CITY OF JUSTIN  
CITY COUNCIL AGENDA  
MONDAY FEBRUARY 26th, 2018  
415 N. COLLEGE AVE.  
5:00 P.M.

CALL TO ORDER

Convened into session:

WORKSHOP SESSION

1. Discuss calling public hearings on land use assumptions and capital improvements plan relating to possible adoption of impact fees, authorizing associated public notices, and matters related thereto.a

2. Discuss Ordinance regarding Landscape and Buffer Requirements


4. Discuss an energy provider agreement.

5. Discuss a potential amendment to the Justin Fee Schedule regarding miscellaneous building permit fees.

6. Discuss the Pool Ordinance.

7. Discuss any item posted on the Regular Session Agenda for today’s date.

POSSIBLE EXECUTIVE SESSION regarding any item posted on the Workshop Session or Regular Session Agendas

CONVENE INTO REGULAR SESSION- 7:00PM or Immediately Following Workshop Session Which May Be Prior to 7:00PM

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”

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

II. PUBLIC HEARING

8. PUBLIC HEARING (7:00 P.M.): Continuation of public hearing to consider an Ordinance 635-18 proposed assessments to be levied against the assessable property within the Timberbrook Public Improvement District No. 1 pursuant to the provisions of Chapter 372, as amended, of the Texas Local Government Code.
   a. Open Public Hearing
   b. Receive public comments, both for and against
   c. Continue Public Hearing on March 26th, 2018

III. ACTION ITEMS

9. Discuss, consider, and act on Resolution 527-18 calling for a public hearing on land use assumptions and capital improvements plan relating to possible adoption of impact fees, authorizing associated public notices, and matters related thereto.

10. Discuss, consider and act on Ordinance 638-18, and amendment to the Zoning Ordinance regarding landscape and buffer requirements.


12. Discuss, consider and act on the execution of an agreement with an energy provider.

IV. CONSENT ITEMS


V. PRESENTATION ITEMS

16. Administering Oath of Office for the position of Police Chief of the City of Justin

17. Presentation of the Racial Profiling Report

V. DEPARTMENT UPDATES

- Development
- Monthly Financial Report
VI. 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.

Convene into executive session

Adjourn into open meeting

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

VII. ADJOURN

I, the undersigned authority, do hereby certify that the above notice of the meeting of the City Council of the City of Justin, Texas, is a true and correct copy of the said notice that I posted on the official bulletin board at Justin Municipal Complex, 415 North College Street, Justin, Texas, a place of convenience and readily accessible to the general public at all times, and said notice posted this 23rd day of February, 2018 by 5:00 p.m., at least 72 hours preceding the scheduled meeting time.

__________________________________
Brittany Andrews, City Secretary
City Council Meeting

February 26, 2018

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item: 1 (Workshop) 9 (Action)

Title: Discuss calling public hearings on land use assumptions and capital improvement plan relation to possible adoption of impact fees, authorizing associated public notices, and matters related thereto.

Department: Administration

Contact: Cori Reaume, City Manager

Recommendation:

Approve Resolution 527-18 calling for a public hearing on land use assumptions and capital improvements plan relating to possible adoption of impact fees for April 17th, 2018 at 7:15pm at Justin City Hall, and authorizing required public notices.

Background:

At the February 12th meeting, Council passed Resolution 523-18 calling for a public hearing on land use assumptions and capital improvement plan relating to possible adoption of impact fees for March 20th, 2018 at 7:15pm at Justin City Hall, and authorized public notices.

The Denton Record Chronicle had a delay in posting our notice. Due to the required timelines for notices, we have to call a public hearings for the new date on April 17th.

We will submit this new date to the Denton Record Chronicle as soon as possible.

________________________________________________________________________

Line Item:
Amount remaining in line item:
Expenditure Required:
Additional Required:
Budget Amendment Needed: NA

________________________________________________________________________
City Attorney Review:

Attachments:
(1) Resolution No. 527-18
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JUSTIN, TEXAS,
CALLING A PUBLIC HEARING ON LAND USE ASSUMPTIONS AND
CAPITAL IMPROVEMENTS PLAN UNDER WHICH IMPACT FEES MAY BE
IMPOSED; AUTHORIZING AND DIRECTING THE PUBLICATION AND
NOTICES OF THE PUBLIC HEARING; AND PROVIDING FOR AN
IMMEDIATE EFFECTIVE DATE.

WHEREAS, as authorized by Chapter 395 of the Local Government Code, as amended,
the City Council of the City of Justin, Texas, previously adopted updated Land Use Assumptions
and established revised impact fees for roadways and water and wastewater facilities to serve new
development to the City; and

WHEREAS, a review and evaluation with regard to the Land Use Assumptions and
Capital Improvements Plan is required every five (5) years by Sec. 395.052 of the Local
Government Code; and

WHEREAS, a review and evaluation with regard to the Land Use Assumptions and
Capital Improvements Plan is required every five (5) years by Sec. 395.052 of the Local
Government Code; 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 health,
safety, and welfare of the public 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. A public hearing to consider the land use assumptions and capital
improvements plan under which impact fees may be imposed by the City of Justin is hereby called to
be held on Tuesday, April 17th, 2018, at 7:15 pm in the Justin City Hall, Council Chambers located at
415 N. College Avenue, Justin, Texas.

SECTION 3. The City Secretary is hereby authorized and directed to give all notices of the
public hearing as required by law, including notices required by the Texas Open Meetings Act. Said
notices shall comply with Section 395.044 of the Texas Local Government Code.
SECTION 4. Upon the closing of the public hearing, the City Council may consider the further action regarding possible adoption of or amendments to the City of Justin impact fees.

SECTION 5. This Resolution shall become effective from and after its date of passage in accordance with law.

DULY PASSED by the City Council of the City of Justin, Texas, on the 26th day of February, 2018.

APPROVED:

__________________________
David Wilson, Mayor

ATTEST:

__________________________
Brittany Andrews, City Secretary

APPROVED AS TO FORM:

__________________________
Matthew C. G. Boyle, City Attorney
Agenda Item:  #2 (Discussion) and #10 (Action)

Title:   Landscape and Buffer Zone Ordinance Update

Department:    Development Services

Contact:   Cori Reaume, City Manager
 Dan Coleman, Development Coordinator

Recommendation:    Discuss, consider, and act on a revision to the Justin Zoning Ordinance Landscape and Buffer Restrictions. Approve Ordinance 638-18, revising the City of Justin Zoning Ordinance regarding landscape and buffer requirements.

