 553.79 feet with a north line of said Tract 1 to a 1/2" capped rebar found "Goodwin & Marshall" at the westerly northwest corner thereof, and being at a reentrant corner on the south line of said 411.268 acre tract and being the northwest corner of that certain called 4.05 acre tract of land described in deed in favor of Pete Allen Michell and wife, Sheron Lanelle Mitchell, recorded in Document Number Volume 1226, Page 392 of the Real Property Records of Denton County, Texas;

THENCE S 89°20'19" W, with the south line of said 411.268 acre tract and the north line of said 4.05 acre tract passing the northwest corner thereof and being the northeast corner of that certain called 3.003436 acre tract of land described in deed in favor of William Dwayne Michell and wife, Cheryl D. Mitchell recorded in Document Number Volume 2292, Page 269 of the Real Property Records of Denton County, Texas and continuing with the north line thereof a total distance of 522.50 feet to a 1/2" capped rebar found "Goodwin & Marshall" at the northwest corner thereof, being the northeast corner of the aforementioned Tract 2 and being at a reentrant corner on the south line of said 411.268 acre tract;

THENCE S 00°32'43" E, 588.16 feet with the west line of said 3.003436 acre tract, the east line of said Tract 2 and the south line of said 411.268 acre tract to a 5/8" rebar found at the southwest corner of said 3.003436 acre tract, the southeast corner of said Tract 2, the most westerly southeast corner of said 411.268 acre tract, and being on the north line of said F.M. 407;

THENCE S 89°20'19" W, 480.36 feet with the south line of said 411.268 acre tract, the south line of said Tract 2 and with the north line of said F.M. 407 to the POINT OF BEGINNING and containing approximately 41.217 acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, (Name of Individual), and (Name of 2nd Individual, if applicable), do/does hereby adopt this plat designating the hereinabove described real property as Lot(s), Block(s), (Addition Name), an addition to the City of Justin, Denton County, Texas, and do/does hereby dedicate to the public use the streets, alleys, rights-of-way, and any other public areas shown on this plat. When there are multiple owners, each one should be identified with their individual lots, if applicable.

STATE OF TEXAS  
COUNTY OF DENTON

BEFORE ME, the undersigned authority, on this day personally appeared (Affiant), [of (Corporation name, if applicable),] known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said [partnership --or-- individual, as applicable.]

GIVEN UNDER MY HAND AND SEAL OF OFFICE on the \_\_\_\_ day of \_\_\_\_\_, 2023.

Notary Public, State of Texas

My Commission expires: \_\_\_\_\_

WHEREAS the Planning and Zoning Commission of the City of Justin, Texas, voted affirmatively on this \_\_\_\_ day of \_\_\_\_\_, 2023, to recommend approval of this plat by the City Council.

Chairman, Planning and Zoning Commission

Attest: Secretary, Planning and Zoning Commission

WHEREAS the City Council of the City of Justin, Texas, voted affirmatively on this \_\_\_\_ day of \_\_\_\_\_, 2023 to approve this plat for filing of record.

Mayor, City of Justin

Attest: City Secretary

SURVEYOR'S STATEMENT

I, Cole Carpenter, a Registered Professional Land Surveyor in the State of Texas, have prepared this plat of the above property from an actual survey on the ground, and this plat represents that survey made by me or under my supervision.

**PRELIMINARY DOCUMENT:**  
**THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.**  
**COLE CARPENTER, RPLS 6892 7/25/23**

Cole Carpenter, RPLS  
Texas Registration No. 6892



**McAdams**

The John R. McAdams Company, Inc.  
111 Hillside Drive  
Lewisville, Texas 75057  
972. 436. 9712

201 Country View Drive  
Roanoke, Texas 76262  
940. 240. 1012

TBPE: 19762 TBPLS: 10194440  
www.mcadamsco.com

#### CLIENT

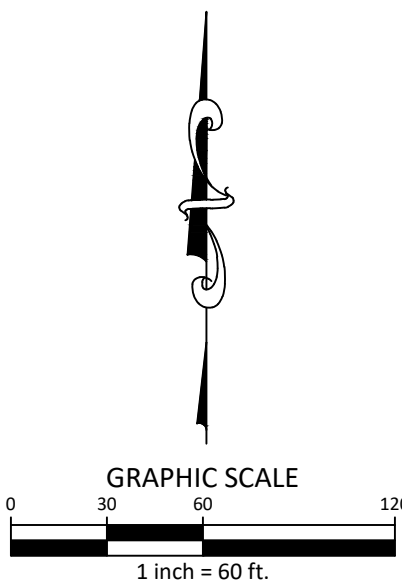
JT LADERA LLC  
361 W. BYRON NELSON BLVD STE. 104  
ROANOKE, TX 76262  
PHONE: 817-430-3318

#### SURVEYOR

COLE CARPENTER, RPLS  
201 COUNTRY VIEW DRIVE  
ROANOKE, TX 76262

**PRELIMINARY PLAT**  
**LADERA TIMBERBROOK**  
**LOTS 1 & 2, BLOCK A**  
**BEING 41.217 ACRES**

MARGARET GARNETT SURVEY, ABSTRACT NO. 439,  
AN ADDITION TO THE CITY OF JUSTIN, DENTON COUNTY, TEXAS

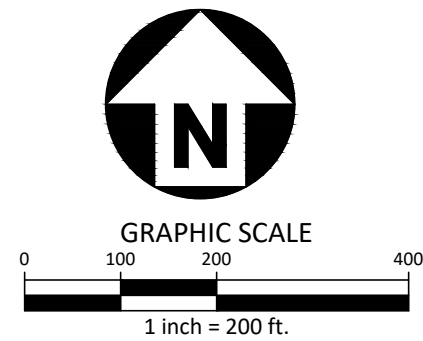
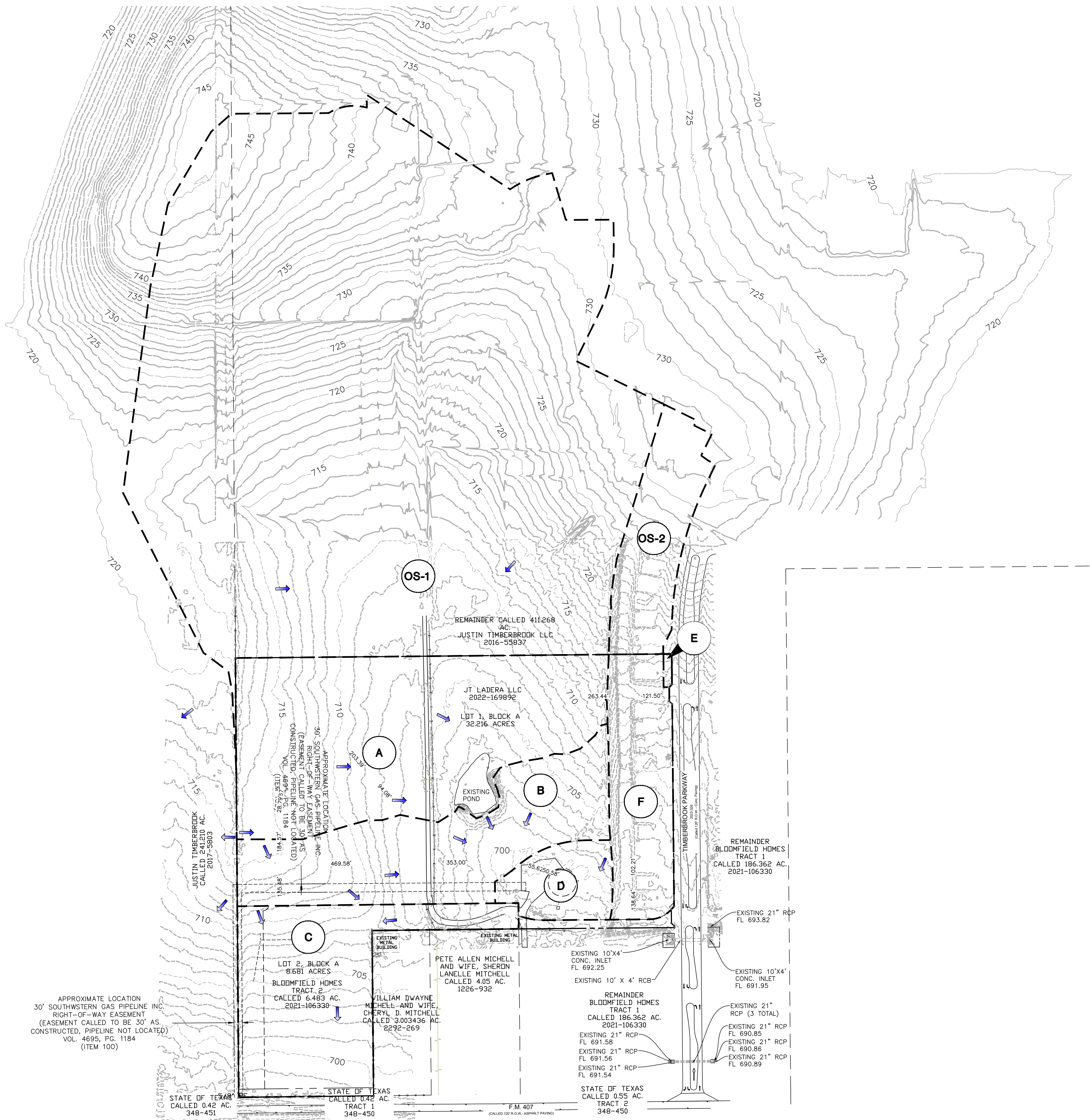


LINE	BEARING	DISTANCE
L1	S 00°30'41" E	45.91'
L2	S 78°05'30" E	28.87'
L3	N 44°27'48" E	8.42'
L4	S 45°32'12" E	10.00'
L5	S 44°27'48" W	10.00'
L6	S 00°32'12" E	2.96'
L7	S 83°54'00" E	24.16'
L8	N 00°32'12" E	43.99'
L9	S 45°32'12" E	10.00'

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	LONG CHORD
C1	235.00'	102°32'1"	63.12'	S 82°47'11" E, 62.93'
C2	100.00'	45°32'1"	78.64'	N 66°58'30" E, 78.63'
C3	250.00'	18°01'12"	78.63'	N 81°31'36" W, 78.30'
C4	250.00'	18°01'12"	78.63'	N 81°31'36" W, 78.30'
C5	250.00'	6°38'12"	28.96'	N 02°46'54" E, 28.94'
C6	250.00'	11°20'00"	49.45'	N 00°26'00" E, 49.37'
C7	250.00'	4°41'48"	20.49'	N 02°53'06" W, 20.49'
C8	44.50'	90°00'00"	69.90'	N 44°27'48" E, 62.93'
C9	44.50'	90°00'00"	69.90'	S 45°32'12" E, 62.93'
C10	150.00'	40°20'48"	105.63'	S 20°42'36" E, 103.46'
C11	150.00'	40°20'48"	105.63'	S 20°42'36" E, 103.46'
C12	250.00'	6°38'12"	28.96'	S 81°53'06" E, 28.94'
C13	150.00'	40°20'48"	105.63'	N 69°17'34" E, 103.46'
C14	250.00'	18°01'12"	78.63'	N 98°28'04" E, 78.30'
C15	250.00'	4°41'38"	20.48'	N 02°53'01" W, 20.48'
C16	250.00'	10°32'35"	46.00'	N 00°02'36" E, 45.94'
C17	50.00'	5°50'57"	5.10'	N 02°23'17" E, 5.10'
C18	44.50'	90°00'00"	69.90'	N 44°27'48" E, 62.93'
C19	250.00'	3°22'12"	14.70'	S 01°08'54" W, 14.70'
C20	250.00'	6°01'40"	26.30'	S 00°10'50" E, 26.29'
C21	250.00'	2°39'28"	11.60'	S 01°51'58" E, 11.60'



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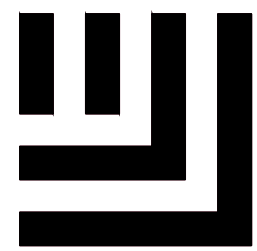
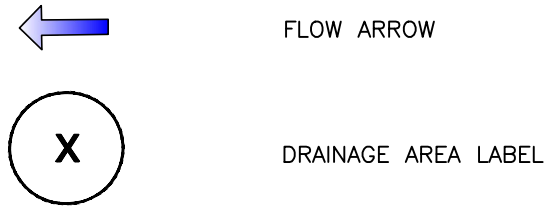


**BENCHMARKS:**

COAST & GEODETIC SURVEY 1946 MONUMENT BRONZE DISK STAMPED K945 1946 SET IN DRILL HOLE IN CONCRETE. AT WEST END OF THE SOUTH ABUTMENT OF BNSF RR BRIDGE NO. 371 B, 0.9 MILE NORTH OF THE CITY OF JUSTIN. N 7086177.13 E 2338373.36 Z 627.43

"X" FOUND IN CONCRETE AT THE INTERSECTION OF WRENWOOD DRIVE AND ELMWOOD DRIVE. N2334473.16 E 7087256.23 Z 680.57

**LEGEND**



**McADAMS**

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**CLIENT**

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ROANOKE, TEXAS, 76262  
(917)-430-3318  
JOHN DELIN



**LADERA TIMBERBROOK  
PRELIMINARY PLAT  
TIMBERBROOK PARKWAY  
CITY OF JUSTIN, TEXAS 76247**



**REVISIONS**

NO.	DATE	DESCRIPTION
1	06.26.2023	1ST SUBMITTAL
2	07.25.2023	2ND SUBMITTAL

**PLAN INFORMATION**

PROJECT NO.	2021310647
FILENAME	2021310647-G1.DWG
CHECKED BY	TL
DRAWN BY	EA
SCALE	200 SCALE
DATE	07.25.2023

**SHEET**

**EXISTING DRAINAGE  
AREA MAP**

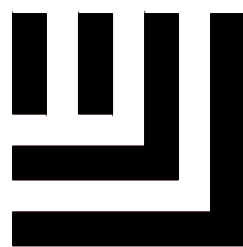
**C3.00**

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION



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EXISTING Q = C*I*A (I = in/hr, Q=cfs)																	
Design Point	Area	Acreage	Tc	C	I2	I5	I10	I25	I50	I100	Q2	Q5	Q10	Q25	Q50	Q100	Comments
1	OS-1	69.08	10	0.65	4.71	5.75	6.50	7.55	8.36	9.24	211.40	258.20	291.82	339.16	375.48	414.81	Flow to New Development
2	OS-2	4.21	10	0.7	4.71	5.75	6.50	7.55	8.36	9.24	12.89	15.75	17.80	20.69	22.90	25.30	Flow to New Development
3	A	15.96	12	0.30	4.43	5.44	6.16	7.16	7.95	8.79	21.20	26.05	29.48	34.29	38.06	42.07	Flow to Pond
4	B	9.20	12	0.30	4.43	5.44	6.16	7.16	7.95	8.79	12.22	15.02	16.99	19.77	21.94	24.25	Flow off SW corner
5	C	8.59	12	0.30	4.43	5.44	6.16	7.16	7.95	8.79	11.42	14.02	15.87	18.45	20.49	22.65	Flow to ROW
6	D	2.20	12	0.30	4.43	5.44	6.16	7.16	7.95	8.79	2.92	3.59	4.06	4.73	5.25	5.80	Flow to ROW
7	E	0.08	12	0.30	4.43	5.44	6.16	7.16	7.95	8.79	0.11	0.13	0.15	0.17	0.19	0.21	Flow off NE Corner
8	F	4.78	12	0.30	4.43	5.44	6.16	7.16	7.95	8.79	6.35	7.80	8.83	10.27	11.40	12.60	Flow to Exist Storm
	Totals	114.10									272.16	332.76	376.17	437.26	484.31	535.09	



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CLIENT

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JOHN DELIN



LADERA TIMBERBROOK  
PRELIMINARY PLAT  
TIMBERBROOK PARKWAY  
CITY OF JUSTIN, TEXAS 76247



REVISIONS		
NO.	DATE	DESCRIPTION
1	06.26.2023	1ST SUBMITTAL
2	07.25.2023	2ND SUBMITTAL

PLAN INFORMATION	
PROJECT NO.	2021310647
FILENAME	2021310647-G1.DWG
CHECKED BY	TL
DRAWN BY	EA
SCALE	N/A
DATE	07.25.2023

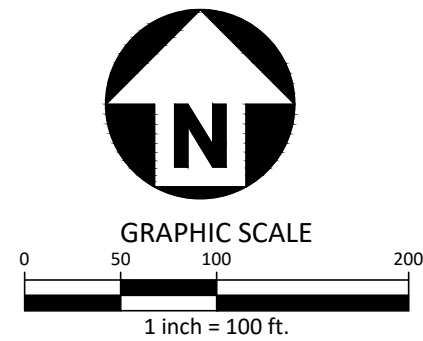
SHEET

EXISTING DRAINAGE  
AREA CALCULATIONS

C3.01



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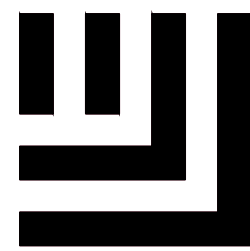
**BENCHMARKS:**

COAST & GEODETIC SURVEY 1946 MONUMENT BRONZE DISK STAMPED K945 1946 SET IN DRILL HOLE IN CONCRETE. AT WEST END OF THE SOUTH ABUTMENT OF BNSF RR BRIDGE NO. 371 B, 0.9 MILE NORTH OF THE CITY OF JUSTIN. N 7086177.13 E 2338373.36 Z 627.43

"X" FOUND IN CONCRETE AT THE INTERSECTION OF WRENWOOD DRIVE AND ELMWOOD DRIVE. N2334473.16 E 7087256.23 Z 680.57

**LEGEND**

-  FLOW ARROW
-  DRAINAGE AREA LABEL



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**LADERA TIMBERBROOK**  
PRELIMINARY PLAT  
TIMBERBROOK PARKWAY  
CITY OF JUSTIN, TEXAS 76247



**REVISIONS**

NO.	DATE	DESCRIPTION
1	06.26.2023	1ST SUBMITTAL
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**PLAN INFORMATION**

PROJECT NO. 2021310647  
FILENAME 2021310647-G2.DWG  
CHECKED BY TL  
DRAWN BY EA  
SCALE 100 SCALE  
DATE 07.25.2023

**SHEET**

**PROPOSED DRAINAGE  
AREA MAP**

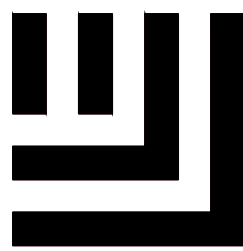
**C3.02**

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION



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PROPOSED Q = C*I*A (I = in/hr, Q=cfs)																	
Design Point	Area	Acreage	Tc	C	I2	I5	I10	I25	I50	I100	Q2	Q5	Q10	Q25	Q50	Q100	Comments
1	A1	2.49	10	0.65	4.71	5.75	6.50	7.55	8.36	9.24	7.62	9.31	10.52	12.22	13.53	14.95	Inlet
1	A2	0.77	10	0.65	4.71	5.75	6.50	7.55	8.36	9.24	2.36	2.88	3.25	3.78	4.19	4.62	Inlet
1	A3	2.00	10	0.65	4.71	5.75	6.50	7.55	8.36	9.24	6.12	7.48	8.45	9.82	10.87	12.01	Inlet
1	A4	0.73	10	0.65	4.71	5.75	6.50	7.55	8.36	9.24	2.23	2.73	3.08	3.58	3.97	4.38	Inlet
1	A5	1.29	10	0.65	4.71	5.75	6.50	7.55	8.36	9.24	3.95	4.82	5.45	6.33	7.01	7.75	Inlet
1	A6	1.29	10	0.65	4.71	5.75	6.50	7.55	8.36	9.24	3.95	4.82	5.45	6.33	7.01	7.75	Inlet
1	A7	0.69	10	0.65	4.71	5.75	6.50	7.55	8.36	9.24	2.11	2.58	2.91	3.39	3.75	4.14	Inlet
1	A8	1.69	10	0.65	4.71	5.75	6.50	7.55	8.36	9.24	5.17	6.32	7.14	8.30	9.19	10.15	Inlet
1	A9	1.73	10	0.65	4.71	5.75	6.50	7.55	8.36	9.24	5.29	6.47	7.31	8.49	9.40	10.39	Inlet
1	A10	0.81	10	0.65	4.71	5.75	6.50	7.55	8.36	9.24	2.48	3.03	3.42	3.98	4.40	4.86	Grate
2	B1	1.09	10	0.65	4.71	5.75	6.50	7.55	8.36	9.24	3.34	4.07	4.60	5.35	5.92	6.55	Inlet
2	B2	0.49	10	0.65	4.71	5.75	6.50	7.55	8.36	9.24	1.50	1.83	2.07	2.41	2.66	2.94	Inlet
2	B3	0.71	10	0.65	4.71	5.75	6.50	7.55	8.36	9.24	2.17	2.65	3.00	3.49	3.86	4.26	Inlet
2	B4	0.70	10	0.65	4.71	5.75	6.50	7.55	8.36	9.24	2.14	2.62	2.96	3.44	3.80	4.20	Inlet
2	B5	0.68	10	0.65	4.71	5.75	6.50	7.55	8.36	9.24	2.08	2.54	2.87	3.34	3.70	4.08	Grate
1	C1	6.77	10	0.65	4.71	5.75	6.50	7.55	8.36	9.24	20.72	25.30	28.60	33.24	36.80	40.65	Flow to main pond
3	C2	1.07	10	0.65	4.71	5.75	6.50	7.55	8.36	9.24	3.27	4.00	4.52	5.25	5.82	6.43	Inlet
3	C3	1.74	10	0.65	4.71	5.75	6.50	7.55	8.36	9.24	5.32	6.50	7.35	8.54	9.46	10.45	Inlet
3	C4	1.17	10	0.65	4.71	5.75	6.50	7.55	8.36	9.24	3.58	4.37	4.94	5.74	6.36	7.03	Inlet
3	C5	2.43	10	0.65	4.71	5.75	6.50	7.55	8.36	9.24	7.44	9.08	10.27	11.93	13.21	14.59	Inlet
3	C6	1.91	10	0.65	4.71	5.75	6.50	7.55	8.36	9.24	5.84	7.14	8.07	9.38	10.38	11.47	Inlet
4	D1	7.46	10	0.65	3.90	4.85	5.50	6.41	7.14	7.91	18.91	23.51	26.66	31.08	34.65	38.37	Inlet
4	D2	1.13	10	0.65	3.90	4.85	5.50	6.41	7.14	7.91	2.86	3.56	4.04	4.71	5.25	5.81	Inlet
1	OS-1	69.08	10	0.65	4.71	5.75	6.50	7.55	8.36	9.24	211.40	258.20	291.82	339.16	375.48	414.81	Flow to main pond
1	OS-2	4.21	10	0.65	4.71	5.75	6.50	7.55	8.36	9.24	12.88	15.74	17.78	20.67	22.88	25.28	Flow to NE corner
	Totals	114.13									344.75	421.55	476.53	553.95	613.55	677.92	



