

Ryan Stevens, Place 1
Tomas Mendoza, Place 2
Steven Teschke, Place 3



James Castle, Place 4
Daniel Dennis, Place 5
Shelby St. Claire, Mayor Pro Tem, Place 6

AMENDED
AGENDA
12/8/2025
10:37AM

James Clark, Mayor
CITY OF JUSTIN
CITY COUNCIL AGENDA
DECEMBER 11, 2025
415 N. COLLEGE AVE.
5:30 PM

A) CALL TO ORDER

Convene into Session:
Invocation and Pledge of Allegiance
American Flag

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

B) 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.

1. Under Section 551.071, to conduct a private consultation with the City Attorney regarding:
 - Justin Ranch Developers Agreement
2. Under Section 551.087 the City Council may convene in an executive session to discuss or deliberate regarding commercial or financial information that the City of Justin has received from a business prospect that the City seeks to have locate, stay, or expand in or near the City and with which the City is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect described below.
 - Discuss Project Tricycle
 - Discuss Project Parkway
 - Discuss Project Tupperware
3. Under Section 551.072, to deliberate regarding the purchase, exchange, lease, or sale of real property related to Water Infrastructure
4. Under Section 551.074, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. (City Manager Evaluation)

C) TAKE ANY ACTION AS A RESULT OF CLOSED EXECUTIVE SESSION ITEM(S)

D) UPCOMING MEETINGS AND EVENTS

1. - December 13, 2025, Mayor Salvation Army Kettle Challenge
- December 13, 2025, Christmas Event (12 to 6 p.m.)
- December 15 & 16, City Hall closed for the Clean-Up Event
- December 24 & 25, 2025 City Hall Holidays
- December 31, 2025, the Library is hosting Noon Years Eve
- January 1, 2026, City Hall closed
- Fish Fry Update

E) CEREMONIAL ITEM(S) AND WORKSHOP ITEM(S)

1. Discuss the renaming of the Community Park
2. Recognition of City Staff
3. Receive a report on the Rate Study
4. Recieve an update on J-Rec

F) PUBLIC COMMENT(S)

In order to expedite the flow of business and to provide all citizens with the opportunity to speak, the mayor may impose a three-minute time limitation for each citizen to speak with a seasonal limitation on speakers on one topic or item with a maximum of fifteen total minutes on the same topic. 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.

G) CONSENT AGENDA

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

1. Consider approving City Council minutes dated November 13, 2025; and take appropriate action.
2. Consider approving Resolution 805-25 approving the annual Boards and Commission appointments; and take appropriate action.
3. Consider adopting Ordinance 830-25, first reading, creating a Municipal Court of Record: and take appropriate action.
4. Consider approving Resolution 806-25 appointing Caprice Garcia as Municipal Judge and Antonio Gabilondo as Municipal Prosecutor; and take appropriate action.
5. Consider approving Resolution 798-25 amending and adopting the Personnel Manual; and take appropriate action.
6. Consider approving Resolution 801-25 approving an ETJ extension; and take appropriate action.
7. Consider approving Resolution 802-25, authorizing a Work Order Authorization for Westwood

to design FM 407 utilizing Denton County Bond Funds, and take appropriate action.

8. Consider approving Resolution 803-25 approving the FY 2025 EDC/CDC-funded park improvement projects and authorizing the City Manager or designee to negotiate and execute contracts in an amount not to exceed \$200,000.
9. Conduct a Public Hearing and consider adopting Ordinance 827-25, second and final reading, approving the annexation of Crestview; and take appropriate action

H) ITEMS PULLED FROM CONSENT FOR ACTION

I) FUTURE AGENDA ITEM(S)

J) 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 Avenue, Justin, Texas, a place of convenience and readily accessible to the general public at all times, and said notice posted this 12/4/25 at 3 p.m., in compliance with the Texas Open Meetings Act.

Amy Piukana

Amy Piukana, TRMC, City Secretary



City Council Coversheet
December 11, 2025
415 N. COLLEGE AVE.

Agenda Item: 1. (CONSENT AGENDA)

Title: Consider approving City Council minutes dated November 13, 2025; and take appropriate action.

Department: Administration

Contact: Amy Piukana, City Secretary

Recommendation:

City Staff recommends the City Council review and approve the minutes.

Background:

The City Council shall review and approve City council minutes at the following City Council meeting. These minutes shall be kept on file with the City Secretary.

City Attorney Review: No

Attachments:

1. CCM 11.13.25

Ryan Stevens, Place 1
Tomas Mendoza, Place 2
Steven Teschke, Place 3



James Castle, Place 4
Daniel Dennis, Place 5
Shelby St. Claire, Mayor Pro Tem, Place 6

James Clark, Mayor

MINUTES

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

Justin City Council Regular Session Meeting - November 13, 2025

A) CALL TO ORDER

Convene into Session:
Invocation and Pledge of Allegiance
American Flag

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

Present: Mayor James Clark (*Absent*), Mayor Pro Tem Shelby St. Claire, Council Member Ryan Stevens, Council Member Steven Teschke, Council Member Tomas Mendoza, Council Member James Castle, Council Member Daniel Dennis

City Staff: City Manager Jarrod Greenwood, City Secretary Amy Piukana, Assistant City Manager Abbey Reece, and Director of Development and Economic Development Services Matthew Cyr

With a quorum of members present, Mayor Pro Tem St. Claire called the meeting to order at 5:30 p.m. at Justin City Hall, located at 415 N. College Avenue, Justin, Texas 76247.

Councilman Stevens led the Pledge of Allegiance, Councilman Mendoza provided the Pledge to the Texas Flag. Mayor Pro Tem St. Claire provided the invocation.

B) 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.

City Attorney Matthew Boyle announced the closed executive session items.

Mayor Pro Tem St. Claire recessed into closed session at 5:32 p.m. and reconvened into open session at 6:32 p.m. with no action taken.

1. Under Section 551.071, to conduct a private consultation with the City Attorney regarding:

Justin Crossing Developers Agreement

2. Under Section 551.087 the City Council may convene in an executive session to discuss or deliberate regarding commercial or financial information that the City of Justin has received from a business prospect that the City seeks to have locate, stay, or expand in or near the City and with which the City is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect described below

- Discuss Project Tricycle
- Discuss Project Parkway
- Discuss Economic incentives related to LaDera Timerbrook

3. Under Section 551.072, to deliberate regarding the purchase, exchange, lease, or sale of real property related to Water Infrastructure

C) TAKE ANY ACTION AS A RESULT OF CLOSED EXECUTIVE SESSION ITEM(S)

There was no action taken, as a result of the closed executive session.

D) UPCOMING MEETINGS AND EVENT(S)

Director of Communications Amy Borders briefed the City Council regarding upcoming meetings and events.

1. The following is a list of upcoming meetings and events:
 - November 20, 2025, Economic/Community Development Corporation meeting @ 5:30 p.m.
 - November 27–28, 2025, Thanksgiving Holiday City Hall closure
 - December 1, 2025 Municipal Court @ 5 p.m.
 - December 9, 2025, Park Board meeting @ 6 p.m.
 - December 11, 2025, City Council meeting @ 5:30 p.m.
 - December 13, 2025, Old Town Christmas event
 - December 24-25, City Offices closed for Holidays

E) WORKSHOP ITEM(S)

1. Receive an update on amendments to the Personnel Manual

Director of Human Resources Janet Holden briefed the City Council regarding this item.

The City Council discussed who is affected by personnel manual amendments, including updates not applied to City Council members, legislative changes to the manual, and the requirement for Department Heads to attend city events.

2. Discussion regarding Stop Signs in Old Town

Police Chief Brian Frieda was present to answer questions regarding traffic concerns. Mayor Pro Tem

St. Claire requested the item for council discussion. The City Council reviewed options for addressing traffic issues, with a focus on the need for a traffic study and an evaluation of stop signs on east-west routes. Members expressed a preference to avoid speed bumps and considered alternative traffic-calming measures. It was noted that the primary concerns are concentrated on 5th Street. The Council agreed that data should be collected before the next meeting, with the matter scheduled for further discussion in May.

3. Discussion regarding Municipal Court of Record and all matters related thereto

Municipal Court Administrator Lesa Keith and City Manager Jarrod Greenwood briefed the City Council on court technology needs.

The City Council discussed costs associated with servers and recording systems, the use of court technology funds, and related questions regarding recording features, liability concerns, resumes and interview status, translation services, and court reporter requirements. The Council requested a report of findings following meetings with the prosecutor and judge scheduled for next week, with an invitation extended for Council members to attend.

Mr. Greenwood noted that a proposed ordinance will be presented to the Council in December for review.

F) PROCLAMATION

1. Presentation of a Proclamation declaring Justin as an Arbor Day City

Mayor Pro Tem St. Claire presented a proclamation To Park Board Members Robin Amerine, Jacqueline Steinbacher, and Gary Foree declaring Justin as an Arbor Day city.

G) PUBLIC COMMENT

In order to expedite the flow of business and to provide all citizens with the opportunity to speak, the mayor may impose a three-minute time limitation for each citizen to speak with a seasonal limitation on speakers on one topic or item with a maximum of fifteen total minutes on the same topic. 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.

There were no speakers.

H) CONSENT AGENDA

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

A motion was made by Council Member Stevens to approve Consent Item H.1, as presented. Motion seconded by Council Member Castle. Motion approved unanimously.

1. Consider approving City Council minutes dated October 23, 2025; and take appropriate action.

I) ITEMS PULLED FROM CONSENT AGENDA

There were no items pulled.

J) PUBLIC HEARING(S)

1. Conduct a Public Hearing and consider adopting Ordinance 829-25, first reading, approving the creation of a Tax Increment Reinvestment Zone No. 2; and take appropriate action.

City Manager Jarrod Greenwood briefed the City Council regarding this item.

Mayor Pro Tem St. Claire opened the public hearing. There being no one present who wished to speak, Mayor Pro Tem St. Claire closed the public hearing.

After discussion, a motion was made by Council Member Dennis to adopt Ordinance 829-25, as presented. Motion seconded by Council Member Teschke. Motion approved unanimously.

2. Conduct a Public Hearing and consider adopting Ordinance 827-25, first reading, approving the annexation of Crestview; and take appropriate action

Mayor Pro Tem St. Claire opened the public hearing.

Mr. Joey Russo, 119 College Avenue, spoke, asking about the developer and how taxes and payments would be made for the infrastructure.

There being no further speakers, Mayor Pro Tem St. Claire declared the public hearing closed.

A motion was made by Council Member Dennis to adopt Ordinance 827-25, as presented. Motion seconded by Council Member Stevens. Motion approved unanimously.

K) ACTION ITEM(S)

1. Consider approving Resolution 797-25, approving the FY 25-26 City Council meeting calendar; and take appropriate action.

The City Manager Jarrod Greenwood was present to answer any questions.

A motion was made by Council Member Stevens to approve Resolution 797-25, as presented. Motion seconded by Council Member Castle. Motion approved unanimously.

2. Consider adopting Ordinance 828-25, canvassing November 4, 2025, City Election; and take appropriate action.

A motion was made by Council Member Stevens to adopt 828-25, as presented. Motion seconded by Council Member Dennis. Motion approved unanimously.

The City Council discussed the bond failure, timing for requesting another bond, and the need to provide the City Manager with direction on how to move forward, the City Manager's spending authority, the need for more data to identify cuts, and directed the City Manager to identify other funding options that do not affect taxpayers.

L) FUTURE AGENDA ITEM(S)

There were no future agenda items.

M) ADJOURN

There being no further business, Mayor Pro Tem St. Claire declared the meeting adjourned at 7:06 p.m.

Mayor James Clark

Seal:

Amy Piukana
Amy Piukana, TRMC, City Secretary



City Council Coversheet
December 11, 2025
415 N. COLLEGE AVE.

Agenda Item: 2. (CONSENT AGENDA)

Title: Consider approving Resolution 805-25 approving the annual Boards and Commission appointments; and take appropriate action.

Department: Administration

Contact: Amy Piukana, City Secretary

Recommendation:

City Staff recommends the City Council approve Resolution 805-25, as presented.

Background:

The City Council has directed each Board to conduct interviews and provide recommendations for the annual Board appointments. The attached resolution reflects the recommendations of each board.

Staff have requested that newly appointed members attend to introduce themselves, if available; however, their presence is not required for the appointment.

City Attorney Review: No

Attachments:

1. Resolution 805-25 Annual B&C Appointments USE

RESOLUTION 805-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JUSTIN, TEXAS APPOINTING MEMBERS TO THE PLANNING AND ZONING COMMISSION, ECONOMIC DEVELOPMENT CORPORATION, PARKS AND RECREATION BOARD, LIBRARY BOARD, AND BOARD OF ETHICS.

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

SECTION 1: That, all matters stated in the Recitals hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2: That, the following individuals are hereby appointed/reappointed to the Planning and Zoning Commission:

	<u>Term Expiration</u>
Place 1: Vicente Barrientos, Chair	December 2027
Place 2: Scott Hill	December 2026
Place 3: Gary Davis, Member	December 2027
Place 4: Emily Krzyzek	December 2026
Place 5: Tory Turner, Member	December 2027
Place 6: David Beck, Chair	December 2026
Place 7: Thomas Cronberger, Member	December 2027
Place 8: Rod Stokes (Alternate 1)	December 2026
Place 9: Courtney Porter (Alternate 2)	December 2027

SECTION 3: That, the following individuals are hereby appointed/reappointed to the Parks and Recreation Board:

	<u>Term Expiration</u>
Place 1: Jacqueline Steinbacher	December 2027
Place 2: Mark Allen	December 2026
Place 3: Gary Foree	December 2027
Place 4: Robin Amerine	December 2026
Place 5: Alwyn Dowell	December 2027
Place 6: Jason Palmer	December 2026
Place 7: Amy Shadowens	December 2027
Place 8: Vanessa Whitehead (Alternate 1)	December 2026

SECTION 4: That, the following individuals are hereby appointed/reappointed to the Economic Development/CDC:

	<u>Term Expiration</u>
Place 1: Lisa Leary	December 2027
Place 2: Steven Turney	December 2026
Place 3: Mike Russ	December 2027
Place 4: Scott Piekarski	December 2026
Place 5: Bailey Acosta	December 2027
Place 6: Tanner Haydin	December 2026
Place 7: Ron Williams	December 2027
Alternate 1: Nahid Raman	December 2027

SECTION 5: That, the following individuals are hereby appointed/reappointed to the Library Board:

	<u>Term Expiration</u>
Place 1: Fran Plisga	December 2027
Place 2: Eden Sheaffer	December 2026
Place 3: Johana Belwood	December 2027
Place 4: Briana Cory	December 2026
Place 5: Kayce Strader	December 2027
Place 6: Monica Dumke	December 2026
Place 7: Heather Beatty	December 2027
Place 8: Christina Vasquez (Alternate)	December 2028

SECTION 6: That, the following individuals are hereby appointed/reappointed to the Board of Ethics:

	<u>Term Expiration</u>
Place 1: Lyn Hegster	December 2027
Place 2: Cristina Osteen	December 2026
Place 3: Francies Henry	December 2027
Place 4: Marie Cate	December 2026
Place 5: Joseph Russo	December 2027
Place 6: Eric Morales (Alternate 1)	December 2027
Place 7: <i>Vacant</i>	

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

SECTION 7: If any portion of this resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the City Council hereby determines that it would have adopted this resolution without the invalid provision.

SECTION 8: That this Resolution shall take effect immediately upon passage.

AND IT IS SO RESOLVED AND APPROVED THIS THE 11TH OF DECEMBER, 2025.

ATTEST:

CITY OF JUSTIN

Amy M. Piukana
City Secretary

James Clark
Mayor



City Council Coversheet
December 11, 2025
415 N. COLLEGE AVE.

Agenda Item: 3. (CONSENT AGENDA)

Title: Consider adopting Ordinance 830-25, first reading, creating a Municipal Court of Record: and take appropriate action.

Department: Administration

Contact: Lesa Keith, Lib./Court Director

Recommendation:

Staff recommends the City Council adopt Ordinance 830-25, as presented.

Background:

The City Council discussed this item during the workshop on October 23, 2025, and again on November 13, 2025. At that time, Council directed staff to return with a recommendation for the prosecutor and municipal judge and to identify the appropriate individuals to support the transition to a Court of Record.

As our population grows and the City's legal, development, and enforcement responsibilities become increasingly complex, transitioning to a Court of Record will strengthen the City's ability to legally defend an action or judgment, ensure consistent and professional judicial operations, and reduce long-term administrative and financial burdens associated with appeals. This shift aligns directly with the City's Strategic Plan related to Operational Excellence, Sustainable Growth, and the modernization of internal systems needed to support our expanding community. Establishing a Court of Record will enhance governance, improve judicial processes, and lead to more predictable legal outcomes. It also positions Justin in alignment with the best regional practices and elevates the City's municipal credibility.

As Justin continues to increase in both population and complexity, the demands on our municipal court will grow accordingly. It is essential that our justice system evolves to meet these needs. A Court of Record provides the structure necessary to manage higher caseloads, adapt to evolving legal requirements, and meet rising public expectations.

Establishing a Court of Record is among the most important steps we can take to strengthen our judicial framework. It is not merely an administrative enhancement—it is a fundamental safeguard of justice. By maintaining accurate and permanent records of court proceedings, we reinforce accountability, protect defendants' rights, and increase public trust. These records support accurate appeals, prevent misunderstandings, and ensure that judicial decisions are thoroughly documented and grounded in

integrity.

A Court of Record also elevates professional standards and accountability. It requires that the presiding judge meet higher statutory qualifications, ensuring the City's judicial leadership is well-versed in the complexities of municipal and procedural law by requiring the judge to be a licensed attorney. This results in more consistent application of state statutes, City ordinances, and judicial best practices. In addition, the creation of a recorded record enhances transparency, protects defendants' rights, and strengthens public confidence in our municipal justice system.

Transitioning to a Court of Record will provide for more efficient operations, thereby saving taxpayers' money:

By Eliminating Costly “Trials de Novo”

Under a **non-court of record**, every appeal is automatically a *trial de novo* in the county court — meaning:

- The entire case must be retried from scratch,
- Staff must re-prepare the case file,
- The prosecutor must recreate the case,
- The judge and clerk's time is duplicated,
- Officers must reappear and may require overtime or callback pay.

A court of record avoids all of this.

Appeals are based solely on the **existing court record** and limited to **errors of law**, which drastically reduces:

- Staff labor time
- Prosecutorial time
- Police officer overtime
- Administrative overhead

Even a small number of appeals per year can cost the city thousands of dollars. For example, over the last 5 years, approximately \$115,000 of cases were appealed to the County Court, which could have remained in Justin if we were a Court of Record.

By Reducing Court Staff and Officer Overtime and Callback Hours

When appeals require retrials, officers must appear again — often on overtime.

A court of record:

- Minimizes retrials
- Reduces mandatory officer appearances
- Cuts costly callback/overtime hours associated with re-litigation of the same case

For a fast-growing city like Justin — with increasing enforcement activity — this is a **material and measurable cost savings of approximately \$1,000.00**.

3. Decreases Legal Liability Exposure

Because appellate review is based on the **record**, not a new trial:

- The standard of review becomes narrower,
- The city's decisions are more legally defensible,
- Attorney time spent defending appeals is reduced,
- The risk of a case being overturned for procedural uncertainty decreases.

This reduces:

- Time spent by the city attorney
- Specialized legal consultation costs
- Potential downstream legal expenses from appeal reversals

4. Improves Judicial Efficiency Which Lowers Administrative Cost

A court of record operates with:

- A professionally qualified judge (must be a licensed attorney),
- Clearer procedures,
- A consistent legal record of proceedings.

This leads to:

- Fewer tickets being set and heard for Court
- Fewer procedural resets
- Fewer errors
- Smoother processing of cases
- Shorter timelines per case

For cities, time is money: less staff time per case = lower cost per case. If we did not have to call every insurance company on every ticket to verify insurance coverage, this would reduce our case time from 1 hour to approximately 3 minutes: thereby saving the City 53 minutes of staff time. Additionally, online submission of defensive driving requests and deferred disposition requests not only reduces staff time but also provides for better Municipal Court customer service by not requiring in-person requests and reduces individuals' requirement to attend a Municipal Court Hearing.

5. Supports Higher Collection Rates

Courts of record — because they maintain clear documentation, consistent rulings, and stronger judicial authority — often experience:

- Higher voluntary compliance,
- Higher appearance rates, and
- **Higher fine and fee collection rates.**

Even small percentage increases in collection rates can produce significant annual revenue for a growing municipality.

6. Better Case Management & Judge, Prosecutor, and Staff Productivity

A court of record uses:

- Modern case documentation,
- Recording systems,
- Improved tracking protocols,

which:

- Streamlines case processing,
- Reduces clerical errors,
- Cuts time spent on reconciling disputed cases,
- Improves the accuracy of financial reporting for fines.

All of these reduce administrative labor costs.

7. Avoids “Double Cost” of Case Preparation

Every case appealed in a non-record court must essentially be rebuilt from the ground up.

A court of record:

- Creates the record **once**,
- Uses that same record for any appeal,
- Prevents staff from “starting over” at every appellate step.

This avoids the double and triple work that currently falls on municipal courts, police, city attorneys, and clerical staff.

During a recent visit to a local court session, which was a Court of Record, I observed firsthand the importance of a strong judicial foundation. The judge and prosecutor demonstrated professionalism, clarity, and respect while ensuring defendants understood the legal process. Their commitment to fairness and integrity was evident throughout the proceedings. This experience underscored how essential qualified, ethical legal professionals are in ensuring justice is administered effectively.

As our city expands, it is increasingly important that we have an attorney judge and prosecutor capable of addressing the growing complexity of cases, including youth diversion matters, indigent defense issues, and other evolving community needs. These roles demand advanced legal training, adherence to well-defined legal boundaries, and a deep commitment to fairness and ethical conduct.

For these reasons, I respectfully urge the City Council to adopt Ordinance 830-25 to establish a Court of Record, and to approve the hiring of Caprice Garcia as Municipal Judge and Antonio Gabilondo as Prosecutor for the Municipal Court of Record. These actions are not simply operational improvements, they are essential investments in the fairness, transparency, and strength of our justice system. They will

help ensure accountability and protect the rights of every resident we serve.

City Attorney Review: No

Attachments:

1. Ordinance No. 830-25 Court of Record
2. courts of record

ORDINANCE NO 830-25

AN ORDINANCE AMENDING CHAPTER 14, "COURTS", ARTICLE II, MUNICIPAL COURT OF THE CITY OF CITY OF JUSTIN CODE OF ORDINANCES, BY AMENDING CHAPTER 14 ESTABLISHING THE MUNICIPAL COURT AS A COURT OF RECORD; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES; PROVIDING FOR A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of City of Justin, Texas ("City") is a Home Rule Municipality located in Denton County, created in accordance with Chapter 6 of the Texas Local Government Code, and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, Chapter 30 of the Texas Government Code authorizes the City to establish its municipal court as a municipal court of record by Ordinance; and

WHEREAS, the City Council deems it necessary to establish a municipal court of record to provide a more efficient disposition of cases arising within the City; and

WHEREAS, the City Council wishes to provide for a more effective means to enforce the ordinances and laws of the City; and

WHEREAS, all prerequisites for the adoption of this Ordinance have been met including but not limited to Chapter 551, Texas Government Code; and

WHEREAS, the City Council finds and determines that the adoption of this Ordinance is in the best interests of and necessary to protect the health, safety, and welfare of the public.

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

SECTION 1. INCORPORATION OF PREMISES. The foregoing recitals are the findings of the City Council and are incorporated into this Ordinance as if set forth fully herein.

SECTION 2. AMENDMENTS. Chapter 14, "Courts", is hereby amended, as follows:

A. Section 14-19 is hereby amended in its entirety and replaced as follows:

§ 14-19 Establishment of municipal court

- (a) The City of Justin Municipal Court is hereby established as a court of record from and after January 1, 2026, which shall be known as the "City of Justin Municipal Court of Record No. 1". The municipal court shall have jurisdiction and shall be conducted in the manner prescribed and authorized by law. All fines imposed by the municipal court shall be paid into the treasury for the use and benefit of the city.

(b) All cases, warrants and other pending matters in the existing Municipal Court are transferred to the Municipal Court of Record No. 1 commencing at 12:01 a.m. on the 1st day of January, 2026.

B. Section 14-20 is hereby amended with the addition of a new subsection (c) as follows:

(c) Pursuant to Section 12.05 of the Charter, upon the replacement of the current Municipal Court Judge the initial term of the new Judge shall run through the current term of the mayor.

C. Section 14-24 is hereby amended with the addition of a new subsection (m) as follows:

(m) The Municipal Court Judge shall meet the requirements of Section 30.0006(c) of the Government Code, as amended.

SECTION 3. SAVINGS/REPEALING. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4. SEVERABILITY. Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5. ENGROSSMENT AND ENROLLMENT. The City Secretary is hereby directed to engross and enroll this Ordinance by copying the exact Caption and Effective Date clause in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective on January 1, 2026.

DULY PASSED, APPROVED, AND ADOPTED by the City Council of the City of Justin, Texas, on this the 11th of December 2025.

APPROVED:

James Clark, Mayor

ATTEST:

Amy Piukana, City Secretary

APPROVED AS TO FORM:

City Attorney

Municipal Courts of Record	
City	Population
Alvarado	5,500
Argyle	5,000
Aurora	1,500
Azle	11,000
Bonham	11,000
Boyd	1,800
Bulverde	7,500
Burkburnett	11,000
China Grove	1,500
Copper Canyon	2,500
Covington	250
Crandall	4,500
Iowa Park	6,500
Joshua	9,500
Lakeside	2,500
Live Oak	15,000
Muenster	1,800
New Fairview	1,500
Newark	1,400
Northlake	15,000
Paradise	500
Pecan Bay	2,300
Ponder	2,500
Providence Village	8,100
Reno	3,500
Richland Hills	8,500
River Oaks	7,500
Roanoke	11,000
Saginaw	25,000
Springtown	3,500
Trophy Club	13,500
Volente	500
Westlake	1,500



City Council Coversheet
December 11, 2025
415 N. COLLEGE AVE.

Agenda Item: 4. (CONSENT AGENDA)

Title: Consider approving Resolution 806-25 appointing Caprice Garcia as Municipal Judge and Antonio Gabilondo as Municipal Prosecutor; and take appropriate action.

Department: Administration

Contact: Lesa Keith, Lib./Court Director

Recommendation:

Staff recommends the City Council approve Resolution 806-25, contingent upon adoption of Ordinance 806-25.

Background:

City Staff attended the New Fairview Court session on Monday, November 17, at 2 p.m. and were pleased with the interview. Both parties are in attendance to provide an introduction of themselves.

Staff recommends that the Council authorize the appointment of Caprice Garcia for appointment to the position of Municipal Judge. She demonstrated integrity, judicial temperament, and legal expertise, making her an exceptional candidate for this role. It is my considered opinion that Caprice Garcia possesses the qualifications and professional judgment necessary for judicial office, and her commitment to fairness aligns strongly with the standards of the court.

Staff recommends that the Council authorize the appointment of Antonio Gabilondo to serve as the Municipal Prosecutor. He demonstrated professionalism, sound judgment, and effective case management. He also had a friendly and approachable demeanor towards everyone he encountered. Mr. Gabilondo and Mrs. Caprice demonstrate great synergy between professionalism in their respective roles. I believe having this collaborative team join the City of Justin would help our transition to the Court of Record.

City Attorney Review: Yes

Attachments:

1. Resolution 806-25 appointing Judge and Prosecutor

RESOLUTION 806-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JUSTIN, TEXAS, AUTHORIZING THE APPOINTMENT OF A MUNICIPAL JUDGE AND MUNICIPAL PROSECUTOR FOR A TWO-YEAR TERM; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Justin seeks to ensure the fair and efficient administration of justice through qualified judicial and prosecutorial appointments; and

WHEREAS, the City Council finds that **Caprice Garcia** possesses the integrity, judicial temperament, and legal expertise necessary to serve as **Municipal Judge** for a two-year term beginning January 2026; and

WHEREAS, the City Council further finds that **Antonio Gabilondo** demonstrates professionalism, sound judgment, and effective case management necessary to serve as Municipal Prosecutor for a two-year term beginning January 2026; and

WHEREAS, the appointment of these individuals will support the City's transition to a **Court of Record** and promote the highest standards of fairness and professionalism;

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

Section 1: Appointment of Municipal Judge

The City Council hereby appoints **Caprice Garcia** to serve as **Municipal Judge** for the City of Justin, for a two-year term beginning January 2026.

Section 2: Appointment of Municipal Prosecutor

The City Council hereby appoints **Antonio Gabilondo** to serve as **Municipal Prosecutor** for the City of Justin, for a two-year term beginning January 2026.

Section 3. Effective Date

This Resolution shall take effect immediately upon its passage and approval.

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

SECTION 7: If any portion of this resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the City Council hereby determines that it would have adopted this resolution without the invalid provision.

SECTION 8: That this Resolution shall take effect immediately upon passage.

AND IT IS SO RESOLVED AND APPROVED THIS THE 11TH OF DECEMBER, 2025.

ATTEST:

CITY OF JUSTIN

Amy M. Piukana
City Secretary

James Clark
Mayor



City Council Coversheet
December 11, 2025
415 N. COLLEGE AVE.

Agenda Item: 5. (CONSENT AGENDA)

Title: Consider approving Resolution 798-25 amending and adopting the Personnel Manual; and take appropriate action.

Department: Administration

Contact: Janet Holden, Human Resources Generalist

Recommendation:

City Staff recommends the City Council approve Resolution 798-25, as presented.

Background:

The City Council, in accordance with the City Charter, shall review and approve the City's personnel manual. The following amendments have been made:

HB 198 - Requiring mandated no-cost occupational cancer screenings to Firefighters

HB 46 - Extension regarding medical marijuana usage

Crown Act

HB 4144 (2025) - Critical Illness Supplemental Income Benefits (Retired Firefighters/Retired Peace Officers)

HB 331 (2025) - Expands workers' compensation for heart attacks and strokes suffered by first responders

Certification Compensation - updated

Travel Reimbursement - updated

Absenteeism and Tardiness - updated

City Events - updated

Overtime - updated

Compensatory Flex Time - updated

Utilization of City Vehicles and Equipment - updated

Vacation Leave - updated

Personal Days - updated

Emergency leave - updated

Military Leave Short Term - updated

Grievance and Compliant Procedures - updated

HB 7962 (2025) - Severance Pay Limitations

Definitions - updated

City Attorney Review: No

Attachments:

1. Resolution 798-25 - Personnel Manual

RESOLUTION NO. 798-25

**A RESOLUTION OF THE CITY OF JUSTIN CITY COUNCIL
AMENDING THE CITY OF JUSTIN PERSONNEL
POLICIES; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the City of Justin (the “City”), Texas is a Home Rule municipality located in Denton County; and

WHEREAS, from time to time it may be necessary to review and amend the City of Justin Personnel Policies to ensure compliance with laws and address changes within the organization; and

WHEREAS, all constitutional, statutory and legal prerequisites for the passage of this Resolution have been met, including but not limited to the Open Meetings Act; and

WHEREAS, the City Council has determined that it is in the best interest of the City of Justin and its employees to adopt this Resolution.

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

SECTION 1. The recitals set forth above are true and correct and are incorporated herein by reference as part of this Resolution.

SECTION 2. The City Council hereby amends the City of Justin Personnel Policies as presented in “**Exhibit A**”.

SECTION 3. That this Resolution and associated exhibits shall become effective September 1, 2022.

DULY PASSED by the City Council of the City of Justin, Texas, on the 11th day of December, 2025

APPROVED:

James Clark, Mayor

ATTEST:

Amy Piukana, TRMC City Secretary

APPROVED AS TO FORM:

City Attorney

CITY OF JUSTIN TEXAS



PERSONNEL POLICY

Last Adopted January 2026

CITY OF JUSTIN PERSONNEL POLICY

Welcome to the City of Justin

This manual has been developed to acquaint you to the City of Justin and provide you with information about working for the City, employee benefits and some of the policies affecting your employment. You should read, understand, and comply with all provisions of this manual. This manual describes many of your responsibilities as an employee and outlines the programs developed by the City of Justin to benefit its employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

No employee manual can anticipate every circumstance or question regarding policies. As the City of Justin continues to grow, the need may arise and the City of Justin reserves the right to revise, supplement, or rescind any policies or portion of the manual from time to time as needed, in its sole and absolute discretion. The only exception to any changes is our employment-at-will policy permitting you or the City of Justin to end our relationship for any reason at any time.

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This handbook is not a contract, express or implied, guaranteeing employment for any specific duration. Although we hope that your employment relationship with us will be long term, either you or the City may terminate this relationship at any time, for any reason, with or without cause or notice. Please understand that no supervisor, Director or representative of the City has the authority to enter into any agreement with you for employment for any specified period or make any promises or commitments contrary to the foregoing.

CHAPTER I - INTRODUCTION

Sec. 1.1 Purpose:

These policies and operating procedures replace and supersede City of Justin Personnel Policy dated September 30, 2018, and any revisions thereafter, and will apply overall to every employee in the service of the City. Specific city departments will impose additional policy/procedural requirements (e.g. Police Department, Justin Police Department Manual of Rules and Regulations; Fire Department, etc.) necessary to the efficient accomplishment of its individual departmental missions.

Human Resources is assigned responsibility for developing, administering, and explaining personnel policies and procedures for all City employees. Human Resources is delegated the authority to implement and explain policies and procedures as specified by this manual. The final authority in the form of review and approval is reserved to the City Manager and City Council.

The policies stated in this policy are guidelines only and are subject to change at the sole discretion of the City, as are all other policies, procedures, benefits, and other programs of the City. From time to time, you may receive updated information concerning changes in policy.

Department Directors and subordinate management personnel are responsible for the administration and enforcement of these policies and procedures and for cooperating with Human Resources department in the discharge of their responsibilities.

Each City employee is provided with a copy of the personnel policies and is required to read the manual carefully and to adhere to the rules and regulations established in the policies. On the first day of employment Human Resources will review the policy with the new hire. Each employee is required to sign a form stating that they have received the personnel policies.

Human Resources maintains the official set of the personnel policies and all revisions for reference by employees. In addition, Human Resources will make available a complete copy of these policies and copies of subsequent revisions to each employee.

The City of Justin has the right to change these policies at any time, without prior notice to employees. Revisions and amendments will be distributed to employees.

AT WILL EMPLOYMENT: The City of Justin operates under the legal doctrine of voluntary employment-at-will and within requirements of the state and federal law regarding employment, can dismiss an employee at any time, with or without notice, for reason or no reason. No representations to the contrary by any employee will be binding unless reduced to writing and signed as authorized by the City Manager. Texas law allows the City of Justin to maintain this at-will-employment relationship with its employees.

No policies or procedures contained in this document, or any other City of Justin memorandum, manual, or publication may be construed to create a contractual employment relationship, nor do policies and procedures contained in this manual give rise to any contractual rights of any kind. This document is not intended to, nor does it, create a contract of employment between an employee and the City of Justin. Further this manual and its contents do not modify the City of Justin's employment-at-will relationship with its employees.

Equal Employment Opportunity -General: The City of Justin provides equal employment opportunities to all employees and applicants for employment without regard to race, color, creed, ancestry, national origin, citizenship, sex or gender (including pregnancy, childbirth, and pregnancy related conditions), gender identity or expression, sexual orientation, marital status, religion, age, disability, genetic information, service in the military, or any other characteristics protected by applicable federal, state or local laws and ordinances. Equal employment opportunity applies to all terms and conditions of employment, including hiring, placement, promotion, termination layoff, recall, transfer, leave of absence, compensation, and training. Personnel decisions will be made based on occupational qualifications and job-related factors such as skill, knowledge, education, experience, and ability to perform a specific job.

An employee will not engage in conduct at work that involves joking, derogatory remarks or the display of images or symbols that demonstrates racial, age, sex, religious or ethnic discrimination. Reports of such conduct will be investigated and appropriate disciplinary action taken.

The City of Justin prohibits retaliation or discrimination against any employee for opposing an unlawful or discriminatory practice as outlined above. The City will not allow any form of retaliation against individuals who raise issues or equal employment opportunity. Employees who feel they have been subjected to any such retaliation should bring it to the attention of Human Resources.

Sec. 1.2 – The City:

The City is a designation utilized to indicate the City of Justin, Texas. In the context of this publication, it identifies the synthesis of the City of Justin's personnel functions in the Office of the City Manager.

Sec.1.2.1 – The City of Jusitn:

The City of Justin is a City with a "Council-Manager form of Government". The City Council consists of a Mayor and six members of the City Council elected at large for two-year terms. Under the City Government, the City Manager is the chief administrative and executive officer of the City and administers the City Government through Department Directors and Staff.

Sec. 1.3 – Council Meetings:

Council Meetings are held on the second and fourth Thursday of the month and are held in the council chambers at City Hall. These meetings are open to the public, and you are cordially invited to attend at any time. However, if you have questions or comments concerning your job, you are asked to bring such questions and comments to your supervisor, or Department Director through proper channels.

CHAPTER II - PERSONNEL RECRUITMENT AND PLACEMENT

Sec.2.1 – Hiring the New Employee: Recruitment:

The City of Justin has several methods of recruiting and selecting person to fill vacant positions:

- Promotion or transfer from within.
- Public Announcement (including media announcement and posting of notice for the City Employees) and competitive consideration of application for employment.

The Human Resources Department in consultation with the Department Direct determines the method of selection to be used in filling each vacancy.

It is the City's policy to promote qualified employees whenever possible. IF two or more applicants have substantially equal qualifications and one is a current City employee, the current employee will be given preference of the other applicant.

The City does not accept applications for employment unless a specific vacancy exists. A person wishing to apply for a job with the City when a specific vacancy does not exist is informed of the way of advertising City job announcements and that they may file an application at any time an advertised vacancy exists for which they consider themselves qualified.

Public announcements of position openings at the City for which there will be competitive consideration are disseminated by Human Resources in the manner most appropriate for the position being filed. Current employees are permitted to apply for positions for which they believe themselves to be qualified. The length of time during which applications will be accepted will be determined by Human Resources with consultation with the Department Director in accordance with the circumstances that exist at the time.

Depending on the method of posting current employees are permitted to apply for positions in which they believe to be qualified. However, employees must be employed by the City for at least six (6) continuous months, before they are eligible to apply/transfer to another department within the City.

The City maintains a job description which establishes the required knowledge, skills and abilities for each type of City job along with the acceptable levels of experience and training for each job.

The job descriptions set forth the minimum acceptable qualifications required to fill the position, along with any licenses along with time frames to acquire those licenses.

It is the policy of the City to be an equal opportunity employer and vacancies in the City workforce are filled by promotion, or by initial appointment, based on merit as demonstrated by education, experience, and personal interview. Selections of the best qualified persons are made

based on occupational qualifications and job-related factors such as skill knowledge, education, experience, and ability to perform the specific job.

Sec.2.1.1 – Applications:

The City of Justin requires each applicant for a position to complete a prescribed City Application Form. The employee shall be held responsible for notification of change in address, current telephone number, and changes that would affect benefits or job performance.

Sec.2.1.2 -Penalty for Fraud:

Any employee who has made a false statement of material fact or has practiced any deception, fraud, or misconduct in connection with an application will be subject to disciplinary action and possible termination.

Section.2.1.3 – Background Checks:

It is the policy of the City of Justin to perform background checks and drug screens on all applicants that have been extended to a bona-fide job offer.

Sec.2.1.4 – Employee Orientation:

Upon selection of the best qualified applicant, Human Resources will conduct an orientation session to include the following:

- Personnel Guidelines
- Retirement and insurance benefits
- Employment-at-will
- Grievance procedures
- Payroll and wage procedures
- Leave accrual and usage.

Following orientation briefing, the employee will complete the following:

- All required payroll deduction forms.
- All insurance forms
- Benefit elections, and other paperwork on Employee Navigator
- All Texas Municipal Retirement System forms.
- All other necessary documents.

Following completion of orientation, the employee will be directed to his/her respective Department Director for job assignment.

Sect.2.2 – Examinations:

The Department Director has the authority to establish examinations and examination selection procedures when, in the Department Director's discretion and judgement, such procedures are called for.

Sec.2.2.1 – Scheduling Examinations:

The Department Director will schedule examinations as they occur, and anticipated needs of the City require.

Sec.2.3 – Medical Examination:

New Hires: Applicants who have been offered certain jobs will be required to undergo a thorough medical examination by a physician or laboratory designated by the City, the cost of which will be borne by the City. This examination shall include drug and alcohol screening, to determine the presence of any form of substance abuse. No applicant for such positions shall be employed by the City unless and until the examining physician has certified that the applicant meets the minimum standards of physical fitness required for fulfilling the essential tasks and duties of the position for which the applicant is applying. Psychological tests will be required for public safety positions. New hires must possess all appropriate certificates/licenses as defined by their job descriptions.

Current Employees: In the interest of safety or for any other reasonable cause for concern as to your ability to perform job-related functions, the City may require you to report to a doctor or laboratory of the City's choosing for a complete physical and mental evaluation, including drug and alcohol screening. Refusal to submit to an examination may be cause for dismissal. Employees are required to maintain the same minimum standards of physical and mental fitness required of new applicants for their assignments. All department requests for evaluations shall be coordinated through Human Resources.

Fire Department Personnel Policy – To comply with HB 198's mandate requiring cities to provide confidential, no-cost occupational cancer screenings to firefighters, beginning in the 5th year of employment and annually thereafter until substituted by a compliant annual medical exam.

- **Covered Personnel – Any firefighter as defined by Texas Government Code § 419.021 – includes both career and volunteer firefighters employed by the City.**
- **Excluded – Personnel not meeting the statutory definition (e.g. Administrative staff)**
- **Screening Schedule-Initial screening offered during the 5th year of service.**
- **Annual screenings – every year thereafter, unless substituted by an annual occupational medical exam plan compliant with NFPA standards, approved before February 1 each year.**

- Screening components – Urine test, pulmonary function test, electrocardiogram, infectious disease screening, breast cancer screening, blood test. Chest X-ray(only once every five years)
- Confidentiality – all screenings results, and participation records are strictly confidential and will not be disclosed except as authorized by the firefighter. Results are not subject to public disclosure laws.
- Alternative Compliance Option – The City of Justin may opt out of the mandated screenings if they provide an annual occupational medical exam that; is endorsed by a licensed physician, is in substantial compliance with NFPA standards, and is submitted to the Texas Commission on Fire Protection (TCFP) no later than February 1 each year.
- Administration & Coordination – The City’s HR or Risk Management Department administers the screening program . Coordination with medical providers to ensure logistics, scheduling, consent, and secure record-keeping.
- Costs & Funding – The City of Justin covers the full cost.
- Standard Development & Rulemaking – The Texas Commission on Fire Protection (TCFP) will promulgate rules adopting minimum screening standards based on NFPA guidance. Periodic updates to the policy should reflect new TCFP rule versions.
- Effective Date June 1, 2026.

Notice of Privacy Practices:

This notice of Privacy Practices is provided as a requirement of the Health Insurance Portability and Accountability Act (HIPAA). It describes how the City may use or disclose an employee’s protected health information with whom that information may be shared, and the safeguards the City has in place to protect it. This notice also describes an employee’s right to access and amend his/her protected health information. The employee has the right to approve or refuse the release of specific information outside of the City’s system except when the release is required or authorized by law or regulation.

“Protected health information” is individually identifiable health information. This information includes demographics, for example, age, address, e-mail and relates to the employee’s past, present or future physical or mental health or condition and related health care services. The City of Justin is required by law to do the following:

- Make sure that an employee’s protected health information is kept confidential.
- Give each employee this notice of the City’s legal duties and privacy practices related to the use and disclosure of an employee’s protected health information.
- Follow the terms of this notice currently in effect.

- Communicate any changes in the notice to each employee.

By law, the City must disclose the employee's health information to that employee unless it has been determined by a competent medical authority that it would be harmful to the employee. The City must also disclose health information to the Secretary of the Department of Health and Human Services (DHHS) for investigations or determinations of City compliance with laws on the protection of the employee's health information.

The City will share the employee's protected health information with third party "business associates" who perform various activities for the City of Justin (for example, the City's health insurance carrier, the drug testing administrator). The business associates will also be required to protect the employee's health information.

The City may disclose protected health information during any judicial or administrative proceeding, in response to a court order or administrative tribunal (if such a disclosure is expressly authorized) and in certain conditions in response to a subpoena, discovery request, or other lawful process.

The employee may exercise the following rights by submitting a written request (depending on the request, the employee may also have rights under the Privacy Act of 1974)/

- The employee may inspect and obtain a copy of their protected health information that is contained in a "designated record set" for as long as the City maintains the protected health information.
- The employee may request the City to provide them with an accounting of the disclosures the City has made of the employees' protected health information.
- The employee may obtain a paper copy of this notice.

This notice of Privacy Practices is provided to each employee as a requirement of the Health Insurance Portability and Accountability Act (HIPPA). There are several other privacy laws that also apply, including the Freedom of Information Act, the Privacy Act and the Alcohol, Drug Abuse and Mental Health Administration Reorganization Act. These laws have not been superseded and have been taken into consideration in developing City policies and this Notice of how the City will see and disclose the employee's protected health information.

Sec.2.4 – Nondiscrimination/Disabilities:

It is the policy of the City of Justin to make its employment application process, employee activities, working environment, employee benefits, employee training, and employee advancement process accessible to persons with disabilities and to make reasonable accommodations to a qualified individual with a disability who is an applicant or employee, unless that accommodation will place an undue hardship on City finances or operations, or will pose a danger to the applicant, the employee or others.

The City of Justin offers equal employment opportunity to qualified individuals with a disability and strictly prohibits discrimination against qualified individuals based on disability in compliance with the American with Disabilities Act (ADA) of 1990 as amended, the City will provide reasonable accommodations to otherwise qualified individuals with disabilities as prescribed in accordance with the Act.

Sec. 2.4.1 – Definitions:

- Disability – refers to physical or mental impairment that substantially limits one or more of the major life activities of an individual. A major life activity is substantially limited if an individual cannot perform the activity at all or is limited in the condition, manner, or duration under when an individual can perform the activity when compared to what an average person can do. An individual who has such an impairment has a record of such an impairment is also deemed “disabled individual” . An individual may also be deemed “disabled” if the person is regarded as having such impairment pursuant to the ADA, if the condition is transitory and minor with an actual or expected duration of six (6) months or less, then the condition does not qualify as a disability.
- Direct threat to safety – Refers to significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.
- Essential job function – refers to those activities of a job that are the core to performing the job in question and must be performed with or without an accommodation.
- Major life activity – may include things such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending,, speaking, breathing, learning reading, concentrating, thinking, communicating, or working. A “major life activity” may also include bodily functions such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive systems (this list is not exclusive).
- Qualified Individual with a Disability – refers to an individual with a disability who, with or without reasonable accommodation can perform the essential functions of the employment position that the individual holds or has applied for.
- Reasonable Accommodation – refers to making existing facilities readily accessible to and useable by individuals with disabilities, including but not limited to, job restructuring. Part-time modified work schedules, reassignment to an existing vacant positions, acquisition or modification equipment or devices adjustment or modification of examinations, adjustment or modifications of training materials, adjustment or

modification of policies, and similar activities. An accommodation is reasonable if it does not pose an undue hardship to the City of Justin.

- Undue Hardship – refers to an action requiring significant difficulty or expense by the employer. The factors to be considered in determining an undue hardship include (1) the nature and cost of the accommodation; (2) the overall financial resources of the facility at which the reasonable accommodation is to be made; (3) the number of persons employed at the facility; (4) the effect on expenses and resources or other impact upon the facility; (5) the overall financial resources of the City (6) the overall number of employees at facilities; (7) the operations of the particular facility as well as the entire City; and (8) the relationship of the particular facility to the City. These factors are not exclusive as undue hardship can include an action requiring significant difficulty or expense (e.g. an action unduly costly, extensive, substantial, and disruptive or fundamentally alters the nature of City business).

Sec.2.4.2 – Requests for Accommodations:

In accordance with the ADA, reasonable accommodations will be provided to qualified individuals with disabilities to enable them to perform the essential functions of their jobs or to enjoy the equal benefits and privileges of employment. An employee with a disability may request an accommodation. Employees are responsible for bringing up any disability related issues. The request form will be found in Human resources. A “reasonable accommodation” may be provided when it enables the employee to perform the essential functions of the job, does not cause undue hardship and does not cause a threat to safety. Below is the list of procedures to be followed for an Accommodation request:

- The request for a “reasonable accommodation” should be directed to the Employee’s Department Director or designee and should be made in writing.
- The Department Director, or designee with the assistance of Human Resources determines if the employee is a qualified individual with a disability. If the impairment is not obvious, Human Resources should request in writing that the employee submit documentation from a qualified professional, such as a physician, and it must include the following: (1) Diagnosis to substantiate the existence of the impairment; (2) Evaluation of functional limitation which impact performance of the essential functions of the job or access to benefits of employment.
- A functional job description provided by a qualified professional for the purpose of this evaluation.
- NOTE: the employee is responsible for acquiring the diagnosis and evaluation..
- The employee, Department Director or Designee and Human Resources discuss functional limitations.

- If the employee has a disability as defined by the ADA, the employee, Department Director or designee and Human Resources will discuss the specific physical or mental abilities only as they relate to the performance of essential functions of the job or access to benefits and privileges or employment.
- Assess and discuss how these barriers can be overcome with accommodations.
- The Department Director or Designee and Human Resources will identify and communicate in writing to the employee a reasonable accommodation. The accommodation will be determined on a case-by-case basis taking into consideration the documentation and information provided by the employee.
- When reasonable accommodation cannot be provided, Human Resources will discuss with the employee what options are available.

Sec 2.5 – Drug and Alcohol Policy:

The objective of this Policy is to develop and maintain a drug and alcohol-free work environment at the City of Justin to help ensure a safe and productive workplace and safeguard the public interest. To further this objective, the following rules regarding alcohol and drugs in the workplace have been established:

POLICY:

This policy is published to notify, inform, and remind all employees regardless of position that the unlawful or unauthorized manufacture, distribution, dispensation, possession, sale, purchase, or use of controlled substances, illegal drugs, or intoxicating beverages are not permitted under the City's rules on any City premises or property. Drug paraphernalia and equipment related to the use of controlled substances and illegal drugs is strictly prohibited. Employees who violate this Policy are subject to appropriate disciplinary action including termination. In the event of an accident or if there is "reasonable suspicion" because of an employee's behavior, appearance, physical manifestations the City of Justin may perform drug-testing, background checks and driver's license checks.

DEFINITIONS:

- Inside City Premises – all land and properties whether occupied or vacant, buildings structures automobiles, trucks, and other vehicles, lockers, and rooms on or at any site for the performance of work done for or on behalf of the City.
- On City Property – All property owned or leased by the City and used by employees, including (by way of illustration and not limitation) vehicles, lockers, desks, closets, etc.
- Controlled substances – Any substance listed in Schedules I-V of Sec 202 of Controlled Substance Act (21U.S.C §812) as amended.
- Drug paraphernalia – Equipment, product, or any material that is used or intended for use in concealing an illegal drug or for use in injecting, ingesting, inhaling, or otherwise introducing into the human body an illegal drug or controlled substance.

- **Illegal drug** – An illegal drug is any drug or derivative thereof of which the use, possession, sale, transfer, attempted sale or transfer, manufacture, or storage is illegal or regulated under any federal, state, or local law or regulation; any other drug including but not limited to, a prescription drug, used for any reason other than a legitimate medical reason; and inhalants used illegally. Included are controlled substances and marijuana or cannabis in all forms.
- **Reasonable cause/Reasonable suspicion** – Supported by evidence strong enough to establish that a Policy violation has occurred. A determination as to whether reasonable cause or reasonable suspicion exists in a particular situation shall be made by the joint decision of three (3) persons consisting of the employee’s Supervisor, the appropriate Department Director and Human Resources or the City Manager.
- **Testing** – Is generally defined as urine or breath test to determine chemical or drug content. Any employee may be tested for drug or alcohol use when there is a reasonable cause/reasonable suspicion that:
 - Use of substance is affecting performance or:
 - The employee is engaged in any of the prohibited acts or activities listed in this policy.

Additionally testing can occur in:

- The pre-employment processes.
- A routine physical examination
- The treatment of an injury caused or contributed to by an employee.
- Investigation of an on-the-job accident.
- **Under the influence** – A state of having a blood alcohol concentration of 0.08 or more, where “alcohol concentration” has the meaning assigned to it in Article 67011 – 1 Texas Revised Civil Statutes; or the state of not having the normal use of mental or physical features resulting from the voluntary introduction into the body of an alcoholic beverage or a controlled substance.

Sec. 2.5.1 Medical Marijuana Personnel Policy

The policy outlines the City of Justin’s approach to employee use of medical marijuana in accordance with applicable state laws. While the City recognizes that medical marijuana may be legally prescribed, the City of Justin maintains a commitment to a safe drug-free workplace.

This policy applies to all employees of the City of Justin including full-time, part-time and temporary staff.

The City of Justin will not discriminate against an employee or applicant based solely on their status as a qualified medical marijuana patient under state law. However, employees are prohibited from:

- Reporting to work under the influence of marijuana
- Possessing, using, distributing, or being impaired by marijuana on company premises or while performing job duties, regardless of medical authorization;
- Operating company vehicles, heavy machinery, or performing safety-sensitive functions while under the influence of marijuana.

Employees who are registered medical marijuana patients may voluntarily disclose their status to Human Resources if requesting a workplace accommodation.

Documentation Required – A valid medical marijuana card and physical certification.

Confidentiality – all medical information, including medical marijuana status, will be kept confidential in accordance with HIPAA and company policy.

Note: Reasonable accommodations will be evaluated in accordance with state law but may not be granted if it poses a safety risk or impairs the employee's ability to perform essential job functions.

The City of Justin may conduct drug testing under the following circumstances:

- Pre-employment screening
- Post-accident investigation
- Reasonable suspicion of impairment
- Random testing for safety-sensitive positions

A positive test result for THC will be evaluated in context of the employee's medical marijuana registration and job role.

Employees in safety-sensitive positions (e.g. drivers, equipment operators, etc.) are strictly prohibited from working while using or impaired by medical marijuana. These positions may be excluded from certain accommodations as permitted by law.

Violation of this policy may result in disciplinary action, up to and including termination of employment, especially where impairment endangers workplace safety or violates federal law or regulations.

While medical marijuana may be legal under state law, it remains illegal under federal law. The City of Justin complies with applicable federal regulations, especially for federally regulated job functions.

Sec.2.6 – GENERAL POLICY PROVISIONS

Any of the following actions constitutes a violation of the Policy and may subject an employee to disciplinary action, including immediate termination.

- Using, selling, purchasing, transferring, possessing manufacturing, or storing an illegal drug or drug paraphernalia or alcohol, or attempting or assisting another to do so, while in the course of employment or engaged in an activity sponsored by the City; on premises of the City; in vehicles owned, leased, or rented by the City, or on business of the City.
- Working or reporting to work, conducting city business, or being on city premises or using any city property, while under the influence of an illegal drug or alcohol or in an impaired condition.
- Switching, adulterating, or attempting to tamper with any sample submitted for medical testing, or otherwise interfering or attempting to interfere with the testing process.

Sec.2.7 – DRESS CODE

Purpose:

To have the City of Justin employees project a high standard of personal cleanliness, always grooming and professional appearance during working hours with business casual attire or uniforms. The dress code guidelines in the policy are designed for the employees to maintain a neat business like but comfortable professional image to the public and fellow employees.

General:

The dress code guidelines apply to all full-time, part-time, temporary, seasonal, uniformed, and non-uniformed employees. Clothing must be in good condition, pressed, clean, properly fitting and appropriate to position. Employees should always wear appropriate shoes when working within the City and/or at City Offices.

For attendance at Council Meetings and other meetings outside the City of Justin's offices, business suits, sport coats, dresses, and tailored pants suits are recommended for non-uniformed employees. Uniformed employees are recommended to follow the acceptable business casual guidelines.

Supervisors are responsible for:

- Administering this dress code.
- Determining appropriateness if questionable attire.
- Counseling when necessary.
- Determining special department needs.

An employee shall refrain from wearing apparel that is low-cut, backless, tank top style, excessively tight or excessively short.

Uniformed Employees:

Employees are required to wear uniforms and/or specified apparel will be provided with new uniforms and apparel with required insignia upon employment. Replacement uniforms and

apparel will be furnished at the City's expense on "as needed" basis and per individual Department Guidelines.

Each Department determines what type of footwear to be worn based on the safety needs of the job. Uniformed employees who terminate employment with the City must return all uniforms and apparel issued by the City by the time his/her final paycheck is issued. Department Directors are responsible for the removal and return of identifying patches and insignia.

Employees will not wear City-issued uniforms, including any issued hat, for other than City work. However, uniforms may be worn to and from work, including any incidental stops that may occur while on the way to and from work (examples include basic errands such as trips to the bank or grocery store). An employee who wears the City of Justin uniform represents the City of Justin and will always conduct themselves in a professional manner whether the employee is on or off duty or outside of the City of Justin.

Personal Hygiene:

Well-groomed employees should be aware that it is necessary to include daily bathing, the use of deodorant and the practice of good dental hygiene in their personal habits to project a professional appearance and non-offensive work environment.

Based on the safety needs of the job, employees with long hair must wear it tucked under a cap or hat. Employees with facial hair must be neatly trimmed. Supervisors or Department Heads will make the determination when this is needed.

Dress Standard:

Due to many types of jobs within the City, several different dress standards are necessary. An employee who is in doubt as to the dress standard for their department should contact his or her supervisor. In instances where this policy conflicts with Department dress codes the more restrictive policy will apply.

Example: If an employee's duties require him/her to have constant contact with the public, that employee may be held to higher dress standard than one with little or no contact with the public.

Exceptions to Standard Dress Policy:

The above-stated provisions apply in normal work situations, however, there may be instances where exceptions may be made, including, but not limited to, special work assignments or inclement weather. In times of extreme snow or ice, when a specific short-term situation is dictated or when medical conditions exist. A Department Directors are responsible for monitoring the appearance of their employees and taking corrective action when necessary.

Sec. 2.8 – Crown Act

The City of Justin is committed to providing a workplace free of discrimination. In accordance with the Texas Crown Act and the Texas Labor Code, the City prohibits discrimination on the basis of an individual's hair texture or protective hairstyle commonly or historically associated with race, ethnicity or culture.

Definitions :

- Protective Hairstyle; A hairstyle that is commonly or historically associated with race, ethnicity or culture. Examples include braids, cornrows, twists, locs, afros and hair that is tightly coiled.
- Hair Texture: The natural form of the hair, including tightly coiled, curly, wavy, straight, etc.

Prohibited Practices:

- The City will not adopt or enforce any dress, grooming or appearance policy that discriminates against hair texture or protective hairstyles commonly or historically associated with race.
- Employees will not be required to alter or modify a protective hairstyle in order to comply with grooming or dress code requirements unless the requirements are justified.

Sec.2.9 – Employee Records:

Personnel files are kept and maintained in the Human Resources Department.

Information in an employee's personnel file is public information and must be disclosed upon request unless specific items are excepted from disclosure by law. No information from any record placed in an employee's file will be communicated to any person or organization except by Human Resources, the City Manager, or by another employee authorized to do so by the City Manager.

Each employee may choose whether the City discloses the employee's home address and telephone number. A form for this purpose is available at the time of hire and is maintained in the employee's personnel file.

An employee or a representative designated by the employee in writing may examine the employee's personnel file upon request during normal working hours in the presence of Human Resources at the City Hall. The employee may request copies of items or material in their personnel file but may not remove anything from the file. Once the employment relationship between the City and an employee end, the employee will no longer have the ability to view their personnel file. It is the responsibility of the employee to provide Human Resources with any changes in or corrections to information recorded in their individual personnel file such as:

- Home address
- Telephone Number
- Emergency Contact
- Change in marital status or in the number of dependents (for the purpose of health insurance and income tax withholding)
- Change in beneficiary for the life insurance and retirement benefits.
- Any additional schooling, certificates or degrees earned during your employment.
- Other pertinent information

Sec. 2.10 – Residence

There is no general requirement that City employees live within the City of Justin. However, employees likely to be called to work in cases of emergency may be required to live within a 45-minute drive from their places of work. At the discretion of the City Manager certain positions may have requirements to live closer than a 45-minute drive from their place of work..

Sec. 2.11 Affiliations/Favoritism

Sec 2.11.1 – Nepotism:

Persons related within the third degree of affinity or within the third degree of consanguinity to the Mayor or Member of the City Council will not be eligible for employment.

Relatives of other employees may be employed but not under the immediate supervision of any relative related within the third degree of affinity or within the third degree of consanguinity. To assist in identifying various critical relationships, the following can be utilized.

Consanguinity (Blood Relationships)

<u>First Degree</u>	<u>Second Degree</u>	<u>Third Degree</u>
Mother	Grandmother	Uncle (mother or father's brother)
Father	Grandfather	Aunt (mother or father's sister)
Sister	Granddaughter	Niece (sister or brother's daughter)
Brother	Grandson	Nephew (sister or brother's son)
Daughter		First Cousin (aunt or uncle's daughter or son)
Son		

Affinity (Marriage Relationships)

<u>First Degree</u>	<u>Second Degree</u>	<u>Third Degree</u>
Wife	Mother-in-Law	anyone related by Consanguinity

Husband	Father-in-Law	(blood) to the Employee's Spouse
	Sister-in-Law	
	Brother-in-Law	the Spouse of anyone related by
	Daughter-in-Law	Consanguinity (blood) to the Employees
	Son-in-Law	Spouse

Sec. 2.11.2 – Questionable Influence

Should there be known to exist any special relationship or special relationship or special motivating factors, either directly or indirectly, between a recommended candidate and the screening supervisor, this will be explained in a narrative justification and forwarded to the Human Resources Department and the City Manager before the selection is made final. Special relationships or special motivating factors include familial relationships between the selectee and any Justin municipal employee; friendships with other municipal employees or requests (asking favors) concerning the potential selectee by other municipal employees or anyone who might have an interest in exerting their influence upon Justi Municipal functions.

Sec. 2.12 – Employment Status

There are three major general classifications of employees: Regular, Probationary and Temporary (Seasonal).

Sec. 2.12.1 – Regular Full-Time Employees

Are those employees who work a full workweek (as defined in sec. 3.3) on a regular basis.

There are two classifications of part-time employees – those who work at least thirty (30) hours on a regular basis and those who work less than thirty (30) hours on a regular basis. Those working more than thirty (30) hours shall be considered “Part-time” – 30 employees and those who work less than thirty (30) hours shall be considered “Part-time” employees.

Sec.2.12.2 – Probationary Employees

Employees who are newly hired regular employees that have not yet completed their initial probationary period, which is generally six (6) months after hire, depending on the job classification and performance. Probationary employees can either be full-time, part-time or part-time -30 employees.

Sec.2.13 – Probationary Period

Every person initially employed by or promoted in City service as a regular employee will be required to successfully complete a probationary period of six (6) months. The new employee's supervisor will assist him or her during this time. Each new employee's performance will be

evaluated as he or she adapts to the new job. Written notification of this individual's employment status will be entered into his or her personnel file at the conclusion of the initial trial period. A probationary employee may be dismissed at any time during the probationary period with no recourse to the formal appeal procedure. The duration of the probationary period may be extended if an employee is away from his or her job for an extended period or if the employee's performance or attendance is not yet satisfactory. Should the Department Director decide to extend the probationary period, a written notice outlining the reasons for the extension will be issued to the employee.

During the probationary period, an employee will be eligible for all regular benefits to which they would be eligible as a regular employee.

Police Department new hires will be subject to a twelve (12) month probationary period from the date of hire.

Should an employee fail to successfully complete their probationary period, they may be subject to disciplinary action up to and including termination.

Sec. 2.14 – Job Performance

A Formal written evaluation will be conducted at various times, but at least annually, for each employee. Scores on evaluations will be used to compare the performance, experience, and qualities of employees to their job requirements. The performance evaluation may vary for different job categories, departments and /or supervisory capacity. The evaluations will become a part of the employee's permanent personnel record file.

- New field employees will be evaluated at the end of each training period. These evaluations, conducted by a trainer or supervisor, will be reviewed by the immediate supervisor of the new field employee. These reviews will be taken into consideration when making full evaluations.
- All new employees' first six (6) months of employment represent a probationary period. Each new employee may be given a series of evaluations during this period.
- All new employees will be reevaluated at 190 days to determine if they have successfully completed their probationary period.
- Before termination is recommended, the employee's evaluation will be reviewed by Human Resources and the City Manager.
- Upon completion of the first year of employment, evaluations will be completed at least annually.

Police Department personnel will have unique evaluation standards and their evaluations.

Sec. 2.15 – Job Descriptions

A job description outlining the duties and responsibilities of each position within the City of Justin will be on file in the office of Human Resources.

Chapter III - EMPLOYEE PAY AND BENEFITS

Sec. 3.1. – Salaries

All positions will be classified either as exempt or non-exempt according to job qualifications, duties performed, and responsibilities assumed.

Sec. 3.2. – Timecards and Method of Payment

Hours worked should be entered into the ESS time management system for the supervisor and/or Department Director approval. Human Resources will download all hours worked no later than 10:00 on Monday following the end of the pay period. All time entered through the ESS time management system must be approved by the employee and their supervisor or Department Director.