Background: This is an amendment to the zoning ordinance, which requires two public hearings. Those hearings were held in November and December and we are ready to take action at this time. Over the past year, staff worked in conjunction with the Planning Consultant and the Planning & Zoning Commission to update the Landscape & Buffer Zone ordinance.  A summary of the major changes is below:

- Updated formatting of illustrations/tables
- Ensured references to other places in the ordinance are correct
- Added requirement for F2 screening wall and 5 foot buffer yard for rear/side yards where residential subdivisions abut a thoroughfare, collector, or local street.
- Duplexes were removed from the multi-family category and added to the single family category.
- Increased fencing requirements between multi-family and commercial (most adjusted to F2-masonry fence)
- Added interior landscaping requirements (Section D)
- Added Landscape & Tree canopy requirements (Section E)
  - With additional required tables to outline requirements for landscaping and tree canopy cover)
- Adjusted language from Building Official to City Manager or designee, where appropriate

A summary of the changes recommended by representatives of Pacheco Koch is below:
- Expanded/clarified statements of purpose and intent, applicability
- Updated buffer yard requirements, with illustrated tabulated examples
- Updated tree credit methodology that optimizes based on preserving existing, mature trees
- Further clarified descriptions of screening wall options (though we probably ought to update the graphic element too)
- Breaking out residential requirements from non-residential (though the latter needs a very thorough update based on aesthetic goals by zoning type)
- Update of residential minimum requirements based on lot size
- Update of minimum plant sizing requirements by type
- Creation of a prohibited plants list (using accepted standards for regional and local invasive/noxious species)
- Thorough revision of recommended trees species, broken out into separate tables for canopy (shade) trees and understory (ornamental) trees
- Inclusion of a section for median landscape requirements

City Attorney Review:

Attachments:

(1) Landscape and Buffer Ordinance 636-18
ORDINANCE NO. 638-18

AN ORDINANCE OF THE CITY OF JUSTIN, TEXAS
AMENDING DIVISION V, SECTIONS 52-201 THROUGH 52-212 OF THE ZONING ORDINANCE REGARDING LANDSCAPE AND BUFFER REQUIREMENTS, PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH AN OFFENSE OCCURS OR CONTINUES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Justin has proposed amendments to the Official Zoning Map of the City of Justin, Texas and has submitted same to the Planning & Zoning Commission of the City of Justin, Texas as required by State statutes and the zoning ordinances of the City of Justin, Texas and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of the City of Justin, Texas after all legal notices, requirements, conditions and prerequisites having been complied with; and

WHEREAS, the City Council of the City of Justin, Texas at a public hearing called by the City Council did consider the following factors in making a determination as to whether the requested changes should be granted or denied; safety of the motoring public and the pedestrians using the facilities in the areas immediately surrounding the effected zoning districts; safety from fire hazards and measures for fire control, protection of adjacent property from flood or water damages, noise producing elements and glare of the vehicular and stationary lights and effect of such lights on established character of the neighborhoods, location, lighting and types of signs and relation of signs to traffic control and adjacent property, street size and adequacy of width for traffic reasonably expected to be generated by the proposed uses around the effected zoning districts and in the immediate neighborhoods, adequacy of parking, location of ingress and egress points for parking, and protection of public health and the general welfare, effect on light and air, the effect on the transportation, water sewerage, schools, parks and other facilities; and

WHEREAS, the City Council of the City of Justin, Texas at a public hearing called by the City Council of the City of Justin, Texas did consider the following factors in making a determination as to whether the requested changes should be granted or denied; effect on the congestion of the streets, the fire hazards, panics and other dangers possibly present in the securing of safety from same, the effect on the promotion of health and the general welfare, the effect on adequate light and air, the effect on the overcrowding of the land, the effect on the concentration of population, the effect on the transportation, water, sewerage, schools, parks and other public facilities; and
WHEREAS, the City Council further considered among other things the character of the effected zoning districts and their peculiar suitability for particular uses and with the view to conserve the value of buildings, encourage the most appropriate use of land throughout this city; and

WHEREAS, the City Council of the City of Justin, Texas does find that there is a public necessity for the proposed zoning ordinance amendments, that the public demands it, that the public interest clearly requires the amendment, that the zoning ordinance amendments do not unreasonably invade the rights of those who bought or improved property with reference to the classifications which existed at the time their original investment was made; and does find that the changes in the zoning ordinance lessen the congestion in the streets, help secure safety from fire, panic and other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitates the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; and

WHEREAS, the City Council of the City of Justin, Texas has determined that there is a necessity and need for these changes in the zoning ordinance and has also found and determined that there has been a change in the conditions of the effected zoning districts and surrounding properties since their original classification; and, therefore, feels that changes in the zoning ordinance are needed, are called for, and are in the best interest of the public at large, the citizens of the City of Justin, Texas and help promote the general health, safety, and welfare of this community; and

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

WHEREAS, the Town Council has determined that it is in the best interest of the health, safety, and welfare of the public to adopt this Ordinance.

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

Section 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

Section 2. That Section 52-201 through 52-212 of the Zoning Ordinance is hereby amended in its entirety and replaced with the attached Exhibit “A”.

Section 3. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars ($2,000.00) for each offense and a separate offense shall be deemed committed each day during or on which an offense occurs or continues.

Section 4. If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or
unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 5. The fact that the present ordinances and regulations of the City of Justin, Texas are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the City of Justin, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this ordinance shall become effective from and after the date of its passage, and it is accordingly so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JUSTIN, TEXAS on this the ________ day of ______________, 2018.

DULY PASSED by the City Council of the City of Justin, Texas, on the ________ day of ___________________________ 2018.

APPROVED:

___________________________________
David Wilson, Mayor

ATTEST:

___________________________________
Brittany Andrews, City Secretary

APPROVED AS TO FORM:

___________________________________
City Attorney

ORD. NO. ________
Exhibit A

Section 52-201 - LANDSCAPE AND BUFFER REQUIREMENTS

A. Purpose and Intent

The purpose of this section is to provide minimum requirements for landscape and maintenance in newly developed and redeveloped properties, in accord with the goals and objectives of the City of Justin Comprehensive Plan. The intent of these requirements is to accomplish the following:

1. Protect and promote the value and positive image of property, and enhance the general welfare and physical appearance of the City;
2. Promote the healthy growth and maintenance of native and adapted trees and vegetation to aid in environmental and ecological protections, including air purification, temperature moderation, oxygen regeneration, groundwater recharge, stormwater runoff management, and erosion control;
3. Provide for landscape elements that are well-integrated into both public and private properties, serving to harmonize the appearance of streets, parking areas, buildings, and open space;
4. Provide buffering of properties from adjacent roadways, particularly where low-density residential development is adjacent to non-residential development, or where any development or open space is adjacent to a thoroughfare or heavily trafficked perimeter street;
5. Provide for the separation, screening, or buffering of incongruous or incompatible land-uses and intensity of activities, particularly between low-density residential and non-residential development, roadways, thoroughfares, or heavily trafficked perimeter streets;
6. Reduce the negative effects of noise, dust, and reflected glare from paved surfaces; and
7. Reduce light pollution and spillover to adjacent properties, the public right-of-way, and the night sky.