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JOHN DELIN



LADERA TIMBERBROOK  
PRELIMINARY PLAT  
TIMBERBROOK PARKWAY  
CITY OF JUSTIN, TEXAS 76247



REVISIONS

NO.	DATE	DESCRIPTION
1	06.26.2023	1ST SUBMITTAL
2	07.25.2023	2ND SUBMITTAL

PLAN INFORMATION

PROJECT NO.	2021310647
FILENAME	2021310647-G2.DWG
CHECKED BY	TL
DRAWN BY	EA
SCALE	N/A
DATE	07.25.2023

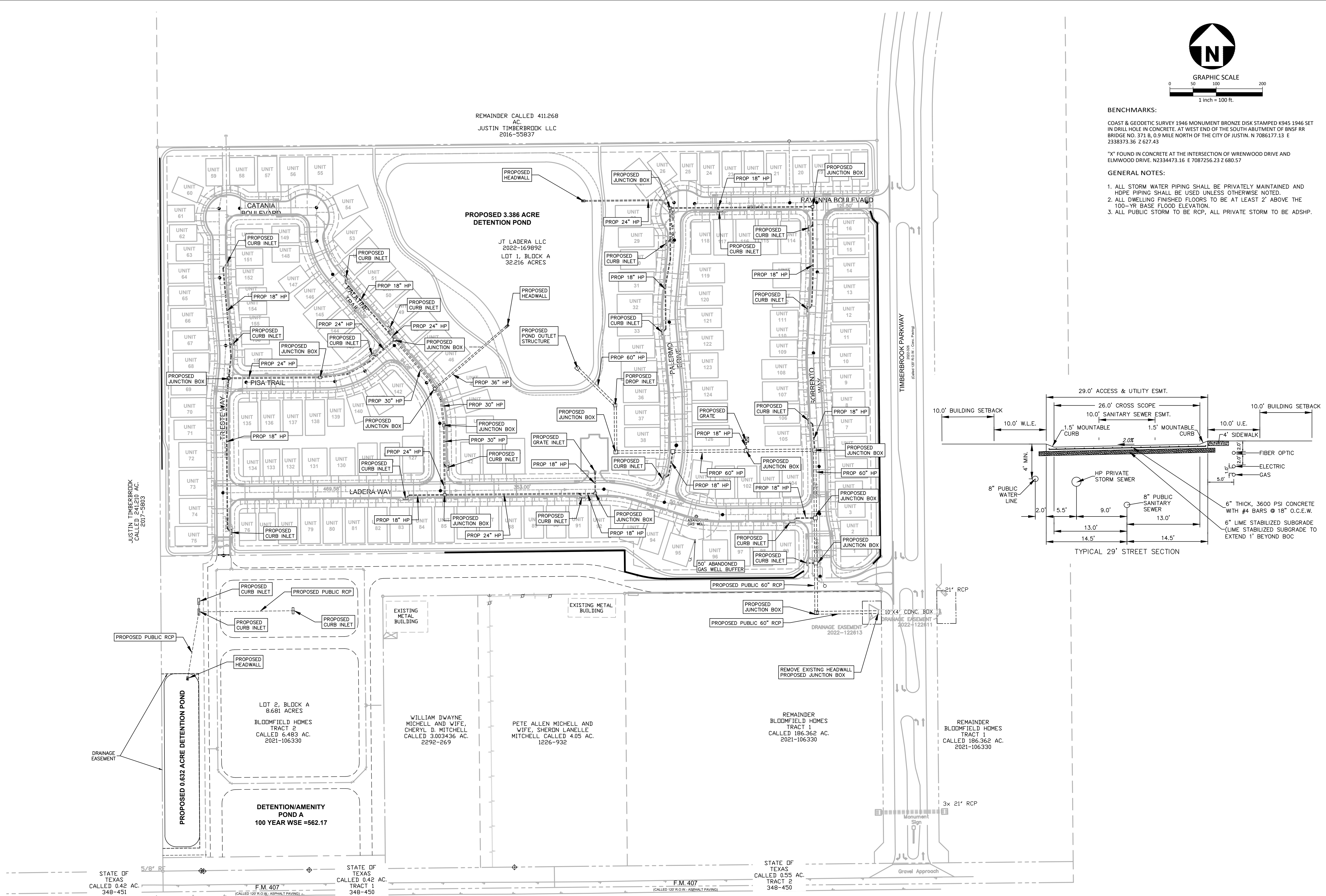
SHEET

PROPOSED DRAINAGE  
AREA CALCULATIONS

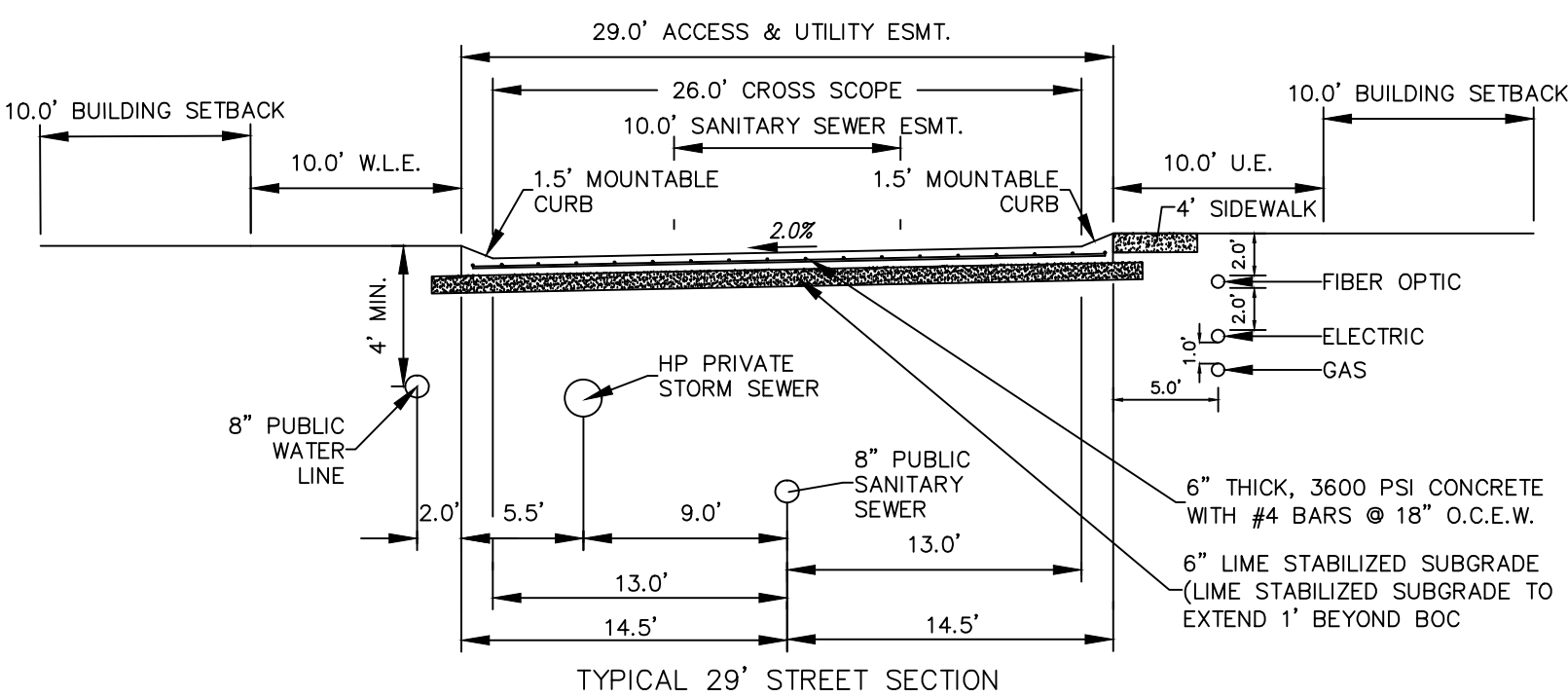
C3.03



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- BENCHMARKS:**
- COAST & GEODETIC SURVEY 1946 MONUMENT BRONZE DISK STAMPED K945 1946 SET IN DRILL HOLE IN CONCRETE AT WEST END OF THE SOUTH ABUTMENT OF BNSF RR BRIDGE NO. 371 B, 0.9 MILE NORTH OF THE CITY OF JUSTIN. N 7086177.13 E 233873.36 Z 627.43
- "X" FOUND IN CONCRETE AT THE INTERSECTION OF WRENWOOD DRIVE AND ELMWOOD DRIVE. N2334473.16 E 7087256.23 Z 680.57
- GENERAL NOTES:**
1. ALL STORM WATER PIPING SHALL BE PRIVATELY MAINTAINED AND HDPE PIPING SHALL BE USED UNLESS OTHERWISE NOTED.
  2. ALL DWELLING FINISHED FLOORS TO BE AT LEAST 2' ABOVE THE 100-YR BASE FLOOD ELEVATION.
  3. ALL PUBLIC STORM TO BE RCP, ALL PRIVATE STORM TO BE ADSPH.



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REVISIONS		
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2	07.25.2023	2ND SUBMITTAL

PLAN INFORMATION	
PROJECT NO.	2021310647
FILENAME	2021310647-U2.DWG
CHECKED BY	TAL
DRAWN BY	JST
SCALE	100 SCALE
DATE	07.25.2023

**SHEET**

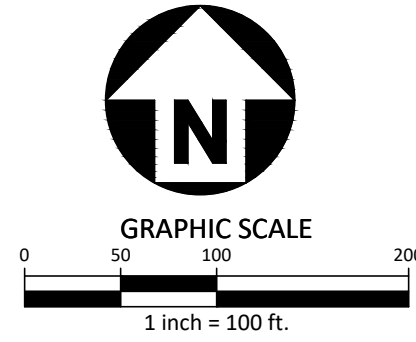
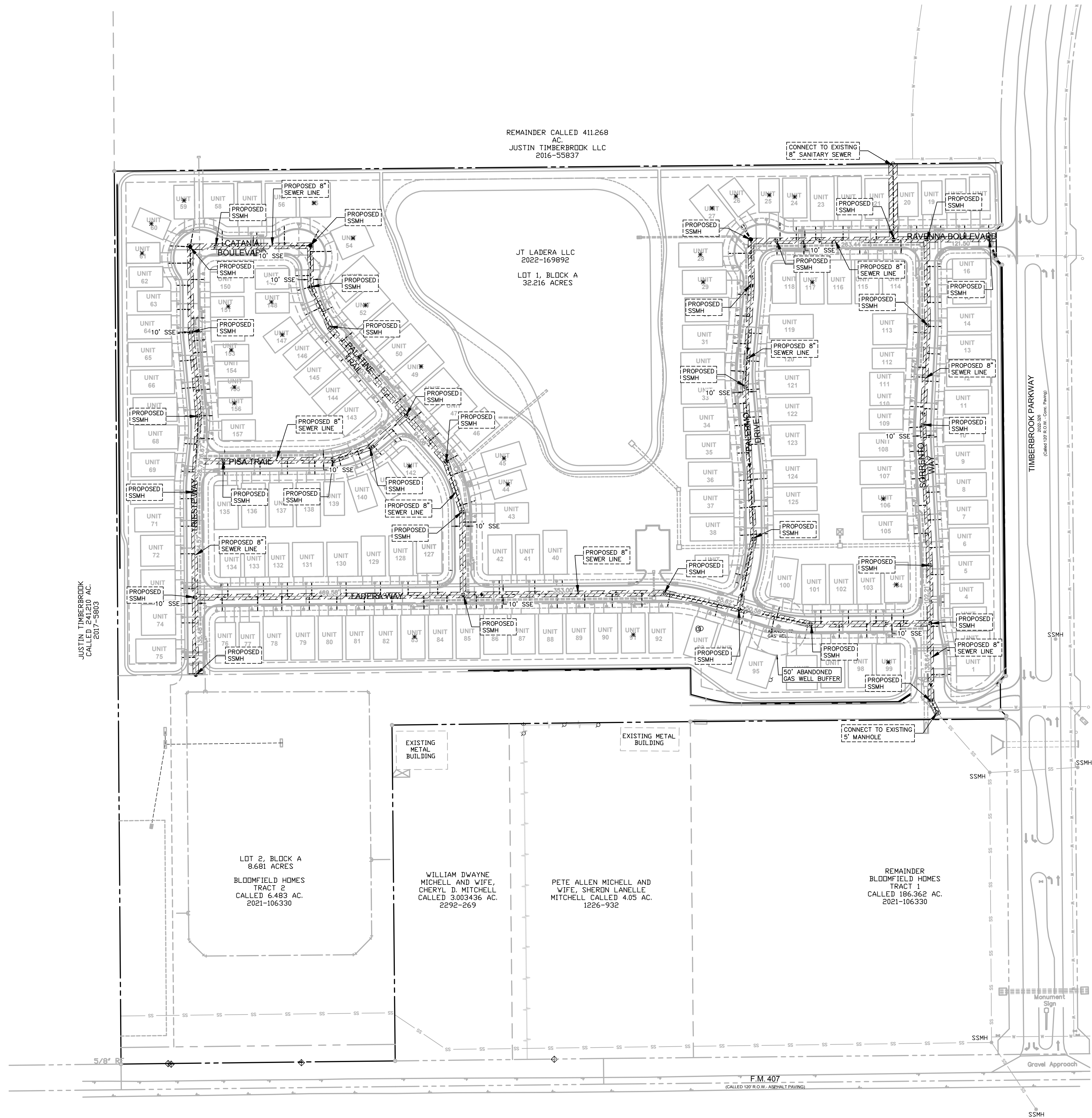
**STORM WATER PLAN**

**C4.00**

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION



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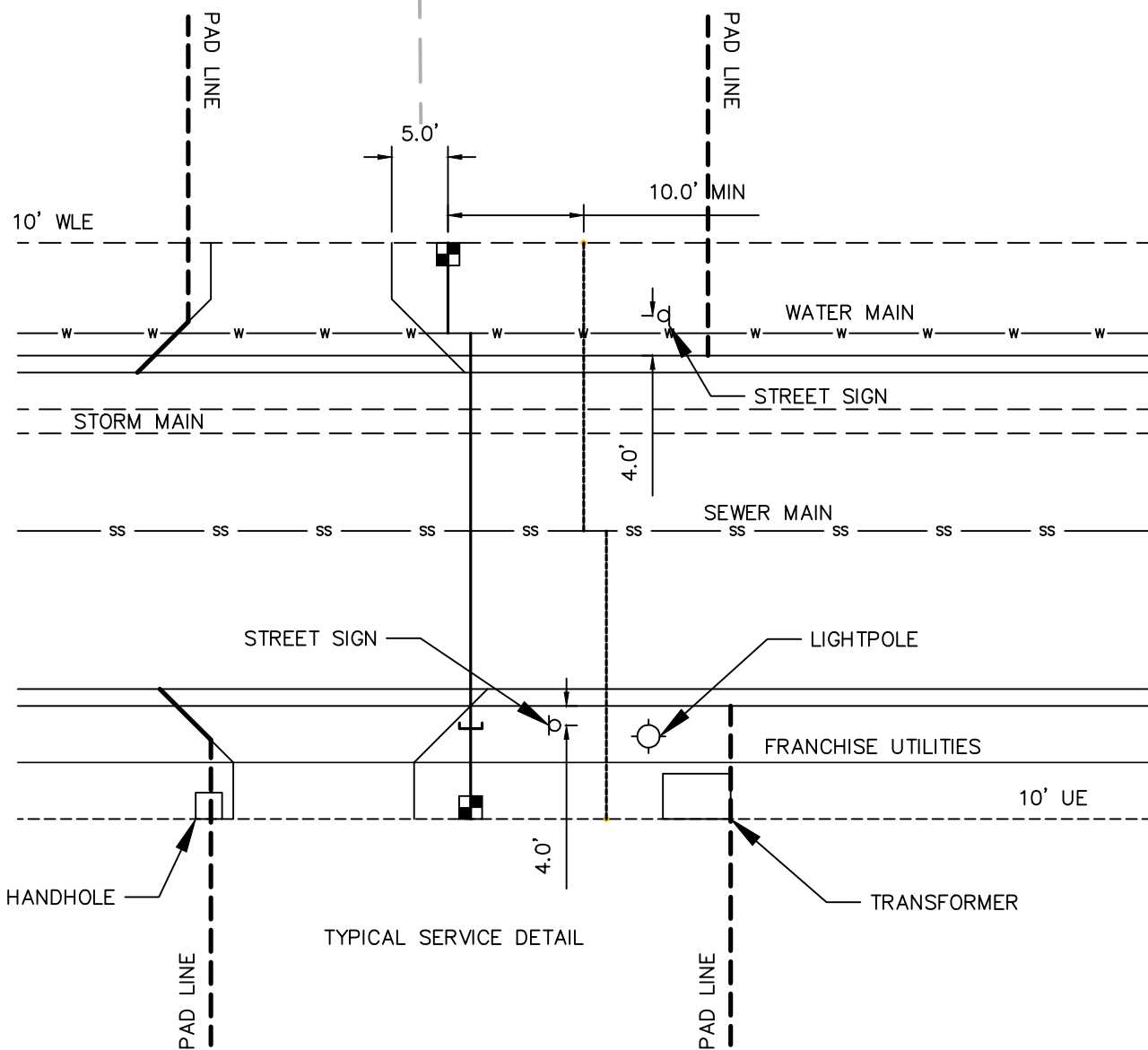
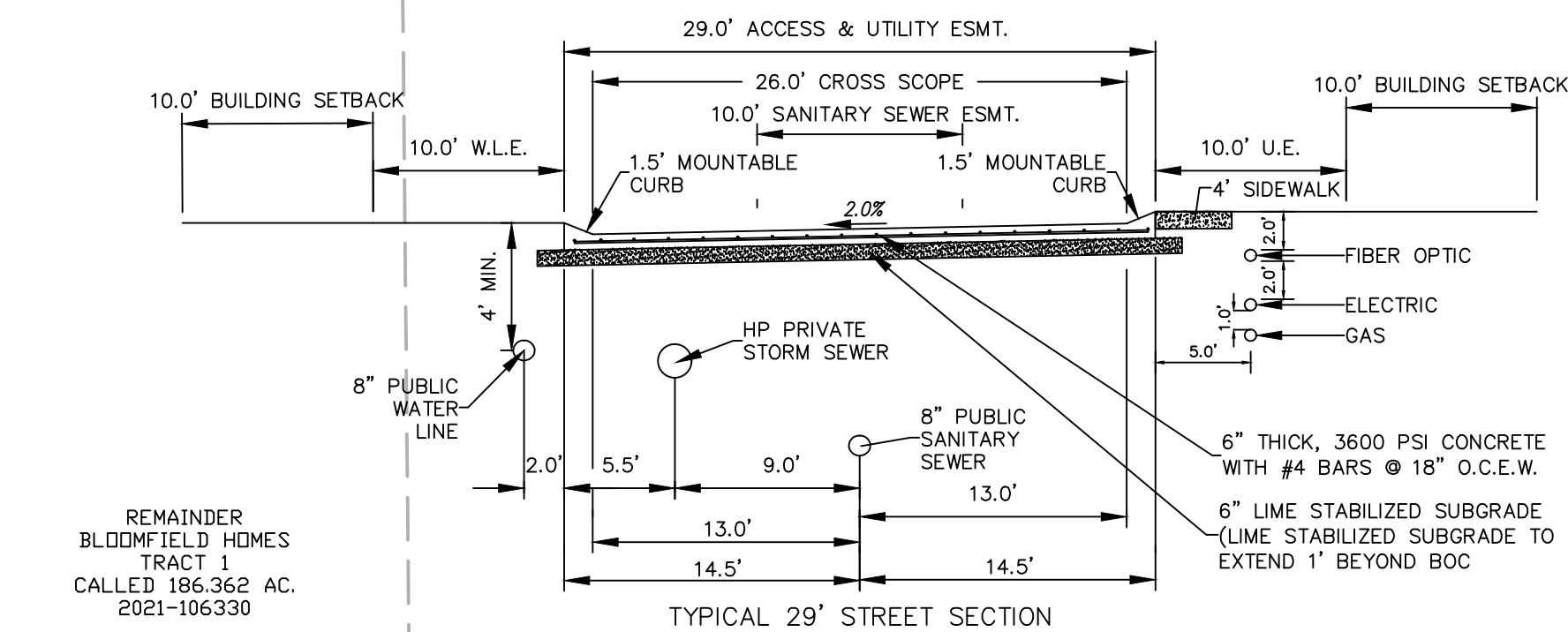
**BENCHMARKS:**

COAST & GEODETIC SURVEY 1946 MONUMENT BRONZE DISK STAMPED K945 1946 SET IN DRILL HOLE IN CONCRETE AT WEST END OF THE SOUTH ABUTMENT OF BNSF RR BRIDGE NO. 371 B, 0.9 MILE NORTH OF THE CITY OF JUSTIN. N 7086177.13 E 2338373.36 Z 627.43

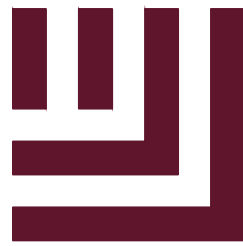
"X" FOUND IN CONCRETE AT THE INTERSECTION OF WRENWOOD DRIVE AND ELMWOOD DRIVE. N2334473.16 E 7087256.23 Z 680.57

**GENERAL NOTES:**

1. SANITARY SEWER A CITY OF JUSTIN UTILITY.
2. NO PEDESTALS, TRANSFORMERS, OR SIMILAR WILL BE ALLOWED IN THE CITY'S 10' WATER LINE EASEMENT. FRANCHISE UTILITIES SHALL BE ALLOWED TO CROSS WATERLINE EASEMENTS PERPENDICULARLY.
3. ALL DEAD END SEWER LINES LESS THAN 250' IN LENGTH TO END IN A CLEANOUT.
4. ALL SEWER SERVICES TO BE 4" CLEANOUTS UNLESS OTHERWISE NOTED.
5. CURB TO BE MARKED WITH DOUBLE LINE FOR ALL SEWER LATERAL LOCATIONS.
6. \* REPRESENTS LOTS WITH NON-TYPICAL UTILITY SERVICES



PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION



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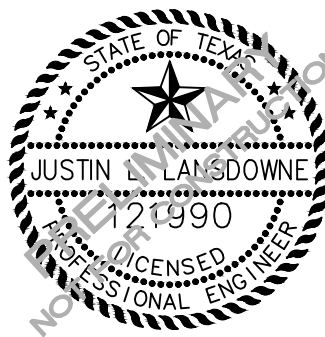
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CITY OF JUSTIN, TEXAS, 76247