All non-exempt employees are required to record all hours worked. After he/she has entered their time into the ESS time management system for the current pay period, review the time entered for accuracy. Once the time has been reviewed for accuracy, then approve the time. Never approve of anyone else's time and never allow anyone else other than your Supervisor or Department Director to approve your time. Never enter time for anyone nor allow anyone to enter time for you. These are both grounds for disciplinary action up to and including termination.

It is crucial that all employees verify their time to help avoid future corrections. It is the responsibility of the supervisor or Department Director to verify that the employee's submitted hours follow the overtime and compensatory time guidelines. Any corrections should be corrected prior to the final approval by the supervisor or Department Director.

Exempt employees are required to submit time as well. Although exempt employees may work more than their regular forty (40) hours, workweek, the entering of hours in the ESS time management system aids in the tracking of employee leave and can be the basis for allowing work leave.

Sec. 3.3 – Pay Day

Employees will be paid bi-weekly every other Wednesday for the period which ended on the previous Sunday. Should pay day fall on a holiday, pay day will be on the preceding workday. Non-exempt employees must track all time worked, and their supervisors must approve time entries prior to pay days.

Sec 3.4 – Accrual of Paid Time

Employees working twenty-nine (29) hours or less per week do not accrue any paid time off and are part-time. Permanent employees working full-time, defined as thirty-five (35) or more hours

per week shall accrue paid time off on a full basis. Permanent employees working at least thirty (30) hours per week shall accrue paid time off on a $\frac{3}{4}$ basis of benefits provided to full-time employees. Temporary and seasonal employees do not accrue paid time off.

Sec. 3.5 – Insurance

Regular full-time and part-time-30 employees are eligible for medical, dental, vision, and life insurance coverage on the first day of the month following date of hire.

The City of Justin offers as a benefit to full-time and part-time-30 employees the following insurance coverage: health insurance, dental insurance, vision insurance, short-term disability, long-term disability insurance and life insurance. The City will provide a copy of the current plan to the employee at the time of employment. The City reserves the right to periodically update and alter the plans to ensure the best possible policy and coverage for the employees.

Eligible employees may add dependent coverage at the employees' expense as allowed by the City's insurance plans. An eligible dependent is an employee's spouse, or natural or legally adopted child or stepchild, provided the child or stepchild is 26 years of age or younger.

Sec. 3.5.1 – Critical Illness Supplemental Income Benefits (retired Firefighters/Retired Peace Officers)

This policy outlines the guidelines and provisions regarding supplemental income benefits for retired firefighters and peace officer diagnosed with specific critical illnesses, in compliance with Texas House Bill 4144 (2025), which amends Chapter 607 of the Government Code.

This policy applies to all retired firefighters and peace officers who:

- Retired from a fire department or law enforcement agency with at least fifty (50) personnel.
- Were diagnosed with one of the qualifying critical illnesses within three (3) years of retirement.

Qualifying Critical Illness

The following conditions are recognized as qualifying critical illnesses under this policy:

- Cancer (as defined in Sections 607.055 and 607.056 of the Government Code)
- Acute myocardial infarction(heart attack)
- Stroke

Benefit Entitlement

Retired individuals diagnosed with a qualifying critical illness within three (3) years of retirement are entitled to a supplemental income benefit, provided the City of Justin does not offer a comparable health benefit plan.

The benefit amount is the lesser of:

- The retiree's final annual salary
- \$100,000

This amount will be adjusted every ten years based on the Consumer Price Index, as determined by the commissioner of workers' compensation.

Payment Options

The supplemental income benefit may be provided in one of the following formats:

- A lump sum payment
- Equal payments over three (3) consecutive months.

Exemptions

This policy does not apply to political subdivisions that provide a health benefit plan to retirees and that is comparable in coverage and cost to the plan offered to the retiree immediately before retirement.

Implementation and Administration

- Notification – Retired individuals must notify the Human Resources Department of their diagnosis within thirty (30) days of receiving a qualifying diagnosis.
- Documentation – Official medical documentation confirming the diagnosis must be submitted with the notification.
- Review – The Human Resources Department will review the submitted documentation and determine eligibility for the supplemental income benefit.
- Payment Processing – Upon approval, the benefit will be processed and disbursed according to the selected payment option.

Sec. 3.6 – Pension Plan

A retirement account will be established for each full-time employee with the Texas Municipal Retirement System ("TMRS") upon his or her employment with the City. Deposits to the employee's Retirement Account, which include the employee's mandatory contribution and the City's contribution will be made for each pay period. The City also offers an optional (457b) Deferred Compensation Plan. Contributions into this account will be made by the employee at the end of each pay period and will be automatically deducted from the employee's paycheck. The City does not contribute funds into this account.

Sec. 3.7 – Workers' Compensation Insurance

The City maintains workers' compensation insurance for all employees if an employee is injured on the job. Employees are required to report any on the job injury immediately to his/her

supervisor. Consistent with applicable state law, failure to report an injury within a reasonable period could jeopardize your claim. Texas state law prescribes the criteria for receipt of workers' compensation payments.

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 serves 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. 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 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, Police Officer or EMT 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 Workers' Compensation Act:

The Texas Workers' Compensation Act provides injured employees with an accepted 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 8th 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 as defined in H.B. No. 471). If the claimant reaches the 15th 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 2 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 Workers' Compensation temporary income benefits if available.

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:

- Total and permanent loss of sight in both eyes.
- Loss of both feet at and above the ankle.
- Loss of both hands at and above the wrist.
- Loss of one foot at or above the ankle and the loss of one hand at or above the wrist.
- An injury to the spine that results in permanent and complete paralysis of both arms, both legs or one arm and one leg.
- A physical traumatic injury to the brain resulting in a permanent major neurocognitive disorder or a psychotic disorder.

- Third degree burns that cover at least 40 percent of the body and require grafting or third degree burns covering the majority of both hands, both feet, one hand and one foot, or one hand or foot and the face.
- 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.

Implementation of Texas HB 331 (2025)

This policy establishes procedures and guidelines to comply with Texas House Bill 331 (2025) which expands workers' compensation presumptions for heart attacks and strokes suffered by first responders during or shortly after performing their duties.

This policy applies to all firefighters, peace officers, and emergency medical services (EMS) personnel employed by the City of Justin.

In accordance with Texas Government Code § 607.056 as amended by HB331, the department recognizes that any heart attack (acute myocardial infarction) or stroke resulting in disability or death shall be presumed to have occurred in the course and scope of employment if:

- The affected employee was engaged in stressful or strenuous physical activity related to their emergency response duties or training exercises during their shift; and
- The event occurs within eight (8) hours after the end of the shift in which the activity occurred.

This presumption applies regardless of whether the activity was "routine" or "nonroutine."

Definitions:

- Stressful or Strenuous Physical Activity – Physical exertion involving fire suppression, rescue operations, hazardous materials response, emergency medical services, law enforcement activities, or related training exercises.
- First Responders – Includes firefighters, peace officer, and EMS personnel.

Procedures

Reporting – employees experiencing symptoms of a heart attack or stroke during or shortly after performing covered activities shall immediately report the incident to their supervisor and seek emergency medical care. Supervisors must ensure prompt documentation and reporting of the incident to the department's Human Resources Department.

Workers Compensation Claim

Upon notification of a qualifying medical event, the Human Resources Department will initiate a workers' compensation claim under the expanded presumption provided by HB 331. Claims will

be processed in accordance with Texas Department of Insurance, Division of Workers' Compensation guidelines.

Medical Evaluation

The employee may be required to undergo medical evaluation and provide medical documentation to support the claim. The Human Resources Department will maintain confidentiality of all medical records in compliance with applicable laws.

Training

All employees covered under this policy will receive training on HB 331 provisions and the process for reporting and filing claims related to heart attacks and strokes.

Confidentiality

All information relating to workers' compensation claims will be kept confidential to the extent permitted by law.

Sec. 3.8 – Injured Employee Wage Continuation Benefits

All other Full-time employees who sustain physical injury on the job shall receive wage payments as injured employee wage continuation payments which are separate and distinct from and in addition to Workers' Compensation payments. Injured employee wage continuation would continue if a physician selected by the employee and approved by the City Manager certifies that the employee is not able or should not return to regular or full-time work due to the injury. Wage continuation benefit payments shall not be charged against sick leave, or vacation time until supplemental wage continuation benefits have been exhausted. The total amount paid to an injured employee while absent from work, including any combination of Workers' Compensation benefits, wage continuation benefits, sick leave, vacation leave and wages for work performed shall not exceed one hundred percent (100%) of full pay which he/she would have received for such period at his/her regular hours and rate of pay. In no event unless expressly authorized by the City Manager shall the total amount of wage continuation benefits paid to an employee as a result of physical injury, including any later aggravation, relapse or re-injury, exceed thirty (30) working days at one hundred percent (100%) of his/her regular hours and rate of pay; nor shall supplemental wage continuation benefits be paid for absence from work or inability to perform regular or full-time work for an injury sustained two (2) or more years previously. While off work and drawing injured employee wage continuation benefits, an injured employee shall continue to accrue vacation and sick leave at regular rate. If the employee is receiving weekly Workers' Compensation payments, then sick and vacation leave may be taken in an amount necessary to make the difference between such payments and full regular pay.

The term "physical injury" as used in this section shall mean an injury to the physical structure of the body or a part thereof including any subsequent aggravation or re-injury that occurs while

the employee is acting in the course and scope of his/her employment and shall not include any illness, disease or infection except such illness, disease or infection as is directly caused by and naturally results from a physical on the job injury. Injuries that occur while traveling to and from work, while engaged in horseplay, or while attending to personal matters shall not be deemed injuries to qualify for this supplemental benefit.

An employee with a physical injury who is able as determined by the treating physician to perform light duty will be required by the City Manager to do so for his/her original department or another department.

An employee who does not qualify for injured employee wage continuation benefits, or whose benefits are used up before being released for duty by the treating physician may take his/her accrued sick and/or vacation leave, to equal one hundred percent (100%) of regular pay. An employee who has used all accrued sick and vacation leave and injured employee wage continuation benefits before being released for duty by the treating physician may be granted a leave of absence without pay for a reasonable period upon recommendation of the Department Director and approved by the City Manager.

An employee who is physically able to and who fails to report an on-the-job injury, however minor, within twenty-four (24) hours after it occurs may not receive or be eligible for injured employee wage continuation benefits, when an employee is injured on the job he/she shall notify his/her supervisor, complete a written accident report immediately, and submit it to Human Resources.

Sec. 3.9 – Certification Compensation

Certification compensation will be offered to regular full-time employees. This benefit is only offered for certifications within your job description requirements **January 1, 2026**. Anyone receiving Certification Pay for Certifications not listed will be grandfathered and will continue to receive that certification pay. Please see below all certifications pay rates. This schedule may be updated from time to time by the City Manager.

Certification Pay Schedule

City Secretary	\$100/month
Certified Government Finance Officer	\$75/month

Planning & Development

Code Enforcement Officer II	\$75/month
Plumbing Inspector License	\$75/month
International Code Council Certification	\$75/month
GIS Professional Certification	\$75/month

Can only be paid for one level of code enforcement certification and one ICC Certification

TECQ Water

A	\$100/month
B	\$50/month
C/Ground Water Treatment C	\$25/month

Can only be paid for highest level of water license if multiple is held.

TECQ Wastewater Treatment/Collection

A/Collection III	\$100/month
B/Collection	\$50/month
C/Collection II	\$25/month

Can only be paid for the highest level of wastewater license if multiple is held.

TCOLE Peace Officer

Master Peace Officer	\$100/month
Advanced Peace Officer	\$75/month
Intermediate Peace Officer	\$50/month
Field Training Officer	\$50 per month

*FTO pay is only received for pay periods in which an individual is acting as a field training officer during any portion of the pay period.

Fire Department

Master Certification	\$100/month
Advanced Certification	\$75/month
Intermediate Certification	\$50/month
Certified Fire Marshal	\$75/month
Fire Inspector Certification	\$75/month
Plans Examiner	\$75/month
Hazmat Technician	\$100.00/month

Can only be paid for the highest level of certification.

Municipal Court Clerk Certification

CCE	\$100/month
CCM	\$100/month
Level III	\$75/month
Level II	\$50/month
Level I	\$25/month

Can only be paid for the highest level of Court Clerk Certification.

Parks & Recreation

Certified Playground Safety Inspector	\$50/month
Non-Commercial Political Pesticide Applicator License	\$25/month

Bilingual Certification**Translation****\$50/month**

Water/Wastewater On-Call Pay**\$80 per week if served in on-call capacity (prorated if not on call for a full week)****\$120 per week if served in on-call capacity during a week with a City-observed holiday.**

Sec.3.10 Tuition Reimbursement

Tuition reimbursement may be offered to regular full-time employees who have completed twelve (12) months' employment with the City: The tuition for degree programs of Associate and Bachelor will be reimbursed up to the rate of current tuition at the nearest state university. Degree plan must be related to current position held within the City. An employee must submit a written request and receive pre-semester approval for degree course which is beneficial to his/her current position or department. Approval will be subject to review by the City Manager.

Upon completion of the approved degree coursed he/she must submit a certified copy of coursed, grades and related receipts to the Department Director for reimbursement approval. Associate and bachelor's degree courses will be reimbursed at 100% for a grade of "B" or better or "Pass" in a course utilizing the "pass/Fail" grading scale. Grades of "C" or lower or "Fail" will not be reimbursed. Maximum of six (6) credit hours with a maximum reimbursement of \$1,500 per semester.

All coursework must be completed in the employee's personal time away from work. Failure to do so will affect employees' eligibility to receive reimbursement.

If an employee resigns or is terminated for any reason prior to course completion, the City of Justi shall not be obligated to reimburse any part of the expense.

An employee who resigns or is terminated less than two years after completion of reimbursed course must return the monies to the City upon termination.

Tuition reimbursement will only be available provided there are funds allotted in the current fiscal year budget.

Sec. 3.11 – Travel Reimbursement

A City employee traveling in their personal vehicle on pre-approved City business shall be reimbursed at the current Internal Revenue Service Mileage Rate. If the employee is traveling as part of an overnight stay, the mileage reimbursement for travel to and from the destination shall be included in a travel advance payment. The City Manager or Department Director must approve any travel that requires an overnight stay.

When a City employee is required to stay overnight, that employee shall receive a travel advance allowance for expenses based on the General Service Administration's per diem rates of the

appropriate location. If the employee is not staying at a designated conference hotel, the amount of the hotel costs for each night shall not exceed the Government Service Administration's allowable rates for that location and time of year.

Should the event/conference be cancelled or if the employee is unable to attend, any travel advance received by the employee will need to be refunded back to the City within two weeks of the event/Conference.

Sec.3.12 – Longevity Pay

Full-time employees with one full year of service as of November 1st shall receive longevity pay of \$50 for each completed year of service. Longevity pay will be paid out on the pay period prior to the Thanksgiving holiday.

Sec. 3.13 – Compensation Plan

Compensation For Classified Positions:

- Each job shall be assigned to one of the classified grade levels. The compensation plan shall specify an entry, mid and maximum level with an hourly wage or salary, within each classification. The City Council as part of its annual budget process will consider the allocation of funds for pay plan adjustments to the pay plan. The Council may also consider the allocation of funds for additional raises (for example, to employees who have already reached the maximum pay grade level).
- Employees at the top of a pay grade may be eligible for a base or pay plan adjustment if authorized by City Council.
- Probationary employees are not eligible for a pay increase until the completion of their six-month probationary period.

Amendment to a Plan

The compensation plan may be amended, as circumstances require, through changes recommended by the City Manager and approved by the City Council.

Position	Min	Mid	Max	Min	Mid	Max
Accountant	\$57,513.00	\$71,425.00	\$85,340.00	\$27.65	\$34.34	\$41.03
Account Services Coordinator	\$42,726.69	\$51,729.60	\$62,067.20	\$20.54	\$24.87	\$29.84
Administrative Coordinator PW	\$41,499.11	\$49,543.50	\$58,979.97	\$19.95	\$23.82	\$28.36
Asst. City Manager	\$151,708.26	\$154,939.50	\$158,795.20	\$72.94	\$74.49	\$76.34
Asst. Fire Chief	\$115,005.20	\$134,449.14	\$145,883.35	\$55.29	\$64.64	\$70.14
Building Inspector	\$52,356.41	\$62,774.35	\$73,497.94	\$25.17	\$30.18	\$35.34
Building Official	\$81,912.35	\$90,739.27	\$100,906.53	\$39.38	\$43.62	\$48.51
City Manager	\$198,284.00	\$199,224.50	\$204,886.00	\$95.33	\$95.78	\$98.50
City Secretary	\$94,311.53	\$99,271.54	\$118,374.39	\$45.34	\$47.73	\$56.91

Code Enforcement Officer	\$46,657.48	\$56,312.99	\$64,578.31	\$22.43	\$27.07	\$31.05
Communications Manager	\$66,664.00	\$83,324.80	\$99,985.60	\$32.05	\$40.06	\$48.07
Construction Inspector	\$50,086.40	\$62,587.20	\$75,108.80	\$24.08	\$30.09	\$36.11
Controller	\$88,712.00	\$110,884.80	\$133,078.40	\$42.65	\$53.31	\$63.98
Court Clerk	\$37,627.20	\$47,028.80	\$56,430.40	\$18.09	\$22.61	\$27.13
Court/Library Administrator	\$88,712.00	\$110,884.80	\$133,078.40	\$42.65	\$53.31	\$63.98
Customer Service Specialist	\$37,321.00	\$46,928.22	\$53,004.42	\$17.94	\$22.56	\$25.48
Director of Development and Economic Development	\$114,078.56	\$125,313.74	\$159,192.17	\$54.85	\$60.25	\$76.53
Director Public Works	\$121,805.12	\$137,677.70	\$160,658.37	\$58.56	\$66.19	\$77.24
ED Coordinator	\$63,595.84	\$78,455.52	\$93,314.99	\$30.57	\$37.72	\$44.86
Finance Director	\$122,369.61	\$138,623.51	\$156,997.68	\$58.83	\$66.65	\$75.48
Fire Captain		\$104,078.88				
Fire EMT Basic		\$86,764.18				
Fire EMT Paramedic		\$95,421.52				
GIS Tech	\$50,086.40	\$62,587.20	\$75,108.80	\$24.08	\$30.09	\$36.11
Human Resources Director	\$111,761.95	\$116,834.92	\$146,483.19	\$53.73	\$56.17	\$70.42
Library Assistant	\$32,455.45	\$38,875.20	\$46,654.40	\$15.60	\$18.69	\$22.43
Municipal Street Crew Lead	\$47,762.50	\$57,419.20	\$63,124.60	\$22.96	\$27.61	\$30.35
Municipal Street Worker	\$37,627.20	\$47,028.80	\$56,430.40	\$18.09	\$22.61	\$27.13
Municipal Street Crew II	\$40,916.75	\$50,368.89	\$59,821.28	\$19.67	\$24.22	\$28.76
Office Manager Public Works	\$26,940.62	\$38,084.80	\$48,630.40	\$12.95	\$18.31	\$23.38
Parks & Municipal Superintendent	\$73,050.91	\$86,061.35	\$98,924.94	\$35.12	\$41.38	\$47.56
Parks Team Lead	\$47,442.34	\$54,381.57	\$62,251.91	\$22.81	\$26.14	\$29.93
Parks Worker I	\$37,627.20	\$47,028.80	\$56,430.40	\$18.09	\$22.61	\$27.13
Parks Worker II	\$39,665.60	\$48,611.20	\$57,282.52	\$19.07	\$23.37	\$27.54
Permit Tech	\$35,782.61	\$48,257.05	\$57,111.64	\$17.20	\$23.20	\$27.46
Police Admin Asst	\$47,969.98	\$51,873.38	\$61,069.20	\$23.06	\$24.94	\$29.36
Police Cadet	\$61,946.28	\$66,502.19	\$75,108.80	\$29.78	\$31.97	\$36.11
Police Chief	\$122,503.88	\$138,743.30	\$165,402.50	\$58.90	\$66.70	\$79.52
Police Corporal	\$76,208.98	\$94,198.75	\$99,985.60	\$36.64	\$45.29	\$48.07
Police Detective	\$66,664.00	\$83,324.80	\$99,985.60	\$32.05	\$40.06	\$48.07
Police Lieutenant	\$86,954.74	\$114,845.63	\$127,115.50	\$41.81	\$55.21	\$61.11
Police Officer	\$65,414.57	\$79,718.70	\$82,695.36	\$31.45	\$38.33	\$39.76
Public Relations Specialist	\$49,920.00	\$59,116.00	\$79,853.00	\$24.00	\$28.42	\$38.39
Senior Accountant	\$66,720.96	\$82,590.40	\$98,459.61	\$32.08	\$39.71	\$47.34
Senior Construction Inspector	\$55,078.40	\$68,868.80	\$82,617.60	\$26.48	\$33.11	\$39.72
Utilities Superintendent	\$73,320.00	\$91,644.80	\$109,969.60	\$35.25	\$44.06	\$52.87
Utility Maintenance WW	\$37,627.20	\$47,028.80	\$56,430.40	\$18.09	\$22.61	\$27.13
Utility Maintenance WW II	\$44,955.40	\$54,707.89	\$62,913.91	\$21.61	\$26.30	\$30.25
Utility Billing Supervisor	\$63,406.42	\$74,615.03	\$88,215.61	\$30.48	\$35.87	\$42.41
Utility Maintenance Water	\$37,627.20	\$47,028.80	\$56,430.40	\$18.09	\$22.61	\$27.13

Utility Maintenance Water II	\$44,955.40	\$54,707.89	\$62,913.91	\$21.61	\$26.30	\$30.25
Water Team Lead	\$47,805.49	\$57,437.37	\$66,210.09	\$22.98	\$27.61	\$31.83
WW Team Lead	\$47,477.33	\$56,070.35	\$63,096.05	\$22.83	\$26.96	\$30.33

CHAPTER IV - ATTENDANCE AND PAY REQUIREMENTS

Sec.4.0 – Workweek

Because of the nature of our business, your work week schedule may vary depending on your job. Normal business hours are set by the City Manager and/or Department Director and may vary between Departments or positions. A typical schedule would be Monday through Friday with one (1) hour of unpaid time off each day for lunch. A morning and afternoon break will be available to employees for duration of fifteen (15) minutes for each period. The standard workweek is forty (40) hours for all employees, excluding the police and fire departments.

Sec. 4.1. – Absenteeism and Tardiness

The City expects all employees to assume diligent responsibility for their attendance and promptness. If you are unable to work because of illness; you must notify your supervisor at least thirty (30) minutes prior to the start of your shift on each day of your absence. Failure to properly notify the City results in an unexcused absence.

Sec. 4.1. – Guidelines

- When you have advanced knowledge of an impending absence, you must request permission to be absent at least three (3) days in advance of the scheduled absence, or as soon as you become aware. The request should be submitted and approved by your supervisor. Some departments may have additional requirements because of scheduling and shifts.
- Should you have a personal or family emergency or illness and are unable to provide advanced notice of your absence, you must notify your Supervisor as soon as permitted by the emergency circumstance.
- If you expect to be late for the start of your shift, you must call your supervisor and inform them of your delay.
- Only under emergency situations may a family member contact your supervisor to notify them of your absence.
- If you are absent from your job due to an illness, a doctor's note may be requested upon your return. The doctor's note should provide the date of your illness or injury when you were seen or under the physician's care and release that allows you to return to work with or without limitations.
- In addition, an employee who the City suspects is abusing this policy (e.g. habitually tardy, unacceptable absenteeism, etc.) may be required to submit a physician statement or to be examined by a City designated physician.

Sec. 4.1.2 Failure to Notify of Absence

An employee who fails to properly notify the appropriate personnel in advance of an absence or tardiness may be subject to disciplinary action.

Sec. 4.1.3 – Abandonment of Position

An absence of two (2) consecutive workdays without notices the employee shall be considered to have abandoned the job without notice, effective at the end of their normal shift on the second day of absence.

Sec. 4.2. – City Events

The City hosts several special events each year. All Director level employees will be required to attend the City events unless excused by the City Manager or Assistant City Manager.

Sec 4.3 – Inclement Weather

Except for extraordinary circumstances, City offices DO NOT CLOSE. All City employees whether exempt or nonexempt are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations.

If an employee determines the weather conditions constitute a danger to life and/or property; the employee must notify the immediate supervisor and/or Department Director and decide to report to work if weather conditions improve. Any leave taken due to inclement weather can be flexed or charged to vacation. Regular full-time and part-time non-exempt employees who are unable to flex their time and who have no accrued vacation time available will not be paid for the time missed. Should the City Manager decide to close early, all employees who report to work will be paid for a full day.

The Department Director/immediate supervisor is responsible for seeing that City services are staffed while City offices are open for business during inclement weather or emergency conditions. Any service that cannot be provided during inclement weather or other emergency conditions must be immediately reported to the City Manager's Office.

When weather or other conditions are such that the City Manager declares City offices/departments officially closed, all affected personnel i.e. those non-essential employees who are scheduled to work during the time of closure, will be granted administrative leave for the time the office/department is closed.

Sec. 4.4 – Overtime

Employees may from time to time be required to work more hours than their official hours, when determined necessary by management. Employees are expected to respond to a reasonable

request to work extra hours and may be subject to disciplinary action for failure to stay or report for such hours.

Regular, part-time trial and temporary nonexempt employees will receive overtime compensation. Exempt employees are not eligible for overtime pay.

The City is responsible for determining the exempt/nonexempt status of positions pursuant to guidelines established by the Federal Fair Labor Standards Act (FLSA).

For all employees excluding the police and fire departments overtime will be paid to nonexempt employees at one and one-half (1 ½) times the regular rate for hours worked over forty (40) hours in the work week. Hours worked are defined as hours worked, as well as emergency leave and holiday hours. Vacation, sick, military, jury duty and personal leave are not considered to be “hours physically worked” for the purpose of calculating overtime.

For Police Department Nonexempt employees, overtime shall be paid at one and one-half (1 ½) times the regular rate for hours worked as well as emergency leave hours more than eight-four (84) hours in a fourteen (14) day pay period.

For the Fire department nonexempt employees, overtime is more than one hundred and six (106) hours per fourteen (14) day pay period and shall be paid at one and one-half (1 ½) times the regular rate for hours worked as well as emergency leave, holiday, military and jury duty. Vacation and sick time and personal time are not considered to be “hours physically worked” for the purpose of calculating overtime. The exception will be if an employee has received overtime work due to backfilling a position during a TIFMAS deployment. Then sick and vacation will be considered as “worked hours” due to the deployment.

Sec. 4.5 – Compensatory Flex Time

Compensatory (comp)time is available only to FLSA exempt employees. Due to their exempt status, and exempt employee may work any number of hours in a single workweek or pay period and not receive overtime pay. Comp time is earned on an hour for hour basis for all hours worked more than eighty (80) hours in a single pay period. Comp time may be used when approved by the Department Director or City Manager and should be used within two weeks of accrual of comp time.

Sec 4.5.1 – Flex Time

Flextime is a tool used to allow employees to work hours that are not within the standard work schedule. There are times when a department’s operational needs require employees to either come in earlier than their normal reporting time, or to stay later than their normal end of shift time.

The adjustment of an employee’s work schedule must be approved in advance by the immediate supervisor prior to the employee working the adjusted schedule. It is the responsibility of the

immediate supervisor to verify and ensure the performance of employees who are granted flextime.

Good relationships amount everyone involved are important for a successful flex-time policy. Trust is a big factor, supervisors must feel confident that the employees will not abuse the benefits that are inherent in a flex-time schedule. Flextime is a privilege, not a right and if abused can be taken away at the discretion of the supervisor.

Examples of Flex-time schedules:

- Adjusted leave or start time – an employee may be allowed to report later or leave earlier.
- Adjusted lunch period – An employee's length of their lunch period may be adjusted while still working a full day.
- Compressed workweek – An employee may, for example, be allowed to work four nine (9) hour days and one four (4) hour day.

Sec. 4.6 – Holiday Worked.

Non-Police Department employees working on a schedule City holiday shall be paid for hours worked at one and one half (1 ½) rate, in addition to receiving holiday pay for eight (8) hours if a full-time employee or six (6) hours if a part-time-30 employee at their regular rate of pay. To receive holiday, pay an employee shall have worked his or her last scheduled day before and the day after the holiday unless excused by the appropriate Department Director. Holiday pay is only available to full-time and part-time-30 employees.

Sec. 4.7. – Callback Pay

Callback pay is provided to certain employees who are required to be available to respond to emergencies. Your rate of pay will be consistent with normal overtime policies.

It is the responsibility of the employee to check with his/her supervisor prior to working on such occasions to make certain that overtime is authorized. Employees will only be paid overtime in an emergency if his/her services are utilized on the emergency.

Sec. 4.8. – Call Duty Pay

Water, Wastewater Nonexempt Employees

When an employee is assigned call duty for a two-week time period he/she will be paid \$80.00 per week on call premium per week. When an employee is assigned to be on-call, he/she must be able to report to work within 45 minutes of receiving the call.

The individual taking call duty during all City observed Holidays will receive \$120.00 on call premium for the week that the holiday falls.

Employees who are called to respond to a call or to perform routine checks on a non-scheduled workday will be paid a minimum of two (2) hours for each time he/she is called in. Employees who are assigned to on-call duty must use a City of Justin vehicle for their on-call duty.

An employee who is called in to work by his or her supervisor/manager will be paid a minimum of two (2) hours worked. Employees who are called in to work by his or her supervisor must use a City of Justin Vehicle for the work needed.

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, which leads to lost or damaged equipment, will result in the employee reimbursing the City for 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 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. City issued phones and computers are prohibited for the use of social media apps per SB 1893.

Sec 4.10 – Valid Driver's License

Operators of vehicles and motorized equipment used in City business are required to have a valid State of Texas driver's license necessary for legal operations of that vehicle or equipment and to notify their Department Director of any changes of status or suspensions in licenses. Failure to maintain a safe driving record may be grounds for disciplinary action including termination.

As well as any employee that uses their personal vehicles for City business shall abide by the same requirements.

Suspension, revocation, or lapse in the validity of the required driver's license of an employee who operates vehicles or motorized equipment in the conduct of City business may result in termination or re-assignment of the employee.

Sec. 4.11 – Accident Reporting

Any accident on City property, at a City worksite, or involving a City vehicle or motorized equipment must be reported immediately to the employee's supervisor, and when warranted the Police Department.

Any employee observing or involved in a motor vehicle accident must immediately notify the Police Department.

An employee witnessing or involved in an accident must stay on the accident scene (unless medical treatment is needed) until released by law enforcement.

Sec. 4.12 – City Owned Vehicle and Equipment Use

The purpose of this policy is to define and describe the usage parameters related to the operation of City of Justin vehicles and motor-driven equipment by City employees.

- Ensure the safety and well-being of City employees.
- Facilitate the efficient and effect usage of City vehicle and motor-driven equipment use.
- Minimize liability to the City and set standardized disciplinary procedures.
- Establish standard requirements and procedures for all City of Justin employees who drive a City-owned vehicle or motor driven equipment in the course of City business.

City-owned vehicles and equipment must meet certain standards and follow the requirements outlined in this policy. Some departments have additional vehicle use policies, and in the case of conflict the most restrictive provision shall apply unless specifically stated herein.

Supervisors and Department Directors are responsible for implementing and enforcing this policy. All employees who operate City vehicles and equipment shall be briefed by their immediate supervisor on this policy and shall be informed that violation of this policy can result in suspension, demotion, and termination.

Sec. 4.13 – Definitions

The items defined within this section of this policy shall apply only to this section of this policy:

- “City owned Vehicle or Piece of Equipment – a vehicle or piece of equipment owned or leased by the City of Justin.
- “De Minimis” – Latin for “ of minimum importance” essentially refers to something that is so little, small, miniscule, or tiny that the law does not refer to it and will not consider it.

- “Driver” – Operator of a motor vehicle, motor driven equipment or equipment attached to a vehicle or motor driven equipment.
- “Chargeable” – the employee violated a State traffic law; violated an established department safety policy or practice or both. The employee was a fault or contributed to the cause of the accident.
- “Employee” – means a person including an officer or firefighter who is paid by the City of Justin, but does not include an independent contractor, an agent or employee of an independent contractor or a person who performs tasks the details which the City of Justin does not have the legal right to control.
- "Take home vehicle" – a City-owned or leased vehicle which may be stored at an assigned employee's residence who resides in the City of Justin or has received approval from their Department Director if the employee resides outside of the City limits.
- “Scope of employment” – means the performance for the City of Justin of the duties of an employee's office or employment and includes being in or about performance of a task lawfully assigned to an employee by their supervisor or Department Director.
- “Vehicle accident” – includes all accidents or incidents involving personal injury or property damage to or caused by a City vehicle, motor driven equipment or equipment attached to a vehicle or motor driven equipment.

Sec. 4.14 – Utilization of Vehicles and Equipment

City owned vehicles and motor driven equipment shall not be used for personal reasons or personal business. This prohibits the hauling of personal property from one place to another, personal shopping trips and non-business-related transportation of family members.

City-owned vehicles should not be driven on toll roads, with the exception of the Police and Fire Departments as needed. All other employees shall be responsible for reimbursement to the City of any accrued toll charges.

Should a City employee receive any type of moving violation while operating a City owned vehicle, the City employee will be responsible for any and all expense of the moving violation and must report the moving violation to their supervisor within 24 hours of the moving violation occurring.

Only City employees, the City Manager and City Council members are authorized to travel in a City vehicle and equipment unless authorized by supervisors or Department Director.

Sec. 4.15 – Take Home Vehicles

In accordance with IRS requirements, personal use of vehicles is not allowed other than commuting to and from work and de minimis personal use. The IRS regulations consider using City Vehicles for commuting as income. This will be accounted for to the IRS as required on employees' W2. The supervisor or Department Director will provide a listing of employees

(excluding Police and Fire Department vehicles) who have been authorized to take a City vehicle home with the number of days that the City vehicle has been taken home to Human Resources so that those employees driving a City vehicle home will have the correct income added to their pay-check period.

Calculation: Usage will be recorded in the payroll system by multiplying the daily dollar amount of \$3.00 times the number of days driven home. Example \$3.00/day X 10 days = \$30.00 entered in the employee record.

Department Directors and/or supervisors are responsible for ensuring that employees properly log on for the correct days when vehicles were taken home.

Vehicles assignments shall be evaluated based on department provided services, special/critical need, special skills emergency status, and frequency of recall after hours. The Department Director will consider the following criteria in approving an employee to be permitted to take a City vehicle home after normal work hours:

- The employee is the primary operator of the vehicle.
- The employee meets the City of Justin's driving requirements.
- The employee has not had his or her driving privileges revoked or suspended withing the last five (5) years.
- The vehicle is to be used to respond to emergencies or as part of on-call responsibilities.
- The vehicle is used to contribute to the efficiency and/or effectiveness of City operations.

For circumstances outside of the criteria noted above, we will require the approval of the City Manager.

Take home authorization may be revoked by:

- The employee uses the vehicle for personal reasons.
- The employee violates any federal or state law.
- The employee allows any non-employee or City official to travel in the vehicle or motor-driven equipment without authority.
- The employee fails to comply with the provisions of this policy.
- The employee has a change in job assignment, duties, or responsibilities such as that a take home vehicle is no longer justified or
- When it is in the best interest of the City of Justin.

Employees operating take-home City owned or leased vehicles who submit leave notices for three (3) or more consecutive workdays must make arrangements with their supervisor to leave the vehicle and keys for use by other City personnel during such period.

Sec. 4.16 – Eligibility for Operating a City Owned/Leased Vehicles and Equipment

No employee shall operate a City vehicle or a piece of equipment without first being trained, instructed, licensed, or certified as may be applicable in its proper operation and use. An employee that knowingly operates a City vehicle or a piece of equipment without the proper license or does not notify their supervisor of their suspended or expired license, will be subject to disciplinary action up to and including termination.

To be eligible to operate a City-owned vehicle or piece of equipment, employees shall:

- Be a minimum of 18 years of age (employees 17 years of age may drive in accordance with guidelines from the Department of Labor).
- Maintain a valid Texas driver's license of the type that is required for the vehicle/equipment being operated.
- Have an acceptable driving record. An acceptable driving record shall mean that the employee or applicant has:
 - No more than three (3) moving violations within the preceding two years.
 - No more than two (2) moving violations within the preceding twelve (12) month period resulting in conviction. (evidence of traffic violations includes, but is not limited to convictions, "no contest please", dismissal for defensive driving purposes, receiving deferred adjudication and current charge)
 - Not have been convicted of driving while intoxicated within the preceding three (3) years.

By applying for, or continuing employment, in a position that may involve driving a City vehicle or operating City owned equipment, an employee thereby consents to checks of his/her driving record.

Employees who drive City owned vehicles on City business must notify their supervisor immediately of any change in driver's license status, including State suspension, revocation, or restriction. These violations may result in the immediate suspension of the employee's privilege to operate a City owned vehicle or equipment. Additionally, the employee may be subject to disciplinary action up to and including termination.

If an employee is charged with DWI/DUI, City driving privileges shall be immediately suspended pending the final disposition of the charge. If convicted, the employee may be subject to termination. Additionally, an employee who normally drives a City vehicle for business purposes, who has their driving privileges suspended, may not drive their personal vehicle to conduct City business, unless such personal use is approved by the employee's Department Director, and they obtain a State Occupational license, as necessary. A copy of the State

Occupational license will need to be given to both the employee's Department Director as well as Human Resources to be placed in the employee's personnel file.

Sec.4.17 – General Maintenance and Condition of Vehicles

Supervisors and Department Directors are responsible for the overall condition of the vehicles assigned to their department. Supervisors and Department Directors shall ensure that all vehicles are maintained in optimum running condition for maximum fuel economy and life span. Vehicles will always be kept clean, inside and out.

Employees shall not:

- Smoke or utilize any tobacco products or electronic cigarettes inside City owned vehicles or motor driven equipment.
- Employees shall not possess, purchase or be under the influence of drugs or alcoholic beverages while operating City vehicles or motor driven equipment.
- Alter the body, design, appearance, or markings of the vehicle.
- Use fuel, oil or other substances not approved by the Equipment Division or
- Perform mechanical repairs unless authorized by the Equipment Division

Each day employees who operate City owned or leased vehicles or motor driven equipment shall ensure the vehicle or equipment is in a safe, clean and operable condition by checking the fuel, fluid levels, tires and overall condition of the vehicle. Employees shall immediately report deficiencies to their supervisor who will take appropriate action to allow a vehicle or piece of equipment to remain in service or remove it for repair. Under no circumstances shall a vehicle or piece of equipment be allowed to remain in service that a serious safety defect such as slick tires, leaking fuel lines, exhaust entering passenger compartment, or defective brakes.

Vehicles shall be kept sufficiently fueled for emergency responses. City personnel shall only keep authorized City equipment and authorized personal equipment in the assigned vehicle.

Sec. 4.18 – Vehicle and Equipment Accidents

If an employee is involved in an accident, in the course of performing their duties, while driving a City or personal vehicle, the individual will be required to follow the specific accident reporting procedure outline by the department. The following steps should be followed by all employees.

- Stop the vehicle at the scene of the accident without obstructing traffic more than necessary and stay at the scene of the accident.
- Activate warning/safety lights.
- Contact the Police Department or Sherriff's Department as applicable.
- Contact supervisor or Department Director

- Give a statement of facts of the sequence of events to the investigating officer.
- The drive of the City vehicle will be tested as soon as practicable but not later than 24 hours after the accident.

The employee's supervisor will investigate all accidents involving a City vehicle that is part of their departmental fleet. The supervisor and employee will complete and submit a City of Justin Incident Investigation Report within 48 hours of the accident to the City Secretary and Human Resources.

An employee that fails to report an accident or injury within eight (8) hours of the accident, or who falsifies any information pertaining to an accident, will be subject to disciplinary action up to and including termination.

Sec. 4.19 – Responsibilities of Vehicle and Equipment Operations

- Employees shall always operate City vehicles and equipment in a safe and courteous manner. Unsafe, negligent or reckless driving is prohibited. Drivers must obey all laws and regulations.
- When unattended, City vehicles shall be legally parked and properly locked.
- Employees who operate City vehicles or motor driven equipment shall keep vehicle doors and trunk always locked with the ignition turned off and keys in their possession upon every exit of vehicle or motor driven equipment. At no time should a vehicle be left unattended with engine running and/or keys in or on the vehicle. (Exception to this will be Police vehicles).
- Employees utilizing City owned or leased vehicles or motor driven equipment are strongly encouraged to find a safe and secure location and stop their vehicles using cellular phones and laptop computers.
- Employees must immediately report damage or vandalism to their supervisor.
- When stopped on any roadway or on the shoulder of a roadway, the driver of the City vehicle shall activate warning/safety lights except when lawfully parked at the curb or street side.
- Employees who use City owned or leased vehicles and motor driven equipment should be aware that the operation and appearance of such vehicles reflect the professionalism of the driver, their respective department and the City. Accordingly, personnel must be constantly aware of their actions and ensure that their behavior, appearance, and operation exhibit the highest level of professionalism and courtesy.

Sec. 4.20 – Disciplinary Action

Supervisors will use the following guidelines to decide regarding disciplinary action after a thorough review of all circumstances.

The following shall be grounds for disciplinary action. Such disciplinary action may include suspension or revocation of the use of an assigned vehicle, suspension or termination.

- Negligence, abuse or misuse on the part of an employee in the care or operation of City owned or leased vehicles or equipment.
- Failure to follow procedures and regulations, failure of an employee to follow the procedures and regulations governing the use of the individually assigned vehicle established herein.
- Traffic law violations of any traffic law pertain to the use and operation of a motor vehicle while operating a City vehicle.
- Criminal law violations, any violation of any criminal law in the use or operation of the assigned vehicle pursuant to any law of the State of Texas, City Ordinance or Federal Law.
- Operating vehicle while possessing/under the influence of drugs or alcohol or consuming alcoholic beverages or using drugs in a City vehicle (immediate termination).
- Excessive accidents, employees having a combination of two or more preventable or chargeable accidents within thirty-six (35) months.

The first preventable vehicle or equipment incident will result in a written reprimand. The supervisor or Department Director will create a corrective action notice, which will outline a corrective action plan to rectify the problem. The supervisor will inform the employee of possible consequences if the problem is not corrected.

The second preventable vehicle or equipment incident within three (3) years of the first preventable incident will result in suspension and three (3) month probation. The supervisor or Department Director will create a corrective action notice which will outline a corrective action plan to rectify the problem. The supervisor or Department Director will inform the employee of the possible consequences if the problem is not corrected.

The third preventable vehicle or equipment incident within three (3) years of the first preventable incident will result in immediate termination.

As an additional counter measure leading to reducing driver error and ticketed incidents, employees may be required to take a defensive driving or a municipal vehicle operations course offered through Texas Municipal League. Employees may also be required to complete additional operation training if it is identified as a contributing factor in the incident.

Employees who fail to report incidents in accordance with department policy may be disciplined up to and including termination.

Sec. 4.21 – City issued Cellular Phones

Where job needs demand immediate access to an employee, the City may issue a City owned cellular telephone to an employee for work-related communications. These phones are intended to be used for business purposes and incidental personal calls should be as brief as possible. It is recognized that employees will use City issued cellular phones for personal use. Abuse of City issued cellular phones can result in disciplinary actions up to and including termination.

Employees shall make no changes to City issued phones as it relates to passcodes and phone identification. Returned cell phones that have been altered that cause the phone to be inoperable upon separation of employment shall be responsibility of the employee.

Maintenance:- Each employee who is assigned to a City cell phone is responsible for good care and maintenance of the assigned device. Reasonable precautions should be made to prevent theft of or damage to the cell phone and related equipment.

Replacement: Any person who loses or causes a cellular phone to be disabled or non-repairable may request a replacement phone, if the event that caused the damage can be justified as work related. If an employee requires a replacement phone due to employee negligence, the employee will be required to pay for the replacement phone. Multiple replacements may lead to disciplinary action.

Sec. 4.22 – Return of City Property and Equipment

When an employee terminates or is terminated from City employment, any City property (tools, equipment, badge, keys, etc.) that has been issued to the employee must be returned before the employee leaves City property. Failure to return City property or equipment will result in the total amount being deducted from the employee's final check.

Sec. 4.23 – Telecommuting

The City of Justin considers telecommuting to be a viable, flexible work option that will help employees accomplish their work effectively without disruption to City services. Telecommuting may be appropriate for some employees and jobs but not for others, depending for example, on the essential functions of the position and the employee's experience with the City in the particular position. Telecommuting is not an entitlement, it is not a Citywide benefit, and it in no way changes the terms and conditions of employment with the City of Justin.

Purpose and Scope:

- The City considers the alternative of telecommuting which would allow employees the ability to work from home or a remote location when it is mutually beneficial to the City and the employee and when it complies with guidelines as set forth by the City. Eligible employees may telecommute up to a maximum of two (2) days per workweek.

- Telecommuting is not a widespread employee benefit, but an alternative method of meeting the needs of the City. Since telecommuting is a privilege, the City has the right to refuse to make telecommuting available to an employee and to terminate a telecommuting arrangement at any time.
- Department Directors will determine if an employee is eligible to be placed on a telecommuting assignment. Department Directors will be guided in their decision – making by their assessment of job duties that may be conducive to working remotely and operational needs assessments. All telecommuting assignments regardless of their basis must be approved by the Department Director. Because the City provides essential services to members of the community, there are position in the City that require the employee to be physically present in the workplace. Employees are not required to telecommute, and employees have the right to decline to telecommute if the option is made available to them. Employees who do choose to telecommute have the right to cease telecommuting and return to his/her former in-office work pattern at any time.
- The Department Director's request for an employee to telecommute for more than two (2) days will require the City Manager's approval.

Job Responsibilities and Regular Communication

- While telecommuting employees must perform the full range of their normal job duties. Employees and supervisors should maintain communication throughout the workday, through email, by phone, video chat or other means. Department Directors and supervisors will be expected to establish and communicate work expectations of employees working remotely, including setting work priorities, deadlines and reviewing work assignments.
- The duties, responsibilities and conditions of employment remain the same as if the employee were working at their regular work site. Job responsibilities, standards of performance and performance reviews remain the same as they would be if the employee were working at the regular City work site. The employee shall comply with all City policies and procedures while working at home or in an alternate location.
- Supervisors and Department Directors shall ensure that telecommuting employees meet expectations and successfully execute their job duties. Supervisors and Department Directors should ensure that productivity and service quality is maintained while employees are telecommuting.
- Departmental requirements take precedence over the schedule and telecommuting arrangements specified in the Telecommuting Agreement if there is a scheduling conflict. Supervisors and Department Directors will provide the employee with advance notice, if at all possible, when flextime schedules or telecommuting must be curtailed. Employees are required to report to the office when requested.

Work Schedules and Time Worked

- Telecommuting employees must coordinate with their supervisor the set hours that will be devoted to performing their work. Start and end times for telecommuting employees should be communicated in advance and should be consistent from day-to-day, as much as possible. As approved by the employee's supervisor or Department Director an employee's start time and end time may be permitted to be different from the employee's normal hours when working on-site.
- Employees who are not exempt from overtime requirements under the Fair Labor Standards Act (FLSA) will be required to accurately record all hours worked. Employees should coordinate with their supervisor and Department Director for any periods of time during the workday when they will not be working. Any overtime must be authorized in advance by the employee's supervisor and Department Director.
- Employees exempt from FLSA should record any full-day absences with paid leave on the bi-weekly timesheet in accordance with normal protocols.

Equipment and Tech Support

- Electronic equipment needed for employees to telecommute will be supplied by the City to the extent resources are available. In certain circumstances and/or if sufficient resources are not available, employees may be required to use their personal phones, computers, or other equipment. Equipment supplied by the employee if deemed appropriate by the organization, will be maintained by the employee. The City accepts no responsibility for damage or repairs to employee-owned equipment and reserves the right to make determinations as to appropriate equipment subject to change at any time. Equipment supplied by the City is to be used for business purposes only. The employee must sign inventory Telecommuting Assignment Form with an inventory of the City property authorized for telecommuting use and thereby agree to take appropriate action to protect the items from damage or theft. All City-owned equipment issued to an employee must be returned immediately at the conclusion of the telecommuting arrangement. Employees are responsible for both providing access to and ensuring the adequacy of internet bandwidth suitable for any work performed at an alternate work location.
- The City will provide employees with appropriate office supplies (pens, paper, etc.) as deemed necessary. Telecommuting employees will establish an appropriate work environment within the remote workspace including but not limited to desk, tabletop, or other location that provide optimal work productivity. Given the nature of this program, employees are not expected to purchase furniture or equipment to arrange a home workspace.

CHAPTER V - LEAVES AND ABSENCES

Sec.5.1 – Holidays

New Years' Day	January 1
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday after Thanksgiving	Fourth Friday in November
Christmas Eve	December 24
Christmas Day	December 25

When a holiday falls on Saturday , the preceding Friday will be observed as the holiday. When a holiday falls on Sunday, the following Monday will be observed. When Christmas Eve and Christmas Day fall on Saturday or Sunday, respectively, the holidays will be observed on the Friday before and the Monday afterwards. If the holiday falls on a normal scheduled day off, there will not be an additional day off.

Sec. 5.2 – Vacation Leave

Vacation leave is paid time off from the job. Employees are eligible for vacation pay as follows:

1-3 years	80 hours (10 days)
4-9 years	120 hours (15 days)
10+ years	160 hours (20 days)

Although a new regular employee will begin to accrue vacation leave on their first day of employment, no vacation leave may be taken during the first six (6) months of employment, unless approved by the City Manager. Vacation time must be earned before it is used.

Temporary and/or seasonal employees are not eligible for vacation time.

Part-time-30 employees shall accrue vacation leave according to the proportional hours worked per week.

Fire Department Employees working 24-hour shifts shall accrue vacation leave at a rate of (15) hours per month and a total of 132 hours of holiday time per calendar year to use at any time. Holiday time will not accrue. Should a Fire Department employee leave employment during the year after taking Holiday time, any over payment of holiday time will be paid back to the City from the employee's final check.

Police Department Uniformed Officers will accrue a total of 156 Holiday time per calendar year to use at any time. Holiday time will not accrue. Should a Police Department employee leave employment during the year after taking Holiday time, any over payment of holiday time will be paid back to the City from the employee's final check. Police Department Uniformed Officers will be allowed to carry over 12 hours of Holiday time on January 1st of each year.

Employees whose employment time exceeds six months may take vacation time as it is accrued pursuant to the following requirement:

- Vacation leave must be approved by the Department Director to allow for coordination and continuation of City business.
- Vacation leave may not be taken in blocks of more than eighty (80) hours without prior approval of the City Manager.

Employees will be allowed to carry forward four hundred and eighty (480) hours of unused vacation hours into the next fiscal year. Any unused accrued vacation more than the allowable hours not taken by September 30th deadline will be considered a forfeiture of accrued leave.

Sec 5.3 – Scheduling of Vacation

Vacation requests are required to be submitted fourteen (14) days in advance or as approved by the employee's supervisor and Department Director. The City will attempt to grant the scheduling requests of the employee as near as the needs and requirements of the City will permit, giving due consideration to each employee's request in the event of a request for the same vacation time by two or more employees.

Sec. 5.4 – Sick Leave

The intent of sick leave is to prevent a loss of income to a regular employee who is absent due to an illness which is not a job-related illness and for medical appointment, illness, or injury.

Regular employees accrue sick leave at the rate of 3.08 hours per pay period for a total of eighty (80) hours per year. Part-time-30 regular employees earn sick leave in proportion to the number of hours worked. Fire Department employees working 24-hour shifts shall accrue sick leave at a rate of twelve (12) hours per month.

Sick leave may be used for illness or injury, eye or dental care or medical treatment or examination. A limited amount of sick leave may also be used when serious illness or injury in the employee's immediate family, including foster children, requires it provided the Department Director approves.

Sick leave may not be used in advance of being earned. Sick leave may be accrued up to four hundred and eighty hours (480) maximum leave. Upon separation, all sick leave shall be cancelled, except an employee hired prior to October 1, 2018, who retires with twenty (20) years of service shall be paid a lump sum of up to two hundred (200) hours of accrued sick leave.

Official holidays and regular days off shall not count against sick leave.

An employee who has been absent because of illness or injury may be required to furnish a physician's release prior to return-to-work status. The City Manager may require satisfactory proof of illness or the need to attend to a family member and disallow any sick leave in the absence of a physician's statement. Employees who willfully use sick leaves for purposes other than those which are intended in this policy, shall be subject to disciplinary action including possibly being dismissed from service.

Employees who become ill during the period of their vacation may request that their vacation be temporarily terminated, and their time charge to sick leave. A physician's statement will normally be required in such instances.

When an employee's accumulated sick leave has been exhausted, unused vacation time or personal day hours may be used as sick leave upon request of the employee and approved by the Department Director. When the absence exceeds the amount of paid leave earned and authorized, the employee will be placed on leave of absence without pay until he or she returns to work.

Sick leave will not be advanced, nor will sick leave accrue during leaves of absences without pay.

Sec. 5.5 – Personal Days

After six (6) months of continuous service each full-time employee shall be entitled to two (2) personal days off for each twelve (12) months worked. Personal days will accrue as follows, one (1) day on January 1 and one (1) day on July 1. Personal days cannot be carried past the end of the subsequent six (6) month accrual period.

Should an employee be in his/her probationary period at the time of accrual of the Personal Day, then the Personal Day will become available to them once they have completed their probationary period.

Sec. 5.6 – Emergency Leave

All full-time and part-time-30 employees may be granted emergency leave with pay in case of hospitalization, serious illness in the immediate family, (spouse, child, mother, father, mother-in-law, father-in-law, employee's grandparents, brother, or sister, grandchildren) or any emergency under extenuating circumstances that demand immediate action as follows:

- Up to three (3) days but not to exceed twenty-four(24) hours in a payroll calendar year.
- Emergency leave shall not be authorized until approved by the City Manager.
- Emergency leave will not be charged against sick leave or vacation leave until after the three (3) days of emergency leave are exhausted.

Fire Department emergency leave will have up to three (3) days not to exceed seventy-two (72) hours in a payroll calendar year.

Uniformed Police Officer emergency leave will have up to three (3) days not to exceed thirty-six (36) hours.

Full-time employee working four (4) ten-hour days will up to three (3) days not to exceed thirty (30) hours.

Sec. 5.7 – Bereavement Leave

It is the policy of the City of Justin to provide paid leave to regular full-time employees in cases of death of family members, which may be referred to as “bereavement leave” to allow time for the employee to attend to the needs of the situation. Uses of this leave may include making funeral arrangements and attending funeral services, including travel time.

While there is no accrual of bereavement leave, each regular full-time employee will be eligible for up to three (3) paid working days of bereavement leave per occurrence of the death of an immediate family member.

Up to five (5) paid working days of bereavement leave may be provided per occurrence for the death of a spouse, or child, or parent or a domestic partner(defined as an unrelated and unmarried person who shares common living quarters with an employee and lives in a committed, intimate relationship that is not legally defined as marriage).

For the purpose of this bereavement policy, immediate family is defined as current spouse, current domestic partner, child stepchild, mother, father, mother-in-law, father-in-law, employee's grandparents, brother or sister, brother-in-law, sister-in-law, and grandchildren.

Employee who wishes to take bereavement leave must notify their supervisor immediately. Employees may take additional time off as vacation, compensatory time or if no vacation or compensatory time is available, as authorized leave without pay upon approval of the Department Director.

Bereavement leave hours will not be considered “hours worked” for the purposes of overtime and will be paid at the employee’s straight time rate.

Employees who wish to attend funerals for other than immediate family must use vacation leave.

Sec. 5.8 – Maternity Disability Leave

Maternity leave is leave granted to an employee for the period of disability related to pregnancy and childbirth. The time taken as maternity leave is considered an off-the-job disability until the employee’s physician releases her for work.

Maternity leave may be charged to the employee’s accrued sick leave, vacation, personal day, or compensatory leave. The City will continue its contribution towards the employee’s health care insurance if the employee remains in paid status. Should the employee go on a leave of absence without pay, the employee would be responsible for both the City and employee’s portion of health insurance premiums, except if the employee is on Family & Medical Leave under the Family & Medical Leave Act (FMLA).

Breastfeeding break policy – For one year after the birth of a child, employees who are nursing are entitled to breaks of reasonable duration each time the employee has a need to express milk. If the employee expresses milk during a standard 15-minute rest break, she will be paid for the time. If the employee is taking an additional break for the purpose of expressing milk, the time will be unpaid. The City will provide a location free from intrusion from coworkers or members of the public which may be used for this purpose. Employees will not be retaliated against for exercising their rights under this policy.

Sec. 5.9 – Jury Duty

A regular employee required to report for jury duty during the employee’s scheduled workday is granted leave with pay. The employee receives full pay from the City for the time served on the jury up to a maximum of two (2) weeks and/or until released, whichever is less, provided the employee remits to the City all fees for jury duty as soon as the duty fees are received.

Compensation received for mileage when the employee uses his/her own vehicle will not be considered as fees and may be retained by the employee. If an employee exceeds the two-week period of paid jury duty leave, he/she may use accrued vacation or personal day hours during any additional jury leave. If a regular employee is serving jury duty when he/she is not scheduled for work or is using vacation or personal leave, or has exceeded the two-week period of paid leave, the employee may retain all fees, mileage, and subsequent allowances.

Before a regular employee can be granted leave with pay for jury duty, the employee must give their immediate supervisor a copy of the summons to serve on a jury. In addition, the employee must present documents from the court clerk showing evidence of jury duty pay and time served.

Sec. 5.10 – Voting Leave

All employees who are entitled to vote in national, state, county, or municipal elections shall, when necessary, be allowed sufficient time off with pay, not to exceed one (1) hour to vote.

Sec. 5.11 – Military Leave

Leaves of absence without pay for military or reserve duty are granted to full-time and part-time regular employees. If you are called to active military duty or to reserve or National Guard training, you are required to notify and submit copies of your Order to Duty to your Department Director/Human Resources in advance of your absence. You will be granted a military leave of absence without pay for the period of military service, in accordance with applicable federal and state laws.

Sec. 5.12 – Military Leave (Short Term)

An employee who is a member of the state military department or a reserve component of the armed forces will be granted up to fifteen (15) days of paid leave per federal fiscal year for days on which the employee is engaged in authorized training or duty ordered to authorize by proper authority, subject to the following conditions:

- All requests for leave must be accompanied by a copy of the order, directive, notice, or other document requiring absence from scheduled work.
- Leave pay will not be granted for hours before or after the regularly scheduled working hours or for overtime hours scheduled.
- Travel time included in the orders and paid for or reimbursed by the service may be counted as military leave.
- Time required over and above the maximum allowed must be taken as vacation leave, zero time or leave of absence.
- Leave calculation for Police will be paid military leave at twelve (12) hour work shift. Constitutes one workday.
- Leave calculation for Fire will be paid military leave at twenty-four (24) or forty-eight (48) work shift constitutes one workday.

Your eligibility for reinstatement after your military duty or training is completed is determined in accordance with applicable federal and state laws.

Sec. 5.03 – Administrative Leave

The appropriate Department Director and City Manager may grant an employee administrative absence with pay to attend a professional conference; convention, training activity, legislative proceedings, civic functions, or meetings related to the City.

All employees in the City service will be entitled to necessary time off with pay for the purposes of taking qualifying or promotional examinations for other City of Justin positions. This will also include hiring interviews for other Justin City positions. The amount of time allowed for this activity shall be limited as prescribed by the appropriate Department Director.

Paid administrative leave for other purposes may be approved from time to time by the City Manager.

Sec. 5.14 – Authorized Leave of Absence Without Pay

A leave of absence is not a right, but a privilege. Leaves of absence, other than those that qualify as family or medical leave may be granted without pay in cases of emergency and when a leave of absence would not be contrary to the best interests of the City. A leave of absence is granted only upon written request by an employee who presents the reason for the leave. Approval will be made in writing according to the following provisions.

- A request for a leave of absence without pay for one (1) week or less may be granted by the Department Director, depending on the merit of the individual case.
- A leave of absence, without pay, longer than one week, requires that accrued vacation leave be used first.
- A leave of absence may not exceed twelve months (12) consecutive months.
- Failure to return at the end of the agreed-upon length of leave may be considered abandonment of one's position and ground for termination.

Except when the Leave Without Pay (LWOP) is associated with an FMLA eligible period the City portion of health care and other insurance benefit premiums shall only be paid for those hours that the employee was in paid status during the pay period. All remaining portions of the premiums shall be the employee's responsibility and must be paid to the City withing thirty (30) days of the end of the pay period in which LWOP hours were accumulated.

Employees must be in paid status on both the workday before and the workday after a legal holiday to be eligible to receive holiday pay. Employees who are on an extended period of leave without pay may not return to duty solely to be paid for a holiday.

Sec. 5.15 – Absence without Leave

When an employee is going to be late or absent from work, he or she is expected to notify their supervisor thirty (30) minutes prior to the start of a shift on each day of absence or as soon as possible. If the supervisor is not notified, the employee will be considered "absent without leave" (AWOL) and will not be paid for the time involved. Being AWOL can also result in dismissal or other disciplinary action. An employee absent for three (3) consecutive days without notice shall be considered to have resigned as of the last day of active employment.

Sec.5.16 – Family Medical Leave of Absence

In accordance with the Family Medical Leave Act (referred to as FMLA), the City grants job-protected, unpaid family and medical leave to eligible employees for up to twelve (12) weeks to eligible employees in accordance with the Family Medical Leave Act of 1993 and any subsequent amendments. In situations regarding qualifying requirements (needs) of a person related to Active Military Duty, an employee may be granted up to twenty-six (26) weeks of family medical leave during any twelve (12) month rolling period. The leave may be paid, unpaid, or a combination of paid and unpaid, or a combination of paid and unpaid, depending on the circumstances and as specified in this Section.

Coverage and Eligibility

To be eligible for family medical leave an employee must have worked for the City for at least twelve (12) months (does not have to be consecutive) and have worked at least 1250 hours over the previous twelve (12) month period.

An Eligible employee is entitled to twelve (12) unpaid workweeks of leave during any twelve (12) month period for the following purposes or up to twenty-six (26) unpaid workweeks of leave during any twelve (12) month period for military caregiver circumstances.

- To care for a child following birth or placement for adoption or foster care of the child (only within twelve (12) months of birth or placement).
- To care for a spouse, child (including stepchild) or parent with a serious health condition.
- The employee's own serious health condition makes the employee unable to perform the essential functions of their job.
- Qualification as the spouse, son, daughter, parent or nearest blood relative of a wounded military service member who suffered an injury or illness while on active duty that rendered the service member unable to perform the duties of their military grade (this leave may be for up to twenty-six (26) weeks during one twelve (12) month period and husband or wife can use no more than twenty-six (26) weeks combined).
- Qualifications as the spouse, son, daughter or parent of a person eligible for qualifying exigency military leave. A qualifying exigency under military family leave is non-medical activity that is directly related to the covered military member's active duty or call to active-duty status. Exigency leave applies only under a federal call or order to active duty (not a state call to active duty unless by order of the President of the United States). Such active duty or call/order to active duty is only made to members of the National Guard or Reserve components or a retired member of the Regular Armed Forces or Reserve. An employee may not take exigency leave if the service member is a member of the Regular Armed Forces. For an activity to qualify as an exigency, it must fall within one(of seven (7) categories of activities or be mutually agreed to by the

employer and employee. The seven (7) categories of qualifying exigencies are as follows:

- Short-notice deployment (leave permitted up to seven (7) days if the military member received seven (7) or fewer days' notice of call to active duty.
- Attending certain military events and related activities
- Arranging for alternative childcare
- Addressing certain financial and legal arrangements
- Attending counseling by non-medical counselor (such as a member of the clergy)
- Rest and recuperation (leave permitted up to five (5) days when military member is on a temporary rest and recuperation leave)
- Attending post-deployment military activities.

Intermittent or Reduced Leave

“Intermittent/Reduce Schedule Leave” means taking leave in blocks of time or by reducing the employee’s weekly or daily work schedule. An employee may take intermittent leave in increments as low as thirty (30) minutes.

Definitions:

12-Month Period – means a rolling twelve (12) month period measured backward from the date leave is taken. The twelve (12) month period during which an employee may use a maximum of twelve (12) workweeks of this type of leave (or a maximum of twenty-six (26) workweeks for military FMLA) is measured forward from the date on which the employee first Family and Medical Leave Act (FMLA) leave begins.

Serious Health Condition – means an illness, injury, impairment, or physical or mental condition that involves any period of incapacity or treatment connected with in-patient (i.e. an overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity of subsequent treatment in connection with such in-patient care or continuing treatment by a health care provider, which includes any period of incapacity (i.e. inability to work, attend school or perform other regular activities)

Child – A biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is standing in place of a parent, who is either under age 18 or age 18 or older and require active assistance or supervision to provide daily self-care. A biological or legal relationship is not necessary.

Parent – A biological parent or an individual who stand or stood in the place of a parent to an employee when the employee was a child. This term does not include parents-in-law.

Spouse – means a husband or wife as defined or recognized under State Law or a State where the marriage was entered, including common law or same sex marriage.

Family Member – is defined only to include parent, spouse son and daughter.

Health Care Provider – who may provide certification of a serious health condition is any licensed or authorized health care provider within the scope of their practices under state law.

Covered Active Duty – means (1) in the case of a member of a regular component of the Armed Forces duty during the deployment with the Armed Forces to a foreign country and (2) in the case of a member of a reserve component of the Armed Forces, duty during the deployment with the Armed Forces to a foreign country where they may become involved in military actions, operations or hostilities against an enemy of the United States or against an opposing military force.