B. Applicability

The requirements of this Section shall apply to all new construction and all redevelopment that results in the replacement or expansion of more than 30% of the principal permitted use or structure. Buildings in existence on the effective date of this ordinance shall be considered legally nonconforming. Pad-site developments or ground-lease developments shall meet the landscape and buffer requirements of Sections D & E.

Additionally, any use requiring a PD zoning designation must comply with these landscape standards unless special provisions are included in the ordinance establishing the PD district.

The City Code Enforcement office or its designee shall administer and enforce the provisions of this Section.

C. Definitions

Refer to Section 1 for all definitions applicable to this section.

D. Landscape Buffers

A landscape buffer yard shall provide visual separation of differing land uses, or between a land use and a public road, to reduce or eliminate the potential nuisance effects of noise, glare, signs, dust, litter, and unsightly areas or functions. Buffer yards without established grass or ground
cover shall be seeded with grass or planted with ground cover, to ensure coverage within three years. The standards of this section provide for increases in the width and the opacity of the landscape buffer required per Section B.

1. Activities Exempt from Buffer Yard Requirements
   a. Residential uses adjoining residential uses within any residential zoning district;
   b. Non-residential uses adjoining non-residential uses of the same zoning classification;
   c. Agricultural uses;
   d. Any use, building, or structure for which only a change of use is requested, and which does not increase the existing building area.

2. Buffer Yard Location
   a. A buffer yard shall be located within and along the outer perimeter of a lot or boundary line.
   b. Buffer yard canopy trees shall not be planted within a water or sanitary sewer easement.
   c. A buffer yard may overlap a drainage easement if plantings do not impede the flow of water within the easement.
   d. A buffer yard shall not be located on any portion of an existing or dedicated public street or right-of-way.

2. Buffer Yard Requirements
   a. |Table 12-1| defines the buffer yard requirements. Required plant materials shall apply to a single buffer yard (i.e. corner lots shall provide two buffer yards, and may not apply plantings for one buffer yard toward the requirements for the second yard).
   b. Existing Tree Credit: An existing, mature canopy tree located within twenty (20) feet of the property line, with a minimum of 25 percent of its radial drip line falling within a required buffer yard area, shall be granted credit toward reducing the required tree plantings as shown in |Table 12-2|.
   c. |Tables 12-3 and 12-4| determine the type of buffer yard required between two adjacent parcels, or between a parcel and a roadway.
Table 12-1: BUFFER YARD REQUIREMENTS (PER 100 LINEAR FEET)

<table>
<thead>
<tr>
<th>Buffer Yard 'A'</th>
<th>5-foot min. width</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Min. 1 canopy tree</td>
</tr>
<tr>
<td></td>
<td>Min. 2 understory trees</td>
</tr>
<tr>
<td></td>
<td>Min. 8 screening shrubs</td>
</tr>
<tr>
<td></td>
<td>No fence or berm required</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Buffer Yard 'B'</th>
<th>10-foot min. width</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Min. 2 canopy trees</td>
</tr>
<tr>
<td></td>
<td>Min. 3 understory trees</td>
</tr>
<tr>
<td></td>
<td>Min. 10 screening shrubs</td>
</tr>
<tr>
<td></td>
<td>No fence or berm required</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Buffer Yard 'C'</th>
<th>10-foot min. width</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Min. 3 canopy trees</td>
</tr>
<tr>
<td></td>
<td>Min. 4 understory trees</td>
</tr>
<tr>
<td></td>
<td>Min. 12 screening shrubs</td>
</tr>
<tr>
<td></td>
<td>No fence or berm required</td>
</tr>
<tr>
<td>Buffer Yard 'D'</td>
<td>![Diagram of Buffer Yard 'D']</td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>• 15-foot min. width</td>
<td></td>
</tr>
<tr>
<td>• Min. 3 canopy trees</td>
<td></td>
</tr>
<tr>
<td>• Min. 4 understory trees</td>
<td></td>
</tr>
<tr>
<td>• Min. 18 screening shrubs</td>
<td></td>
</tr>
<tr>
<td>• No fence or berm required</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Buffer Yard 'E'</th>
<th>![Diagram of Buffer Yard 'E']</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 20-foot min. width</td>
<td></td>
</tr>
<tr>
<td>• Min. 4 canopy trees</td>
<td></td>
</tr>
<tr>
<td>• Min. 4 understory trees</td>
<td></td>
</tr>
<tr>
<td>• Min. 10 screening shrubs</td>
<td></td>
</tr>
<tr>
<td>• Min. 3-ft high berm required, with max. slope of 3:1</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Buffer Yard 'F1'</th>
<th>![Diagram of Buffer Yard 'F1']</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 15-foot min. width</td>
<td></td>
</tr>
<tr>
<td>• Min. 3 canopy trees</td>
<td></td>
</tr>
<tr>
<td>• Min. 6 understory trees</td>
<td></td>
</tr>
<tr>
<td>• Min. 10 screening shrubs</td>
<td></td>
</tr>
</tbody>
</table>
| • 6-ft high fence required, see Item 3 for required structures, this section. | }
Buffer Yard ‘F2’
- 20-foot min. width
- Min. 4 canopy trees
- Min. 4 understory trees
- Min. 12 screening shrubs
- 6-ft high fence required, see Item 3 for required structures, this section.