**REVISIONS**

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**PLAN INFORMATION**

PROJECT NO.	2021310647
FILENAME	2021310647-U3.DWG
CHECKED BY	TAL
DRAWN BY	JST
SCALE	100 SCALE
DATE	07.25.2023

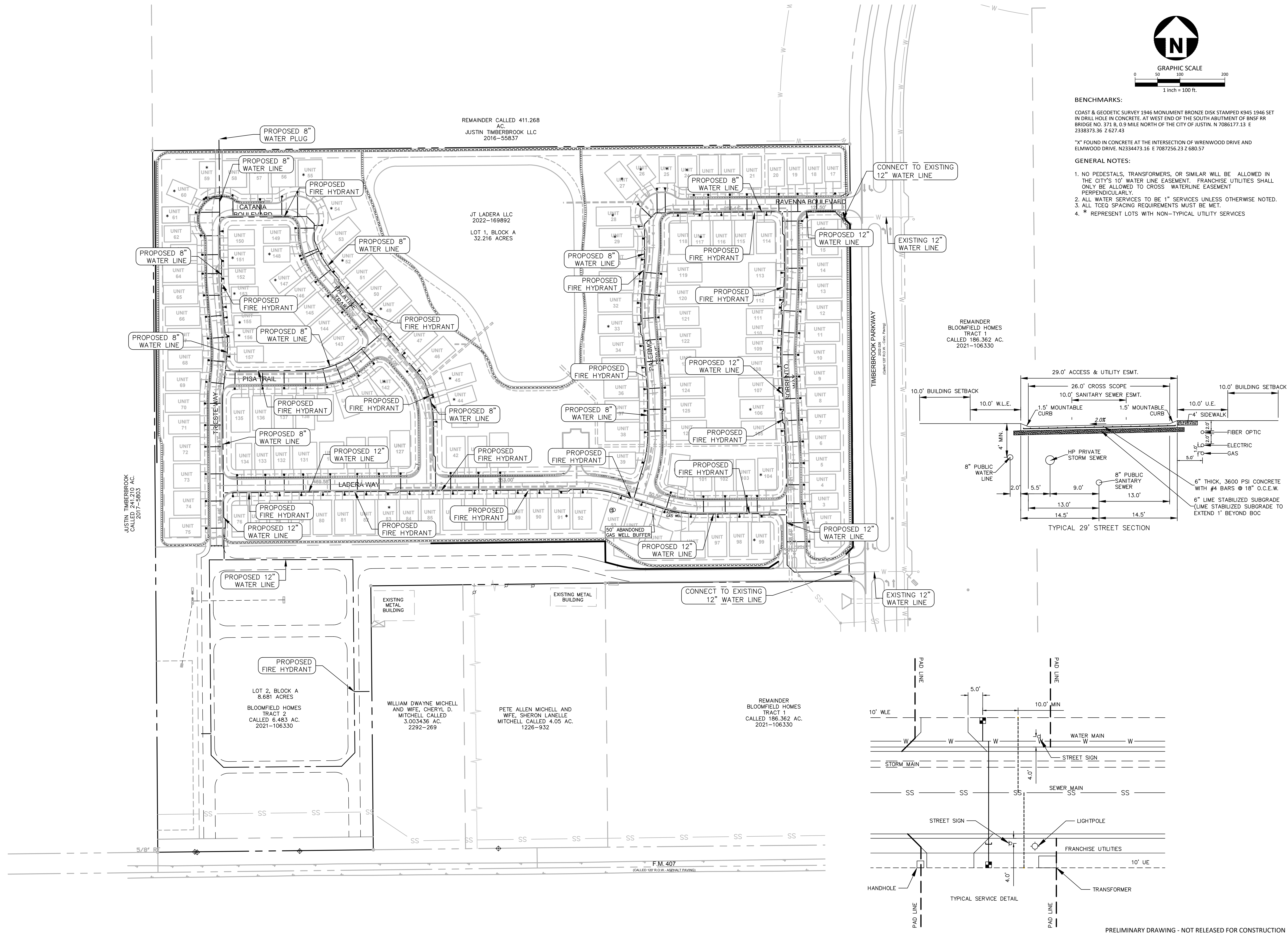
**SHEET**

**SEWER PLAN**

**C4.01**



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CITY OF JUSTIN, TEXAS, 76247

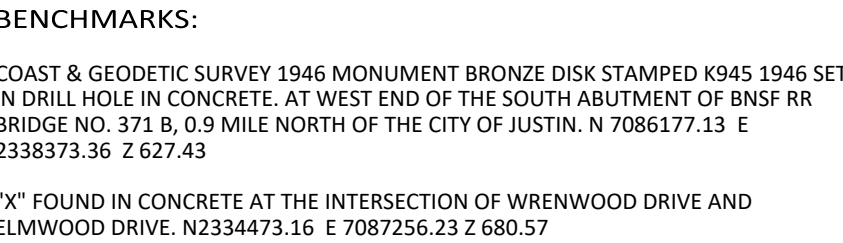


REVISIONS		
NO.	DATE	DESCRIPTION
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PLAN INFORMATION	
PROJECT NO.	2021310647
FILENAME	2021310647-U1.DWG
CHECKED BY	TAL
DRAWN BY	JST
SCALE	100 SCALE
DATE	07.25.2023
<b>SHEET</b>	

**WATER PLAN**  
**C4.02**





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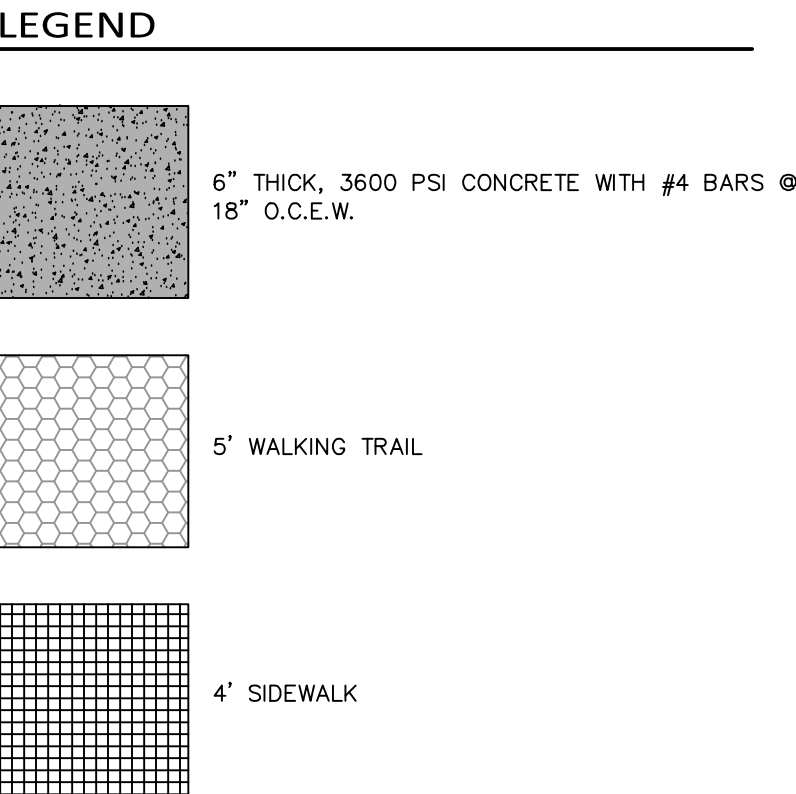
## PLAN INFORMATION

PROJECT NO.	2021310647
FILENAME	2021310647-P1.DWG
CHECKED BY	TAL
DRAWN BY	JST
SCALE	100 SCALE
DATE	07.25.2023

**SHEET**

## STREET PLAN

# C7.00

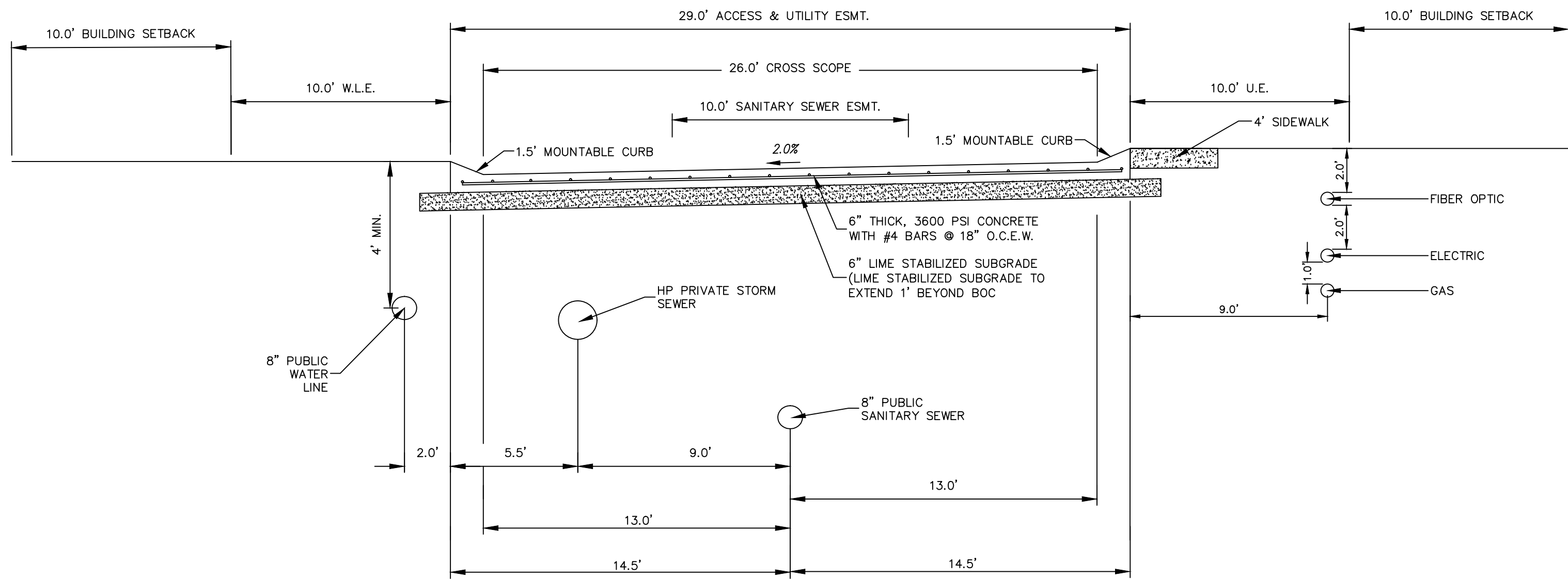


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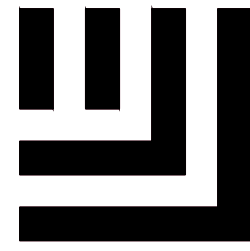
TYPICAL 29' STREET SECTION

**STREET SECTION - A**  
N.T.S

**BENCHMARKS:**

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"X" FOUND IN CONCRETE AT THE INTERSECTION OF WRENWOOD DRIVE AND ELMWOOD DRIVE. N2334473.16 E 7087256.23 Z 680.57



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**PLAN INFORMATION**

PROJECT NO.	2021310647
FILENAME	2021310647-S1.DWG
CHECKED BY	TAL
DRAWN BY	JST
SCALE	N.A.
DATE	07.25.2023

**SHEET**

**TYPICAL STREET  
SECTION**

**C7.01**

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

# **AGENDA**

## **ITEM**

### **8**

City Council Meeting

August 22, 2023

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item: 8

Title: Quarterly Investment Report

Department: Finance

Contact: Finance Director, Josh Armstrong

---

Recommendation: *The report is provided for informational purposes and does not require City Council action.*

---

Background:

Staff will provide a printed quarterly investment report to Council for the 3<sup>rd</sup> quarter of the year.

---

City Attorney Review:

---

Attachments:

1. Quarterly Investment Report – To be provided at meeting.

# **AGENDA**

## **ITEM**

### **9**



City Council Meeting

August 22, 2023

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item: 9

Title: Planning and deliverables calendar

Department: Development

Contact: Director of Development, Matt Cyr

---

Recommendation: *The report is provided for informational purposes and does not require City Council action.*

---

Background:

---

City Attorney Review: N/A

---

Attachments:

1. Planning and deliverables calendar



### **Phase I (August 2023- May 2024)**

- Master Sewer Plan & Master Water Plan- \$115,000
- Unified Development Code- \$120,000
- Includes Ch. 52. Rewrite and Subdivision Ordinance
- Engineering Manual Update- \$12,000
- Ad Valorem Analysis- \$32,279

### **UDC - 9 months - August - May**

Data Collection – August

Staff presents tentative schedule to City Council on August 22nd

Initiation Meeting - September 1 – Full development team

Website Refresh - By end of September

Stakeholder Meetings - August - September

Kick Off joint Meeting PZC and CC - October 12<sup>th</sup>

Process Open House - Oct. November

Structure and format of UDC - November

- Work session with staff
- Joint Work Session

Draft Code Open House - February/March

Draft Code of UDC - March

- Work Session with Staff
- Joint Work Session PZC/CC

Final Code - April

Public Adoption - May

# **AGENDA**

## **ITEM**

### **10**

City Council Meeting

August 22, 2023

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item: 10

Title: 2023 Legislative Report.

Department: Development

Contact: Director of Development, Matt Cyr

---

Recommendation: *The report is provided for informational purposes and does not require City Council action.*

---

Background:

This report contains House and Senate Bills passed in the recent legislative session that pertains to municipalities.

---

City Attorney Review: N/A

---

Attachments:

1. Legislative report

To: City Council; The Planning and Zoning Commission; and Jarrod Greenwood, City Manager



## 2023 State Legislature Report

The purpose of this report is to inform all stakeholders of the latest Legislature and how **key bills** impact the City of Justin.

### **KEY BILLS**

The Analysis of each bill is found below along with a link to the History and Text of the bill for all stakeholders to view.

**S.B. 2038 (Bettencourt)**: S.B. 2038 allows residents and property owners in an ETJ to use petition and election procedures, depending on the population of the area, to remove themselves from the ETJ. The procedures are similar to those currently prescribed for municipal annexations. (Effective September 1, 2023.) [Texas Legislature Online - 88\(R\) History for SB 2038](#)

**ANALYSIS**: This bill has already impacted the City of Justin and its neighbors significantly. As the City moves forward developers and some residents will utilize this bill to be removed from the Extra-Territorial Jurisdiction (ETJ) specifically if they are not able to receive water or sewer. The City of Justin has seen this bill be used against adjacent Cities already.

**H.B. 1922 (Dutton/Bettencourt) – Reauthorization of Building Permit Fees**: abolishes a city fee charged as a condition to constructing, renovating, or remodeling a structure on the 10th anniversary after the date the fee is adopted or most recently reauthorized unless the governing body of the city holds a public hearing and reauthorizes the fee by a vote of the governing body. (Effective January 1, 2024.) [Texas Legislature Online - 88\(R\) History for HB 1922](#)

**ANALYSIS**: This will affect how we reauthorize fees specifically for building permits moving forward. The City is currently discussing options internally and consulting with legal as well. However, the City of Justin

may need to hold Public Hearings as a common practice to reauthorize these fees. The City is also looking at adding this as part of the Budget process. However, all options are on the table for discussion.

**H.B. 14 (Cody Harris/Bettencourt) – Third Party Inspections and Review of Development Applications:** provides that an applicant can hire a third-party reviewer in some circumstances if the municipality does not provide approval, denial, or essentially a response to the applicant. (Effective September 1, 2023.) [Texas Legislature Online - 88\(R\) History for HB 14](#)

**ANALYSIS:** This bill could be weaponized against all municipalities, specifically bigger cities. If the City can't keep up with plan reviews and applications, third party may be able to be utilized by an applicant or developer and the City would not be able to capture these fees. Development Revenue is the 3<sup>rd</sup> highest source of revenue for the City. Staff believes this may just apply to specific developments such as Assisted Living Facilities, however, the bill was written in a very complex and convoluted manner. We are consulting with the Attorney relating to this.

**S.B. 929 (Parker/Rogers) – Nonconforming Use Compensation:** Relating to the notice and compensation a municipality must provide before revoking the right to use property for a use that was allowed before the adoption of or change to a zoning regulation or boundary. (Effective immediately.) [Texas Legislature Online - 88\(R\) History for SB 929](#)

**ANALYSIS:** As the City moves forward with the Planning deliverables, this could affect the City down the road. Converting specific areas and drastically limiting uses could put the City at risk. The goal to mitigate this bill is to ensure the Attorney is aware of the potential changes so Staff can take the necessary steps to notify property owners and to ensure that compensation is not required.

**HB 3492 (Stuckey/Springer):** Relating to county and municipal authority to impose certain value-based fees and require disclosure of certain information related to subdivision construction. Fees related to the review of engineering and construction plans and the inspection of construction may no longer be based on value of improvement. Fees must be based on the actual costs to review and inspect public infrastructure.

**ANALYSIS:** The City recently adopted a new fee schedule that increased inspection fees from 4% to 6%. However, the legislature has made this fee moot. The City will now need to base this fee on actual cost rather than a percentage. Staff is reviewing some other options that may be brought to City Council once discussed further. However, the overall effect is the City will need to assess fees differently and in compliance with this bill.

**S.B. 1893 (Birdwell/Anderson) – TikTok Ban:** this bill, among other things, requires a city to adopt a policy prohibiting the installation or use and requiring the removal of TikTok or any

successor application, or any other social media application specified by the Department of Information Resources and Department of Public Safety, on any city-owned or leased electronic device, subject to certain exceptions for law enforcement or information security purposes. (Effective immediately.) [Texas Legislature Online - 88\(R\) History for SB 1893](#)

**ANALYSIS:** This affects all municipalities and will be reflected in the appropriate policies moving forward.

## **OTHER BILLS**

**ANALYSIS:** These bills have little to minimal impact on how the City operates.

**S.B. 2440 (Perry/Burrows) – Certification of Groundwater Supply**: this bill: (1) requires certain plats for the subdivision of land to include proof of groundwater supply; and (2) allows a city to waive the requirement if it meets certain conditions. (Effective January 1, 2024.) [Texas Legislature Online - 88\(R\) History for SB 2440](#)

**H.B. 3699 (Wilson/Bettencourt) – Platting Shot Clock**: this bill relieves some of the strict conditions for approving plats within a certain timeframe. In 2019, the legislature passed a bill that required Cities to provide approval or denial in a certain timeframe and mandated how it should be done as well. This bill repeals some of those conditions. (Effective September 1, 2023.) [Texas Legislature Online - 88\(R\) History for HB 3699](#)

**H.B. 2334 (Burns/Paxton) – Plumbers**: this bill provides that a person is not required to be licensed under the plumbing licensing law to perform plumbing work consisting of installing, servicing, or repairing service mains or service lines that provide water, sewer, or storm drainage services on private property in an area that extends from a public right-of-way or public easement to not less than five feet. (Effective September 1, 2023.) [Texas Legislature Online - 88\(R\) History for HB 2334](#)

**S.B. 2453 (Menendez/Hernandez) – Exceptions to Building Material Preemption**: In 2019 the State legislature passed a bill that revoked a municipality's right to regulated building materials. However, the unintended consequence of this bill was that it conflicted with the Energy Code requirements (National Electric Code). This bill was passed to alleviate the conflict. (Effective September 1, 2023.) [Texas Legislature Online - 88\(R\) History for SB 2453](#)

**H.B. 586 (E. Thompson/Bettencourt) – Annexation of Roadways**: provides that: (1) a city may annex a road right-of-way (ROW) that with certain conditions. [Texas Legislature Online - 88\(R\) History for HB 586](#)

**H.B. 4417 (Goldman/Zaffirini)**- Relating to the administration of court-ordered programs regulated by the Texas Department of Licensing and Regulation.

**H.B. 5183(Guillen/Johnson)**-Relating to Educational program for persons whose driver's license is suspended following conviction of certain drug offenses.

**H.B. 4504 (Moody/Johnson)**-Relating to the nonsubstantive revision of certain provision of the Code of Criminal Procedure, including conforming amendments.

**H.B. 3186 (Leach/Zaffirini)**-Relating to youth diversion strategies and procedures for children accused of certain fine-only offenses in municipal and justice courts and related criminal justice matters; authorizing fees.



# **AGENDA**

## **ITEM**

### **11**

City Council Meeting

August 22, 2023

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item: 11

Title: Audit presentation

Department: Finance

Contact: Finance Director, Josh Armstrong

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Recommendation: *This is a presentation; City Council will not be taking any action.*  
Receive a presentation from CliftonLarsonAllen (CLA) regarding the FY 21-22 Annual Audit.

---

Background:

Each year the city is required to have an annual audit conducted by an independent auditor. Due to several circumstances out of the City's control, the FY21-22 annual audit was completed later than usual. This audit year contains a restatement from previous years donated assets in the general fund and water/sewer fund. Normally a restatement is not a great thing, but in this case, it increases our net position by millions of dollars and provides the clearest financial outlook. We have provided the auditors with an action plan to ensure this will not happen again, that involves adding to the asset sheet quarterly. The Public Works Director as well as the development director have already taken steps to include finance during these discussions and to provide the necessary documentation.

This year the City was also required to do an annual audit regarding the federal funds that we have utilized for several projects. This consisted of projects funded with CARES funding and the Green Ribbon funding. The restatement and the annual audit greatly increased the amount of time normally needed to complete the audit. Our goal is to have the audit complete by March 31 of the following year as it states in our financial policies.

---

City Attorney Review:

---

Attachments:

1. Presentation will be provided by CLA at the meeting.

**FY22 Basic Financial Statements – Unaudited**

The following basic financial statements are unaudited statements as of 09/30/2022. These statements reflect changes made up to this point in the audit. The audit is in it's final stages of review before being completed, so these numbers are subject to change. We don't anticipate any changes to the bottom lines of the following statements at this time, but changes might be made during the review process. The only remaining audit items at the time of writing this cover page relate to GASB 87 adoption. The City is working with CLA to finish the audit as soon as possible while ensuring the accuracy and completeness of the audit. If you have any questions, don't hesitate to contact the Finance Department.

## **What is a Financial Audit?**

A financial audit of a local government is an independent and systematic examination of its financial records, statements, transactions, and activities. It is conducted by a certified public accountant (CPA) or an auditing firm to assess the accuracy, reliability, and compliance of financial information. The City of Justin uses CLA (formerly Clifton Larson Allen) to conduct our audits.

## **Why is it Important?**

- **Accountability:** Financial audits promote transparency and accountability by ensuring that local government entities accurately report their financial information to the public and stakeholders. For FY22, the City of Justin has completed a financial restatement to convey the value of public assets more accurately from the Timberbrook development.
- **Compliance:** Audits verify if the local government follows applicable laws, regulations, and accounting standards. This helps identify any non-compliance issues and provides recommendations for improvement. There were two unique compliance situations for the City of Justin during FY22: a single audit and GASB87. The single audit is a requirement when certain criteria are met for recipients of federal funds; in FY22 the City of Justin met these requirements and completed a single audit. Additionally, the Governmental Accounting Standards Board issued statement 87 requiring local governments to record leases differently in their financial statements. This was a complicated process and took a lot of up-front leg work to comply with.
- **Trust and Confidence:** A thorough financial audit enhances public trust and confidence in the local government's financial management, as it assures citizens and investors that the reported financial information is reliable and trustworthy.

## **What does a Financial Audit Cover?**

- **Financial Statements:** Auditors examine financial statements to verify if they fairly represent the local government's financial position, operations, and cash flows. The City of Justin does not prepare our own financial statements, CLA does this as part of our auditing process.
- **Internal Controls:** The audit assesses the effectiveness of internal controls in place to prevent fraud, errors, and misappropriation of funds. It identifies any weaknesses and recommends improvements to strengthen controls.
- **Compliance Testing:** Auditors review the local government's adherence to laws, regulations, and contractual obligations to determine if any violations have occurred.
- **Asset Verification:** The audit verifies the existence and valuation of assets, such as properties, equipment, and investments, ensuring they are accurately recorded in the financial statements.