Covered Service Member – means (a) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment recuperation or therapy, for a serious injury or illness; or (b) a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy

Chronic Serious Health Condition – Is one that (1) requires visits for treatment by a health care provider or nurse under the supervision of the health care provider at least twice a year (2) continues over an extended period (3) may cause episodic rather than continuing period of incapacity.

Periodic Contact with Supervisor – while on FMLA of more than one pay period, employees are required to report weekly to their supervisor regarding the status of their leave and their intent to return to work. Contact with the supervisor should be made within normal business hours unless standard operating procedures are published otherwise.

FMLA Certification Requirements – an employee must submit a completed and sufficient medical certification within fifteen (15) days (or longer if the employee has made diligent good faith efforts to obtain it without success). If the employee submits certification in a timely manner, but the documentation is not complete or sufficient, the City will provide the employee with a list of what information is still needed and will allow the employee seven (7) calendar days to cure the deficiencies. If the employee does not submit the medical certification or correct the deficiencies within the above-mentioned timeframes, then the leave could be denied.

Employee Status and Benefits During Leave

City would require the employee to reimburse the City the amount it paid for the employee's portion of the health insurance premium, if the employee used any unpaid leave.

Working During FMLA Leave

An employee who is on FMLA should not be asked or expected to perform any kind of work other than minor tasks (i.e. providing a password).

Sec. 5.17 – Reinstatement Rights

Eligible employees are entitled on return from FMLA to be reinstated to their former position or an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Exceptions to this provision may apply if business circumstances have changed (i.e. if the employee's position is no longer available due to a job elimination). In addition, employees on leave extension are not granted reinstatement.

Sec 5.18 – Paid Quarantine Leave Policy (Police and Fire Departments)

Pursuant to Texas Local Government Code Section 180.009 the City of Justin hereby adopts this paid quarantine leave policy for firefighters, peace officers, and emergency medical technicians who are employed by, appointed by, or elected to the City and ordered to quarantine or isolate due to possible exposure to a communicable disease while on duty.

(Ref TX Loc Gov't Code 18-008(b))

Definitions:

Emergency Medical Technician – means an individual who is employed by the City and certified as an emergency medical technician under Chapter 773, Health and Safety Code.

Fire Fighter – means a paid employee of the City's Fire Department who (a) holds a position that requires substantial knowledge of firefighting, (b) has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code and (c) performs at least one of the following functions (i) fire suppression; (ii) fire prevention; (iii) fire training (iv) fire safety education (v) fire maintenance (vi) fire communications (vii) fire medical emergency technology; (viii) fire photography, (ix) fire administrations; or (v) fire arson investigation.

Health Authority – means a physician appointed by the City to administer state and local laws relating to public health within the City's jurisdiction.

Paid quarantine leave – means (1) all employment benefits and compensation including leave accrual, pension benefits and health benefit plans benefits provided by the City and (2) if applicable reimbursement for reasonable costs related to the quarantine, including lodging, medical and transportation costs.

Peace Officer – means police officer licensed by the Texas Commission of Law Enforcement and employed by the City.

Quarantine Leave

A city of Justin fire fighter, peace officer, or emergency medical technician who is ordered to quarantine or isolate by the person's supervisor or the City's health authority due to a possible or

known exposure to communicable disease while on duty is entitled to receive paid quarantine leave for the duration of the leave.

(Ref. Texas Local Gov't Code 190.008 ©.)

No Reduction in Compensation and Benefits

The City of Justin will not reduce a fire fighter's , peace officer's or emergency medical technician's sick leave balance, vacation leave balance, holiday leave balance or other paid leave balance in connection with paid quarantine leave taken in accordance with this policy.

Sec. 5.19 – Mental Health Leave (Police Department)

The purpose of this policy is to provide guidance in accordance with Chapter 614.0415 of the Texas Government Code regarding Mental Health Leave for sworn peace officers who experience a “traumatic event” in the scope of their employment.

Definitions:

“Traumatic Event” is an event which occurs in the peace officer(s) scope of employment when the officer(s) is involved in the response to, or investigation of, an event that causes the officer to experience unusually strong emotional reactions or feelings which have the potential to interfere with their ability to function during or after the incident. The events may include, but are not limited to the following:

- Major disasters which may include response to weather related events involving one or more casualties; or explosions with one or more casualties; or search and recovery missions involving one or more casualties
- Incidents involving one or more casualties which may include shootings, violence, or accident.
- Line of duty death or suicide of a department member.
- Officer involved shootings of a person.

“Mental Health Leave” is administrative leave with pay granted in response to a traumatic event that occurred in the scope of the peace officer's employment.

“Mental Health Professional” is a licensed social or mental health worker, counselor, psychotherapist, psychologist, or psychiatrist.

Sworn Peace officers” as defined under the Code of Criminal Procedure 2.12 and employed by the City of Justin Police Department.

Eligibility:

Sworn peace officer involved in a traumatic event causing a need for mental health leave are not required to wait for the usual waiting period to be eligible to request the use of leave.

Amount of Leave

A sworn peace officer may be allowed up to forty-eight (48) hours or six (6) days of paid mental health leave per event. This will not reduce the employees' sick leave, vacation leave, holiday, or other paid leave balances.

Request Process

The request shall be made in writing, by the employee or their supervisor through the chain of command, or ordered by a mental health professional, and submitted to the City of Justin Human Resources Department.

Priority

The request shall be treated as high priority matter and decision on granting the leave shall be made no later than twenty-four (24) hours following the submission of the request. Unless the chain of command can provide specific compelling reasons to deny granting the leave, the leave will be granted.

Confidentiality of Request

Any request for mental health leave shall be treated as strictly confidential by all parties involved and shall not be discussed or disclosed outside the sworn officer's chain of command and only as necessary to facilitate the leave. Any breach of this confidentiality shall be grounds for discipline.

Confidentiality may be waived by the sworn officer seeking mental health leave or in the event circumstances indicate the officer is a danger to themselves or others. The employee's office should coordinate with Human Resources to ensure this policy is implemented as applicable.

Sec. 5.20 – Pandemic Event Leave Policy

During the occurrence of a pandemic event, the City of Justin must balance a variety of objectives when determining how best to decrease the spread of the pandemic causative agent and reduce the impact on the workplace. This policy will become active when a pandemic event is declared either by the Federal, State or Local government.

The City of Justin will follow all necessary recommendations put forth by the CDC as well as, State and Local Health Departments for the declared pandemic causative agent.

Sec. 5.21 – Notice of Privacy Practices

This notice of Privacy Practices is provided as a requirement of the Health Insurance Portability and Accountability Act (HIPPA) . It describes how the city may use or disclose an employee's protected health information with whom that information may be shared, and the safeguards the city has in place to protect it. This notice also describes an employee's rights to access and

amend his/her protected health information. The employee has the right to approve or refuse the release of specific information outside of the city's system except when the release is required or authorized by law or regulation.

"Protected health information" is individually identifiable health information. This information includes demographics, for example age, address, email address and relates to the employees' past, present or future physical or mental health or condition and related health care services.

The City of Jutin is required by law to do the following.

- Make sure that an employee's protected health information is kept private.
- Give each employee this notice of the City's legal duties and privacy practices related to the use and disclosure of an employee's protected health information.
- Follow the terms of the notice currently in effect.
- Communicate any changes in the notice to each employee.

By law the city must disclose the employee's health information to that employee unless it has been determined by a competent medical authority that it would be harmful to the employee. The city must also disclose health information to the Secretary of the Department of Health and Human Services (DHHS) for investigations or determinations of city compliance with laws on the protection of the employee's health information.

The city may disclose protected health information during any judicial or administrative proceedings in response to a court order or administrative tribunal (if such a disclosure is expressly authorized) and in certain conditions in response to a subpoena, discovery request, or other lawful process.

The city may disclose the employee's protected health information to comply with worker's compensation laws and other similar legally established programs.

The employee may exercise the following rights by submitting a written request (depending on the request, the employee may also have rights under the Privacy Act of 1974):

- The employee may inspect and obtain a copy of his/her protected health information that is contained in a "designated record set" for as long as the city maintains the protected health information.
- The employee may request the city to provide him/her with an accounting of the disclosures the city has made of the employees' protected health information.
- The employee may obtain a paper copy of the notice.

This Notice of Privacy Practices is provided to each employee as a requirement of the Health Insurance Portability and Accountability (HIPPA) There are several other privacy laws that also apply, including the Freedom of Information Act, the Privacy Act and the Alcohol, Drug Abuse and Mental Health Administration Reorganization Act. These laws have not been superseded and

have been taken into consideration in developing city policies and this notice of how the city will use and disclose the employee's protected health information.

CHAPTER VI - EMPLOYEE CONDUCT

Sec. 6.1 – Standards of Conduct

Acknowledging that we are directly accountable to the citizens and taxpayers of the City of Justin, an employee's conduct, both on and off the job will be such as to reflect favorably upon this City, whether inside or outside the City's limits. Obeying all the laws of the United States, State of Texas, City of Justin, and any local government under whose jurisdiction that employee may be at my time. Conducting oneself publicly in conformance to community standards of good order and common decency. Recognizing that each citizen's opinion of the worth of this municipal government is a valid reflection upon our competency, an employee will respond courteously and promptly to any request or complaint received and if unable to satisfy or resolve a citizen's concern, the employee will immediately refer that citizen to the appropriate individual or municipal agency for resolution.

It shall be the duty of the City of Justin employees to maintain a high standard of cooperation, proficiency, and economy in their work for the City. Department Directors or supervisors should organize and direct the work of their departments to achieve these objectives. If work habits, attitude, production, and /or personal conduct of the employee becomes a problem the employee should be notified at the time they are observed, and appropriate action taken. Counseling and warning the employee in sufficient time for improvements should ordinarily precede formal disciplinary action, but nothing herein shall prevent immediate formal action as provided elsewhere in these policies whenever it is in the best interest of the city.

As City of Justin employees, all personnel are responsible for maintaining acceptable standards of conduct. Failure to maintain such standards will result in disciplinary action for misconduct. A list of the more common offenses is presented here as a statement of the City's commitment to enforce a standard which will put this organization above reproach in our dealings with the public and with each other. The list is also presented to ensure consistent and certain limits which define acceptable conduct for municipal personnel.

When any violation of this policy occurs, it will receive full and just consideration by supervisory and management personnel. The decision to take disciplinary action will include careful consideration, by the supervisor, Human Resources, and the City Manager of an employee's work record with the City of Justin, including length of service, performance record, position progress and other indicators of the employee's value. The following list of more common offenses does not limit management's right to discipline or discharge an employee for reasons other than those specified in the list.

Note: All active employees' discipline/counseling actions become a part of their official employee personnel file maintained in the Human Resources Department. After employment terminates with the City, the Texas Records Retention Schedules become effective.

Sec. 6.2 – Unacceptable Employee Conduct

- Unacceptable Attendance Record – Tardiness, absence without official leave (AWOL) failure to follow established leave procedures.
- Failure to Return to Work – No employee will fail to return to work immediately following a specified leave of absence, vacation, sick, emergency, or other authorized leave of absence.
- Fictitious Illness or Injury - Reports/Deception – Paid sick leave is one of the benefits for working for the City of Justin. Abusing this privilege by falsely reporting an illness or injury constitutes grounds for disciplinary action and possible termination. Abuse of illness, injury, emergency, or other benefits will not be tolerated.
- Breach of Safety Regulations – Particularly where imminent danger to persons or property is involved.
- Horseplay – No one in the City of Justin employment may engage in “horseplay” while at work or while on Municipal facilities property.
- Information Disclosure – Accidents/personal injuries involving City property/employees must be reported to delegated authorities.
- Breach of Security Regulation or Practice – Particularly where restricted information is compromised (e.g. contract bid information) or there is an unauthorized use of disclosure of official information.
- Offenses Related to Chemical Abuse – Unauthorized possession or use of alcoholic beverages on municipal premises or in duty status; reporting to or being on duty under the influence of alcohol; unauthorized use or possession of a drug or controlled substance on municipal premises or in a duty status; reporting to or being on duty under the influence of a drug or controlled substance.
- Making false, malicious, or unfounded charges, claims or statements against coworkers, supervisors' subordinates or municipal officials which tend to damage the reputation or undermine the authority of those concerned.
- Harassment – Disturbing or irritating persistently of any kind.
- Retaliation – Any form of retaliation against any employee for filing a bona fide complaint or the assisting in a complaint investigation.
- Breach of Public Confidence – Public opinion of the City of Justin's worth to its citizens is very fragile. All personnel will conscientiously project an image of competence, concern, and courtesy. To ensure continued awareness of this:
- Any Discourtesy to the public will be considered a disciplinary infraction of major concern.

- Stealing actual or attempted – unauthorized possession of municipal property or property of others.
- Using City Property or City Employees in duty status for other than official purposes.
- Misuse of City Time - While on duty, conducting personal business or telephone calls will be conducted made in accordance with departmental policy.
- Recording of time and/or benefits – Altercation of any timecards, sick time, or vacation hours that falsifies such records.
- Deliberate misrepresentation, falsification, exaggeration, or concealment or withholding of a material fact, or refusal to testify or cooperate in an official proceeding.
- Loss of or damage to municipal property, records, or information.
- Fighting – related acts-threats or attempts to do bodily harm, hitting, pushing or acts against another whether injury occurred.
- Delay or failure to perform instructions in a reasonable timeframe.
- Insubordinate defiance of authority, disregard of directive, refusal to comply with proper authority, insolence or like behavior. Employees will promptly execute all lawful orders of supervisors. Disobeying a supervisor legally issued order to mutinous, insolent, abusive language or conduct toward a supervisor, will be insubordination.
- Sleeping, loafing, or failure to attend to duties – City employees will remain awake and alert on the job. Employees will arrange adequate sleep, on their own time, prior to reporting for work.
- Negligent performance of duties – While on the job, employees are not to read unauthorized materials, watch television, play games, or otherwise engage in entertainment. Materials for entertainment are not permitted at work locations. Employees are restricted from engaging in any activity or personal business that draws their attention from their duties.
- Gambling – participating in or appearing to participate in an unauthorized gambling activity while on municipal premises or in duty status, operating assisting promoting, or appearing to promote such while on municipal premises.
- Participating in strike, work stoppage, slowdown, sick out or other job action interfering with the orderly conduct of work.
- Conviction of a crime – violating my municipal, state or federal law.
- Seeking Gifts or Gratuities – No individual will solicit, by request or exhibit of identification, a discount, gift, gratuity, food or drink for self or others, from any individual business establishment or merchant. Food or drink or discount for food or drink may be accepted when offered. if it cannot be construed to influence or affect his/her position or performance of duty as a municipal employee. It is up to the employee to report any offers or attempts to offer any gift or gratuity to affect his or her official conduct.

- Violation of community standards – No employee will engage in any behavior contrary to accepted community/neighborhood conventions.
- Employee Conduct – No employee shall engage in any illegal, unethical, abusive, or unsafe acts. Unauthorized or improper use of official authority shall not be tolerated.
- City Property – Willfully or negligently damaging city equipment, tools, machines, vehicles and/or other property shall be grounds for termination.
- Respecting Co-workers – Employees shall treat all co-workers with respect and refrain from engaging in conversations that negatively address co-workers.
- Policy Violation – No employee shall engage in any violation of rules, regulations, policies, or procedures set forth in the City of Justin Personnel Policy.

Sec. 6.3 – Use of Tape Recorders or Other Recording Devices

An employee shall not use a tape recorder or other recording devices to record a conversation with another employee, or to record the actions of another employee, unless the other employee consents to be recorded prior to the recording being taped. This policy does not apply to body worn cameras or to ongoing authorized criminal investigations by the Police Department.

Sec. 6.4 – Conflict of Interest

No employee shall have a financial interest, direct or indirect interest in any contract with the City or be financially interested directly or indirectly in the sale to the City of any land, materials supplies or services except in performance of duties as employee. Willful violation of this section will result in dismissal of the employee from the service of the City.

Employees may not:

- Solicit or accept or agree to accept a financial benefit, other than from the City, which might reasonably tend to influence their performance of duties for the City or that they know or should know is offered with intent to influence the employee's performance.
- Accept employment or compensation that might reasonably induce them to disclose confidential information acquired in the performance of official duties.
- Accept outside employment or compensation that might reasonably tend to impair independence of judgement in the performance of duties for the City.
- Make any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for the City.
- Solicit or accept or agree to accept a financial benefit from another person in exchange for having performed duties as a City employee in favor of that person.

Sec. 6.5 – Social Media

The purpose of the City's social media presence is to establish a greater level of transparency of City government and services. Build a one-on-one connection that creates an open dialogue with residents and other interested parties to be able to publish time sensitive information to residents and media quickly. This policy establishes procedures for the City's participation in various social media venues and establishes the standards for posting allowing or forbidding certain

content and commentary on social media sites which include but are not limited to Facebook, YouTube, and X. The City encourages the uses of social media to convey information from the City to its citizens, to facilitate a sense of community and for residents and to allow businesses to communicate with and obtain information about the City of Justin. The City's website will remain the primary avenue for release of information to reach a broader audience and encourage citizen participation. Nothing contained in any social media site constitutes a binding representation, view, position, opinion, agreement, or endorsement of behalf of the City of Justin, Texas.

All Department Directors are responsible for their subordinate's compliance with the provisions of this policy and for investigating non-compliance.

Sec. 6.5.1 – Definitions

- Social Media – are third party websites containing information that is intended to facilitate communications, influence interaction with peers and with public audiences about some topic typically via the Internet and mobile communication networks. Types of social media include but are not limited to Facebook, X Instagram and any other social media outlet that serves the purpose of information sharing.
- City Social Media Sites – are pages sections or postings on Social Media websites that are established or maintained by an employee of the City who is authorized to do so as part of the employee's job. City Social Media sites are intended to be used for City business to communicate with office holders or City staff, and/or communicate or gather feedback from the residents and other interested parties.
- City Social Media Content – is information posted or provided to a City Social Media Site by a City employee or authorized agent when such activity is a part of the employee or agent's duties.
- Social Networking – is the practice of engaging in business and/or social contacts by making connections via interactive Web based applications.
- Blog – is a web site that contains an online personal journal with reflections, comments, and often hyperlinks provided by the writer.
- Post- is to display an announcement in a place for public view on a social media outlet.
- Comment – means a response to a City article or social media content submitted by any person or entity.
- Link – is short for hyperlink which connects a hypertext file to another location or file typically activated by clicking on a highlighted word or icon at a particular location on the screen.
- Public Information – is any information collected assembled or maintained by the City in the transaction of official business pursuant to Chapter 552 or the Texas Government Code.

Sec. 6.5.2 – Guidelines

General Regulations of City Social Media Sites

All official City presences on social media sites or services are considered an extension of the City's computer information network and are governed by the City's Computer and Electronic Communication Devices contained in the City's Personnel Policies.

Respect copyrights and fair use. All postings must comply with the applicable federal, state and local laws and regulations and retention schedule according to the Texas Local Government Code Chapters 102 and 205. Records required to be maintained pursuant to the Texas State Library and Archives Commission records retention schedule shall be maintained for the required retention period in a format that preserves the integrity of the original record and is easily accessible using the usual or approved City platform or tools.

Information collected at this site becomes public record that may be subject to inspection and copying by members of the public, unless an exemption in law exists according to the Texas Public Information Act.

When possible, links to more information should be direct users back to the City's official website for more information, forms, documents, or online service necessary to conduct business with the City.

It is preferred that only one social media account per platform exists for the City. This is to create a singular source of free-flowing information that City residents will be able to always access easily.

Those wishing to launch new City Social Media sites, add site pages or old content to the City's site should make their request in writing or via email to the City Manager. If the request is approved, any login and passwords to the information must be shared with the City Manager's office.

Employees creating or posting information to a City Social Media Site must always conduct themselves in a professional manner as a representative of the City in accordance with all City policies.

The City Manager may disable a City Social Media site or prohibit posting of City Social media content to a site at any time for any reason including but not limited to violation of the policy, improper content, lack of use or disinterest by the public, or a department's failure to properly maintain the site. The City reserves the right to remove any content that is not within these guidelines while retaining said content of the appropriate records retention according to state law.

Remember that your postings are ultimately your responsibility.

Sec. 6.5.3 – Content of Social Media Sites

Employees using social media sites whether as an administrator or as a responder to a posting will follow these principles.

- Keep post factual and accurate. If a mistake is made, admit it and post a correction as soon as possible.
- Reply to comments in a timely manner, when a response is appropriate. Never get in an argument with a citizen or a City maintained social media site. Do not respond with opinion or conjecture – only respond with complete facts.
- Understand that postings are widely accessible, not retractable, and will be around for a long time, so consider content carefully.
- Ensure your comments do not violate City's privacy, confidentiality and applicable legal guidelines for external communication.
- Ensure you have the legal right to publish others' material including photos and article pulled from other sites.
- Remember that your postings are ultimately your responsibility.

Socia Media Terms of Use for Employee/General Notice

- Persons may permanently be excluded from City social media pages if acting contrary to these rules. Persons who repeatedly break rules will receive a warning prior to removal.
- People who write more than 250 characters may be asked to rewrite.
- Anyone using profane language or posting any information that could be considered disrespectful dialogue will be asked to reword their post or it will be deleted.
- Content that is confidential according to the Texas Public Information Act.
- Comments must not be in support or opposition to political campaigns or ballot measures. Postings for electoral campaign purposes will not be published.
- Content will be removed that promotes, fosters, or perpetrates discrimination based on race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation.
- Sexual content or links to sexual content is not permitted.
- Conduct or encouragement of illegal activity is not permitted.
- Posted content must be relevant to the City of Justin.
- Information or references to the personal addresses, personal telephone numbers, personal email addresses, family members or other personal information of City officials or City employees.
- No attacks on individual character will be permitted.
- No Commercial promotions or spam.
- Links to websites or pages of outside vendors that are not related to the purpose of the media site.
- You are legally responsible for what you write, and it must not breach any law, confidentiality, or copyright. Because you are responsible for your statements, be careful about exaggeration, innuendo, etc.
- Comments must contribute and be relevant to the dialogue that is being discussed.
- The City reserves the right to restrict or remove any content deemed in violation of the terms outlined in this policy. Any content removed based on these guidelines will be retained including the time date and identity of the poster when available. The City of Justin reserves the right to update these terms of use.

Sec.6.5.4 – Employee Social Media

While the City of Justin encourages its employees to enjoy and make good use of their off-duty time, certain activities on the part of its employees may become a problem if they have the effect of impairing the work of an employee; harassing, demeaning or creating a hostile working environment for any employee, disrupting the smooth and orderly flow of work within the City; of harming the goodwill and reputation of the City of Justin among citizens or in the community at large. In the area of social media (print, broadcast, digital, and online), employees may use such media in any way they choose if such use does not produce the adverse consequences noted above or violates the Texas Public Information Act. For this reason, the City of Justin reminds its employees that the following guidelines apply in their use of social media, both on and off duty.

- Blogging or posting information of a personal nature on the Internet is strictly prohibited during work hours. Your online presence during work hours can reflect negatively on the City of Justin. Be aware that your comments, posts, or actions captured via digital, or film images also affect the image of the City of Justin.
- If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the view expressed are the employee's alone and not reflective of the view of the City.
- Employees must abide by all federal law, state law, and policies of the City about information sent through the internet. Never disclose any confidential information concerning another employee, vendor, official of the City in a blog, or other posting. Posting confidential information may violate state law and subject the user to criminal penalty. All requests for City documents must be processed through the Public Information Act.
- When posting be respectful to the City of Justin's co-workers, citizens, vendors, and partners, and be mindful of your physical safety when posting information about yourself or others on any forum. Do not discuss City employees, vendors, issues, or business without express consent.
- An employee may be disciplined if any employee publishes any personal or confidential information about themselves, another employee or vendor in any public medium that has the potential or effect of involving the employee, their co-workers or the City of Justin in any kind of dispute or conflict with other employees or third parties. Creates a harassing, demeaning or hostile working environment for any employee. That disrupts the smooth and orderly flow of work within the City, or the delivery of services to the City's citizens. Harms the goodwill and reputation of the city of Justin among its citizens or in the community at large.
- Do not ignore copyright laws or cite and/or reference sources inaccurately. Remember that plagiarism applies online.
- Do not use City of Justin logs or trademarks without written permission. Do not post pictures of yourself or others containing images of City uniforms, insignia, logos, equipment, or work sites unless they are posted on City Social Media and/or unless it is a part of promotional campaign or City employee event.

- Do not post anything on your blog or sites that may constitute a violation of the City's Harassment policy.
- Content will be monitored to ensure adherence to the Social Media Policy.
- Employees found in violation of my part of this policy may be subject to disciplinary action up to and including termination of employment.

Sec. 6.6 Confidentiality Agreement

All City of Justin employees understand that they may from time to time have access to extremely sensitive and confidential information. This policy is to be used as an acknowledgement that all employees' job duties include the obligation to maintain the confidentiality of all extremely sensitive and confidential information possessed by the City. All employees have a duty to maintain Local Government Records in a secure and professional manner. No information held by the City should be released to a third party unless it is done so in accordance with the City policy and the Texas Public Information Act.

All employees of the City understand and agree that the following obligations or conditions of employment are met with the City.

In the course of employment an employee may have access to Local Government Records as defined by Texas Local Government Code 201.003(8) some or all of which may be considered sensitive or confidential, whether it is labeled or identified as such.

Information considered sensitive or confidential by the City of Justin and covered by this agreement may include but is not limited to:

- Personal information (such as family, health, marital, or financial status, home address, phone number, age, social security number, salary, or compensation.)
- Computer network operations and security.
- Construction and building plans of facilities.
- Protected Electronic Health Information.
- Current or projected financial particulars of the City, including its payroll systems.
- Public Safety CAD and/or incident information.
- Critical Infrastructure or Operational Information as defined by the Electric Reliability Council of Texas (ERCOT) or the Homeland Security Department.
- Criminal Justice Information System (CJIS) data.

An employee of the City of Justin will treat with the same degree of confidentiality information proprietary to other parties to which they may also have access through their employment with the City of Justin. Such information may be included but is not limited to:

- Private employee document or communications
- Proprietary vendor information revealed under non-disclosure.

Having access to City's sensitive or confidential information through privileged administrator's rights does not grant an employee permission to actively seek, examine, use, transmit, share, copy or change such information, and an employee will only actively seek, examine, use, transmit, share, copy, or change such information if it is in the exercise of their designated duties or permission to do so has been given to them either by their supervisor or designee, or by the Department that is considered the keeper of such information for a stated specific purpose and timeframe.

Data should be kept secure both while it is in use by authorized users and when it is stored or archived. No unauthorized user should see or use such data without permission from the data owning Department Director or other appropriate personnel with the authority to grant such access.

If an employee is uncertain whether a particular piece of information or data is considered sensitive or confidential they will resolve all uncertainties in favor of preserving the confidentiality of that item and will promptly seek clarification from their confidentiality of that item.

If at any time, security or confidentiality of the City's data is thought to be compromised, an employee will promptly notify their Department Director or if unavailable seek assistance from Human Resources.

Violation of these confidentiality policies may result in disciplinary measure up to and including termination or other civil and/or criminal legal action to preserve the confidential nature of the information.

CHAPTER VII - DISCIPLINARY GUIDELINES

Sec.7.1 – Types of Disciplinary Action

Formal disciplinary action taken shall be consistent with the nature of the deficiency or infraction involved and the record of the employee. Formal disciplinary action may include oral reprimand, written reprimand, suspension, reduction in pay, demotion, or dismissal. Any of the foregoing types of formal disciplinary action may be invoked for a particular deficiency or infraction depending upon the exact circumstances. All formal disciplinary action should be reviewed with Human Resources prior to implementation with the employee. An employee may normally be warned by his/her Department Director at any time that he/she may be dismissed or otherwise disciplined for further unsatisfactory performance and/or conduct. Informal disciplinary action may be documented in the employee's official personnel file at the discretion of the Department Director.

- Oral Reprimand – an oral reprimand (admonishment) identifies all violations and indicates areas needing improvement. A written record of this warning may be maintained in the official employee personnel file.
- Written Reprimand – written reprimand becomes a permanent part of the disciplinary record maintained in the official employee personnel file maintained in the Human Resources Department.
- Suspension – time off without pay for a period of not less than one (1) hours not more than thirty (30) calendar days. Employees will receive a written notice (Statement of Suspension) prior to the suspension and will have the right to respond to the charges alleged by filing an appeal in writing withing five (5) calendar days. When an employee is under investigation for a crime or official misconduct or is awaiting hearing or trial in a criminal matter, he or she may be suspended without pay for the duration of the proceedings when such suspension would be in the interest of the City and the public. If the investigation or proceedings clear the employee, he/she shall be eligible for reinstatement with full pay and benefits restored. A suspension becomes a permanent part of the disciplinary record maintained in the official personnel file maintained in Human Resources.

- Reduction in pay – reduction of an employee’s pay within reason. A written notice of reduction must be given to the employee which describes the deficiency or infraction involved and which states the consequences of further unsatisfactory performance and/or conduct. The reduction shall be permanently noted in the employee’s official personnel file, but the employee shall not be disqualified from consideration for later pay increases.
- Demotion – demotion of an employee. A notice of demotion must be given to the employee which describes the deficiency or infraction involved and which states the likely consequences of further unsatisfactory performance and/or conduct. The demotion shall be permanently noted in the employee’s official personnel file, but the employee shall not be disqualified from consideration for later advancement.
- Dismissal – termination of the individual’s employment with the City. An employee who has been dismissed will have the right to appeal the dismissal by filing a written appeal with the City Manager withing three (3) calendar days of the dismissal and follow the Appeal of Disciplinary Actions process in Section 7.1.1. The City Manager shall receive a copy of the written appeal as soon as possible.

Sec. 7.1.1. – Appeal of Disciplinary Action

Any employee dissatisfied with the disciplinary action by his or her Department Director may file an appeal in writing with the City Manager. All appeals must be filed within three (3) calendar days, or the disciplinary action will be deemed final. Once an appeal has been filed, the City Manager must respond to the appeal within ten (10) business days.

Written appeals must contain the following information:

- The type of disciplinary action being appealed and the effective date of the action.
- The specific reason is that the discipline is judged to be unjust or otherwise in error.
- The remedy or solution sought.
- The signature of the disciplined employee.

The City Manager, after careful investigation of the facts, shall have broad authority to approve, disapprove, modify or rescind any disciplinary action taken or proposed. The decision of the City Manager shall be final.

Sec. 7.1.2 – Pending Investigations

When an employee is suspected of a violation of local, municipal, state or federal law, rule, regulation or policy, which if proved, would justify disciplinary action but an investigation determining the exact nature and extent of the violation is in progress or incomplete the employee may be administratively placed on leave with or without pay pending the outcome of the investigation and the imposition of disciplinary action, whenever deemed appropriate by Human Resources and the City Manager.

Sec. 7.1.3 Consistent Application

The purpose of a standard disciplinary procedure is to provide consistency by applying similar penalties for similar offenses, and to avoid favoritism of one person over another. Supervisors have the discretion to take circumstances into account when taking disciplinary action.

Supervisors also have the responsibility and the authority to instruct, correct, admonish, and recommend any adverse personal action felt necessary in disciplining an employee who is found guilty of unacceptable conduct.

Sec. 7.2 – Drug and Alcohol Policy

This policy is published to notify, inform, and remind all employees regardless of position, that the unlawful or unauthorized, manufacture, distribution, dispensation, possession, sale, purchase, or use of controlled substances, illegal drugs, or intoxicating beverages are not permitted under the City’s policies on any City premises or property. Drug paraphernalia and equipment related to the use of controlled substances and illegal drugs is strictly prohibited. Employees who violate this policy are subject to appropriate disciplinary action including termination. In the event of an accident or if there is “reasonable suspicion” because of an employee’s behavior, appearance, physical manifestations the City of Justin may perform drug-testing, background checks and driver’s license checks.

Definitions:

- Inside City Premises – All land and properties whether occupied or vacant buildings, structures, automobiles, trucks, and other vehicles, lockers, and rooms on or at any site for the performance of work done for or on behalf of the City.
- On City Property – All property owned or leased by the City and used by employees, including (by the way of illustration and not limitation) vehicles, lockers, desks, closets, etc.
- Controlled Substance – Any substance listed in Schedules I-V of Sec 202 of the Controlled Substance Act as amended.
- Drug – A drug is any chemical substance that produces physical, mental, emotional, or behavioral change in the user.
- Drug paraphernalia – Equipment, a product, or any material that is used or intended for use in concealing an illegal drug or for use in injecting, ingesting, inhaling, or otherwise introducing into the human body an illegal drug or controlled substance.
- Illegal drug – An illegal drug is any drug or derivative thereof of which the use, possession, sale, transfer, attempted sale or transfer, manufacture, or storage is illegal or regulated under any federal, state, or local law or regulation, any other drug including but not limited to, a prescription drug, used for any reason other than the legitimate medical reason, and inhalants use illegally. Included are controlled substances and marijuana or cannabis in all forms.

- Reasonable cause/reasonable suspicion – Supported by evidence strong enough to establish that a policy violation has occurred. A determination as to whether reasonable cause or reasonable suspicion exists in a particular situation shall be made by the joint decision of three (3) persons consisting of 1. The employee’s supervisor, 2. The appropriate Department Director 3. Human Resources and/or the City Manager.
- Testing - Is generally defined as urine or breath test to determine chemical or drug content. Any employee may be tested for drug or alcohol use when there is a reasonable cause/reasonable suspicion that: use of a substance is affecting performance, and the employee is engaged in any of the prohibited acts or activities listed in this policy.
- Additionally testing can occur in the pre-employment processes; a routine physical examination; the treatment of an injury caused or contributed to by an employee, and/or investigation of an on-the-job accident.
- Under the influence – A state of having a blood alcohol concentration of 0.08 or more, where “alcohol concentration” has the meaning assigned to in Article 67011-1 Texas Revised Civil Statutes; or the state of not having the normal use of mental or physical features resulting from the voluntary introduction into the body of an alcoholic beverage or a controlled substance.

General Policy Provisions

Any of the following actions constitutes a violation of the Policy and may subject an employee to disciplinary action, including immediate termination.

- Using, selling, purchasing, transferring, possessing, manufacturing, or storing an illegal drug or drug paraphernalia or alcohol or attempting or assisting another to do so, while in the course of employment or engaged in an activity sponsored by the City; on premises of the City; in vehicles owned, leased, or rented by the City; or on business of the City.
- Working or reporting to work, conducting municipal business, or being on municipal premises or using any municipal property while under the influence of an illegal drug or alcohol or in an impaired condition.
- Switching, adulterating or attempting to tamper with any sample submitted for medical testing, or otherwise interfering or attempting to interfere with the testing process.

Search

Searches conducted under reasonable cause or reasonable suspicion, such as inspections of employee’s personal property, including (by way of example and not limitation to) briefcases, lunch boxes, or toolboxes may be performed as part of the municipal security measures. All employees will be expected to cooperate, as a condition of continued employment with special drug/alcohol searches of personal vehicles on municipal premises, purses, clothing, briefcases or other employee personal property when there is reasonable cause or reasonable suspicion to believe that an employee may be in possession of drugs or alcohol. Searches on municipal

premises and /or municipal property (for example, searches of lockers) may be conducted at any time.

Sec. 7.3 – Preventive Acts

Employees taking drugs prescribed by an attending physician shall advise their direct Supervisor of the possible effects of such medication regarding their job performance and physical or mental capabilities. All prescription drugs must be kept in their original container(s).

Any employee involved in a work-related accident where alcohol or drugs are believed to be a contributing factor may be referred to a counselor in addition to any other accident investigation activities.

Sec. 7.4 – Corrective Act

Any employee involved in a work-related accident may be subject to urine and blood testing for drug, or alcohol use or abuse. In addition, testing shall be required when there is a reasonable suspicion that drugs or alcohol is affecting job performance and/or conduct in the workplace.

In the administration of each screening test, dual samples shall be submitted by the employee. The duplicate sample not submitted for testing shall be retained for the purpose of checking a positive result. In the event of a positive test result, the employee, at the employee's expense, may request submission of the duplicate sample for the purpose of checking an initial positive test result. If the testing of the duplicate sample results in a negative test result, then the City will reimburse the employee for the expense of testing the duplicate sample. The absence of a positive test result on the duplicate sample will be treated as an overall negative test result.

When screening test is positive, the employee will be disciplined or discharged and will not be eligible for reinstatement.

Sec. 7.5 – Coordination with Law Enforcement Agencies

The sale, use, manufacture, purchase, transfer or possession of an illegal drug or drug paraphernalia is a violation of the law. The City will report information concerning sale, use, manufacture, purchase, transfer or possession of any illegal drugs to law enforcement officials and will turn over to the custody of law enforcement officials any such substances found during a search of an individual or property. The City will cooperate fully in the prosecution and/or conviction of any violation of law.

Sec. 7.6 – Reservation of Rights

The City reserves the rights to interpret changes, suspend, or cancel, with or without notice all or any part of this policy or procedures or benefits discussed herein. Employees will be notified before implementation of any change.

Although adherence to this Policy is considered a condition of continued employment, nothing in this Policy alters an employee's status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time for any or no reason, without notice and the City retains the right to terminate any employee at any time for any or no reason, without notice.

Sec. 7.7 - Other Laws and Regulations

The provisions of this Policy shall apply in addition to and shall be subordinate to any requirements imposed by applicable federal, state, or local laws, regulations or judicial decisions. Unenforceable provisions of this Policy shall be deemed to be deleted.

Sec. 7.8 – Smoking

To maintain a safe and comfortable working environment and to ensure compliance with applicable laws, smoking in the City offices and facilities is strictly regulated. You should become familiar with the areas throughout the City where smoking is prohibited. Because the City may be subject to criminal and civil penalties for violations of applicable smoking laws, we must insist on strict adherence to this policy. Employees smoking in any City owned/leased building and/or City owned/leased vehicles or equipment may be subject to disciplinary action. Smoking must be confined to designated areas only.

- Tobacco Use – The use of any tobacco products which includes but is limited to cigarettes, cigars, vape pens (or other vaping dispensers), and chewing tobacco is prohibited in and around all City offices and facilities, except in designated smoking areas. Smoking and the use of other tobacco products is prohibited in all City or Department owned vehicles.

Sec. 7.9 – Management Safety Policy

The safety and well-being of all employees of the City of Justin is of prime importance. In support of this commitment, the City will make every effort to provide its employees with a safe working environment. The objective in accomplishing this goal is to ensure that:

- Employees are provided with all safeguards to ensure safe working conditions.
- Every effort is made to maintain our equipment, tools, and ensure that all machines are in good repair.
- Safe work and operation methods are studied and developed, and that this information is disseminated to employees through ongoing training programs.
- Hazardous situations which might result in accidents are reported immediately to the proper supervisor in order that corrective action may be taken.
- Comply with federal, state, and local laws regarding accident prevention and working conditions.

The success of our safety and health program depends on the sincere, constant, and cooperative effort of the entire organization. Thus, we require every employee to take seriously the matter of accident prevention and safety and to give active support to the city's safety programs.

Sec. 7.10.- Political Activity Restricted

Employees of the City are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies.

Employees may not:

- Use their official authority or influence to interfere with or affect the result of an election or nomination for office.
- Directly or indirectly coerce, attempt to coerce, command, or advise a local or state officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency, or person for a political purpose.

Sec. 7.11 – Solicitation and Distribution of Literature

In the interest of maintaining a proper business environment and preventing interference with work and inconvenience to others, employees may not distribute literature or printed materials of any kind, sell merchandise, or solicit financial contributions., or solicit for any other cause during working time. Employees who are not on working hours (e.g. those on lunch hours or breaks) may not solicit employees who are on working hours for any reason or distribute literature or printed material of any kind in working areas at any time.

Non-employees are likewise prohibited from distributing material or soliciting employees on the City's premises at any time.

Sec. 7.12 – Outside Employment

Outside work ("moonlighting") is permitted so long as it does not interfere with an employee's municipal job or create a conflict of interests with the City. Any employee intending to engage in outside work must notify his/her immediate supervisor in writing. Outside employment may not be authorized for key personnel at the discretion of the City Manager. Previously approved outside employment may be disallowed by the City Manager at any time if concerns arise as to the employment impacting the employee's ability to successfully complete their City job duties. Specific departmental rules (e.g. Police Department) may restrict this privilege even further.

Sec 7.13 – Telephones

Depending upon individual departmental restrictions, the City’s telephones are available for limited personal use for local or charge-free calls.

Sec. 7.14 – Grievances and Complaints

“Grievance” shall be used to mean an allegation that the City has violated, misinterpreted, or inequitably applied an existing law, ordinance, resolution, policy, rule, or regulation, as it applies to the conditions of employment. This definition does not include questioning the substance of policy. Policy formulation is reserved as a right of management. The reporting of misconduct of an employee such as harassment or disagreement over a non-existing law, ordinance, resolution, policy, rule or regulation is defined as a “complaint”, not a grievance.

As far as it may be possible, it is the intent of the City to anticipate and avoid occurrences of grievances and complaints, however, when they do appear it is our intention to resolve them as quickly as possible at the supervisory level closest to the origin of the complaint. The grievance and complaint procedure assures every non-trial employee with a grievance or complaint that he/she will be given an opportunity to discuss the problem and that corrective action will be taken if warranted. No grievance or complaint can be resolved or corrected unless the Department Director, Human Resources and the City Manager are made aware of the problem.

Sec. 7.14.1 – Grievance and Complaint Procedures

All grievances and complaints shall be filed and processed through the chain of command. A grievance shall be filed in writing. A grievance shall be filed with the employee’s direct supervisor, Human Resources and the City Manager. A complaint will require the same procedure as the filing of a grievance, with the exception that if the employee’s complaint is directed at the supervisor, the complaint will be filed with the next higher level of authority in the chain of command.

City of Justin Command

- City Manager
- Assistant City Manager
- Human Resources
- Department Director
- Direct Supervisor

The employees reporting an incident and those assisting in the investigation will not be subject to any adverse employment action unless it is determined that the employee made the allegation knowing it was false.

CHAPTER VIII - TERMINATION PROCEDURES

Sec. 8.1 – Rules and Regulations

To resign in good standing, employees in regular positions must submit written notice to Human Resources office two (2) calendar weeks prior to the intended date of resignation. The written notice shall include, but is not limited to, the following.

- Date of Letter
- Last day of Employment
- Forwarding Address
- Signature of Employee

All records, property, or other instruments of the City of Justin in the possession of the employee shall be returned to the City before final payment is made. The City will make no payment for accumulated sick leave.

Sec. 8.2 – Resignation

An employee wishing to resign in good standing must give the City ten (10) working days' notice. The City Manager and Human Resources may waive any portion of the notice period in extenuating circumstance.

The resigning employee should submit the written notice to his or her Department Director. The employee must turn in any assigned municipal property no later than the last day of employment, or earlier if requested by the Department Director. ON the last day, the employee may also have an exit interview with Human Resources. Upon resignation employees will be paid for vacation leave that has been accrued but not used.

Sec. 8.2.1 – Layoff

It may be necessary at times to reduce the number of persons working for the City. Department Directors will make recommendations to Human Resources and the City Manager.

Sec. 8.2.2 – Reinstatement

Applicants must have a satisfactory past employment record or if past City employee must have terminated with an acceptable work record. Employees who separate employment with the City of Justin and return to work as regular employee within two (2) years from their separation date will have their service time and sick time balance adjusted to prior service.

Sec. 8.3 – COBRA Statement

The Federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) as amended, allows certain individuals the option of continuing their health insurance, at the individuals full expense, under specific conditions and employee must notify Human Resources of any qualifying event, and Human Resources will notify the City's health insurance administrator. The following paragraphs summarize the benefits provided under COBRA.

To be eligible for continuation coverage, an individual must be an employee of the City covered by the City's group health plan or an individual who is otherwise covered under the plan.

An eligible employee has the right to choose continuation coverage if he or she loses group health coverage because of a reduction in his/her hours or employment or the termination of his/her employment (for reasons other than gross misconduct on the employee's part).

The spouse of an employee or other worker covered by the City's group health plan has a right to choose continuation coverage if he/she loses coverage under the City's group health plan for any of the following reasons:

- The death of the employee
- Termination of the employee (for reasons other than gross misconduct).
- Divorce or legal separation from the employee.
- The employee applies for and becomes entitled to Medicare.

The dependent child of an employee or other worker covered by the City's group health plan has a right to choose continuation coverage if he/she loses coverage under the City's group health plan for any of the following reasons:

- The death of a parent
- The termination of a parent's employment (for reason other than gross misconduct).
- Parents' divorce or legal separation.
- A parent applies for and becomes entitled to Medicare.
- The dependent ceases to be a "dependent child" under the City's group health plan.

Notice: Under COBRA the covered worker or family member has the responsibility to notify Human Resources of a divorce, legal separation or a child losing dependent status under the City's group health plan within thirty (30) days of the event or within thirty (30) days of the date

on which coverage would be lost because of the event. Human Resources has the responsibility to notify the plan administrator of the covered worker's death, termination of employment, reduction in hours, or entitlement to Medicare.

When the plan administrator is notified that one of the above events has occurred, the plan administrator will notify the covered worker or family member that they have the right to choose continuation coverage. The covered worker or family member then has at least sixty (60) days from the date on which they received the COBRA notice or the date of loss of coverage whichever is the later date, to elect continuation coverage. If the covered worker or family member does not choose continuation of coverage group health coverage will end. If the covered worker or family member chooses continuation of coverage, the City's plan administrator will provide coverage that, as of the time that coverage is being provided, is identical to the coverage provided under the insurance plan to similarly situated employees or family members.

Payments for COBRA coverage are due on the 1st of every month following election of continuation coverage. Payment must be received no later than the end of each month if payment is not received than the person will be dropped from coverage.

Continuation coverage is limited to eighteen (18) months when the covered employee or family member lost group health coverage because of a termination of employment or reduction hours. The eighteen (18) month period may be extended to thirty-six (36) months if other events (3.g divorce, legal separation, death or Medicare entitlement) occur during the eighteen (18) month period. Moreover, the eighteen (18) month period may be extended for an additional eleven (11) months (for a total of twenty-nine (29) months) if an individual is determined to be disabled (under the rules for Social Security disability benefits) and the plan administrator is notified of that determination withing thirty (30) days. An individual who receives the extended coverage due to a disability must notify the plan administrator when it is determined (for the purposes of Social Security disability benefits) that the individual is no longer disabled.

Continuation coverage may be cut short of the full coverage for any of the following reasons:

- The City no longer provides group health coverage to any of its employees.
- The premium for continuation coverage is not paid by the employee in a timely manner.
- The covered worker or family member becomes eligible for Medicare.
- There has been a final determination that the covered employee or family member is no longer disabled (in the case of beneficiaries who qualified for the extra eleven (11) months of continuation coverage based on their disability at termination)
- The covered worker or family member becomes covered under another group health plan that does not contain any provision restricting or limiting coverage of a "pre-existing medical condition".

Sec 8.4 – Severance Pay Limitations

This policy outlines the guidelines and limitations regarding severance pay for employees of the City of Justin, in compliance with Texas House Bill 762 (2025) which amends Chapter 180 of the Local Government Code.

This policy applies to all employees of the City of Justin.

Definitions

Severance Pay – Dismissal or separation income paid upon termination of employment, in addition to the individual's usual earnings or compensation at the time of termination. This does not include paid time off or accrued vacation leave.

Misconduct – An act or omission by an employee in the performance of their duties that the City determines to be misconduct. This includes any finding of criminal conduct.

Severance Limitations

Maximum Severance Pay – Severance pay provided to an employee may not exceed the amount of compensation the individual would have been paid for twenty (20) weeks at the rate in effect at the time of termination, excluding paid time off or accrued vacation leave.

Termination for Misconduct – No severance pay shall be provided if the employee is terminated for misconduct, as defined above.

Severance Agreements

Inclusion in Contracts – All employment contracts or agreements with employees that contain provisions for severance pay must include the limitations outlined in this policy.

Public Posting Requirement – Each severance agreement must be posted in a prominent place on the City of Justin's internet website.

In any action brought against the City of Justin by an employee arising from the termination of employment or contract, a court may not issue a writ of execution or mandamus in connection with a judgment in the action if the judgement does not comply with the provisions of this policy.

CHAPTER IX - INFORMATION STSTEMS POLICIES AND PROCEDURES

Sec. 9.1 – General

The City of Justin provides computing resources and worldwide network access to designated employees for conducting the City’s business. All employees of the City using computer network resources are provided notice of the specific policies governing the use of such resources and must act responsibly while using shared computing and network resources. There can be no expectation of privacy by any user in the use of the computer and network resources of the City. Use of the computer systems in a manner inconsistent with this policy is strictly prohibited. All messages, internet material received, software, and the work product are the property of the City and subject to the Texas Public Information Act with respect to inspection, disclosure, scheduled retention and disposition. Specific usage policies and guidelines follow but may not be all inclusive. Any employee found to be in violation of these policies is subject to disciplinary action.

Sec. 9.2 – Overview

This policy is the governing document for the acquisition and use of personal computer products for the City of Justin. This document describes the policies and procedures used by the City of Justin to manage the City’s computer network and information systems, ensure security, maintain the system’s operation and integrity, facilitate user training, and provide fine-tuning and system recovery. This document shall be the guideline for security, internet/email usage, and the acquisition and use of computer equipment and accessories.

Through this policy the City intends to enhance the benefits of Local Area Networking (LAN) without threatening the integrity of data, while encouraging employees to use the computers as tools for performing their assigned duties. This policy attempts to maintain a balance between

autonomy of user Departments and central management of automated information processing. The Department Directors are responsible for enforcement of these policies.

Sec. 9.3 – Computer Software

The City of Justin's computer software policy has three purposes; (1) to protect all computer software copyrights; (2) to protect the City's information Systems from computer viruses; (3) and to provide standardization and compatibility for City use.

The City is committed to prevent copyright infringement. It is the policy of the City of Justin to respect all computer software copyrights and to adhere to the terms of all software licenses to which the City is a party. The software developer normally copyrights such software. The City is subject to all copyright laws pertaining to the use of copyrighted software except for backup or archival purposes. This restriction includes but is not limited to making unauthorized copies for use on more than one computer unless expressly provided for in the licensing agreement. The restriction also includes the introduction of unlicensed copies of software into City owned equipment.

The City is committed to protecting the integrity of the City of Justin's Information Systems from computer viruses. Viruses are programs intended to disrupt normal microcomputer operations. Such disruptions can extend to the contamination of data and/or the complete reformatting of a computer disk. Computer viruses can destroy equipment and data costing the City immeasurable expense. The effect of such loss is decreased productivity, lost information and files and equipment failure. All computer disks from any outside source must be scanned for viruses prior to use with any City computer equipment.

The City is committed to standardization and compatibility of software and data used for City business. This provides consistency throughout the organization, which improves communication and speeds workflow. This increased efficiency leads to financial savings. All software not consistent with the City's standards will be phased out and not allowed for future use.

Sec. 9.4 – General Statements

Password Protection

Password Authentication protects all the City's servers and operating systems. Each user must choose a unique password.

Education

Department Directors should be responsible for scheduling computer training classes to ensure their employees are adequately trained, for maintaining the education of their employees in accordance with this software policy, and for budgeting appropriate funds to ensure sufficient

levels of user training knowledges with the standard PC software products. Employees are encouraged to use their software's on-line help menu to increase their expertise.

Duplication of Software

City of Justin employees may not duplicate any licensed software or related documentation purchased by the City of Justin unless the City is expressly authorized to do so by agreement with the licensor.

Intentional and willful unauthorized duplication of software and/or related documents may subject employees and/or the City of Justin to both civil and/or criminal penalties under the United States Copyright Act.

Intentional unauthorized duplication of software and/or related documents shall be considered an act of serious misconduct subjecting employees to disciplinary action.

Distribution of Software

City of Justin employees shall not give software to any persons outside the City of Justin organization (i.e. clients, contractors, and citizens), without the express written consent of the City.

City Of Justin employees may use software on local area networks (LAN) or an assigned personal computer only in accordance with applicable license agreements.

Development of Software

Software and work products (documents, databases, spreadsheets, etc.) developed by City employees for City projects on City-owned or personal equipment remain the property of the City of Justin. Such software and/or work products are for the exclusive use of the City of Justin or City contractors/consultants. Such software and/or work products cannot be sold or given to anyone, except in accordance with law, without written consent from the user's Department Director or the City Manager. City of Justin employees shall not use City equipment and/or software before, during or after City business hours for development of software not related to City projects, unless approved by the Department Director.

Use of Hardware and Software

City of Justin computer equipment and/or software are to be used during regularly scheduled business hours for City business. The computer network including hardware and software represents a significant City asset. It is intended that this asset be used for City and related civic and professional activities only. However, with the permission of the employee's supervisor, personal use of the City's computer system during non-business hours is permitted.

Virus Protection

Computer viruses can be introduced to a computer network without detection. Viruses can cause irreparable damage to the network and indiscriminately destroy data. To prevent such a disaster, multi-level virus protection software is installed at the user and server levels. This software must be active at all times and updated periodically. Any users who deactivate the anti-virus software on his/her workstation fails to update his/her virus software as requested or fails to scan all disks, thumb drives, etc., prior to use will be subject to disciplinary action up to and including termination of employment. The severity of this penalty should clearly underscore the seriousness of keeping the network virus-free. At the first sign of a virus, the employee shall immediately notify IT for resolution.

Software Installations and Usage

The City of Justin's computers are City assets and must be kept free of illegal software copies and viruses. Except as noted, only software acquired through the City purchasing procedures may be used on City computers.

Employees may not bring any software from other sources and load it on City computers unless specifically authorized by the Department Director. If such use is authorized the software and any associated problems, which may arise because of installation or use, shall be the sole responsibility of the requesting Department or Departments. All software used shall be subject to the same compatibility requirements as City-owned software, and the software shall be virus-free.

City-owned software may not be taken home or loaded on an employee's computer. If an employee's responsibilities require regular use of a particular software product at home, upon receipt of the appropriate approval from the employee's supervisor, the City shall purchase a separate software package, arrange for appropriate licensure, and record it as a City asset in the software register. The exceptions to this are: (1) If the employee already owns a legal copy of the necessary software, or (2) if the software license permits an off-site copy. Some software developers provide in their licensing agreements that home use is permitted under certain circumstances. Before taking any software home, an employee must obtain written approval from the City Manager or his/her designee. In the event of that employee's termination any such software must be immediately returned to the City. Any employee who fails to return City-owned software will be responsible for the cost of replacement.

Sec. 9.5 – Software Acquisition

Purchasing

The City is responsible for making all commercial software purchases. An employee who wishes to purchase software must identify a specific need for the product and obtain the approval of his/her Department Director. The Department Director will verify the software's functionality and compatibility with the City's computer network. If a user specific software package is

approved, the Department purchasing the software must also purchase the maintenance, updates, and support.

Budgeting

Computer hardware, software and any necessary training should be included in Departmental budgets. All software and accessories purchased for an existing computer shall be charged to the appropriate Department's budget.

Registration

Software must be registered in the name of the City. Software shall not be registered in an individual user's name.

Installation

After registration requirements have been met, the staff shall install the software. If available, manuals, tutorials, and other user materials shall be provided to the user. Once the software is installed, original diskettes shall be kept in a safe storage area.

Vendors providing hardware with pre-installed software must also provide original diskettes and documentation for each program loaded on each machine. Vendors installing or re-installing software as required on a maintenance or repair problem, must use the original diskettes allocated to that unit.

Contractors with the City of Justin using computer programs for completion of contracted projects must provide all applicable computer data in a form compatible with City hardware/software specifications.

Auditing

A person/company designated by the City Manager shall conduct an annual audit as necessary of all City computers to ensure that the City remains in compliance with all software licenses. During any audits, the City shall search for computer viruses and unauthorized software, eliminating any that may be found.

Upgrading

Use of microcomputers is so prevalent that standards must be maintained to ensure that word processing, spreadsheet, and database files are interchangeable throughout City Departments. Such interchangeability is extremely critical to productivity and efficient usage of microcomputer resources.

The City shall carefully consider upgrading to newer versions of standard software products. Productivity impact upon the requesting Department and the City organization shall be a major part of this consideration. This consideration shall also include the cost of upgrading all Department/City software, necessary hardware upgrading and the City's ability to provide support.

Requests for upgrading software products, standard or non-standard, must include information relating to increased capabilities and expected productivity gains, as well as necessary training.

All diskettes and documentation (if new documentation is provided) shall be returned to the City Manager upon receipt of software upgrades. Old version shall be disposed of in a manner prescribed by the City Manager. International retention of old versions of software for personal use is a direct violation of licensing agreements and shall subject employees to disciplinary action.

Sec. 9.6 – Web Page

The City's Web page is for government use only. It exists solely to promote the City and its services, and an employee cannot use it for a personal or commercial reason.

Each department is responsible for keeping the information on its page of the website current. Consultant and Department Directors are responsible for the update of the website including but not limited to member changes. Any changes and/or additions should be emailed to the Director of Communications or his/her designee. Department Directors should verify the information contained on their web pages monthly to ensure accuracy.

Sec. 9.7 – Service

Technical Support

The Department Director is responsible for reporting computer problems to technical support that are attributed to the City's computer network. At this time of a report of computer problems to technical support the Department Director shall receive notification of an approximate time frame that the technical support will respond to correct the problem.

Sec. 9.8 – Hardware

The Department Director shall maintain a list of standardized equipment, both hardware and software, along with associated costs. The list shall be updated annually and made available for budget purposes to be included in the budget preparation materials.

Purchasing

The Department Director is responsible for ensuring standardization of hardware and software in the City. An employee who wishes to purchase hardware or software must identify a specific need for the product and obtain the approval of his/her Department Director if the purchase is approved, the Department Director purchasing the hardware shall complete an order and forward it to the appropriate vendor.

Sec. 9.9 – Miscellaneous

Games

Game software is an inappropriate use of City equipment and should not be tolerated. Games discovered during audits shall be eliminated and the user may be subject to disciplinary action. The Department Director shall report violations to Human Resources. In additions, the Department Director may act upon a suspected incident at the request of a complainant and review all software on an employee's computer.

Sec. 9.10 – E-mail/Internet

Purpose

The purpose of the E-mail/Internet system is to contribute to the efficient operation of City Departments by providing convenient communication. The primary use of E-mail/Internet is intended for official business within the and among City employees, Departments and the public. Personal and/or other non-city related messages should be held to a minimum. Due to the increased risk of computer viruses, no personal or non-business-related email attachments may be opened using any City owned computer equipment or privately owned computer attached to the City's network via Ethernet or Modem. In addition, downloading of any non-business-related files from the Internet is prohibited. Employees that fail to comply with this policy will be subject to disciplinary action up to and including termination of employment.

Privacy Issues

There can be no expectation of privacy I the content of any message, business or personal sent or received by employees. These messages are subject to disclosure during system maintenance, and to direct inspection by supervisory personnel. Correspondence sent by E-mail is subject to review at any time by City officials. E-mail messages constitute official City documents and are subject to subpoena by courts and/or public information (open records0 requests.

Privileges and Penalties

The use of the Internet is a privilege, not a right and inappropriate use may result in a cancellation of those privileges. The City may deny, revoke, or suspend, specific user access.

Additionally in the event the user incurs any unauthorized costs, fees or charges, said costs, fees or charges shall be the sole responsibility of the user and not the City of Justin.

E-mail/Internet Acceptable Uses

The following are considered acceptable uses for E-mail and the Internet during the normal workday:

- Obtaining and exchanging information related toward work tasks.
- Education facilitating performance of any task or project related to assigned duties.
- Exchanging information for professional development, inquiry purposes, obtaining standards, finding statistics and analysis
- Announcement of new City regulations, ordinances, procedures, policies, special events and activities.
- Conducting City business during normal working hours
- Using the Internet for professional improvement (e.g., working toward a degree or taking job-related courses) outside of normal working hours with prior approval from supervisor.

E-Mail/Internet Non-Acceptable Uses

The following uses of E-mail and the Internet are not permitted:

- Transmission of any material in violation of any U.S., state and/or local regulation. This includes but is not limited to copyrighted material or material protected by trade secret.
- Use for personal business, advertisement and/or commercial activities such as purchasing goods or services, operating a business, illegally seizing business opportunities or soliciting money for personal gain.
- Displaying, transmitting, retrieving, or soliciting sexually oriented messages, cartoon, images or any pornographic material, inappropriate text files, or files dangerous to the integrity of the network.
- Interception of network traffic for any purpose unless engaged in authorized network administration.
- Vandalizing or harassing, which is defined as any malicious attempt to harm or destroy data or another user, web site, or other networks.
- Sending, receiving, printing or otherwise disseminating threatening, intimidating offensive or harassing statements or language including disparagement of others based on their race. National origin, gender age, disability, religions, sexual orientation or political beliefs.
- Sending chain letters, gambling or engaging in any other activity in violation of local, state or federal laws.

Sec. 9.11 – Employee Responsibilities

All employees are expected to abide by the generally accepted rules of network etiquette. These include, but are not limited to the following:

- Be polite and use appropriate language. The message should not be abusive to others. The use of vulgarities, swearing, or any other unsuitable language may be grounds for disciplinary action.
- An employee should not reveal his personal address or telephone number or the addresses and/or telephone numbers of other employees.
- An employee must not reveal his account password or allow another person to use the account. The password is confidential.
- An employee may not log on as another user. An employee may use only his City-assigned E-mail address during the performance of job duties. No private or “ghost” accounts may be used except by network administrators as part of their function.
- E-mail received from citizens should be handled with the same seriousness as any other form of citizen contact. Employees should always maintain a professional decorum in their responses, reply promptly and seek approval from supervisors where appropriate.
- Respect copyright.
- Clearly and accurately identify yourself in electronic communications.
- Multi-page “junk-mail” documents from any source should not be re-transmitted.

Employee Devices

Employee personal device usage must be approved by the Director of the Department. Personal devices may only be connected to the internet through the City’s Guest Wi-Fi to prevent the possibility of any virus or malware being transmitted into the City’s network.

CHAPTER X -Sexual Harassment

Sec. 10.1 - Purpose

The purpose of this policy is for the City of Justin to provide and maintain a work environment free of sexual harassment, sexual exploitation, and sexual intimidation by employees , contractors, vendors, members of the City Council, the City Manager, or visitors to the workplace. The City of Justin has a “zero tolerance” policy regarding sexual harassment, the City will not tolerate sexual harassment. The City will investigate any complaint of sexual harassment promptly. All employees are expected to comply with this policy, and failure to do so will result in disciplinary action up to and including immediate termination.

Sexual Harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964, as amended, and will not be tolerated by the City of Justin. Sexual harassment can occur in many forms, including but not limited to, unwelcome physical contact, verbal abuse, leering, gesture, and more subtle advances and pressure inviting sexual activity. Such conduct is unlawful where:

- Submission to such conduct is made term or condition of an individual’s employment.
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual (i.e., denial of a pay increase, promotion, transfer, leave of absence, imposing disciplinary action, promising to withhold disciplinary action, etc.)

- Such conduct has the purpose of unreasonably interfering with an individual's work performance or creating an intimidating hostile or offensive working environment.

Several factors are important to note:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the other sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or non-employee.
- The victim does not have to be the person harassed but could be affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- Any circumstances in which the harasser's conduct is unwelcome.

Sec. 10.1.1 - Examples of Sexual Harassment

The policy extends to City employees, contractors, vendors, members of the City Council, the City Manager or visitors to the workplace. It is illegal and against the City's policy for anyone male or female to harass a city worker or to create a hostile working environment by either committing or encouraging any of the following:

- Physical assaults on another employee, including, but not limited to rape sexual batter, molestation, or attempts to commit these assaults.
- Intentional physical contact that is sexual in nature, including but not limited to, touching, pinching, patting, or brushing up against another employee's body.
- Unwanted sexual advances, propositions, or sexual comments, including sexual gestures, jokes or comments made in the presence of any employee who has indicated in any way that such conduct in his/her presence is unwelcome.
- Posting or displaying pictures, posters, calendars, graffiti, objects, images or other materials that are sexual in nature or pornographic.

The creation of an intimidating, hostile, or offensive working environment includes such actions as persistent sexual comments or the display of obscene or sexually oriented photographs, images, or drawings. However, actions that arise out of personal or social relationship and are not intended to have a discriminatory employment effect might not be viewed as harassment, based on a review of the facts and circumstances of each situation.

Sec. 10.1.2 - How to Report Sexual Harassment

If an employee is either subjected to or witnesses sexual harassment, he/she should immediately inform the harasser that the conduct is offensive and insist that it stop. If sexual harassment continues the employee should report the matter to his/her immediate supervisor within twenty-

four (24) hours. If you are unable or unwilling to speak with your supervisor about the harassment, you should report the incident directly to Human Resources or the City Manager.

Sec. 10.2.3 – Supervisor Responsibility and Complaint Procedure

Each supervisor has the responsibility to maintain the workplace free of sexual harassment and to ensure that the employees are not subjected to insulting, degrading or exploitative sexual treatment. With the passage of SB-45 by the Texas Legislature, which was effective September 1, 2021, establishes that all supervisors, managers, and other agents of the City can be held personally liable for the harms caused to victims of sexual harassment, should they not prevent, or respond in a timely manner to a sexual harassment complaint.

Sec. 10.1.4 – Duties of Employees

The Complaint – If you are making the complaint of sexual harassment, the investigator will need to know all of the details, unpleasant thought they will be to recount. The investigator has a duty to be fair to everyone involved and needs as much information as possible. Be prepared to give the following information:

- The names of everyone who might have seen or heard about the offensive conduct.
- The names of everyone who may have had a similar experience with the alleged harasser.
- A chronology – when and where did each incident occur.
- The reasons why you did not report the incidents earlier (if you have delayed at all)
- Your thoughts on what the City should do to correct the problem and maintain a harassment free environment.