Table 12-2: EXISTING TREE CREDITS

<table>
<thead>
<tr>
<th>Diameter of Existing Canopy Tree</th>
<th>Tree Planting Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>From 2” to 6”</td>
<td>One (1) canopy tree OR two (2)</td>
</tr>
<tr>
<td></td>
<td>understory trees</td>
</tr>
<tr>
<td>Up to 12”</td>
<td>Two (2) canopy trees OR three (3)</td>
</tr>
<tr>
<td></td>
<td>understory trees</td>
</tr>
<tr>
<td>Up to 24”</td>
<td>Three (3) canopy trees OR four (4)</td>
</tr>
<tr>
<td></td>
<td>understory trees</td>
</tr>
<tr>
<td>Greater than 24”</td>
<td>Four (4) canopy trees OR four (4)</td>
</tr>
<tr>
<td></td>
<td>understory trees</td>
</tr>
</tbody>
</table>
Table 12-3: ZONING ADJACENCY REQUIREMENT MATRIX

<table>
<thead>
<tr>
<th>Development Zoning</th>
<th>Adjacent Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>SF-LL, SF-1, SF-1A, SF-2, 2F</td>
<td>MF</td>
</tr>
<tr>
<td>SF-OT</td>
<td>*</td>
</tr>
<tr>
<td>SF-LL, SF-1, SF-1A, SF-2, 2F</td>
<td>*</td>
</tr>
<tr>
<td>MF</td>
<td>F1</td>
</tr>
<tr>
<td>LR, GB</td>
<td>F2</td>
</tr>
<tr>
<td>LI</td>
<td>F2</td>
</tr>
<tr>
<td>MH</td>
<td>F2</td>
</tr>
</tbody>
</table>

* No buffer yard required

(Ord. No. 246-A, 3-24-97; Ord. No. 338, § 1, 1-14-02)
Table 12-4: STREET FRONTAGE REQUIREMENTS

<table>
<thead>
<tr>
<th>Zoning of Developing Tract</th>
<th>Frontage On State Highway</th>
<th>Frontage on Thoroughfares, Collectors</th>
<th>Frontage on Residential Street</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Across From Commercial/Industrial</td>
<td>Across From Residential</td>
<td></td>
</tr>
<tr>
<td>SF-LL, SF-1, SF-1A, SF-2</td>
<td>B</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>SF-OT</td>
<td>B</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>2F, MF</td>
<td>C</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>LR, GB</td>
<td>E</td>
<td>E</td>
<td>E</td>
</tr>
<tr>
<td>LI</td>
<td>D</td>
<td>E</td>
<td>E</td>
</tr>
<tr>
<td>MH</td>
<td>C</td>
<td>B</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* No buffer yard required</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Ord. No. 338, § 1, 1-14-02)

3. Required Structures

A. Whenever a wall or fence is required within a buffer yard, it shall be six feet (6') in height and constructed in accordance with specifications set forth in the City's Design Standards. An "F1" fence shall be a wooden fence, and may be built in either a split-rail, picket, board-on-board, shadow-box, or stockade style. An "F2" fence shall be of masonry construction, and may incorporate decorative capped columns. If there is a difference in finish level between the two sides of the fence, the less finished side shall face the more intense land use.

B. A screening wall and a minimum five-foot buffer yard is required when the rear or side yards of a residential subdivision abut a thoroughfare, collector, or local street. The screening wall and landscaping shall be located in a five-foot screening wall easement with the wall located between the landscaping and the residential lots.

C. Whenever a berm is required in a buffer yard, it shall be a minimum of three feet in height and constructed in accordance with the specifications set forth in the City's Design Standards. Berms shall have side slopes no steeper than 3:1. Wherever possible, berms shall be curvilinear rather than straight. Berms are not required to be continuous and are preferred to be broken periodically, but must cover a minimum of 75 percent of the length of the property line to be buffered.

D. A hedge of evergreen shrubs obtaining a mature height greater than three feet may be approved to substitute for a berm. Any approved hedge shrubs must be a minimum of two (2) feet in height at the time of planting, and spaced on minimum 24-inch centers.
### Required Structures

<table>
<thead>
<tr>
<th>Fence/Berm Type</th>
<th>Graphic Depiction</th>
<th>Notes</th>
</tr>
</thead>
</table>
| F1              | ![Wood Stockade Fence](image1) | Finished side to face the less intense use  
Six feet (6') minimum height |
| F2              | ![Masonry wall](image2) | Poured concrete, brick, etc.  
Concrete block or harlitz block allowed with  
ornamental/textured face towards less intensive use  
Six feet (6') minimum height |
| B1              | ![Earthen berm](image3) | Three feet (3') minimum height  
Curved layout  
Covers 75% of total length  
Shrubs in a hedge may substitute for berm |

ORD. NO. ________
4. Optional Buffer yards

The applicant may choose to provide a more intense buffer yard than required, in order to reduce the number of plantings, according to the following:

<table>
<thead>
<tr>
<th>Buffer yard Required</th>
<th>Optional Buffer yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>B, C, D, E</td>
</tr>
<tr>
<td>B</td>
<td>C, D, F1</td>
</tr>
<tr>
<td>C</td>
<td>D, F1</td>
</tr>
<tr>
<td>D</td>
<td>F1</td>
</tr>
<tr>
<td>E</td>
<td>B, C, D</td>
</tr>
<tr>
<td>F1</td>
<td>F2</td>
</tr>
<tr>
<td>F2</td>
<td>none</td>
</tr>
</tbody>
</table>

5. Uses of Buffer yards: A buffer yard may be used for passive recreation, such as pedestrian, bike or equestrian trails, provided that (a) no plant material is eliminated, (b) the total width of the buffer yard is maintained, and all other requirements of this section are met. Buffer yards may not be used for play fields, stables, swimming pools, tennis courts, accessory buildings, parking facilities or trash dumpster locations.

E. Non-residential Interior Landscaping Requirements

1. Interior Landscaping Requirements: The amount of landscape area required on the interior of the lot (excluding buffer yards) shall be based on the square footage of the building footprint of the proposed building.

For single-story anchor tenants having more than twenty thousand square feet of floor area, the building square footage shall be the front width of the building multiplied by a depth of sixty feet.

The required landscape area for the zoning districts listed below shall be ten percent of the floor area.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Percent of Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>MF, LR, GB, LI</td>
<td>10 %</td>
</tr>
</tbody>
</table>

a. Planting Requirements: The following plants shall be required within the interior landscaped area:

1. One Canopy Tree per 600 square feet.
2. One Understory Tree per 300 square feet.
3. One shrub per 60 square feet.
4. Ground Cover – ten percent of required area.

b. Location requirements: A minimum of seventy-five percent of all required plant materials within the interior landscape area shall be in the front or along either side of the building between the building and the interior edge of the buffer yards.
c. Enhanced Pavement Credits: For every one square foot of enhanced pavement area, the required interior landscape area may be reduced by one-half square foot. The maximum credit given for enhanced pavement area shall be ten percent of the required interior landscape area.

d. Right-of-way Landscaping Credits: The required interior landscape area may be reduced by a maximum of ten percent when the applicant chooses to establish, irrigate, and maintain turfgrass within the parkway along the front of their property. The percent credit given will be prorated based on the portion of the parkway irrigated (i.e., fifty percent parkway irrigated provides five percent credit).