## **What are the Outcomes?**

- **Audit Report:** At the end of the audit, the CPA or auditing firm provides an audit report summarizing the findings, conclusions, and recommendations. This report is shared with the local government's management, governing body, and stakeholders.
- **Corrective Actions:** The audit report may highlight areas for improvement, such as enhancing internal controls or addressing compliance issues. The local government can use these recommendations to implement corrective actions and strengthen financial management practices.

## **BASIC FINANCIAL STATEMENTS**

DRAFT

**CITY OF JUSTIN, TEXAS**  
**STATEMENT OF NET POSITION**  
**SEPTEMBER 30, 2022**

	Primary Government		
	Governmental Activities	Business-Type Activities	Total
<b>ASSETS</b>			
Cash and Cash Equivalents	\$ 3,805,059	\$ 5,059,148	\$ 8,864,207
Receivables, Net of Allowance of \$47,581 in Business-Type Activities	503,292	311,721	815,013
Prepaid Expenses	12,538	-	12,538
Restricted Cash and Investments	1,928,020	4,560,521	6,488,541
Internal Balances	208,518	(208,518)	-
Net Pension Asset	65,569	11,381	76,950
Capital and right to use assets (Net of Accumulated Depreciation):			
Land and Construction in Progress	3,484,974	594,833	4,079,807
Infrastructure	8,573,325	17,252,294	25,825,619
Buildings and Improvements	378,306	-	378,306
Equipment and Vehicles	1,162,828	572,388	1,735,216
Right-to-use leased Equipment and Vehicles			
Total Assets	20,122,429	28,153,768	48,276,197
<b>DEFERRED OUTFLOWS</b>			
Deferred Outflows Related to Pensions	154,491	26,813	181,304
Loss on Refunding	64,357	59,742	124,099
Total Deferred Outflows	218,848	86,555	305,403
<b>LIABILITIES</b>			
Accounts Payable and Other Current Liabilities	356,309	211,917	568,226
Accrued Interest Payable	36,490	18,576	55,066
Current Liabilities Payable from Restricted Sources:			
Customer Deposits	-	303,747	303,747
Long-Term Obligations, Due within One Year	698,301	675,354	1,373,655
Unearned Revenue	-	612,085	612,085
Noncurrent Liabilities:			
Long-Term Obligations, Due in More than One Year	5,632,694	8,817,217	14,449,911
Total Liabilities	6,723,794	10,638,896	17,362,690
<b>DEFERRED INFLOWS</b>			
Deferred inflows Related to Leases			
Deferred Inflows Related to Pensions	254,177	44,114	298,291
Total Deferred Inflows	254,177	44,114	298,291
<b>NET POSITION</b>			
Net Investment in Capital Assets	9,338,878	7,000,288	16,339,166
Restricted for:			
Community Development	614,962	-	614,962
Economic Development	600,810	-	600,810
Child Safety	12,922	-	12,922
Building Security	22,082	-	22,082
Court Technology	28,335	-	28,335
System Improvements	-	3,674,346	3,674,346
Street Maintenance	132,939	-	132,939
Unrestricted	2,612,378	6,882,679	9,495,057
Total Net Position	\$ 13,363,306	\$ 17,557,313	\$ 30,920,619

See accompanying Notes to Basic Financial Statements.

**CITY OF JUSTIN, TEXAS  
STATEMENT OF ACTIVITIES  
YEAR ENDED SEPTEMBER 30, 2022**

Functions/Programs	Expenses	Program Revenues			Net Revenue (Expense) and Changes in Net Position		
		Fines, Fees, and Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Primary Government		
					Governmental Activities	Business-Type Activities	Total
<b>PRIMARY GOVERNMENT</b>							
Governmental Activities:							
General Government	\$ 1,247,452	\$ -	\$ 661,198	\$ -	\$ (586,254)	\$ -	\$ (586,254)
Police Department	1,238,743	6,724	-	-	(1,232,019)	-	(1,232,019)
Fire Department	999,035	-	-	-	(999,035)	-	(999,035)
Municipal Court	181,049	216,517	-	-	35,468	-	35,468
Parks and Municipal Maintenance	1,383,904	21,942	100	-	(1,361,862)	-	(1,361,862)
Library	159,739	552	22,419	-	(136,768)	-	(136,768)
Development	945,414	2,083,955	-	-	1,138,541	-	1,138,541
Nondepartmental	1,439,584	-	-	-	(1,439,584)	-	(1,439,584)
Interest and Amortization	172,142	-	-	-	(172,142)	-	(172,142)
Total Governmental Activities	7,767,062	2,329,690	683,717	-	(4,753,655)	-	(4,753,655)
Business-Type Activities:							
Water and Sewer	3,471,133	5,467,608	493,965	-	-	2,490,440	2,490,440
Total Business-Type Activities	3,471,133	5,467,608	493,965	-	-	2,490,440	2,490,440
Total Primary Government	<u>\$ 11,238,195</u>	<u>\$ 7,797,298</u>	<u>\$ 1,177,682</u>	<u>\$ -</u>	(4,753,655)	2,490,440	(2,263,215)
<b>GENERAL REVENUES</b>							
Taxes:							
Property					3,879,738	-	3,879,738
Sales					2,746,461	-	2,746,461
Franchise					286,572	-	286,572
Investment Earnings					18,319	3,911	22,230
Miscellaneous Revenues					61,350	316,760	378,110
Total General Revenues					<u>6,992,440</u>	<u>320,671</u>	<u>7,313,111</u>
<b>CHANGE IN NET POSITION</b>					2,238,785	2,811,111	5,049,896
Net Position - Beginning of Year					5,781,519	9,033,329	14,814,848
Prior Period Adjustment					<u>5,343,002</u>	<u>5,712,873</u>	<u>11,055,875</u>
Restated Beginning Balance					11,124,521	14,746,202	25,870,723
<b>NET POSITION - END OF YEAR</b>					<u>\$ 13,363,306</u>	<u>\$ 17,557,313</u>	<u>\$ 30,920,619</u>

See accompanying Notes to Basic Financial Statements.

**CITY OF JUSTIN, TEXAS**  
**BALANCE SHEET – GOVERNMENTAL FUNDS**  
**SEPTEMBER 30, 2022**

	General Fund	Justin EDC	Justin CDC	Street Maintenance Fund	Total Governmental Funds
<b>ASSETS</b>					
Cash and Cash Equivalents	\$ 2,489,252	\$ 674,963	\$ 640,844	\$ -	\$ 3,805,059
Receivables, Net	268,137	58,789	58,789	117,577	503,292
Prepaid Expenses	12,538	-	-	-	12,538
Due from Other Funds	439,564	-	-	134,721	574,285
Restricted Cash and Investments	1,024,020	-	-	904,000	1,928,020
Total Assets	<u>\$ 4,233,511</u>	<u>\$ 733,752</u>	<u>\$ 699,633</u>	<u>\$ 1,156,298</u>	<u>\$ 6,823,194</u>
<b>LIABILITIES</b>					
Accounts Payable and Accrued Liabilities	\$ 219,268	\$ 5,911	\$ 11,770	\$ 119,360	\$ 356,309
Due to Other Funds	165,835	127,031	72,901	-	365,767
Total Liabilities	385,103	132,942	84,671	119,360	722,076
<b>DEFERRED INFLOWS</b>					
Lease related					
Deferred Property Taxes	31,058	-	-	-	31,058
Total Liabilities and Deferred Inflows	416,161	132,942	84,671	119,360	753,134
<b>FUND BALANCE</b>					
Nonspendable:					
Prepaid items	12,538	-	-	-	12,538
Restricted Fund Balances:					
Community Development	-	-	614,962	-	614,962
Economic Development	-	600,810	-	-	600,810
Debt Service	1,024,020	-	-	-	1,024,020
Child Safety	12,922	-	-	-	12,922
Building Security	22,082	-	-	-	22,082
Court Technology	28,335	-	-	-	28,335
Street Maintenance	-	-	-	1,036,938	1,036,938
Unassigned	2,717,453	-	-	-	2,717,453
Total Fund Balance	<u>3,817,350</u>	<u>600,810</u>	<u>614,962</u>	<u>1,036,938</u>	<u>6,070,060</u>
Total Liabilities, Deferred Inflows, and Fund Balance	<u>\$ 4,233,511</u>	<u>\$ 733,752</u>	<u>\$ 699,633</u>	<u>\$ 1,156,298</u>	<u>\$ 6,823,194</u>

See accompanying Notes to Basic Financial Statements.



**CITY OF JUSTIN, TEXAS  
RECONCILIATION OF THE GOVERNMENTAL FUNDS BALANCE SHEET  
TO THE STATEMENT OF NET POSITION  
SEPTEMBER 30, 2022**

Total Fund Balances - Governmental Funds Balance Sheet	\$	6,070,060
--	----	-----------

Amounts reported for governmental activities in the statement of net position are different because:

Capital assets used in governmental activities are not current financial resources and therefore are not reported in the governmental funds balance sheet.		13,599,433
--	--	------------

Revenues earned but not available within 60 days of the year-end are not recognized as revenue on the fund financial statements.		31,058
--	--	--------

The statement of net position includes the City's proportionate share of the TMRS net pension liability as well as certain pension related transactions accounted for as Deferred Inflows and Outflows of resources.

Net Pension Asset	65,569	
Deferred Inflows Related to Pensions	(254,177)	
Deferred Outflows Related to Pensions	154,491	
		(34,117)

Long-term liabilities and compensated absences are not due and payable in the current period and therefore are not reported in the fund financial statements.

Bonds Payable	(5,820,000)	
Lease Payable	(258,901)	
Accrued Interest Payable	(36,490)	
Deferred Loss on Refunding	64,357	
Bond Premium	(139,463)	
Compensated Absences	(112,631)	
		(6,303,128)

Net Position of Governmental Activities	\$	<u>13,363,306</u>
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# **AGENDA**

## **ITEM**

### **12**

City Council Meeting

August 22, 2023

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item: 12

Title: Discuss the Fiscal Year 2023-2024 budget.

Department: Finance

Contact: Finance Director, Josh Armstrong

---

Recommendation: Ask questions and provide direction to staff regarding the draft budget presented.

---

Background:

The Proposed Budget has been submitted to Council. A copy can be found online as well as in the City Secretary's office. The budget is built on a total tax rate of .628363. The proposed budget consists of a 5% COLA increase for all employees as well as the items included in the priority list provided in the Council packet. The coversheet of the budget provides a breakdown of the various individual rates that have been provided by the Denton County Tax Assessor/Collector. There will be at least one more budget workshop to discuss the budget and any proposed changes.

Since the last budget workshop, we have included changes to Fire Department pay to bring the department in line with the rest of the City staff. It also includes a back pay portion to account for no increases in salary in the current fiscal year budget. With overtime, we anticipate this cost to be \$125,000. We have also included \$250,000 in the budget for planning deliverables approved by Council that is being discussed in item #8.

We are trying to tighten up our revenue projections and finalize anything that might have been overlooked, but after these final additions, the budget is essentially balanced. This is the last meeting before the public hearing on September 12<sup>th</sup> to discuss the budget. Staff requests anyone with questions or concerns about the Proposed Budget to contact us.

---

City Attorney Review:

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Attachments:

1.

# **AGENDA**

## **ITEM**

### **13**

City Council Meeting

August 22, 2023

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item: 13

Title: Discussion regarding City Council Liaison Positions.

Department: Administration

Contact: City Manager, Jarrod Greenwood

---

Recommendation: *This item is for Council to discuss the Liaison appointments and to provide direction to staff.*

---

Background:

Mayor Clark will be speaking about the item.

---

City Attorney Review:

---

Attachments:

1.

# **AGENDA**

## **ITEM**

### **14**

City Council Meeting

August 22, 2023

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item: 14

Title: Discussion regarding the Board of Ethics

Department: Administration

Contact: City Manager, Jarrod Greenwood

---

Recommendation: *This item is for Council to discuss the Board of Ethics and associated appointments and to provide direction to staff.*

---

Background: The Home Rule Charter requires a Board of Ethics be created “no more than 30 days after the May 2023 regular City election”. On April 11<sup>th</sup> Council approved Ordinance 750-23 that created the Board of Ethics, which prescribed, among other things, the number of members and the process by which members would be appointed.

Staff have included a copy of the applications received for candidates who have completed the background checks.

Ref: Home Rule Charter Sec. 13.08

---

City Attorney Review:

---

Attachments:

1. Board of Ethics applicant
2. Ordinance 750-23

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#); [Abbey Reece](#)  
**Subject:** Online Form Submittal: Board, Commission & Committee Application  
**Date:** Monday, May 1, 2023 3:53:11 PM

---

## Board, Commission & Committee Application

First Name	Christina
Last Name	Osteen
Address	1029 Summit Dr
City	Justin
State	TX
Zip Code	76247
Mailing Address (If different)	N/A
City	N/A
State	N/A
Zip Code	N/a
Phone Number	940-390-4909
Email Address	christina.osteen@yahoo.com
Are you over the age of 18?	Yes
Are you a registered voter in Justin?	Yes
Are you a Justin resident, property, business owner, or City Staff?	Yes
Current Occupation/Employer	Office Manager/Human Resources Manager/Hesse Industrial Sales dba VANEC
Education, Licenses, or Certifications	NYS Regents Diploma - General Studies, Rochester Institute of Technology - Criminal Justice, Community College of the Air Force - Security Forces, TABC (exp), 6Sigma Green Belt, OSHA 10,



Are you a current or past member of a Council-appointed Board, Commission, or Corporation?	Yes
If yes, please specify	Haun House Committee
On which Board, Commission, or Committee are you interested in serving? (First Choice)	Board of Ethics
If you have a second choice for a Board, Commission, or Committee on which you would like to serve, please also select that.	<i>Field not completed.</i>
What work experience, educational experience, community involvement, and/or other skills do you have that would qualify you for a Council-appointed Board, Commission, or Committee?	<p>Most of my adult life, has been spent in positions where Ethics Matter:</p> <p>Notary Public, bonded in Texas.</p> <p>Human Resources Manager, past and present - Co-Developed our Employee Handbook. Payroll Management, Accounts Payable, Purchasing. Executive Assistant to the Owner.</p> <p>Security Forces/Law Enforcement in the US Air Force - Legal &amp; Law Experience</p> <p>Six Sigma Green Belt - Statistical Analysis</p> <p>Cub Scout Den Leader - (Former) Teaching young men to "Do Your Best" and make good decisions.</p>
List any additional information which you believe would be of value for the City Council to know about you.	<p>I consider myself open minded, independent and keenly aware of social norms and the likely consequences of breaching them. I have strong analytical skills and vast research experience. Being in Human Resources, I have the ability to manage and resolve conflicts as well as being attentive to detail. I have over 20 years administrative and upper-level management training and decision-making skills.</p>
Do you or any member of your immediate family residing in your household, hold a position (paid or unpaid) with any person or organization, or have a contract with	No

or any obligation to any person or entity which might constitute a conflict of interest?

---

Have you ever been convicted of a felony, violation of law, or misdemeanor involving moral turpitude (any offense involving lying, stealing, or cheating?)

---

No

Are there any criminal charges or proceedings pending against you?

---

No

By typing your full name in the box, you acknowledge that the information provided is correct to the best of your ability.

---

Christina Osteen

Date of Submission

---

5/1/2023

Email not displaying correctly? [View it in your browser.](#)

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#); [Abbey Reece](#)  
**Subject:** Online Form Submittal: Board, Commission & Committee Application  
**Date:** Thursday, March 9, 2023 4:41:46 PM

---

## Board, Commission & Committee Application

First Name	Daniel
Last Name	Guiley
Address	1238 Stagecoach trl.
City	Justin
State	Tx
Zip Code	76247
Mailing Address (If different)	<i>Field not completed.</i>
City	<i>Field not completed.</i>
State	<i>Field not completed.</i>
Zip Code	<i>Field not completed.</i>
Phone Number	4328530666
Email Address	Dansdents@gmail.com
Are you over the age of 18?	Yes
Are you a registered voter?	Yes
Are you a Justin resident, property, business owner, or City Staff?	Yes
Current Occupation/Employer	Realtor
Education, Licenses, or Certifications	High School, Realtor, Business Owner
	No

Are you a current or past member of a Council-appointed Board, Commission, or Corporation?

On which Board, Commission, or Committee are you interested in serving? (First Choice)

Board of Ethics

If you have a second choice for a Board, Commission, or Committee on which you would like to serve, please also select that.

Parks and Recreation Board

What work experience, educational experience, community involvement, and/or other skills do you have that would qualify you for a Council-appointed Board, Commission, or Committee?

Great with people and maintaining integrity and what is fair.

List any additional information which you believe would be of value for the City Council to know about you.

I'm new to the city and excited to serve the community and keep it great!

Do you or any member of your immediate family residing in your household, hold a position (paid or unpaid) with any person or organization, or have a contract with or any obligation to any person or entity which might constitute a conflict of interest?

No

Have you ever been convicted of a felony, violation of law, or misdemeanor involving moral turpitude (any offense involving lying, stealing, or cheating?)

No

---

Are there any criminal charges or proceedings pending against you?

No

---

By typing your full name in the box, you acknowledge that the information provided is correct to the best of your ability.

Daniel Guiley

---

Date of Submission

3/9/2023

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Email not displaying correctly? [View it in your browser.](#)

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#); [Abbey Reece](#)  
**Subject:** Online Form Submittal: Board, Commission & Committee Application  
**Date:** Friday, February 17, 2023 4:40:10 PM

---

## Board, Commission & Committee Application

First Name	Lynne
Last Name	Heygster
Address	310 HARDEMAN BLVD
City	JUSTIN
State	TX
Zip Code	76247-7037
Mailing Address (If different)	<i>Field not completed.</i>
City	<i>Field not completed.</i>
State	<i>Field not completed.</i>
Zip Code	<i>Field not completed.</i>
Phone Number	801-891-1578
Email Address	lynneheygster7@gmail.com
Are you over the age of 18?	Yes
Are you a registered voter?	Yes
Are you a Justin resident, property, business owner, or City Staff?	Yes
Current Occupation/Employer	Retired
Education, Licenses, or Certifications	Bachelor of Science, University of Utah Masters Consciousness Studies with Ministerial Studies, Holmes Institute School of Consciousness Studies Ordained Minister of Religious Science, Centers for Spiritual

Living  
Clinical Pastoral Education, ACPE Certification

Are you a current or past member of a Council-appointed Board, Commission, or Corporation?	Yes
If yes, please specify	Library Board, joined just before the covid shutdown, did not stay on Board.
On which Board, Commission, or Committee are you interested in serving? (First Choice)	Board of Ethics
If you have a second choice for a Board, Commission, or Committee on which you would like to serve, please also select that.	<i>Field not completed.</i>
What work experience, educational experience, community involvement, and/or other skills do you have that would qualify you for a Council-appointed Board, Commission, or Committee?	Business ethics classes in college and ministerial school, additional ethic workshops as hospital Chaplain. Have volunteered with civic association of a previous neighborhood. Specific training and counseling as Chaplain and clergy to view issues from a non-personal connection. Work experience as a Human Resource Manager, Church Clergy, and a Hospital Chaplain where I must follow a variety of ethic guidelines in everything I did.
List any additional information which you believe would be of value for the City Council to know about you.	I have been looking for a way to support our community with my skills and this opportunity falls in line some of my training. I hope I am considered for this Board to work along with others to support a level of commitment to ethical leadership for the City of Justin.
Do you or any member of your immediate family residing in your household, hold a position (paid or unpaid) with any person or organization,	No

or have a contract with  
or any obligation to any  
person or entity which  
might constitute a  
conflict of interest?

---

Have you ever been  
convicted of a felony,  
violation of law, or  
misdemeanor involving  
moral turpitude (any  
offense involving lying,  
stealing, or cheating?)

---

No

Are there any criminal  
charges or proceedings  
pending against you?

---

No

By typing your full  
name in the box, you  
acknowledge that the  
information provided is  
correct to the best of  
your ability.

---

Margaret Lynne Heygster

Date of Submission

---

2/17/2023

Email not displaying correctly? [View it in your browser.](#)



**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#); [Abbey Reece](#)  
**Subject:** Online Form Submittal: Board, Commission & Committee Application  
**Date:** Tuesday, May 23, 2023 11:10:49 PM

---

## Board, Commission & Committee Application

First Name	kerry
Last Name	lewis goodman
Address	606 autumn ave
City	justin
State	texas
Zip Code	76247
Mailing Address (If different)	<i>Field not completed.</i>
City	<i>Field not completed.</i>
State	<i>Field not completed.</i>
Zip Code	<i>Field not completed.</i>
Phone Number	817-812-7851
Email Address	frankiesgotmail@gmail.com
Are you over the age of 18?	Yes
Are you a registered voter in Justin?	Yes
Are you a Justin resident, property, business owner, or City Staff?	Yes
Current Occupation/Employer	Homemaker
Education, Licenses, or Certifications	Associates Degree in Business - Computer Information Systems
	No

Are you a current or past member of a Council-appointed Board, Commission, or Corporation?

On which Board, Commission, or Committee are you interested in serving? (First Choice)

Board of Ethics

If you have a second choice for a Board, Commission, or Committee on which you would like to serve, please also select that.

Planning and Zoning Commission

What work experience, educational experience, community involvement, and/or other skills do you have that would qualify you for a Council-appointed Board, Commission, or Committee?

I worked in residential construction for 10+ years, working with up to \$500K+ houses, buyers personal information, city staff to obtain permits and inspections; and building rapport with customers, vendors and co-workers alike to reach the end product.

List any additional information which you believe would be of value for the City Council to know about you.

I have a high standard for integrity and respect. I believe that all People are People. Those that know me know that I adopted my grandchild and I teach her that we should always help others and I do this by example. I constantly show her that it doesn't take two extra minutes out of our trip to make extra effort to give the person on the corner asking for help a bottle of water or a snack. That if you are blessed to have a place to sleep, and food to eat; you should share it; and God will always provide.

Do you or any member of your immediate family residing in your household, hold a position (paid or unpaid) with any person or organization, or have a contract with or any obligation to any person or entity which might constitute a

No

conflict of interest?

---

Have you ever been convicted of a felony, violation of law, or misdemeanor involving moral turpitude (any offense involving lying, stealing, or cheating?)

No

---

Are there any criminal charges or proceedings pending against you?