The Accused – If you are the person accused of harassment, you must remember that you have a duty to cooperate in the investigation, regardless of whether you believe the allegations to be true or false. You will be expected to answer questions completely and honestly. You may be asked not to communicate with certain individuals during the investigation. You must remember that you are not to retaliate against the person who made the complaint or against anyone who participates in any way in the investigation. You must treat them in the same fair and even-handed manner you would if the complaint had not ever been made. Failure to abide by these rules may result in discipline against you, even if the investigation shows no harassment occurred.

A Potential Witness – You may be asked to provide details concerning the alleged harassment between other employees. You have a duty to respond truthfully to the questions concerning these allegations.

Sec. 10.1.5 – Sexual Harassment Investigations

The city will investigate reported alleged sexual harassment immediately. Human Resources will arrange for each complaint for sexual harassment to be investigated. As soon as an

employee reports an incident to their supervisor, Human Resources or the City Manager. Human Resources is responsible for investigating the alleged complaint even if the employee does not want anything to be said or done about it.

Human Resources will obtain facts and view from all parties involved as well as any witnesses to the alleged sexual harassment. The person accused will be informed of the allegation and given the opportunity to respond.

As employee will not be subjected to retaliation for pursuing a sexual harassment complaint.

Sec. 10.2 – Anti-Harassment Policy

Many forms of harassment including harassment because of one's race, ethnicity, gender, religion, sexual orientation or sexual harassment are prohibited by federal and state laws. It is the City's policy to prohibit harassment of any kind, and the City of Justin will take appropriate action swiftly to address any violations of this policy. The definition of harassment is verbal or physical conduct designed to threaten, intimidate, or coerce. Also, verbal taunting (including racial and ethnic slurs) that, in the employee's opinion, impairs his/her ability to perform his/her job. Examples of harassment are:

- Verbal – Comments that are not flattering, demeaning or are unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body disability or appearances, epithets slurs and or negative stereotyping.
- Non-Verbal – Distribution display, or any written or graphic materials that ridicules, denigrates,, insults, belittles, or shows hostility or aversion toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, body disability, or appearances, gender identity, marital or other protected status.

Any allegation of harassment other than sexual harassment, shall be addressed in accordance with the City's Disciplinary Procedures.

Sec. 10.2.1 – Discipline

An employee found to have violated and/or failed to enforce or follow this policy shall be subject to disciplinary action, including written reprimands, transfer, demotion, suspension, or termination. Be enforcing this policy, the City will preserve the right of every employee and applicant for employment to enjoy a workplace free of harassment of any type.

CHAPTER XI - DEFINITIONS

Sec. 11.1 – Definitions

- Call Back – means an unscheduled or emergency return to work outside of normal hours or on a holiday or day off. It does not mean overtime, or holiday work scheduled in advance. Call back will be paid overtime with a two (2) hour minimum.
- Department – means a major functional unit of the City.
- Department Director – means a person in charge of a group of employees within a unit.
- Employee – means any person, permanent or temporary, working in the Service of the City.
- Full-time employee – means any employee who regularly works not less than thirty-five (35) hours per week.
- Immediate family – means husband, wife, domestic partner, son, daughter, stepchild, father, mother, brother, sister, grandparents, grandchildren, mother-in-law, father-in-law, brother-in-law, or sister-in-law.
- Layoff – means a separation from the City because of shortage of funds, or materials, abolishment of position or other reason beyond the control of an employee and not reflecting discredit on the employee.

- Military Leave – means the leave of absence granted to employees entering the armed forces of the United States during a national emergency or in a response to the draft or call to duty from civilian components of the armed forces.
- On call – means being available at a designated place for a designated period.
- Overtime – means time worked in addition to the normal forty (40) hours worked or emergency leave hours used during a regular work week for all non-police department employees. Overtime for certified officers within the police department shall be considered hours worked more than eighty-four (84) hours in each pay period. Overtime for Fire Department employees shall be considered hours worked more than one-hundred and six hours (106) in a pay period. Overtime will be compensated at one and one-half (1½) times the regular rate of pay for all overtime hours worked by a none-exempt employee.
- Part-time employee – means any employee who works more than twenty (20) hours per week but less than thirty (30) hours per week.
- Part-time 30 employee – means any employee who works more than thirty (30) hours per week but less than thirty-five (35) hours per week.
- Permanent part-time employee – means employee who regularly works at least twenty (20) hours per week but less than forty (40) hours per week.
- Position or job – means a group of current duties and responsibilities legally assigned or delegated by appointing authority, requiring the full-time or part-time employment of one (1) person.
- Probationary period – means a working test period of initial six (6) months during which an employee is required to demonstrate his/her fitness for a position by actual performance of the duties of the position. Police Department probationary period will be twelve (12) months.
- Promotion – means an assignment of an employee from a position to a position having a higher maximum salary rate or higher organizational rating.
- Statutory benefit – means personal day, sick days, vacation days, insurance and paid holiday.
- Supervisor – means any person responsible for to a superior for directing the work of others.
- Temporary employee – means an employee who has been appointed for a period not to exceed three (3) months to accomplish a limited task.
- Workday – means one (1) shift during which a department is open for business or one (1) which an employee is scheduled to work.
- Work Week – means several hours regularly scheduled to work during any seven (7) consecutive dates.

CHAPTER XII -SICK LEAVE POOL

Sec.12.0 – Sick Leave Pool

This pool establishes a Sick Leave Pool to provide additional sick leave for eligible employees who have exhausted all paid leave and suffered a loss of compensation because of a catastrophic illness or injury of the employee or a member of the employee's immediate family.

Sec.12.1 – Sick Leave Pool Definition

“Catastrophic illness or injury” is any prolonged illness or injury which causes an employee to be unable to perform, with reasonable continuity, the substantial material, and essential functions of his/her job for medically related reasons due to a serious health condition or self, or member of the employee's immediate family as certified by a licensed health care provider.

Such catastrophic illness or injury does not include pregnancy, or any illness or injury caused by employee's willful misconduct, or purposely self-inflicted. It also does not include any illness or injury that occurs while on leave without pay or absence without leave or is a result of another job.

A qualifying injury or illness is one that:

- Poses a threat to life and/or
- Requires in-patient or hospice care or extensive outpatient treatment or care and/or
- Requires the services of a licensed physician for an extended period, and

- Causes the employee to miss at least ten (10) days of work; and
- Causes the employee to need additional time off from work after exhaustion of all forms of paid leave.

“Immediate Family” means employee’s spouse, parent, or child (including foster child, certified by the Texas Department of Protective Services), living in the employee’s household who are totally dependent upon the employee for personal care or services on a continuing basis.

“Eligible Employee” means an employee who meets all the criteria set forth below:

- Has experienced a catastrophic illness or injury of self or member of immediate family.
- Has exhausted all accrued paid leave.
- Has been continuously employed by the City for at least six (6) months and
- Has not been awarded worker’s compensation benefits or long-term or short-term disability benefits.

Sec 12.2 – Contributions to the Sick Pool

Contribution to the sick leave pool is voluntary. Contributions to the sick leave pool must be in units of eight (8) hours. Employees are permitted to contribute up to two-hundred and forty (240) to the Sick Leave pool each calendar year. Employees must maintain an eighty (80) hour minimum in their individual sick leave banks to donate to the pool. Sick leave contributed to the pool may not be designated for the use of a particular person and all time contributed to the sick leave pool is non-refundable.

Sec. 12.3 – Applying for Sick Pool Time

A request for Sick Leave Pool time must be submitted in writing to the Human Resources Department along with a Doctor’s certification stating the need for the requested time off.

- The Doctor certification must be signed by a licensed medical practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his/her license.
- The Doctor’s certification must include the date the medical condition began and the probable duration, the estimate of time that the employee will be unable to perform work of any kind or whether it is necessary for the employee to work a reduced schedule.

A renewal application from the physician certification must be filled out and signed by a physician every thirty (30) calendar days that the employee is eligible for and requires the use of pool leave.

If the employee is incapacitated so that he/she cannot provide the application and/or physician's certification and employee spokesperson (family member, physician, or another employee) may provide this to the City.

Leave from the Sick Leave Pool which is taken because of a catastrophic illness or an injury to the employee or the employee's immediate family, will run concurrently with leave under the Family and Medical Leave ACT (FMLA). If there is any conflict between the City's Sick Leave Pool policy and the City's FMLA policy the FMLA policy shall take precedence.

Sec12.4 – Sick Pool Hour Disbursement Details

An employee can request up to two-hundred and forty (240) hours of donated sick leave at a time (if available in the sick leave pool)

Should the employee need additional hours of donated leave the employee or a representative may approach the Human Resources Department to request for up to an additional two-hundred and forty (240) hours. At that time the employee or representative must present Human Resources with written request and physicians' certification stating when the employee will be able to return to work. Any additional hours after the initial two-hundred and forty hours (240) must be approved by the City Manager before they are withdrawn from the sick leave pool.

Sec. 12.5 – Sick Pool Approval Process

Human Resources will review all applications and certifications for use of sick leave pool time. Once confirming that all the necessary information has been provided, and the status of the Sick Pool balance has been determined the request for use of the Sick Pool time will be presented to the City Manager for approval.

Application for pool leave is on a first-come first served basis and is contingent upon the available balance in the pool at the time of application as well as the employee's ability to meet the necessary criteria listed in Sec. 12.2 above.

No more than two-hundred and forty (240) hours will be granted at one time.

The lifetime maximum that can be received by any employee is seven hundred and twenty (720) hours. Within ten working days from submission of the appropriate application and documentation to the Human Resources Department a decision will be made in writing.

Sec. 12.6 – Use of Sick Leave Pool Days

An employee may use sick leave assigned from the pool in the same manner as sick leave accrued pursuant to the Personnel Policies and shall be treated in the same manner and shall be entitled to accrue the same benefits as an employee who uses such accrued sick leave. However,

as soon as leave is accrued, earned paid time will be used in lieu of the contributed time from the pool.

Employee and City contributions to insurance, retirement, etc. will continue while the employee is on sick leave during that period of time.

While out on pool time, any across the board salary increases, COLA's market adjustments, etc., which are independent of performance, will be awarded to the employee.

While out on pool time, employees will not be permitted to perform outside work for compensation prior to returning from leave and working his/her scheduled shift. Employees found to conflict with this policy will be subject to the loss of the paid leave time, will lose all remaining sick leave time and will be subject to disciplinary action up to and including termination.

When the employee is absent from work because of a catastrophic illness or injury, prior to the employee's return to work, the employee must submit to the Human Resources Department a licensed health care provider's written statement that the employee was required to be absent from duty because of the condition and the date the employee is able to return to work. The statement must also specify what limitations, if any, exist on the employee's ability to perform his or her job duties or pose a threat to the safety of the employee or others.

If the employee's health care provider releases the employee to return to work before the end of the approved sick leave period, the employee must notify their supervisor and the Human Resources Department and make arrangements to return to work as soon as possible.

If a member withdraws sick leave hours from the sick leave pool and is certified by his health care provider to return to work before all the sick leave hours have been used, the remaining balance of awarded and unused sick leave hours will be returned to the sick leave pool.

Sec. 12.7 – No Property Rights or Entitlements Exist

No property rights or entitlement exist to sick leave contributions provided by this sick leave pool policy or any previous donations of sick leave.

The estate of a deceased employee shall not be entitled to payment for unused sick leave assigned from the pool.

Awards from the pool are prospective. State law prohibits the retroactive granting of sick leave or sick leave pool hours. Employees who have exhausted all accrued paid leave will be put on leave without pay until a Sick Leave Pool award if any is approved.

The City reserves the right to change, modify, amend, revoke, or rescind all or part of this policy at the direction of the City Council.

Sec. 12. 8 – Exceptions to the Sick Leave Pool

Exceptions to the Sick Leave Pool Policy may be granted at the discretion of the City Manager.

CHAPTER XIII - CHILDREN AT WORK

Sec. 13.0 – Children at Work

The City of Justin understands there are times that occur when an employee must address situations that arise with their child(ren). However, the City of Justin strives to provide all employees with a rewarding and productive workplace and understands that the presence of employees' children in the workplace can be disruptive to the work environment. Employees may bring their children into the workplace under certain circumstances, but they must adhere to the terms of this policy. Examples of circumstances where children are allowed at the workplace are:

- City of Justin Event
- Last minute childcare, cancellations, with no other option.
- Brief visit with the employee.

The child shall not be brought to work on a frequent or regular basis, and the employee must first obtain permission from his or her supervisor. The workplace is not a substitute for proper

daycare arrangements for an employee's child. Additionally, an employee's sick child may not be brought to work. If employees need time to deal with a sick child, the employee must stay home or leave work and use any applicable leave or time off.

If an employee's child is brought to the workplace, that employee shall have sole responsibility for the child's needs and behaviors. The child shall always be accompanied by and under the direct supervision of the employee. If the nature of the child's visits becomes problematic, or if the child disrupts the workplace or the employee's performance, the employee's supervisor will advise the employee of the issue. That employee will be expected to take corrective action immediately. In the event the employee does not take immediate corrective action the employee's supervisor will request that the employee take the child home and will be required to use applicable leave time.



City Council Coversheet
December 11, 2025
415 N. COLLEGE AVE.

Agenda Item: 6. (CONSENT AGENDA)

Title: Consider approving Resolution 801-25 approving an ETJ extension; and take appropriate action.

Department: Administration

Contact: Matthew Cyr, Director of Planning and Development

Recommendation:

Staff recommends approval.

Background:

Purpose

The purpose of this memo is to inform the City Council of the required update to the City of Justin's Extraterritorial Jurisdiction (ETJ) boundary resulting directly from the annexation of the Crestview development. As shown in Exhibit A). The City's ETJ may now extend outward from the new city limit boundary as permitted under Texas Local Government Code (TLGC) Chapter 42.

Summary

The City Council previously approved and executed the annexation of the Crestview development area, thereby expanding Justin's corporate boundary. Under State law, a municipality's ETJ automatically shifts with annexed territory. Adoption of the attached resolution formally recognizes this expansion and updates the City's official ETJ map.

Expanding the ETJ ensures Justin maintains planning authority, subdivision oversight, and land-use coordination within the newly eligible area.

STATE LAW REQUIREMENTS FOR ETJ BUFFERS

1. Definition of ETJ Size – Texas Local Government Code §42.021

Under TLGC §42.021, the size of a municipality's ETJ is determined by its population category. For example:

- Municipalities **under 5,000 population** have **½-mile** ETJ.
- Municipalities **5,000 to 24,999** have a **1-mile** ETJ.
- Municipalities **25,000 to 49,999** have **2-mile** ETJ.
- And so on.

As reflected on the exhibit, Justin is within the **1-mile ETJ category**.

2. ETJ Automatically Extends Following Annexation – TLGC §42.022

When a municipality annexes land, its ETJ automatically expands outward from the new boundary up to the maximum distance allowed by §42.021. This is exactly the situation created by the Crestview annexation.

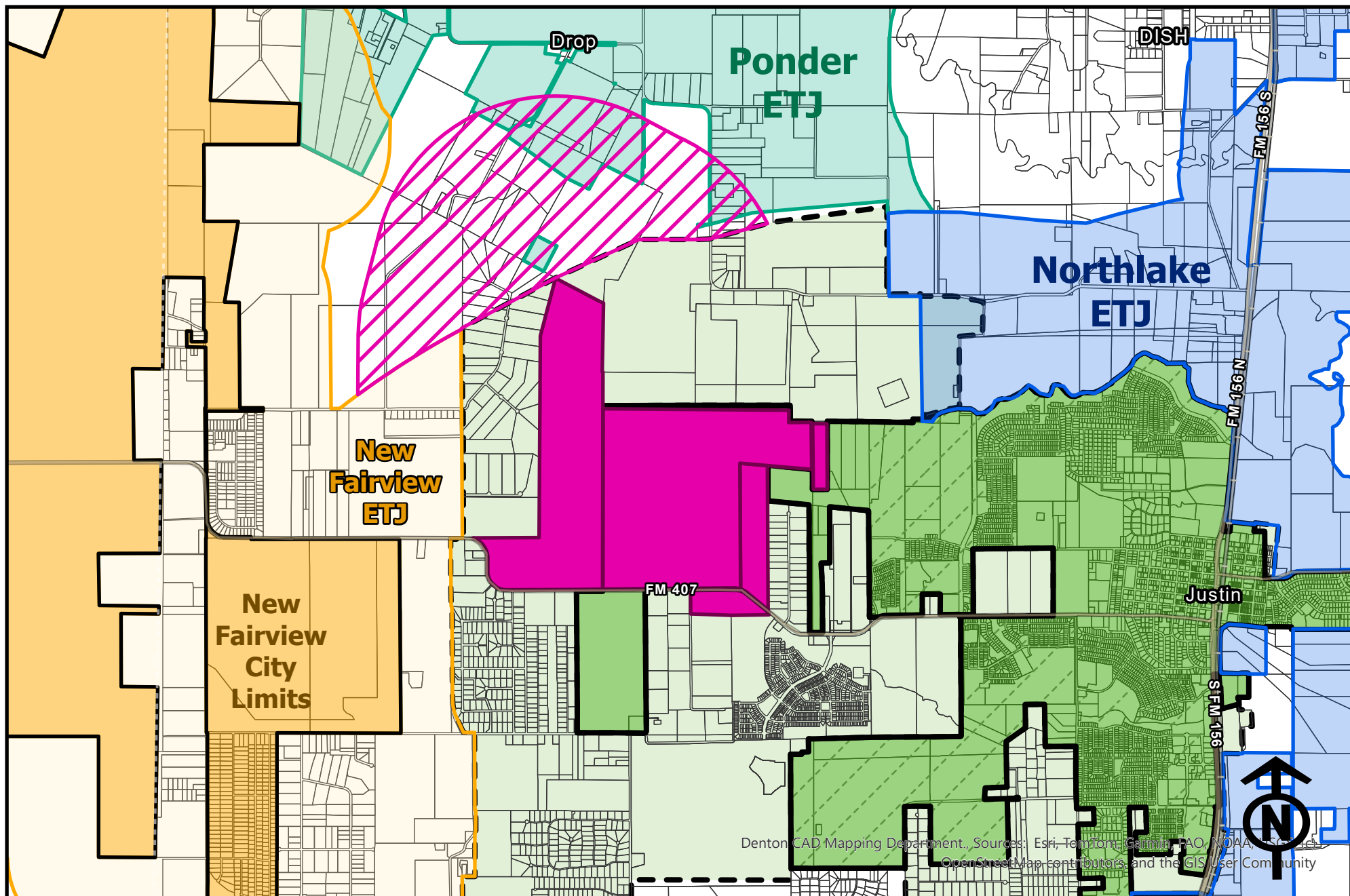
3. ETJ Boundary Adjustments Must Be Formally Adopted

While the ETJ shifts by operation of law, municipalities must formally adopt and record updated ETJ maps for administrative, planning, and intergovernmental coordination purposes.

City Attorney Review: No

Attachments:

1. ETJ exhibit 2025
2. Proposed Resolution



Legend

- Justin ETJ
- Justin City Limits
- Crestview
- 1mi. Radius from Crestview

Crestview Annexation City of Justin, TX

0 0.25 0.5 1
Miles

Prepared by:
Christopher T. Young
GIS Technician
Date: 11/03/2025

RESOLUTION NO. 801-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JUSTIN, TEXAS, EXPANDING THE CITY OF JUSTIN'S EXTRATERRITORIAL JURISDICTION (ETJ) TO INCORPORATE THE AREA DESCRIBED IN *EXHIBIT A*, RESULTING FROM THE ANNEXATION OF THE CRESTVIEW DEVELOPMENT; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, Section 42.021 of the Texas Local Government Code authorizes a general-law or home-rule municipality to expand its extraterritorial jurisdiction ("ETJ") as its city limits expand; and

WHEREAS, the City Council of the City of Justin has approved the annexation of the area commonly known as the *Crestview development*, thereby extending the City's municipal boundaries; and

WHEREAS, as a direct result of said annexation, the new municipal boundary establishes an entitlement for the City of Justin to extend its ETJ to the limits permitted under State law; and

WHEREAS, the City Council finds it necessary and in the best interest of the City to formally expand the ETJ to include the area depicted in **Exhibit A** (Crestview Annexation ETJ Exhibit, dated November 3, 2025, prepared by Christopher T. Young, GIS Technician)

WHEREAS, expansion of the ETJ ensures appropriate planning authority, land-use coordination, development review, and future growth management consistent with the City's Comprehensive Plan and long-term public service strategy.

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

SECTION 1. The City of Justin's Extraterritorial Jurisdiction is hereby expanded to incorporate the area shown and described in *Exhibit A*, attached hereto and incorporated herein for all purposes, consistent with the authority granted under Chapter 42, Texas Local Government Code.

SECTION 2. City staff is hereby directed to file and record this Resolution, together with the updated ETJ map, in accordance with State law and to provide notice to Denton County, adjacent municipalities, and any other required governmental entities.

SECTION 3. This Resolution shall take effect immediately upon its adoption.

SECTION 4. It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public and conducted in compliance with the Texas

Open Meetings Act.

DULY PASSED by the City Council of the City of Justin, Texas, on the 11th day of December 2025.

APPROVED:

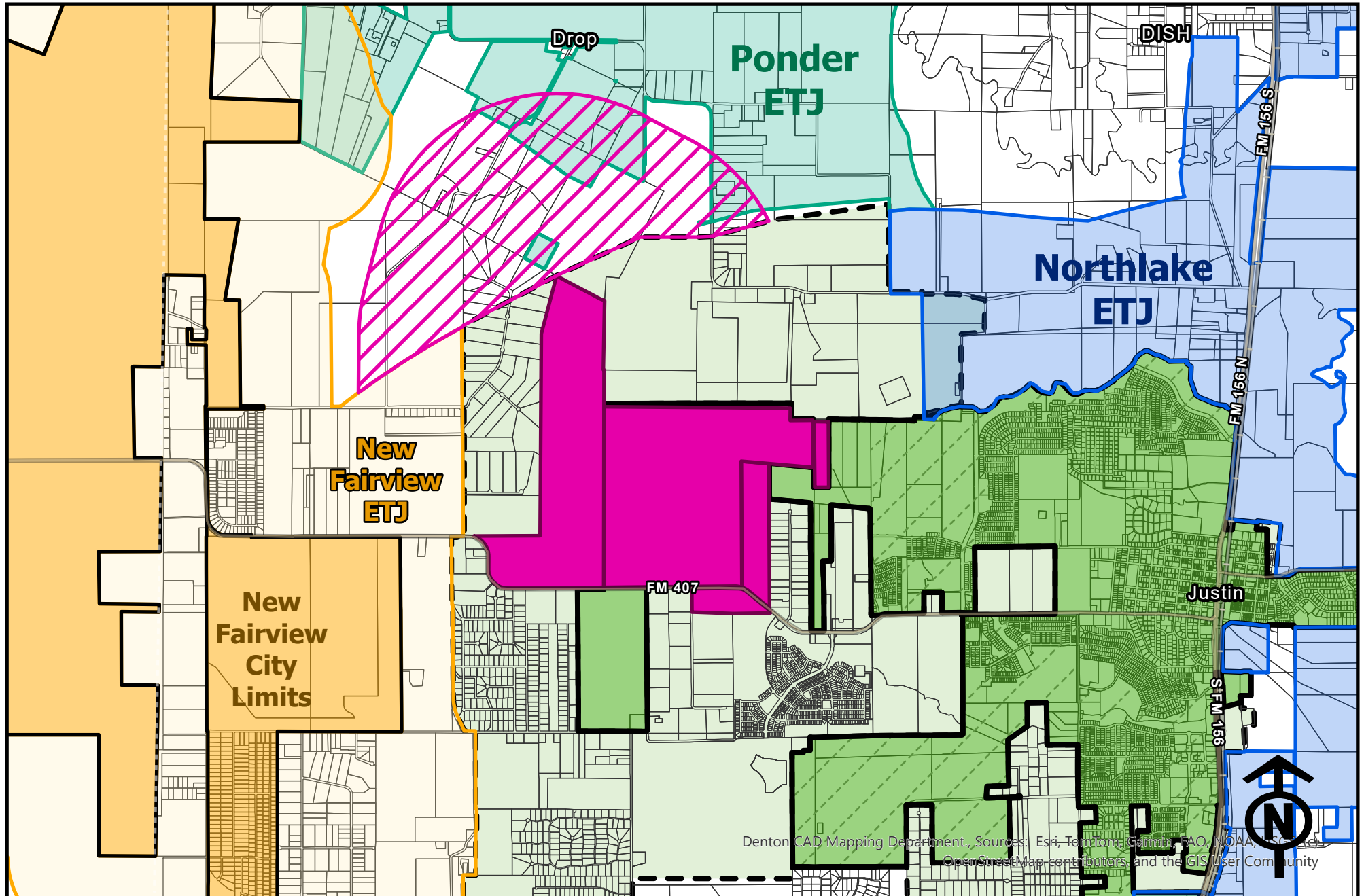
James Clark, Mayor

ATTEST:

Amy Piukana, City Secretary

APPROVED AS TO FORM:

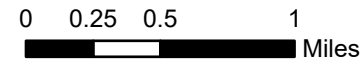
City Attorney



Legend

- Justin ETJ
- Justin City Limits
- Crestview
- 1mi. Radius from Crestview

**Crestview
Annexation
City of Justin, TX**



Prepared by:
Christopher T. Young
GIS Technician
Date: 11/03/2025



City Council Coversheet
December 11, 2025
415 N. COLLEGE AVE.

Agenda Item: 7. (CONSENT AGENDA)

Title: Consider approving Resolution 802-25, authorizing a Work Order Authorization for Westwood to design FM 407 utilizing Denton County Bond Funds, and take appropriate action.

Department: Administration

Contact: Matthew Cyr, Director of Planning and Development

Recommendation:

Staff recommends approval as presented.

Background:

FM 407 Work Order with Westwood

Westwood Professional Services, Inc. submitted a **Project Work Order dated August 14, 2025** under the existing Professional Services Master Agreement executed on January 19, 2022. The Work Order titled “*City of Justin – FM 407 – Bill Cook Rd to Florance Rd*” outlines engineering and planning services needed to advance FM 407 improvements, including:

- Schematic review and refinement
 - Environmental analysis and public involvement
 - Traffic projections and operational modeling
 - Hydrologic and hydraulic evaluations
 - Roadway, drainage, and geometric design
 - Surveying and utility coordination
 - Preparation of full PS&E documents
-

The Work Order includes defined deliverables, project schedule, staffing assignments, and compensation terms. Execution of this Work Order allows Westwood to proceed upon issuance of the City's Notice to Proceed.

Interlocal Agreement with Denton County – Status Update

On October 23, 2025, the City Council approved **Resolution No. 796-25**, authorizing the City Manager to enter into an Interlocal Agreement with Denton County for FM 407 improvements.

ILA Resolution FM 407

Since that approval, the City has fully executed the ILA and transmitted it to Denton County. The agreement is now awaiting placement on the Denton County Commissioners Court agenda for formal consideration.

The ILA enables the City to utilize County bond funds for engineering, design, and construction activities associated with FM 407. It formalizes coordination responsibilities between the City and County and supports the advancement of the project in partnership with TxDOT.

Analysis

FM 407 is a critical transportation corridor supporting mobility, safety, and economic development within Justin and the surrounding region. Advancing design work now is strategic, ensuring the City is aligned with TxDOT and Denton County as the corridor moves closer to construction sequencing.

The Westwood Work Order provides the technical and engineering framework needed to progress the project to the next development stages.

The executed ILA confirms local and regional partnership support and secures the County's financial participation in the project's design and future construction phases.

Together, these actions position Justin to efficiently leverage external funding, reduce local expenditures, and accelerate upgrades along FM 407.

Fiscal Impact

Costs associated with the FM 407 Work Order shall be offset or reimbursed through Denton County bond funds once the Commissioners Court approves the ILA.

Full Documents:

<https://www.dropbox.com/scl/fi/ohm8sw4jjytjg7cdtdtnx/Work-Order-FM->

407.pdf?rlkey=wmgra585cipcvvuk21uplhtnt&st=8zfdsuzu&dl=0

City Attorney Review: No

Attachments:

1. City of Justin - FM 407 Work Order_partial execute

PROJECT WORK ORDER/AUTHORIZATION

PROJECT TITLE (the “**Project**”): City of Justin – FM 407 – Bill Cook Rd to Florance Rd

CLIENT NAME: City of Justin

DATE OF WORK ORDER: 08/14/2025

PROJECT LOCATION: TX

PROJECT NUMBER: R0039226.03

This Project Work Order between Client and Westwood is set forth pursuant to our Professional Services Master Agreement executed on January 19, 2022.

I. Contract Documents

This Project Work Order, any resulting change orders, and the Professional Services Master Agreement comprise the contract documents. There are no other general or supplementary conditions further stipulated.

II. Project Description

See Exhibit A

III. Client and Westwood Responsibilities

1. Client Responsibilities:

- a. Payment for Services and as otherwise indicated in Section 2.01.B of the Professional Services Master Agreement.

2. Westwood Responsibilities:

See Exhibit A

IV. Deliverables

See Exhibit A

V. Schedule

1. Notice to Proceed for this contract is understood to be this Project Work Order signed, dated, and fully executed by both Client and Westwood.
2. Client shall give Notice to Proceed for each phase of the project and no work shall commence prior to receiving Notice to Proceed.

VI. Staff

1. Pursuant to completion of this Project Work Order/Authorization, Westwood will utilize the following primary personnel under the designated roles listed:

- a. **Christopher J. Cha, P.E.**

Christopher.cha@westwoodps.com

817-412-7155

- b. **Mark Zoellner, PE**

mark.zoellner@westwoodps.com

817-412-7155

VII. Project Work Order Attachments:

Exhibit A – Scope of Services

Exhibit B – Compensation

VIII. Payment

See Exhibit “B”

[Remainder of Page Left Intentionally Blank; Signature Page Follows]

ACCEPTED AND AGREED:

CLIENT:
City of Justin

(Signature)

(Name – Printed)

(Title)

(Date)

Client Address/Contact for giving notices:
(if different than Master Agreement)

WESTWOOD:
Westwood Professional Services, Inc.



(Signature)

Brian D. O'Neill, PE, CFM

(Name – Printed)

Vice President, Public Infrastructure

(Title)

August 6, 2025

(Date)

Westwood Address/Contact for giving notices:
(if different than Master Agreement)

EXHIBIT A

SERVICES TO BE PROVIDED BY THE ENGINEER

NOTE: Information for tables to be provided in work authorization.

The Engineer shall provide engineering services required for the preparation of plans, specifications, and estimates (PS&E) and related documents, for various projects in both rural and urban settings. These services might include preparing roadway design, bridge design, hydrologic and hydraulic design, traffic signal design, safety lighting, utility adjustment coordination, subsurface utility engineering, utility engineering, survey, geotechnical data collection, environmental documentation, and if requested, provide design support, testify at right of way hearings, and construction phase services necessary to support the design process.

Project Description: FM 407 Denton County in the Dallas District Project

Limits: Bill Cook Rd to Florance Rd

CSJ: 1568-02-016, 1310-01-048

1. GENERAL REQUIREMENTS.

1.1. Design Criteria.

The Engineer shall prepare all work in accordance with the latest version (at time of work authorization execution) of applicable TxDOT procedures, specifications, manuals, guidelines, standard drawings, and standard specifications or previously approved special provisions and special specifications, which include:

- A. *PS&E Preparation Manual*, published by TxDOT;
- B. *Roadway Design Manual*, published by TxDOT;
- C. *Hydraulic Design Manual*, published by TxDOT;
- D. *Bridge Design Manual-Load Resistance Factor Design (LRFD)*, published by TxDOT;
- E. *Bridge Project Development Manual*, published by TxDOT;
- F. *Geotechnical Manual - LRFD*, published by TxDOT;
- G. *Texas Manual on Uniform Traffic Control Devices (TMUTCD)*, published by TxDOT;
- H. *Highway Illumination Manual*, published by TxDOT;
- I. *Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges* (latest Edition), published by TxDOT;
- J. *Traffic and Safety Analysis Procedural Manual (TASP)*, published by TxDOT;
- K. *TxDOT Survey Manual*, published by TxDOT;
- L. other TxDOT-approved manuals and guides.

When design criteria are not identified in TxDOT manuals, the Engineer shall notify the State and refer to the American Association of State Highway and Transportation Officials (AASHTO), *A Policy on Geometric Design of Highways and Streets*, (latest Edition).

The Engineer shall follow the TxDOT district guidelines in preparing the plans, specifications, and estimates (PS&E) package and prepare each PS&E package in a form suitable for letting through TxDOT's construction contract bidding and awarding process.

The Engineer shall design the project according to the latest TxDOT's design criteria. The Engineer shall supply project-specific design criteria (e.g., typical sections, estimate, design exceptions) to be inserted into the design elements form for discussion at the design concept conference (DCC).

1.2. Coordination.

The Engineer shall coordinate issues and communications with TxDOT's internal resource areas through the State's project manager. The State will communicate the resolution of issues and provide the Engineer direction through the State's project manager. The Engineer shall coordinate with affected counties, cities, and all other governmental agencies only at the State's project manager's direction.

The Engineer shall notify the State and coordinate with adjacent engineers on all controls at project interfaces. The Engineer shall document the coordination effort, and each engineer must provide written concurrence regarding the agreed project controls and interfaces. In the event the Engineer and the other adjacent engineers are unable to agree, the Engineer shall meet with the State and each adjacent engineer for resolution. The State will have authority over these disagreements and the State's decision will be final.

1.3. Progress Reporting and Invoicing.

The Engineer shall submit a monthly written progress report to the City's project manager regardless of whether the Engineer is invoicing for that month. The Engineer's written progress report must describe activities during the reporting period; activities planned for the following period, problems encountered, and actions taken to remedy them; list of meetings attended; and overall status, including a percent complete by task.

Once the project goes to letting, the Engineer shall deliver all electronic files within 30 days of written request. All electronic files delivered to the State must meet the requirements of Attachment G – Computer Graphics Files for Document and Information Exchange.

Final payment is contingent upon the State's receipt and confirmation by the State's project manager that (1) the electronic files run and are formatted in accordance with Attachment G - Computer Graphics Files for Document and Information Exchange and (2) all review comments are addressed.

The Engineer shall prepare a letter of transmittal to accompany each document submittal to the State. At a minimum, the letter of transmittal must include the State's control-section-job (CSJ) number, the highway number, county, project limits, State's contract number, and State's work authorization number.

1.4. Traffic Control.

The Engineer shall provide all planning, labor, and equipment to develop and to execute each traffic control plan (TCP) needed by the Engineer to perform services under each work authorization. The Engineer shall comply with the requirements of the most recent edition of the *TMUTCD*. The Engineer shall submit a copy of each TCP to the State for approval prior to commencing any work on any State roadway. The Engineer shall provide all signs, flags, and safety equipment needed to execute the approved TCP. The Engineer shall notify the State in writing 24 hours in advance of executing each TCP requiring a lane closure and shall have received written concurrence from the State prior to beginning the lane closure. The Engineer's field crew must possess a copy of the approved TCP on the job site at all times and shall make the TCP available to the State for inspection upon request. The Engineer shall assign charges for any required traffic control to the applicable function code.

1.5. Right-of-Entry.

The Engineer shall notify the State and secure permission utilizing the State's current form to enter private property to perform any surveying, environmental, engineering, or geotechnical activities needed off State right-of-way. The Engineer shall not commit acts that would result in damages to private property. The Engineer shall make every effort to comply with the wishes and address the concerns of affected private property owners. Prior to entering private property, the Engineer shall contact each property owner and obtain written approval from the State.

Right of entry permission must be written and signed by the property owner. The Engineer shall not distribute letters or other materials seeking right of entry without prior approval of the State. Letters or other materials seeking right of entry must state the kinds of activities for which right of entry is requested and indicate the impacts (if any) that might result from performance of the activities.

1.6. Level of Effort.

The Engineer shall base the level of effort at each phase on the prior work developed in earlier phases without unnecessary repetition or re-study. If directed by the State, the Engineer shall provide written justification regarding whether additional or repeated level of effort of earlier completed work is warranted, or if additional detail will be better addressed at a later stage in the project development.

1.7. Quality Assurance (QA) and Quality Control (QC).

The Engineer shall provide the Engineer's QA and QC manual, guide, or process to the State. The Engineer shall provide peer review at all levels. For each deliverable, the Engineer shall have some evidence of their internal review and mark-up of that deliverable as preparation for submittal. A milestone submittal is not considered complete unless the required milestone documents and associated internal red line mark-ups are submitted. The State's project manager may require the Engineer to submit the Engineer's internal mark-up (red lines) or comments developed as part the Engineer's quality control step. When internal mark-ups are requested by the State in advance, the State may reject the actual deliverable should the Engineer fail to provide the evidence of quality control. The Engineer shall clearly label each document submitted for quality assurance as an internal mark-up document.

If, at any time, during the review of a submittal it becomes apparent to the State that the submittal contains errors, omissions, or inconsistencies, the State may cease its review and immediately

return the submittal to the Engineer for appropriate action by the Engineer. A submittal returned to the Engineer for this reason is not a submittal for purposes of the submission schedule.

1.8. Use of the State's Standards.

The Engineer shall identify and use current applicable, State standard details, district standard details, and approved miscellaneous details whenever feasible instead of creating new details. The Engineer shall get approval to use District developed standards. The Engineer shall sign, seal, and date each standard and miscellaneous detail if the standard selected has not been adopted for use in a district. The Engineer shall obtain approval for use of these details during the early stages of design from the project manager or area engineer designated by the State. These details must be accompanied by the appropriate general notes, special specifications, special provisions, and method of payment. The Engineer is responsible for the appropriate selection of each Standard identified for use within its design.

1.9. Organization of Plan Sheets.

The Engineer shall complete and organize the PS&E package in accordance with the latest edition of the TxDOT *PS&E Preparation Manual*. The Engineer shall ensure that the PS&E package is suitable for the bidding and awarding of a construction contract and that the PS&E package is in accordance with the latest TxDOT policies and procedures, and the district's PS&E checklist.

1.10. Organization of Design Project Folder and Files (Electronic Project Files).

The Engineer shall organize the electronic project files in accordance with the State's file management system (FMS) format. With the approval of the State, the Engineer may maintain the project files in the State's ProjectWise work areas.

1.11. Limited Access to State's Transportation Project Lifecycle Management Systems.

The State may grant to specific individuals designated by the Engineer limited access to TxDOT's Transportation Project Lifecycle Management Systems (TxDOTCONNECT) to update responsible engineer information, develop project construction cost estimates, build specification lists, and seal construction cost estimates. The State may limit the number of individuals granted access to TxDOTCONNECT.

The following are the TxDOTCONNECT security roles currently available for use by the Engineer:

Work Performed in Solution	Required License	Security Role
Update Responsible Engineer Information Develop Construction Cost Estimate Build Specifications Lists Seal Project Estimate	Professional Engineer (PE)	Professional Engineer - Consultant
Update Responsible Engineer Information Develop Construction Cost Estimate Build Specifications Lists	None	Engineer's Estimate Coordinator - Consultant

When requested by the State, the Engineer shall obtain completed forms and signatures required by TxDOT to issue a TxDOT network User ID from the individuals it has designated to receive TxDOTCONNECT access. After the TxDOT User ID is issued, those individuals must request access to TxDOTCONNECT.

1.12. State-Controlled Waters.

The placement of a new structure or modification of an existing structure within state-controlled waters will require confirmation that the structure lies within the General Land Office (GLO) property and whether the crossing is tidally influenced or not. Consequently, the Engineer shall request, as early in the design process as possible, that the State determine whether the

proposed improvements are within a tidal GLO property, a submerged GLO property, or a non-tidal GLO property. The State may request assistance from the Engineer to prepare an exhibit demonstrating the location of the proposed improvements on the GLO State Owned Map for the project location of an assigned TxDOT district.

1.13. Underground excavation.

If necessary, the Engineer shall contact the Texas Excavation Safety System, Inc. (DIGTESS) or call telephone number 811 to have underground utilities marked prior to digging holes for right of way monuments, utility engineering investigation, geotechnical investigation, or other purposes. The Engineer shall separately contact utilities that are not a part of the DIGTESS organization. The Engineer shall maintain documentation of all notification calls. The Engineer shall comply with Texas' excavation laws.

1.14. Preventative Measures to Prevent the Spread of Oak Wilt Disease Contamination.

The Engineer shall take the following preventive measures while cutting, pruning, or removing oak trees in counties that have confirmed cases of oak wilt disease or when directed by the State:

- A. When possible, employ alternative methods instead of pruning or cutting oak trees.
- B. When possible, perform necessary pruning and cutting of healthy trees during January or February when sap beetles are least active.
- C. Treat wounds with pruning paint in oak wilt disease infected counties to discourage insects, especially during warm weather.
- D. Sterilize all pruning tools between each use on each tree with either Lysol spray or a 70 percent rubbing alcohol solution.
- E. Dispose of the tree cuttings by burning, burying, or another approved method.

1.15. Personal Protective Equipment (PPE).

- A. The Engineer shall, and shall require its subcontractors to:
 - 1. Provide personal protective equipment (PPE) to their personnel.
 - 2. Provide business vehicles for their personnel, and
 - 3. Require their personnel to use PPE and drive only business vehicles while performing work on or near roadways.
- B. The PPE must meet all:
 - 1. Current standards set by the Occupational Safety and Health Administration (OSHA) and
 - 2. TxDOT requirements (e.g., safety glasses, Type 3 (TY 3) pants for night work).
- C. Each business vehicle must be clearly marked with the Engineer's business name, or the name of the appropriate subcontractor, such that the name can be identified from a distance.

1.16. Training Requirements.

- A. Each key staff member of the Engineer's project team that is performing or overseeing design or plan review tasks must complete the Environmental Management System (EMS) courses prescribed by the State prior to working on the project. The required training for key staff members on the design project team is listed on the EMS training matrix, which may be accessed at: <https://ftp.txdot.gov/pub/txdot-info/env/ems/070-04-fig.pdf>.

The courses listed on the EMS training matrix are e-learning (online), unless otherwise noted as classroom learning. Information about these online courses may be accessed at: <https://www.txdot.gov/inside-txdot/division/environmental/ems-courses.html>.

The Engineer shall ensure that each key staff member of the Engineer's project team that will be performing or overseeing design or plan review tasks has completed the required training listed on the EMS training matrix prior to working on the project. In addition, the Engineer shall ensure that the required training is repeated by each key staff member of the project team based on the repeat requirements stated in the EMS training matrix.

Additional training requirements may be added by District Environmental Staff to comply with project specific federal and state environmental permits. The Engineer shall ensure that all staff members comply with any additional environmental training requirements.

B. Deliverables for Training Requirements:

The Engineer shall provide a list, signed by the Engineer's Project Manager that includes the following:

1. The names and titles of all key staff personnel performing or overseeing design or plan review tasks
2. The names of the training courses completed by each person on the list
3. The completion dates for the training courses completed by each person on the list

The Engineer shall update this list and resubmit it to the State any time new key staff personnel are assigned to the project team and any time training is repeated by key staff personnel on the project.

1.17. Information Resources and Security Requirements.

The Engineer (as "Contractor" in Attachment I) shall perform its work in accordance with Attachment I, Information Resources and Security Requirements. A Contractor-Related Entity might create, access, transmit, store, or use Public TxDOT data in a Contractor-Related Entity Environment. The Engineer shall ensure that Contractor-Related Entity Environments comply with the TxDOT Low Security Baseline.

GENERAL REQUIREMENTS BY FUNCTION CODE

The Engineer shall perform the services under this contract in accordance with the following general requirements related to each function code.

2. GENERAL REQUIREMENTS FOR FUNCTION CODE 102(110) – FEASIBILITY STUDIES

2.1. Route and Design Studies

The Engineer shall prepare proposed roadway schematic layouts that include proposed geometric alignments, profiles, structures, projected traffic volumes, and proposed typical sections based on the existing, approved geometric schematics. The purposes of these schematic layouts are to further evaluate the approved schematic designs and develop potential alternative design elements to be approved by the State.

The Engineer shall prepare preliminary drawings to identify any potential impacts and constraints within the project corridor, including impacts to access, traffic flow, utility conflicts, and environmental impacts. The potential impacts and constraints identified must include all existing and proposed utilities (both public and private), structures, burial grounds, neighborhood communities, historical landmarks, and undeveloped areas. Any potential utility conflicts and

structural impediments must be identified as such. The Engineer shall propose alternative alignments that avoid or minimize impacts to property access, travel time, traffic congestion, displacements or damages. Alternative analysis should also include full constructability review of proposed alternatives and documentation of the impacts to construction phasing, schedule, and costs.

2.2. Agency Coordination and Public Involvement

The Engineer shall assist the State in conducting meetings with property owners, stakeholders, and various agencies to discuss and review the project design. The Engineer shall prepare project design exhibits and related exhibits as needed to assist the State with all presentations.

The Engineer shall coordinate, schedule, reserve, and pay for all meeting locations and facilities. The Engineer shall prepare the adjacent property owner list; mail out and pay for notices; draft letters to public officials; prepare, publish and pay for notices to major and local newspaper, and provide audio and visual rental equipment and changeable message boards.

The Engineer shall compile comments received and responses to comments and prepare the meeting summary documentation for all public involvement activities. The Engineer shall comply with the environmental compliance toolkits related to public involvement.

2.3. Traffic Data and Projections

The Engineer shall obtain the base year traffic data from the State and develop the opening-year, design-year (opening year +20), and pavement design year (opening year + 30) travel forecasts, and related traffic analysis in coordination with the TxDOT Transportation Planning and Programming Division (TPP). The developed traffic projections must be utilized for design and environmental analysis. The Engineer shall develop traffic forecasts for the main lanes, ramps, cross streets, interchanges, intersections, and frontage roads for build alternatives. These projections must include graphic representations of the anticipated daily movements along the corridor and the traffic analysis for highway design table. The Engineer shall prepare a traffic projections methodology memo, based on the information provided in the traffic analysis package. The Engineer shall review the proposed methodology with the State and refine it based on these discussions. The Engineer shall submit the traffic volumes developed by the Engineer to TPP for review and approval. The Engineer shall revise the traffic volumes based on TPP's comments.

2.4. Traffic and Operational Analysis

The Engineer shall review and analyze traffic data (including percent trucks, design hourly volume, and directional distribution), existing roadway features (including ramp locations, weaving sections, number of lanes, offset to obstructions, lane widths, frontage road operations, and intersection operation and geometry), traffic flow patterns, and transit and traffic operations. The Engineer shall conduct capacity analysis studies for designated locations and sections of roadway and make recommendations for improving traffic flow. The Engineer shall use the HCM to analyze and make appropriate recommendations. The analysis must be done for existing/base year, opening year, design year (opening+20 year), and interim year (if needed) for existing and future conditions. Results of this analysis must be incorporated into the schematic design. The Engineer shall develop and submit to TxDOT a traffic and operational analysis report summarizing all analysis performed. If microsimulation is used, the Engineer shall develop and calibrate an existing condition traffic model. The calibration memo must be included in the traffic analysis report. The analysis must be performed using the latest versions of TxDOT-approved software (e.g., HCS, Synchro, VISSIM, CORSIM, SIDRA).

2.5. Renderings and Traffic Simulation

The Engineer shall develop renderings, three-dimensional (3D) models, illustrations, and animations as a means of expression and understanding for what the owner of a project envisions

and what the public perceives. In support of the public outreach effort, the State will choose reasonable build alternatives, which the Engineer shall carry forward into creating renderings and traffic animations for each of the various alternatives. The Engineer shall create a 3D model for the reasonable build alternatives from: horizontal and vertical alignments, existing and proposed DTMs, proposed typical sections, traffic counts, and ground photography. When requested by the State, the Engineer shall use aerial video footage captured by unmanned aircraft systems (UAS).

The use of UAS is regulated by the Federal Aviation Administration (FAA). The Remote Pilot in Command (RPIC) must possess a current FAA Remote Pilot Certificate (14 CFR Part 107) and be sufficiently trained, capable, and competent to operate the type of system in the environment in which it is to be operated. The RPIC must be responsible for the safe conduct of the UAS flight. Visual Observers as required must be familiar with UAS operations and in positive two-way communication with the RPIC. Additionally, operators must comply with the general safety protocols established in the TxDOT Flight Operations Manual.

The animations and renderings must give the public and stakeholders a clear awareness and appreciation for the reduction of traffic congestion and how traffic is to flow into and out of the project area.

2.6. Safety Analysis

The Engineer shall review and analyze historical crash data for latest 3 to 5 full calendar years (i.e., January 1 to December 31, inclusive) with respect to crash characteristics such as severity, crash types, frequency, rates, patterns, clusters, and their relationship to crash contributing factors. The purpose of the historical crash analyses is to determine safety performance of the existing conditions to understand any safety issues within the study area.

Predictive, or quantitative safety analysis, involves using HSM-based methods that use safety performance functions (SPFs) and crash modification factors (CMFs) to estimate anticipated change in crashes from existing condition to the proposed design. The predictive safety analysis must be done for no-build and build conditions for design year. The purpose of the predictive safety analysis is to compare the safety performance of the no-build and build alternatives to help determine the preferred alternative and to determine the countermeasures, if necessary, to improve safety. Predictive safety analysis must be performed using HSM based tools including Interactive Highway Safety Design Model (IHSDM), Enhanced Interchange Safety Analysis Tools (ISATe), HSS, or other tools acceptable to the State. The Engineer shall develop and submit to the State a safety analysis report summarizing all analysis performed.

2.7. Financial Plan and Project Management Plan (Omitted)

3. GENERAL REQUIREMENTS FOR FUNCTION CODE 120(120) – SOCIAL/ ECON/ENV STUDIES – SOCIAL, ECONOMIC, AND ENVIRONMENTAL STUDIES AND PUBLIC INVOLVEMENT.

3.1. Environmental Services Requirements.

Each environmental service provided by the Engineer must have a deliverable. Deliverables must summarize the methods used for the environmental services and the results achieved. The summary of results must be sufficiently detailed to provide satisfactory basis for thorough review by the State, and where applicable, the Federal Highway Administration and other agencies with regulatory oversight. All deliverables must meet regulatory requirements for legal sufficiency and adhere to the requirements for reports enumerated in TxDOT's National Environmental Policy Act of 1969 (NEPA) Memorandum of Understanding (MOU) for federal projects and the Texas Administrative Code, Title 43, Part 1, chapter 2 for State projects.

A. Quality Assurance/Quality Control Review

For each deliverable, all documents must be in accordance with:

1. Current Environmental Compliance Toolkit guidance, documentation requirements, and templates published by the TxDOT Environmental Affairs Division (ENV) and in effect as of the date of receipt of the documents or documentation to be reviewed;
 2. Current state and federal laws, regulations, policies, guidance, agreements, and memoranda of understanding between TxDOT and other state or federal agencies; and
 3. Guidelines contained in Improving the Quality of Environmental Documents, A Report of the Joint AASHTO/ACEC Committee in Cooperation with the Federal Highway Administration (May 2006) for:
 - a. Readability, and
 - b. Use of evidence and data in documents to support conclusions. Upon request by the State, the Engineer shall provide documentation that the QA and QC reviews were performed by qualified staff.
- B. Deliverables must contain all data acquired during the environmental service and be written to be understood by the public. The format must meet all requirements as specified by the State and in accordance with the TxDOT *Writers Style Guide* published by TxDOT's Communications Division.
- C. Electronic versions of each deliverable must be written in software that is fully compatible with the software currently used by the State and provided in the native format of the document for future use by the State. The Engineer shall supplement all hard copy deliverables with electronic copies in searchable Adobe Acrobat (.pdf) format, unless another format is specified by the State. Each deliverable must be a single, searchable .pdf file that mirrors the layout and appearance of the physical deliverable. The Engineer shall deliver the electronic files in a format acceptable to the State in both the document's native format and the PDF format.
- D. Submission of Deliverables
1. Deliverables must consist of documentation to support reevaluation, or a categorical exclusion (CE) determination, or documentation in support of an environmental assessment (EA) or an environmental impact statement (EIS), as applicable. Technical reports and documentation must be prepared to support the applicable environmental classification (e.g. CE, EA, or EIS).
 2. All deliverables must comply with all applicable state and federal environmental laws, regulations, procedures, and TxDOT's Environmental Compliance Toolkits, documentation requirements, and templates.
 3. On the cover page of any environmental documentation, the Engineer shall insert the following language in a way that is conspicuous to the reader:

"The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 9, 2019, and executed by FHWA and TxDOT."
 4. The State will provide the State's and other agency comments on draft deliverables to the Engineer. When required, the Engineer shall revise the deliverable:
 - a. To include any State commitments, findings, agreements, or determinations (e.g., wetlands, endangered species consultation, Section 106, or Section 4(f)), required for the transportation activity as specified by the State;
 - b. To incorporate the results of public involvement and agency coordination;
 - c. To reflect mitigation measures resulting from comments received or changes in the

transportation activity; and

- d. To include with the revised document a comment response form (matrix) in the format provided by the State.
- E. The Engineer shall provide photographs and graphics that clearly depict details relevant to an evaluation of the project area. Comparable quality electronic photograph presentations must be at least 1200 x 1600 pixel resolution. The State may request images/graphics be provided in another format or quality.

3.2. Environmental Reevaluation Content and Format Requirements.

The Engineer shall conduct reevaluations, as directed by the State, in accordance with TxDOT's Environmental Toolkit and the applicable Federal and State's guidance. A Reevaluation Consultation Checklist (RCC) and supporting documentation must include the project history, addressing the specific changes that have occurred, potential environmental impacts and associated necessary technical studies, with a supported conclusion of the need for further action, or lack thereof

3.3. Categorical Exclusion (CE) Supporting Documentation Content and Format Requirements.

The documentation shall meet the requirements of 23 C.F.R. § 771.119 and 43 Tex. Admin. Code Ch. 2, as directed by the State, and in accordance with TxDOT's Environmental Toolkit and the applicable Federal and State's guidance. Documentation includes providing information about the project and the project area to the State for the completion of the Work Plan Development Screens in the Texas Environmental Compliance Oversight System (ECOS) to determine what technical studies are required. Additionally, an open-ended (d) list categorical exclusion classification request form must be prepared to classify the project as an open ended (d) list CE, if needed.

3.4. Environmental Technical Analyses and Documentation Requirements.

A. Definition of technical analyses and documentation for environmental services

In general, technical analyses and documentation for environmental services might include a report, checklist, form, or analysis detailing resource-specific studies identified during the process of gathering data to make an environmental decision.

The State may determine what technical reports and documentation are necessary for any given project. The Engineer shall prepare all technical reports and documentation for the State with sufficient detail and clarity to support environmental determinations. All technical reports must be in accordance with TxDOT's Environmental Compliance Toolkits,

documentation requirements, and templates. The environmental document must reference the technical reports.

Environmental technical reports and documentation must include appropriate NEPA or federal regulatory language in addition to the purpose and methodology used in delivering the service. Technical reports and forms must use templates and documentation standards as applicable and include sufficient information to determine the significance of impacts.

B. The Engineer shall provide the requested environmental technical analyses and documentation at the work authorization level, that may include:

1. Section 4(f) Evaluations

The Engineer shall provide a Section 4(f) evaluation conforming to the appropriate TxDOT Section 4(f) checklist for exceptions, de minimus, and programmatic evaluations. For individual Section 4(f) evaluations, the format and outline will be approved by the State beforehand. All Section 4(f) evaluations must meet the requirements set forth in TxDOT's Environmental Compliance Toolkits. The 4(f) Section

of the environmental document states the reason a Section 4(f) evaluation is being completed. The 4(f) Section of the environmental document discusses the presence of all Section 4(f) properties located in the project area.

2. Environmental Public Involvement (23 C.F.R. § 771.111) 43 TAC § 2

The Engineer shall:

- a. Develop a public involvement plan specifying all activities to be performed and alternatives to be discussed during public involvement activities. Public involvement activities must be carried out in compliance Attachment A, Article 38, sections J and K of this contract. The plan must discuss outreach strategies for both the general public and targeted strategies for environmental justice and limited English proficiency populations
- b. Submit legal notices to the State's project manager for review no less than six weeks prior to publication
- c. Obtain approval in writing by the State's project manager for all legal notices, exhibits, and other materials
- d. Provide staffing levels of personnel identified at the work authorization level.
- e. Not distribute acknowledgement or response letters without prior approval by the State's project manager
- f. Not distribute the newsletter without prior approval by the State
- g. Provide materials and information regarding the transportation activity to the State's project manager to be posted on the State-developed website.
- h. Ensure the website conforms to state law, Texas Department of Information Resources requirements, TxDOT policies and procedures, and TxDOT Brand Guidelines.

3. Community Impacts Analysis

Community impacts include environmental justice, limited English proficiency, and other issues as addressed in TxDOT environmental guidance. The Engineer shall provide community impact assessments including environmental justice analysis in accordance with Attachment A, Article 38, Sections J and K of this contract. The report must follow guidance provided in TxDOT's Community Impacts Assessment Toolkit.

4. Induced Growth Impact Analysis and Cumulative Impacts Analysis

The Engineer shall meet the requirements of NEPA and the most current version of TxDOT's *Guidance on Preparing Impact Analyses and Cumulative Impacts Analysis Guidelines* in TxDOT's Environmental Compliance Toolkits. The extent of the analyses will be provided in the work authorization.

5. Air Quality Studies

The Engineer shall complete all required technical reports and the air quality section of all environmental documents in accordance with the current version of the TxDOT's Environmental Handbook for Air Quality and Air Quality Toolkit. The State's project manager may determine what technical reports and documentation are required for any given project.

6. Noise Analysis Technical Reporting

The Engineer shall use TxDOT's .DGN file coordinate system for all traffic noise modeling, so that all design files and traffic noise modeling software coordinate systems

are the same.

The Engineer shall provide TxDOT with all .DXF files used for the traffic noise model.

The Engineer shall not begin identification of noise sensitive land uses unless TxDOT's Environmental Affairs Division's Historical Studies Branch (ENV-Historical Studies) has approved a Project Coordination Request (PCR).

7. Water Resources Analysis and Documentation

The Engineer shall provide environmental documentation, conduct field surveys, and provide analysis of biological natural resources for compliance with state and federal regulations as described in the *Environmental Guide: Volume 2 Activity Instructions*, <http://ftp.dot.state.tx.us/pub/txdot-info/env/toolkit/060-06-gui.pdf>, and the associated forms, templates, and guidance found in the Water Resources section of the Natural Resources Toolkit, <https://www.txdot.gov/inside-txdot/division/environmental/compliance-toolkits/natural-resources.html>. The applicable water resource studies must be determined at the work authorization level. In the case that field surveys are required, then the Engineer shall contact TxDOT's Project Manager for clearance prior to starting fieldwork. TxDOT will verify that approved methods and appropriately permitted and experienced staff will be used.

8. Biological/Natural Resources Management Analysis and Documentation

a. The Engineer shall provide environmental documentation, conduct field surveys, and provide analysis of biological natural resources for compliance with state and federal regulations as described in the *Environmental Guide: Volume 2 Activity Instructions*, <http://ftp.dot.state.tx.us/pub/txdot-info/env/toolkit/060-06-gui.pdf>, and the associated forms, templates, and guidance found in the Natural Resources Toolkit, <https://www.txdot.gov/inside-txdot/division/environmental/compliance-toolkits/natural-resources.html>. The applicable natural resource studies must be determined at the work authorization level. In the case that field surveys are required, then the Engineer shall contact TxDOT's Project Manager for clearance prior to starting work. TxDOT will verify that approved methods and appropriately permitted and experienced staff will be used. At the request of the State, the Engineer shall provide the following biological/natural resource analysis:

b. For all projects within a USFWS Designated Karst Zone or Critical Habitat:

- (1) A USFWS permitted biologist must perform the habitat assessment for listed karst invertebrates per USFWS protocols.
- (2) A Texas licensed Professional Geoscientist (P.G.) must perform, sign, and seal the karst features survey. The Texas licensed P.G. must have experience in central Texas karst geology.

9. Initial Site Assessment (ISA) with Hazardous Materials Project Impact Evaluation Report

The Engineer shall provide ISA with Hazardous Materials Project Impact Evaluation Report in accordance with Statement of Work for Hazardous Materials Processes related to NEPA in the TxDOT Hazardous Materials Management Toolkit (<http://www.txdot.gov/inside-txdot/division/environmental/compliance-toolkits/haz-mat.html>).

10. Archeological Documentation Services

The Engineer shall complete all archeological studies to satisfy the current TxDOT Archeological Sites and Cemeteries Toolkit. An archeological background study must be performed prior to field work. If the Engineer was provided with a background study

by the State, a new background study is not required.

An archeological survey (reconnaissance or intensive) must satisfy state and federal regulations. The applicable archeological survey will be determined at the work authorization level. The Engineer shall contact TxDOT's Environmental Affairs Division's Archeological Studies Branch (ENV-ARCH) for approval prior to starting field and survey work. ENV-ARCH will verify that approved methods and appropriately permitted and experienced staff will be used.

11. Historic Resource Identification, Evaluation, and Documentation Services

The Engineer shall complete all historic resource identification, evaluation, and documentation services in compliance with TxDOT's Environmental Compliance Toolkits. All services, except the historic resource PCR, must have prior approval by TxDOT's Environmental Affairs Division's Historical Studies Branch (ENV-HIST) to be performed. The historic resource PCR must be accepted by ENV-HIST prior to survey field work.

12. Floodplain Impacts

The Engineer shall document any Regulatory Zone requirements, and International Boundary Water Commission (IBWC) requirements (transportation activity within the floodplain of the Rio Grande) if the project is within the area covered by these regulations. Studies for floodplain impacts must fulfill the requirements of Executive Order 11988 and 23 C.F.R. subpt. 650.A. Documentation must:

- a. Briefly describe the watershed characteristics of the study area in terms of land uses and changes in land use that affect stream discharge.
- b. Briefly describe the streams in the study area, including evidence of stream migration, down cutting, or aggradations.
- c. Identify the presence and nature (e.g., zone A, zone AE, zone AE with floodway) of any FEMA mapped floodplains; including the panel number.
- d. Indicate the existence of any significant development associated with the mapped area and identify the jurisdiction responsible for the floodplain.
- e. Identify the locations where an alternative might encroach on the base (100-year) floodplain (encroachments), where an alternative might support incompatible floodplain development, and the potential impacts of encroachments and floodplain development. This identification must be included in the text and on a map.
- f. Include a list of all jurisdictions having control over floodplains for each alternative.
- g. Where an encroachment or support of incompatible floodplain development results in impacts, the Engineer shall provide more detailed information on the location, impacts, and appropriate mitigation measures. In addition, if any alternative (1) results in a floodplain encroachment or supports incompatible floodplain development having significant impacts, or (2) requires a commitment to a particular structure size or type, the report must include an evaluation and discussion of practicable alternatives to the structure or to the significant encroachment. The report must include exhibits which display the alternatives, the base floodplains and, where applicable, the regulatory floodplains.
- h. For each alternative encroaching on a designated or regulatory floodplain, provide a preliminary indication of whether the encroachment is consistent with or requires a revision to the regulatory floodplain. If the preferred alternative encroaches on a regulatory floodplain, the report must discuss the consistency of the action with the

regulatory floodplain. In addition, the report must document coordination with FEMA and local flood plain administrator or state agencies with jurisdiction indicating that a revision is acceptable or that a revision is not required.

- i. If the preferred alternative includes a floodplain encroachment having significant impacts, the report must include a finding that it is the only practicable alternative as required by 23 C.F.R. subpt. 650.A. The finding must refer to Executive Order 11988 and 23 C.F.R. subpt. 650.A. In such cases, the report must document compliance with the Executive Order 11988 requirements and must be supported by the following information:
 - (1) The reasons why the proposed action must be located in the floodplain;
 - (2) The alternatives considered and why they were not practicable; and
 - (3) A statement indicating whether the action conforms to applicable state or local floodplain protection standards

13. Stormwater Permits (Section 402 of the Clean Water Act)

The Engineer shall describe the need for Municipal Separate Storm Sewer System (MS4) notification. List MS4 participating municipalities.

4. GENERAL REQUIREMENTS FOR FUNCTION CODE 130(130) – RIGHT-OF-WAY – SURVEY ACTIVITIES. (OMITTED)

4.1. Right of Way Mapping Requirements.

Traditional ROW mapping includes ground surveying and preparation of parcel maps, legal descriptions also known as metes and bounds descriptions, and ROW maps.

Standards and deliverables are detailed in the *TxDOT Survey Manual* and the TxDOT Surveyor's Toolkit. The latest versions of the *TxDOT Survey Manual* and the TxDOT Surveyor's Toolkit at the time the work authorization or supplemental work authorization is executed are applicable to that work authorization and the Engineer shall comply with those versions unless a written exception is provided by the TxDOT ROW Division Survey Section Director. The Engineer shall provide the services of a licensed state land surveyor (LSLS) to locate the boundary of any lands controlled by the Texas General Land Office. The Engineer remains ultimately responsible and shall ensure that the work is performed as required.

The Engineer shall use all standards, procedures, and equipment such that, at a minimum, the results of the survey is in compliance with the precision and accuracy requirements set forth by the Texas Board of Professional Engineers and Land Surveyors (TBPELS) rules.

By mutual agreement between the TBPELS and the State, ROW maps need not be signed and sealed by a RPLS.

For purposes of clarity, consistency, and ease of understanding, the State, as an acquiring agency of private property for public use, has adopted standards and formats for a ROW map to facilitate the processes of negotiation, appraisal, relocation assistance, and condemnation. The Engineer shall adhere to these standards and formats to every extent possible.