F. Residential Landscaping Requirements:
1. Minimum landscaping requirements within new single-family and two-family (2F) developments:
   a. Vegetation requirements. Trees shall be planted to meet the total number of caliper inches referenced in the table below. Required Canopy (Shade) trees shall not be smaller than three (3) caliper inches; required Understory (Ornamental) trees shall not be smaller than two (2) caliper inches in size. A minimum of one (1) large and one (1) small tree shall be located in the front yard of all residential lots. The remaining required trees may be placed in the front or rear of the residential lot.

<table>
<thead>
<tr>
<th>Size of lot (sq. ft.)</th>
<th>Caliper Inches</th>
<th>Number of Shrubs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 6,999</td>
<td>5</td>
<td>12</td>
</tr>
<tr>
<td>7,000–8,999</td>
<td>8</td>
<td>15</td>
</tr>
<tr>
<td>9,000–19,999</td>
<td>11</td>
<td>20</td>
</tr>
<tr>
<td>20,000+</td>
<td>14</td>
<td>25</td>
</tr>
</tbody>
</table>

   b. Location of trees.
      i. No trees are to be planted within the parkway, the area between the back of curb and the right-of-way/property line.
      ii. Trees are to be placed in a location that does not interfere with overhead and/or underground utility easements.
      iii. Trees are to be spaced so that at mature growth their canopies do not interfere with one another.

   c. Measurement.
      i. Trees with a single trunk shall be measured at 12 inches above the natural ground level.
      ii. If the trunk splits into multiple trunks below the 6-inch level, then the multiple trunk trees are measured by the following formula.
         (A) Measure largest trunk circumference at 12 inches above the natural ground level.
         (B) Remaining trunks, measure circumference at 12 inches above the natural ground level and divided by two.
         (C) Add subsections (A) and (B) for total circumference, divide total by 3.14 to get caliper.

   d. Additional vegetation requirements.
i. Required shrubs shall be a minimum of three (3) gallon in size when planted and shall be planted in the front yard of all residential lots. Shrubs may be substituted with small trees when planted in the front yard.

ii. Solid vegetative ground cover or lawn for the entirety of the lot that is not otherwise covered by mulched planter beds, building(s) and/or driveway area(s).

iii. All landscaping required above shall be planted prior to issuance of the certificate of occupancy on the dwelling(s).

**E.G. Parking Lot Landscaping Requirements**

Planters islands shall be provided in parking areas based on \[ \text{ten to twenty} \ (20) \] square feet of landscape area for each parking stall provided (approximately one island per \[ \text{eight stalls} \]. Each row of parking stalls shall provide the required landscape area, however it shall be the applicant's right to place the islands near the building, throughout the parking or at the end of the rows away from the building. The City Manager or designee may modify the island requirement for each row in situations where it would be beneficial to combine islands into a larger island. Planter islands shall have a minimum width of 8 feet back to back, if curbed, or 9 feet edge to edge, if no curb is provided. Parking lot landscaping does not count toward the total required interior landscape area.

1. **Existing Trees:** The City Manager or designee may approve variations to the planter island requirements to preserve existing trees in interior parking areas. For existing trees, the minimum width of the planter island shall be as follows:

<table>
<thead>
<tr>
<th>Caliper Width</th>
<th>Minimum Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>6&quot; caliper or less</td>
<td>8' minimum width</td>
</tr>
<tr>
<td>6&quot; to 12&quot; caliper</td>
<td>12' minimum width</td>
</tr>
<tr>
<td>more than 12&quot; caliper</td>
<td>18' minimum width</td>
</tr>
</tbody>
</table>

2. **Planting Requirements:** A minimum of 50 percent of all planter islands in parking areas shall contain a minimum of one canopy tree with the remaining area in shrubs, ground cover, grasses, or seasonal color. Planter islands that have light poles may substitute two understory/accents trees for the required canopy tree.

**E.H. Plant Materials**

1. The City reserves the right to approve proposed planting plans through an appointed horticulturist, landscape architect, or other persons so qualified. Table 12-5 indicates plant species that are prohibited, due to their invasive or noxious characteristics.

2. All plant material shall be of No. 1 grade, free from plant disease, of typical growth for the species, have a healthy, normal root system, rounded branching pattern, and shall conform to the code of standards set forth in the current edition of the American Standard for Nursery Stock.

3. **Recommended Trees:** A list of recommended plants within each plant material type is included in Tables 12-6 and 12-7. The applicant may propose plants other than those listed if the plant is appropriate for the intended use or the applicant maintains a plant care program sufficient to properly care for the proposed plant material. Plant materials shall be appropriate for the region and local soil conditions and shall be planted in accordance with good horticultural practice. Plants selected should require only low maintenance and should be temperature and drought tolerant.

4. **Size Requirements when Planted:** All plants shall equal or exceed the following measurements when planted. Plants larger than specified may be used, but use of such plants shall not decrease the size requirements of other proposed plants.
a. Tree measurement: Canopy and understory trees with single trunks shall be measured by caliper size one foot (1') above the ground line. Multi-trunk trees shall be measured by the height of the tree.

b. Minimum sizes: The minimum plant size when planted shall be as follows:

<table>
<thead>
<tr>
<th>Plant Material Type</th>
<th>Minimum Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-trunk shade tree</td>
<td>1½” caliper, 10’-12’ height, ball-and-burlap.</td>
</tr>
<tr>
<td>Single-trunk understory tree</td>
<td>2” caliper, 6’-8’ height</td>
</tr>
<tr>
<td>Multi-trunk understory tree</td>
<td>2” caliper (largest stem), 6’-8’ height</td>
</tr>
<tr>
<td>Shrub</td>
<td>3-gallon container, 12-inch height</td>
</tr>
<tr>
<td>Ornamental grasses</td>
<td>3-gallon container, 18-inch height</td>
</tr>
<tr>
<td>Groundcover</td>
<td>4 inch containers</td>
</tr>
</tbody>
</table>
### Table 12-5: PROHIBITED PLANTS