No

---

By typing your full name in the box, you acknowledge that the information provided is correct to the best of your ability.

kerry lewis goodman

---

Date of Submission

5/23/2023

---

Email not displaying correctly? [View it in your browser.](#)

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#); [Abbey Reece](#)  
**Subject:** Online Form Submittal: Board, Commission & Committee Application  
**Date:** Thursday, March 9, 2023 2:36:01 PM

---

## Board, Commission & Committee Application

First Name	Steven
Last Name	Duran
Address	509 Hillside Drive
City	Justin
State	TX
Zip Code	76247
Mailing Address (If different)	<i>Field not completed.</i>
City	<i>Field not completed.</i>
State	<i>Field not completed.</i>
Zip Code	<i>Field not completed.</i>
Phone Number	972-313-5887
Email Address	stevendurab3005@gmail.com
Are you over the age of 18?	Yes
Are you a registered voter?	Yes
Are you a Justin resident, property, business owner, or City Staff?	Yes
Current Occupation/Employer	Engineer
Education, Licenses, or Certifications	BS Mechanical Engineering
	No

Are you a current or past member of a Council-appointed Board, Commission, or Corporation?

On which Board, Commission, or Committee are you interested in serving? (First Choice)

Board of Ethics

If you have a second choice for a Board, Commission, or Committee on which you would like to serve, please also select that.

Planning and Zoning Commission

What work experience, educational experience, community involvement, and/or other skills do you have that would qualify you for a Council-appointed Board, Commission, or Committee?

Over 38 years mechanical engineering experience in Aerospace and Telecommunications.

List any additional information which you believe would be of value for the City Council to know about you.

Articulate and committed. Member of The Grove Church. Experienced as a lead engineer on various projects from start through completion in the analysis and development of electro mechanical equipment used on Aerospace and Telecommunications electronic equipment.

Do you or any member of your immediate family residing in your household, hold a position (paid or unpaid) with any person or organization, or have a contract with or any obligation to any person or entity which might constitute a conflict of interest?

No

Have you ever been convicted of a felony, violation of law, or misdemeanor involving moral turpitude (any offense involving lying, stealing, or cheating?)

No

---

Are there any criminal charges or proceedings pending against you?

No

---

By typing your full name in the box, you acknowledge that the information provided is correct to the best of your ability.

Steven Duran

---

Date of Submission

3/9/2023

---

Email not displaying correctly? [View it in your browser.](#)

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Brittany Andrews](#); [Abbey Reece](#)  
**Subject:** Online Form Submittal: Board, Commission & Committee Application  
**Date:** Wednesday, August 9, 2023 9:02:13 AM

---

## Board, Commission & Committee Application

First Name	Shelby
Last Name	StClaire
Address	1037 Summit Dr
City	Justin
State	TX
Zip Code	76247
Mailing Address (If different)	1037
City	Justin
State	TX
Zip Code	76247
Phone Number	2256140668
Email Address	shelby.st.claire@gmail.com
Are you over the age of 18?	Yes
Are you a registered voter in Justin?	Yes
Are you a Justin resident, property, business owner, or City Staff?	Yes
Current Occupation/Employer	Account Executive
Education, Licenses, or Certifications	High School Diploma, USAC Certified
	No

Are you a current or past member of a Council-appointed Board, Commission, or Corporation?

---

On which Board, Commission, or Committee are you interested in serving? (First Choice)

Board of Ethics

---

If you have a second choice for a Board, Commission, or Committee on which you would like to serve, please also select that.

Planning and Zoning Commission

---

What work experience, educational experience, community involvement, and/or other skills do you have that would qualify you for a Council-appointed Board, Commission, or Committee?

I have integrity and I always live by my word

---

List any additional information which you believe would be of value for the City Council to know about you.

Resident of Justin for over 4 years.

---

Do you or any member of your immediate family residing in your household, hold a position (paid or unpaid) with any person or organization, or have a contract with or any obligation to any person or entity which might constitute a conflict of interest?

No

---



Have you ever been convicted of a felony, violation of law, or misdemeanor involving moral turpitude (any offense involving lying, stealing, or cheating?)

No

---

Are there any criminal charges or proceedings pending against you?

No

---

By typing your full name in the box, you acknowledge that the information provided is correct to the best of your ability.

Shelby Scott StClaire

---

Date of Submission

8/9/2023

---

Email not displaying correctly? [View it in your browser.](#)

**ORDINANCE NO. 750-23**

**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 shall complete an application and recorded interview prior to Council consideration.

(3) Each member and alternate shall be appointed by the affirmative vote of a majority of the full membership of the City Council.

(4) 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.

- (5) 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.

(l) 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 than 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.

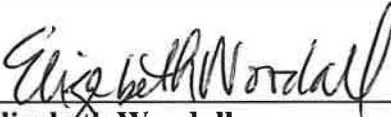
**SECTION 5:** THAT Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed the maximum amount allowed by law.

**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 11<sup>th</sup> DAY OF APRIL, 2023.**

**PASSED ON SECOND READING BY THE CITY COUNCIL ON THE 25<sup>th</sup> DAY OF APRIL, 2023.**



  
Elizabeth Woodall,  
Mayor

**ATTESTED:**

  
Brittany Andrews,  
City Secretary

**APPROVED AS TO FORM:**

  
City Attorney

# **AGENDA**

## **ITEM**

### **15**

City Council Meeting

August 22, 2023

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item: 15

Title: Discuss Oncor Ramhorn Hill transmission line.

Department: Administration

Contact: City Manager, Jarrod Greenwood

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Recommendation: **This item provides the opportunity for City Council to update and discuss with residents the Oncor transmission line.**

---

Background: The majority of those who filed were individual landowners, but several businesses as well as the City of Northlake also filed testimony. Below is a recap as it relates to the City of Justin, Links J3 and J4, and Preferred Route 179.

Approximately 90 intervenors filed testimony or a statement of position. Similar to the testimony that the City of Justin filed, the majority of the arguments were related to property values, health, environmental, and aesthetic concerns.

- 45 intervenors either supported Route 179 or did not oppose Route 179
  - o A lot of these were filed by residents whose addresses are in Justin, Texas, and who oppose Link M8. These residents do not oppose Route 179 since Link M8 is not within this route.
- 21 intervenors either oppose Link J3, Link J4, or Route 179
  - o 7 opposed Link J3
  - o 9 opposed Link J4
  - o 5 opposed Link 179
- The majority of the remaining testimony relate to links that do not affect the City of Justin or are silent on oppose Route 179.

The Mayor, our Attorney, and City staff participated in the Settlement Conference that occurred on August 17, 2023 at 10:00 am. Due to the number of parties that had conflicting interest, no settlement was reached. Oncor has recommended that the project map be divided into 3 different segment: 1) east of I-35; 2) I-35 to Segment "L2"; and 3) Segment "L2" to Ramhon Hill. This would allow each interested party to choose which section in which to participate in further settlement discussions.

On August 28, 2023 a hearing on the merits will convene at 9:00 a.m. (CT), via Zoom videoconference. The hearing is expected to last four days. The parties may attend in one of these ways:

By computer go to  
<https://soah-texas.zoomgov.com> and  
 Meeting ID: 161 943 7039  
 Video Passcode: PUC67E

By phone  
 Call +1 669 254 5252, and enter:  
 Meeting ID: 161 943 7039 enter:  
 Telephone Passcode: 130221

Event	Date
Prehearing Conference; Technical Conference	June 26, 2023
<b>Intervention Deadline</b>	<b>July 24, 2023</b>
Deadline for Filing Testimony or Position Statement Challenging Route Adequacy (if any), and Request for Route Adequacy Hearing	July 31, 2023
Objections to Applicant's Direct Testimony	July 31, 2023
Deadline for Serving Discovery on Applicant's Direct Case	July 31, 2023
Request for Hearing on the Merits	July 31, 2023
<b>Intervenor Direct Testimony or Statement of Position</b>	<b>July 31, 2023</b>
Response to Objections to Intervenor Direct Testimony	August 10, 2023
<b>Staff Direct Testimony</b>	<b>August 14, 2023</b>
<b>Intervenor Cross-Rebuttal Testimony</b>	<b>August 14, 2023</b>
<b>In-Person Settlement Conference</b>	<b>August 17, 2023</b>
Objections to Staff Direct Testimony	August 17, 2023
Objections to Intervenor Cross-Rebuttal Testimony	August 17, 2023
Discovery on Staff Direct Testimony, Intervenor Direct Testimony, and Intervenor Cross-Rebuttal Testimony	August 17, 2023
Replies to Objections to Staff Direct Testimony	August 21, 2023
Replies to Objections to Cross-Rebuttal Testimony	August 21, 2023
<b>Applicant's Rebuttal Testimony</b>	<b>August 21, 2023</b>
Objections to Applicant's Rebuttal Testimony	August 23, 2023
Deadline for Serving Discovery on Applicant's Rebuttal Testimony	August 23, 2023
Pre-Hearing Submissions (Exhibit List, Intervenor Witness Cross-Examination List, etc. filed on PUCT Interchange. Exhibits and Exhibit Lists uploaded to Electronic Repository by 5 PM)	August 25, 2023

Response to Objections to Applicant's Rebuttal Testimony (live at hearing)	August 28, 2023
Final Prehearing Conference	August 28, 2023
<b>Hearing on the Merits</b>	<b>August 28-31, 2023</b>
Initial Briefs	September 7, 2023
Reply Briefs (with Proposed Findings of Fact, Conclusions of Law, and Ordering Paragraphs)	September 14, 2023
Approximate Date for PFD	November 13, 2023
Exceptions to PFD	November 17, 2023
Replies to Exceptions	November 21, 2023
<b>Commission Decision - Per 16 TAC § 25.101(b)(3)(D) 180 day timeline</b>	<b>December 5, 2023</b>
<b>Commission Decision Extended for Good Cause</b>	<b>December 21, 2023</b>

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City Attorney Review: N/A

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Attachments:

1.

# **AGENDA**

## **ITEM**

### **16**

City Council Meeting

August 22, 2023

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item: 16

Title: Discuss future agenda items.

Department: Administration

Contact: City Manager, Jarrod Greenwood

---

Recommendation: *Council will not be taking action on this item. The item is for City Council to deliberate and provide staff direction regarding future agendas.*

---

Background:

Upcoming future items requested by City Council.

**September**

Mounce – Animal Control

Mounce – discuss governance, vision and priorities

Mendoza – Fiscal consideration on developments for modifications

Clark – Purchase of generator for gymnasium at City Hall

---

City Attorney Review: N/A

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Attachments:

1.

# **AGENDA**

## **ITEM**

### **17**



City Council Meeting

August 22, 2023

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Items: 17

Title: **Personnel Policy Update**

Department: Human Resources

Contact: Janet Holden

---

Recommendation: **Approve new policy for Workers Comp for First Responders and approve updated City Property and Equipment Policy**

---

Background: Texas Legislation passed the following bills:

[HB471](#) – regarding how First Responders are paid while on Work related injuries.

[SB1893](#) – Banning the social media app Tik Tok on government issued devices such as smart phones and computers.

Both bills go into effect on September 1, 2023.

The proposed changes will update the current Personnel Policy to reflect the new state laws.

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City Attorney Review:

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Attachments:

1. Sec. 3.7.1 Workers Compensation for First Responders
2. Sec 4.9 City Property and Equipment

### **Sec 3.7 .1 - WORKERS COMPENSATION FOR FIRST RESPONDERS**

The City of Justin follows the rules adopted in **H.B. No. 471** for First responders and the rules and regulations within the Texas Workers' Compensation Act regarding First Responder Personnel who are injured while performing their job duties. H.B. No.471 provides certain privileges for First Responder personnel when they sustain an injury while performing their job duties. The Texas Workers' Compensation Act provides rules and regulations that employees, employers , and insurers must follow.

#### **DEFINITIONS:**

First Responders are identified as:

Firefighter - a person who is a permanent, paid employee of the fire department of the City of Justin. This term does not include volunteer firefighters.

Paramedic - means a person who is a permanent, paid employee of the fire department of the City of Justin and holds either an EMT Basic or EMT Paramedic license.

Police Officer - means a paid employee who is full time, holds an officer license issued under Chapter 1701 Occupations Code and regularly service in a professional law enforcement capacity in the police department of the City of Justin. This term includes the chief of the department.

#### **PROCEDURES:**

H.B. No. 471 requires a municipality such as the City of Justin to provide a sworn Firefighter, EMT, or Police Officer with a leave of absence for an illness or injury related to the line of duty. The leave is with full pay for a period commensurate with the nature of the illness or injury and shall as needed for up to one year beginning on the first day of lost time. This leave runs concurrently with Workers' Compensation Benefits, with the City of Justin paying the portion of salary not covered through temporary income benefits administered by the Workers' Compensation carrier. If Workers' Compensation benefits are not available, and the Firefighter or Police Officer or EMTs is still unable to work within the one (1) year period allowed for an absence, then the City of Justin will pay the Firefighter, Police Officer or EMT's full pay.

**Texas Worker's Compensation Act:** The Texas Workers' Compensation Act provides injured employees with an accepted on-the-job injury/illness, benefits which include payment for reasonable and necessary medical care and income benefits.

Temporary income benefits are for a claimant who has an accepted claim and 1) a medical provider has taken them off work for a compensable injury/illness, or 2) a medical provider has provided modified duty for a compensable injury/illness that the employer is unable to accommodate and begins on the 8<sup>th</sup> day of disability. The first 7 days of compensable lost time are considered a waiting period in which the claimant should take their own leave (except for First Responders and defined in H.B. No. 471). If the claimant reaches the 15<sup>th</sup> compensable day of disability, the first 7 days can be covered. The claimant continues to receive temporary income benefits until they are released to return to work in either 1) a full duty capacity or 2) until the employer can accommodate any modified duty as prescribed by a medical provider. Temporary income benefits will not exceed 2 years. After two years, a claimant is deemed to be a Statutory Maximum Medical improvement and will be sent out for an Impairment Rating. Impairment Ratings are paid out according to State Law.

**Coordination of H. B. No. 471 :** H. B. No. 471 provides for full pay for 1 year of line duty injuries for Firefighters, Police Officers and EMTs. The 1-year pay will run concurrently, with eligible Worker's Compensation temporary income benefits if available.

**Pay after 1-year:** At the end of the 1-year period, the City of Justin may extend the leave of absence at full or reduced pay. If the firefighter, police officer or EMT's leave is not extended or their pay is reduced to below 60 percent of their regular monthly salary and the person is a member of a retirement system with disability retirement benefits, the person is considered eligible to receive the disability retirement benefits until able to return to duty. If the firefighter, police officer or EMT is not a member of a retirement system with disability retirement benefits, then they may use their accumulated sick, vacation and other accrued leave before they are placed on temporary leave.

If the 1-year period and any extensions granted by the City of Justin have expired, the firefighter, police officer or EMT is placed on a temporary leave and may use their accumulated sick, vacation and other accrued leave if any available.

**Lifetime Benefits:**

Lifetime benefits are paid until the death of the employee for:

- 1) Total and permanent loss of sight in both eyes.
- 2) Loss of both feet at or above the ankle
- 3) Loss of both hands at or above the wrist
- 4) Loss of one foot at or above the ankle and the loss of one hand at or above the wrist
- 5) An injury to the spine that results in permanent and complete paralysis of both arms, both legs, or one arm and one leg.
- 6) A physically traumatic injury to the brain resulting in a permanent major neurocognitive disorder or a psychotic disorder.
- 7) Third degree burns that cover at least 40 percent of the body and require grafting, or third degree burns covering the majority of
  - a. Both hands
  - b. Both feet
  - c. One hand and one foot
  - d. One hand or foot and the face
- 8) A serious bodily injury sustained by the employee in the course and scope of the employee's employment that permanently prevents the employee from performing any gainful work.

## **Sec. 4.9 – City Property and Equipment**

Each employee is responsible for the proper use and maintenance of equipment, tools, vehicles or motorized equipment and other City property assigned to the employee for use in City operations. Employee negligence that leads to lost or damaged equipment will result in the employee reimbursing the City the cost of said equipment. The cost will be withheld from the employee's paycheck.

Use of City equipment, tools, vehicles, motorized equipment, or supplies for private or political purposes is strictly prohibited.

City computers, electronic equipment and software are to be used for City business. No software other than software approved by the City or an employee's Department Director may be installed, kept, or used on a City computer or other electronic hardware. This limitation on software is to avoid software that may interfere with the operation of the City's computer systems and other electronic hardware or may contain computer viruses that could cause operational problems or the loss of City data. Access to the internet, e-mail and messaging and voice mail and other electronic hardware is for City business only. **City issued phones and computers are prohibited for the use of social media app Tik Tok per HB 3289.**

City property, including but not limited to facilities, desks, files, vehicles, motorized equipment, telephones, and computers is subject to City inspection and removal of illegal or unauthorized items. There is no expectation of privacy.

# **AGENDA**

## **ITEM**

### **18**

City Council Meeting

August 22, 2023

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item: 18

Title: Consider and take appropriate action approving Resolution 620-23 authorizing the execution and delivery of a joint agreement between the City of Justin, the Town of Northlake, and the Trinity River Authority for certain wastewater collection mains and the transportation of wastewater.

Department: Administration/ Public Works

Contact: City Manager, Jarrod Greenwood, Public Works Director, Josh Little.

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Recommendation: **Staff recommends approval of the joint Agreement**

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Background:

Based on the “Memorandum of Understanding Related to Regional Wastewater System and Provision of Interim Water and Wastewater Service” executed on April 5, 2023 (attached), the following agreement was provided by TRA. The memorandum established each party’s duties and responsibilities for the design, construction and financing of the Improvements which will then be maintained by TRA.

The project will consist of wastewater main from Justin’s WWTP and ultimately goes towards TRA’s Denton Creek Regional WWTP. The attached agreement details the construction cost and percentages of each party which is based on ultimate flow.

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City Attorney Review: N/A

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Attachments:

1. Draft agreement
2. MOU

**AGREEMENT BY AND BETWEEN  
THE CITY OF JUSTIN AND TOWN OF NORTHLAKE  
AND THE TRINITY RIVER AUTHORITY OF TEXAS FOR CERTAIN  
WASTEWATER COLLECTION MAINS AND THE TRANSPORTATION OF  
WASTEWATER**

STATE OF TEXAS                   §  
  §  
COUNTY OF TARRANT       §

This Agreement by and between the City of Justin and Town of Northlake and the Trinity River Authority of Texas for certain wastewater collection mains and the transportation of wastewater (Agreement) is made and entered into as of August 23, 2023, by and between the Trinity River Authority of Texas, with its principal office at 5300 South Collins Street, Arlington, Tarrant County, Texas 76018, a conservation and reclamation district of the State of Texas (Authority), and the Town of Northlake, with its principal office at 1500 Commons Circle, Suite 300, Northlake, Denton County, Texas 76226 (Northlake), and the City of Justin with its principal office at 415 North College Avenue, Justin, Denton County, Texas 76247 (Justin); singularly and collectively referred to as “Party” and “Parties,” respectively.

WITNESSETH:

WHEREAS, the Texas legislature has authorized the execution of agreements between and among governmental entities to obtain or provide wastewater gathering and treatment facilities pursuant to Texas Local Government Code Chapter 791 and Texas Water Code Chapter 30; and

WHEREAS, Northlake has its own wastewater collection system to collect and transport wastewater which connects to the Authority’s Denton Creek Regional Wastewater System (System) for further conveyance and treatment at the plant located in Roanoke; and

WHEREAS, Justin has its own wastewater collection system to collect and transport wastewater for treatment at the City of Justin Wastewater Treatment Plant; and

WHEREAS, Northlake and Justin are both Contracting Parties of the Authority’s System, which provides or will provide for the transportation and treatment of wastewater at the System’s treatment plant (Plant); and

WHEREAS, Northlake and Justin desire to partner with each other and the Authority in the design, construction and financing of a sanitary sewer pipeline that will extend from Justin through Northlake and ultimately connect into the System for transportation and treatment of wastewater at the Plant; and

WHEREAS, Northlake and Justin each have service areas within their respective incorporated and extra territorial jurisdictions, and it would be mutually beneficial and increase the efficiency and effectiveness of each Party’s waste disposal to cooperate in the design, construction and financing of the Improvements described herein; and

WHEREAS, Northlake and Justin entered into an agreement known as the “Memorandum of Understanding Related to Regional Wastewater System and Provision of Interim Water and Wastewater Service” executed on April 5, 2023, establishing each Party’s duties and responsibilities for the design, construction and financing of the Improvements described herein; and

WHEREAS, Northlake and Justin desire to enter into this Agreement with the Authority to provide design, construction and financing of the Improvements described herein.

NOW, THEREFORE, Justin, acting herein by and through James Clark, its duly authorized Mayor, Northlake, acting herein by and through David Rettig, its duly authorized Mayor, and the Authority, acting herein by and through J. Kevin Ward, its duly authorized General Manager do hereby agree as follows:

### Section 1

#### Definitions

The following terms and expressions as used in this Agreement, unless the context clearly shows otherwise, shall have the following meanings:

(a) Annual Payment means the amount of money to be paid to the Authority by each of the Parties during each Annual Payment Period as its proportionate share of the Annual Requirement.

(b) Annual Payment Period means the Authority's Fiscal Year, which currently begins on the first day of December of each calendar year and ends on the last day of November of the next calendar year.

(c) Annual Requirement means the total amount of money required for the Authority to pay all debt service on its Bonds, to pay or restore any amounts required to be deposited in any special, contingency, or reserve funds required to be established and/or maintained by the provisions of the Bond Resolutions related to the Improvements.

(d) Bonds means, individually or collectively, the series of bonds or other evidence of indebtedness issued by the Authority pursuant to this Agreement, and the interest thereon, and all bonds or other evidence of indebtedness hereafter issued or incurred by the Authority, and the interest thereon, for the Improvements, and any bonds issued to refund any Bonds or to refund any such refunding bonds or other evidence of indebtedness.

(e) Bond Resolution means any resolution of the Authority that authorizes any Bonds.

(f) Fiscal Year means the Authority’s Fiscal Year, which currently begins on the first day of December of each calendar year and ends on the last day of November of the next calendar year.

(g) Improvements means the Phase I Improvements, comprised of Segment F, and Phase II Improvements, comprised of Segments B, C, and D, as shown on Attachment A and incorporated herein.



(i) Phase I Improvements, Segment F means approximately 12,000 linear feet of sanitary sewer pipeline from the proposed connection to the System's Henrietta Creek Interceptor to a point just east of Interstate Highway 35W (IH-35W) near Denton Creek.

(ii) Phase II Improvements means approximately 22,800 linear feet of sanitary sewer pipeline from the IH-35W corridor to the Justin Wastewater Treatment Plant, consisting of three segments:

a. Phase II Improvements, Segment B means approximately 5,800 linear feet of sanitary sewer pipeline from near the confluence of Trail Creek and Denton Creek to the City of Justin Wastewater Treatment Plant.

b. Phase II Improvements, Segment C means approximately 10,300 linear feet of sanitary sewer pipeline from a future Northlake point-of-entry (POE) located approximately 2,800 linear feet west of IH-35W near Denton Creek to near the confluence of Trail Creek and Denton Creek.

c. Phase II Improvements, Segment D means approximately 6,700 linear feet of sanitary sewer pipeline from the IH-35W corridor near Catherine Branch to a future Northlake POE located approximately 2,800 linear feet west of IH-35W near Denton Creek.

(h) MGD means million gallons per day, United States Standard Liquid Measure.