5. GENERAL REQUIREMENTS FOR FUNCTION CODE 135(135) – RIGHT-OF-WAY – UTILITY ACTIVITIES.

5.1. Definitions.

In this attachment, the following definitions apply.

- A. "Utility Coordinator" means the individual or entity performing utility-related services that are not required to be performed by a licensed professional engineer under Texas law. The Engineer remains ultimately responsible and shall ensure that the work is performed as required.
- B. "Utility Engineer" means the individual or entity performing utility-related services that are required to be performed by a licensed professional engineer under Texas law. The Engineer remains ultimately responsible and shall ensure that the work is performed as required.
- C. "Ensure" means to make certain that something has happened or will happen, and includes an obligation to deploy the appropriate level of engineering or other technical expertise, consistent with the complexity, cost, and level of risk associated with a task. The term ensure does not require the completion of any task assigned to another entity by the State under a separate agreement.

5.2. Utility Engineering Investigation Requirements.

Utility engineering investigation includes utility investigations subsurface and above ground prepared in accordance with ASCE/CI Standard 38-02 and Utility Quality Levels.

A. Utility Quality Levels (QL)

Utility Quality Levels are defined in cumulative order (least to greatest) as follows:

- 1. Quality Level D - Quality level value assigned to a utility segment or utility feature after a review and compilation of data sources such as existing records, oral recollections, One-Call markings, and data repositories.
- 2. Quality Level C - Quality level value assigned to a utility segment or utility feature after surveying aboveground (i.e., visible) utility features and using professional judgement to correlate the surveyed locations of these features with those from existing utility records.
- 3. Quality Level B - Quality level value assigned to a utility segment or subsurface utility feature whose existence and position is based upon appropriate surface geophysical methods combined with professional judgment and whose location is tied to the project survey datum. Horizontal accuracy of utilities is 18" (including survey tolerances) unless otherwise indicated for a specific segment of the deliverable. Quality Level B incorporates quality levels C and D information. A composite plot is created.
- 4. Quality Level A – Quality level value assigned to a portion (x, y, and z geometry) of a point of a subsurface utility feature that is directly exposed, measured, and whose location and dimensions are tied to the project survey datum. Other measurable, observable, and judged utility attributes are also recorded (per District Best Practices). The utility location must be tied to the project survey datum with an accuracy of 0.1 feet (30-mm) vertical and to 0.2 feet (60-mm) horizontal. As test holes may be requested up front or during the project, test holes done prior to completion of QL D, C, or B deliverables must be symbolized on the QL B deliverable with a call out indicating test hole's number. This is in addition to and not in lieu of the test hole.

B. Utility Engineering Investigation Methodology Requirements

The Engineer shall:

- 1. Provide utility designating services. Designate means to indicate the horizontal location of underground utilities by the application and interpretation of appropriate non-destructive surface geophysical techniques and reference to established survey control. Designating (Quality Level B) services are inclusive of Quality Levels C and D.

The Engineer and State acknowledge that the line sizes of designated utility facilities detailed on the deliverable will be from the best available records and that an actual line size is normally determined from a test hole vacuum excavation. A note must be placed on the designate deliverable only that states "lines sizes are from best available records". All above-ground utility feature locations must be included in the deliverable to the State. This information must be provided in the latest version of OpenRoads civil design system used by the State. The electronic file will be delivered on USB flash drive or as required by the State. A hard copy is required and must be signed, sealed, and dated by the engineer overseeing the utility engineering (Utility Engineer). When requested by the State, the designated utility information must be overlaid on TxDOT's design plans.

2. Provide utility locate (test hole) services. Locate means the process used to obtain precise horizontal and vertical position, material type, condition, size, and other data that might be obtainable about the utility facility and its surrounding environment through exposure by non-destructive excavation techniques that ensures the integrity of the utility facility. Subsurface utility locate (test hole) services (Quality Level A) are inclusive of Quality Levels B, C, and D. Quality Level A test holes that do not encounter an expected utility will not be considered complete until discussed with the TxDOT Project Manager.

Include the following data on an appropriately formatted test hole data sheet that has been sealed and dated by the Engineer:

- a. Elevation of top of utility tied to the datum of the furnished plan
- b. Minimum of two benchmarks utilized. Elevations must be within an accuracy of 15mm (.591 inches) of utilized benchmarks
- c. Elevation of existing grade over utility at test hole location
- d. Horizontal location referenced to project coordinate datum
- e. Outside diameter of pipe or width of duct banks and configuration of non-encased multi-conduit systems
- f. Utility facility material
- g. Utility facility condition
- h. Pavement thickness and type
- i. Coating/wrapping information and condition
- j. Unusual circumstances or field conditions

Excavate test holes in such a manner as to prevent any damage to wrappings, coatings, cathodic protection, other protective coverings, and features. Water excavation can only be utilized with written approval from the appropriate TxDOT district office.

Be responsible for any damage to the utility during the locating process. In the event of damage, the Utility Engineer must stop work, notify the appropriate utility facility owner, the State, and appropriate regulatory agencies. The regulatory agencies include: the Railroad Commission of Texas and the Texas Commission on Environmental Quality. The Utility Engineer must not resume work until the utility facility owner has determined the corrective action to be taken. The Engineer shall be liable for all costs involved in the repair or replacement of the utility facility.

Back fill all excavations with appropriate material and methods approved in writing by the State's project manager. The Engineer is responsible for the integrity of the backfill

and surface restoration.

Provide complete restoration of work site and landscape to equal or better condition than before excavation. If a work site and landscape is not appropriately restored, the Engineer shall return to correct the condition at no extra charge to the State.

Plot utility location position information to scale and provide a comprehensive utility plan signed and sealed by the responsible engineer. This information must be provided in the latest version of MicroStation and be fully compatible with the OpenRoads civil design system used by the State. The electronic file must be delivered on USB flash drive or as required by the State. When requested by the State, the locate information must be overlaid on TxDOT's design plans.

3. Maintain a utility layout in the current approved version of OpenRoads Civil Design system used by TxDOT. This layout must include all existing utilities that are to remain in place or be abandoned, and all adjusted utilities. This layout must be utilized to monitor the necessity of relocation and evaluate alternatives.
4. Provide utility engineering investigation information in the latest version of MicroStation OpenRoads Designer and MicroStation Connect Edition that are implemented at TxDOT at the time the work authorization is executed.
5. Ensure that there is no conflict between the utility management plan, utility certifications, and special provisions.
6. The Utility Engineer's activities must conform with those specified under Texas Administrative Code, Title 43, Part 1, Chapter 21, Subchapter C, Section 21.37, relating to the specified utility types, eligibility requirements, agreements, and approvals.

C. Utility Adjustment Monitoring and Verification Requirements (OMITTED)

6. GENERAL REQUIREMENTS FOR FUNCTION CODE 145(145) – MANAGING CONTRACT/DONATED PE – PROJECT MANAGEMENT AND ADMINISTRATION.

6.1. Contract Management and Administration Requirements.

The Engineer shall:

- A. Perform all work in accordance with TxDOT's latest practices, criteria, specifications, policies, procedures and Standards of Uniformity (SOU). All documents must be sufficient to satisfy the current SOUs available from the State.
- B. Act as an agent for the State when specified in a work authorization.
- C. Produce a complete and acceptable deliverable for each service performed.
- D. Notify the State's project manager of its schedule, in advance, for all field activities.
- E. Notify the State's project manager in writing if at any time during this contract period the Engineer encounters unforeseen circumstances that may materially affect the scope, complexity or character of the work authorized by the State. The notification must include a complete description of the circumstances encountered.

7. GENERAL REQUIREMENTS FOR FUNCTION CODE 160(150) – ROADWAY DESIGN – DESIGN SURVEYS AND CONSTRUCTION SURVEYS.

7.1. General Survey Requirements.

- A. In this attachment, the term "Surveyor" means the firm (prime provider or sub-provider) that

is providing the surveying services shown in the scope. The Engineer remains ultimately responsible and shall ensure that the work is performed as required.

- B. Survey Standards and requirements for deliverables are detailed in the *TxDOT Survey Manual* and the TxDOT Surveyor's Toolkit. The versions in existence at the time the work authorization or supplemental work authorization is executed are applicable to that work authorization and the Surveyor shall comply with those versions unless a written exception is provided by the TxDOT District Survey Coordinator or the TxDOT ROW Division Survey Section Director. The Engineer shall provide the services of a certified Photogrammetrist or Mapping Scientist to perform or oversee the tasks done by aerial instrument platforms. The Engineer remains ultimately responsible and shall ensure that the work is performed as required.

7.2. Design Survey, Construction Survey, and As-Built Survey Requirements.

A. Definitions

1. Design Survey

A design survey gathers data in support of transportation systems design. A design survey includes the research, field work, analysis, computation, and documentation necessary to provide detailed topographic (3-dimensional) mapping of a project site (e.g., locating existing ROW, surveying cross-sections or developing data to create cross-sections and digital terrain models, horizontal and vertical location of utilities and improvements, collecting details of bridges and other structures, review of ROW maps, and establishing control points).

2. As-Built Survey

An as-built survey provides field data documenting utility installation and combines performance of field work coordination, verification, computation, analysis, and documentation of standard utility installation. As-built ITS drawings for all installations, shall be signed and sealed by a Professional Engineer or Professional Surveyor registered in the State of Texas. Sub-foot horizontal accuracy is required. Vertical data is not required. Deliverables will be in GIS format with the correct scale factor applied.

B. Requirements

Design surveys, construction surveys, and as-built surveys must be performed under the supervision of a Registered Professional Land Surveyor (RPLS) currently registered with the Texas Board of Professional Engineers and Land Surveyors (TBPELS).

8. GENERAL REQUIREMENTS FOR FUNCTION CODE 160(160) – ROADWAY DESIGN – ROADWAY DESIGN CONTROLS.

8.1. Roadway Design Controls Requirements.

The Engineer shall inform the State of changes made from previous initial meetings regarding each exception, waiver, design deviation, and variance that might affect the design. The Engineer shall cease all work under the roadway design task until the exceptions, waivers, and variances have been resolved between the Engineer and the State unless otherwise directed by the State to proceed. The Engineer shall identify, prepare exhibits, and complete all necessary forms for design exceptions and waivers within project limits prior to the 30% Submittal. These exceptions shall be provided to the State for coordination and processing of approvals.

The Engineer shall perform the design work in accordance with the *TxDOT Roadway Design Manual*, the *TxDOT PS&E Preparation Manual*, and the guidance provided by the TxDOT district.

8.2. Geometric Design Requirements.

- A. The Engineer shall review the schematic provided by the State to confirm its understanding of the project and to verify completeness and accuracy of the information. The Engineer shall refine the horizontal and vertical alignment of the design schematic in U.S. customary units of measure for main lanes, ramps, direct connectors, frontage roads, side streets, including grade separation structures. The Engineer shall determine vertical clearances at grade separations and overpasses, taking into account the appropriate percent grade and super-elevation rate. Modifications in the alignment must be considered to provide optimal design. Modifications must be coordinated with the State's project manager and adjacent Engineers. The State must approve the refined schematic prior to the Engineer proceeding to the 30% milestone submittal and prior to starting on the bridge layouts.
- B. Preliminary Geometric Layout.
1. The Engineer shall develop the preliminary geometric layout consisting of a planimetric file of existing features and the proposed improvements within the existing and any proposed ROW. The layout must include features listed in the *TxDOT Roadway Design Manual* Chapter 1, Section 3.:
 2. The Engineer shall develop the proposed alignment to avoid the relocation of existing utilities as much as possible. The Engineer shall consider Americans with Disabilities Act (ADA) requirements and *Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG)* when developing the preliminary geometric layout. The preliminary geometric layout must be prepared in accordance with the current *TxDOT Roadway Design Manual*. The Engineer shall provide horizontal and vertical alignment of the preliminary geometric project layout in U.S. customary units for main lanes and side streets. Minor alignment alternatives must be considered to provide for an optimal design. The project layout must be coordinated with the State's project manager and adjacent Engineers, if any. The Engineer shall also provide proposed and existing typical sections depicting the following:
 - a. profile grade line (PGL)
 - b. lane widths
 - c. cross slopes
 - d. ROW lines
 - e. ditch shapes
 - f. pavement structures
 - g. clear zones.
 3. The 3D corridor model must be created using Bentley's OpenRoads tools. The 3D corridor model must have enough details to verify the feasibility of the proposed design.
 4. Prior to proceeding with the final preliminary geometric layout, the Engineer shall present to the State's project manager for review and approval, alternatives for the design (e.g., flush or raised curb median) with recommendations and cost estimates for each alternative. The Engineer shall attend all necessary meetings to discuss the outcome of the evaluations of the alternatives analysis.
 5. Perform a safety analysis utilizing State approved tools to ensure safety-driven decisions are taken into account during the project development and design process.

8.3. Roadway Design Requirements.

- A. The Engineer shall use Bentley's current design technology in the design and preparation of

the roadway plan sheets, using the version of MicroStation OpenRoads Designer and MicroStation Connect Edition that are implemented at TxDOT at the time the work authorization is executed. However, TxDOT may approve the use of other versions.

- B. The Engineer shall provide roadway plan and profile drawings using CADD standards as required in Attachment G or as approved by the State's project manager. The drawings must consist of a planimetric file of existing features and files of the proposed improvements. The roadway base map must contain line work that depicts existing surface features obtained from the schematic drawing. Existing major subsurface and surface utilities must be shown if requested by the State. Existing and proposed right-of-way lines must be shown. Plan and profile must be shown on separate or same sheets (this depends upon width of pavement) for main lanes, frontage roads, and direct connectors.

8.4. Plan and Profile Drawing Requirements.

The Engineer shall prepare plan and profile drawings that include the following:

A. Plan view

1. Calculated roadway centerlines for main lanes, ramps, side streets, and frontage roads, as applicable. Horizontal control points must be shown. The alignments must be calculated using OpenRoads horizontal geometry tools.
2. Pavement edges for all improvements (main lanes, direct connectors, ramps, side streets, driveways, and frontage roads, if applicable).
3. Lane and pavement width dimensions.
4. The geometrics of ramps, auxiliary lanes, and managed lanes.
5. Proposed structure locations, lengths, and widths.
6. Sidewalks and shared use paths.
7. Direction of traffic flow on all roadways. Lane lines and arrows indicating the number of lanes must also be shown.
8. Drawing horizontal scale must be 1" = 100'
9. Control of access line, ROW lines, and easements.
10. Begin and end superelevation transitions and cross slope changes.
11. Limits of riprap, block sod, and seeding.
12. Existing utilities and structures.
13. Benchmark information.
14. Radii call outs, curb location, Concrete Traffic Barrier (CTB), guard fence, crash safety items and *American with Disabilities Act Accessibility Guidelines (ADAAG)* compliance items.

B. Profile view

1. Calculated profile grade line (PGL) for proposed main lanes (cite direction), direct connectors, ramps, side streets, and frontage roads, if applicable. Vertical curve data, including "K" values must be shown. The profiles must be calculated using OpenRoads vertical geometry tools.
2. Existing and proposed profiles along the proposed centerline of the main lanes, the outside shoulder line of ramps, and the outside gutter line of the designated (north, south, east or west) bound frontage roads.
3. Water surface elevations at major stream crossing for 2, 5, 10, 25, 50, and 100-year

storms.

4. Calculated vertical clearances at grade separations and overpasses, taking into account the appropriate superelevation rate, superstructure depth and required clearance.
5. The location of interchanges, main lanes, grade separations and ramps, and cross sections of any proposed or existing roadway, structure, or utility crossing.
6. Drawing vertical scale must be 1" = 10'

8.5. Typical Section Requirements.

The Engineer shall prepare typical sections. The typical sections must include the following:

- A. width of travel lanes
- B. shoulders
- C. outer separations
- D. border widths
- E. curb offsets
- F. managed lanes
- G. ROW
- H. proposed profile grade line (PGL)
- I. centerline
- J. pavement design
- K. longitudinal joints
- L. side slopes
- M. sodding or seeding limits
- N. concrete traffic barriers
- O. Sidewalks and shared use paths (if required)
- P. station limits
- Q. common proposed and existing structures including retaining walls
- R. existing pavement removal
- S. riprap
- T. limits of embankment and excavation.

8.6. Main lane and Frontage Road Design Requirements.

The design must be consistent with the approved schematic or refined schematic and the current *TxDOT Roadway Design Manual*.

8.7. Interchange Requirements.

The interchange design must be consistent with the schematic design and must include a plan and profile of the crossroads, intersection layout, drainage structures, sidewalks and shared use paths, geometrics, signalization, turnaround details, and transitions to existing roadway.

8.8. Plan Preparation Requirements.

Prior to the 30% submittal, the Engineer shall schedule a workshop to review profiles, OpenRoads 3D corridor models, and cross-sections with the State. The profile and cross sections must depict

the 2-, 5-, 10-, 25-, 50-, 100-, and 500-year (if available) water surface elevations. The drawings must provide an overall view of the roadway and existing ground elevations with respect to the various storm design frequencies for the length of the project. The Engineer shall not proceed with developing subsequent submittals until the State has approved the proposed profiles, 3D corridor models, and cross sections. The roadway plans must consist of the applicable types of sheets necessary for the project and be organized in the sequence as described in the TxDOT *PS&E Preparation Manual*.

8.9. Pavement Design Requirements.

- A. The Engineer shall prepare pavement designs for the project in accordance with the latest edition of TxDOT's *Pavement Manual*. Proposed pavement designs include permanent pavement, interim condition transition pavement, and temporary detour pavement.
- B. The pavement design report must be reviewed and approved by the State prior to its implementation. The pavement design report must document assumptions and design considerations. The pavement design report must include the following:
 - 1. Cover sheet with highway designation, district, county, project control-section-job (CSJ) number, geographical limits, and signatures of persons involved in the preparation and approval
 - 2. Existing and proposed typical sections
 - 3. Soils map of the project area with a brief description of each type of soil located within the project area
 - 4. Design input values and output
 - 5. Conclusion consisting of recommended pavement design or designs based on the data, analyses, and procedures included in the report
 - 6. Pavement design details specified for each location that includes structural layer materials, general specifications, and layer thicknesses
 - 7. Relevant pavement evaluation data (structural and functional) and condition information on adjacent roads
 - 8. Site conditions that might influence the design and performance of pavements
 - 9. Relevant geotechnical data and drainage requirements including boring logs, laboratory soil test results, active or passive drainage system design, ground penetrating radar (GPR) data, falling weight deflectometer (FWD) data, dynamic cone penetrometer (DCP) data, pavement coring and report log (up to 5-foot depth), and soil classifications with Atterberg limits
 - 10. Results of the field explorations and testing of pavement sections
 - 11. Recommended pavement rehabilitation methods and designs for new pavements

12. Design criteria used in determining pavement designs, including traffic loads, pavement material characterization, environmental conditions, and pavement design life
13. Design summary from the program used to design the pavement structure (e.g., FPS 21, DARWin, TxCRCP-ME, MODULUS 6.1)
14. Life-cycle cost analysis, as required by TxDOT's *Pavement Manual*, including the periods for resurfacing, reconstruction, and other rehabilitation measures and what these activities are likely to entail
15. Traffic control plans required for subsurface geotechnical and pavement investigations
16. Other considerations used in developing the pavement designs, including subgrade preparations and stabilization procedures

8.10. Bicycle Facilities Requirements.

The Engineer shall coordinate with the State to incorporate context appropriate bikeways as required or shown on the project's schematic. All bikeways must be designed in accordance with the latest *AASHTO Guide for Development of Bicycle Facilities*. All bikeways that will also accommodate pedestrian such as shared use paths, must also be designed in accordance with the latest *PROWAG*, Americans with Disabilities Act Accessibility Standards (2010) or the Texas Accessibility Standards (TAS). Bikeways include but are not limited to, separated bicycle lane, shared use paths, buffered bicycle lanes and on-street bicycle lanes. Shared lane markings and shoulders may be considered where appropriate.

8.11. Pedestrian Facilities Requirements.

The Engineer shall coordinate with the State to incorporate pedestrian facilities as required or shown on the project's schematic. Consult the State pedestrian access inventory (TxDOT Comprehensive Accessibility Program - TCAP) and include any known deficiencies in the project design. All pedestrian facilities must be designed in accordance with the latest *PROWAG*, Americans with Disabilities Act Accessibility Standards (2010) or the Texas Accessibility Standards (TAS).

Pedestrian facilities include, but are not limited to, sidewalks, curb ramps, sidewalk ramps, pedestrian bridges, driveway crossings, street crossings, access to pedestrian push buttons and signal heads, pedestrian hybrid beacons, transit stops, and street furniture.

9. GENERAL REQUIREMENTS FOR FUNCTION CODE 160(161) – ROADWAY DESIGN – DRAINAGE DESIGN.

9.1. Hydrologic Studies Requirements.

The Engineer shall:

- A. Incorporate in the hydrologic study a thorough evaluation of the methodology available, comparison of the results of two or more methods, and calibration of results against measured data, if available.
- B. Consider the pre-construction and post-construction conditions in the hydrologic study, as required in the individual work authorization. Obtain the drainage area boundaries and hydrologic parameters (e.g., impervious covered areas, overland flow paths and slopes) from appropriate sources including: topographic maps, GIS modeling, construction plans, and existing hydrologic studies. The Engineer shall not use existing hydrologic studies without assessing their validity. If necessary, obtain additional information such as local rainfall from official sites such as airports.

- C. Include the “design” frequency to be specified in the work authorization and the 1% annual exceedance probability (AEP) storm frequency. The report must include the full range of frequencies (50%, 20%, 10%, 4%, 2%, 1%, and 0.2% AEP).
- D. Compare calculated discharges to the effective Federal Emergency Management Agency (FEMA) flows or best available models where a detailed study exists. If calculated discharges are to be used in the model instead of the effective FEMA flows, full justification must be documented.

9.2. Hydraulic Studies Requirements.

The Engineer shall:

- A. Develop designs that minimize the interference with the passage of traffic or cause damage to the highway and local property in accordance with the TxDOT *Hydraulic Design Manual*, TxDOT district criteria and any specific guidance provided by the State. Cross drainage design must be performed using HY-8, or HEC RAS computer models unless otherwise approved.
- B. Design and analyze storm drains using software as approved by the State.
 - 1. Size inlets, laterals, trunk line, and outfall. Develop designs that minimize the interference with the passage of traffic and damage to the highway and local property in accordance with the TxDOT *Hydraulic Design Manual*, TxDOT district criteria, and any specific guidance provided by the State. The Engineer shall select storm drain design software as directed in the work authorization.
 - 2. Determine hydraulic grade line starting at the outfall channel for each storm drain design. Use the design water surface elevation of the outfall as the starting basis (i.e., tailwater) for the design of the proposed storm sewer system.
 - 3. Calculate manhole head losses in accordance with FHWA’s *Urban Drainage Design Manual (HEC-22)*.

9.3. Complex Hydraulic Design and Documentation Requirements.

The Engineer shall:

- A. Perform hydraulic design and analysis using appropriate hydraulic methods, which may include computer models such as HEC-RAS, unsteady HEC-RAS, 2D models or Storm Water Management Model (SWMM). The Engineer shall not develop 2D models without the express permission of the State.
- B. Use the current effective FEMA models, where appropriate, as a base model for the analysis or best available model where a detailed study exists. If a model is provided by the local floodplain administrator, it must be utilized accordingly for this analysis unless otherwise approved by the State. Review the provided base model for correctness and update as needed. If the provided effective model is not in a HEC-RAS format, converting to HEC-RAS for this analysis will be required unless otherwise approved by the State.
- C. Consider existing and post-construction conditions, as well as future development, as required the current TxDOT *Hydraulic Design Manual*.

9.4. Scour Analysis Requirements.

The Engineer shall:

- A. Prepare each scour analysis using a State-approved methodology listed in the work authorization. The Engineer shall select the methodology based on the site conditions such as the presence of cohesive or cohesionless soil, rock or depth of rock, proposed foundation

type, and existing site performance. The Engineer shall follow the methodology outlined in the latest *TxDOT Scour Analysis Guide* and *TxDOT Scour Evaluation Guide*. The Engineer shall coordinate with the State prior to commencing any work on any stream migration study. This coordination must include consultation with the appropriate State's technical expert.

- B. Complete the scour form in accordance with the latest *TxDOT Scour Evaluation Guide* and submit to the State. Scour forms are available at <https://www.txdot.gov/inside-txdot/forms-publications/consultants-contractors/forms/bridge.html>.

9.5. Drainage Reports Requirements.

The Engineer shall prepare letter reports and hydraulic reports as required in the work authorization and in accordance with the requirements listed below.

A. Letter Report Requirements

1. A letter report must include the preliminary findings. The report must also include conceptual and generic discussions of the alternatives considered, along with a comparative cost associated with each alternative and a recommended solution.
2. Recommendations at this point must be generic and conceptual in nature, mainly for discussions with the State and the local government entities. The recommended solution must be analyzed in detail to reflect the mitigation requirements for the roadway development.
3. Storm drain discussion must include the preliminary sizing of the storm drain, requirement for line rerouting, preliminary detention storage volumes (if required) based on hydrograph, and initial recommendations on mitigation of impacts on the receiving streams.
4. Bridge-Class and Cross-drainage Structure reports must include existing hydraulic conditions, FEMA floodplain status, proposed structure design, proposed hydraulic conditions, and preliminary detention storage volumes (if required) based on hydrograph and initial recommendations on how to mitigate the storm impact on the receiving streams.

B. Hydraulic Report Requirements

The hydraulic report must document and justify all data, boundary conditions, assumptions, methodologies, and results. The text, tables, exhibits, and appendices must document clearly and concisely the work performed and results found. The report must provide recommendations for critical review by the State. Such recommendations may include the need for further detailed analysis such as an unsteady model analysis or the development of mitigation measures. The Engineer shall save text, tables, exhibits, and appendices (including computer models) on a compact disc and included the disk with each report. The report must be signed and sealed by a professional engineer.

9.6. Requirements for Electronic Copies of Hydrologic and Hydraulic Models.

The Engineer shall provide fully functioning hydrologic and hydraulic models in a format that allows the State to open, maneuver, and perform QA and QC of the models.

10. GENERAL REQUIREMENTS FOR FUNCTION CODE 160(162) – ROADWAY DESIGN – SIGNING, PAVEMENT MARKINGS, AND SIGNALIZATION (PERMANENT).

10.1. Signing and Pavement Markings.

- A. The Engineer shall detail permanent pavement markings and channelization devices on plan sheets. The Engineer shall coordinate with the State (and other Engineers as required) for overall interim, and final pavement marking strategies.
- B. The Engineer shall provide the following information on sign and pavement marking layouts:
 - 1. Roadway layout
 - 2. Center line with station numbering
 - 3. Designation of arrow used on exit direction signs
 - 4. Culverts and other structures that present a hazard to traffic
 - 5. Location of utilities
 - 6. Existing signs to remain and to be removed, relocated, or replaced
 - 7. Proposed signs (illustrated, numbered, and showing sign size)
 - 8. Proposed overhead sign bridges to remain, to be revised, removed, relocated, or replaced
 - 9. Proposed overhead sign bridges, indicating location by plan
 - 10. Proposed markings (illustrated and quantified) which include pavement markings, object markings and delineation
 - 11. Quantities of existing pavement markings to be removed
 - 12. Proposed delineators, object markers, and mailboxes
 - 13. The location of interchanges, main lanes, grade separations, frontage roads, and ramps
 - 14. The number of lanes in each section of proposed highway and the location of changes in numbers of lanes
 - 15. Right of way limits
 - 16. Direction of traffic flow on all roadways
 - 17. Existing and proposed crosswalk markings
 - 18. Pedestrian related signage

10.2. Traffic Warrant Studies.

The Engineer shall refer to latest version of the *TMUTCD*, *TxDOT Traffic Signal Manual*, and TxDOT's roadway (ramp) and traffic standards for work performed for either temporary or permanent traffic signals.

10.3. Traffic Signals.

Traffic signal plans must be signed and sealed by a Texas Registered Professional Engineer.

10.4. Intersection Safety Scoring Tool.

- A. The Engineer shall use the Intersection Scoring Tool spreadsheet developed by TxDOT. The Intersection Scoring Tool may be accessed at:
https://tntoday.dot.state.tx.us/des/Documents/Intersection_Tool_V0228_1.0.xlsm.
- B. The internal quality assurance and quality control (QA and QC) checks of the analysis for each of the intersections in the project must include a review of the intersection scoring tool spreadsheet for each intersection to verify that the analysis includes an evaluation of traffic

volumes, crashes, geometric design elements, traffic control elements, pedestrian elements, bicycle elements, and alternative intersections as needed.

11. GENERAL REQUIREMENTS FOR FUNCTION CODE 160(163) – ROADWAY DESIGN – MISCELLANEOUS ROADWAY.

11.1. Utility Engineering Requirements.

- A. The Engineer must maintain a utility layout in the current approved version of OpenRoads Civil Design system used by the State. This layout must include all existing utilities which are to remain in place or be abandoned, and all adjusted utilities. This layout must be utilized to monitor the necessity of relocation and evaluate alternatives.
- B. The Engineer shall not provide services under this contract that are for the sole benefit of a party or parties other than the State. The Engineer shall not invoice the State for any such services.
- C. The Engineer is responsible for ensuring that there is no conflict between the utility management plan, utility certifications, and special provisions.

11.2. Utility Design Requirements.

The Engineer's utility design activities must conform with 43 Tex. Admin. Code § 21.37.

11.3. Geotechnical Borings and Investigation Requirements.

- A. The Engineer shall conduct laboratory tests, other than field tests, at the Engineer's State certified facilities or State certified commercial laboratories.
- B. The Engineer shall furnish equipment necessary to drill borings and recover continuous cores for soil and bedrock classification and testing at the locations and depths specified in the Work Authorization. The Engineer shall perform Standard Penetration Test (SPT) in accordance with Standard Test Method for Standard Penetration Test and Split-Barrel Sampling of Soils, American Association of State Highway and Transportation Officials (AASHTO) T 206 or American Society for Testing Materials (ASTM) D1586. The Engineer shall:
 - 1. Provide calibration of the automatic hammer to determine specific hammer system efficiencies in general accordance with ASTM D4633, Standard Test Method for Energy Measurement for Dynamic Penetrometers.
 - 2. Provide to the State, hammer weight, drop height, and efficiency signed and sealed by a professional engineer at the beginning of this contract and every 12-months thereafter, on the geotechnical report or independently.
- C. All geotechnical work must be performed in accordance with the latest version of the TxDOT *Geotechnical Manual - LRFD*. All testing must be performed in accordance with TxDOT's Test Procedures, which are available at <https://www.txdot.gov/business/resources/testing.html>, ASTM standards, AASHTO standard specifications, and all other specifications and provisions applicable to services under this contract. Perform lane closures in accordance with the latest version of the *Texas Manual on Uniform Traffic Control Devices (TMUTCD)*. All soil classification must be done in accordance with the Unified Soil Classification System.
- D. The Engineer shall perform all foundation exploration, drilling, testing, and logging in accordance with the latest version of the TxDOT *Geotechnical Manual – LRFD* and TxDOT's Test Procedures, which are available at

<https://www.txdot.gov/business/resources/testing.html>, ASTM standards, AASHTO standard specifications, and provisions applicable to services under this contract. Perform lane closures in accordance with the latest version of the *TMUTCD*.

- E. All drilling logs and test data must be reviewed and evaluated by a registered professional engineer. Reports must be signed, sealed, and dated by a registered professional engineer.
- F. The Engineer shall provide a qualified logger for sampling, identifying the drilled materials and logging the soil profile. The minimum requirements for the logger are:
 - 1. Must be a geologist or Engineer in Training (E.I.T.) with at least two years of related experience in local soils and bedrock identification, testing, and data collection techniques or
 - 2. Must be an engineering technician with at least five years of verifiable experience in local soils and bedrock description, testing, and data collection techniques.
- G. The Engineer shall coordinate all drilling and testing with the State prior to initial sampling and drilling operation to avoid re-drilling. Any additional drilling activities resulting from poor coordination, driller error, or equipment issues will be the responsibility of the Engineer.
- H. The Engineer shall submit draft logs to the State as necessary to assist in selection and assignment of tests. The Engineer shall give at least 72 hours of notice to the State prior to commencing work.
- I. The Engineer shall clear each drilling location for all utilities prior to beginning drilling operations and shall avoid damaging properties and utilities.
- J. When directed by the State, the Engineer shall provide equipment to clear brush to provide access to designated drilling sites.
- K. Draft logs for all barge drilling must be submitted to the State within 48 hours. The Engineer shall notify the State of conditions that warrant standby charges on the same day.
- L. The Engineer's drill crew shall clean up litter and surplus drilling materials and fill and plug completed holes (on and off pavement) before leaving each location. The Engineer shall also remove all piezometers and plug and fill the hole.
- M. The soil boring log sheets must be created using the TxDOT gINT Geotechnical Subsurface Data Management and Reporting Bentley software, or other equivalent boring log software as specified by the State. The preparation of soil boring log sheets must be in accordance with TxDOT standards. Spacing and depth of soil borings must be in accordance with the TxDOT *Geotechnical Manual - LRFD*.
- N. Geotechnical Report Requirements
Geotechnical reports must include:
 - 1. Complete foundation exploration drilling logs using the latest version of gINT Geotechnical Subsurface Data Management and Reporting Bentley software, or other equivalent boring log software as specified by the State. Each log must include the following:
 - a. Elevation, coordinate information acquired with a GPS unit, a sketch noting the relative location of each boring to the structure or other pertinent features on the site, and, when available, bore hole station, offset and elevation using survey readings.
 - b. Soil and rock descriptions of all layers
 - c. Groundwater conditions and depth to groundwater

- d. Standard penetration test (SPT) blow counts
 - e. Pocket penetrometer values for cohesive soils and standard penetration test (SPT) blow counts for granular soils. Indicate the hammer used for the SPT in the logs.
 - f. Rock quality designation (RQD), percent recovery, and descriptive characteristics for all rock layers
2. Analyses and recommendations for foundation design and construction, potential settlement, design soil parameters, and slope stability
 3. Grain size distribution curves with D50 value, when scour analysis is performed;
 4. Skin friction tables and design capacity curves
 5. Pertinent lab test results (e.g. triaxial test, index tests)
 6. Photographs of rock cores
 7. Driller, logger, and the company or organization performing the drilling.
 8. A conclusions and recommendations section that summarizes the Engineer's evaluation of the data and recommendations to the State.
 9. A report transmittal letter summarizing the work performed under the given work authorization, along with a summary of the conclusions and recommendations.
- O. Geotechnical Quality Assurance Requirements
1. As a minimum, the Engineer shall adhere to the following quality assurance program:
 - a. Use a minimum of a three-man crew, consisting of a driller, a driller's helper, and a logger.
 - b. Use the same crew on each project to ensure consistency.
 - c. Each crew shall maintain a copy of the TxDOT *Geotechnical Manual – LRFD*, Test Method Tex-141-E, and applicable AASHTO or ASTM field methods for reference on the job site.
 2. The Engineer's drilling crew must make the necessary field adjustments to minimize the disturbance to the cores and to insure maximum possible recovery percentage. Rock core samples with a recovery less than anticipated due to driller error, improper equipment selection, or equipment malfunction shall be considered unacceptable.
 3. Incorrect laboratory test results or laboratory tests performed on incorrect samples are unacceptable and will not be paid for by the State. Lab tests performed on the samples that provide no additional engineering value for the design or classification are also not acceptable and will not be paid by the State. If required, the Engineer shall collect additional soil samples in a newly drilled hole adjacent to the original hole. The additional samples must be tested using the correct procedures. This work shall not be compensated by the State.
 4. Engineering technicians performing laboratory testing services must be qualified (certified) in accordance with TxDOT Quality Assurance Programs or other TxDOT-approved programs. The Engineer shall provide the State with a list of certified personnel and copies of their current certificates before beginning work, when personnel changes are made, and when requested by the State.
 5. Approval of engineering technicians by the State does not relieve the Engineer from the responsibility of ensuring that engineering technicians are fully qualified to correctly perform the laboratory testing services being provided.

6. All laboratory equipment must have a current calibration in accordance with the National Institute of Standards and Technology (NIST), AASHTO, and ASTM requirements and the Engineer shall ensure the equipment meets these requirements. The Engineer shall provide an inventory of pertinent laboratory equipment and current calibration certifications to the State upon request.
7. The Engineer shall be responsible for maintaining all equipment to ensure safe and efficient operation.

11.4. Retaining Wall Requirements.

- A. The Engineer shall develop each retaining wall design and determine the location of each soil boring needed for the foundation design of each retaining wall in accordance with the *TxDOT Geotechnical Manual - LRFD*.
- B. Retaining wall analysis and design must meet the requirements of the *TxDOT Geotechnical Manual – LRFD*.
- C. For projects that have retaining walls, the Engineer shall develop the retaining wall layouts in the 3D corridor model.
- D. For retaining wall submittals, the Engineer shall follow the current requirements shown on the TxDOT Bridge Division website and the *TxDOT Geotechnical Manual – LRFD*.
- E. The Engineer shall submit the retaining wall layouts to obtain approval from the State early in the plan preparation process. The Engineer shall incorporate all necessary information from above referenced manuals and respective checklists into the retaining wall layouts. For phase construction, the Engineer shall indicate limits of existing retaining walls for removal and reconstruction and determine limits of temporary retaining walls or temporary special shoring to be shown on the traffic control plan (TCP) and retaining wall layouts.
- F. The approximate limits of each retaining wall must be based on station or length. The Engineer shall notify the State of the type of retaining walls that will be used for each cut and fill location.
- G. Retaining wall types considered by the Engineer must include:
 1. Spread Footing Walls. The Engineer shall select a spread footing wall for a fill situation when considerable room behind the walls is available for forming, constructing, and backfilling the footings and stem. The Engineer shall notify the State when the quantity is less than 1000 square feet to have as an option in the plans to cast in place a spread footing wall design. This selection must be approved by State.
 2. Mechanically Stabilized Earth (MSE) Walls. The Engineer shall prepare the retaining wall layouts showing plan and profile or retaining walls for design by a TxDOT-approved vendor. The Engineer is responsible for design of geometry and wall stability. The Engineer shall incorporate a slope of 4:1 or flatter from the existing and finished ground line elevation to the face of the retaining wall.
 3. Concrete Block Walls (Structural and Landscape)
 4. Tied Back Walls
 5. Soil Nailed Walls
 6. Rock Nailed Walls
 7. Drilled Shaft Walls
 8. Temporary MSE Walls

- H. If applicable, the State will provide architectural standard drawings for the retaining walls. The Engineer shall incorporate architectural standard drawings into the design details.
- I. The retaining wall plans must include the following information:
 - 1. Layout Plan
 - a. Designation of reference line
 - b. Beginning and ending retaining wall stations
 - c. Offset from reference line
 - d. Horizontal curve data
 - e. Total length of wall
 - f. Indication of face of wall
 - g. All wall dimensions and alignment relations (alignment data as necessary)
 - h. Soil boring locations
 - i. Drainage, signing, lightning, or other appurtenances that are mounted on or passing through the wall
 - j. Subsurface drainage structures or utilities that could be impacted by wall construction
 - 2. Elevation
 - a. Top of wall elevations
 - b. Existing and finished ground line elevations
 - c. Vertical limits of measurement for payment
 - d. Type, limits, and anchorage details of railing (only required if traffic railing foundation standard is not being used on the project)
 - e. Top and bottom of wall profiles plotted at correct station & elevation
 - f. Underdrains
 - g. Any soil improvement, if applicable
 - h. Drainage, signing, lighting, or other appurtenances as noted above
 - i. Drainage structures and utilities as noted above
 - 3. Sectional View
 - a. Reinforced volume
 - b. Underdrain location
 - c. Soil improvements, if applicable

11.5. Traffic Control Plan, Detours, and Sequence of Construction Requirements.

- A. A detailed traffic control plan (TCP) must be developed in accordance with the latest edition of the *TMUTCD*. The Engineer shall implement the current barricade and construction (BC) standards and TCP standards as applicable. The Engineer shall interface and coordinate phases of work, including the TCP, with adjacent Engineers.
- B. The Engineer shall:

1. Show proposed traffic control devices for at-grade intersections during each construction phase (e.g., stop signs, flag personnel, signals). Show temporary roadways, ramps, structures (including railroad shoo-fly), and detours required to maintain lane continuity throughout the construction phasing. If temporary shoring is required, prepare layouts and show the limits on the applicable TCP.
2. Coordinate with the State in scheduling a traffic control workshop and submittal of the TCP for approval by the traffic control approval team (TCAT). Assist the State in coordinating mitigation of impacts to adjacent schools, emergency vehicles, pedestrians, bicyclists, and neighborhoods.
3. Develop each TCP to provide continuous, safe access to each adjacent property during all phases of construction and to preserve existing access. Notify the State in the event existing access must be eliminated and receive approval from the State prior to elimination of any existing access.
4. Show horizontal and vertical location of culverts and required cross sectional area of culverts.
5. Include interim signing for every phase of construction. Interim signing must include regulatory, warning, construction, route, and guide signs.
6. Maintain continuous access to abutting properties during all phases of the TCP.
7. Make every effort to prevent detours and utility relocations from extending beyond the proposed right-of-way lines. If it is necessary to obtain additional permanent or temporary easements and right-of-entry, notify the State in writing of the need and justification for such action.

11.6. Temporary Traffic Signals and Illumination Requirements.

The Engineer shall immediately notify the State if the Engineer determines that an existing traffic signal or roadway illumination will be affected by the project.

11.7. Illumination Requirements.

- A. The Engineer shall comply with the TxDOT *Highway Illumination Manual* and other applicable TxDOT-approved manuals for design of continuous lighting and safety lighting for all conventional, high-mast, and underpass lighting.
- B. The Engineer shall include safety lighting as part of each design on each flashing beacon and traffic signal.
- C. The Engineer shall include underpass lighting when required on structures within each project.

11.8. Contract Time Determination Requirements.

The contract time schedule must include tasks, subtasks, critical dates, milestones, deliverables, and review requirements in a format that depicts the interdependence of the various items and adjacent construction packages. The Engineer shall provide the Primavera file or the file from the latest scheduling program used by the State for the construction time estimate.

11.9. Constructability Review Requirements.

The constructability review must be performed for all roadway and structural elements such as sequence of work and traffic control, drainage (temporary and permanent), storm water pollution prevention plan (SWP3), environmental permits, issues and commitments (EPIC) addressed, identification of utility conflicts; ensuring accuracy and appropriate use of items, quantities, general notes, standard and special specifications, special provisions, contract time/schedule, standards;

and providing detailed comments in an approved format. Reviews must be captured in a constructability log identifying areas of concern and potential conflict. The Engineer shall provide the results of all constructability reviews and recommendations to the State at major project design milestone submittals.

12. GENERAL REQUIREMENTS FOR FUNCTION CODE 160(165) – ROADWAY DESIGN – TRAFFIC MANAGEMENT SYSTEMS

12.1. The work to be provided by Engineer consists of:

- A. Engineering services required for performing:
 - 1. Travel time studies;
 - 2. Traffic signal timing studies;
 - 3. Traffic operations evaluations;
 - 4. Traffic engineering studies and design including:
 - a. Travel time delay studies and
 - b. Traffic mobility studies to identify short, medium, and long-range transportation improvements to improve safety, traffic flow, and reduce motorist delay;
 - 5. Automated Traffic Signal Performance Measures (ATSPM) evaluations;
 - 6. Signal Phasing and Timing (SPaT) evaluations
- B. Non-engineering services necessary to perform the above engineering services including traffic volume and turning movement count data collection.

12.2. Design Criteria.

Engineer shall prepare all work in accordance with the latest version of the following, as applicable:

- A. TxDOT procedures, specifications, manuals, and guidelines including:
 - 1. Traffic Signals Manual, published by TxDOT.
 - 2. Roadway Design Manual, published by TxDOT.
 - 3. Texas Manual on Uniform Traffic Control Devices (TMUTCD), published by TxDOT.
 - 4. Procedures for Establishing Speed Zones, published by TxDOT.
- B. Highway Capacity Manual, published by the Transportation Research Board (TRB).
- C. Trip Generation Manual, published by Institute of Transportation Engineers (ITE).
- D. American with Disabilities Act Accessibility Guidelines (ADAAG), published by United States Access Board.
- E. Texas Accessibility Standards (TAS), published by Texas Department of Licensing and Regulation.
- F. Guide for the Development of Bicycle Facilities, published by American Association of State Highway and Transportation Officials (AASHTO).
- G. National Electrical Code (NEC), published by the National Fire Protection Association (NFPA).

H. Other manuals approved by State in writing.

When the necessary design criteria are not identified in the above manuals, Engineer shall notify State and refer to the latest edition of AASHTO's A Policy on Geometric Design of Highways and Streets.

13. GENERAL REQUIREMENTS FOR FUNCTION CODE 160(170) – ROADWAY DESIGN – BRIDGE DESIGN.

13.1. Bridge Design Requirements.

The Engineer shall comply with all relevant sections of the latest edition of the TxDOT *Bridge Design Manual – LRFD*, TxDOT *Bridge Project Development Manual*, TxDOT *Bridge Detailing Guide*, and AASHTO *LRFD Bridge Design Specifications*, and respective checklists.

13.2. Bridge Layout Requirements.

- A. The Engineer shall conduct preliminary studies as necessary prior to producing the bridge layout. Preliminary studies include the following:
 - 1. Determine the locations of utilities that affect placement of bridge substructure elements.
 - 2. Determine extents of right of way.
 - 3. If necessary, review existing documentation and information for rehabilitation, widening, or replacement of existing structures. Available information may include:
 - a. Original plans and shop drawings
 - b. Existing specifications
 - c. Documentation of previous repairs
 - d. Routine bridge inspection report
 - e. Inspection reports/condition surveys. Conduct additional inspections as required to fully determine extent of repairs, structural adequacy, and existing condition of structure. Coordinate with the State's project manager to arrange any necessary inspections.
 - f. Load rating reports
 - g. Soil borings and pile driving record
- B. The Engineer shall submit a bridge layout for each structure early in the plan preparation process to obtain approval from the State.
- C. Each bridge or bridge class culvert layout information listed on the Layout checklists in the TxDOT *Bridge Detailing Guide*.
- D. The Engineer shall determine the location of each soil boring needed for foundation design in accordance with the TxDOT *Geotechnical Manual - LRFD*.

13.3. Bridge Replacement, Bridge Widening, and Bridge Class Culvert Structural Detail Requirements.

The Engineer shall prepare each structural design and develop detailed structural drawings of all required details in compliance with the TxDOT *Bridge Design Manual - LRFD*, TxDOT *Bridge Detailing Guide*, TxDOT *Preferred Practices for Steel Bridge Design, Fabrication, and Erection*, and AASHTO *LRFD Bridge Design Specifications*. The Engineer shall prepare any project-specific

modified standards necessary for inclusion in the PS&E package. The Engineer shall sign, seal, and date all project-specific modified standards.

13.4. Requirements for Seismic Analysis of Bridge Projects. (Omitted)

If indicated in the work authorization, the Engineer shall perform seismic analysis of bridge structures. The bridge design notes shall indicate the seismic zone and checks performed to ensure that AASHTO criteria are met.

13.5. Requirements for Electronic Copies.

- A. The Engineer shall furnish the State in a format acceptable to the State, the final plans in the current graphics format used by the State, .pdf format, and in the TxDOT district's file management system (FMS) format.
- B. The Engineer shall also provide in a format acceptable to the State, cross section information (in dgn, XLR, & ASCII formats) for the contractor's use.
- C. With the approval of the State, and in lieu of the above, the Engineer may maintain the project files in TxDOT's ProjectWise work areas. The handoff of the electronic files will be via email to the State, with a URN link to the project location in ProjectWise provided in the email.

13.6. Requirements for Documentation of Calculations.

The Engineer shall provide the following documentation of calculations to the State:

- A. All quantity and non-structural design calculations.
- B. All engineering design calculations, load rating calculations, analysis, input calculations, quantities, and geometric designs (OpenRoads Designer and Open Bridge Designer files), relating to the project's structural elements. Project structural elements include bridges, retaining walls, overhead sign structures, high-mast illumination structures, non-standard culverts, custom headwalls, and drainage appurtenances.
- C. Working copies of all spreadsheets and output from any programs utilized in a format acceptable to the State in a universally reliable format.

The Engineer shall provide the calculations in .pdf format. The .pdf file should be submitted in a format acceptable to the State.

13.7. Archiving File for Bridge Design Calculations and Notes.

The Engineer shall scan the design notes (or convert electronic files) and submit a single PDF file for each bridge in accordance with the TxDOT *Bridge Design Manual – LRFD*. In the case of a single design done for twin structures, submit the same notes under two separate NBI numbers.

TASK DESCRIPTIONS AND FUNCTION CODES

The Engineer shall categorize each task performed to correspond with the Function Codes (FC) and Task Descriptions.

FUNCTION CODE 102 (110) – FEASIBILITY STUDIES

ROUTE AND DESIGN STUDIES

110.1. Data Collection and Field Reconnaissance.

The Engineer shall collect, review, and evaluate data described below. The Engineer shall notify the State in writing whenever the Engineer finds disagreement with the information or documents.

- A. Data, if available from the State, including as-built plans, existing schematics, right of way maps, utility engineering investigation mapping, existing cross sections, existing planimetric mapping, environmental documents, existing channel and drainage easement data, existing traffic counts, accident data, bridge inspection records, project management information system (PMIS) data, identified endangered species, identified hazardous material sites, current unit bid price information, current special provisions, special specifications, and standard drawings.
- B. Documents for existing and proposed development along proposed route from local municipalities and local ordinances related to project development
- C. Utility plans and documents from appropriate municipalities and agencies
- D. Flood plain information and studies from the Federal Emergency Management Agency (FEMA), the United States Army Corps of Engineers (USACE), local municipalities, and other governmental agencies
- E. Conduct field reconnaissance and collect data including a photographic record of notable existing features.

110.2. Design Criteria.

The Engineer shall develop the roadway design criteria based on the controlling factors specified by the State. In addition, the Engineer shall prepare the Design Summary Report (DSR) and submit it electronically.

110.3. Schematic Alternatives Analysis

The Engineer shall identify and analyze schematic alternatives to minimize potential adverse operational impacts, crash impacts, ROW impacts, environmental impacts, major utility conflicts, structural impediments, or exceptions to the State and FHWA design criteria.

The Engineer shall evaluate and document the following in the analysis to optimize the design:

- A. Efficient use of the allocated ROW
- B. Control of access (COA) and driveway locations
- C. Roadway and intersection geometry
- D. Cross sections
- E. Bicycle and pedestrian design
- F. Drainage and hydraulic design
- G. Stopping sight distance
- H. Level of service
- I. Safety
- J. Traffic and signal operations
- K. Construction, ROW, easement, and utility costs

- L. Construction sequencing
- M. Traffic control during construction
- N. Roadside safety appurtenances
- O. Large guide signage
- P. Environmental mitigation (e.g., noise walls, storm water best management practices (BMPs))
- Q. Bridge layouts and clearance
- R. Railroads (if applicable)
- S. Interface with existing high occupancy vehicle (HOV) lane, managed lanes, and park-and-ride facilities
- T. Accommodation of ultimate corridor configuration.
- U. Accommodation of future cross street expansion as described in local thoroughfare plan (if applicable)
- V. Avoidance of utility lines (if feasible)
- W. Impact of construction delays from utility relocations

110.4. Environmental Constraints

The Engineer shall evaluate and document impacts to environmentally sensitive sites (as identified by the Engineer and verified by the State) during the schematic design process. Environmentally sensitive sites include natural, cultural, and the human environment. Examples are historic and archeological resources, burial grounds, neighborhood communities and residential areas, farmland, floodplains, wetlands, endangered species, rare habitats, wildlife corridors, wildlife crossings, parks and nature preserves, geologic features, undeveloped areas, and significant trees.

110.5. ROW Requirements

The Engineer shall determine the ROW requirements based on the proposed alignment, typical sections, design cross sections, access control, terrain, construction requirements, drainage, clear zone, maintenance, intelligent transportation system (ITS), and environmental constraints and mitigation requirements.

110.6. Retaining Walls.

The Engineer shall prepare preliminary retaining wall concepts to be shown on schematics, typical sections, and cross sections. The Engineer shall determine if any additional walls are required and verify the need for and length of the retaining wall as shown on the ultimate schematic. The Engineer shall compute and tabulate retaining wall quantities for preliminary design milestone plans submittal.

110.7. Preliminary Construction Sequence.

The Engineer shall prepare preliminary construction sequence layouts in conjunction with the geometric design schematic depicting the phasing and traffic detours anticipated to safely convey traffic. The layouts must demonstrate that adequate horizontal and vertical alignments are maintained, sufficient lane widths and shoulder widths or barrier offsets are feasible, and construction zones are adequate for constructability of all proposed features. Proposed construction detours must ensure that adequate superelevation is provided. The layouts must indicate how existing pedestrian and bicycle facilities are accommodated for each phase.

110.8. Preliminary Cost Estimates.

The Engineer shall develop a preliminary cost estimate using the average low bid unit price. The Engineer shall estimate the total project cost including preliminary engineering, final engineering, right of way (ROW) acquisition, environmental compliance and mitigation, construction, utility relocation, and construction engineering inspection (CEI).

110.9. Design Concept Conference.

The Engineer shall plan, attend, and document the Design Concept Conference (DCC) to be held prior to the 30 percent milestone submittal. In preparation for the DCC, the Engineer shall

complete a TxDOT Design Summary Report (DSR) to serve as a checklist for the minimum required design considerations.

110.10. Engineering Summary Report.

The Engineer shall prepare an engineering summary report to summarize the design criteria, traffic analysis, preliminary cost estimate and basis of estimate, construction sequence description, and utility conflict issues.

110.11. Travel Time Studies, Traffic Signal Timing Studies, and Traffic Operations Evaluations

(1) Not used

B.

DEL.110. Deliverables for FC 110.

- A. Catalog of documents collected
- B. Documents collected
- C. Preliminary DSR
- D. Final DSR
- E. Preliminary cost estimate
- F. Documentation of DCC
- G. Draft and final copies of the engineering summary report
- H. Electronic 3D model copy of the preliminary cross-sections created using OpenRoads tools
- I. Copies of the preliminary construction sequence layouts in a roll plot or 11 inch x 17 inch format, as requested by the State
- J. Copies of the preliminary construction sequence typical sections in 11 inch x17 inch format
- K. Electronic copy of the 3D rendering and traffic simulation for the reasonable build alternatives
- L. Documentation of public involvement activities
- M. Utility plan – electronic file in latest version of MicroStation fully compatible with OpenRoads civil design system
- N. Design exception and design waiver documents
- O. Cost estimates for each milestone submittal
- P. KMZ or KML file of conceptual design schematic created from applicable DGN files for reviewing in Google Earth
- Q. Final schematic 3D model created using OpenRoads software
- R. Draft and final copies of traffic analysis report incorporating the appropriate review comments from the State;
- S. Hard copy of 24-hour counts (single-sided, three-hole punched legal-sized paper);
- II. Turning-movement counts (single-sided, three-hole punched legal-sized paper);
- JJ. Completed TxDOT railroad preemption forms (if applicable); and
- KK. CD-ROM, DVD, or USB flash drive containing final report, all technical data, and all related Synchro, PASSER, and traffic control system (e.g. Centrac) files;
- LL. SPaT and MAP native data files;
- MM. Documents related to the integration and testing of devices related to SPaT; and

NN. Training materials and installation manuals.

FUNCTION CODE 120 (120) – SOCIAL/ECON/ENV STUDIES

SOCIAL, ECONOMIC, AND ENVIRONMENTAL STUDIES AND PUBLIC INVOLVEMENT

120.1. Informal Meetings.

The Engineer shall provide technical assistance with, preparation of exhibits for, and minutes of informal meetings that are either requested by the public to discuss the pending impacts to neighborhoods and businesses due to roadway shutdowns, detours and access restrictions, or deemed necessary by the State. At the State's request, the Engineer shall provide assistance (e.g., exhibits, attendance) with formal public meetings or hearings that might be required for schematic approval work.

120.2. Public Involvement.

- A. If the State determines additional public involvement is necessary, the Engineer shall provide assistance. Additional public involvement might include small group meetings with local officials; stakeholder meetings; public meetings; and public hearings. The Engineer shall use the following methods for the exchange of information.
 - 1. Small Group and Stakeholder Meetings – At the request of the State, the Engineer shall attend the meetings to informally discuss the project. The Engineer shall provide the meeting venue and contact the small group members and stakeholders.
 - 2. Public Meetings and Hearings – As requested by the State, the Engineer shall attend public meetings or hearing and provide assistance in gathering input from the public.
- B. The Engineer shall prepare materials and perform tasks necessary for the public meeting or hearing. The Engineer shall:
 - 1. Identify and secure the venue for the public meeting or hearing and coordinate the logistics in support of the meeting or hearing. Visit venue to confirm accommodations for meeting or hearing. Prepare facility layout showing arrangement of public meeting or hearing activities and information tables. Identify and make arrangements for equipment needs (e.g., easels, chairs, tables, and audio-visual) including transportation, set-up, and break down. Provide a uniformed police officer at the public meeting or hearing.
 - 2. Prepare, update, and maintain a mailing list that includes public elected officials, adjacent property owners, and others identified by the State to be used for the meeting notice.
 - 3. Prepare and distribute meeting notices to the public elected officials, adjacent property owners, and others identified by the State at least 30 days prior to the public meeting or hearing.
 - 4. Prepare, publish, and obtain affidavits of publication. Notices for the meeting or hearing must be published in local newspapers, including one Spanish newspaper, at least 30 days prior to the public meeting or hearing.
 - 5. Prepare sign-in sheets, comment forms, handouts, and pre-printed nametags for the staff. Handouts and other material prepared for the meeting must not be produced in Spanish unless otherwise directed by the State. Provide and coordinate public meeting or hearing informational and directional signs (e.g., registration/sign-in, written comment station, and directional arrows for traffic flow).
 - 6. Prepare for and attend meetings with the State to discuss public meeting or hearing planning.
 - 7. Provide a sufficient number of personnel, as determined by the State, to conduct the public meeting or hearing, but the State will not require more than six people.

8. Prepare informational exhibits for display at the public meeting or hearing.
9. Provide a summary report following guidance for public meeting or hearing documentation provided on TxDOT's Environmental Toolkit. The summary report must include copies of notices, photographs, handouts, sign-in sheets, comment forms, letters, and a comment response matrix. Submit one draft and one final public meeting or hearing summary report in both Word and PDF formats to the State electronically.
10. Assist the State with the responses to comments raised during the designated comment period of the public meeting or hearing.

120.3. Environmental Permits Issues and Commitments (EPIC) Sheets.

The Engineer shall complete the latest version of the EPIC sheets using information provided by the State.

120.4. Review Environmental Documentation. (Omitted)

The Engineer shall review the final environmental document for implementation into the PS&E package. The Engineer shall consider constructability issues as they relate to the environmental impacts.

120.5. Prepare Environmental Documentation. (Omitted)

- A. The Engineer shall prepare the environmental documentation for the project to support a categorical exclusion (CE) determination, or the preparation of an environmental assessment (EA) or an environmental impact statement (EIS), as applicable.
- B. Prior to developing an environmental document, the Engineer shall produce and submit draft and final versions of necessary technical reports including the following:
 1. Section 4(f) Evaluations
 2. Community impacts analysis
 3. Induced growth impact analysis and cumulative impacts analysis
 4. Air quality studies
 5. Noise analysis technical reporting
 6. Water resources analysis and documentation
 7. Biological/natural resources management analysis and documentation
 8. Initial site assessment (ISA) with hazardous materials project impact evaluation report
 9. Archeological documentation
 10. Historic resource identification, evaluation, and documentation
 11. Floodplain impacts
 12. Stormwater impacts
- C. Quality Assurance and Quality Control (QA and QC) Review: The Engineer shall perform QA and QC reviews of environmental documents and other supporting environmental documentation before the document is submitted to the State for review.
- D. The Engineer shall revise the draft environmental document to address comments provided by the State and other agency comments:
 1. To include any State comments, findings, agreements, or determinations (e.g., wetlands, endangered species consultation, Section 106, Section 4(f)) required for the transportation activity as specified by the State;
 2. To incorporate the results of public involvement and agency coordination;

3. To reflect mitigation measures resulting from comments received or changes in the Transportation Activity; and
4. To include with the revised document a comment response form (matrix) in the format provided by the State.

120.6. Prepare Environmental Exhibits (Environmental Documentation by Others). (Omitted)

The Engineer shall prepare the necessary exhibits for the environmental study to be performed by others. The Engineer shall follow the directions of the environmental project manager and the State's environmental staff for the preparation of these exhibits.

120.7. Cut and Fill Exhibits.

If the information is available, the Engineer shall prepare cut and fill exhibits for delineated wetlands.

120.8. Permits.

The Engineer shall prepare exhibits and supporting documentation including permit applications as directed by the State for any permits that may be required such as with the United States Army Corps of Engineers (USACE), Texas Commission on Environmental Quality (TCEQ), Texas Parks and Wildlife, U.S. Fish and Wildlife, and other environmental permits. All permit submissions must be reviewed and approved by District Environmental Staff prior to submission and may be reviewed by ENV depending on the complexity of the permit, at the request of District Environmental Staff. Permit coordination shall include coordination or completion of Environmental Permit Issues and Commitments Sheets (EPIC Sheets) for State signature and processing.

DEL.120. Deliverables for FC 120. (Omitted)

- A. Environmental technical reports
- B. Environmental Document – Categorical Exclusion (CE), Environmental Assessment (EA), documented re-evaluation and permit or both, as determined by the State.
- C. Exhibits for public meeting and hearing
- D. Draft public meeting and hearing documentation packet
- E. Final public meeting and hearing documentation packet
- F. Electronic files of the exhibits and public meeting and hearing documentation packet

FUNCTION CODE 130 (130) – RIGHT-OF-WAY – SURVEY ACTIVITIES.

RIGHT-OF-WAY SURVEY DATA (OMITTED)

130.1. Right of way Map Review.

The Engineer shall review and evaluate the proposed or existing right of way map to verify that all construction staging and alignment considerations have been taken into account. The Engineer shall notify the State in writing if it is necessary to obtain additional construction easements or rights of entry and shall provide justification for such action. The Engineer shall identify and delineate any temporary construction easements in areas outside the State's right of way.

130.2. Right of Way (ROW) Mapping.

The Engineer shall provide ROW mapping services including the following tasks.

- A. Abstracting

The Engineer shall obtain copies of all existing ownership documents for the parent tracts along with all subdivision plats and recorded documents defining existing easements within, along or intersecting the existing ROW, and prepare an abstract map.

B. Field Surveys

The Engineer shall locate and set additional horizontal and vertical control points, as necessary, at a maximum spacing distance of 1,500 feet; field locate property corners, existing ROW markers, improvements, and visible utilities; verify and update the planimetric file; and, as directed by the State, perform the following:

1. Obtain right of entry to survey on private property and prepare a spreadsheet of the information.
2. Locate existing horizontal and vertical control and verify the control information, locate property corners, and update the planimetric information with any missing visible improvements or visible utilities.

The Engineer shall base all field work and calculations on the current controls and datum provided by the State.

C. Property Description

The Engineer shall prepare a property description for each parcel or tract in the form of a preliminary and a final deliverable. Each part of a property description must be signed and sealed by a registered professional land surveyor (RPLS). The Engineer shall prepare preliminary property descriptions for review by the State.

1. Metes and bounds descriptions

The Engineer shall prepare a metes and bounds description for each parcel of land to be acquired. The Engineer shall follow the standard formats for metes and bounds descriptions that TxDOT has developed.

2. Parcel plats

The Engineer shall prepare a parcel plat for each parcel of land to be acquired. The Engineer shall follow the standard formats for parcel plats that the State has developed. If requested by the Engineer, the State will provide copies of the standard formats. Parcel plats must include all items of information shown on the ROW map that concerns the individual parcel.

D. Final Deliverables

The Engineer shall prepare final deliverables.

The Engineer shall set appropriate monuments on the proposed ROW lines at intersecting property lines, and at all points of curvature (PC), points of tangency (PT), angle points, intersecting ROW lines of side streets, and at 1,500 foot stations.

The Engineer shall set appropriate monuments on the existing ROW lines in areas of no acquisition at all PCs, PTs, angle points, and 1,500 foot stations, and as directed by the State.

The Engineer shall set appropriate monuments at intersecting property lines with the new ROW lines.

The Engineer shall prepare the final ROW (ArcGIS) database template "ROW_Parcels Edits" populated with the final parcels, final alignment, and project control points in ArcGIS 10.6.1 format or the current version in use by the State.

The Engineer shall prepare final, signed, sealed, and dated Property Descriptions.

E. Traditional ROW Map

The Engineer shall prepare a traditional ROW map for the specific work location consisting of the existing and proposed ROW lines.

The Engineer shall work closely with adjoining engineers to incorporate all relevant information.

The Engineer shall prepare the following:

1. a preliminary ROW map for review purposes;
 2. an initial ROW map for review purposes; and
 3. a final ROW map.
- F. The Engineer shall prepare a ROW project cover sheet using the Microsoft Word document template. The ROW project cover sheet must contain the highway, project limits, county, RCSJ, CCSJ, length of project, equations and exceptions, begin and end project information, datum statement, utility table, and signature lines for acquisition.
- G. Quality Assurance and Quality Control (QA and QC)
- The Engineer shall conduct a QA and QC review and prepare a check list for each task performed.
- The Engineer shall prepare a surveyor's report regarding their survey procedures, findings, and decisions made.