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bamboo</td>
<td>Phyllostachys aurea; Bambusa spp.</td>
</tr>
<tr>
<td>Cat's Claw Vine</td>
<td>Macfadyena unguis-cati</td>
</tr>
<tr>
<td>Cattail</td>
<td>Typha spp.</td>
</tr>
<tr>
<td>Chinaberry</td>
<td>Melia azedarach</td>
</tr>
<tr>
<td>Chinese Parasol Tree</td>
<td>Firmiana simplex</td>
</tr>
<tr>
<td>Chinese Pistache</td>
<td>Pistacia chinensis</td>
</tr>
<tr>
<td>Chinese Tallow</td>
<td>Sapium sebiferum</td>
</tr>
<tr>
<td>English Ivy</td>
<td>Hedera helix</td>
</tr>
<tr>
<td>Giant Cane; Giant Reed</td>
<td>Arundo donax</td>
</tr>
<tr>
<td>Japanese Honeysuckle</td>
<td>Lonicera japonica</td>
</tr>
<tr>
<td>Jimsonweed</td>
<td>Datura stramonium</td>
</tr>
<tr>
<td>Jujube</td>
<td>Ziziphus zizyphus</td>
</tr>
<tr>
<td>Kudzu</td>
<td>Pueraria lobata</td>
</tr>
<tr>
<td>Ligustrum, Japanese</td>
<td>Ligustrum, lucidum</td>
</tr>
<tr>
<td>Ligustrum, Wax Leaf</td>
<td>Ligustrum japonicum</td>
</tr>
<tr>
<td>Mimosa (non-native)</td>
<td>Albizzia julibrissin</td>
</tr>
<tr>
<td>Mulberry, Paper</td>
<td>Broussonetia papyrifera</td>
</tr>
<tr>
<td>Mulberry, White</td>
<td>Morus alba</td>
</tr>
<tr>
<td>Nandina (fruiting varieties)</td>
<td>Nandina spp.</td>
</tr>
<tr>
<td>Oleander</td>
<td>Nerium oleander</td>
</tr>
<tr>
<td>Pampas Grass</td>
<td>Cortaderenia selloana</td>
</tr>
<tr>
<td>Princess Tree; Empress Tree</td>
<td>Paulownia tomentosa</td>
</tr>
<tr>
<td>Pines, non-native</td>
<td>Pinus elliottii; P. eldarica; P. virginiana</td>
</tr>
<tr>
<td>Photinia, Chinese</td>
<td>Photinia spp.</td>
</tr>
<tr>
<td>Privet, Common</td>
<td>Ligustrum sinense, Ligustrum vulgare (and others)</td>
</tr>
<tr>
<td>Pyracantha</td>
<td>Pyracantha spp.</td>
</tr>
<tr>
<td>Russian Olive</td>
<td>Elaegnus angustifolia</td>
</tr>
<tr>
<td>Tamarisk. Salt Cedar</td>
<td>Tamarix spp.</td>
</tr>
<tr>
<td>Tree of Heaven</td>
<td>Ailanthus altissima</td>
</tr>
<tr>
<td>Vinca, Periwinkle</td>
<td>Vinca major &amp; V. minor</td>
</tr>
<tr>
<td>Vitex, Lilac Tree; Chaste Tree</td>
<td>Vitex agnus-castus</td>
</tr>
<tr>
<td>Wisteria, Chinese</td>
<td>Wisteria sinensis (and others)</td>
</tr>
</tbody>
</table>

### Table 12-6: RECOMMENDED TREES
## CANOPY (SHADE) TREES – HARDINESS ZONE 8

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ash, Texas</td>
<td>Fraxinus texensis</td>
<td>Y</td>
<td>30'</td>
<td>40-50'</td>
<td>Sun</td>
<td>VL</td>
<td>Decid.</td>
<td></td>
</tr>
<tr>
<td>Cherry, Escarpment Black</td>
<td>Prunus serotina var. eximia</td>
<td>Y</td>
<td>25-50'</td>
<td>25-35'</td>
<td>Sun/part shade</td>
<td>L</td>
<td>Decid.</td>
<td></td>
</tr>
<tr>
<td>Cypress, Arizona</td>
<td>Cupressus arizonica</td>
<td>Y</td>
<td>20-50'</td>
<td>15-25'</td>
<td>Sun</td>
<td>L</td>
<td>Everg.</td>
<td></td>
</tr>
<tr>
<td>Elm, American</td>
<td>Ulmus americana</td>
<td>Y</td>
<td>70-90'</td>
<td>50-90'</td>
<td>Sun/part shade</td>
<td>M</td>
<td>Decid.</td>
<td></td>
</tr>
<tr>
<td>Elm, Cedar</td>
<td>Ulmus crassifolia</td>
<td>Y</td>
<td>25-60'</td>
<td>25-35'</td>
<td>Sun/part shade</td>
<td>L</td>
<td>Decid.</td>
<td></td>
</tr>
<tr>
<td>Elm, Lacebark</td>
<td>Ulmus parvifolia</td>
<td>Y</td>
<td>40-60'</td>
<td>30-40'</td>
<td>Sun</td>
<td>M</td>
<td>Decid.</td>
<td></td>
</tr>
<tr>
<td>Locust, Honey (thornless)</td>
<td>Gleditsia triacanthos inermis</td>
<td>Y</td>
<td>30-50'</td>
<td>25-35'</td>
<td>Sun/part shade</td>
<td>Decid.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maple, Big Tooth</td>
<td>Acer grandidentatum</td>
<td>Y</td>
<td>40-50'</td>
<td>20-30'</td>
<td>Sun/part shade</td>
<td>VL</td>
<td>Decid.</td>
<td></td>
</tr>
<tr>
<td>Mesquite, Honey</td>
<td>Prosopis glandulosa</td>
<td>Y</td>
<td>Y</td>
<td>25-30'</td>
<td>Sun</td>
<td>VL</td>
<td>Decid.</td>
<td>yes</td>
</tr>
<tr>
<td>Oak, Bur</td>
<td>Quercus macrocarpa</td>
<td>Y</td>
<td>50-75'</td>
<td>50’+</td>
<td>Sun</td>
<td>VL</td>
<td>Decid.</td>
<td></td>
</tr>
<tr>
<td>Oak, Chinquapin</td>
<td>Quercus muehlenbergii</td>
<td>Y</td>
<td>30-60’</td>
<td>30-40’</td>
<td>Sun</td>
<td>M</td>
<td>Decid.</td>
<td></td>
</tr>
<tr>
<td>Oak, Lacey</td>
<td>Quercus laceyi</td>
<td>Y</td>
<td>20-35’</td>
<td>25’</td>
<td>Sun</td>
<td>VL</td>
<td>Decid.</td>
<td></td>
</tr>
<tr>
<td>Oak, Monterey (Mex. White)</td>
<td>Quercus polymorpha</td>
<td>Y</td>
<td>40-60’</td>
<td>30-40’</td>
<td>Sun</td>
<td>VL</td>
<td>Everg.</td>
<td></td>
</tr>
<tr>
<td>Oak, Escarpment Live*</td>
<td>Quercus fusiformis</td>
<td>Y</td>
<td>20-40’</td>
<td>50’+</td>
<td>Sun</td>
<td>L-VL</td>
<td>Everg.</td>
<td></td>
</tr>
<tr>
<td>Oak, Shumard Red*</td>
<td>Quercus shumardii</td>
<td>Y</td>
<td>30-50’</td>
<td>30-50’</td>
<td>Sun</td>
<td>L</td>
<td>Decid.</td>
<td></td>
</tr>
<tr>
<td>Oak, Southern Live*</td>
<td>Quercus virginiana</td>
<td>Y</td>
<td>30-50’</td>
<td>50’+</td>
<td>Sun</td>
<td>L-VL</td>
<td>Everg.</td>
<td></td>
</tr>
<tr>
<td>Oak, Texas Red*</td>
<td>Quercus texana</td>
<td>Y</td>
<td>15-30’</td>
<td>15-30’</td>
<td>Sun</td>
<td>L</td>
<td>Decid.</td>
<td></td>
</tr>
<tr>
<td>Oak, Post</td>
<td>Quercus stellata</td>
<td>Y</td>
<td>30-50’</td>
<td>60-80’</td>
<td>Sun/part shade</td>
<td>M</td>
<td>Decid.</td>
<td></td>
</tr>
<tr>
<td>Pecan</td>
<td>Carya illinoiensis</td>
<td>Y</td>
<td>60-90’</td>
<td>60-75’</td>
<td>Sun</td>
<td>M</td>
<td>Decid.</td>
<td></td>
</tr>
<tr>
<td>Pine, Italian Stone</td>
<td>Pinus pinea</td>
<td>Y</td>
<td>35-60’</td>
<td>20-40’</td>
<td>Sun</td>
<td>L</td>
<td>Everg.</td>
<td></td>
</tr>
<tr>
<td>Sycamore, Mexican</td>
<td>Platanus mexicana</td>
<td>Y</td>
<td>30-50’</td>
<td>40’</td>
<td>Sun/part shade</td>
<td>M-L</td>
<td>Decid.</td>
<td></td>
</tr>
<tr>
<td>Walnut, Texas Little</td>
<td>Juglans microcarpa</td>
<td>Y</td>
<td>18-20’</td>
<td>20’</td>
<td>Sun/part shade</td>
<td>M</td>
<td>Decid.</td>
<td></td>
</tr>
</tbody>
</table>