(i) Operation and Maintenance Expenses means all costs and expenses of operation and maintenance of the Improvements, including (for greater certainty but without limiting the generality of the foregoing) repairs and replacements for which no special fund is created in the Bond Resolutions, operating personnel, the cost of utilities, the costs of supervision, engineering, accounting, auditing, legal services, supplies, services, administration of the Improvements, including the Authority's general overhead expenses attributable to the Improvements, insurance premiums, equipment necessary for proper operation and maintenance of the Improvements, and payments made by the Authority in satisfaction of judgments resulting from claims not covered by the Authority's insurance arising in connection with the operation and maintenance of the Improvements. The term does not include depreciation.

(j) Party Contracts means, collectively, the Trinity River Authority of Texas - Denton Creek Regional Wastewater Treatment System Eighth Supplemental Contract (City of Justin, Texas), dated August 24, 2022, (2022 Justin Contract) and the Trinity River Authority of Texas - Denton Creek Regional Wastewater Treatment System Sixth Supplemental Contract (Town of Northlake, Texas), dated December 1, 2001 (2001 Northlake Contract).

(k) Parties means Justin and Northlake as defined in the preamble to this Agreement and Party means any one of the Parties.

(l) Preliminary Costs means engineering, architectural, design, soil-testing, surveying, testing, drawing, inspection, contract documents and similar costs necessary to design and construct the Improvements.

(m) Wastewater means sewage, industrial waste, municipal waste, recreational waste and agricultural waste, together with properly shredded garbage and infiltration and inflow water that may be present, all as defined in the Texas Water Code, as amended.

## Section 2

### The Improvements

(a) The Parties agree that the Authority shall choose the engineers for the construction of the Improvements, provided that the engineers may be changed at the option of the Authority. Authority agrees that the Improvements shall be acquired and constructed in general accordance with the engineer's preliminary design report, and in accordance with the Authority's Land Rights Policy and laws applicable to the Authority.

(b) Authority shall obtain Justin and Northlake's written concurrence with all final engineering and construction plans, specifications, construction schedule, land rights and contract documents, including addenda and change orders, for the Improvements. Justin and Northlake shall provide timely written comments to Authority, which shall be given due regard and incorporated as Authority deems reasonably appropriate for the Improvements.

(c) Authority will be responsible for all material, labor and equipment, property acquisitions and jurisdictional permits necessary for the construction of the Improvements. Authority shall perform or obtain all necessary inspections during construction.

(d) The Authority shall assume the operation and maintenance of the Improvements after construction is completed. The construction and operation of the Improvements will be in accordance with the provisions of this Agreement, including any amendments that may be made to this Agreement. Operations and Maintenance Expenses of the Improvements shall be chargeable to and borne by the System.

(e) The Improvements shall not be a capital asset of the System until all Bonds and refunding bonds for the Improvements are fully retired, paid or defeased, at which time the Improvements shall be transferred to and considered for all purposes an asset of the System.

## Section 3

### Financing the Improvements

(a) The Authority will pay for or finance the design, engineering, construction and land acquisition costs for the Improvements. The Authority may issue bonds or other indebtedness for the Improvements and/or Preliminary Costs. The Authority may and reserves the rights to use its own available funds to cash fund the Preliminary Costs. Preliminary Costs are as shown on Attachment B which is incorporated herein; however, such Preliminary Costs are subject to actual cost adjustment at the time of construction and implementation of the Improvements.

(b) Justin and Northlake shall reimburse the Authority for all expenses related to the planning, design and construction of Phase I and Phase II of the Improvements.

(c) The Authority will provide and pay for the cost of the design and construction for the Improvements by issuing Bonds or borrow amounts, which will be sufficient to accomplish such purposes, and the Authority will own, operate and maintain the Improvements. It is acknowledged and agreed that payments to be made under this Agreement will be the primary source of funds available to the Authority to provide the Annual Requirement, and that, in compliance with the Authority's duty to fix and from time to time revise the rates of compensation

or charges for services to the Parties, the Annual Requirement will change from time to time, and that each such Annual Requirement shall be allocated among the Parties as hereinafter provided, and that the Annual Requirement for each Annual Payment Period shall be provided for in each Annual Budget and shall at all times be not less than an amount sufficient to pay or provide for the payment of:

A "Bond Service Component" equal to:

(i) the principal of, redemption premium, if any, and interest on Bonds, as such principal, redemption premium, if any, and interest become due, less interest to be paid out of Bond proceeds or from other sources if permitted by any Bond Resolution, and all amounts required to redeem any Bonds prior to maturity when and as provided in any Bond Resolution, plus the fees, expenses, and charges related to administration of the Bonds; and

(ii) the proportionate amount of any special, contingency, or reserve funds required to be accumulated and maintained by the provisions of any Bond Resolution; and

(iii) any amount in addition thereto sufficient to restore any deficiency in any of such funds required to be accumulated and maintained by the provisions of any Bond Resolution.

(d) The Authority shall operate and maintain the Improvements in the same manner as if it were part of the System, and shall prepare an Annual Budget, including the operation and maintenance expenses of the Improvements, for such purpose. Each Annual Budget for the System shall always provide for amounts sufficient to pay the Annual Requirement of the Improvements. The Annual Budget for all or any part of the Annual Payment Period during which the Improvements are first placed into operation shall be prepared by the Authority based on estimates made by the Authority after consultation with the Parties. On or before the first day of September of each year beginning in the 2023 calendar year, the Authority shall furnish to each Party a preliminary estimate of the Annual Payment required from each Party for the next following Annual Payment Period. Not less than 40 days before the commencement of the Annual Payment Period after the Improvements are first placed into operation, and not less than 40 days before the commencement of each Annual Payment Period thereafter, the Authority shall cause to be prepared as herein provided its preliminary budget for the Improvements for the next ensuing Annual Payment Period, which budget shall specifically include the Bond Service Component. A copy of such preliminary budget shall be filed with each Party. The preliminary budget shall be subject to examination, at reasonable times during business hours, at the office of the City Secretary of each Party.

(e) The Board of Directors may adopt the preliminary budget or make such amendments thereof as to it may seem proper. The budget thus approved by the Board of Directors of the Authority shall be the Annual Budget for the next ensuing Annual Payment Period. The Annual Budget (including the first Annual Budget) may be amended by the Authority at any time to transfer from one division thereof to another funds, which will not be needed by such division. The amount for any division, or the amount for any purpose, in the Annual Budget may be increased through formal action by the Board of Directors of the Authority even though such action might cause the total amount of the Annual Budget to be exceeded; provided that such action shall be taken only in the event of an emergency or special circumstances which shall be clearly stated in a resolution at the time such action is taken by the Board of Directors. Certified

copies of the amended Annual Budget and resolution shall be filed immediately by the Authority with each Contracting Party.

#### Section 4

##### Payments by Justin and Northlake

(a) For the Wastewater facilities and services to be provided pursuant to this Agreement, Justin and Northlake each agree to pay, at the time and in the manner provided herein its proportionate share of the Annual Requirement, which shall be determined as herein described and shall constitute a Party's Annual Payment.

(b) The Annual Requirement shall be allocated among Justin and Northlake as hereinafter provided, and that the Annual Requirement for each Annual Payment Period shall be provided for in each Annual Budget. The proportionate share of Justin and Northlake's Annual Requirement is hereby fixed and shall be paid by each in the following amounts, respectively. The Authority determination of the proportional share is also shown in the table on Attachment A.

For Proportional Share Study	For Phase I Improvements, Segment F	For Phase II Improvements, Segments B, C, and D
Justin.... 50%	Justin.... 35%	Justin.... 60%
Northlake..... 50%	Northlake..... 65%	Northlake..... 40%

(c) To the extent Northlake has completed preliminary engineering design for the construction of the Phase I, Segment F Improvements, the Parties and Authority have agreed to credit Northlake and charge Justin for Justin's portion of these expenditures based upon the proportionate share percentage for Phase I, Segment F.

#### Section 5

##### Creation of Funds

(a) Authority will create on its books a separate account to be known as the "Trinity River Authority of Texas Denton Creek (Justin/Northlake) Interceptor System Revenue Bonds" (the "Construction Fund"). The Construction Fund shall be maintained and applied by the Authority for the sole purpose of receiving the payments to be made by the Parties and paying the costs and administration of planning, design and plan-specification preparation, advertisement and evaluation of construction bids, award of construction contract, construction, construction administration and inspection related to the Improvements as provided for in this Agreement. Bond proceeds shall be deposited to the Construction Fund.

(b) The Construction Fund shall be maintained in an interest-bearing account and the Authority shall use commercially reasonable efforts to utilize an account which bears interest at a rate which is commensurate with interest rates paid on accounts held by similarly situated governmental entities. Accrued interest shall first be applied to change orders that increase Improvements costs. If funds remain on hand in the Construction Fund after the completion of construction of the Improvements, the Authority may defease or redeem bonds or otherwise retire any borrowing for the Improvements. The Authority shall refund to each Party its share of the remaining interest (based on each Party's percentage identified in Section 4(b)) within 60 days

after completion of the Improvements. The Construction Fund shall be subject to the arbitrage and rebate requirements contained in Bond Resolutions.

## Section 6

### Special Provisions

(a) It is the intent of all the Parties and the Authority that the construction of the Improvements will commence by 2025, that the Improvements will be placed in operation by 2027, and the Authority agrees to proceed diligently with the design and construction of the Improvements to meet such schedule, subject to the other terms and conditions in this Agreement. It is expressly understood and agreed, however, any obligation on the part of the Authority to acquire, construct and complete the Improvements shall be: (i) conditioned upon the Authority's ability, in the exercise of reasonable, good faith efforts, to obtain all necessary land and interests therein, permits, material, labor and equipment, and upon the ability of the Authority to collect cash payments from Justin and Northlake to pay for the cost of the Improvements; and (ii) subject to all present and future valid laws, orders, rules and regulations of the United States of America, the State of Texas, and any regulatory body having jurisdiction.

(b) The Authority shall never have the right to demand payment by any Party of any obligations assumed by it or imposed on it under and by virtue of this Agreement from funds raised or to be raised by taxes, and the obligations under this Agreement shall never be construed to be a debt of such kind as to require any of the Parties to levy and collect a tax to discharge such obligation.

(c) The Authority will continuously operate and maintain the Improvements in an efficient manner and in accordance with good business and engineering practices, and at reasonable cost and expense.

(d) The Authority agrees to carry fire, casualty, public liability, and other insurance (including self-insurance to the extent deemed advisable by the Authority) on the System and Improvements for purposes and in amounts that ordinarily would be carried by a privately owned utility company owning and operating such facilities, except that the Authority shall not be required to carry liability insurance except to insure itself against risk of loss due to claims for which it can, in the opinion of the Authority's legal counsel, be liable under the Texas Tort Claims Act or any similar law or judicial decision. Such insurance will provide, to the extent feasible and practicable, for the restoration of damaged or destroyed properties and equipment, to minimize the interruption of the services of such facilities. All premiums for such insurance shall constitute an Operation and Maintenance Expense of the System.

(e) The Parties represent and covenant that all payments to be made by it under this Agreement shall constitute reasonable and necessary "operating expenses" of its combined waterworks and sewer system, and that such payments will be made from revenues of its combined waterworks and sewer system or any other lawful source. The Parties represent and have determined that the services to be provided by the Improvements are necessary and essential to the operation of its aforesaid system, and that the Improvements constitute the best available and adequate method for discharging, receiving, treating, and disposing of its Wastewater from the Denton Creek drainage area, and, accordingly, all payments required by this Agreement to be made by the Parties shall constitute reasonable and necessary operating expenses of its system, as described above, with the effect that the obligation to make such payments from revenues of such system or any other lawful source shall have priority over any

obligation to make any payments from such revenues of principal, interest, or otherwise, with respect to all bonds or other obligations heretofore or hereafter issued by the Parties pursuant to and for the Improvements described in this Agreement.

(f) The Parties agree to continuously operate and maintain its combined waterworks and sewer system, and to fix and collect such rates and charges for water services and/or sewer services to be supplied by its system as aforesaid as will produce revenues in an amount equal to at least: (1) all of the operation and maintenance expenses of such system, including specifically its payments under this Agreement; (2) its payments from such revenues required under any other contracts including the Party Contracts; and (3) all other amounts as required by law and the provisions of the ordinances or resolutions authorizing its revenue bonds or other obligations now or hereafter outstanding, including the amounts required to pay all principal of and interest on such bonds and other obligations.

(g) The Authority covenants and agrees that neither the proceeds from the sale of the Bonds, nor the moneys paid to it pursuant to this Agreement, nor any earnings from the investment of any of the foregoing, will be used for any purposes except those directly relating to the Improvements and the Bonds as provided in this Agreement; provided that the Authority may rebate any excess arbitrage earnings from such investment earnings to the United States of America in order to prevent any Bonds from becoming "arbitrage bonds" within the meaning of the Internal Revenue Service (IRS) Code of 1986 or any amendments thereto in effect on the date of issue of such Bonds. Each of the Parties has and/or hereby covenants and agrees that it will not use or permit the use of the Improvements in any manner that would cause the interest on any of the Bonds to be or become subject to federal income taxation under the IRS Code of 1986 or any amendments thereto in effect on the date of issue of such Bonds.

(h) The Parties shall not assign its interest in this Agreement or any of its rights or obligations hereunder without the written consent of the Authority. With the written consent of the Authority, a Party may assign its interest in this Agreement to another party provided that the Party, under the terms of any such assignment, shall remain and be primarily responsible and liable for all of its obligations hereunder, including particularly the payment of its proportionate share of the Annual Requirement, as provided and determined by this Agreement.

## Section 7

### Improvements Use By

(a) In consideration of the payments to be made by Justin and Northlake, respectively, under this Agreement, each Party is entitled to and shall have a right to discharge its Wastewater into the System at its POE(s) hereinafter described, subject to the restrictions hereinafter stated; and provided that each such Party must transport such Wastewater to its POE(s) into the System.

(b) Wastewater meeting the quality requirements of Sections 4 of the 2022 Contract between Justin and Authority and the 2001 Contract between Northlake and Authority will be received into the Improvements at the POEs as preliminarily shown on Attachment A.

(c) The total quantity of Wastewater discharged into the System from the Improvements shall never exceed the amount that the System is capable of receiving, treating and disposing, unless approved by the Authority, subject to terms and conditions to be established by the Authority. Notwithstanding the foregoing, no Party shall ever knowingly make, and shall exercise reasonable efforts to avoid making, any discharge into the System that would cause

them to be overloaded or be in violation of applicable discharge permits from the State of Texas and/or the United States of America.

(d) Justin and Northlake shall each discharge into the System only such Wastewater of a quality as it is permitted to discharge into the System, and will not knowingly discharge, and will make reasonable efforts to avoid the discharge, into the System any wastes prohibited by the Party Contracts.

## Section 8

### Metering of Wastewater

Authority will own, operate and maintain meter stations for Justin and Northlake, respectively, as part of the Improvements; such meter stations of standard type as the Authority may determine in its discretion are required for properly measuring all Wastewater discharged into the Improvements by each Party at such station. Such meters and other equipment shall remain the property of the Authority. Justin and Northlake shall each have access to such metering equipment at all reasonable times for inspection and examination, but the reading, calibration and adjustment as provided for in each Party's contract with Authority shall be done only by employees or agents of the Authority in the presence of a representative of the affected Party if requested. All readings of meters will be entered upon proper books or records maintained by the Authority. Upon written request, Justin and Northlake may have access to said books or records during reasonable business hours.

## Section 9

### Unit of Measurement

Wastewater discharged into the System shall be measured in thousands of gallons, United States Standard Liquid Measure.

## Section 10

### Liability for Damages and Responsibility for Wastewater

Liability for damages arising from the transportation, delivery, reception, treatment and/or disposal of all Wastewater discharged into the System hereunder shall remain in each Parties' jurisdiction to its POE(s), respectively, into the System, and title to such Wastewater shall be in such party to such Point or Points, and upon passing through POEs liability for such damages and title to such Wastewater shall pass to the Authority. As between the Authority and Justin and Northlake, to the extent permitted by law, each Party agrees to indemnify and to save and hold the other Party harmless from any and all claims, demands, causes of action, damages, losses, costs, fines and expenses, including reasonable attorney's fees, which may arise or be asserted by anyone at any time on account of the transportation, delivery, reception, treatment and/or disposal while title to the Wastewater is in such Party, or on account of a prohibited discharge by a Party.

## Section 11

### Necessary System Expenses

Northlake, Justin and Authority agree that the services being obtained pursuant to this Agreement are essential and necessary to the operation of the Parties' wastewater facilities and that all payments made by Northlake or Justin hereunder shall constitute reasonable and necessary operating expenses of its wastewater systems within the meaning of Chapter 791 of the Texas Government Code.

## Section 12

### Miscellaneous

(a) Any notice permitted or required to be given herein shall be in writing, mailed regular mail to the addresses shown below, or by facsimile to the parties shown below.

If to Northlake:

Mayor  
Town of Northlake  
1500 Commons Circle, Suite 300  
Northlake, Texas 76226  
Telephone: 940-648-3290  
Facsimile: 940-487-0142

If to Justin:

Mayor  
City of Justin  
415 North College Avenue  
Justin, Texas 76247  
Telephone: 940-648-2541

If to Authority:

General Manager  
Trinity River Authority of Texas  
P. O. Box 60  
Arlington, Texas 76004-0060  
Telephone: 817-467-4343  
Facsimile: 817-465-0970

(b) This Agreement may not be changed, revised or otherwise amended unless it is in writing and approved by the governing body for each Party.

(c) The Parties acknowledge that each Party and, if it so chooses, its counsel, have reviewed and revised this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting Party must not be employed in the interpretation of this Agreement or any amendments or exhibits hereto.



(d) This Agreement shall inure only to the benefit of the Parties hereto and third persons that are not privy hereto shall not, in any form or manner, be considered a third-party beneficiary of this Agreement. Each Party hereto shall be solely responsible for the fulfillment of its own contracts or commitments.

(e) This Agreement will not be construed in any form or manner to establish a partnership, joint venture or agency, express or implied, nor any employer-employee, borrowed servant or joint enterprise relationship by and among the Parties. Northlake and Justin shall be an independent contractor to the other and each shall be responsible at all times for directing its employees in the course of their duties.

(f) The provisions of this Agreement are severable, and if any word, phrase, clause, sentence, paragraph, section or other part of this Agreement or the application thereof to any person or circumstance shall ever be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, the remainder of this Agreement and the application of such word, phrase, clause, sentence, paragraph, section, or other part of this Agreement to other persons or circumstances shall not be affected thereby and this Agreement shall be construed as if such invalid or unconstitutional portion had never been contained therein.

(g) If, by reason of Force Majeure as hereinafter defined, any Party shall be rendered wholly or partially unable to carry out its obligations under this Agreement, then such Party shall give written notice of the particulars of such Force Majeure to the other Party within a reasonable time after the occurrence thereof. The obligations of the Party giving such notice, to the extent affected by such Force Majeure, shall be suspended during the continuance of the inability claimed and for no longer period, and any such Party shall be in good faith exercise its best efforts to remove and overcome such inability.

The term "Force Majeure" as utilized herein shall mean and refer to acts of God; strikes, lockouts or other industrial disturbances; acts of public enemies; orders of any kind of the government of the United States, the State of Texas, or any other civil or military authority; insurrections; riots; epidemics; landslides; earthquakes; lightning; fires; hurricanes; storms; floods; washouts; or other natural disasters; arrest; restraint of government and people; civil disturbances; explosions; breakage or accidents to machinery, pipelines or canals; or other causes not within the reasonable control of the Party claiming such inability.

(h) This Agreement shall be construed under and in accordance with Texas law.

(i) This Agreement is performable in Denton County, Texas. Venue for any action arising hereunder shall be exclusively in Denton County, Texas.

(j) Justin agrees to enforce the provisions of its ordinances as they relate to industrial waste. Justin further agrees that the quality of the wastewater discharged into downstream into Northlake's collection system shall be equal to or better than the quality standards established by Justin's ordinances related to industrial waste.

(k) This Agreement shall be effective on and from August 23, 2023, and shall continue in force and effect until the principal of and interest on all Bonds or other indebtedness of the Authority incurred for the Improvements shall have been paid, and thereafter shall continue in force and effect during the entire useful life of the Improvements.

Executed this the \_\_\_\_ day of \_\_\_\_\_.

ATTEST:

CITY OF JUSTIN

\_\_\_\_\_  
Brittany Andrews  
City Secretary

By: \_\_\_\_\_  
James Clark  
Mayor

Approved as to Form and Legality:

\_\_\_\_\_  
Contract Authorization

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

ATTEST:

TOWN OF NORTHLAKE

\_\_\_\_\_  
Zolaina R. Parker  
Town Secretary

By: \_\_\_\_\_  
David Rettig  
Mayor

Approved as to Form and Legality:

\_\_\_\_\_  
Contract Authorization

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

TRINITY RIVER AUTHORITY OF TEXAS

By: \_\_\_\_\_  
J. Kevin Ward  
General Manager

Approved as to Form and Legality:

\_\_\_\_\_  
Contract Authorization

\_\_\_\_\_  
Howard S. Slobodin  
Authority General Counsel

\_\_\_\_\_  
Date

# **Memorandum of Understanding (MOU)**

## **Related to Regional Wastewater System**

**and**

## **Provision of Interim Water and Wastewater Service**

This Memorandum of Understanding entered this 5<sup>th</sup> day of April 2023 between the City of Justin, Texas (“Justin”) and the Town of Northlake, Texas (“Northlake”):

WHEREAS, the City of Justin and Town of Northlake are experiencing significant development within their incorporated limits and Extra Territorial Jurisdiction (ETJ); and

WHEREAS, Justin and Northlake anticipate making substantial investments in water and wastewater infrastructure and operations to address the future economic and environmental needs of their respective communities’ growth; and

WHEREAS, Justin and Northlake are both members of Trinity River Authority (TRA) Denton Creek Wastewater System; and

WHEREAS, Justin and Northlake have identified a regional wastewater project that would benefit both communities; and

WHEREAS, Justin and Northlake are both members of Upper Trinity Regional Water District (UTRWD); and

WHEREAS, Justin and Northlake recognize that regional cooperation will assist in meeting these water and wastewater needs; and

WHEREAS, regional cooperation results in overall operational efficiencies and potential capital financing cost reductions, particularly in the areas of treatment, major conveyances and regulatory compliance, and identified the cost effectiveness of constructing regional water and wastewater capacity on an as-needed or capacity-ready basis for their respective communities; and

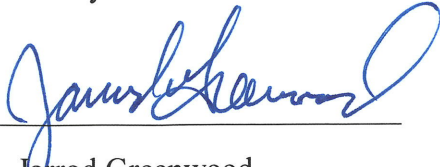
WHEREAS, Justin and Northlake desire to proceed with the next phase of the regional wastewater system project (“Project”); now therefore:

THE PARTIES AGREE AS FOLLOWS:

To negotiate and consider entering into a legally binding agreement between Northlake, Justin, and TRA with the following deal points outlined and explained:

1. Northlake will assign the Project design (Phase 1 – see Exhibit A) to TRA after easement acquisition' (60%).
2. Justin will be involved in design review going forward.
3. Phase 1 rough estimate of costs are 67% Northlake and 33% Justin.
4. TRA will conduct a flow proportionality cost study.
5. Providing Municipality will provide Receiving Municipality (see Exhibit B) interim water and sewer service up to four years after the completion of the project (Phase 2 – see Exhibit A).
6. Receiving Municipality (or developer) will be responsible for connecting and upsizing Providing Municipality's water and/or sewer system capabilities to provide interim service.
7. Receiving Municipality will pay transportation charges for sewer flows through Justin's system as established by TRA and UTRWD .
8. Phase 2 rough estimate of costs are 50% Northlake and 50% Justin.
9. Justin can select the engineering firm for Phase 2 design.
10. TRA will finance and build both phases of the project.
11. Both parties will provide water and wastewater service to Receiving Municipality areas with the following conditions:
  - a. Receiving municipality will cause the developer to build the necessary infrastructure and pay transportation charges per UTRWD and/or TRA-DCRWS policy.
  - b. Receiving Municipality will either reimburse Providing Municipality, or bill the User directly for passthrough charges related to metered flow (usage) after Receiving Municipality or developer provides necessary infrastructure to serve property.
  - c. The regional water provider, Upper Trinity Regional Water District (UTRWD), Justin and Northlake will verify capacity to provide service to the Northlake Areas as shown in Exhibit B.
  - d. To provide interim service, Providing Municipality would be assured by a three-pronged test:
    - i. Available Capacity
    - ii. Delivery System
    - iii. Transportation Costs Compensated.