130.3. Access Management.

The Engineer shall coordinate and evaluate access management within the project limits in accordance with the latest TxDOT *Access Management Manual* or as directed by the State.

DEL.130. Deliverables for FC 130.

- A. Scanned copies of the ownership documents
- B. One paper copy of the abstract map and the associated MicroStation graphics files
- C. Spreadsheet showing property owners and right of entry information
- D. Scanned copies of the field notes, control data sheets and a graphics file of all field survey data
- E. One paper copy of the preliminary property descriptions and an electronic copy in PDF format
- F. Preliminary ROW (ArcGIS) database template populated with the preliminary parcels, alignment, and project and project control points in the current version of ArcGIS in use by TxDOT
- G. Two paper sets of the final property descriptions, signed and sealed by an RPLS, and the associated electronic files in PDF and Word formats
- H. Bentley MicroStation parcel plat graphics files and master reference files (MRF)
- I. Final ROW (ArcGIS) database template populated with the final parcels, final alignment, and project control points in the current version of ArcGIS in use by TxDOT
- J. Two 22" x 34" paper copies and one 11" x 17" paper copy of the preliminary ROW map and the associated MicroStation and GIS graphics files
- K. One 22" x 34" paper copy of the initial ROW map and the associated MicroStation and GIS graphics files

- L. Two 22" x 34" paper copies and one 11" x 17" paper copy of the final ROW map and the associated MicroStation and GIS graphics files
- M. PDF of the final ROW map
- N. Two 8.5" x 11" paper copies of the ROW project cover sheet and the associated Word document file.
- O. Documentation stating that the appropriate monuments were set on the existing and proposed ROW lines
- P. A copy of TxDOT's ROW map checklist signed by the surveyor
- Q. A copy of the surveyor's report signed by the surveyor

FUNCTION CODE 135 (135) – RIGHT-OF-WAY – UTILITY ACTIVITIES

RIGHT-OF-WAY UTILITY ACTIVITIES

135.1. Utility Engineering Investigation (Subsurface Utility Engineering (SUE)).

A. Existing Records (Quality Level D)

The Engineer shall:

- 1. Perform records research from all available resources. Sources might include: Texas811, Railroad Commission of Texas (Texas RRC), verbal recollection, as-built information from plans, plats, permits and any other applicable information provided by the utility owners or other stakeholders.
- 2. Document utility owners and contact information
- 3. Create a utility drawing of information gathered

B. Surface Visible Feature Survey (Quality Level C)

The Engineer shall:

- 1. In combination with existing Quality Level D information, utilize surveyed above-ground utility features and professional judgement to upgrade Quality Level D information to Quality Level C. For those utilities unable to be upgraded, retain as Quality Level D.
- 2. Gather and depict overhead utilities information. Sag elevations of lowest utility must be documented at road crossings, per best practices document
- 3. Gather storm and sanitary sewer information from Level D and upgrade to Level C as possible, unless otherwise directed by the State
- 4. Include mapping of underground vaults
- 5. Create composite utility drawing of information gathered

C. Designate (Quality Level B)

The Engineer shall:

- 1. Compile as-built information from plans, plats, and other location data as provided by the utility owners
- 2. Coordinate with utility owner when utility owner's policy is to designate their own facilities at no cost for preliminary survey purposes. Examine utility owner's work to ensure accuracy and completeness

3. Designate, record, and mark the horizontal location of the existing utility facilities and their service laterals to existing buildings using non-destructive surface geophysical techniques. No storm sewer facilities are to be designated unless authorized by the State. Use a non-water base paint, utilizing the American Public Works Association (APWA) color code scheme, on all surface markings of underground utilities.
 4. Correlate utility owner records with designating data and resolve discrepancies using professional judgment. Prepare and deliver to the State a color-coded composite utility facility plan with utility owner names, quality levels, line sizes and subsurface utility locate (test hole) locations. Deliver the electronic file in a format acceptable to the State. Submit a hard copy of the utility facility plan that has been signed, sealed, and dated by the Engineer to the State. When requested by the State, overlay the designated utility information on the State's design plans.
 5. Determine and inform the State of the approximate utility depths at critical locations as determined by the State
 6. Provide a monthly summary of work completed and in process with adequate detail to verify compliance with agreed work schedule
 7. Close-out permits as required and provide documentation of close-out to the State.
 8. Clearly identify all utilities that were discovered from quality levels C and D investigation that cannot be depicted in quality level B standards. These utilities must have a unique line style and symbology in the designate (Quality Level B) deliverable.
 9. Comply with all applicable State policy and procedural manuals
- D. Subsurface Utility Locate (Test Hole) Service (Quality Level A)

The Engineer shall:

1. Review requested test hole locations and advise the State in the development of an appropriate locate (test hole) work plan relative to the existing utility infrastructure and proposed highway design elements.
2. Coordinate with utility owner inspectors as required by law or utility owner policy.
3. Measure and record the following data on an appropriately formatted test hole data sheet that has been sealed and dated by the Engineer:
 - a. Elevation of top and bottom of utility tied to the datum of the furnished plan
 - b. Minimum of two benchmarks utilized. Elevations must be within an accuracy of 15mm (.591 inches) of utilized benchmarks
 - c. Elevation of existing grade over utility at test hole location
 - d. Horizontal location referenced to project coordinate datum
 - e. Outside diameter of pipe or width of duct banks and configuration of non-encased multi-conduit systems
 - f. Utility facility material
 - g. Utility facility condition
 - h. Pavement thickness and type
 - i. Coating/wrapping information and condition
 - j. Unusual circumstances or field conditions

4. Excavate test holes in such a manner as to prevent any damage to wrappings, coatings, cathodic protection, and other protective coverings and features. Water excavation must not be utilized without prior written approval from the appropriate TxDOT district office.
5. Back fill all excavations with appropriate material, compact backfill by mechanical means, and restore pavement and surface material. The Engineer is responsible for the integrity of the backfill and surface restoration for a period of three years. Install a marker ribbon throughout the backfill.
6. Furnish and install a permanent above ground marker (as specified by the State, directly above center line of the utility facility).
7. Neatly cut and remove existing pavement material. Provide complete restoration of worksite and landscape to equal or better condition than before excavation. If a worksite and landscape is not appropriately restored, the Engineer shall return to correct the condition at no extra charge to the State.
8. Submit plans, profiles, and test hole data sheets to the State. Conduct a review of the findings with the State.
9. Close-out permits as required
10. Plot utility location position information to scale and provide a comprehensive utility plan signed and sealed by the responsible engineer.

135.2. Utility Adjustment Coordination.

The Engineer shall provide utility adjustment coordination services including utility coordination meetings with individual utility companies, communication and coordination with utilities, and preparation of utility agreement assemblies including utility agreements, joint use agreements, and advanced funding agreements.

A. Utility Coordination

1. The Utility Coordinator must provide a utility conflict matrix (UCM).
2. The Utility Coordinator must provide Utility layouts and exhibits

B. Utility Agreements for Utility Adjustments. (OMITTED)

135.3. Utility Adjustment Monitoring and Verification. (OMITTED)

DEL.135. Deliverables for FC 135.

A. A utility drawing showing the information gathered during the utility engineering investigation, including all underground utilities and all above ground appurtenance locations

FUNCTION CODE 145 (145, 164) – MANAGING CONTRACTED/DONATED PE

PROJECT MANAGEMENT AND ADMINISTRATION

145.1. Project Management and Coordination.

The Engineer shall:

- A. Prepare and submit a project quality management plan.
- B. Direct and provide communication with the State and the project team for all activities associated with the project to comply with State policies and procedures and deliver that work on time.
- C. Manage and oversee all subconsultant activity including quality of and consistency of plans and administration of the monthly progress reports. Coordinate with necessary local entities.
- D. Prepare monthly written progress reports for each project.
- E. Develop and maintain on a monthly basis a detailed project schedule to track project conformance to Exhibit C, Work Schedule, for each work authorization.
- F. Meet on a scheduled basis with the State to review project progress. Prepare, distribute, and file both written and electronic correspondence.

DEL.145. Deliverables for FC 145.

- A. Quality management plan
- B. Monthly progress reports
- C. Project schedule, updated monthly
- D. Meeting minutes
- E. Documentation of phone calls

FUNCTION CODE 160 (150) – ROADWAY DESIGN

DESIGN SURVEYS AND CONSTRUCTION SURVEYS

150.1. Survey Tasks to be Completed.

- A. Design Surveys
 - 1. The Engineer shall perform design surveys for roadway segments in Table 150.1 – Design Surveys.

2. The Engineer shall perform tasks including the following:
 - a. Obtain or collect data to create cross-sections and digital terrain models (DTMs)
 - b. Locate existing utilities
 - c. Locate topographical features and existing improvements
 - d. Provide details of existing bridge structures
 - e. Provide details of existing drainage features, (e.g., culverts, manholes, inlets)
 - f. Locate wetlands
 - g. Establish additional and verify existing control points. Horizontal and Vertical control ties must be made and tabulated, to other control points in the vicinity, which were established by other sources such as, the National Geodetic Survey

(NGS), and the Federal Emergency Management Agency (FEMA), and other entities as directed by the State

- h. Locate existing right of way
- i. Review right of way maps
- j. Locate boreholes
- k. Perform hydrographic surveys
- l. Update existing control data and prepare survey control data sheets, as directed by the State for inclusion into a construction plan set
- m. Prepare a survey control index sheet and horizontal and vertical control sheets, which must be signed, sealed and dated by the professional engineer in direct responsible charge of the surveying and the responsible RPLS for insertion into the plan set

DEL.150. Deliverables for FC150.

- A. TxDOT Form 2462 for each primary and secondary control point. This form must be submitted electronically in PDF format and in the original format of its creation. This must be signed and sealed by the responsible RPLS.
- B. Digital Terrain Models (DTM) and the Triangular Irregular Network (TIN) files in a format acceptable by the State.
- C. Maps, plans, or sketches prepared by the Engineer showing the results of field surveys
- D. Computer printouts or other tabulations summarizing the results of field surveys
- E. Digital files or media acceptable by the State containing field survey data (ASCII Data files)
- F. Maps, plats, plans, sketches, or other documents acquired from utility companies, private corporations, or other public agencies, the contents of which are relevant to the survey
- G. Field survey notes, as electronic and hard copies
- H. An 8 ½ -inch by 11-inch survey control data sheet for each control point
- I. A digital and hard copy of all computer printouts of horizontal and vertical conventional traverses, GPS analysis and results, and survey control data sheets
- J. All GEOPAK GPK files and OpenRoads files
- K. Survey reports in a format requested by the State

FUNCTION CODE 160 (160) – ROADWAY DESIGN

ROADWAY DESIGN CONTROLS

160.1. Geometric Design.

- A. Design Exceptions, Waivers, and Deviations

The Engineer shall identify, prepare exhibits, perform traffic and safety analysis (including Safety scoring tool), and complete all necessary forms for design exceptions, waivers, and Texas Highway Freight Network (THFN) deviations within project limits. Submit draft document prior to the 30% submittal. Submit final document to the State for coordination and processing of approvals.

B. Refine Schematic

When a schematic is provided by the State, the Engineer shall:

1. Review the schematic provided by the State to confirm its understanding of the project and to verify completeness and accuracy of the information.
2. Refine the horizontal and vertical alignment of the design schematic in U.S. customary units for main lanes, ramps, direct connectors, frontage roads, side streets, including grade separation structures. The Engineer shall determine vertical clearances at grade separations and overpasses, taking into account the appropriate percent grade and super-elevation rate. Minor modifications in the alignment must be considered to provide optimal design. Modifications must be coordinated with the State and adjacent Engineers.
3. Not proceed to the 30% milestone submittal or start working on the bridge layouts until the State has approved the refined schematic.

C. Preliminary Geometric Project Layout.

The Engineer shall develop the following for the full length of the project to be reviewed and approved by the State prior to the Engineer proceeding with the 30% milestone submittal package:

1. A preliminary geometric project layout (Layout)
2. A preliminary 3D corridor model
3. Alternatives for design (e.g., flush or raised curb median) with recommendations and cost estimates for each alternative. Prior to proceeding with the final preliminary geometric layout the Engineer shall present the alternatives to the State for review and approval.
4. Documentation of meetings and discussions that describe the design alternatives that were considered, the points or issues that were evaluated, and the outcome of the meeting or discussion, including a description of the decisions that were made.
5. A final geometric layout and 3D Corridor model

160.2. Roadway Design – Plan and Profile Drawings.

The Engineer shall prepare roadway plan and profile drawings that consist of a planimetric file of existing features and files of the proposed improvements. The roadway base map must contain line work that depicts existing surface features obtained from the schematic drawing. Existing major subsurface and surface utilities must be shown if requested by the State. Existing and proposed right of way lines must be shown. Depending on the width of the pavement, the plan view and profile view may be shown on separate sheets or the same sheets for the following roadways:

- A. Main lanes
- B. Frontage roads
- C. Direct connectors
- D. Ramps
- E. Side streets
- F. U-turns
- G. Pedestrian facilities

H. Bicycle facilities

160.3. Safety Analysis

The Engineer shall prepare a safety analysis utilizing the current TxDOT Safety Scoring tool.

160.4. Typical Sections.

- A. The Engineer shall prepare existing typical sections for all existing roadways. Existing typical sections must reflect existing pavement structures.
- B. The Engineer shall prepare proposed typical sections for all proposed roadways.

160.5. Side Street Intersection Layouts.

The Engineer shall provide an intersection layout detailing the pavement design and drainage design at the intersection of each side street. The layout must include the horizontal alignments, curb returns, geometrics, transition length, stationing, pavement, drainage details, and *Americans with Disabilities Act Accessibility Guidelines (ADAAG)* and *PROWAG* compliance items. The Engineer shall design for full pavement width to the ROW and provide a transition to the existing roadway. The Engineer shall prepare intersection layouts for the side streets shown in Table 160.5 -Side Streets.

Table 160.5 – Side Streets	
Side Street Name	Left or Right
1 st Street	Right
Smith Road	Right

160.6. Cut and Fill Quantities.

- A. The Engineer shall develop an OpenRoads generated 3D corridor model to be used for an earthwork analysis to determine cut and fill quantities.
- B. The Engineer shall provide final design cross sections at intervals to be determined by the State along the mainlanes and major side streets. Cross sections must be created from the 3D corridor model and must be delivered in the standard TxDOT format on 11"x17" sheets or roll plots and electronic files. The Engineer shall provide all templates and corridors used to generate the design cross sections. Cross sections and quantities must include existing pavement removals. Annotation must include, at a minimum, existing and proposed ROW, side slopes (front & back), and profiles. Existing utilities must be shown on the cross sections.
- C. The Engineer shall submit the current OpenRoads generated 3D corridor model for each submittal.

160.7. Profile Workshop.

Prior to the 30% submittal, the Engineer shall schedule and attend a workshop to review profiles, OpenRoads 3D corridor models, and cross-sections with the State.

160.8. Supporting Roadway Plan Sheet Preparation.

The Engineer shall prepare the necessary supporting roadway plan sheets for the proposed improvements for the following:

- A. Project Layouts
- B. Horizontal Alignment Data Sheets
- C. Superelevation Diagrams
- D. Driveway Details
- E. Summary of roadway quantities
- F. Removal Plans
- G. Miscellaneous Details

160.9. Wetlands Information.

The Engineer shall stake and fence wetland areas. The Engineer shall survey the delineated wetlands and calculate the volumes for the delineated areas. The survey data must be electronically transferred to the plan and profile (P&P) sheets and the volumes calculated for the delineated areas.

160.10. Roadway Standards.

The Engineer shall select roadway standards.

160.11. Pavement Design.

- A. Incorporate Pavement Design Developed by the State

When required in the work authorization, the Engineer shall incorporate the pavement design developed and provided by the State into the project.

- B. Perform Pavement Design

When required in the work authorization, the Engineer shall provide the pavement design and submit a pavement design report to the State.

160.12. Roadway Quantities.

The Engineer shall calculate roadway quantities.

DEL.160. Deliverables for FC 160.

- A. Design exception and design waiver forms and exhibits
- B. Preliminary geometric layout and 3D corridor model
- C. Final geometric layout and 3D corridor model
- D. Roadway plan and profile drawings
- E. Existing typical sections
- F. Proposed typical sections
- G. Intersection layouts
- H. Grading plan layouts

- I. OpenRoads 3D corridor model used for computing cut and fill quantities
- J. Final design cross sections
- K. Cut and fill quantities
- L. Supporting roadway plan sheets
- M. Wetlands survey data
- N. Wetland volumes
- O. Roadway standards selected by the Engineer
- P. Pavement design report, if applicable
- Q. Roadway quantities

FUNCTION CODE 160 (161) – ROADWAY DESIGN

DRAINAGE DESIGN

161.1. Drainage.

The Engineer shall prepare a comprehensive drainage study report and plan sheets for the drainage design elements for the project. The report must include a summary of the hydrological and hydraulic design considerations and analyses for the project limits, including any temporary drainage facilities necessary to allow staged construction of the project, maintain positive flow and to conform with the phasing of adjacent construction projects without significant impact to the hydraulic capacity of the area. The Engineer shall use information collected via field survey, field observations, review of as-built construction plans, the effective FEMA models (if available) and consider pedestrian facilities, utility impacts, driveway grades, retaining wall and concrete traffic barrier to develop hydrologic and hydraulic modeling data for existing and proposed structures. The Engineer shall use software acceptable to the State. The Engineer shall prepare hydrologic and hydraulic analysis for the structures/systems shown in Table 161.1 – Structure/System.

Table 161.1- Structure/System		
Structure/System Type	Description	Approximate Station(s)
Culvert 1A	(2)-7'x 4' MBC	168+50
Culvert 3	(2) – 5'x 5' MBC	207+00
Culvert 3A	(2) – 5' x 4' MBC	214+00
Culvert 4	(2) – 8' x 5' MBC	237+75
Culvert 5	(2) – 6' x 4' MBC	274+25
Culvert 6	(3) – 4' x 3' MBC	298+51
Culvert 7B	(1) – 5' x 4' SBC	334+69
Culvert 11	(2) – 8' x 6' MBC	437+00
Culvert 11A	(1) – 7' x 3' SBC	Old FM 407 11+42
Culvert 1	(3) – 8' x 6' MBC	171+00

Culvert 8	(3) – 10' x 7' MBC	FM 156 120+00

A. Hydrologic Analysis

1. Drainage Areas

The Engineer shall delineate the drainage area boundaries for each structure or system including temporary drainage structures within, or contributing to, the project area using United States Geological Survey (USGS) or suitable topographic maps, available LiDAR elevation data, and other appropriate information.

2. Runoff Computations

The Engineer shall:

- a. Compute the peak runoff for the full range of frequencies (50%, 20% 10%, 4%, 2%, and 1% annual exceedance probability (AEP)) using an approved methodology. The Engineer shall select the methodology depending on the size of watershed and site conditions for each of the following:
 - (1) Ditches
 - (2) Culverts
 - (3) Bridges
 - (4) Storm drains
 - (5) Temporary drainage for phased construction
 - b. Determine an appropriate hydrologic check method and compute peak runoff rates for discussion and inclusion in the drainage report.
 - c. Obtain any existing FEMA effective hydrologic data if available. Verify FEMA data prior to utilizing for FEMA coordination and modeling.
 - d. Determine if area drains are needed due to site conditions and determine additional ROW or easements required as a result.
3. Prepare (11"x17") drainage area maps and hydrologic data sheets for the project for inclusion in the plans, specifications, and estimate (PS&E) and the drainage report

B. Hydraulic Analysis

The Engineer shall:

1. Model the existing conditions using an appropriate method for each structure or system type, including the following:
 - a. Ditches
 - b. Culverts
 - c. Bridges
 - d. Storm drain systems
 - e. Detention and retention systems
 - f. Pump systems
2. Model the proposed conditions using an appropriate method for the structure or system type, for the full range of frequencies (50%, 20% 10%, 4%, 2%, 1%, and 0.2% AEP). . Evaluate the design with the objective of reducing flooding potential, protecting

structures from erosion and scour, mitigating potential impacts on flood levels and flow rate, and minimizing impacts to Waters of the United States. Prepare hydraulic models for the following:

- a. For ditches, determine the ditch typical section with the hydraulic capacity to convey the calculated design storm event
 - b. Culverts
 - c. Bridges
 - d. For storm drain systems, determine trunk-line sizes, lateral sizes, outfall sizes, and inlet locations to accommodate the proposed design storm event and taking into account the hydraulic grade line of the system. Verify that storm drains can be developed for gravity flow to outfalls based on the proposed roadway profile.
 - e. For detention facilities, determine alternate flow routes, detention and retention, to relieve system overload. Evaluate the amount of the total detention storage to control runoff for the approved design frequency based on hydrograph routing for the full range of frequencies (50%, 20%, 10%, 4%, 2%, 1%, and 0.2% AEP). Determine if on-site detention volume is available. When oversized storm drains are used for detention, the Engineer shall evaluate the hydraulic gradeline throughout the entire system, within project limits, for the design frequency or frequencies. The Engineer shall coordinate with the State any proposed changes to the detention systems. The State will assess the effects of such changes on comprehensive drainage studies.
 - f. For pump systems, determine pump requirements and specifications to meet design criteria approved by the State.
 - g. Develop plans for temporary drainage facilities that are necessary to allow staged construction of the project and to conform with the phasing of adjacent construction projects without significant impact to the hydraulic capacity of the area.
3. Develop the following Zone AE hydraulic models (if applicable)
 - a. Corrected existing hydraulic model
 - b. Updated FEMA model
 - c. Floodway models, with defined floodways only
 4. Develop a 3D model of the proposed drainage structures using the drainage utility (DU) capabilities of the OpenRoads product.
 5. Complete a scour analysis of bridges and bridge class structures and provide the State the potential scour depths, envelope, and any recommended countermeasures including bridge design modifications and revetment.
 6. Determine if there are any underground utility crossings that may conflict with the proposed design.
 7. Determine if additional ROW or easements will be required due to drainage structures/system designs.
 8. Determine areas requiring trench protection, excavation, shoring, and de-watering.
 9. Hydraulic Computation Sheets
 - a. Prepare (11" x 17") hydraulic data sheets for the project for inclusion in the drainage report and PS&E that summarize the input parameters and hydraulic

results in tabular format for proposed and temporary structures and systems. At locations where there are existing and proposed structures and systems, provide a comparison of the input parameters and hydraulic results in tabular format for the existing and proposed structures and systems

- b. Prepare (11" x 17") hydraulic data sheets for each bridge or FEMA Zone A/AE drainage structure for inclusion in the drainage report and PS&E. At locations where there are existing and proposed structures and systems, provide a comparison of the input parameters and hydraulic results in tabular format for the existing and proposed structures and systems
- c. Coordinate with bridge designers and depict scour envelopes on bridge layouts for inclusion in the drainage report and submission to the district bridge engineer.

C. Structure and System Layouts

The Engineer shall:

- 1. Determine the ditch typical section that conveys the approved design capacity and incorporate the ditch section into the roadway typical sections and design cross-sections.
 - 2. Develop (11" x 17") culvert layouts depicting the plan and profile for each culvert on the project at a scale approved by the State.
 - 3. Develop (11"x17") storm drain and inlet layouts depicting the plan and profile for the storm drain systems on the project at a scale approved by the State.
 - a. Select any necessary standard details from State or District's list of standards for items such as inlets, manholes, junction boxes and end treatments.
 - b. Prepare details for non-standard inlets, manholes, and junction boxes.
 - c. Identify existing ground elevation profiles at the ROW lines on storm sewer plan and profile sheets.
 - d. Determine locations that require trench excavation protection.
 - 4. Prepare drainage details for outlet protection, outlet structures, and utility accommodation structures.
 - 5. Develop (11"x17") detention and retention storage basin plan and profile layouts and details for the project at a scale approved by the State and include associated outlet structure details.
 - 6. Develop (11"x17") structural design and detailing layouts for pump systems that include:
 - a. Site layout of controls building and pump locations
 - b. All structural details for control building and sump
 - c. All electrical and piping connection details
 - d. All stormwater pump details including controls
 - e. All details for load bank installation
 - f. All details for supporting equipment and software for notification of status
 - 7. Develop (11"x17") layouts for proposed temporary drainage facilities/structures.
- D. The Engineer shall prepare coordination documentation for the determination of any 408 Permits (due to levees), Nationwide Permits or Individual Permits (including mitigation and monitoring), U.S. Coast Guard and U.S. Army Corps of Engineers §10 Permits required for

the project.

- E. The Engineer shall compute and tabulate drainage facility quantities.
- F. The Engineer shall prepare miscellaneous drainage design elements including:
 - 1. Layouts for subsurface drainage at retaining walls
 - 2. Layouts for bridge deck drainage systems, including internal drainage piping within the bents where required on structures
 - 3. Identification of pipe strength requirements

DEL.161. Deliverables for FC 161.

- A. Drainage study report
- B. Hydrologic data sheets
- C. Hydraulic data sheets
- D. Scour data sheets, if applicable
- E. Culvert layout sheets
- F. Storm drain plan/profile sheets
- G. Detention and retention pond layouts
- H. Detention and retention pond details, including associated outlet structures
- I. Pump system layouts
- J. Driveway culvert details
- K. Miscellaneous drainage details
- L. 3D model of the proposed drainage structures
- M. Drainage summaries and quantities

FUNCTION CODE 160 (162) – ROADWAY DESIGN

SIGNING, PAVEMENT MARKINGS, AND SIGNALIZATION (PERMANENT)

162.1. Signing and Pavement Markings.

The Engineer shall prepare drawings, specifications, and details for all signs and pavement markings.

- A. The Engineer shall:
 - 1. Provide a 3D corridor model with the proposed pavement markings stenciled onto the model
 - 2. Coordinate with the State (and other Engineers as required) for overall interim and final signing and pavement marking strategies and placement of signs outside contract limits
 - 3. Prepare existing signing layouts, to reflect existing signs to be removed by the contractor
 - 4. Prepare signing and pavement marking layout sheets for interim and final signing strategies and placement of signs outside contract limits. The layouts must designate the shields to be attached to guide signs. Proposed signs must be illustrated and numbered on layout sheets.

5. Prepare sign detail sheets for large guide signs showing dimensions, lettering, shields, borders, corner radii, and other relevant details
 6. Designate the shields to be attached to guide signs
 7. Select a foundation for each sign based on TxDOT sign standards
- B. The Engineer shall prepare detail sheets to show:
1. Large sign details
 2. Overhead sign structure elevations
 3. Dimensioning (letters, shields, borders, and other relevant dimensions)
- C. The Engineer shall prepare a summary of quantities for each of the following:
1. Large and small signs to be removed, relocated, or replaced
 2. Small signs
 3. Large signs, including all guide signs
 4. Overhead sign structures
 5. Pavement markings and delineation
- D. The Engineer shall select signing and pavement marking standards.

162.2. Traffic Signal Warrant Studies.

- A. The Engineer shall conduct traffic signal warrant studies for three (3) intersections to be determined by Engineer and City.
- B. The Engineer shall prepare a traffic signal warrant study to support its recommendation for the continuous activation of an existing traffic signal or a proposed traffic signal based on projected volumes. Each warrant study must include addressing pedestrian signals along with obtaining both traffic and pedestrian counts.

For the traffic signal warrant study, the Engineer shall:

1. Perform manual turning movement counts at the study location during a weekday (Tuesday, Wednesday or Thursday) for the following periods: 6:00 – 9:00 a.m., 11:00 – 2:00 p.m., and 4:00-6:00 p.m., or as directed by the State. Counts must be recorded at 15 minute and hourly intervals.
2. Perform 24-hour traffic counts (15 minute and hourly intervals) at the study location or the designated section of roadway
3. Perform pedestrian and bicycle volume counts on each approach at the study location for the 12-hour time period mentioned above or as directed by the State
4. Conduct a crash analysis at each study location utilizing the TxDOT Crash Records Information System (CRIS) database
5. Conduct a site inspection at the study location and record traffic characteristics observed in the field. The field work may include taking measurements, locating utilities, locating existing signal equipment, identifying existing conditions, taking digital photographs of the intersection (with a minimum of one photograph per approach), and recording other relevant site condition information.
6. Prepare condition diagram showing details from site inspection and field work mentioned above
7. Prepare a site map of the area where the study is requested. Information shown on the site map must consist of existing control devices at the intersection and all existing

signals for one mile along the major roadway

8. Develop and include a timing plan for each signal
9. Prepare and submit the following reports to the State, which summarize the findings of the traffic and pedestrian counts and field inventories for each location. The Engineer shall address all the State's review comments before submitting the final reports.
 - a. One report must include:
 - (1) Existing condition diagrams
 - (2) Field photographs
 - (3) Traffic and pedestrian counts
 - b. The other report must include the signed and sealed engineering warrant study.

162.3. Traffic Signals.

Based upon the results of the traffic signal warrant studies, the Engineer shall identify and prepare traffic signal plans for all warranted traffic signals. The Engineer shall confirm the power source for all signals and coordinate with the appropriate utility agency. The Engineer shall develop all quantities, general notes, and specifications and incorporate the appropriate agency standards required to complete construction.

- A. The Engineer shall prepare traffic signal plans for up to 3 intersections.
- B. Traffic Signal Plans.

The Engineer shall provide the following information for each traffic signal:

1. Existing Intersection and Signal Layout
2. Estimate and quantity sheet
3. Basis of estimate sheet (list of materials)
4. General notes and specification data
5. Condition diagram
6. Plan sheet(s)
7. Elevation sheets
8. Conductor and conduit schedule
9. Vehicle detection
10. Foundation layout
11. Notes for plan layout
12. Phase sequence diagram(s)
13. Construction detail sheets(s)
14. Marking details (when applicable)
15. Aerial or underground interconnect details (when applicable)

- C. The Engineer shall:
 1. Contact local utility company to confirm power source and provide written documentation of this communication
 2. Prepare governing specifications and special provisions list

3. Prepare project estimate

D. The Engineer shall select traffic signal standards for insertion into the plan set.

162.4. Intersection Safety Scoring Tool.

A. When specified in the work authorization, the Engineer shall prepare an analysis for all existing and proposed intersections within the limits of the project using the Intersection Scoring Tool spreadsheet developed by TxDOT.

The Engineer shall obtain the data needed to complete this analysis, including Annual Average Daily Traffic (AADT) and crash data, using the links contained in the Intersection Scoring Tool spreadsheet.

B. The Engineer shall complete internal quality assurance and quality control (QA and QC) checks of the analysis for each of the intersections in the project.

C. The Engineer shall submit an electronic file of the Safety Scoring Tool spreadsheet and a printout that includes the safety score and summary of results for each intersection.

DEL.162. Deliverables for FC 162.

- A. Existing signing layouts
- B. Signing and pavement marking layout sheets
- C. Large sign detail sheets
- D. Summary of large and small signs to be removed, relocated, or replaced
- E. Overhead sign structure elevations sheets
- F. Summary of quantities for:
- G. Small signs
- H. Large signs
- I. Overhead sign structures
- J. Pavement markings
- K. Traffic Signal Warrant Studies
- L. Traffic Signal Plans
- M. Specifications and special provisions
- N. Estimate of costs
- O. Traffic Signal Standards
- P. Safety Scoring Tool spreadsheet and printout for each intersection

FUNCTION CODE 160 (163) – ROADWAY DESIGN

MISCELLANEOUS ROADWAY

163.1. Utility Engineering.

Utility engineering includes the identification of utility conflicts, coordination, compliance with the UAR, and resolution of utility conflicts. The Engineer shall coordinate all activities with the State, or the State's designee, to facilitate the orderly progress and timely completion of the State's design phase.

A. Review Of Utility's Proposed Adjustments

1. The Engineer shall review plans for compliance with UAR and proposed location data. The responsibility for quality and accuracy of utility adjustment plans will remain with the utility company.

163.2. Geotechnical Borings and Investigations.

- A. The Engineer shall determine the location of proposed soil borings for bridge design, embankment settlement analysis, retaining walls, slope stability and along storm drain alignment. The Engineer shall prepare a boring layout showing the general location and depths of the proposed borings. The Engineer shall provide the boring layout to the State for review and comment.
- B. The Engineer shall perform soil borings, rock coring, coring for pavement removal items, piezometric readings, testing and analysis to support pavement designs, bridge design, embankment settlement analysis, retaining walls and slope stability analysis. Locate soil borings every 500 feet along the storm sewer alignment and take piezometric readings at 2000 feet intervals. Spacing of soil borings must not exceed 500 feet. The Engineer shall perform geotechnical borings and investigations for the structures and pavements.
- C. The Engineer shall provide a signed, sealed and dated geotechnical report.
- D. If applicable, the Engineer shall perform scour analysis to include grain size distribution curves with D50 value for each soil layer and a D50 grain size for a sample in the stream bed at the upstream face of the bridge in the upper 1-foot of the stream bed.

In addition, the Engineer shall provide a subsurface profile including the following information for each layer:

1. Particle Size Analysis (Tex-110-E) including:
 - a. Median Grain Size (D50) and percent clay (percent passing No. 200 sieve)
 - b. Soil type based on grain dimensions of cohesionless materials
2. Liquid Limit (Tex-104-E) as required for clayey soils
3. Plastic Limit (Tex-105-E) as required for clayey soils
4. Plasticity Index (Tex-106-E) as required for clayey soils
5. USCS Soil Classification (Tex-142-E) as required for clayey soils
6. The Engineer shall prepare and sign, seal, and date soil boring sheets to be used in the PS&E package.

163.3. Retaining Walls and Miscellaneous Structures.

A. Retaining wall design

Prior to preparation of retaining wall layouts, the Engineer shall prepare a comparative cost analysis of different types of retaining walls versus roadway embankment, pavement, soil stabilization, retaining walls type, and available ROW to determine optimum selection based on economics, construction time duration, ROW encroachments (need for construction

easements) and construction feasibility, including temporary shoring layouts and detailed, if required by the State.

The Engineer shall notify the State of the type of retaining walls that will be used for each cut and fill location.

B. Retaining wall layouts and details

The Engineer shall provide layouts (scale 1"=100'), elevations, quantity estimate, summary of quantities, typical cross sections and structural details of all retaining walls within the project. Approximate lengths of the retaining walls as shown on the schematic are provided in Table 163.3(B) – Proposed Retaining Walls. The Engineer shall determine if any additional walls are required and verify the need for and length of the retaining walls as shown on the schematic.

C. The Engineer shall develop each retaining wall design.

The Engineer shall:

1. The Engineer shall perform any needed retaining wall analyses to include the settlement analysis. This analysis must include the computation for bearing capacity, global stability, overturning and sliding. In addition, the Engineer shall include allowable bearing pressure, passive earth pressure, friction angles, settlement analysis (consolidation report) and lateral earth pressure for the retaining wall
2. Calculate retaining wall quantities
3. Provide retaining wall summary sheets
4. Select retaining wall standards for insertion into the plan set

163.4. Traffic Control Plan, Detours, Sequence of Construction.

The Engineer shall prepare traffic control plans (TCP) including TCP typical sections, for the project. The Engineer shall complete Form 2229-Significant Project Procedures along with Page 4 of Form 1002, specifically titled Accelerated Construction Procedures and Form 1204. The Engineer shall interface and coordinate phases of work, including the TCP, with adjacent engineers.

The Engineer shall:

A. Prepare Traffic Control Plans (TCP) for the project

Determine the existing and proposed traffic control devices (e.g., regulatory signs, warning signs, guide signs, route markers, construction pavement markings, barricades, flag personnel, temporary traffic signals) to be used to handle traffic during each construction sequence.

B. Prepare TCP typical sections for the project.

C. Provide a written narrative of the construction sequencing and work activities per phase that:

1. Describes the type of work to be performed for each phase of sequence of construction and any special instructions (e.g., storm drain, culverts, bridges, railing, illumination, signals, retaining walls, signing, paving surface sequencing or concrete placement, ROW restrictions, utilities) that the contractor should be made aware including limits of construction, obliteration, and shifting or detouring of traffic prior to the proceeding phase.
 2. Includes the work limits, the location of channelizing devices, positive barrier, location and direction of traffic, work area, stations, pavement markings, and other information deemed necessary for each phase of construction.
- D. Prepare layouts and show the limits for temporary shoring on the applicable TCP
- E. Prepare temporary roadway plan and profile layouts
- F. Prepare temporary ramp plan and profile layouts
- G. Prepare temporary structure (including shoo-fly) plan and profile layouts
- H. Prepare detour plans to maintain continuity during construction phasing.
- I. Design temporary drainage to replace existing drainage disturbed by construction activities or to drain detour pavement
- J. Prepare interim signing for every phase of construction. The Engineer shall interface and coordinate phases of work, including the TCP, with adjacent Engineers, which are responsible for the preparation of the PS&E for adjacent projects
- K. Develop a list of each abutting property along the roadway alignment. Notify the State in the event existing access must be eliminated and must receive approval from the State prior to any elimination of existing access. Prepare exhibits for and attend meetings with the public, as requested by the State.
- L. Identify and coordinate with all utility companies for relocations required.
- M. Identify and delineate any outstanding ROW parcels
- N. Delineate areas of wetlands on traffic control plans
- O. Design the TCP phasing by creating a phased 3D corridor model, as specified by the State
- P. Calculate traffic control quantities
- Q. Provide traffic control summary sheet(s)
- R. Select traffic control standards for insertion into the plan set
- S. Attend District Safety Review Team (DSRT) Meetings
- T. Prepare Smart Work Zone Go-No-Go spreadsheet

163.5. Temporary Traffic Signals and Illumination. (OMITTED)

163.6.

Illumination.

The Engineer shall:

- A. Integrate existing illumination within the project limits into the proposed design.
- B. Coordinate with the State to determine the location of proposed lighting for the following lighting types:
 1. underpass lighting

- 2. safety lighting as part of each design on each flashing beacon and traffic signal
- C. Provide a preliminary layout for initial review and approval by the State.
- D. Prepare layouts and details including circuit wiring diagrams showing the number of luminaires on each circuit, electrical conductors, length of runs, and service pole assemblies
- E. Calculate illumination quantities
- F. Prepare illumination summary sheet(s)
- G. Select illumination standards for insertion into the plan set

163.7. Storm Water Pollution Prevention Plans (SWP3).

The Engineer shall:

- A. Develop SWP3, in conformance with the TCP, to minimize potential impact to receiving waterways. The SWP3 must be shown on separate sheets from the TCP unless the State specifically directs the Engineer to show the SWP3 and the TCP on the same set of sheets.
- B. Calculate SWP3 quantities
- C. Prepare SWP3 summary sheet(s)
- D. Select SWP3 standards for insertion into the plan set

163.8. Plan Preparation.

The Engineer shall prepare and assemble plans for the proposed improvements for each of the following milestones:

- A. 30%
- B. 60%
- C. 90%
- D. 95%
- E. 100%

Refer to the Milestone Design Deliverables section of this attachment for the contents of these deliverables.

163.9. Special Utility Details (ex., Water, Sanitary Sewer).

The Engineer shall develop special details to accommodate or adjust utilities. Prior to developing any special utility detail, the Engineer shall notify the State in writing regarding each utility conflict that might require an accommodation. As directed by the State, the Engineer shall coordinate with each utility to develop each special detail. The Engineer shall prepare each plan sheet, detail sheet, special specification, special provision, and special note required to incorporate the details into the State's plans.

163.10. Miscellaneous Structural Details.

The Engineer shall provide necessary details required to supplement standard details.

163.11. Agreements (Railroad or other Agency) and Layouts.

- A. The Engineer shall prepare each railroad or other agency agreement, exhibit, and layout sheet in accordance with the requirements of each railroad and as directed by the State. The Engineer shall coordinate with each railroad or agency and the State to determine submittal requirements, processing schedules, and exhibit formats. The Engineer shall submit each exhibit to the State for review and processing. The Engineer shall develop and submit the following:

1. Rail Agreement Exhibit "A"
 2. Rail Agreement Exhibit "B"
 3. Hydraulic analysis
 4. Track outage exhibit(s)
 5. Railroad scope of work matrix
 6. Metes and bounds property description(s)
 7. Location exhibit(s)
 8. Cost estimate(s)
 9. Traffic signal pre-emption (if needed)
 10. Design conformance to railroad guidelines report (if needed)
 11. Typical section report (if needed)
- B. The Engineer shall:
1. Coordinate with TxDOT district railroad coordinator, TxDOT rail division, or railroad manager
 2. Visit the site with a TxDOT representative and railroad representative
- C. The Engineer shall prepare railroad agreement exhibits for the locations shown in Table 163.11(C) – Railroad Crossings.

Table 163.11(C) – Railroad Crossings				
DOT Crossing	Railroad Owner	Crossing Roadway	Railroad Subdivision	Crossing Type
	BNSF	FM 407		Grade Separated

163.12. Testimony for Right of Way Hearings (OMITTED).

The Engineer shall support and testify in possible right of way hearings. As requested by the State or the Attorney General's office, the Engineer shall:

- A. Research, study, analyze and review the project and the assigned parcels for acquisition
- B. Prepare litigation designs and standard 8.5 x 11-inch, 11 x 17-inch, or 24 x 36-inch paper exhibits. These deliverables are litigation documents (i.e., not engineering documents) so are not required to be sealed by a professional engineer.
- C. Be available to prepare for and testify at hearings, depositions, and trials
- D. Be available to assist and consult with the Attorney General's Office, for case preparation

163.13. Estimate.

The Engineer shall independently develop and report quantities necessary to construct the contract in standard State bid format at the specified milestones and final PS&E submittals. The Engineer shall prepare each construction cost estimates using Estimator or any approved method. The Engineer shall provide the estimate at each milestone submittal or in electronic (TxDOTCONNECT) format at the 95% and final PS&E submittals per State's district requirement.

163.14. Contract Time Determination.

The Engineer shall prepare a detailed contract time estimate to determine the approximate time required for construction of the project in calendar and working days (based on the State standard definitions of calendar and working days) at the 60%, 95% and final PS&E milestone. The Engineer shall provide assistance to the State in interpreting the schedule.

163.15. Specifications and General Notes.

- A. The Engineer shall identify necessary standard specifications, special specifications, special provisions, and the appropriate reference items and provide them in the format required by the State.
- B. The Engineer shall prepare general notes from the district's master list of general notes, for inclusion in the plans and bidding documents.

163.16. Constructability Review.

The Engineer shall provide independent quality review of the constructability of the PS&E sets.

The Engineer shall perform constructability reviews at major project design milestones (e.g., 30%, 60%, 90%, and final plan) to identify potential constructability issues and options that would provide substantial time savings during construction.

DEL.163. Deliverables for FC 163.

- A. Utility layout
- B. Proposed utility layout
- C. Utility certifications, if applicable
- D. Special provision and special provisions report, if applicable
- E. Utility clearance schedule, if applicable
- F. Boring layout
- G. Geotechnical report
- H. Soil boring sheets

- I. Pavement design
- J. Retaining wall cost analysis
- K. OpenRoads 3D corridor model that includes retaining walls
- L. Retaining wall layouts
- M. Retaining wall details
- N. Retaining wall standards
- O. Retaining wall quantities
- P. Traffic control plans
- Q. Traffic control typical sections
- R. Traffic control narrative
- S. Temporary shoring layouts, if applicable
- T. Plan and profile layouts for temporary roadways, ramps, and structures
- U. Phased OpenRoads 3D corridor model showing TCP phasing
- V. Traffic control standards
- W. Traffic control quantities
- X. Temporary traffic signal and illumination plans
- Y. Illumination layouts
- Z. Illumination details
- AA. Illumination standards
- BB. Illumination quantities
- CC. SWP3 layouts
- DD. SWP3 summary sheets
- EE. Environmental layout sheets
- FF. SWP3 standards
- GG. SWP3 quantities
- HH. Special utility detail sheets, specifications, special provisions, and notes
- II. Miscellaneous structural details, if applicable
- JJ. Railroad exhibit packages
- KK. Litigation exhibits
- LL. Construction cost estimates
- MM. Contract time estimate
- NN. Constructability review log

FUNCTION CODE 160 (170) – ROADWAY DESIGN

BRIDGE DESIGN

170.1. Bridge Condition Survey Report.

The Engineer shall prepare a bridge condition survey report for each existing bridge to remain, including bridges to be widened. The Engineer shall prepare bridge condition survey reports for each of the bridges shown in Table 170.1 – Existing Bridges.

Table 170.1 – Existing Bridges			
Bridge Name	Roadway Name	NBI#	County
Cross Culvert	FM 407	180610156802001	Denton
Bridge over Trail Creek	FM 407	180610156802070	Denton
BCC	FM 156	180610071801033	Denton

170.2. Bridge Cost Comparative Study.

Prior to preparation of each bridge layout, the Engineer shall prepare a comparative cost analysis of bridge structures to determine:

- A. the optimum bridge beams for vertical clearance over railroads, roadway, or waterways
- B. the optimum bridge structure versus roadway embankment, pavement, soil stabilization, and retaining walls
- C. the optimum bridge beams for the direct connectors

170.3. Bridge Layout.

The Engineer shall:

- A. Prepare a bridge layout plan sheet for each bridge and submit a 3D bridge model utilizing OpenBridge Modeler (OBM). When the 3D bridge model is referenced into the 3D corridor, the bridge must align, both vertically and horizontally, in the bridge location of the 3D corridor. The 3D bridge model must consist of 3D elements for slab, beams, abutments, wingwalls, caps, columns, and foundations. Quantities and geometry from OBM 3D bridge model must be verified by other means.

Prepare Bridge Layouts and 3D models for the locations shown in Table 170.3(A) – Bridges.

Table 170.3(A) – Bridges				
Bridge Name	Control-Section-Job (CSJ) Number	Girder Type	Length (feet)	Width (feet)
Bridge over Trail Creek	1568-02-016		150	114
Bridge over Trail Creek Tributary 2	1568-02-016		306	114
Bridge over Denton Creek	1568-02-016		3390	114
Bridge over FM 156/BNSF	1568-02-016		420	114

- B. The Engineer shall incorporate aesthetics as directed by the State including the following: aesthetic theme of the region, form-liners, decorative retaining walls, painting, and other aesthetic elements.

170.4. Bridge Structural Details.

The Engineer shall prepare each structural design and develop detailed structural drawings of all required details:

- A. Perform calculations and determine elevations for design of the bridge foundation.
- B. Perform calculations and determine elevations for design of the bridge superstructure
- C. Perform load rating calculations.
- D. Prepare necessary foundation details and plan sheets, if required.
- E. Prepare plan sheets for abutment and bent design and additional abutment and bent details, if required.
- F. Prepare framing plan, slab plan sheets, and perform calculations for bridge slab design, if required.
- G. Prepare tables for slab and bearing seat elevations, dead load deflections, and other necessary bridge information.
- H. Prepare beam design tables, if required.
- I. Prepare special provisions and special specifications, if required.
- J. Prepare any additional required details specific to the project
- K. Prepare bridge summary sheet(s)
- L. Select bridge standards for insertion into the plan set.

170.5. Bridge Detail Summary.

The Engineer shall prepare total bridge quantities, estimates, and summary sheets for each bridge or bridge class culvert.

170.6. Independent Analysis.

The Engineer shall provide independent analysis of TxDOT's or third-party engineer's design of complex or exotic bridge projects. The Engineer shall review project requirements, plan sheets, specifications, reports, and project manuals. The Engineer shall verify the plan sheets and other construction documents result in a bridge that meets the following requirements:

- A. complies with the TxDOT *Bridge Design Manual – LRFD*, including the version of *AASHTO LRFD Bridge Design Specifications* indicated in that manual;
- B. follows appropriate engineering standards; and
- C. is representative of the project's complexity through all stages of construction up to and including in service design.

DEL.170. Deliverables for FC 170.

- A. Bridge condition survey report

- B. Bridge cost comparative study
- C. Bridge and culvert layouts
- D. Bridge typical sections
- E. 3D bridge model
- F. Bridge design calculations
- G. Bridge special provisions and special specifications
- H. Bridge detail sheets
- I. Bridge standards
- J. Summary of bridge quantities
- K. Bridge cost estimate
- L. Independent analysis report (if required by work authorization)

MILESTONE DESIGN DELIVERABLES

DELIVERABLES FOR PS&E DEVELOPMENT MILESTONES

The Engineer shall submit the following deliverables to the State:

DEL.1. 30% Plans Submittal.

- A. Three hard copy sets and an electronic set of 11" x 17" plan sheets for the State review.
- B. Estimate of construction cost
- C. Engineer's internal QA and QC markup set
- D. Updated Design Summary Report, Form 1002 and Design Exceptions with existing and proposed typical sections, location map, and design exception exhibits
- E. A preliminary 3D corridor model, in the most current format, created using Bentley's OpenRoads tools, and with enough detail to verify the design of the 30% plan sheets
- F. If applicable, a preliminary 3D bridge model utilizing OpenBridge Modeler (OBM), and with enough detail to verify the design of the 30% plan sheets. When the 3D bridge model is referenced into the 3D corridor, the bridge must align, both vertically and horizontally, in the bridge location of the 3D corridor.
- G. Any other additional information required by the State.

DEL.2. Between 30% Submittal and 60% Submittal.

- A. Three hard copy sets and an electronic set of 11" x 17" bridge and retaining wall layouts including bridge typical sections for the State review. External stability analysis for retaining walls
- B. Engineer's internal QA and QC marked up set

- C. One set of a roll format TCP phasing layouts, one .pdf of plan sheets for TCP concept, and the completed significant project procedures form (TxDOT Form 2229) to present at the TCAT for the State review
- D. One set of a roll format of illumination plan concept for State review
- E. For division hydrologic and hydraulic review of existing and proposed bridges and bridge class culverts, five sets of 11" x 17" preliminary bridge and bridge class culvert plan and profile sheets, hydrology & hydraulics sheets, scour analysis, project title sheet, and project layout sheet
- F. A preliminary 3D corridor model, in the most current format, created using Bentley's OpenRoads tools, and with enough detail to verify the design of the bridge and retaining wall layouts.
- G. If applicable, a preliminary 3D bridge model utilizing Bentley's OpenBridge Modeler (OBM), and with enough detail to verify the design of the bridge and retaining wall layouts.
- H. Any other additional information required by the State.

DEL.3. 60% Plans Submittal.

- A. Three hard copy sets and an electronic set of 11" x 17" plan sets for the State review.
- B. Estimate of construction cost.
- C. Updated Design Summary Report and Form 1002.
- D. Engineer's internal QA and QC marked up set.
- E. One set of a roll format TCP phasing layouts, one .pdf of plan sheets for TCP concept, and significant project procedures form (State Form 2229) to present at the TCAT for the State review.
- F. A preliminary 3D corridor model, in the most current format, created using Bentley's OpenRoads tools, and with enough detail to verify the design of the 60% plan sheets. The level of detail of the surface and subsurface features must be at the direction of the State.
- G. If applicable, a preliminary 3D bridge model utilizing OpenBridge Modeler (OBM), and with enough detail to verify the design of the 60% plan sheets. When the 3D bridge model is referenced into the 3D corridor, the bridge must align, both vertically and horizontally, in the bridge location of the 3D corridor. The 3D bridge model must consist of 3D elements for slab, beams, abutments, wingwalls, caps, columns, and foundations. The level of detail of the bridge elements must be at the direction of the State.
- H. Any other additional information required by the State.

DEL.4. Between 60% and 90% Submittal

- A. Seven hard copy sets and an electronic set of all bridge plan sheets and hydrologic and hydraulic plan sheets and models.
- B. A preliminary 3D corridor model, in the most current format, created using Bentley's OpenRoads tools, and with enough detail to verify the design of the Bridge layouts
- C. A preliminary 3D bridge model utilizing Bentley's OpenBridge Modeler (OBM), and with enough detail to verify the design of the of the Bridge Layouts.

DEL.5. Review Submittal (90%).

- A. Three hard copy sets and an electronic set of 11" x 17" plan sheets for the State review
- B. Estimate of construction cost in Excel and TxDOTCONNECT

- C. Updated Design Summary Report, if required and Form 1002
- D. Marked up general notes
- E. Construction schedule
- F. New special specifications and special provisions if applicable
- G. Engineer's internal QA and QC marked up set
- H. Other supporting documents
- I. A detailed 3D corridor model, in the most current format, created using Bentley's OpenRoads tools, and with enough detail to verify the design of the 90% plan sheets. The level of detail of the surface and subsurface features must be at the direction of the State.
- J. If applicable, a 3D bridge model utilizing OpenBridge Modeler (OBM), and with enough detail to verify the design of the 90% plan sheets. When the 3D bridge model is referenced into the 3D corridor, the bridge must align, both vertically and horizontally, in the bridge location of the 3D corridor. The 3D bridge model must consist of 3D elements for slab, beams, abutments, wingwalls, caps, columns, and foundations. The level of detail of the bridge elements must be at the direction of the State.
- K. Any other additional information required by the State.

DEL.6. District Review Submittal (95%).

- A. Three hard copy sets and an electronic set of 11" x 17" plan sheets for the State review
- B. Estimate of construction cost in Excel and TxDOTCONNECT
- C. List of governing specifications and special provisions in addition to those required
- D. Marked up general notes
- E. Form 1002
- F. New special specifications and special provisions if applicable
- G. Triple zero special provisions
- H. Engineer sign, seal, and date supplemental sheets (8.5" x 11")
- I. Contract time determination summary
- J. Significant project procedures form
- K. Right of way and utilities certification
- L. Temporary road closure letters
- M. Construction speed zone request
- N. Engineer's internal QA and QC marked-up set
- O. Other supporting documents
- P. A detailed 3D corridor model, in the most current format, created using Bentley's OpenRoads tools, and with enough detail to verify the design of the 95% plan sheets. The level of detail of the surface and subsurface features must be at the direction of the State.
- Q. If applicable, a 3D bridge model utilizing OpenBridge Modeler (OBM), and with enough detail to verify the design of the 95% plan sheets. When the 3D bridge model is referenced into the 3D corridor, the bridge must align, both vertically and horizontally, in the bridge location of the 3D corridor. The 3D bridge model must consist of 3D elements for slab, beams,

abutments, wingwalls, caps, columns, and foundations. The level of detail of the bridge elements must be at the direction of the State.

R. Any other additional information required by the State.

DEL.7. Final submittal (100%).

- A. PDF portfolio of all plan sheets
- B. Revised supporting documents that address the 95% review comments
- C. A final 3D corridor model, in the most current format created using Bentley's OpenRoads tools. The level of detail of the surface and subsurface features will be at the direction of the State.
- D. A final 3D earthwork model in either .XML or .ICM format (as directed by the State) created using Bentley's OpenRoads tools. The level of detail of the surface and subsurface features will be at the direction of the State.
- E. If applicable, a final 3D bridge model utilizing OpenBridge Modeler (OBM). When the 3D bridge model is referenced into the 3D corridor, the bridge must align, both vertically and horizontally, in the bridge location of the 3D corridor. The 3D bridge model must consist of 3D elements for slab, beams, abutments, wingwalls, caps, columns, and foundations. The level of detail of the bridge elements must be at the direction of the State.
- F. The Engineer shall prepare a letter report which includes the findings of the comparison of OBM 3D bridge model geometry and quantities verified by alternate methods. The report must include a detailed discussion of the differences and proposed enhancements and issues in OBM software.
- G. Any other additional information required by the State.

FEE SCHEDULE SUMMARY BY FUNCTION CODE - EXHIBIT B													
LUMP SUM	TASK NAME	Westwood		Quiddity		KLF		TRG		LJA-Environmental		TOTAL	
FUNCTION CODE		Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost
102 (110)	FEASIBILITY STUDIES - ROUTE & DESIGN	160	\$ 40,620.00			0						160	\$ 40,620.00
120 (120)	ENVIRONMENTAL STUDIES AND PUBLIC INVOLVEM									\$ 80,450.00		0	\$ 80,450.00
130 (135)	RIGHT OF WAY DATA							172	\$19,875.28			172	\$ 19,875.28
145 (145, 164)	PROJECT MANAGEMENT AND ADMINISTRATION	914	\$ 277,370.00	274	\$ 71,925.00			200	\$33,006.00		\$ 28,635.00	1388	\$ 410,936.00
160 (160)	ROADWAY DESIGN - CONTROLS	7374	\$ 1,370,810.00									7374	\$ 1,370,810.00
160 (161)	ROADWAY DESIGN - DRAINAGE	4944	\$ 851,910.00									4944	\$ 851,910.00
160 (162)	Signing, Pavement Markings and Signalization	2250	\$ 471,300.00									2250	\$ 471,300.00
160 (163)	MISCELLANEOUS (ROADWAY)	974	\$ 760,860.00	320	\$ 51,875.00		\$647,385.80	0	\$230,510.00			1294	\$ 1,690,630.80
160 (170)	BRIDGE DESIGN	3384	\$ 701,560.00	1551	\$ 317,035.00							4935	\$ 1,018,595.00
	OTHER DIRECT EXPENSSES						\$ 142,715.30		\$ 36,655.00			0	\$ 179,370.30
	Total Project Cost	20000	\$ 4,474,430.00	2145	\$ 440,835.00	0	\$ 790,101.10	372	\$ 320,046.28	0	\$ 109,085.00	22517	\$ 6,134,497.38
	Total Percentage Breakdown (Cost)		72.9%		7.2%		12.9%		5.2%		1.8%		100.0%

PRIME PROVIDER: Westwood Professional Services											
TASK DESCRIPTION	PRINCIPAL	DIRECTOR	SENIOR PROJECT MANAGER	PROJECT MANAGER	PROJECT ENGINEER	DESIGN ENGINEER	SENIOR ENGINEER TECH	EIT	ENGINEER TECH	CADD OPERATOR	TOTAL LABOR HOURS & COSTS
FC 102 (110) - Feasibility Studies - Route and Design											
Data Collection and Field Reconnaissance											
a. Data collection which includes as-built plans, SUE, traffic etc.			2	2	2						6
b. Documents of existing and future developemnt plans			2	2	2						6
c. Utility Plans			2	2	2						6
d. Flood plain information including FEMA maps, LOMARs and CLOMARs			2	4	4						10
e. Conduct field reconnaissance and collect data			4	4	8						16
Design Criteria											
a. Develop the design roadway design criteria			2	4	8						14
Preliminary Cost Estimates											
a. Develop preliminary cost estimate			2	8	8	16					34
Design Concept Conference (DCC)											0
a. Roadway and drainage design parameters				2	2						4
b. Engineering and environmental constraints				2	2						4
c. Project development schedule			4	4							8
d. Any identified Design Exceptions and Waivers			2	2							4
e. Preliminary Construction Cost Estimate			2	2							4
f. Proposed bridge design criteria			2	2							4
g. Propsed Hydraulic criteria			2	2	2						6
h. Proposed Pavement Structure Elements			2	2	2						6
i. Proposed Traffic Operations criteia			2	2	2						6
j. Proposed Miscellaneous criteria			2	2	2						6
k. Plan, attend and document the Design Concept Confernece (DCC)			4	4	8						16
HOURS SUB-TOTALS	-	-	38	52	54	16	-	-	-	-	160
CONTRACT RATE PER HOUR	\$ 315.00	\$ 315.00	\$ 305.00	\$ 245.00	\$ 235.00	\$ 225.00	\$ 210.00	\$ 170.00	\$ 155.00	\$ 105.00	
TOTAL LABOR COSTS	\$ -	\$ -	\$ 11,590.00	\$ 12,740.00	\$ 12,690.00	\$ 3,600.00	\$ -	\$ -	\$ -	\$ -	\$ 40,620.00
% DISTRIBUTION OF STAFFING	0.0%	0.0%	23.8%	32.5%	33.8%		-	-	-	-	
SUBTOTAL FC 102 (110)											\$ 40,620.00
FC 160 (160) Roadway Design - Roadway Design Controls											
Geometric Design											
a. Refine schematic design		2	8	8	16	16	16	24	24	24	138
b. Horizontal alignment design		8	8	16	16	24	40	80	80	40	312
c. Vertical alignment design		8	8	8	24	40	40	80	80	40	328
d. Super elevation		2	8	16	16	24	24	40	40	40	210
e. Cross section design (Open Roads)		8	16	24	24	40	40	56	64	80	352
Removal Sheets											
a. Removal Sheets (Single Pane)			8	16	24	24	40	40	80		232
b. Removal Quantity Summary Sheet			2	4	6	8	12	40	40		112
Roadway Plan & Profile Sheets											
a. Main Lane Plan and Profile Sheets (50 Scale)		48	80	160	200	320	400	400	480	560	2648
c. Ramp Plan and Profile Sheets (50 Scale)		4	8	8	16	40	40	80	80	80	356
e. Cross Street Plan and Profile Sheets (50 Scale)		8	16	16	24	40	40	80	80	80	384
f. Driveway Plan and Profile Sheets (50 Scale)		24	40	40	40	40	80	120	120	120	624
Miscellaneous Roadway Detail Sheets		24	40	40	40	40	80	80	160	160	664
Typical Sections											
Provide travel lanes, shoulders, outer separations, border widths, curb offsets, and ROW		8	8	8	16	24	24	40	48	48	224
Provide PGL, centerline, pavement design, longitudinal joints, side slopes, sodding/seeding limits, and ROW		4	8	8	16	16	24	24	40	40	180
Cross streets and driveways		2	4	4	4	8	16	16	24	40	118
Prepare quantity sheets											
Load data into TxDOT CONNECT				40							40

TASK DESCRIPTION	PRINCIPAL	DIRECTOR	SENIOR PROJECT MANAGER	PROJECT MANAGER	PROJECT ENGINEER	DESIGN ENGINEER	SENIOR ENGINEER TECH	EIT	ENGINEER TECH	CADD OPERATOR	TOTAL LABOR HOURS & COSTS
Standards Selection					4	8		24			36
Bicycle/Pedestrian elements design				8	16	32		40	40		136
Conduct QA/QC reviews			120	160							280
											0
HOURS SUB-TOTALS	-	150	382	584	502	744	916	1,264	1,480	1,352	7,374
CONTRACT RATE PER HOUR	\$ 315.00	\$ 315.00	\$ 305.00	\$ 245.00	\$ 235.00	\$ 225.00	\$ 210.00	\$ 170.00	\$ 155.00	\$ 105.00	
TOTAL LABOR COSTS	\$ -	\$ 47,250.00	\$ 116,510.00	\$ 143,080.00	\$ 117,970.00	\$ 167,400.00	\$ 192,360.00	\$ 214,880.00	\$ 229,400.00	\$ 141,960.00	\$ 1,370,810.00
% DISTRIBUTION OF STAFFING	0.0%	2.0%	5.2%	7.9%	6.8%	10.1%	12.4%	17.1%	20.1%	18.3%	
SUBTOTAL FC 160 (160)											\$ 1,370,810.00
FC 160 (162) Roadway Design - Signing, Pavement Markings and Signalization											
Traffic Signals											
Traffic Signal Warrant Studies (3 Intersections)											
a. Perform field work to identify existing conditions						24		24			48
b. Prepare traffic signal warrant study to support recommendations			10			30		30			70
Traffic Signal Timing (3 Interchanges)											
a. Develop and include a timing plan for each signal improvement (Y, R, W, FDW times only)			8			36		36			80
Permanent Traffic Signal plan (3 Interchanges)											
a. Provide traffic plan with signal layout (60, 90, 100% Submittals)			28			56		120			204
b. Intersection Control Evaluation (ICE)			16			28		48			92
c. Perform field work			4			8		8			20
d. Provide phase sequence diagrams			24			48		88			160
i. Prepare sign detail sheets			24			48		88			160
e. Conduct QA and QC reviews on deliverables		48	110								158
Intersection Safety Scoring Tool (3 Interchanges)											
a. Preform Analysis and Fill Out Spreadsheet			12			12		48			72
b. Conduct QA and QC reviews			8								8
Signing											
a. Sign Detail Sheets			2	8	16	16	24	24	40		130
b. Summary of Small Sign (SOSS)			4	16	16	24	24	24	40		148
c. Summary of Large Sign (SOLS)			2	4	4	8	8	16	8		50
d. Signing Layout Sheets			8	24	32	48	48	120	160		440
Pavement Markings											
a. Pavement marking layouts (double pane)			8	16	24	24	40	40	80		232
b. Signing and Pavement marking standards				4	8	8					20
c. Pavement marking summaries			2	4	8	8	16	24			62
d. Estimate and Quantities (60%, 95%, 95% resubmittal, 100%)			16	40	40						96
HOURS SUB-TOTALS	-	48	286	116	148	426	160	738	328	-	2,250
CONTRACT RATE PER HOUR	\$ 315.00	\$ 315.00	\$ 305.00	\$ 245.00	\$ 235.00	\$ 225.00	\$ 210.00	\$ 170.00	\$ 155.00	\$ 105.00	
TOTAL LABOR COSTS	\$ -	\$ 15,120.00	\$ 87,230.00	\$ 28,420.00	\$ 34,780.00	\$ 95,850.00	\$ 33,600.00	\$ 125,460.00	\$ 50,840.00	\$ -	\$ 471,300.00
% DISTRIBUTION OF STAFFING	0.0%	2.1%	12.7%	5.2%	6.6%	18.9%	7.1%	32.8%	14.6%	0.0%	
SUBTOTAL FC 160 (162)											\$ 471,300.00
FC 160 (163) Roadway Design - Miscellaneous (Roadway)											
Illumination											
b. Underpass lighting plan						24		24			48
c. Coordination			4			8		8			20
d. Power provider						8		8			16
e. Contact the local utility company to confirm electrical power						4		4			8
f. Agencies						8		8			16
g. Verify Proposed illumination meets requirements of the National Electrical Code						8		8			16
h. Quantity summaries and estimate						4		4			8
i. Standards selection						2		4			6