* May not be used in Oak Wilt prone area.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Buckeye, Mexican</td>
<td>Ungnadia speciosa</td>
<td>E</td>
<td>8-15'</td>
<td>12-20'</td>
<td>Sun/part shade</td>
<td>L</td>
<td>Decid.</td>
<td>yes</td>
<td></td>
</tr>
<tr>
<td>Cherry Laurel</td>
<td>Prunus caroliniana</td>
<td>T</td>
<td>15-20'</td>
<td>12-15'</td>
<td>Sun/part shade</td>
<td>M</td>
<td>Everg.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chitalpa</td>
<td>Chitalpa tashkentensis</td>
<td>25-30'</td>
<td>15-20'</td>
<td></td>
<td>Sun/part shade</td>
<td>L</td>
<td>Decid.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crapemyrtle</td>
<td>Lagerstroemia indica</td>
<td>4-30'</td>
<td>10-20'</td>
<td></td>
<td>Sun</td>
<td>L-M</td>
<td>Decid.</td>
<td>yes</td>
<td></td>
</tr>
<tr>
<td>Desert Willow</td>
<td>Chilopsis linearis</td>
<td>E</td>
<td>10-25'</td>
<td>15-20'</td>
<td>Sun/part shade</td>
<td>VL</td>
<td>Decid.</td>
<td>yes</td>
<td></td>
</tr>
<tr>
<td>Eve's Necklace</td>
<td>Sophora affinis</td>
<td>E</td>
<td>10-20'</td>
<td>15-20'</td>
<td>Sun/part shade</td>
<td>L</td>
<td>Decid.</td>
<td>yes</td>
<td></td>
</tr>
<tr>
<td>Holly, Yaupon</td>
<td>Ilex decidua</td>
<td>B/E</td>
<td>12-15'</td>
<td>12'</td>
<td>Sun/part shade</td>
<td>L-M</td>
<td>Decid.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Mountain Laurel, Texas</td>
<td>Sophora secundiflora</td>
<td>E</td>
<td>10-20'</td>
<td>8-12'</td>
<td>Sun/part shade</td>
<td>L</td>
<td>Everg.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Olive, Mexican</td>
<td>Cordia boissieri</td>
<td>T</td>
<td>10-15'</td>
<td>15'</td>
<td>Sun/part shade</td>
<td>VL</td>
<td>Everg.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Persimmon, Texas</td>
<td>Diospyros texana</td>
<td>E</td>
<td>8-15'</td>
<td>8-12'</td>
<td>Sun/part shade</td>
<td>VL</td>
<td>Decid.</td>
<td>yes</td>
<td></td>
</tr>
<tr>
<td>Pistache, Texas</td>
<td>Pistacia texana</td>
<td>E</td>
<td>10-30'</td>
<td>30-45'</td>
<td>Sun/part shade</td>
<td>VL</td>
<td>Everg.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plum, Mexican</td>
<td>Prunus mexicana</td>
<td>B/E</td>
<td>15-25'</td>
<td>15-20'</td>
<td>Sun/part shade</td>
<td>L</td>
<td>Decid.</td>
<td>yes</td>
<td></td>
</tr>
<tr>
<td>Redbud, Mexican</td>
<td>Cercis canadensis var. mexicana</td>
<td>E</td>
<td>15-30'</td>
<td>12-15'</td>
<td>Sun/part shade</td>
<td>VL</td>
<td>Decid.</td>
<td>yes</td>
<td></td>
</tr>
<tr>
<td>Redbud, Texas</td>
<td>Cercis canadensis var. texensis</td>
<td>T</td>
<td>15-30'</td>
<td>12-15'</td>
<td>Sun/part shade</td>
<td>L</td>
<td>Decid.</td>
<td>yes</td>
<td></td>
</tr>
<tr>
<td>Retama Palo Verde</td>
<td>Parkinsonia aculea</td>
<td>T</td>
<td>12-20'</td>
<td>12-20'</td>
<td>Part shade/ sun</td>
<td>VL</td>
<td>Decid.</td>
<td></td>
<td></td>
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<td>Rhus lanceolata</td>
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<td>15-20'</td>
<td>Sun/part shade</td>
<td>L</td>
<td>Decid.</td>
<td></td>
<td></td>
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<tr>
<td>Vitex, Chaste Tree</td>
<td>Vitex agnus-castus</td>
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<td>8-12'</td>
<td></td>
<td>Sun</td>
<td>L</td>
<td>Decid.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Wax Myrtle</td>
<td>Myrica cerifera</td>
<td>B</td>
<td>10-15'</td>
<td>6-15'</td>
<td>Sun/part shade</td>
<td>M</td>
<td>Everg.</td>
<td>yes</td>
<td></td>
</tr>
</tbody>
</table>