City of Justin

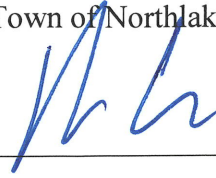


Jarrod Greenwood  
Interim City Manager

4/5/23

Date

Town of Northlake



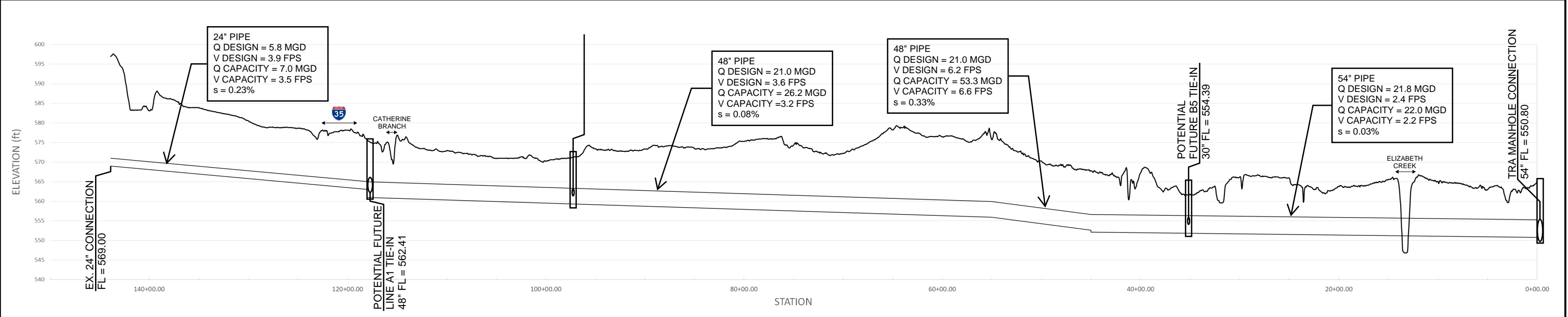
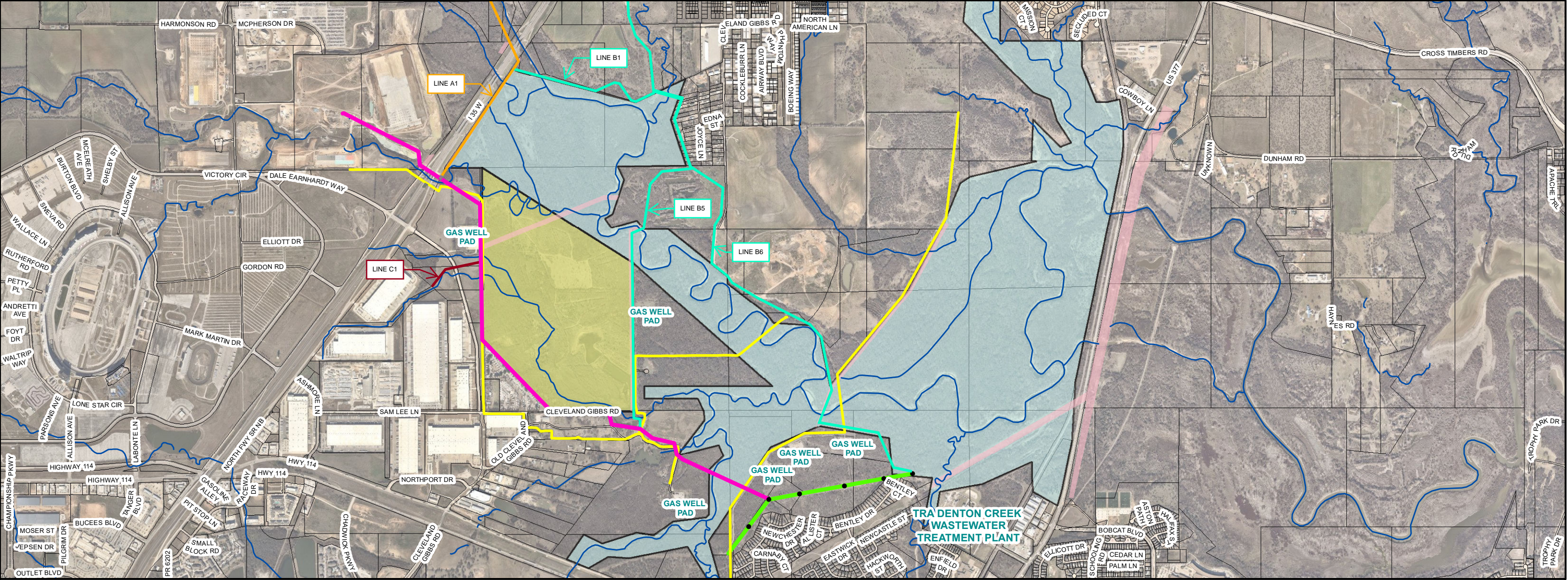
Drew Corn  
Town Manager

4/5/2023

Date



EXHIBIT A



**Legend**

Alignment 3	Henrietta Creek Interceptor	Parcels
Line A	Henrietta Creek Manholes	Utility Corridors
Line B	Gas Lines	ESA
Line C	Streams	WMA

**Town of Northlake**  
**Phase I Sewer Trunk Line**  
**Alignment 3**

EPSG 2276  
Updated: 1/27/2022

0 625 1,250 1,875 2,500 Feet

**PLUMMER**

14755 Preston Rd. Suite 425  
Dallas, TX 75206  
[www.plummer.com](http://www.plummer.com)



EXHIBIT B

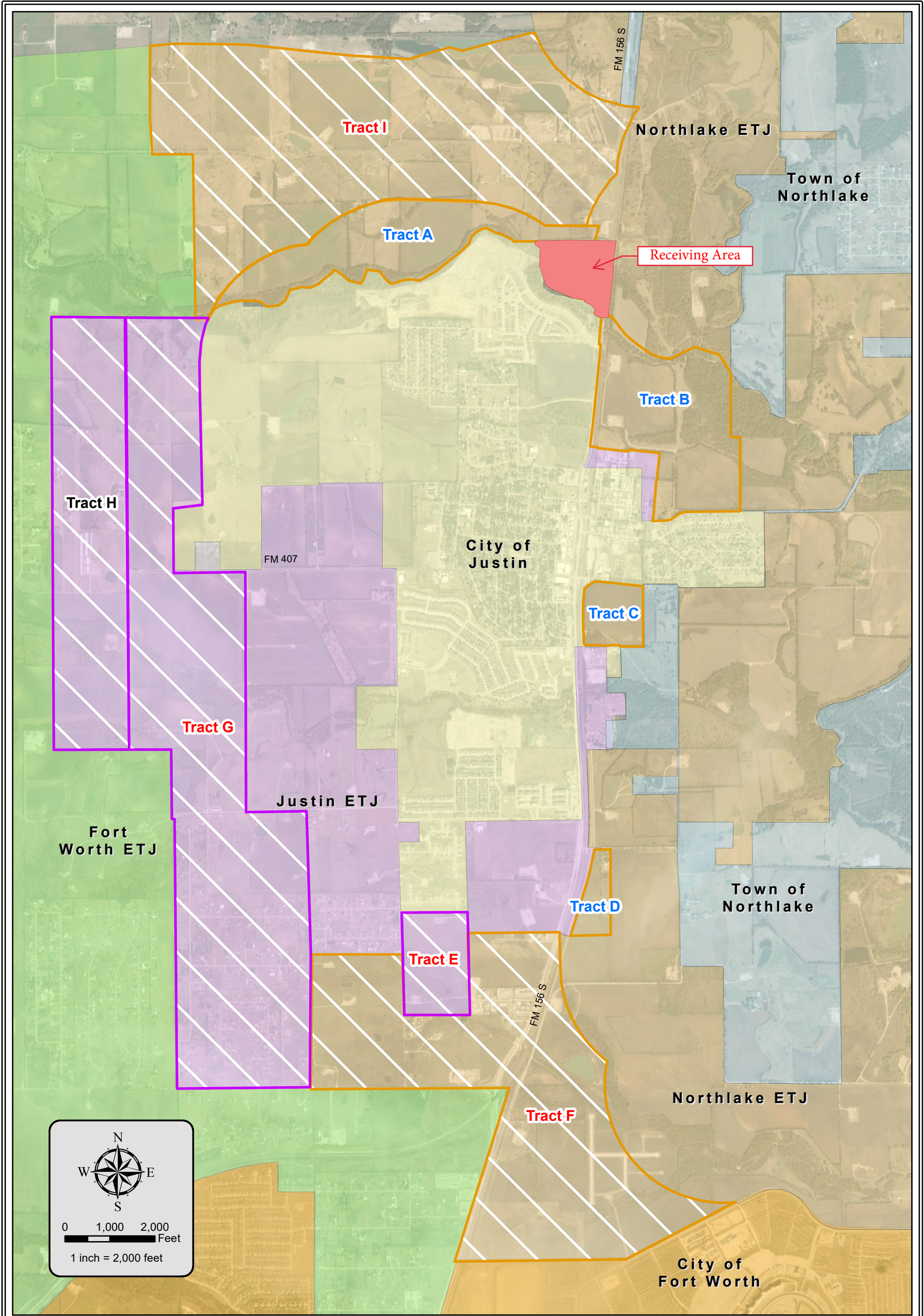


Exhibit 1  
ETJ Allocation for Northlake and Justin Post Settlement





# **AGENDA**

## **ITEM**

### **19**



City Council Meeting

August 22, 2023

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item: 19

Title: Consider and take appropriate action approving and authorizing the City Manager to negotiate and execute an agreement with Texas Stix West, LLC for the use of facilities located at Community Park beginning September 3, 2023.

Department: Administration

Contact: City Manager, Jarrod Greenwood

---

Recommendation: Provide staff direction and/or approval to negotiate an Agreement.

---

Background: The Mayor and Staff were approached by Texas Stix West, LLC., a select baseball group, about using the baseball field in community Park on Sundays for baseball tournaments that would begin in September.

The current JYSA Agreement (attached) was provided to Stix and it was understood that Stix' use of the fields would not interfere with JYSA use. We have been in communication with JYSA regarding Stix' potential use of the fields and the proposed Agreement. JYSA has expressed concerns that Stix' use could affect JYSA's operations. If approved, Staff would facilitate further conversations to ensure a mutual understanding of expectations between all parties and to mitigate any potential conflict.

While we had another group rent fields for Sundays in the spring, they did not and currently do not have an Agreement approved by Council. Staff have administratively approved their use on a week-by-week basis.

---

City Attorney Review: The Attorney has provided an initial review.

---

Attachments:

1. Draft agreement
2. JYSA 2023 Agreement

**CITY OF JUSTIN  
PARKS AND RECREATION DEPARTMENT  
2023 AGREEMENT FOR TEXAS STIX WEST LLC**

This Agreement (herein called "Agreement") is made and entered this 3rd day of September 2023 between the City of Justin (herein called "City"), and Texas Stix West LLC (herein called "Stix West"), to witness the following:

**WHEREAS, to operate its baseball and softball programs, the Stix West utilizes the public athletic facilities and playing fields that are provided and maintained by, and at the cost of, the City; and,**

**WHEREAS, in return for the use of those facilities, the Stix West wishes to enter into ~~an~~this Agreement with the City with regard to such use of the City's facilities; and,**

**WHEREAS, the City requires that the ~~Association~~Stix West agree to abide by the standards, requirements, and guidelines set by the City for all private events; and,**

**WHEREAS, failure to abide by these standards and guidelines could result in restriction of facility use or cancellation of this Agreement, Now, Therefore.**

For and in consideration of the mutual undertakings herein set out, the City and the Stix West herein also called the "parties" agree as follow:

**Section 1. FIELD ALLOCATION**

- A. In this Agreement, the "fields" or "playing fields" shall mean the baseball and softball fields of the Justin Community Park.
- B. The parties agree that the playing fields are owned by the City and provided for the benefit of all citizens of Justin. The City shall maintain final approval over the use of these fields at all times. The City reserves the right to use any field for other events or programs. The City will give notice to the Stix West at least one month prior to the event.
- C. The Stix West will make all field assignments amount to the Stix West for all tournaments, games, and practices and shall determine if a concession stand may also be used.

- D. All tournaments, practices, and games must be scheduled with the City of Justin prior to usage of the Fields. If scheduling conflicts occur, the Public Works Director will make the final decision.

## **Section 2. SEASONS AND HOURS**

The City determines all available field and facility allocations and reserves the right to determine availability and conditions. Fields and facilities will be made available on specified days for practices and games to the Stix West during regular season activities for the term of this [Agreement](#).

- A. Fields and Facilities must be reserved through the City for tournaments, practices, and games. Stix West must confirm rescheduled games with the City and provide notice at least two full business days in advance of rescheduled games.
- B. All fields are closed to reservations and may have light use only during the winter months, and a portion of the summer as determined by the City.
- C. All tournament, game, and practice schedules must be submitted in calendar form including dates, times and field number to the City at least seven business days prior to the first scheduled tournament or game of the season.
- D. All games must be concluded by the teams by 10:00 pm.
- E. Athletic fields are closed between the hours of 7:00 am and 4:30 pm, Monday - Friday, to allow proper irrigation of playing fields.

## **Section 3. FIELD, CONCESSION, RESTROOM MAINTENANCE AND FACILITIES**

- A. All field mowing and weed-eating will be the responsibility of the City. Fields will be maintained at least once a week for practice purposes.
- B. Field Marking will be the responsibility of the City. In the event of rescheduled games, if the City is unable to mark the fields, the Stix West will be given notice and shall be allowed to mark the fields.
- C. The City will drag fields the weekday before the day of any scheduled games.

- D. In the event of heavy rain, the City will make an effort to disburse water and make fields playable.  
The City may also grant permission from time to time for the Stix West to assist with preparing the fields for play after inclement weather. This includes but is not limited to allowing application of drying agents.
- E. The City may allow the Stix West to assist in field preparation for tournaments, games, and practices.
- F. The City shall maintain all bleachers in a safe and secure condition.
- G. The City shall provide and maintain all area and field lighting systems.
- H. The City shall be responsible for the maintenance of all irrigation systems in City Facilities.
- I. The City shall be responsible for the maintenance of adjacent park irrigation systems and the watering of athletic turf areas.
- J. City shall maintain the restrooms in a safe and sanitary condition during approved season(s).  
Restrooms may be closed from November 15- February 15 for winterization.
- K. The Stix West shall be responsible for daily practice and game day collection of all litter on Premises to include playing areas, fences, bleachers, concession stands and adjacent grounds, as well as City facilities. (See section 11 for collection of litter at concessions.) All litter shall be placed in the receptacles provided by the City. The City shall provide pick up for these receptacles. If within the City's judgment the Stix West does not comply with litter collection, a notification will be issued in writing by the City requesting immediate compliance. If the City deems applicable, further compliance will result in a fee of \$20 per hour/per staff member for litter clean up.
- L. The Stix West shall ensure that all secured areas remain locked and/or unlocked at completion of each activity.

#### **Section 4. FIELD USAGE AND FACILITY USE ORDINANCES**

The following are items that must be adhered to when conducting any activity within Justin Parks system or while utilizing City facilities:

- A. Contact the Fire Marshal at (940) 648-2561, to secure a Fire Code Permit if a tent larger than 200 sq. ft or a canopy tent larger than 400 sq. ft will be used. A fire extinguisher is required for these tents.
- B. If an outside vendor (non-Stix West) will be selling any goods during any portion of the year, that individual or group will need to obtain a vendor permit. This permit can be obtained at City Hall.
- C. No alcohol is permitted in any park area, including parking lots, or on City property.
- D. The City's No Smoking Ordinance must be strictly adheredd to and enforced by the Stix West . The Stix West's officials may request assistance in enforcement by contacting the Justin Police Department at (940) 648-2541.

#### **Section 5. LEAGUE MANAGEMENT AND SPORTS GUIDELINES**

- A. All teams and players will be clientele of Stix West and will be allowed to join events held by Stix West being that they register and pay all pertinent fees.
- B. The Stix West is responsible for any outside league and event fees.
- C. The Stix West is responsible for scheduling and paying for umpires.
- D. The Stix West is responsible for scheduling and paying an employee to be responsible for gate fees for spectators entries.
- E. The Stix West must comply with the following in presentation of programs to the public:
  - 1. Before practices or games can begin, the Stix West must complete mandatory background checks on all coaches. This background check must be done annually.
  - 2. The Public Works Director must approve allocation for any expansion or changes in the Stix West's programming that may affect the field preparation.
  - 3. The Stix West will adhere to all City Ordinances that regulate use of City athletic facilities or property.

#### **Section 6. JUSTIN YOUTH SPORTS ASSOCIATION (JYSA)**

Stix West is a separate entity than JYSA and Stix West recognizes that JYSA has entered into a separate agreement with the City regarding JYSA's use of the fields. JYSA has top priority when scheduling field allotments. Any scheduling by Stix West must be outside the JYSA allotted dates must be approved by the City. The Public Works Director will have final approval when it relates to scheduling and any scheduling conflicts.

PLEASE NOTE:

1. Recreational League Play, hosted by JYSA, must receive top priority according to the agreement between the City and JYSA. Stix West schedule will not conflict with dates that are scheduled for Recreational League Play by JYSA.
2. The Stix West is prohibited from subletting the fields or allowing use of city fields or property by any players or groups not registering through the Stix West.

**Section 7. COMMUNICATION**

For any communication regarding scheduling, the appropriate baseball or softball scheduler may contact the Public Works Administrative Coordinator directly. All other communication with the City shall be in email or copy the public works director and the Stix West owners and directors.

City of Justin Public Works Director

Josh Little

[jlittle@cityofjustin.com](mailto:jlittle@cityofjustin.com)

**Texas Stix West LLC**

Bobby McIntire ~ Owner

[coachmcintire@gmail.com](mailto:coachmcintire@gmail.com)

Boston McIntire ~ Head Director/ Owner

[bostonmcintirecsa@gmail.com](mailto:bostonmcintirecsa@gmail.com)

Jared Page ~ Director of Player Development

[jaredbpage@gmail.com](mailto:jaredbpage@gmail.com)

## Section 8. ON-SITE REPRESENTATIVE

The Stix West agrees to provide an organizational representative at each tournament, game, practice, or event held on a City field. A representative must be on staff for Stix West or an appointed coach for a current team or program.

## Section 9. DOCUMENTS, FEES AND STAFF

The Stix West shall submit to the City a coaches and staff list, insurance, game, practice, tournaments, and events schedules in calendar form, and all tournament fees that will be held at City fields.

## Section 10. INSURANCE AND INDEMNIFICATION

The Stix West shall carry minimum commercial general liability insurance, with a policy limit of \$500,000 at all times during the term of this Agreement. The policy shall be endorsed to include the City of Justin as an additional insured. Proof of this insurance must be submitted to the City as least one (1) week before events begin. In the case of a nationally franchised affiliation with a liability insurance program, the City may accept a different coverage. It is also recommended that the Stix West purchase an accident policy with \$5,000 coverage to assist participants with minor medical bills.

The Stix West, by signing this Agreement and in consideration of the benefits provided for herein, the receipt and sufficiency of which are hereby affirmed, agrees to indemnify, defend and hold harmless the City, its employees, elected and appointed officials, agents, successors, assigns, and sponsors and volunteers assisting in City activities, from any and all damages, claims or liability of any kind, whatsoever, by reason of injury to property or third person occasioned by any error, omission or negligent or willful act by the Stix West, its officers, agents, coaches, employees, subcontractors, volunteers and participants in the Stix West's activities arising out of related to Stix West's use of the fields under this Agreement.

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## Section 11. FEES

The following fees will apply to the Stix West

- A. The Stix West will be assessed a fee for field rentals. The City will invoice Stix West for a rate determined by the City per hour of field use. The City has the right to charge as they see fit, whether that be by the hour or in any other duration that Stix West agrees to.

- B. All checks and payments for required fees must be payable to the City of Justin and shall be received by the City within the agreed time-span established before initial renting of the field(s).

## **Section 12. CONCESSIONS**

The Stix West may operate concession stands under the following guidelines:

- A. All food or drink shall be prepared, served, sold or stored in strict conformity with all city, county, state and federal law. It shall be the Stix West's responsibility to coordinate all health inspections and licensing for their concession operations. All associations will be required to present their health permit one week prior to the concession stand opening.
- B. The Stix West must pick up litter in the area of its stands on a daily basis, including the breakdown of all boxes to be placed in dumpsters (not in the trash barrels) located at each site. The Stix West will tie and remove all trash bags from cans that are half-full or more and put them in the dumpster. Non-compliance with concession and litter collection will result in forfeiture of concession privileges by the Stix West.
- C. The Stix West is only permitted to run a concession stand if it has a current signed Agreement in place with the City.
- D. The Stix West may subcontract this operation out to a City-approved third party concessionaire. However, the City must be given written notice (14) days in advance indicating the desire for the Stix West to have a third party operate the concession stand and must also be provided with the details of the agreement between the Stix West and third party concessionaire. The Public Works Director must review any proposed agreement between the Stix West and the third party concessionaire and provide written approval of the agreement to both parties. The third party concessionaire must provide proof of insurance to the City and must assume all liability for vandalism, theft, etc.
- E. The Stix West will not be required to pay a fee for the privilege of operating a stand.
- F. If the City allows a field rental with concession use to another organization during the Stix West's documented seasons, the City will furnish at least one month prior notice to the association. The City will have no responsibility for any supplies, food, or equipment belonging to Stix West which is not removed prior to use of the concession stand by another organization.



### Section 123. FIELD LIGHTS

Light codes will be given to the Stix West. The Stix West will only use athletic field lights necessary for the fields in use (i.e. if play is only on field #1, then lights should be on only on this field, not the entire complex.) When play concludes on any field for the night, the Stix West is responsible for turning off lights within 15 minutes after the conclusion of play per field. If the Stix West fails to do so, it will be assessed a bill of \$25 per hour per field for the additional cost of electricity. Failure to abide by this policy may result in less light privileges.