TASK DESCRIPTION	PRINCIPAL	DIRECTOR	SENIOR PROJECT MANAGER	PROJECT MANAGER	PROJECT ENGINEER	DESIGN ENGINEER	SENIOR ENGINEER TECH	EIT	ENGINEER TECH	CADD OPERATOR	TOTAL LABOR HOURS & COSTS
j. Field visits and reviews						4		4			8
											0
HOURS SUB-TOTALS	-	-	4	-	-	70	-	72	-	-	146
CONTRACT RATE PER HOUR	\$ 315.00	\$ 315.00	\$ 305.00	\$ 245.00	\$ 235.00	\$ 225.00	\$ 210.00	\$ 170.00	\$ 155.00	\$ 105.00	
TOTAL LABOR COSTS	\$ -	\$ -	\$ 1,220.00	\$ -	\$ -	\$ 15,750.00	\$ -	\$ 12,240.00	\$ -	\$ -	\$ 29,210.00
% DISTRIBUTION OF STAFFING	0.0%	0.0%	2.7%	0.0%	0.0%	47.9%	0.0%	49.3%	0.0%	0.0%	
SUBTOTAL FC 160 (163)											\$ 29,210.00
FC 145 (145, 164) Managing Contract/Donated PE - Project Management and Administration											
Pregress Report (Assume 30 Months)											
a. Regular progress report (2.5 hrs each x 30 months)			75								75
b. Invoice (2.5 hrs for 30 months)			75								75
Coordination											
a. The County		30	30								60
b. The State		60	60								120
c. The City of Justin		30	30								60
d. Other Public Agencies		30	30								60
e. Sub-Consultant management		60	60								120
f. Project takeover from sub-consultants		16	16								32
g. Stakeholders		30	30								60
Submittal Preparation											
a. Prepare and submit 30% planset											0
i. QA/QC 30% Submittal		4	8	8							20
ii. QA/QC 30% Subs Submittal Package		4	8	8							20
iii. Prepare TxDOT forms		8	16								24
b. Prepare and submit 60% planset											0
i. QA/QC 60% Submittal		8	16	16							40
ii. QA/QC 60% Subs Submittal Package		4	8	8							20
iii. Prepare TxDOT forms		8	16								24
c. Prepare and submit 95% planset											0
i. QA/QC 95% Submittal		8	16	16							40
ii. QA/QC 95% Subs Submittal Package		4	8	8							20
iii. Prepare TxDOT forms		4	4								8
d. Prepare and submit 100% planset											0
i. QA/QC 100% Submittal		4	8	8							20
ii. QA/QC 100% Subs Submittal Package		2	4	4							10
iii. Prepare TxDOT forms		2	4								6
Addendums											
a. Revisions to Roadway Sheets											0
b. QA/QC revisions											0
c. Submit revised sheets											0
HOURS SUB-TOTALS	-	316	522	76	-	-	-	-	-	-	914
CONTRACT RATE PER HOUR	\$ 315.00	\$ 315.00	\$ 305.00	\$ 245.00	\$ 235.00	\$ 225.00	\$ 210.00	\$ 170.00	\$ 155.00	\$ 105.00	
TOTAL LABOR COSTS	\$ -	\$ 99,540.00	\$ 159,210.00	\$ 18,620.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 277,370.00
% DISTRIBUTION OF STAFFING	0.0%	34.6%	57.1%	8.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
SUBTOTAL FC 145 (145, 164)											\$ 277,370.00

PRIME PROVIDER: Westwood Professional Services												
TASK DESCRIPTION	PRINCIPAL	DIRECTOR	SENIOR PROJECT MANAGER	PROJECT MANAGER	PROJECT ENGINEER	DESIGN ENGINEER	SENIOR ENGINEER TECH	EIT	ENGINEER TECH	CADD OPERATOR	ADMIN / CLERICAL	TOTAL LABOR HOURS & COSTS
FC 160 (161) Roadway Design - Drainage												
Data Collection												
a. Preform site visit & document field inspections				8	8			8				24
b. Collect As-Built/Existing reports/maps data					12							12
c. Review survey data		1		1	8			12				22
d. Coordinate with local entities for historical flood data				1	8			20				29
e. Submit letter detailing completion of data collection				1	1			2			2	6
Storm Drains												
a. Design/Analyze Storm Drains			1	16	36			72	40			165
b. size inlets/laterals/trunk lines/outfalls (approx. 16 outfalls)			2	24	36			72				134
c. Determine HGL's for storm drains (using ORD-DU)			2	12	24			64				102
d. Calculate manhole head losses			1	12	20			56				89
e. Verify outfall capacities can support proposed design			1	12	36			72				121
f. Identify areas required: Trench Protection/Excavation/Temporary Shoring/De-watering			1	8	16			32				57
Cross-Drainage Structures												
a. Determine DA'a and flowrates		1		2	4			36	12			55
b. Hydraulic modeling analysis												0
Minor Crossings (HY-8)												
Culv 1A - (2)-7'x4' MBC (STA 168+50)		1	2	4	16			48				71
Culv 3 - (2)- 5'x5' MBC (STA 207+00)		1	2	4	16			48				71
Culv 3A - (2)-5'x4' MBC (STA 214+00)		1	2	4	16			48				71
Culv 4 - (2)-8'x5' MBC (STA 237+75)		1	2	4	16			48				71
Culv 5 - (2)-6'x4' MBC (STA 274+25)		1	2	4	16			48				71
Culv 6 - (3)- 4'x3' MBC (STA 298+51)		1	2	4	16			48				71
Culv 7B - (1)- 5'x4' SBC (STA 334+69)		1	2	4	16			48				71
Culv 11 - (2)-8'x6' MBC (STA 437+00)		1	2	4	16			48				71
Culv 11A - (1)-7'x3' SBC (Old FM 407 STA 11+42)		1	2	4	16			48				71
BCC/Major Crossings (HEC-RAS)												
Culv 1 - (3)-8'x5' MBC (STA 171+00)		1	2	8	24			72				107
Culv 8 - (3)-10'x7' MBC (FM 156 STA 120+00)		1	2	8	14			72				97
												0
Temporary Drainage Facilities												
a. Develop plans to temporary drainage and coordination with TCP for staged construction		1	1	4	24			40		60		130
Environmental Permits												
a. Coordinate with the State if any NWP's are required				1	12			36				49
PS&E Development for Hydraulics												
a. Drainage Quantity Summary Sheets		1	2	8	16			40		40		107
b. Offsite DA Maps, 1"=1000'		1	2	8	16			40		40		107
c. Offsite Drainage Calculations		1	2	8	20			64				95
d. Cross-drainage culvert layouts		1	2	8	40			120		120		291
e. Cross-drainage hydraulic data sheets, Non-Bridge Class Culvert		1	2	8	32			80		80		203
f. Cross-drainage hydraulic data sheets, Bridge Class Culverts		1	4	16	32			120		120		293
g. Overall Drainage plan sheets		1	6	16	40			140		140		343
h. Storm drain DA maps		1	2	8	36			80		80		207
i. Storm drain P&P sheets		1	6	8	24			140		140		319
j. Storm drain computation sheets		1	2	4	32			56		16		111
k. Storm drain lateral profile sheets		1	2	8	24			120		120		275
l. Ditch analysis detail sheets		1	2	4	20			80		80		187
m. Side road/Ramp/Median culvert layouts (approx. 4)		1	2	4	24			72		72		175
n. Miscellaneous drainage detail sheets		1	2	8	24			100		100		235
o. Drainage standard sheets			2	4	8			48		48		110
p. QC/QA (60%, 95%, 95%(RE) & 100%)	16	16	16									48
												0
HOURS SUB-TOTALS	16	44	87	274	815	-	-	2,398	52	1,256	2	4,944
CONTRACT RATE PER HOUR	\$ 315.00	\$ 315.00	\$ 305.00	\$ 245.00	\$ 235.00	\$ 225.00	\$ 210.00	\$ 170.00	\$ 155.00	\$ 105.00	\$ 110.00	
TOTAL LABOR COSTS	\$ 5,040.00	\$ 13,860.00	\$ 26,535.00	\$ 67,130.00	\$ 191,525.00	\$ -	\$ -	\$ 407,660.00	\$ 8,060.00	\$ 131,880.00	\$ 220.00	\$ 851,910.00
% DISTRIBUTION OF STAFFING	0.3%	0.9%	1.8%	5.5%	16.5%	0.0%	0.0%	48.5%	1.1%	25.4%	0.0%	
SUBTOTAL FC 160 (161)												\$ 851,910.00

PRIME PROVIDER: Westwood Professional Services

TASK DESCRIPTION	PRINCIPAL	DIRECTOR	SENIOR PROJECT MANAGER	PROJECT MANAGER	PROJECT ENGINEER	DESIGN ENGINEER	SENIOR ENGINEER TECH	EIT	ENGINEER TECH	CADD OPERATOR	ADMIN / CLERICAL	TOTAL LABOR HOURS & COSTS
FC 160 (170) Roadway Design - Bridge Design												
Bridge Design (Over Trail Creek - 150 LF)												
Drawings												
a. Title and Index Sheets				2		2		8				12
b. General Notes and Standard Details				2		4		12				18
c. Bridge Layout and Construction Sequence				4		4		16				24
d. Typical Sections				2		4		8				14
e. Foundation Layout				2		4		16				22
f. Foundation Details				2		4		16				22
g. Abutment Plans and Elevations				2		4		24				30
h. Abutment Details				2		4		20				26
i. Bent Plans and Elevations												0
j. Bent Details												0
k. Column Details												0
l. Girder Layouts				2		4		16				22
m. Unit Plans				2		4		20				26
n. Unit Typical Sections				2		4		20				26
o. Girder Details				2		4		8				14
p. Boring Logs				2		4		8				14
Estimated Quantities												
a. Quantities and Cost				8								8
Design												
a. Loads, Codes, and Standards				2		4						6
b. Construction Phasing												0
c. Girder design (IGND)				2		4		20				26
d. Substructure Modeling/Analysis				2		4		28				34
e. Abutment Design				2		4		28				34
f. Bent Design												0
g. Bearings and Joints				2		4		12				18
h. Approach Slabs and Decks				2		4		8				14
i. Standard and Additional Detailing				2		4		12				18
j. Geometry Control				2		4		20				26
k. Load Rating				2		4		8				14
PS&E Package Review/QC												
a. 30% Plan Submittal				12								12
b. 60% Plan Submittal				28								28
c. 90% Plan Submittal				48								48
d. 95% Plan Submittal				8								8
e. Final Submittal				8								8
f. Coordination with Bridge Division				16								16
Miscellaneous												
a. Inter-discipline Coordination				12		12						24
b. Calculation Packaging/Organization/Preparation						12		32				
c. General Project Management				12								12
Miscellaneous Structures												
Addendums												
a. Revisions to Bridge Sheets				12		8		24				44
b. QA/QC revisions						8		32				40
c. Submit revised sheets				12								12

TASK DESCRIPTION	PRINCIPAL	DIRECTOR	SENIOR PROJECT MANAGER	PROJECT MANAGER	PROJECT ENGINEER	DESIGN ENGINEER	SENIOR ENGINEER TECH	EIT	ENGINEER TECH	CADD OPERATOR	ADMIN / CLERICAL	TOTAL LABOR HOURS & COSTS
Bridge Design (Over Trail Creek Tributary 2 - 306 LF)												
Drawings												
a. Title and Index Sheets				2		2		8				12
b. General Notes and Standard Details				2		4		12				18
c. Bridge Layout and Construction Sequence				4		8		24				36
d. Typical Sections				2		4		16				22
e. Foundation Layout				2		4		20				26
f. Foundation Details				2		4		20				26
g. Abutment Plans and Elevations				2		8		32				42
h. Abutment Details				2		8		24				34
i. Bent Plans and Elevations				2		4		24				30
j. Bent Details				2		4		24				30
k. Column Details				2		4		24				30
l. Girder Layouts				2		4		20				26
m. Unit Plans				2		4		24				30
n. Unit Typical Sections				2		4		24				30
o. Girder Details				2		4		12				18
p. Boring Logs				2		4		8				14
Estimated Quantities												
a. Quantities and Cost				8								8
Design												
a. Loads, Codes, and Standards				2		4						6
b. Construction Phasing												0
c. Girder design (IGND)				2		8		24				34
d. Substructure Modeling/Analysis				2		8		28				38
e. Abutment Design				2		8		28				38
f. Bent Design				2		8		24				34
g. Bearings and Joints				2		8		8				18
h. Approach Slabs and Decks				2		8		8				18
i. Standard and Additional Detailing				2		4		8				14
j. Geometry Control				2		8		20				30
k. Load Rating				2		8		16				26
PS&E Package Review/QC												
a. 30% Plan Submittal				16								16
b. 60% Plan Submittal				28								28
c. 90% Plan Submittal				48								48
d. 95% Plan Submittal				8								8
e. Final Submittal				8								8
f. Coordination with Bridge Division				8								8
Miscellaneous												
a. Inter-discipline Coordination				12		12						24
b. Calculation Packaging/Organization/Preparation						12		32				
c. General Project Management				12								12
Miscellaneous Structures												
Addendums												
a. Revisions to Bridge Sheets				12		8		20				40
b. QA/QC revisions						8		28				36
c. Submit revised sheets				12								12
Bridge Design (Over Denton Creek - 3390 LF)												
Drawings												

TASK DESCRIPTION	PRINCIPAL	DIRECTOR	SENIOR PROJECT MANAGER	PROJECT MANAGER	PROJECT ENGINEER	DESIGN ENGINEER	SENIOR ENGINEER TECH	EIT	ENGINEER TECH	CADD OPERATOR	ADMIN / CLERICAL	TOTAL LABOR HOURS & COSTS
a. Title and Index Sheets				4		4		16				24
b. General Notes and Standard Details				4		8		24				36
c. Bridge Layout and Construction Sequence				8		16		48				72
d. Typical Sections				4		8		32				44
e. Foundation Layout				4		8		40				52
f. Foundation Details				4		8		40				52
g. Abutment Plans and Elevations				4		16		56				76
h. Abutment Details				4		16		40				60
i. Bent Plans and Elevations				4		8		40				52
j. Bent Details				4		8		40				52
k. Column Details				4		8		40				52
l. Girder Layouts				4		8		40				52
m. Unit Plans				4		8		40				52
n. Unit Typical Sections				4		8		40				52
o. Girder Details				4		8		16				28
p. Boring Logs				4		8		16				28
Estimated Quantities												
a. Quantities and Cost				16								16
Design												
a. Loads, Codes, and Standards				4		8						12
b. Construction Phasing												0
c. Girder design (IGND)				4		12		40				56
d. Substructure Modeling/Analysis				4		12		56				72
e. Abutment Design				4		12		56				72
f. Bent Design				4		12		40				56
g. Bearings and Joints				4		12		28				44
h. Approach Slabs and Decks				4		12		20				36
i. Standard and Additional Detailing				4		8		24				36
j. Geometry Control				4		12		40				56
k. Load Rating				4		12		28				44
PS&E Package Review/QC												
a. 30% Plan Submittal				24								24
b. 60% Plan Submittal				48								48
c. 90% Plan Submittal				80								80
d. 95% Plan Submittal				16								16
e. Final Submittal				16								16
f. Coordination with Bridge Division				32								32
Miscellaneous												
a. Inter-discipline Coordination				20		20						40
b. Calculation Packaging/Organization/Preparation						20		40				
c. General Project Management				20								20
Miscellaneous Structures												
Addendums												
a. Revisions to Bridge Sheets				24		16		40				80
b. QA/QC revisions						16		56				72
c. Submit revised sheets				24								24
												0
HOURS SUB-TOTALS	-	-	-	876	-	644	-	2,012	-	-	-	3,384
CONTRACT RATE PER HOUR	\$ 315.00	\$ 315.00	\$ 305.00	\$ 245.00	\$ 235.00	\$ 225.00	\$ 210.00	\$ 170.00	\$ 155.00	\$ 105.00	\$ 110.00	
TOTAL LABOR COSTS	\$ -	\$ -	\$ -	\$ 214,620.00	\$ -	\$ 144,900.00	\$ -	\$ 342,040.00	\$ -	\$ -	\$ -	\$ 701,560.00

PRIME PROVIDER: Westwood Professional Services												
TASK DESCRIPTION	PRINCIPAL	DIRECTOR	SENIOR PROJECT MANAGER	PROJECT MANAGER	PROJECT ENGINEER	DESIGN ENGINEER	SENIOR ENGINEER TECH	EIT	ENGINEER TECH	CADD OPERATOR	ADMIN / CLERICAL	TOTAL LABOR HOURS & COSTS
FC 160 (163) Roadway Design - Miscellaneous (Roadway)												
Traffic Control Plan												
Conceptual Plan												
Phasing												
Layouts												
Phasing Plan												
a. Coordinate with County & State to schedule a Traffic Control Workshop			2	2								4
b. Provide preliminary layout for initial approval and review			8	8	16	24						56
c. Coordinate with the County & State to determine the location of proposed underpass lighting			2	2								4
d. Safety Committee Review			2	4	8							14
PS&E preparation												
a. Phasing Typical Sections												
i. Prepare and submit 60% TYS			4	8	16	24		40	40			132
ii. Prepare and submit 90% TYS			2	4	8	24		24	24			86
iii. Prepare and submit 100% TYS			2	2	4	4		8	8			28
b. General notes pertaining to Traffic Control			4	8	16	40						68
c. Phasing Plan Sheets 1:100 scale												
i. Prepare and submit 30% roll plots/KMZ			4	8	24	40		80	80			236
ii. Prepare and submit 60% planset			8	16	40	80		80	120			344
iii. Prepare and submit 90% planset			4	8	16	24		48	48			148
iv. Prepare and submit 100% planset			2	4	8	16		40	40			110
d. Design Temporary Drainage (60, 90,100)			4	8	24	40		48	64			188
e. Temporary Shoring			4	8	24	24		48	80			188
f. Miscellaneous structural details			2	4	8	8		24	24			70
g. Detour layouts, Plan & Profile sheets			4	4	8	8		36	36			96
h. Temporary signing			2	4	4	8		40	40			98
i. Temporary traffic signal (3 intersections)			4	8	8	16		32	40			108
j. Quantity summaries and estimates			4	8	24	24		40				100
k. Standards selection			2	2	4	16						24
l. Traffic control portion of the cost estimates			2	8	16	16						42
Conduct QA and QC review			120	160								280
Constructibility Review			40	80	40							160
Contract Time Determination			8	16	24							48
HOURS SUB-TOTALS	-	-	240	384	340	436	-	588	644	-	-	2,632
CONTRACT RATE PER HOUR	\$ 315.00	\$ 315.00	\$ 305.00	\$ 245.00	\$ 235.00	\$ 225.00	\$ 210.00	\$ 170.00	\$ 155.00	\$ 105.00	\$ 110.00	
TOTAL LABOR COSTS	\$ -	\$ -	\$ 73,200.00	\$ 94,080.00	\$ 79,900.00	\$ 98,100.00	\$ -	\$ 99,960.00	\$ 99,820.00	\$ -	\$ -	\$ 545,060.00
% DISTRIBUTION OF STAFFING	0.0%	0.0%	24.6%	39.4%	34.9%	44.8%	0.0%	60.4%	66.1%	0.0%	0.0%	

FEE SCHEDULE
Lump Sum Specified Rate

[illegible]

SUBPROVIDER: Quiddity

TASK DESCRIPTION	PRINCIPAL	ENGINEER (PROJECT) - SENIOR	ENGINEER (PROJECT)	ENGINEER (DESIGN)	ENGINEER (STRUCTURAL) - SENIOR	ENGINEER (STRUCTURAL)	EIT	ENGINEER TECHNICIAN - SENIOR	ENGINEER TECHNICIAN	ENGINEER TECHNICIAN - JUNIOR	ADMIN / CLERICAL	TOTAL LABOR HOURS & COSTS
FC 145 (145, 164) Managing Contract/Donated PE - Project Management and Administration												
Attend DSR/Kick-Off Meeting												
Pregress Report (Assume 36 Months)												
a. Regular progress report (1 hrs/month x 36 months)		18			18							36
b. Invoice (2 hrs/month for 36 months)		36			36							72
Submittal Preparation												
a. Prepare and submit 30% planset					1		1	2				4
i. QA/QC 30% Submittal		8			4		2	6				20
b. Prepare and submit 60% planset							4	2				6
i. QA/QC 60% Submittal		20			4		2	6				32
c. Prepare and submit 90% planset							4	2				6
i. QA/QC 90% Submittal		20			4		2	6				32
d. Prepare and submit 95% planset							4	2				6
i. QA/QC 95% Submittal		8			2		2	6				18
e. Prepare and submit 100% planset							4	2				6
i. QA/QC 100% Submittal		8			2		2	6				18
Addendums												
a. Revisions to Bridge and Retaining Wall Sheets					2		2	6				10
b. QA/QC revisions		4										4
c. Submit revised sheets					2		2					4
HOURS SUB-TOTALS	-	122	-	-	75	-	31	46	-	-	-	274
CONTRACT RATE PER HOUR		\$ 295.00			\$ 275.00		\$ 160.00	\$ 225.00				
TOTAL LABOR COSTS	\$ -	\$ 35,990.00	\$ -	\$ -	\$ 20,625.00	\$ -	\$ 4,960.00	\$ 10,350.00	\$ -	\$ -	\$ -	\$ 71,925.00
% DISTRIBUTION OF STAFFING	0.0%	44.5%	0.0%	0.0%	27.4%	0.0%	11.3%	16.8%	0.0%	0.0%	0.0%	
SUBTOTAL FC 145 (145, 164)												\$ 71,925.00
FC 160 (163) Roadway Design - Miscellaneous (Roadway)												
Retaining Walls and Misc. Structures												
RETAINING WALL DESIGN												
Comparative cost Analysis of Wall Types				6								6
Determine Soil Boring Locations				2								2
RETAINING WALL LAYOUTS AND DETAILS												
OVERALL LAYOUT RET WALL (COORDINATION ONLY)				1								1
WALL LAYOUT' (8 SHEETS)		20		120					100			240
RET WALL MISCELLANEOUS DETAILS (FLUME, MOW STRIP, COPING, etc) (2 SHEETS)		1		8					12			21
SUMMARY OF RET WALL QUANTITIES		1		4					4			9
RET WALL DESIGN DATA SHEET - RW(MSE)DD		1		2					2			5
IDENTIFY AND INCORPORATE RET WALL STANDARDS (12 SHEETS)				2					2			4
ORD 3D RET WALL MODEL COORDINATION				32								32
HOURS SUB-TOTALS	-	23	-	177	-	-	-	-	120	-	-	320
CONTRACT RATE PER HOUR		\$ 295.00		\$ 170.00					\$ 125.00			
TOTAL LABOR COSTS	\$ -	\$ 6,785.00	\$ -	\$ 30,090.00	\$ -	\$ -	\$ -	\$ -	\$ 15,000.00	\$ -	\$ -	\$ 51,875.00
% DISTRIBUTION OF STAFFING	0.0%	7.2%	0.0%	55.3%	0.0%	0.0%	0.0%	0.0%	37.5%	0.0%	0.0%	100%
SUBTOTAL FC 160 (163)												\$ 51,875.00

TASK DESCRIPTION	PRINCIPAL	ENGINEER (PROJECT) - SENIOR	ENGINEER (PROJECT)	ENGINEER (DESIGN)	ENGINEER (STRUCTURAL) - SENIOR	ENGINEER (STRUCTURAL)	EIT	ENGINEER TECHNICIAN - SENIOR	ENGINEER TECHNICIAN	ENGINEER TECHNICIAN - JUNIOR	ADMIN / CLERICAL	TOTAL LABOR HOURS & COSTS
FC 160 (170) Roadway Design - Bridge Design												
BRIDGE DESIGN - FM 407 OVERPASS AT FM 156/BNSF												
EB Bridge												
Bridge Layout												
Determine Soil Boring Locations					2							2
Bridge Boring Logs		1			1		4	4				10
Bridge Boring Logs		1			1		4	4				10
Bridge Layout		4			10		12	10		6		42
Bridge Layout		4			10		12	10		6		42
Typical Sections		2			10		10	10		4		36
Bridge Structural Details												
Bridge Quantities Summary		1			6		10	5		2		24
Bearing Seat Elevations		1			6		10	5		2		24
Foundation Layout		1			8		16	10		2		37
Abutment No.1 Plan/Elevation		1			8		16	10		2		37
Abutment No.5 Plan/Elevation		1			8		16	10		2		37
Abutment Common Details		1			8		16	10		2		37
Interior Bent No.2 Plan/Elevation/Details		1			8		16	10		2		37
Interior Bent No.3 Plan/Elevation/Details		1			8		16	10		2		37
Interior Bent No.4 Plan/Elevation/Details		1			8		16	10		2		37
Girder Layout (Spans 1-2)		1			8		16	10		2		37
Concrete Girder Unit 1 Plan (Spans 1-2)		1			8		16	10		2		37
Concrete Girder Unit 1 Plan (Spans 1-2)		1			8		16	10		2		37
Girder Layout (Spans 3-4)		1			8		16	10		2		37
Concrete Girder Unit 1 Plan (Spans 3-4)		1			8		16	10		2		37
Concrete Girder Unit 1 Plan (Spans 3-4)		1			8		16	10		2		37
Design Girders and Prepare IGND and Girder Tables		1			8		16	10		2		37
NBI Form					4							4
Load Ratings		1			4		4					9
Bridge Calculation Notebook					4		10					14
a. Bridge Layout												0
b. Typical sections												0
c. Construction sequence												0
d. Boring log sheets												0
e. Foundation layout												0
WB Bridge												
Bridge Layout												
Determine Soil Boring Locations					2							2
Bridge Boring Logs		1			1		4	4				10
Bridge Boring Logs		1			1		4	4				10
Bridge Layout		4			10		12	10		6		42
Bridge Layout		4			10		12	10		6		42
Typical Sections		2			10		10	10		4		36
Bridge Structural Details												0
Bridge Quantities Summary		1			6		10	5		2		24
Bearing Seat Elevations		1			6		10	5		2		24
Foundation Layout		1			8		16	10		2		37

TASK DESCRIPTION	PRINCIPAL	ENGINEER (PROJECT) - SENIOR	ENGINEER (PROJECT)	ENGINEER (DESIGN)	ENGINEER (STRUCTURAL) - SENIOR	ENGINEER (STRUCTURAL)	EIT	ENGINEER TECHNICIAN - SENIOR	ENGINEER TECHNICIAN	ENGINEER TECHNICIAN - JUNIOR	ADMIN / CLERICAL	TOTAL LABOR HOURS & COSTS
Abutment No.1 Plan/Elevation		1			8		16	10		2		37
Abutment No.5 Plan/Elevation		1			8		16	10		2		37
Abutment Common Details		1			8		16	10		2		37
Interior Bent No.2 Plan/Elevation/Details		1			8		16	10		2		37
Interior Bent No.3 Plan/Elevation/Details		1			8		16	10		2		37
Interior Bent No.4 Plan/Elevation/Details		1			8		16	10		2		37
Girder Layout (Spans 1-2)		1			8		16	10		2		37
Concrete Girder Unit 1 Plan (Spans 1-2)		1			8		16	10		2		37
Concrete Girder Unit 1 Plan (Spans 1-2)		1			8		16	10		2		37
Girder Layout (Spans 3-4)		1			8		16	10		2		37
Concrete Girder Unit 1 Plan (Spans 3-4)		1			8		16	10		2		37
Concrete Girder Unit 1 Plan (Spans 3-4)		1			8		16	10		2		37
Design Girders and Prepare IGND and Girder Tables		1			8		16	10		2		37
NBI Form					4							4
Load Ratings		1			4		4					9
Bridge Calculation Notebook					4		10					14
Miscellaneous Bridge Details and Common Standards												
a. Miscellaneous Bridge Details												0
a. Identify and Incorporate Bridge Standards					2		4					6
b. OBM Modeling					5		10	60				75
HOURS SUB-TOTALS	-	58	-	-	347	-	614	436	-	96	-	1,551
CONTRACT RATE PER HOUR		\$ 295.00			\$ 275.00		\$ 160.00	\$ 225.00		\$ 85.00		
TOTAL LABOR COSTS	\$ -	\$ 17,110.00	\$ -	\$ -	\$ 95,425.00	\$ -	\$ 98,240.00	\$ 98,100.00	\$ -	\$ 8,160.00	\$ -	\$ 317,035.00
% DISTRIBUTION OF STAFFING	0.0%	3.7%	0.0%	0.0%	22.4%	0.0%	39.6%	28.1%	0.0%	6.2%	0.0%	
SUBTOTAL FC 160 (170)												\$ 317,035.00

ESTIMATED DIRECT EXPENSES	unit cost	units	cost
Mileage (limited to 4 trips)	\$ 0.700	2400	\$ 1,680.00
Plots (B/W 11 x 17) - each	\$ 0.20		\$ -
Plots (B/W 8.5 x 11) - each	\$ 0.12		\$ -
Plots (Color 8.5 x 11)	\$ 0.75		\$ -
Roll Plots (Color on Photgraphic Paper) - Max of 4 sheets 3'x6' for 2 public meetings- sqft	\$ 4.50		\$ -
Color Graphics on Foam Board - Max of 1 4'x 4' plot - sqft	\$ 7.50		\$ -
		Total Estimated Direct Expenses:	\$ 1,680.00

SUBCONSULTANT: Klein Felder

TASK DESCRIPTION	ENGINEER PRINCIPAL	PROJECT MANAGER	ENGINEER (SENIOR)	ENGINEER (PROJECT)	ENGINEER (DESIGN)	ENGINEER IN TRAINING II	ENGINEER IN TRAINING I	ADMINISTRATIVE CLERICAL	TOTAL LABOR HRS. & COSTS	NO OF DWGS	LABOR HRS PER SHEET
ROUTE & DESIGN STUDIES - PS&E DEVELOPMENT											
lane closure permit, logging, field coordination, laboratory testing, engineering analyses for										N/A	N/A
Kickoff Meeting, Coordination with Stake holders, Site Meetings		6	6	24				2	38	N/A	N/A
Boring Location Plan, Field Coordination		1	12	24		24	24	2	87	N/A	N/A
Boring Staking, Traffic control coordination and Utility 811 Locates		1	1	12	12		64		90	N/A	N/A
Logging Borings and Coordination		6	6	48	72		400		532	N/A	N/A
Laboratory Assignments and Result Review			4	12	38	38			92	N/A	N/A
Boring Log and Pavement Core Preparation			4	24	76	76			180	N/A	N/A
Bridge Foundation Analysis	12		8	24	144				188	N/A	N/A
Retaining Wall Evaluation- Slope Analysis including Global Stability, Settlement	14				64				78	N/A	N/A
Culvert Structures					36	54			90	N/A	N/A
Pavement Design and Recommendations	8				24	24			56	N/A	N/A
Draft Geotechnical Report Preparation	6	6	6	36	40	40		10	144	N/A	N/A
Final Geotechnical Report Preparation	4	1	3	12	24			4	48	N/A	N/A
HOURS SUB-TOTALS	44	21	50	216	530	256	488	18	1623	0	
CONTRACT RATE PER HOUR	\$292.98	\$292.98	\$244.56	\$194.40	\$156.26	\$129.84	\$109.20	\$101.07			
TOTAL LABOR COSTS	\$12,891.12	\$6,152.58	\$12,228.00	\$41,990.40	\$82,817.80	\$33,239.04	\$53,289.60	\$1,819.26	\$244,427.80		
% DISTRIBUTION OF STAFFING	30.6%	14.6%	34.7%	150.0%	368.1%	177.8%	338.9%	12.5%			
SUBTOTAL - FC 102 (110)									\$244,427.80		

UNIT COSTS		UNIT	COST/UNIT	QUANTITY	TOTAL
GEOTECHNICAL UC					
GEOTECHNICAL ENGINEERING SERVICES					
Laboratory Compaction Characteristics of Soil Using Standard Effort		each	\$260.00	4	\$1,040.00
Soil Boring without TCP (< 60 ft.):					
(b) Shelby Push Tubes Extruded in Field		LF	\$42.00	152	\$6,384.00
Soil Boring without TCP (> 60 ft.):					
without MD Curve)		test	\$380.00	4	\$1,520.00
Unconfined Compressive Strength (Soil)		each	\$82.50	275	\$22,687.50
One-Dimensional Consolidation Properties of Soils Using Incremental Loading		each	\$595.00	11	\$6,545.00
Unconfined Compressive Strength (Rock)		each	\$100.00	168	\$16,800.00
Direct Shear Test of Soils Under Consolidated Drained Conditions		set of 3	\$757.00	11	\$8,327.00
Borehole Grouting - Bentonite Chips		LF	\$12.00	3190	\$38,280.00
Concrete/AC Patch		per patch	\$96.00	19	\$1,824.00
Core/drill operator/technician and coring equipment used to drillflexible and rigid pavement (2-man crew):					
(b) 6-in. diameter cores		inch	\$25.00	342	\$8,550.00
Electronic Water Level Device		day	\$100.00	40	\$4,000.00
Non Destructive Deflection Testing					
Piezometer Completion					
Soil Boring/Rock Coring without TCP (< 60 ft.)		LF	\$40.00	2630	\$105,200.00
Soil Boring /Rock Coring without TCP (> 60 ft.)		LF	\$45.00	560	\$25,200.00
Stand By of Crew		hour	\$324.00	11	\$3,564.00
MATERIAL UC					
Determining Moisture Content in Soil Materials		each	\$20.00	638	\$12,760.00
Determining Liquid Limits of Soils		each	\$55.00	319	\$17,545.00
Determining Plastic Soil Limits		each	\$53.50	319	\$17,066.50
Calculating the Plasticity Index of Soils		each	\$50.00	319	\$15,950.00
Particle Size Analysis of Soils Part 1		each	\$130.00	76	\$9,880.00
Particle Size Analysis of Soils Part 2		each	\$160.00	76	\$12,160.00
Determining the Amount of Material in Soils Finer than the 75 micrometer (No. 200) Sieve		each	\$70.00	319	\$22,330.00
Triaxial Compression Test for Undisturbed Soils - CU		each	\$1,560.00	6	\$9,360.00
Soil-Lime Testing- Part 1		each	\$525.00	6	\$3,150.00
Potential Vertical Rise of Natural Subgrade Soils		each	\$135.00	22	\$2,970.00
Determining Modulus of Sub-grade Reaction (K Value)		each	\$510.00	11	\$5,610.00
Determining Soil pH		each	\$70.00	11	\$770.00
Measuring the Resistivity of Soil Materials		each	\$190.00	11	\$2,090.00
Consolidated Undrained (CU) Triaxial Compression Test for Undisturbed Soils- Single Stage		set of 3	\$1,800.00	11	\$19,800.00
Determining Chloride and Sulfate Contents in Soils		each	\$145.00	11	\$1,595.00
SUBTOTAL UNIT COSTS					\$402,958.00

ESTIMATED DIRECT EXPENSES	UNIT	COST/UNIT	QUANTITY	TOTAL
Mileage	mile	\$0.700	8004	\$ 5,602.80
TRAFFIC CONTROL SERVICES, ARROW BOARDS AND ATTENUATOR TRUCKS - (Includes labor, equipment, and fuel)	day	\$3,000.00	11	\$ 33,000.00
ATV Surcharge (for rig installed on ATV)	LF	\$7.50	2,335	\$ 17,512.50
Stand By of Drilling Equipment	hour	\$350.00	40	\$ 14,000.00
Mobilization and Demobilization of Drilling Rig (Trips over 100 miles from office to site)	mile	\$6.00	4,800	\$ 28,800.00
Mobilization of coring equipment used to drill flexible and rigid pavement (2-man crew minimum, Labor paid separately)(over 100 miles from office to site)	mile	\$6.00	4,800	\$ 28,800.00
Site Clearance	day	\$3,000.00	5	\$ 15,000.00
			Total Estimated Direct Expenses:	\$ 142,715.30

SUBCONSULTANT: The Rios Group

TASK DESCRIPTION		Unit	Unit Cost	Quantity	Total
FC 160 (163) - Roadway Design - Utility Engineering Investigation					
163.1 a	Quality Levels B,C, and D SUE				
	Quality Level B - Includes labor and equipment for records research, designating, engineering, CADD	LF	\$ 1.90	36,000	\$68,400.00
	One (1) Designating Person with Equipment	HR	\$ 160.00	50	\$8,000.00
	Quality Level C - Includes labor and equipment for records research, CADD; Includes overhead utilities	LF	\$ 0.78	12,000	\$9,360.00
	Quality Level D - Includes labor and equipment for records research, CADD; Includes overhead utilities	LF	\$ 0.60	12,000	\$7,200.00
163.1.b	Subsurface Utility Locate (Test Hole) Service (Quality Level A)				\$0.00
	Level A: 0 to 5 ft (Includes labor and equipment for vacuum excavation, engineering, and CADD)	each	\$ 1,420.00	20	\$28,400.00
	Level A: > 5 to 8 ft (Includes labor and equipment for vacuum excavation, engineering, and CADD)	each	\$ 1,680.00	30	\$50,400.00
	Level A: > 8 to 13 ft (Includes labor and equipment for vacuum excavation, engineering, and CADD)	each	\$ 2,100.00	15	\$31,500.00
	Level A: > 13 to 20 ft (Includes labor and equipment for vacuum excavation, engineering, and CADD)	each	\$ 3,050.00	5	\$15,250.00
	Level A: > 20 ft (Includes labor and equipment for vacuum excavation, engineering, and CADD)	VF	\$ 265.00		\$0.00
	Coring and repairing the pavement, includes labor, equipment, and materials	each	\$ 400.00	10	\$4,000.00
	One (1) Designating Person with Equipment	HR	\$ 160.00	50	\$8,000.00
SUE Subtotal					\$230,510.00

SUBCONSULTANT: The Rios Group

TASK DESCRIPTION		Project Engineer	Sr. CADD Operator	CADD Operator	Utility Coordinator	Sr. Utility Coordinator	Admin / Clerical	TOTAL LABOR HOURS & COSTS
FC 135 (135) - Right-Of-Way-Utility Activities								
5.2.C.1	Utility Coordination - Create/Maintain Utility Conflict Matrix, Utility Layout, Contact List		16	60	60	24	12	172
HOURS SUB-TOTALS		0	16	60	60	24	12	172
CONTRACT RATE PER HOUR		\$186.59	\$105.04	\$82.93	\$129.92	\$179.68	\$92.61	
TOTAL LABOR COSTS		\$0.00	\$1,680.64	\$4,975.80	\$7,795.20	\$4,312.32	\$1,111.32	\$19,875.28
% DISTRIBUTION OF STAFFING		0.0%	9.3%	34.9%	34.9%	14.0%	7.0%	
SUBTOTAL FC 135 - Right-Of-Way - Utility Activities (135)								\$19,875.28
FC 145 - PROJECT MANAGEMENT AND ADMINISTRATION								
1. Monthly Progress Meetings and Reports (30 Months)		80				80		160
2. Prepare and submit invoices							40	40
HOURS SUB-TOTALS		80	0	0	0	80	40	200
CONTRACT RATE PER HOUR		\$186.59	\$105.04	\$82.93	\$129.92	\$179.68	\$92.61	
TOTAL LABOR COSTS		\$14,927.20	-	-	-	14,374	\$3,704.40	\$33,006.00
% DISTRIBUTION OF STAFFING		40.0%	-	-	-	40.0%	20.0%	
SUBTOTAL (FC 145)								\$33,006.00

ESTIMATED DIRECT EXPENSES	unit cost	units	cost
Mileage	\$0.700	400	\$ 280.00
Traffic Control Services, Arrow Boards and Attenuator Trucks (Includes labor,equipment and fuel).	\$5,150.000	5	\$ 25,750.00
Railroad Insurance	\$2,500.00	1	\$ 2,500.00
Railroad Permit	\$4,500.00	1	\$ 4,500.00
Railroad - Safety Training	\$525.00	1	\$ 525.00
Railroad Flagger	\$1,600.00	1	\$ 1,600.00
Law Enforcement/Uniform Officer (including vehicle)	\$150.00	10	\$ 1,500.00
		Total Estimated Direct Expenses:	\$ 36,655.00

SUBCONSULTANT: LJA Environmental

TASK DESCRIPTION		Vice President	Project Manager	Proj. Coord'r III / Asst. PM (NEPA)	Proj. Coord'r II	Field Leader	GIS Analyst II	Admin IV	Admin II	TOTAL LABOR HOURS & COSTS
FC 120 - Social/Econ/Envirom Studies - Social, Economic and Environmental Studies and										
120.5	Environmental Studies									0
120.5.b	Environmental Permit Issues and commitments	24	28	16	16	16				100
120.5.c	Environmental study review	24	40	32	24		16			136
120.5.d	Environmental Exhibits	20	28	12	12		40			112
120.5.e	Cut and Fill exhibits	12	16	12	2		36			78
HOURS SUB-TOTALS		80	112	72	54	16	92	0	0	426
CONTRACT RATE PER HOUR		\$ 255.00	\$ 190.00	\$ 175.00	\$ 165.00	\$ 130.00	\$ 165.00	\$ 150.00	\$ 100.00	
TOTAL LABOR COSTS		\$ 20,400.00	\$ 21,280.00	\$ 12,600.00	\$ 8,910.00	\$ 2,080.00	\$ 15,180.00	\$ -	\$ -	\$ 80,450.00
% DISTRIBUTION OF STAFFING		18.8%	26.3%	16.9%	12.7%	3.8%	21.6%	0.0%	0.0%	
SUBTOTAL (FC 120)										\$ 80,450.00
FC 145 - (145,164) PROJECT MANAGEMENT AND ADMINISTRATION										
a. Monthly Progress Meetings and Reports (42 Months)		12	27							39
b. Prepare and submit invoices		9	9					9		27
c. Stakeholder Meetings (assume up to 20)		12	12	24			30		6	84
HOURS SUB-TOTALS		33	48	24	0	0	30	9	6	150
CONTRACT RATE PER HOUR		\$ 255.00	\$ 190.00	\$ 175.00	\$ 165.00	\$ 130.00	\$ 165.00	\$ 150.00	\$ 100.00	
TOTAL LABOR COSTS		\$ 8,415.00	\$ 9,120.00	\$ 4,200.00	\$ -	\$ -	\$ 4,950.00	\$ 1,350.00	\$ 600.00	\$ 28,635.00
% DISTRIBUTION OF STAFFING		22.0%	32.0%	16.0%	0.0%	0.0%	20.0%	6.0%	4.0%	
SUBTOTAL (FC 145, 164))										\$ 28,635.00



City Council Coversheet
December 11, 2025
415 N. COLLEGE AVE.

Agenda Item: 8. (CONSENT AGENDA)

Title: Consider approving Resolution 803-25 approving the FY 2025 EDC/CDC-funded park improvement projects and authorizing the City Manager or designee to negotiate and execute contracts in an amount not to exceed \$200,000.

Department: Administration

Contact:

Recommendation:

Staff recommends approval

Background:

The purpose of this memo is to present the list of recommended park improvement projects identified jointly by the EDC/CDC and the Parks & Recreation Advisory Board and to request City Council approval of these projects and authorization for the City Manager to negotiate and execute contracts in an amount not to exceed \$200,000 subject to following all necessary procurement laws.

EDC/CDC Purpose and Funding

The City of Justin operates both a Type A Economic Development Corporation (EDC) and a Type B Community Development Corporation (CDC), funded through dedicated local sales tax, not property taxes.

- The **Type A EDC** focuses on business recruitment, job creation, and economic vitality.
- The **Type B CDC** funds community-oriented projects such as parks, recreation, and quality-of-life enhancements that support long-term community and economic development.

As part of the Fiscal Year 2025 budget adoption in July 2025, the EDC/CDC Board formally recommended and approved a budgeted allocation of \$200,000 in CDC funds specifically for park improvements. City Council officially approved the budget for the entire City, including EDC/CDC, in

August of 2025.

This budgeted amount was included in the officially adopted EDC/CDC FY 2025 Budget and is fully available for expenditure on eligible Type B park improvement projects.

These dollars are generated solely from local sales tax revenue, meaning there is no impact on a resident's property tax bill as a result of these investments.

Project Identification and Coordination

Consistent with the EDC Action Plan, which calls for stronger coordination between economic development and the Parks Board. The EDC/CDC and Parks & Recreation Advisory Board held a joint workshop in October 2025 to identify priority projects eligible for Type B funding. Official action was taken by both boards in November where both boards unanimously recommended approval.

The following projects were recommended:

- **SCADA Installation for Ballfield Lights at Community Park – \$14,217**
- **Four Park Benches at Reatta Park – \$2,324**
- **Swing Sets with Shade Cover at Reatta Park – \$19,889**
- **Toddler Play Structure Replacement with Shade-Covered Playground at Reatta Park – \$14,744**
- **Parks Design Manual (Estimated) – \$56,000**
- **Irrigation Improvements for Fields 1 and 2 (Estimated) – \$90,000**

Total Estimated Cost: \$197,174 (not to exceed the \$200,000 allocation)

These improvements represent a combination of safety upgrades, amenity enhancements, long-term planning tools, and maintenance-intensive infrastructure improvements that will significantly improve the quality and usability of Justin's parks.

City Attorney Review: No

Attachments:

1. Proposed Resolution

RESOLUTION NO. 803-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JUSTIN, TEXAS, APPROVING THE PARK IMPROVEMENT PROJECT LIST RECOMMENDED BY THE EDC/CDC AND PARKS & RECREATION ADVISORY BOARD; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO NEGOTIATE AND EXECUTE ALL NECESSARY CONTRACTS AND AGREEMENTS FOR THE IMPLEMENTATION OF SUCH PROJECTS IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THOUSAND DOLLARS (\$200,000) SUBJECT TO APPLICABLE PROCUREMENT LAWS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Justin Economic Development Corporation (Type A) and Community Development Corporation (Type B) were established pursuant to Chapters 501–505 of the Texas Local Government Code to promote economic and community development through the use of dedicated sales-tax revenue; and

WHEREAS, Type B (CDC) revenue may be legally expended for parks, park improvements, and community development facilities pursuant to Texas Local Government Code § 505.152, and such expenditures do not require a separate election or special hearing when the projects involve improvements to existing parks; and

WHEREAS, the CDC Board approved a Fiscal Year 2025 budget that allocates \$200,000 of CDC sales-tax revenue for park improvements, and because these funds come solely from sales tax, there is no impact on any resident’s property tax bill; and

WHEREAS, consistent with the EDC/CDC Action Plan, the EDC/CDC Board and the Parks & Recreation Advisory Board met jointly in October 2025 to identify priority park improvement projects for recommendation to the City Council and both boards provided an official recommendation; and

WHEREAS, the following park improvement projects have been recommended:

- SCADA Installation at Community Park for Ballfield Lights – \$14,217
- Four Park Benches at Reatta Park – \$2,324
- Swing Sets with Shade Cover at Reatta Park – \$19,889
- Replacement of Toddler Play Structure with Shade-Covered Playground at Reatta Park – \$14,744
- Parks Design Manual – Estimated \$56,000
- Irrigation Improvements for Fields 1 and 2 – Estimated \$90,000

Total Estimated Funding Request: \$197,174, not to exceed \$200,000; and

WHEREAS, the City Council finds that each of these projects constitutes an authorized Type B community development activity under Chapter 505, enhances community amenities, improves public park infrastructure, and supports the overall economic and community development goals of the City.

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

SECTION 1. The City Council hereby approves the park improvement project list as recommended by the EDC/CDC and the Parks & Recreation Advisory Board.

SECTION 2. The City Council affirms that the approved projects constitute authorized Type B park and community development expenditures under Texas Local Government Code Chapter 505, and that all funds shall be expended exclusively from CDC sales-tax revenues, with no use of property tax revenue.

SECTION 3. The City Council hereby authorizes the City Manager to negotiate, approve, and execute all necessary contracts, agreements, and purchase orders for the implementation of the projects listed herein, in a total amount not to exceed Two Hundred Thousand Dollars (\$200,000).

SECTION 4. All procurement undertaken pursuant to this Resolution shall comply with Texas Local Government Code Chapter 252, Chapter 2254 (professional services), and all applicable City purchasing policies.

SECTION 5.

This Resolution shall take effect immediately upon its passage.

DULY PASSED by the City Council of the City of Justin, Texas, on the 11th day of December 2025.

APPROVED:

James Clark, Mayor

ATTEST:

Amy Piukana, City Secretary

APPROVED AS TO FORM:

City Attorney



City Council Coversheet
December 11, 2025
415 N. COLLEGE AVE.

Agenda Item: 9. (CONSENT AGENDA)

Title: Consider adopting Ordinance 827-25, second and final reading, approving the annexation of Crestview; and take appropriate action

Department: Administration

Contact: Matthew Cyr, Director of Planning and Development

Recommendation:

Staff recommends the City Council adopt Ordinance 827-25, as presented.

Background:

Purpose

The purpose of this item is to consider annexation of the Crestview development area in accordance with the executed *Crestview Development Agreement* between the City of Justin, Bloomfield Homes, L.P., and Justin Timberbrook, LLC. The annexation is a required component of the overall Development Agreement, Public Improvement District (PID), and future Tax Increment Reinvestment Zone (TIRZ) structure.

Background

The Crestview Development Agreement encapsulates approximately 1,226 acres of undeveloped land located west of the existing City limits and within Justin's extraterritorial jurisdiction (ETJ). The project envisions up to 4,905 residential units, commercial uses, park and open space dedications, and supporting public infrastructure.

The Development Agreement establishes:

- Creation of one or more Public Improvement Districts (PIDs) to finance on-site public infrastructure;
 - Formation of a Tax Increment Reinvestment Zone (TIRZ) to assist with infrastructure and
-

Chapter 380 reimbursements;

- Extension of City water and wastewater service following CCN decertification from Aqua Texas; and
- Dedication of approximately 137 acres of parkland, with City Council discretion to reallocate up to 50 acres for commercial purposes.

As a condition of the Agreement, the Developers have agreed to petition for voluntary annexation of their respective tracts to bring the property fully within the corporate limits, enabling City zoning and allowing the City to serve as the retail water and wastewater provider.

Annexation Terms

- The Developers shall submit voluntary petitions for annexation pursuant to Chapter 43, Texas Local Government Code.
 - The City shall complete annexation within 90 days of petition receipt.
 - Upon annexation, the City shall immediately provide the following municipal services to the Property:
 - Water service
 - Wastewater service
 - Police protection
 - Fire and emergency services
 - Trash collection
-

Fiscal and Infrastructure Impact

Annexation aligns with the City's long-term growth and infrastructure plans by:

- Expanding the tax base through phased residential and commercial development;
 - Supporting water and wastewater system expansion through developer-funded improvements and PID/TIRZ financing;
 - Securing parkland dedications and trail connectivity; and
 - Allowing City control over zoning, design standards, and infrastructure phasing to maintain
-

high-quality development outcomes.

City Attorney Review: No

Attachments:

1. 28884989-Letter of Intent
2. Crestview Annexation Ordinance

October 10, 2025

Honorable Mayor Clark
City of Justin
P.O. Box 129
Justin, TX 76247

Re: Crestview Annexation – 1,077.365 Acres

Dear Mayor Clark:

Bloomfield Homes, LP/Justin Timberbrook, LLC has entered into a development agreement with the City of Justin for the proposed Crestview development located in the western portion of the City of Justin ETJ along the north and south sides of FM 407. It is Bloomfield Homes, LP/Justin Timberbrook, LLC's desire for the 1,077.365 acres of the portion of Crestview that is currently in the City of Justin ETJ to be annexed into the City of Justin.

Upon the annexation of the property, the City of Justin will provide services to support the Crestview development. The City of Justin will be the sole provider for water and sanitary sewer service, and the City will provide emergency services for the subject property.

Please accept this letter as our official intent for the 1,077.365 acres owned by Bloomfield Homes, LP/Justin Timberbrook, LLC to be annexed into the City of Justin.

Sincerely,



ORDINANCE NO. 827-25

AN ORDINANCE OF THE CITY OF JUSTIN, TEXAS, ANNEXING APPROXIMATELY 1,226 ACRES OF LAND, , INTO THE CORPORATE LIMITS OF THE CITY OF JUSTIN, TEXAS, PURSUANT TO CHAPTER 43 OF THE TEXAS LOCAL GOVERNMENT CODE; AMENDING THE OFFICIAL CITY LIMITS BOUNDARY MAP; ESTABLISHING INITIAL ZONING DESIGNATION AS SF-RE (SINGLE-FAMILY RESIDENTIAL ESTATE DISTRICT); DIRECTING THE CITY SECRETARY TO FILE THIS ORDINANCE AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Justin (“City”) is a home-rule municipality operating under the laws of the State of Texas; and

WHEREAS, Bloomfield Homes, L.P. and Justin Timberbrook, LLC (collectively, “Developers”), being the owners of approximately 1,226 acres of land, more or less, located in the City’s extraterritorial jurisdiction (“Annexation Area”), have submitted voluntary petitions for annexation to the City of Justin pursuant to Texas Local Government Code §43.0671 and §43.0672; and

WHEREAS, the City Council of the City of Justin has approved a Development Agreement with the Developers entitled Development Agreement, which contemplates annexation of the property, establishment of Public Improvement Districts (PIDs), creation of a Tax Increment Reinvestment Zone (TIRZ), and provision of municipal services

WHEREAS, the City of Justin has prepared and adopted a Municipal Services Plan in accordance with Texas Local Government Code §43.0672(c), specifying the services to be provided to the Annexation Area immediately upon annexation; and

WHEREAS, the City Council conducted all required public hearings and provided notice as required by State law, affording all interested persons the opportunity to be heard; and

WHEREAS, the City Council finds that this annexation is in the best interest of the City and that municipal services shall be provided in accordance with the Developers Agreement, which shall serve as the Annexation Services Agreement.

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

SECTION 1. The City of Justin hereby annexes into the City's corporate limits the territory described in Exhibit A, comprising approximately 537.18 acres, and said territory shall hereafter be included within the City's boundaries and subject to all applicable laws and ordinances.

SECTION 2. The annexed property shall be zoned SF-RE (Residential Estate Single Family), which is the lowest density zoning classification under the City's zoning ordinance and shall be developed in accordance with all applicable regulations and governing documents.

SECTION 3. Pursuant to state law, an Municipal Services Agreement is hereby approved and adopted, attached hereto as Exhibit A, which details the provision of municipal services to the annexed area.

SECTION 4. (a) Fire and Police Protection: The City of Justin shall provide fire and police services to the annexed area immediately upon annexation. (b) Water and Sewer Services: Water and sewer services shall be provided by the City of Justin upon compliance with all requisite regulations and governing documents. (c) Trash Collection: Trash services shall be provided by the City of Justin or a third-party contractor as selected by the City Council. The rest of the municipal services are outlined herein attached as "Exhibit A".

SECTION 5.

Municipal services shall be provided to the Annexation Area immediately upon the effective date of annexation, as outlined in the adopted Municipal Services Plan, including:

- Water service
- Wastewater service
- Police protection
- Fire and emergency medical services
- Solid waste and recycling collection
- Code compliance and building inspection
- Street maintenance and right-of-way management
- Park, recreation, and general governmental services

DULY PASSED by the City Council of the City of Justin, Texas, on the 11th day of December 2025.

On first reading, the 13th day of November 2025.

On the second and final reading, the 11th day of December 2025.

APPROVED:

James Clark, Mayor

ATTEST:

Amy Piukana, City Secretary

APPROVED AS TO FORM:

City Attorney

All that certain lot, tract, or parcel of land, situated in a portion of the William C. Brookfield Survey, Abstract No. 34 and the M.E.P. & R.R. CO. Survey, Abstract No. 908, Denton County, Texas, being all of that certain called 410.301 acre tract described in a deed to Justin Timberbrook, LLC recorded in Document No. 2025-103250 of the Deed Records of Denton County, Texas (DRDCT), and being more completely described as follows, to-wit:

BEGINNING at a 1/2" iron rod found for an ell corner of said 410.301 acre tract and the Southeast corner of a called 60.00 acre tract described in a deed to Lakeland Capital, LTD recorded in Document No. 2008-136040 (DRDCT);

THENCE North 00 deg. 21 min. 19 sec. East along the West line of said 410.301 acre tract and the East line of said 60.00 acre tract, at 1,168.49 feet pass a 1/2" capped iron rod found stamped "KAZ" for the Northeast corner of said 60.00 acre tract and the Southeast corner of Lot 6 of Willow Crossing recorded in Document No. 2010-132 of the Plat Records of Denton County, Texas (PRDCT), continue along said West line and the East line of said Willow Crossing, at 4,575.76 feet pass a 1/2" iron rod found for the North corner of Lot 13R2 of the Re-Plat of Willow Crossing recorded in Document No. 2011-127 (PRDCT) and a PI in the East line of Lot 14 of said Willow Crossing, continue along said East and West lines a total distance of 5,845.83 feet to a 1/2" iron rod found for a PI in said East and West lines;

THENCE North 14 deg. 46 min. 26 sec. East along the Northwest line of said 410.301 acre tract and the Southeast line of said Willow Crossing, at 133.69 feet pass a 1/2" iron rod found for the Northeast corner of Lot 18 of said Willow Crossing, at 593.58 feet pass a 1/2" capped iron rod found (illegible) for the Northeast corner of Lot 19 of said Willow Crossing, at 1,020.46 feet pass a 1/2" iron rod found for the Northeast corner of Lot 20 of said Willow Crossing, continue a total distance of 1,734.20 feet to a 1/2" iron rod found for the most northerly Northwest corner of said 410.301 acre tract, the Northeast corner of Lot 21 of said Willow Crossing and being in the Southwest line of a called 186 acre tract described in a deed to Janice Ann May, Trustee of A.L. Peterson GST Trust recorded in Document No. 1999-120293 (DRDCT);

THENCE South 62 deg. 10 min. 56 sec. East along the Northeast line of said 410.301 acre tract, the Southwest line of said 186 acre tract and generally following a barbed wire fence, a distance of 1,427.47 feet to a PI in said barbed wire fence;

THENCE South 66 deg. 12 min. 38 sec. East along said Northeast and Southwest lines and barbed wire fence, a distance of 134.43 feet to a fence corner post found for the Northeast corner of said 410.301 acre tract, the most southerly Southeast corner of said 186 acre tract, and being in the West line of a called 228.8 acre tract described in a deed to Frank Wallace & wife, Edna E. Wallace recorded in Volume 566, Page 237 (DRDCT), from which a 1/2" iron rod found bears North 67 deg. 06 min. 29 sec. East – 0.91 feet;

THENCE South 01 deg. 00 min. 32 sec. West along the East line of said 410.301 acre tract and said West line, a distance of 2,000.75 feet to a Bois d'Arc fence corner post and a rock for an ell corner of said 410.301 acre tract and the Southwest corner of said 228.8 acre tract;

THENCE South 85 deg. 52 min. 30 sec. East along a North line of said 410.301 acre tract and the South line of said 228.8 acre tract, a distance of 19.41 feet to a rock found for an ell corner of said 410.301 acre tract and the most westerly Northwest corner of a called 138.669 acre tract described in a deed to TMGB Magnolia Ridge, LLC recorded in Document No. 2025-12002 (DRDCT), from which a Bois d'Arc fence post bears South 61 deg. 59 min. 24 sec. East – 0.86 feet;

THENCE South 00 deg. 04 min. 29 sec. West departing said South line and continue along the East line of said 410.301 acre tract and the West line of said 138.669 acre tract, at 1,055.09 feet pass a 1/2" capped iron rod found stamped "COLEMAN" for the Southwest corner of said 138.669 acre tract and the Northwest corner of a called 427.810 acre tract described as Tract 1 in a deed to Justin Timberbrook, LLC recorded in Document No. 2017-4977 (DRDCT), continue along said East line and the West line of said 427.810 acre tract, a total distance of 6,296.84 feet to a 5/8" iron rod found (bent) for the Southwest corner of said 427.810 acre tract, the Southeast corner of said 410.301 acre tract and being in the North right-of-way line of Farm-to-Market Highway 407 (90' width right-of-way);

THENCE in a westerly direction along said North right-of-way line and the South line of said 410.301 acre tract the following five (5) courses;

South 89 deg. 22 min. 34 sec. West, a distance of 769.28 feet to a 1/2" capped iron rod set stamped "GMCIVIL", hereinafter referred to as 1/2" capped iron rod set;

South 89 deg. 45 min. 24 sec. West, a distance of 2,027.85 feet to a 1/2" capped iron rod set, from which a wood monument found bears South 39 deg. 58 min. 08 sec. East – 1.75 feet, said point being a Point of Curvature of a circular curve to the right, having a radius of 527.96 feet, a central angle of 90 deg. 31 min. 20 sec., and being subtended by a chord which bears North 44 deg. 58 min. 56 sec. West - 750.04 feet;

Continue in a northwesterly direction along said curve to the right, a distance of 834.13 feet to a 1/2" capped iron rod set;

North 00 deg. 16 min. 44 sec. East tangent to said curve, a distance of 380.69 feet to a 1/2" capped iron rod set, from which a wood monument found bears North 31 deg. 53 min. 52 sec. West – 0.87 feet, said point being a Point of Curvature of a circular curve to the left, having a radius of 617.96 feet, a central angle of 72 deg. 57 min. 12 sec., and being subtended by a chord which bears North 36 deg. 11 min. 52 sec. West - 734.75 feet;

Continue in a northwesterly direction along said curve to the left, a distance of 786.83 feet to a 1/2" capped iron rod set for the most westerly Northwest corner of said 410.301 acre tract and being in the South line of said 60.00 acre tract, from which a 1/2" capped iron rod found (illegible) bears South 89 deg. 43 min. 20 sec. West – 11.89 feet;

THENCE North 89 deg. 43 min. 20 sec. East non-tangent to said curve and departing said North right-of-way line and continue along a North line of said 410.301 acre tract and said South line, a distance of 1,919.43 feet to the **POINT OF BEGINNING**, containing 17,872,695 square feet or 410.301 acres of land, more or less.

Bearings are referenced to Texas State Plane Coordinate System, North Central Zone (4202), North American Datum of 1983 as derived from GPS observation.

All that certain lot, tract, or parcel of land, situated in a portion of the W. C. Brookfield Survey, Abstract No. 34, Denton County, Texas, being part of that certain called 427.810 acre tract described as Tract 1 and a called 122.145 acre tract described as Tract 2 in a deed to Justin Timberbrook, LLC recorded in Document No. 2017-4977 of the Deed Records of Denton County, Texas (DRDCT), and being more completely described as follows, to-wit:

COMMENCING at a 5/8" iron rod found for the Southwest corner of said 427.810 acre tract, the Southeast corner of a called 410.301 acre tract described in a deed to Justin Timberbrook, LLC recorded in Document No. 2025-103250 (DRDCT), and being in the North right-of-way line of FM Highway No. 407 (90' right-of-way);

THENCE North 89 deg. 22 min. 34 sec. East along the South line of said 427.810 acre tract and said North right-of-way line, a distance of 10.00 feet to the **TRUE POINT OF BEGINNING**;

THENCE North 00 deg. 04 min. 25 sec. East departing said South line and North right-of-way line, a distance of 5,231.47 feet;

THENCE South 89 deg. 32 min. 11 sec. East, a distance of 5,389.24 feet;

THENCE South 00 deg. 36 min. 55 sec. West, a distance of 352.98 feet;

THENCE North 89 deg. 50 min. 05 sec. East, a distance of 651.76 feet;

THENCE South 00 deg. 37 min. 02 sec. East, a distance of 1,360.85 feet to the South line of said 427.810 acre tract and being in the North line of a called 241.210 acre tract described in a deed to Justin Timberbrook, LLC recorded in Document No. 2017-5803 (DRDCT), from which a 5" metal fence corner for the most easterly Southeast corner of said 427.810 acre tract bears South 85 deg. 09 min. 22 sec. East – 10.05 feet;

THENCE North 85 deg. 09 min. 22 sec. West along the South line of said 427.810 acre tract, the North line of said 241.210 acre tract, and the North line of a called 70.943 acre tract described as Tract 1 in a deed to Bloomfield Homes, L.P. recorded in Document No. 2021-180345 (DRDCT), a distance of 2,088.05 feet to a 1/2" capped iron rod found stamped "COLEMAN 4001" for the Northeast corner of said 122.145 acre tract and the Northwest corner of said 80.00 acre tract;

THENCE South 00 deg. 19 min. 52 sec. East along the East line of said 122.145 acre tract and the West line of said 70.943 acre tract, a distance of 3,644.95 feet to a 1/2" capped iron rod found (illegible) for the Southeast corner of said

122.145 acre tract, the Southwest corner of said 70.943 acre tract, and being in the North right-of-way line of said FM Highway No. 407, said point being a Point of Curvature of a non-tangent circular curve to the left, having a radius of 617.96 feet, a central angle of 18 deg. 52 min. 10 sec., and being subtended by a chord which bears North 81 deg. 06 min. 32 sec. West - 202.60 feet;

THENCE in a westerly direction along said curve to the left, the South line of said 122.145 acre tract, and said North right-of-way line, a distance of 203.52 feet to a 1/2" capped iron rod found stamped "5439";

THENCE South 89 deg. 27 min. 23 sec. West along the South line of said 122.145 acre tract, the South line of said 427.810 acre tract, and said North right-of-way line, a distance of 1,876.41 feet to a 1/2" iron rod found;

THENCE South 89 deg. 22 min. 34 sec. West along the South line of said 427.810 acre tract and said North right-of-way line, a distance of 1,922.50 feet to the **POINT OF BEGINNING**, containing 23,827,601 square feet or 547.006 acres of land, more or less.

Bearings are referenced to Texas State Plane Coordinate System, North Central Zone (4202), North American Datum of 1983 as derived from GPS observation.

All that certain lot, tract, or parcel of land, situated in a portion of the Willam C. Brookfield Survey, Abstract No. 34, Denton County, Texas, being all of that certain called 12.558 acre tract described as Tract 2 and 15.722 acre tract described as Tract 3 in a deed to Bloomfield Homes, L.P. recorded in Document No. 2021-180345 of the Deed Records of Denton County, Texas (DRDCT), all of that certain called 2.837 acre tract described in a deed to Bloomfield Homes, L.P. recorded in Document No. 2023-83374 (DRDCT), and being more completely described as follows, to-wit:

BEGINNING at a point for the Northwest corner of said 15.722 acre tract, being in the approximate centerline of Dove Hill Road, and being in the South right-of-way line of F.M. Highway No. 407 (90' right-of-way width);

THENCE North 89 deg. 27 min. 23 sec. East along the North line of said 15.722 acre tract and said South right-of-way line, at 976.35 feet pass a 5/8" capped iron rod found stamped "DUNAWAY" for the Northeast corner of said 15.722 acre tract and the Northwest corner of said 2.837 acre tract, at 1,146.22 feet pass a 5/8" capped iron rod found stamped "DUNAWAY" for the Northeast corner of said 2.837 acre tract and the Northwest corner of said 12.558 acre tract, continue a total distance of 1,282.44 feet to a Point of Curvature of a circular curve to the right, having a radius of 527.96 feet, a central angle of 40 deg. 16 min. 04 sec., and being subtended by a chord which bears South 70 deg. 24 min. 35 sec. East - 363.46 feet;

THENCE in an easterly direction along said curve to the right, the North line of said 12.558 acre tract, and said South right-of-way line, a distance of 371.05 feet;

THENCE South 50 deg. 16 min. 33 sec. East tangent to said curve and continue along said North line and South right-of-way line, a distance of 849.54 feet to the Northeast corner of said 12.558 acre tract;

THENCE South 00 deg. 16 min. 50 sec. East departing said South right-of-way line and continue along the East line of said 12.558 acre tract, a distance of 49.62 feet to a 1" square rod (leaning) for the Southeast corner of same;

THENCE South 89 deg. 00 min. 37 sec. West along the South line of said 12.558 acre tract, a distance of 1,083.78 feet to a 5/8" capped iron rod found stamped "DUNAWAY";

THENCE North 88 deg. 01 min. 11 sec. West along the South line of said 12.558 acre tract, at 41.41 feet pass a 5/8" capped iron rod found stamped

"DUNAWAY" for the Southwest corner of said 12.558 acre tract and the Southeast corner of said 2.837 acre tract, at 211.57 feet pass a 5/8" capped iron rod found stamped "DUNAWAY" for the Southwest corner of said 2.837 acre tract and the Southeast corner of said 15.722 acre tract, continue a total distance of 1,188.84 feet to the Southwest corner of said 15.722 acre tract and being in the approximate centerline of Dove Hill Road;

THENCE North 00 deg. 33 min. 55 sec. West along the West line of said 15.722 acre tract and said centerline, a distance of 679.93 feet to the **POINT OF BEGINNING**, containing 1,355,358 square feet or 31.115 acres of land, more or less.

Bearings are referenced to Texas State Plane Coordinate System, North Central Zone (4202), North American Datum of 1983 as derived from GPS observation.

All that certain lot, tract, or parcel of land, situated in a portion of the William C. Brookfield Survey, Abstract No. 34, Denton County, Texas, being all of that certain called 70.943 acre tract described in a deed to Bloomfield Homes, L.P. recorded in Document No. 2021-180345 of the Deed Records of Denton County, Texas (DRDCT), and being more completely described as follows, to-wit:

BEGINNING at a 60D nail found for the Northeast corner of said 70.943 acre tract, the most westerly Northwest corner of a called 241.210 acre tract described in a deed to Justin Timberbrook, LLC recorded in Document No. 2017-5803 (DRDCT), and being in the South line of a called 427.810 acre tract described as Tract 1 in a deed to Justin Timberbrook, LLC recorded in Document No. 2017-4977 (DRDCT);

THENCE South 00 deg. 25 min. 33 sec. East along the East line of said 70.943 acre tract and the West line of said 241.210 acre tract, a distance of 1,038.35 feet to a 5/8" iron rod found for the most westerly Southwest corner of said 241.210 acre tract, and the Northwest corner of Collingwood Estates recorded in Cabinet H, Slide 254 of the Plat Records of Denton County, Texas (PRDCT);

THENCE South 00 deg. 16 min. 50 sec. East along the East line of said 70.943 acre tract and the West line of said Collingwood Estates, at 417.49 feet pass a 5/8" iron rod found, at 997.29 feet pass a 5/8" iron rod found, at 1,577.11 feet pass a 5/8" iron rod found (bent), at 2,350.74 feet pass a 1/2" capped iron rod found stamped "KERN", at 2,958.45 feet pass a 5/8" capped iron rod found (illegible), at 3,124.20 feet pass a 5/8" iron rod found, and continue a total distance of 3,145.88 feet to a wood highway monument found (leaning) for the Southeast corner of said 70.943 acre tract and being in the North right-of-way line of FM Highway No. 407 (90' right-of-way);

THENCE North 50 deg. 16 min. 33 sec. West along the South line of said 70.943 acre tract and said North right-of-way line, a distance of 774.01 feet to a wood highway monument found (leaning) for a Point of Curvature of a circular curve to the left, having a radius of 617.96 feet, a central angle of 21 deg. 23 min. 54 sec., and being subtended by a chord which bears North 60 deg. 58 min. 30 sec. West - 229.45 feet;

THENCE in a northwesterly direction along said curve to the left, said South line and said North right-of-way line, a distance of 230.79 feet to a 1/2" capped iron rod found (illegible) for the Southeast corner of a called 122.145 acre tract described as Tract 2 in a deed to Justin Timberbrook, LLC recorded in Document No. 2017-4977 (DRDCT) and the Southwest corner of said 70.943 acre tract;

THENCE North 00 deg. 19 min. 52 sec. West departing said North right-of-way line and continue along the West line of said 70.943 acre tract and the East line of

said 122.145 acre tract, a distance of 3,644.95 feet to a 1/2" capped iron rod found stamped "COLEMAN 4001" for the Northwest corner of said 70.943 acre tract, the Northeast corner of said 122.145 acre tract, and being in the South line of said 427.810 acre tract;

THENCE South 85 deg. 11 min. 49 sec. East along the North line of said 70.943 acre tract and the South line of said 427.810 acre tract, a distance of 796.67 feet to the **POINT OF BEGINNING**, containing 3,090,274 square feet or 70.943 acres of land, more or less.

Bearings are referenced to Texas State Plane Coordinate System, North Central Zone (4202), North American Datum of 1983 as derived from GPS observation.



Municipal Services Plan

For Voluntary Annexation – Crestview Development (Bloomfield Homes, L.P. / Justin Timberbrook, LLC)

I. Purpose

This Municipal Services Plan (“Plan”) is prepared in accordance with Chapter 43, Subchapter C-1 of the Texas Local Government Code, specifically Section 43.0672, governing voluntary annexations by municipalities.

This Plan describes the municipal services the City of Justin (“City”) will provide to the territory proposed for voluntary annexation (“Annexation Area”) upon the effective date of annexation, as required by State law and consistent with the executed Crestview Development Agreement between the City of Justin, Bloomfield Homes, L.P., and Justin Timberbrook, LLC.

II. Description of the Annexation Area

The Annexation Area consists of approximately 1,226 acres located generally west of the existing City limits, described in Exhibit A (metes and bounds) and depicted in Exhibit B (location map).

The Annexation Area will be developed as a master-planned community containing up to 4,905 dwelling units, supporting commercial and mixed-use areas, public parkland, and related public infrastructure as provided in the Crestview Development Agreement.

III. Effective Date of Service

All municipal services described in this Plan will be provided to the Annexation Area immediately upon the effective date of annexation, on the same terms and conditions as provided to other similarly situated areas within the City of Justin.

IV. Municipal Services to be Provided

A. Water Service

- The City shall provide retail water service to the Annexation Area through extension of the City's water distribution system.
- The property will be incorporated into the City's water Certificate of Convenience and Necessity (CCN) following decertification from Aqua Texas, as contemplated in the Development Agreement.
- All on-site water infrastructure will be designed, constructed, and funded by the Developers or through Public Improvement District (PID) financing, and subsequently conveyed to the City for ownership, operation, and maintenance.

B. Wastewater Service

- The City shall provide wastewater (sewer) service to the Annexation Area upon annexation.
- Sewer mains and appurtenances will be extended as development occurs, consistent with the City's adopted West Side Regional Sanitary Sewer Agreement.
- The City will maintain and operate all public sewer infrastructure upon acceptance.

C. Police Protection

- The Justin Police Department shall provide full law enforcement services, including:
 - Routine patrol, crime prevention, and response to calls for service;
 - Traffic enforcement and investigation of criminal offenses; and
 - Community policing consistent with City policies.
- Services will be provided immediately and integrated into existing patrol districts and staffing levels.

D. Fire and Emergency Medical Services

- The Justin Fire Department shall provide full fire suppression, rescue, and first responder medical services to the Annexation Area.
- These services will be provided at the same level and response time as within other areas of the City, with mutual aid assistance as available through Denton County agreements and the Denton County Emergency Services District (ESD) #1 partnership.
- Future service enhancements will be evaluated as development occurs.

E. Solid Waste and Recycling Collection

- The City shall provide residential and commercial trash collection and recycling services through its contracted solid waste provider.
- Collection will commence immediately upon annexation or upon issuance of the first Certificate of Occupancy, consistent with the City's franchise agreement.

F. Street Maintenance

- All public streets constructed to City standards and accepted by the City shall be maintained by the Public Works Department, including routine repairs, resurfacing, signage, and right-of-way maintenance.
- Developers are responsible for construction of all internal roadways and arterials prior to City acceptance.

G. Code Compliance and Building Inspection

- The Development Services Department will provide building permitting, inspection, and code enforcement consistent with City ordinances and the Development Agreement.
- All construction within the Annexation Area will comply with the City's Uniform Building, Fire, Electrical, and Plumbing Codes and the approved Development Standards.

H. Parks, Trails, and Recreation

- The Developers shall dedicate approximately 137 acres of parkland and construct regional trail connections per the Development Agreement.
- Upon dedication and acceptance, the City shall provide ongoing maintenance, operations, and programming consistent with other City park facilities.

I. Other Municipal Services

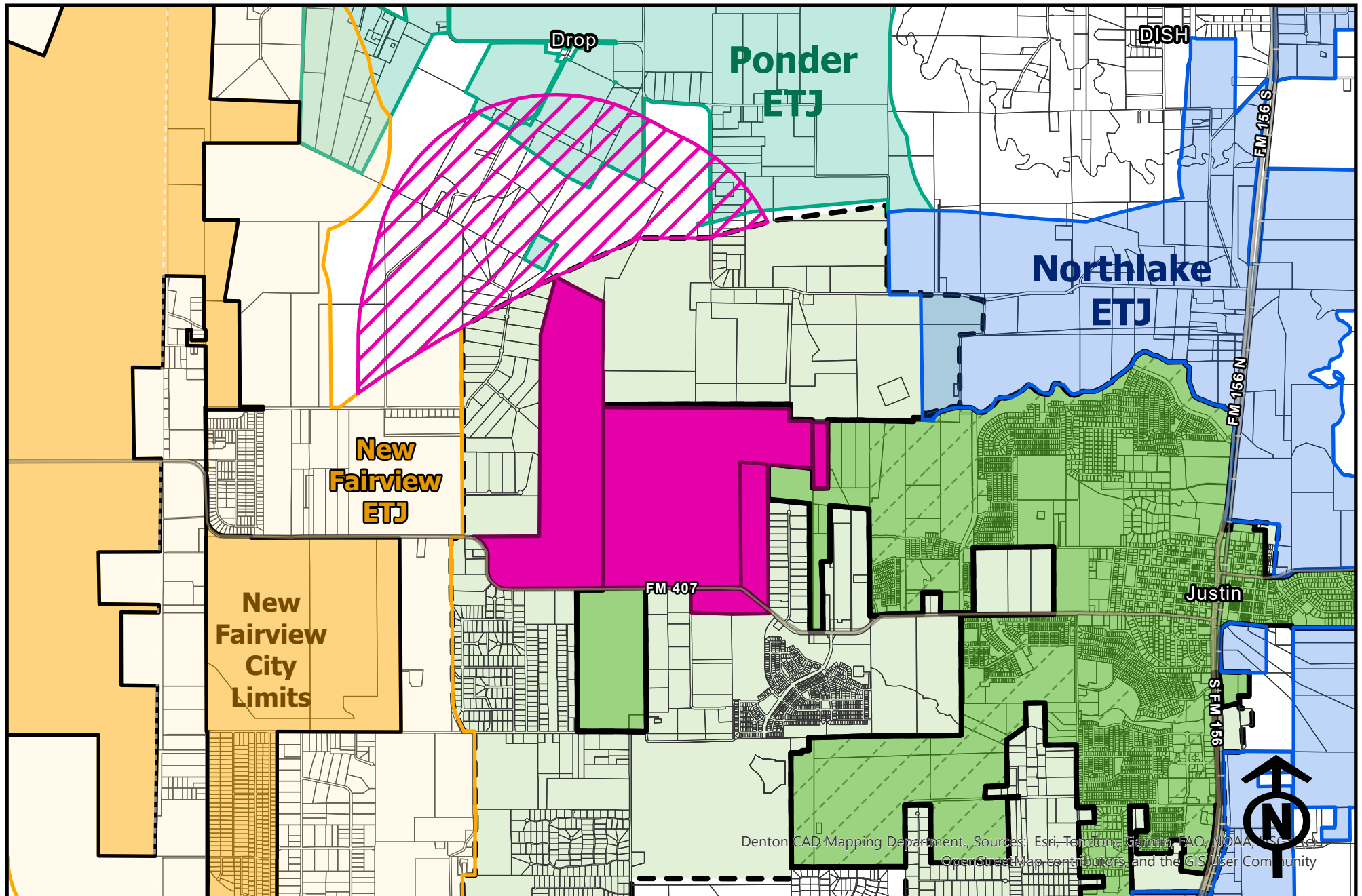
- The City shall provide additional municipal and administrative services—such as animal control, stormwater management, and general governmental services—on the same basis as provided throughout the City.

V. Method of Service Provision

All municipal services will be delivered by the City of Justin directly or through City-approved contracts, franchise agreements, and interlocal partnerships. Services will be financed through the City's General Fund, Enterprise Funds, or special district mechanisms (PID, TIRZ, or Chapter 380 agreements) as applicable.

VI. Conclusion

This Municipal Services Plan satisfies all requirements of Texas Local Government Code §43.0672 and ensures that all necessary municipal services will be provided to the Crestview Annexation Area immediately upon annexation.



Denton CAD Mapping Department., Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, and OpenStreetMap contributors, and the GIS User Community

Legend

- Justin ETJ
- Justin City Limits
- Crestview
- 1mi. Radius from Crestview

Crestview Annexation City of Justin, TX

0 0.25 0.5 1
Miles

Prepared by:
Christopher T. Young
GIS Technician
Date: 11/03/2025



City Council Coversheet
December 11, 2025
415 N. COLLEGE AVE.

Agenda Item: 10. (CONSENT AGENDA)

Title: Consider adopting Ordinance 829-25, second reading, approving the creation of a Tax Increment Reinvestment Zone No. 2; and take appropriate action.

Department: Administration

Contact: Matthew Cyr, Director of Planning and Development

Recommendation:

City Staff recommends the City Council approve as presented.

Background:

Background

In coordination with TCCI Range-Mead 2021 LLC, staff and the City's financial consultant (P3Works, LLC) have prepared a Preliminary Project and Finance Plan outlining the proposed public improvements, estimated project costs, and the feasibility of the TIRZ.

Key elements include:

- **Area:** 543.06 acres (anticipated to be annexed into City limits)
 - **Administrator:** P3Works, LLC
 - **Public Improvements:** Roadways, water, wastewater, drainage, trails, open space, and park improvements
 - **Estimated Project Costs:** \$70,017,467 (includes \$42.8M in public improvements)
 - **Non-Project Costs (Private):** \$115,991,899
 - **Term:** 40 years
 - **City Contribution:** 50% of the City's ad valorem increment (\$0.3350 per \$100 valuation based on FY 2025 rate) deposited annually into the TIRZ Fund
-

- **Estimated Captured Appraised Value:** \$1.16 billion by 2065
 - **Estimated City Increment Revenue:** \$102,134,779 over the term
-

Findings

Following statutory public notice in the *Denton Record-Chronicle* (November 3, 2025), a public hearing was held on November 13, 2025, in compliance with **Section 311.003** of the Texas Tax Code.

The Council may find that:

- The area is predominantly undeveloped and its condition substantially impairs sound growth.
 - Development would not occur solely through private investment in the reasonably foreseeable future.
 - The proposed improvements will enhance property values and benefit the City as a whole.
 - Less than 30% of the land is used for residential purposes and the total appraised value does not exceed 50% of the City's total taxable base.
-

Fiscal Impact

The TIRZ mechanism does **not impose additional taxes** but will dedicate 50% of future ad valorem tax increment generated within the zone to reimburse eligible public improvements. The City retains the remaining 50% as unrestricted revenue, representing a projected **\$102 million net benefit** over the life of the zone.

City Attorney Review: N/A

Attachments:

1. Ordinance 829-25 TIRZ 2
2. 20251030 - Boundary Exhibit Cuesta_TRIZ
3. TIRZ No. 2 (Range Creek)_PPFP_v2.4

CITY OF JUSTIN, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JUSTIN, TEXAS, DESIGNATING A GEOGRAPHIC AREA WITHIN THE CITY AS A TAX INCREMENT REINVESTMENT ZONE PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE, TO BE KNOWN AS REINVESTMENT ZONE NUMBER TWO, CITY OF JUSTIN, TEXAS; DESCRIBING THE BOUNDARIES OF THE ZONE; CREATING A BOARD OF DIRECTORS FOR THE ZONE AND APPOINTING MEMBERS OF THE BOARD; ESTABLISHING A TAX INCREMENT REINVESTMENT ZONE FUND FOR THE ZONE; CONTAINING FINDINGS RELATED TO THE CREATION OF THE ZONE; PROVIDING A DATE FOR THE TERMINATION OF THE ZONE; PROVIDING THAT THE ZONE TAKE EFFECT IMMEDIATELY UPON PASSAGE OF THE ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Justin, Texas (the "City"), is authorized under Chapter 311 of the Texas Tax Code, as amended (the "Act"), to create a tax increment reinvestment zone within its corporate limits and/or extraterritorial jurisdiction; and

WHEREAS, the City Council of the City (the "City Council") desires for the City to create a tax increment reinvestment zone containing the approximately 543.0582 acres depicted on **Exhibit A** attached hereto and incorporated, herein for all purposes, and identified within **Exhibit B** attached hereto (the "Property"); and

WHEREAS, pursuant to and as required by the Act, the City Council prepared a *Reinvestment Zone Number Two, City of Justin, Texas Preliminary Project and Finance Plan* (the "Preliminary Project and Finance Plan") attached hereto as **Exhibit B** for a proposed zone; and

WHEREAS, notice of the public hearing on the creation of the proposed zone was published in the Denton Record-Chronicle, a newspaper of general circulation within the City, on November 3, 2025, which date is not later than the seventh (7th) day before the public hearing held on November 13, 2025; and

WHEREAS, at the public hearing on November 13, 2025, interested persons were allowed to speak for or against the creation of the zone, the boundaries of the zone, and the concept of tax increment financing, and owners of property in the proposed zone were given a reasonable opportunity to protest the inclusion of their property in the zone; and

WHEREAS, evidence was received and presented at the public hearing in favor of the creation of the zone; and

WHEREAS, the City has taken all actions required to create the zone including, but not

limited to, all actions required by the Act, the Texas Open Meetings Act, and all other laws applicable to the creation of the zone; and

WHEREAS, the City desires to appoint initial members to the board of directors of the zone; and

WHEREAS, terms used in this Ordinance that have their initial letters capitalized shall have the meanings given to them in this Ordinance; however, terms that are **CAPITALIZED IN BOLD** shall have the meanings given to them in the Preliminary Project and Finance Plan.

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

SECTION 1. FINDINGS

(a) The recitals, findings, and determinations contained in the preamble to this Ordinance are incorporated into the body of this Ordinance as if fully set forth in this Section and are hereby found and declared to be true and correct legislative findings and are adopted as part of this Ordinance for all purposes.

(b) The City Council finds that the **PUBLIC IMPROVEMENTS** will significantly enhance the value of all the taxable real property in the zone and will be of general benefit to the City.

(c) The City Council finds that the proposed zone meets the requirements of Section 311.005(a) of the Act in that the proposed zone is predominantly open, undeveloped, or underdeveloped and, because of obsolete platting, deterioration of structures or site improvements, or other factors, substantially impairs or arrests the sound growth of City.

(d) The City Council finds that the proposed zone is a geographic area one hundred percent (100%) within the City's corporate limits or extraterritorial jurisdiction.

(e) The City Council finds that not more than thirty percent (30%) of the property in the proposed zone, excluding property that is publicly owned, is used for residential purposes, and the total appraised value of taxable real property in the proposed zone does not exceed fifty percent (50%) of the total appraised value of taxable real property in the City and in the industrial districts created by the City.

(f) The City Council finds that the development or redevelopment of the property in the proposed zone will not occur solely through private investment in the reasonably foreseeable future.

(g) The City Council finds that the Preliminary Project and Finance Plan is feasible.

(h) The City Council finds that the implementation of the Project and Finance Plan (as defined below) will alleviate the conditions described in Section 1(c) above and will serve a public purpose.

SECTION 2. DESIGNATION AND NAME OF THE ZONE

Pursuant to the authority of, and in accordance with the requirements of the Act, the City Council hereby designates the Property as a tax increment reinvestment zone. The name assigned to the zone for identification is Reinvestment Zone Number Two, City of Justin, Texas (the “Zone”). The Zone is designated pursuant to Section 311.005(a)(2) of the Act.

SECTION 3. BOARD OF DIRECTORS

3.1 The City Council hereby creates a board of directors for the Zone (the “Board”) consisting of seven members. The seven members shall be appointed by the City Council to Places 1,2,3,4, 5, 6 and 7.

3.2 The City Council hereby appoints the following six individuals to serve as the initial members of the Board for the terms indicated:

Place 1	Council Member Place 1
Place 2	Council Member Place 2
Place 3	Council Member Place 3
Place 4	Council Member Place 4
Place 5	Council Member Place 5
Place 6	Council Member Place 6
Place 7	Mayor

The terms of Place 1 through Place 7 shall run concurrently with the terms of the Mayor and Council Members of the City. Upon expiration of the indicated terms or upon City Council action to reconstitute the initial Board by appointing replacement members, subsequent appointments to fill vacancies shall be for terms of two years. The member appointed to Place 7 shall serve as the chairman of the Board. The Board is authorized to elect a vice-chairman and other officers as determined by the Board.

3.3 The Board shall make recommendations to the City Council concerning the administration, management, and operation of the Zone. The Board shall prepare or cause to be prepared and adopted a project plan and a reinvestment zone financing plan for the Zone (the “Project and Finance Plan”) as required by the Act and shall submit the Project and Finance Plan to the City Council for approval. The City Council hereby delegates to the Board all powers necessary to implement any Project and Finance Plan approved by the City Council, including the power to employ consultants and enter into agreements that the Board considers necessary or convenient to implement the Project and Finance Plan and to administer, operate, and manage the Zone including, but not limited to, the power to enter into reimbursement agreements and other obligations secured by the **TIRZ FUND** established pursuant to Section 7 of this Ordinance.

3.4 Directors shall not receive any salary or other compensation for their services as directors.

SECTION 4. DURATION OF THE ZONE

The Zone shall take effect immediately upon the passage and approval of this Ordinance. The Zone shall terminate on December 31, 2065 (with final year's tax anticipated to be collected by January 31, 2066), unless otherwise terminated in accordance with this Section. The City shall have the right to terminate the Zone prior to the expiration of its stated term if all of the **PROJECT COSTS** have been paid in full. If upon expiration of the stated term of the Zone, **PROJECT COSTS** have not been paid, the City shall not have any obligation to pay the shortfall.

SECTION 5. TAX INCREMENT BASE

The **TAX INCREMENT BASE** for purposes of calculating the **CITY TIRZ INCREMENT** means the total appraised value of all real property in the Zone that is taxable by the City as of January 1, 2025, and shall be confirmed by the Denton County Appraisal District.

SECTION 6. CAPTURED APPRAISED VALUE

The **CAPTURED APPRAISED VALUE** for purposes of calculating the annual **CITY TIRZ INCREMENT** means the total taxable value of all real property taxable (including increase tax values attributable to changes in use) by the City for each year, and confirmed by the Denton County Appraisal District, and located in the Zone for that year less the **TAX INCREMENT BASE**.

SECTION 7. TAX INCREMENT FUND

There is hereby created and established a **TIRZ FUND** for the Zone. Within the **TIRZ FUND**, there may be maintained subaccounts as necessary and convenient to carry out the purposes of the Act. The **CITY TIRZ INCREMENT** shall be deposited into the **TIRZ FUND** from and after the effective date of the Zone. The **TIRZ FUND** and all subaccounts shall be maintained at the depository bank of the City and shall be secured in the manner prescribed by law for funds of Texas cities. Prior to termination of the Zone, funds shall be disbursed from the **TIRZ FUND** only to pay **PROJECT COSTS**.

SECTION 8. SEVERABILITY

If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be invalid, the validity of the remaining provisions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no provision of this Ordinance shall become inoperative because of the invalidity of another provision; and, therefore, all provisions of this Ordinance are declared severable for that purpose.

SECTION 9. OPEN MEETINGS

It is hereby found, determined, and declared that sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public, as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, as amended, and that the meeting at which this Ordinance was adopted was open to the public as required by law. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

SECTION 10. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its passage as provided by law.

[Execution page follows]

PASSED AND APPROVED on first reading on this the 13th day of November, 2025.
PASSED AND APPROVED on second reading on this the 11th day of December, 2025.

CITY OF JUSTIN, TEXAS

James Clark, Mayor

ATTEST:

Amy M. Piukana, City Secretary

(City Seal)

STATE OF TEXAS §
 §
COUNTY OF DENTON §

Before me, on this day personally appeared the foregoing individuals, known to me to be the persons whose names were subscribed in my presence to the foregoing instrument.

(SEAL)

Notary Public, State of Texas

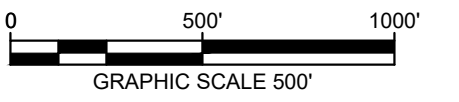
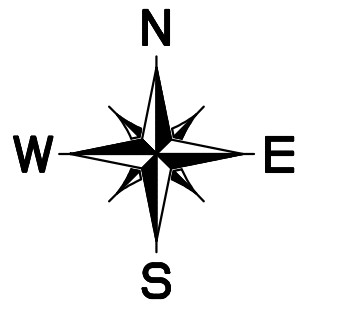
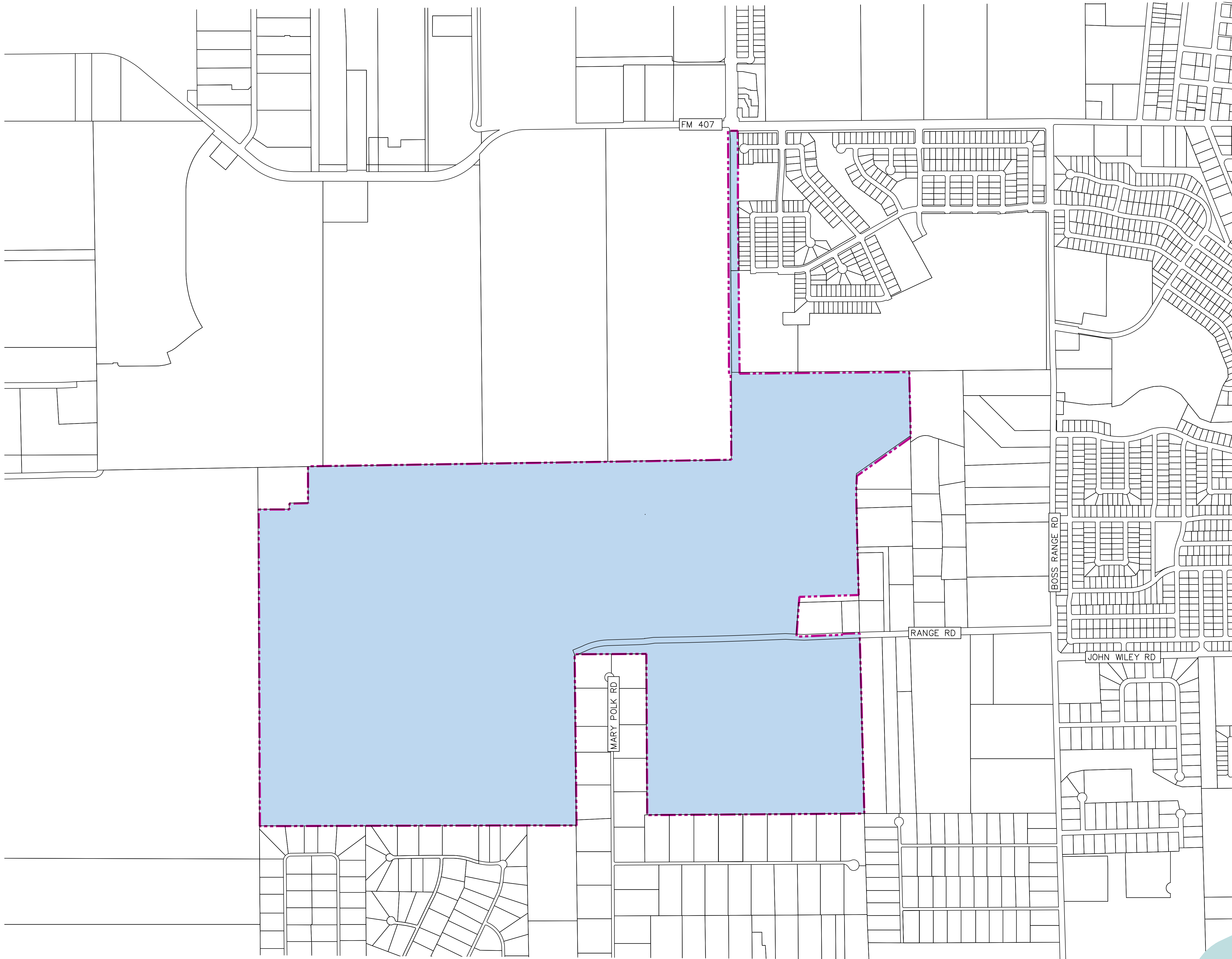
EXHIBIT A - PROPERTY DEPICTION

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EXHIBIT B

PRELIMINARY PROJECT AND FINANCE PLAN

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LEGEND



Cuesta TIRZ Boundary Exhibit

Justin, Texas

Kimley»Horn

400 North Oklahoma Drive, Suite 105
Celina, TX 75009
P 469-501-2200
State of Texas Registration No. F-928



REINVESTMENT ZONE NUMBER TWO,
CITY OF JUSTIN, TEXAS
PRELIMINARY PROJECT AND FINANCE PLAN
DECEMBER 11, 2025

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SECTION 1: DEFINITIONS

Capitalized terms used in this Preliminary Plan shall have the meanings given to them in **Section I** below unless otherwise defined in this Preliminary Plan or unless the context in which a term is used clearly requires a different meaning. Unless otherwise defined, a reference to a “Section,” or an “Exhibit,” shall be a reference to a Section of this Preliminary Plan or an Exhibit attached to and made a part of this Preliminary Plan for all purposes.

“**Act**” means Chapter 311, Texas Tax Code, Tax Increment Financing Act, as amended.

“**Administrator**” means the City or independent firm designated by the City who shall have the responsibilities provided in this Preliminary Plan or any other agreement or document approved by the City related to the duties and responsibilities of the administration of the Zone. The initial Administrator is P3Works, LLC.

“**Administrative Costs**” means the actual, direct costs paid or incurred by or on behalf of the City to administer the Zone, including, reasonable charges for: (1) the Administrator; (2) City staff; (3) planning, engineering, and legal services; (4) organizational, publicizing, and implementations; (5) costs of operating the Zone and project facilities paid by or on behalf of the City that are directly related to the administration of the Zone; and (6) payments made at the discretion of the governing body of the municipality that it finds necessary or convenient to the adoption or to the implementation of this Preliminary Plan for the Zone.

“**Appraisal District**” means the Denton County Appraisal District.

“**Board**” means the Board of Directors for the Zone.

“**Captured Appraised Value**” means the new taxable value generated beyond the Tax Increment Base on a parcel-by-parcel basis for each year during the term of the Zone, as calculated and confirmed annually by the Appraisal District.

“**City**” means the City of Justin, Texas.

“**City Bonds**” means debt securities, including certificates of obligations, bonds or other debt obligations, issued by the City to finance the costs of acquiring the Public Improvements.

“**City Council**” means the governing body of the City.

“**City TIRZ Increment**” means the portion of the City’s ad valorem tax increment equal to fifty percent (50%) of the ad valorem real property taxes collected and received by the City on the Captured Appraised Value in the Zone as further described in **Section 12**.

“**County**” means Denton County, Texas.

“Creation Ordinance” means the ordinance approved and adopted by the City Council on December 11, 2025, designating the creation of the Zone and the Board.

“Developer” means TCCI RANGE-MEAD 2021 LLC and any successor or assignees of the Property within the Zone or any portion thereof that intends to develop the Property in the Zone on behalf of the property owner.

“Development Agreement” means that *Development Agreement* entered into and executed by the City and the Developer, as amended.

“Feasibility Study” means the economic feasibility study as prepared at the time of this Preliminary Plan and updated when the Final Plan is approved, and focuses only on direct financial benefits, as further described in **Section 9** and shown on **Exhibit E**.

“Final Plan” means the anticipated future Reinvestment Zone Number Two, City of Justin, Texas Final Project and Finance Plan to be considered by the Board and City Council.

“Non-Project Costs” means those certain costs that will be spent to develop the Zone, but will not be financed by the Zone, and will be financed by private funds, as described in **Section 6** and shown on **Exhibit B**.

“Preliminary Plan” means this *Reinvestment Zone Number Two, City of Justin, Texas Preliminary Project and Finance Plan*, approved by the Creation Ordinance.

“Project Costs” means the total costs for projects in the Zone to be financed by the Zone, including the cost of the Public Improvements and Administrative Costs, as described in **Section 8** and shown on **Exhibit C**.

“Property” means approximately 543.0582 acres of land within the extraterritorial jurisdiction of the City, more specifically depicted on **Exhibit A**.

“Public Improvements” means the proposed public improvements to be financed by the Zone, either directly or through City Bonds, which includes open space, public parks, trails, water, sanitary sewer, drainage, roadway, soft costs related thereto, and other infrastructure necessary to serve the full development of the Zone and/or to be constructed and dedicated to the City pursuant to the Development Agreement, as depicted on **Exhibit G**, and detailed on **Exhibit C**.

“Public Improvement Costs” means the total cost to construct the Public Improvements, detailed on **Exhibit C**.

“Tax Increment Base” means total appraised value of taxable real property in the Zone at the time of creation of the Zone, as calculated and certified by the Appraisal District.

“TIRZ Agreement” means one or more TIRZ Reimbursement Agreement entered into between the Developer and the City.

“TIRZ No. 2 Fund” means the tax increment fund created by the City and segregated from all other funds of the City, where the City TIRZ Increment is deposited annually.

“Zone” means Reinvestment Zone Number Two, City of Justin, Texas, as depicted on **Exhibit A**, and parcels identified on **Exhibit G**.

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SECTION 2: INTRODUCTION

2.1 Authority and Purpose

The City has the authority under the Act to designate a contiguous or noncontiguous geographic area within the corporate limits or extraterritorial jurisdiction of the City as a tax increment reinvestment zone to promote development or redevelopment of the area because the City Council determined that (1) development or redevelopment would not occur solely through private investment in the reasonably foreseeable future, (2) the Zone is feasible, and (3) the creation of the Zone is in the best interest of the City and the property in the Zone. The purpose of the Zone is to facilitate such development or redevelopment by financing the costs of public works, public improvements, programs, acquisitions, and other projects benefiting the Zone, plus other costs incidental to those expenditures, all of which costs are authorized by the Act.

2.2 Eligibility Requirements

An area is eligible under the Act to be designated as a tax increment reinvestment zone if the area:

- 1) substantially arrests or impairs the sound growth of the City designating the Zone, retard the provision of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition; or
- 2) is predominantly open or undeveloped and, because of obsolete platting, deterioration of structures or site improvements, or other factors, substantially impairs or arrests the sound growth of the City; or
- 3) is in a federally assisted new community located in the City or in an area immediately adjacent to a federally assisted new community; or
- 4) is in an area described in a petition requesting that the area be designated as a reinvestment zone, if the petition is submitted to the governing body of the City by the owners of property constituting at least fifty percent (50%) of the appraised value of the property in the area according to the most recent certified appraisal roll for the county in which the area is located.

The City cannot, however, designate a zone if more than thirty percent (30%) of the property in the proposed zone, excluding property that is publicly owned, is used for residential purposes, or if the total appraised value of taxable real property in the proposed zone and in existing reinvestment zones exceeds fifty percent (50%) of the total appraised value of taxable real property in the City and in industrial districts created by the City.

2.3 The Zone

The Property within the Zone is currently located within the extraterritorial jurisdiction of the City and is anticipated to be annexed to the City. The Property is primarily open, undeveloped, or underdeveloped, and substantially impairs and arrests the sound growth of the City. Due to its size, location, and physical characteristics, development would not occur solely through private investment in the foreseeable future. The Property substantially impairs and arrests the sound growth of the City because it is predominately open and undeveloped due to factors such as the lack of public infrastructure and the need for economic incentive to attract development to the Zone for the purpose of providing long-term economic benefits including, but not limited to, increased real property tax base for all taxing units in the Zone. If the Public Improvements, and other projects are financed as contemplated by this Preliminary Plan, the City envisions that the Property will be developed to take full advantage of the opportunity to bring the City and County a quality development.

2.4 Preliminary Plan and Hearing

Before the City Council adopts the Creation Ordinance, the City Council must prepare a preliminary reinvestment zone financing plan in accordance with the Act and must hold a public hearing on the creation of the Zone and its benefits to the City and to the Property, at which public hearing interested persons shall be given the opportunity to speak for and against the creation of the Zone, the boundaries of the Zone and the concept of tax increment financing, and at which hearing the owners of the Property are given a reasonable opportunity to protest the inclusion of their Property in the Zone. The requirement of the Act for a preliminary reinvestment zone financing plan was satisfied by this Preliminary Plan, the purpose of which was to describe, in general terms, the Public Improvements that will be undertaken and financed by the Zone. A description of how such Public Improvements will be undertaken and financed shall be determined by the Final Plan, which requires approval by the Board and City Council.

2.5 Creation of the Zone

Upon the closing of the above referenced public hearing, the City Council shall consider the Creation Ordinance and make the following findings:

- (1) development or redevelopment of the Property would not occur solely through private investment in the reasonably foreseeable future, and
- (2) the Zone is feasible, and
- (3) improvements in the Zone will significantly enhance the value of all the taxable real property in the Zone and will be of general benefit to the City, and
- (4) the Zone meets the eligibility requirements of the Act.

Among other provisions required by the Act, the Creation Ordinance shall appoint the Board.

2.6 Board Recommendations

After the creation of the Zone, the Board shall review the Final Plan and recommend its approval to the City Council pursuant to which the City shall contribute the City TIRZ Increment into the TIRZ No. 2 Fund to pay a portion of the Public Improvement Costs and other projects benefiting the Zone.

2.7 Council Action

The City Council will take into consideration the recommendations of the Board and will consider approval of the Final Plan.

SECTION 3: DESCRIPTION AND MAPS

3.1 Existing Uses and Conditions

The Property is currently located within the extraterritorial jurisdiction of the City and is anticipated to be annexed to the City. The Property is primarily undeveloped, or underdeveloped, and there is limited and inadequate public infrastructure to support development. Development requires extensive public infrastructure that: (1) the City could not provide, and (2) would not be provided solely through private investment in the foreseeable future. A map of the Property and the Zone is shown on **Exhibit A**.

3.2 Proposed Uses

The Property is intended to be developed as a master planned residential community, including open space, and other public and private amenities.

3.3 Boundary Map

The boundary map of the Property is shown on **Exhibit A** and provides sufficient detail to identify with ordinary and reasonable certainty the territory included in the Zone.

3.4 Parcel Identification

The parcels identified on **Exhibit G** provide sufficient detail to identify with ordinary and reasonable certainty the territory included in the Zone.

SECTION 4: PROPOSED CHANGES TO ORDINANCES, PLANS, CODES, RULES, AND REGULATIONS

The Property is located in the extraterritorial jurisdiction of the City and shall be subject to the City's zoning regulation upon annexation. Upon annexation, the City shall have exclusive

jurisdiction over the subdivision and platting of the property within the Property and the design, construction, installation, and inspection of water, sewer, drainage, roadway, and other public infrastructure. No proposed changes to zoning ordinances, comprehensive plan, building codes, subdivision rules, or other municipal ordinances will impact existing residents within the Zone.

SECTION 5: RELOCATION OF DISPLACED PERSONS

No persons will be displaced and in need of relocation due to the creation of the Zone or shall be due to the implementation of this Preliminary Plan or the Final Plan.

SECTION 6: ESTIMATED NON-PROJECT COSTS

Non-Project Costs are costs that will be spent to develop in the Zone but will not be financed by the Zone. The list of Non-Project Costs is shown on **Exhibit B** and are estimated to be approximately \$115,991,899.

SECTION 7: PROPOSED PUBLIC IMPROVEMENTS

7.1 Categories of Public Improvements

The Public Improvements to be financed by the Zone include open space, public parks, trails, water, sanitary sewer, drainage, roadway, soft costs related thereto, and other infrastructure necessary to serve the full development of the Zone and/or to be constructed and dedicated to the City pursuant to the Development Agreement, including but not limited to improvements listed in **Exhibit C**. All Public Improvements shall be designed and constructed in accordance with all applicable City standards, regulations, requirements and specifications and shall otherwise be inspected, approved, and accepted by the City. At the City's option, the Public Improvements may be expanded to include any other category of improvements authorized by the Act.

7.2 Locations of Public Improvements

The estimated locations of the proposed Public Improvements are depicted on **Exhibit F**. These locations may be revised, with the approval of the City, from time to time without amending the Final Plan.

SECTION 8: ESTIMATED PROJECT COSTS

8.1 Project Costs

The total Project Costs, which includes the Public Improvement Costs and the Administrative Costs, are estimated to be approximately \$70,017,467, as shown on **Exhibit C**.

8.2 Estimated Public Improvement Costs

The estimated Public Improvements Costs within the Zone are approximately \$42,825,559, as shown on **Exhibit C**.

8.3 Estimated Administrative Costs

The initial Administrative Costs are estimated to be \$10,000 annually and escalate at two percent (2%) thereafter and shall be paid each year from the TIRZ No. 2 Fund before Public Improvement Costs are paid.

8.4 Estimated Timeline of Incurred Costs

The Administrative Costs will be incurred annually beginning at the time the Zone is created and throughout the duration of the Zone. It is estimated the Public Improvement Costs will be incurred between the calendar years 2027 and 2032, as shown on **Exhibit D**.

SECTION 9: ECONOMIC FEASIBILITY

For purposes of this Preliminary Plan, a Feasibility Study has been evaluated over the term of the Zone, as shown on **Exhibit E**. This evaluation focuses on only direct financial benefits (i.e. ad valorem tax revenues from the development of Public Improvements in the Zone). Based on the Feasibility Study, during the term of the Zone, new development (which would not have occurred but for the Zone) will generate approximately \$204,269,558 in total new City real property tax revenue.

The Feasibility Study shows the cumulative City TIRZ Increment is estimated to be \$102,134,779, which will be available to fund a portion of the Project Costs, as described hereafter in **Section 12**, until the term expires or is otherwise terminated. The City will benefit from the new development within the Zone and will retain approximately \$102,134,779 in net additional real property tax revenue over the term of the Zone.

The Feasibility Study shows a portion of the new real property tax revenue generated by the Zone will be retained by the City. The City TIRZ Increment will be available to pay Project Costs, until the term expires or is otherwise terminated. Upon expiration or termination of the Zone, one hundred percent (100%) of all taxing revenues generated within the Zone will be retained by the City. Based on the foregoing, the feasibility of the Zone has been demonstrated.

SECTION 10: ESTIMATED BONDED INDEBTEDNESS

No tax increment reinvestment zone bonds or public indebtedness by the City secured by the tax increments pursuant to the Act has been issued at the time of this Preliminary Plan. It is anticipated that the City will issue City Bonds which will be part of a future plan update.

SECTION 11: APPRAISED VALUE

11.1 Current Appraised Value

The Tax Increment Base is estimated at \$0 and shall be confirmed by the Appraisal District. Each year, the Appraisal District shall confirm the taxable value of the Zone, less the Tax Increment Base.

11.2 Estimated Captured Appraised Value

The Tax Increment Base of the Property is the total taxable value of the Property for the year in which the Zone was designated, as described in **Section 11.1** above. It is estimated that upon expiration of the term of the Zone, the total Captured Appraised Value of taxable real property in the Zone will be approximately \$1,161,849,613, as shown on **Exhibit E**. The actual Captured Appraised Value, as certified by the Appraisal District will, for each year, will be used to calculate the City TIRZ Increment due to the TIRZ No. 2 Fund.

SECTION 12: METHOD OF FINANCING

This Preliminary Plan shall obligate the City to deposit the City TIRZ Increment into the TIRZ No. 2 Fund each year for the duration of the Zone an amount equal to fifty percent (50%) of the ad valorem real property taxes collected and received by the City on the Captured Appraised Value in the Zone. For example, in FY 2025, the City's ad valorem tax rate is \$0.6700 per \$100 of taxable value, therefore the City will contribute \$0.3350 per \$100 of the Captured Appraised Value in the Zone levied and collected, to the TIRZ No. 2 Fund.

Pursuant to the Development Agreement, the Developer has paid, or will in the future pay, those Public Improvement Costs and will construct or cause to be constructed the Public Improvements, portions of which will be financed via the Zone.

All payments of Project Costs shall be made in part from the TIRZ No. 2 Fund and from no other funds of the City unless otherwise approved by the City Council, and the TIRZ No. 2 Fund shall only be used to pay the Project Costs in accordance with the Final Plan, the TIRZ Agreement, and the Development Agreement. The City may amend this Preliminary Plan in compliance with the

Act and the Development Agreement, including but not limited to what is considered a Project Cost.

SECTION 13: DURATION OF THE ZONE, TERMINATION

13.1 Duration

The stated term of the Zone shall commence upon the approval of the Creation Ordinance by the City Council and shall continue for forty (40) years until December 31, 2065, with the last payment due by January 31, 2066, unless otherwise terminated in accordance with the Creation Ordinance, or the Act.

13.2 Termination

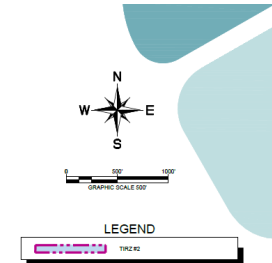
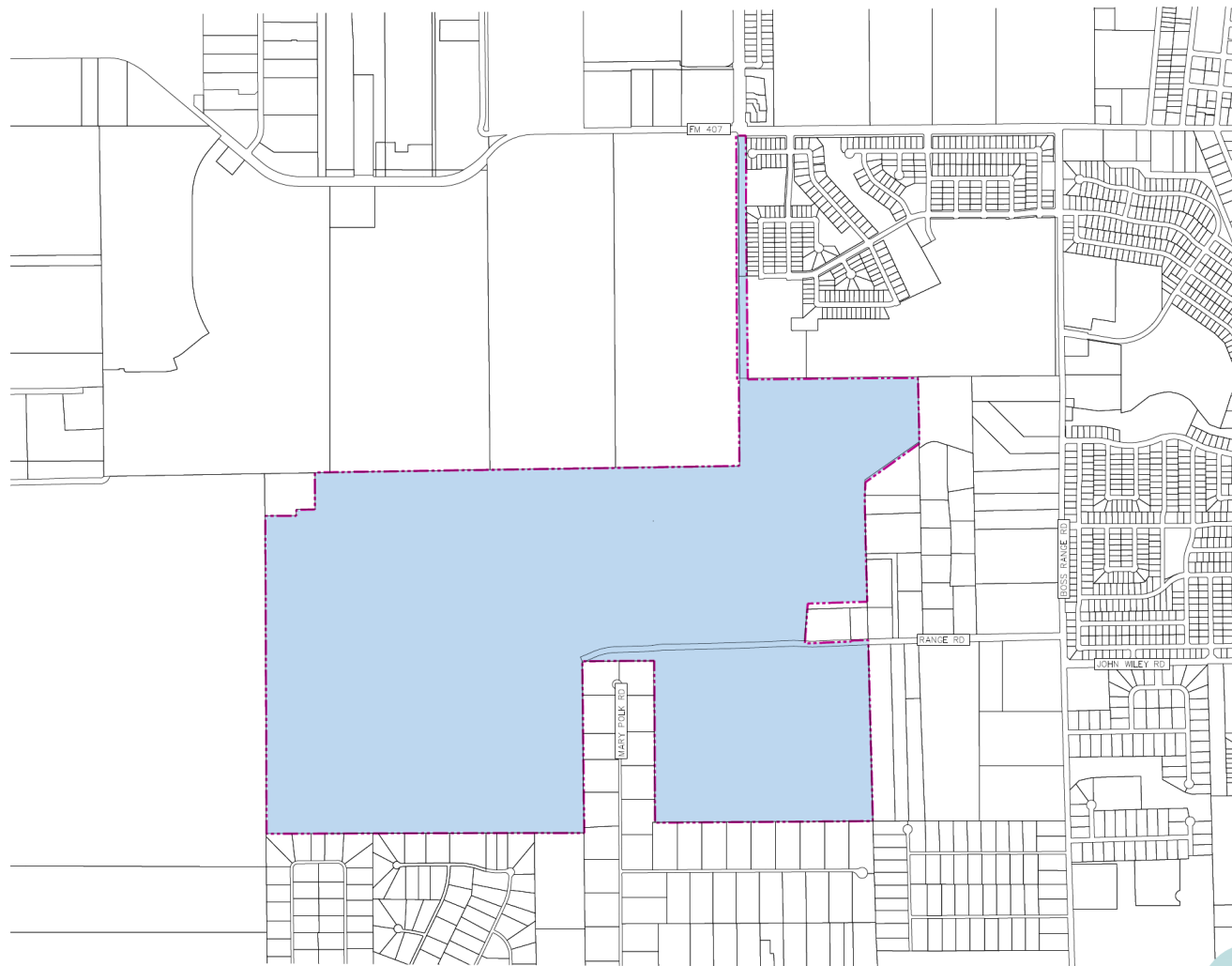
The Zone shall terminate on the earlier of (i) December 31, 2065, or (ii) at such time that the Project Costs have been paid in full. If upon expiration of the stated term of the Zone, the obligations of the Zone have not been fully funded by the TIRZ No. 2 Fund, the City shall have no obligation to pay the shortfall, and the term shall not be extended. Nothing in this section is intended to prevent the City from extending the term of the Zone in accordance with the Act.

LIST OF EXHIBITS

Unless otherwise stated, all references to "Exhibits" contained in this Preliminary Plan shall mean and refer to the following exhibits, all of which are attached to and made a part of this Preliminary Plan for all purposes.

Exhibit A	Map of the Zone
Exhibit B	Non-Project Costs
Exhibit C	Project Costs
Exhibit D	Estimated Timeline of Incurred Project Costs
Exhibit E	Feasibility Study
Exhibit F	Maps of the Public Improvements
Exhibit G	Parcel Identification

EXHIBIT A – MAP OF THE ZONE



Cuesta TIRZ
Boundary
Exhibit
Justin, Texas
Kimley»Horn
400 North Oaklawn Drive, Suite 100
Culpeper, VA 22609
P 540-2000
State of Texas Registration No. 14020

EXHIBIT B – NON-PROJECT COSTS

Reinvestment Zone Number Two, City of Justin, Texas Non-Project Costs

Improvements ^[a]	Estimated Non-Project Costs ^[b]
Neighborhood Specific Improvements	\$ 97,081,969
Park Improvements	16,339,284
Offsite Improvements	2,570,646
Total	\$ 115,991,899

Footnotes

[a] Improvement costs expected to be funded by other sources.

[b] As provided by the Developer engineer's report dated 2/5/2024.

EXHIBIT C – PROJECT COSTS

Reinvestment Zone Number Two, City of Justin TIRZ Project Costs	
Project Costs	Total Costs ^[a]
<i>Park Improvements</i>	
Southwest Amphitheater Park	\$ 2,610,000
Southeast Farmers Market	3,834,000
Southeast Play Park	3,684,000
Open Space Improvements	
Drainage Improvements (Trails)	1,365,544
Paving Improvements (Trails)	2,469,389
Park Improvements Subtotal	\$ 13,962,934
<i>Major Roadway Improvements</i>	
Paving	\$ 8,258,755
Paving - Offsite	2,030,027
Water	2,039,213
Water - Offsite	568,744
Sanitary Sewer	2,564,118
Drainage	9,341,471
Drainage - Offsite	44,808
Major Roadway Improvements Subtotal	\$ 24,847,135
<i>Soft Costs</i>	
Engineering & Surveying	\$ 2,868,207
Inspection Fees	1,147,283
Soft Costs Subtotal	\$ 4,015,490
Total Infrastructure Costs	\$ 42,825,559
Interest	\$ 26,565,808
Bond Issuance Costs	456,425
Administrative Costs	626,100
Total Project Costs	\$ 70,017,467
Footnotes	
[a] As provided by the Developer engineer's report dated 2/5/2024.	
[b] Soft Costs includes engineering, surveying, testing, platting, inspection, construction management, detention flood study, and contingency.	

EXHIBIT D – ESTIMATED TIMELINE OF INCURRED PROJECT COSTS

Reinvestment Zone Number Two, City of Justin Estimated Timeline of Incurred Project Improvement Costs		
Calendar Year	Total Project Improvement Costs ^[a]	
	Annual ^[b]	Cumulative
2025		
2026	\$ -	-
2027	\$ 7,317,765	7,317,765
2028	\$ 7,317,765	14,635,531
2029	\$ 7,317,765	21,953,296
2030	\$ 7,317,765	29,271,062
2031	\$ 7,317,765	36,588,827
2032	\$ 6,236,732	42,825,559
2033	\$ -	42,825,559
	\$ 42,825,559	
Footnotes		
[a] Does not include Administrative Costs, which shall be incurred annually for the duration of the Zone.		
[b] Costs as provided by the Developer engineer's report dated 2/5/2024.		

EXHIBIT E – FEASIBILITY STUDY

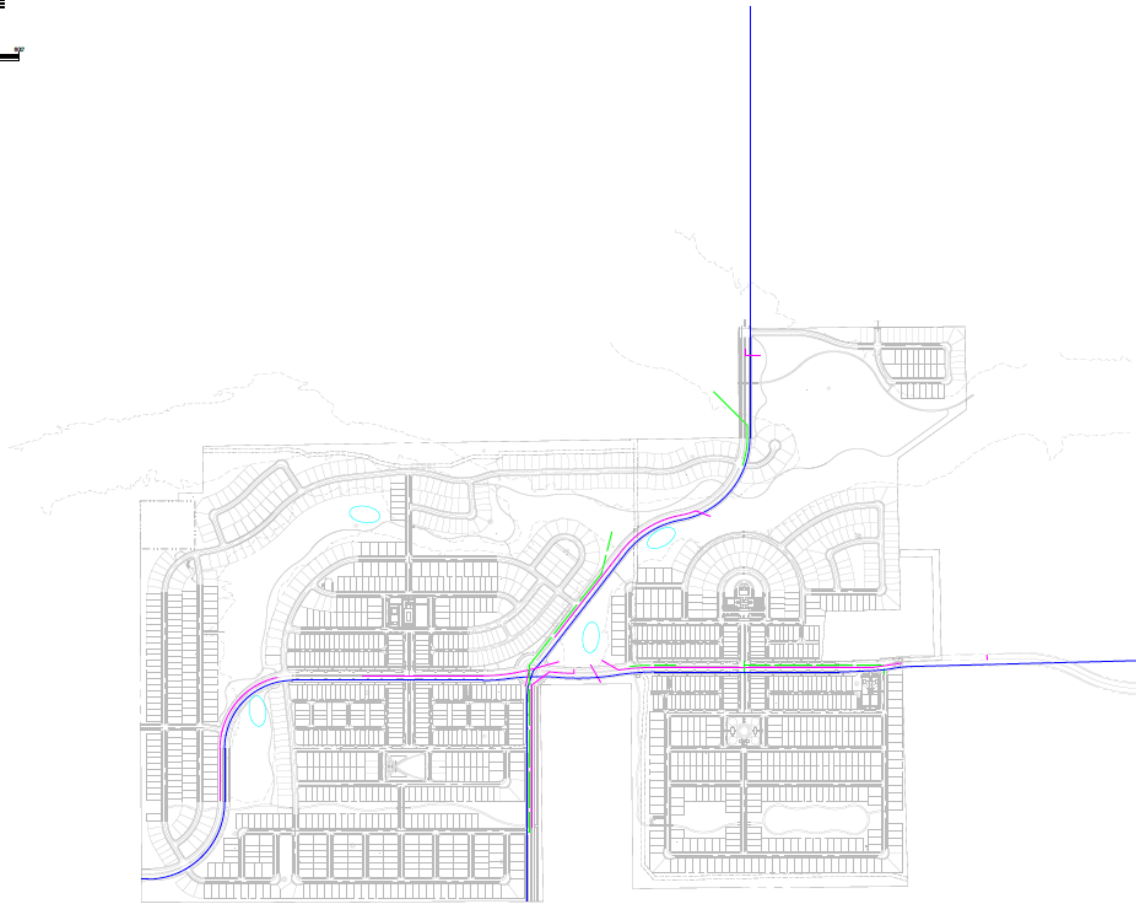
Reinvestment Zone Number Two, City of Justin, TX Feasibility Study								
Zone Year	Calendar Year	Growth/ Year ^[a]	Added Development Value ^[b]	New Taxable Value ^[a]	Captured Appraised Value	City TIRZ Increment		
						%	Annual	Cumulative
Base	2025	0.00%		\$ -		50%	\$ -	\$ -
1	2026	2%	\$ -	\$ -	\$ -	50%	\$ -	\$ -
2	2027	2%	\$ -	\$ -	\$ -	50%	\$ -	\$ -
3	2028	2%	\$ -	\$ -	\$ -	50%	\$ -	\$ -
4	2029	2%	\$ 113,462,278	\$ 113,462,278	\$ 113,462,278	50%	\$ -	\$ -
5	2030	2%	\$ 116,219,620	\$ 231,951,144	\$ 231,951,144	50%	\$ 380,099	\$ 380,099
6	2031	2%	\$ 115,298,552	\$ 351,888,719	\$ 351,888,719	50%	\$ 777,036	\$ 1,157,135
7	2032	2%	\$ 119,970,550	\$ 478,897,043	\$ 478,897,043	50%	\$ 1,178,827	\$ 2,335,962
8	2033	2%	\$ 126,192,509	\$ 614,667,493	\$ 614,667,493	50%	\$ 1,604,305	\$ 3,940,267
9	2034	0.00%	\$ 107,679,377	\$ 722,346,870	\$ 722,346,870	50%	\$ 2,059,136	\$ 5,999,403
10	2035	0.00%	\$ -	\$ 722,346,870	\$ 722,346,870	50%	\$ 2,419,862	\$ 8,419,265
11	2036	2%	\$ -	\$ 736,793,808	\$ 736,793,808	50%	\$ 2,419,862	\$ 10,839,127
12	2037	2%	\$ -	\$ 751,529,684	\$ 751,529,684	50%	\$ 2,468,259	\$ 13,307,387
13	2038	2%	\$ -	\$ 766,560,277	\$ 766,560,277	50%	\$ 2,517,624	\$ 15,825,011
14	2039	2%	\$ -	\$ 781,891,483	\$ 781,891,483	50%	\$ 2,567,977	\$ 18,392,988
15	2040	2%	\$ -	\$ 797,529,313	\$ 797,529,313	50%	\$ 2,619,336	\$ 21,012,324
16	2041	2%	\$ -	\$ 813,479,899	\$ 813,479,899	50%	\$ 2,671,723	\$ 23,684,048
17	2042	2%	\$ -	\$ 829,749,497	\$ 829,749,497	50%	\$ 2,725,158	\$ 26,409,205
18	2043	2%	\$ -	\$ 846,344,487	\$ 846,344,487	50%	\$ 2,779,661	\$ 29,188,866
19	2044	0.00%	\$ -	\$ 846,344,487	\$ 846,344,487	50%	\$ 2,835,254	\$ 32,024,120
20	2045	0.00%	\$ -	\$ 846,344,487	\$ 846,344,487	50%	\$ 2,835,254	\$ 34,859,374
21	2046	2%	\$ -	\$ 863,271,376	\$ 863,271,376	50%	\$ 2,835,254	\$ 37,694,628
22	2047	2%	\$ -	\$ 880,536,804	\$ 880,536,804	50%	\$ 2,891,959	\$ 40,586,587
23	2048	2%	\$ -	\$ 898,147,540	\$ 898,147,540	50%	\$ 2,949,798	\$ 43,536,386
24	2049	2%	\$ -	\$ 916,110,491	\$ 916,110,491	50%	\$ 3,008,794	\$ 46,545,180
25	2050	2%	\$ -	\$ 934,432,701	\$ 934,432,701	50%	\$ 3,068,970	\$ 49,614,150
26	2051	2%	\$ -	\$ 953,121,355	\$ 953,121,355	50%	\$ 3,130,350	\$ 52,744,500
27	2052	2%	\$ -	\$ 972,183,782	\$ 972,183,782	50%	\$ 3,192,957	\$ 55,937,456
28	2053	2%	\$ -	\$ 991,627,457	\$ 991,627,457	50%	\$ 3,256,816	\$ 59,194,272
29	2054	0.00%	\$ -	\$ 991,627,457	\$ 991,627,457	50%	\$ 3,321,952	\$ 62,516,224
30	2055	0.00%	\$ -	\$ 991,627,457	\$ 991,627,457	50%	\$ 3,321,952	\$ 65,838,176
31	2056	2%	\$ -	\$ 1,011,460,007	\$ 1,011,460,007	50%	\$ 3,321,952	\$ 69,160,128
32	2057	2%	\$ -	\$ 1,031,689,207	\$ 1,031,689,207	50%	\$ 3,388,391	\$ 72,548,519
33	2058	2%	\$ -	\$ 1,052,322,991	\$ 1,052,322,991	50%	\$ 3,456,159	\$ 76,004,678
34	2059	2%	\$ -	\$ 1,073,369,451	\$ 1,073,369,451	50%	\$ 3,525,282	\$ 79,529,960
35	2060	2%	\$ -	\$ 1,094,836,840	\$ 1,094,836,840	50%	\$ 3,595,788	\$ 83,125,747
36	2061	2%	\$ -	\$ 1,116,733,577	\$ 1,116,733,577	50%	\$ 3,667,703	\$ 86,793,451
37	2062	2%	\$ -	\$ 1,139,068,248	\$ 1,139,068,248	50%	\$ 3,741,057	\$ 90,534,508
38	2063	2%	\$ -	\$ 1,161,849,613	\$ 1,161,849,613	50%	\$ 3,815,879	\$ 94,350,387
39	2064	0.00%	\$ -	\$ 1,161,849,613	\$ 1,161,849,613	50%	\$ 3,892,196	\$ 98,242,583
40	2065	0.00%	\$ -	\$ 1,161,849,613	\$ 1,161,849,613	50%	\$ 3,892,196	\$ 102,134,779
Total			\$ 698,822,886			\$ 102,134,779		

Assumptions	
Tax Increment Base	\$ -
2025 City AV Rate	\$ 0.6700
City TIRZ Contribution	\$ 0.3350

Footnotes
[a] Values increased at 2% annually, with two years of no growth each decade to simulate an economic downturn.
[b] Per the Developer, absorption schedule estimated at 264 units per year.
[c] Values per the Developer in correspondence dated 10/15/2024.

EXHIBIT F – MAPS OF PUBLIC IMPROVEMENTS





LEGEND

- WATER IMPROVEMENTS
- SANITARY SEWER IMPROVEMENTS
- DRAINAGE IMPROVEMENTS
- OPEN SPACE DRAINAGE IMPROVEMENTS

Exhibit C-3
 TRZ Exhibit - Utilities
**Range Creek
 (Cuesta)**
 Justin, Texas
 September 2024

Kimley»Horn
 400 North Oklahoma Drive, Suite 105
 Carrollton, TX 75006
 469-592-1234
 State of Texas Registration No. F-028

NOTES: 1. This plan represents a preliminary design and is not to be used for construction without first obtaining an approved final plan. 2. All dimensions are in feet and inches. 3. All dimensions are to centerline unless otherwise noted. 4. All dimensions are to the centerline of the road unless otherwise noted.

EXHIBIT G – PARCEL IDENTIFICATION

Property ID
68225
68232
68275
68457
68903
112423
1013013
1076987
1073017
1059586
1077029