### Section 134. PERMISSION FOR INSTALLATION, CONSTRUCTION OR MAINTENANCE

The Stix West shall submit to the Public Works any proposal to install, construct or modify temporary or permanent structures, signs, equipment or other related items prior to the commencement of any work. All communication regarding maintenance and/or field improvements may only be submitted with the Stix West's owner's approval. All applicable City codes must be followed. Approval of the proposal shall rest solely with the City. Permanent structures shall become the property of the City. These requests must be submitted at least (30) days in advance and may require approval by the Justin Parks & Recreation Board and/or the Justin City Council. Any temporary signs, equipment, etc., may be required by the City to be moved in advance of City or other events. The City shall give the Stix West at least fourteen (14) days' notice for any removal required by the Stix West.

### Section 146. STORAGE UNITS

The Stix West may purchase storage units and place them at a site in the park that has been designated by the City, subject to the review and approval of the City prior to placement. Units must meet standards set by the Public Works Director. Requests to purchase and place storage units be submitted at least (30) days in advance and shall be approved at the Public Works Director's discretion.

### Section 17. CITY PROCEDURES FOR ATHLETIC FIELD CLOSURES

Reasons for athletic field closure or postponement:

- A. Fields are too wet for play.
- B. Athletic fields need to be closed in the interest of participant safety and/or preservation of good playing surfaces.
- C. Maintenance, renovation, or construction conditions exist.
- D. The athletics field condition will be updated by 3:00 pm on weekdays when conditions are questionable due to inclement weather. At other times, the City reserves the right to deem the fields unsafe for play due to weather.

It is a violation to:

- A. Enter upon a City athletic field that has a sign posted "Closed due to Maintenance/Field conditions" except for a city employee or contractor performing athletic field maintenance.
- B. Enter upon a City athletic field that has posted "Field use with permit only" without having a City reservation permit that states the dates and times of usage, except for a city employee or contractor performing athletic field maintenance or when permission is granted by an authorized City representative. Permission shall be granted, upon request, for a Stix West representative to assess the field conditions if fields are deemed unsafe to play by the City.
- C. Any person violating any provision of the applicable ordinance may be fined up to \$500.00 by the City Judge.

#### **Section 18. UNLAWFUL ACTIVITIES**

The Stix West shall not engage in any activities on the park premise in violation of existing state, federal, local law or use the park premises in such a manner as to constitute any hindrance for other park patrons engaged in lawful activities.

#### **Section 19. SCHEDULE OF REQUIRED DOCUMENTS**

All required documentation due to the City of Justin, Parks and Recreation Department. All forms are to be submitted to the Public Works Director at the following address: 415 N College Ave, Justin, TX 76247

## DOCUMENTS

### *Annually:*

1. Provide names and contact information for all Stix West Directors
2. Insurance
3. Indemnification

### *Seasonally:*

1. List of Coaches and contact information
2. Submit list of teams and player names that will be practicing on a regular basis
3. Schedule in calendar form for each tournament, games, practices, and events

All personal information received by the City from Stix West will not be used by the City without prior written consent for Stix West owners.

## Section 20. TERM

The term of this Agreement shall commence on February 1, 2023 in advance for the coming Spring 2023 season and shall continue until November 30, 2025. The Agreement will automatically review in one-year increments beginning December 1, 2025 through November 30, 2027 unless the City or the Stix West provide written notice to the other party at least (60) days in advance of last date of particular term. Additionally, the City may terminate this Agreement at any time, with or without cause, by providing thirty (30) days advance written notice.

## Section 21. AGREEMENT APPROVAL

The person executing the Agreement on behalf of the Stix West, or representing himself as executing the Agreement on behalf of the Stix West warrants that he has been fully authorized by the Stix West to execute the Agreement and that the Stix West will comply and uphold all terms and provisions contained herein.

If the Stix West violates any term of the Agreement, the City may find it in default and terminate or suspend the Agreement. If required documents are not submitted in a timely manner, the City reserves the right to deny access to fields, lights, restrooms and concessions until documentation is received.

Approval:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Organization

\_\_\_\_\_  
Date

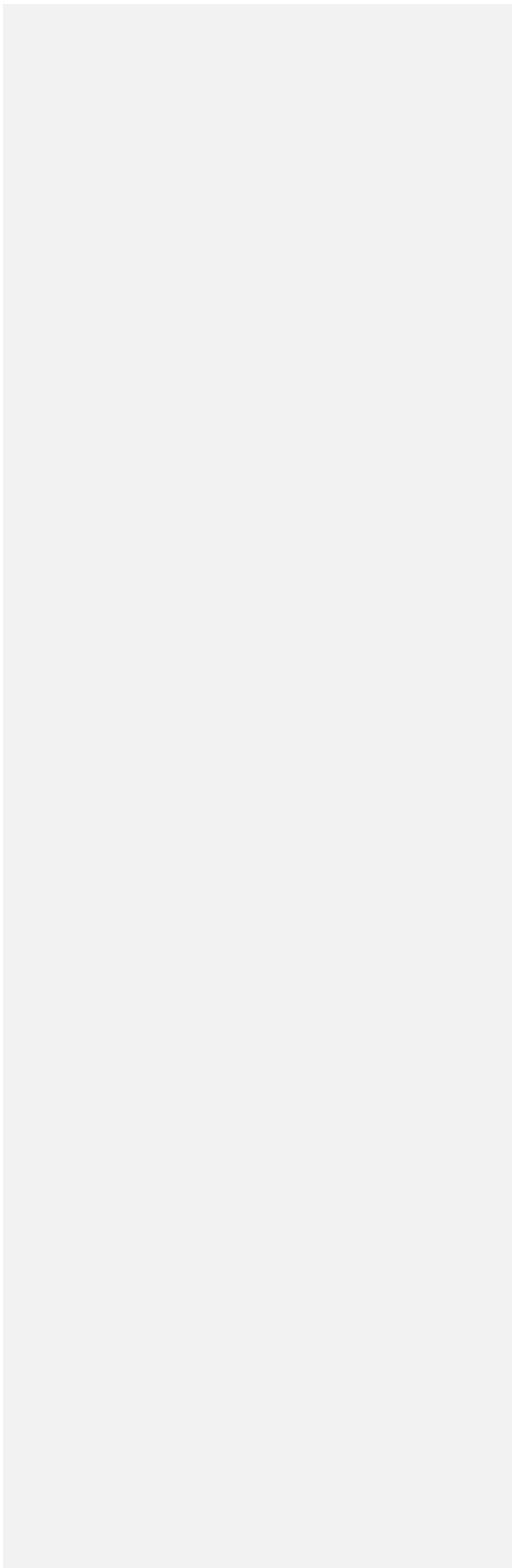
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Organization

\_\_\_\_\_  
Date



**CITY OF JUSTIN**  
**PARKS AND RECREATION DEPARTMENT**  
**2023 AGREEMENT FOR YOUTH SPORTS ASSOCIATIONS**

This Agreement (herein called "Agreement") is made and entered this 14th day December of 2022 between the City of Justin (herein called "City"), and the Justin Youth Sports Association (herein called "Association"), to witness the following:

**WHEREAS, to operate its youth sports programs, the Association utilizes the public athletic facilities, gymnasium, and playing fields that are provided and maintained by, and at the cost of, the City; and,**

**WHEREAS, in return for the use of those facilities, the Association wishes to enter into an agreement with the City with regard to such use of the City's facilities; and,**

**WHEREAS, the City requires that the Association agree to abide by the standards, requirements, and guidelines set by the City for all recreational youth sports; and,**

**WHEREAS, failure to abide by these standards and guidelines could result in restriction of facility use or the cancellation of the Agreement, Now, Therefore.**

For and in consideration of the mutual undertakings herein set out, the City and the Association herein also called the "parties" agree as follows:

**Section 1. FIELD ALLOCATION**

- A. In this Agreement, the "fields" or "playing fields" shall mean the baseball and softball fields of the Justin Community Park.
- B. The parties agree that the playing fields are owned by the City and provided for the benefit of all citizens of Justin. The City shall maintain final approval over the use of these fields at all times. The City reserves the right to use any field for other events or programs. The City will give notice to the appropriate Association at least one month prior to the event.
- C. The Association will make all field assignments among the Association for all games and practices and shall determine if a concession stand may also be used.
- D. All practices and games must be scheduled with the City of Justin prior to usage of the fields. If scheduling conflicts occur, the Public Works Director will make the final decision.

**Section 2. SEASONS AND HOURS**

The City determines all available field and facility allocations and reserves the right to determine availability and conditions. Fields and facilities will be made available on specified days for practice and games to the Associations during regular season activities for the term of this agreement.

- A. Fields and Facilities must be reserved through the City for practices and games. Association must confirm rescheduled games with the City and provide notice at least two full business days in advance of rescheduled game.
- B. All fields are closed to reservations and may have light use only during the winter months, and a portion of the summer as determined by the City.
- C. All game and practice schedules must be submitted in calendar form including dates, times and field number to the City at least seven business days prior to the opening day game.
- D. All games must be concluded by the teams by 10:00 pm.
- E. Athletic fields are closed between the hours of 7:00 am and 4:30 pm, Monday — Friday, to allow proper irrigation of playing fields.
- F. Games or practices shall not be scheduled on fields #2 or #3 on Sundays. On Monday of the prior week, the Association may request use of those fields and the City may grant access if the fields are not being utilized by other groups or individuals.
- G. All scheduled use of the Gymnasium or other facility must be approved in advance by the City.

### **Section 3. FIELD, CONCESSION, RESTROOM MAINTENANCE AND FACILITIES**

- A. All field mowing and weed-eating will be the responsibility of the City. Fields will be maintained at least once a week for practice purposes.
- B. Field Marking will be the responsibility of the City. In the event of rescheduled games, if the City is unable to mark the fields, the Association will be given notice and shall be allowed to mark the fields.
- C. The City will drag fields the weekday before the day of any scheduled games.
- D. In the event of heavy rain, the City will make an effort to disburse water and make fields playable. The City may also grant permission from time to time for the Association to assist with preparing the fields for play after inclement weather. This includes but is not limited to allowing the application of drying agents.
- E. The City shall maintain all bleachers in a safe and secure condition.
- F. The City shall provide and maintain all area and field lighting systems.
- G. The City shall be responsible for the maintenance of all irrigation systems in City facilities.
- H. The City shall be responsible for the maintenance of adjacent park irrigation systems and the watering of athletic turf areas.
- I. City shall maintain the restrooms in a safe and sanitary condition during the approved season(s). Restrooms may be closed from November 15 — February 15 for winterization.

- J. The Association shall be responsible for daily practice and game day collection of all litter on the Premises to include playing areas, fences, bleachers, concession stands and adjacent grounds, as well as City facilities. (See section 11 for collection of litter at concessions.) All litter shall be placed in the receptacles provided by the City. The City shall provide pick up for these receptacles. If within the City's judgment the Association does not comply with litter collection, a notification will be issued in writing by the City requesting immediate compliance. If the City deems applicable, further compliance will result in a fee of \$20 per hour/per staff member for litter clean up.
- K. The Association shall ensure that all secured areas remain locked and/or unlocked at the completion of each activity.
- L. The City shall be responsible for the Gymnasium maintenance, and ensuring the restrooms are adequately supplied and sanitary prior to practices and games.
- M. The Association will be responsible for ensuring the facilities are locked after completion of activities.

#### **Section 4. FIELD USAGE AND FACILITY USE ORDINANCES**

The following are items that must be adhered to when conducting any activity within the Justin Parks system or while utilizing City facilities:

- A. Contact the Fire Marshal at (940) 648-2561, to secure a Fire Code Permit if a tent larger than 200 sq. ft or a canopy tent larger than 400 sq. ft will be used. A fire extinguisher is required for these tents.
- B. If an outside vendor (non-Association) will be selling any goods during any portion of the year, that individual or group will need to obtain a vendor permit. This permit can be obtained at City Hall.
- C. No alcohol is permitted in any park area, including parking lots, or on City property.
- D. The City's No Smoking Ordinance must be strictly adhered to and enforced by the Association. The Association's league officials may request assistance in enforcement by contacting the Justin Police Department at (940) 648-2541.

#### **Section 5. LEAGUE MANAGEMENT AND SPORTS GUIDELINES**

- A. Teams from outside the City may join the Association's recreational league play, provided they register through the Association and pay all pertinent fees.
- B. The Association is responsible for any outside league fees.
- C. The Association is responsible for scheduling and paying for umpires, officials and referees.
- D. The Association must comply with the following in the presentation of programs to the public:
  - 1. Before practices or games can begin, the Association must complete mandatory background checks on all coaches. This background check must be done annually.



2. The Public Works Director must approve allocation for any expansion or changes in the Association's programming that may affect field preparation, gymnasium preparation or league programming. Requests must be in writing, received and approved prior to approving the changes. Decisions will be based on overall benefit to the participants.
3. The Association will adhere to all City ordinances that regulate use of City athletic facilities or property.

## **Section 6. SELECT/CLUB TEAMS**

All Select/Club Teams must enter into a separate agreement with the City or register through JYSA, and pay all registration fees outlined by the Agreement. Any scheduling required for Select/Club teams outside of the outlined dates for JYSA use must be approved by the City. The Public Works Director will have final approval as it relates to scheduling.

### **PLEASE NOTE:**

1. Recreational League Play must receive top priority when scheduling field allotments.
2. The Association is prohibited from subletting the field or allowing use of city fields or property by any players or groups not registering through the Association.

## **Section 7. COMMUNICATION**

For any communication regarding scheduling, the appropriate baseball or softball scheduler may contact the Public Works Administrative Coordinator directly. All other communication with the City shall be in email and copy the public works director and the Association President, Executive Vice President, and Vice President of baseball or softball.

City of Justin Public Works Director

Josh Little  
[jlittle@cityofjustin.com](mailto:jlittle@cityofjustin.com)

## **Justin Youth Sports Association**

President - [president@jysa.info](mailto:president@jysa.info)

Executive Vice President - [EVP@jysa.info](mailto:EVP@jysa.info)

Director of Fields Ops - [fieldops@jysa.info](mailto:fieldops@jysa.info)



## **Section 8. ON-SITE REPRESENTATIVE**

The Association agrees to provide a league representative on-site at each practice, game or tournament held on a City field or other City facility. A league representative may be any member of the JYSA board or any coach for the current season.

## **Section 9. DOCUMENTS, FEES AND OFFICERS**

The Association shall submit to the City a copy of its bylaws, coaches list, insurance, game and practice schedules in calendar form, impact fees, non-resident fees, and final player rosters. All rosters will include parental/guardian contact information as well as home address of each player. Associations will also submit names, addresses and phone numbers of all officers and board members within two weeks after election or appointment.

## **Section 10. INSURANCE AND INDEMNIFICATION**

The Association shall carry minimum commercial general liability insurance, with a policy limit of \$500,000, at all times during the term of this Agreement. The policy shall be endorsed to include the City of Justin as an additional insured. Proof of this insurance must be submitted to the City at least one (1) week before practice begins. In the case of a nationally franchised affiliation with a liability insurance program, the City may accept a different coverage. It is also recommended that the Association purchase an accident policy with \$5,000 coverage to assist participants with minor medical bills.

The Association, by signing this Agreement, agrees to indemnify, defend and hold harmless the City, its employees, agents, successors, assigns, sponsors and volunteers assisting in City activities, from any and all damages, claims or liability of any kind, whatsoever, by reason of injury to property or third persons occasioned by error, omission or negligent act by the Association, its officers, agents, coaches, employees, subcontractors, volunteers and participants in the Association's activities.

## **Section 11. FEES**

The following fees will apply to the Association:

- A. The Association will be assessed an Impact Fee of \$25 per child per season for recreational players or select players that will be submitted to the City of Justin. This fee will be due prior to the commencement of any practice or games of the season.
- B. All checks for the required fees must be made payable to the City of Justin and shall be received at least seven days prior to the start of practice and/or games.
- C. The Association must also pay the City a \$200 deposit two weeks preceding the start of practices. The deposit will be returned at the conclusion of the season after above costs, if any, have been deducted.

## **Section 12. CONCESSIONS**

The Association may operate concession stands under the following guidelines:

- A. All food or drink shall be prepared, served, sold or stored in strict conformity with all city, county, state and federal law. It shall be the Association's responsibility to coordinate all health inspections and licensing for their concession operations. All associations will be required to present their health permit one week prior to the concession stand opening.
- B. The Association must pick up litter in the area of its stands on a daily basis, including the breakdown of all boxes to be placed in the dumpsters (not in the trash barrels) located at each site. The Association will tie and remove all trash bags from cans that are half-full or more and put in the dumpster. Non-compliance with concession and litter collection will result in forfeiture of concession privileges by the Association.
- C. The Association is only permitted to run a concession stand if it has a current signed Agreement in place with the City.
- D. The Association may subcontract this operation out to a City-approved third party concessionaire. However, the City must be given written notice (14) days in advance indicating the desire for the Association to have a third party operate the concession stand and must also be provided with the details of the agreement between the Association and third party concessionaire. The Public Works Director must review any proposed agreement between the Association and the third party concessionaire and provide written approval of the agreement to both parties. The third party concessionaire must provide proof of insurance to the City and must assume all liability for vandalism, theft, etc.
- E. The Association will not be required to pay a fee for the privilege of operating a stand.
- F. If the City allows a field rental with concession use to another organization during the Association's documented seasons, the City will furnish at least one month prior notice to the association. The City will have no responsibility for any supplies, food, or equipment belonging to JYSA which is not removed prior to the use of the concession stand by the other organization.

## **Section 13. FIELD LIGHTS**

Light codes will be given to the Association. The Association will only use athletic field lights necessary for the fields in use (i.e. if play is only on field #1, then lights should be on only on this field, not the entire complex.) When play concludes on any field for the night, the Association is responsible for turning off the lights within 15 minutes after the conclusion of play per field. If the Association fails to do so, it will be assessed a bill of \$25 per hour per field for the additional cost of electricity. Failure to abide by this policy may result in loss of light privileges.

## **Section 14. PERMISSION FOR INSTALLATION, CONSTRUCTION OR MAINTENANCE**

The Association shall submit to the Public Works Director any proposal to install, construct or modify temporary or permanent structures, signs, equipment or other related items prior to the commencement of any work. All communication regarding maintenance and/or field improvements may only be submitted with the Association's president's approval. All applicable City codes must be followed. Approval of the proposal shall rest solely with the City. Permanent structures shall become the property of the City. These requests must be submitted to at least (30) days in advance and may require approval by the Justin Parks & Recreation Board and/or the Justin City Council. Any temporary

signs, equipment, etc., may be required by the City to be moved in advance of City or other events. The City shall give the Association at least fourteen (14) days' notice for any removal required by the Association.

#### **Section 15. SPONSORSHIPS AND SIGNAGE/BANNERS**

Sponsorship advertisements must be reviewed and approved by the Public Works Director before they may be placed on any park property. They must adhere to the following guidelines:

1. They must adhere to all city codes.
2. The Public Works Director must approve all signs and anchoring methods before installation occurs.
3. Sponsorships must be appropriate for youth activities. Sponsorships for alcohol, tobacco, political interests, etc. are not allowed.
4. The appearance of all signage, banners, etc. must be tasteful and may not detract from the overall appearance of the facility.
5. The placement of sponsorship advertisement may not cause damage to any facility.

#### **Section 16. STORAGE UNITS**

The Association may purchase storage units and place them at a site in the park that has been designated by the City. Units must meet standards set by the Public Works Director. Requests to purchase and place storage units be submitted to at least (30) days in advance and shall be approved at the Public Works Director's discretion.

#### **Section 17. CITY PROCEDURES FOR ATHLETIC FIELD CLOSURES**

Reasons for athletic field closure or postponement:

- A. Fields are too wet for play.
- B. Athletic fields need to be closed in the interest of participant safety and/or preservation of good playing surfaces.
- C. Maintenance, renovation, or construction conditions exist.
- D. The athletics field condition will be updated by 3:00 pm on weekdays when conditions are questionable due to inclement weather. At other times, the City reserves the right to deem the fields unsafe for play due to weather.

It is a violation to:

- A. Enter upon a City athletic field that has a sign posted "Closed due to Maintenance/Field conditions" except for a city employee or contractor performing athletic field maintenance.



- B. Enter upon a City athletic field that has a sign posted "Field use with permit only" without having a City reservation permit that states the dates and times of usage, except for a city employee or contractor performing athletic field maintenance or when permission is granted by an authorized City representative. Permission shall be granted, upon request, for an Association representative to assess the field conditions if the fields are deemed unsafe to play by the City.
- C. Any person violating any provision of the applicable ordinance may be fined up to \$500.00 by the City judge.

## **Section 18. UNLAWFUL ACTIVITIES**

The Association shall not engage in any activities on the park premises in violation of any existing state, federal, local law or use the park premises in such a manner as to constitute any hindrance for other park patrons engaged in lawful activities.

## **Section 19. SCHEDULE OF REQUIRED DOCUMENTS AND DEADLINES**

All required documentation due to the City of Justin, Parks and Recreation Department. All forms are to be submitted to the Public Works Director at the following address: 415 N College Ave, Justin, TX 76247

### **FEES**

\$25/season per player

### **DEPOSIT**

\$200 per Association per year

### **DOCUMENTS**

#### *Annually:*

1. Copy of Association By-Laws
2. Provide names and contact information of all Association Officers and Board Members
3. Insurance
4. Indemnification

#### *Seasonally:*

1. List of Coaches and contact information
2. Team Rosters including players name, parent/guardian name, phone numbers, address and age information
3. Schedule (start and stop date) for each team

All personal information received by the City from the Association will not be used by the City without prior written consent from the JYSA board.

## **Section 20. TERM**

The term of this agreement shall commence on February 1, 2023 in advance of the Spring 2023 season and shall continue until November 30, 2025. The agreement will automatically renew in one-year increments beginning December

1, 2025 through November 30, 2027 unless the City or the Association provide written notice to the other party at least sixty (60) days in advance of the last date of a particular term.

## Section 21. AGREEMENT APPROVAL

The person executing the Agreement on behalf of the Association, or representing himself as executing the Agreement on behalf of the Association warrants that he has been fully authorized by the Association to execute the Agreement and that the Association will comply and uphold all terms and provisions contained herein.

If the Association violates any term of the Agreement, the City may find it in default and terminate or suspend the Agreement. If required documents are not submitted in a timely manner, the City reserves the right to deny access to fields, lights, restrooms and concessions until documentation is received.

Approval:

  
\_\_\_\_\_  
Signature

Elizabeth Woodall  
\_\_\_\_\_  
Name

Mayor  
\_\_\_\_\_  
Title

City of Justin, Texas  
\_\_\_\_\_  
Organization

3/14/23  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature

Alyssa Linenkugel  
\_\_\_\_\_  
Name

President  
\_\_\_\_\_  
Title

Justin Youth Sports Association  
\_\_\_\_\_  
Organization

\_\_\_\_\_  
Date