**G.I. Median Landscaping**

Landscaping improvements shall be installed within the medians of all proposed, planned, or divided roadways within the city limits as shown on the city master thoroughfare plan. Frontage is wherever a property abuts the right-of-way of the divided thoroughfare, and separate frontages exist on each side of the thoroughfare.

1. **Applicability.** Only developments or subdivisions abutting or adjacent to a divided roadway, as defined in the master thoroughfare plan, shall be subject to this section.

2. **Developer obligation.** The subdivider or developer shall be fully responsible for the construction and installation of the required landscaping and maintenance of the improvements for a period of one year. During the first year following installation, the subdivider or developer shall replace any tree, shrub, sod, groundcover or hardscape in substandard condition. Following the first year, the director of engineering and public works shall inspect the installation and determine what, if any, plant materials and/or hardscape must be replaced prior to the city taking over maintenance.

3. **Installation or deferment.** In the event that the director of engineering and public works, in his sole discretion, determines that the installation of improvements at any given time period is impractical due to further road construction or other factors, the subdivider or developer shall pay a fee-in-lieu into an escrow account for future median landscaping and/or maintenance. This fee-in-lieu of installation is collected once from each frontage and described more fully in subsection (8).
4. **City participation.** At the discretion of the director of engineering and public works, the subdivider may install landscaping across the full width of the median, and be reimbursed by the city for the landscaping provided for the second frontage at the per linear foot of frontage rate or the actual cost of the improvements, whichever is less, if funds are available.

5. **Plan design burden/escrowed cost.** In the case where undeveloped land exists on both sides of a divided public street, the first to develop shall carry the burden of submitting plans for landscaping, hardscape and irrigation of the median, along with escrowing the fee-in-lieu, as described in subsection (8). At the discretion of the director of engineering and public works, the city or county may contribute to this escrow account in order to facilitate the implementation of the landscape plan.

6. **Installation burden.** Should the city decline to assume responsibility of planting the median in question, the second to develop will utilize the approved plans (or modify the approved plans with city approval) and shall be responsible for the purchase and installation of the median improvements, using the escrowed account from the first developer and shall contribute an equal amount to the overall cost of the median landscaping. In the event that the original escrow amount has fallen short of current material and/or installation costs, the city will make up the difference in cost or the plans shall be modified to be installed within the cost allotted. Any surplus funds shall be placed in the city's landscape maintenance account.

7. **Minimum requirements for median landscaping:**
   a. All trees and plant materials shall be chosen from the city’s approved plant list;
   b. One ornamental tree per thirty (30) linear feet of median. Ornamental trees shall be a minimum two-inch (2") caliper and eight feet (8') in height at time of planting and shall be used primarily as accent trees near the median nose and dispersed within the canopy trees;
   c. One canopy tree per thirty (30) linear feet of median, with a minimum of four-inch (4") caliper trunk, and a well-formed canopy that is typical of the species. Canopy trees shall be planted no closer than thirty (30) feet from streetlights located in the median, no closer than twenty (20) feet to an intersection, and no closer than fifteen (15) feet from any overhead electrical line;
   d. Ornamental and canopy trees need not be evenly spaced and may be clustered for a more pleasing aesthetic effect;
   e. When the nose of a median is tapered to five (5) feet or less, that portion of the median shall be paved with bricks placed to align with the top of curb;
   f. A minimum of twenty percent (20%) of the landscaped area shall be planted in evergreen shrubs, ground cover and/or native grasses;
   g. Planting beds shall be separated from turf grass using 14-gauge steel edging to define ground cover beds and reduce weed incursion;
   h. Irrigation installation shall include bubblers or drip irrigation for all canopy and ornamental trees and irrigation to uniformly water the planting beds and shall be equipped with rain-freeze sensors.

8. **Landscape and installation plans.** Landscape and installation plans shall be subject to review and approval by the director of planning and development services and the director of engineering and public works. The location and placement of landscaping shall conform to the city street design standards and shall be placed to accommodate the ultimate number of traffic lanes, although shrubs, native grasses and ornamental trees may be placed in future traffic lanes if it is determined that these lanes will likely not be constructed in less than ten (10) years.

9. **Fee-in-lieu.** Should the director of engineering and public works, at his sole discretion, determine that the immediate installation of median landscaping is impractical; a fee-in-lieu of construction
shall be collected and placed in escrow at a rate of $25.00 per linear foot of median length for one-side frontage and $50.00 per linear foot of median length if the development is adjacent to both sides of the roadway. The fee-in-lieu shall be collected prior to plat filing. Said fees-in-lieu of installation shall be applied to construction, reconstruction, upgrading, and installation of median landscaping of divided roadways within the adjacent median landscape areas. Any fees not expended within ten years of collection shall be returned to the developer or subdivider who deposited the fees with the city.

10. Notwithstanding the provisions of subsection (8), hereinabove, the city shall not be required to return fees that have not been expended if roadway medians have not been constructed on divided roadways within the adjacent roadway benefit area thus preventing the purchasing, planting, growing and/or irrigation of the required standard median landscaping. The time period for the expenditure of fees escrowed with the city for the construction of median landscaping shall not begin to run until such time as the roadway medians have been constructed on such divided roadways, the roadway medians have been accepted by the city, and the roadway medians are ready for standard median landscaping.

**Landscape/Irrigation Plan Requirements**

1. Qualification to Prepare Plans: Landscape plans shall be prepared by a Registered Landscape Architect, a Landscape Designer, or Landscape Contractor, knowledgeable in plant materials and landscape design. Irrigation plans shall be prepared by a Licensed Irrigator or Landscape Architect.

2. Landscape Plan Requirements. The following items shall be provided on the required landscape plan:
   a. Sheet size 24" by 36", or as approved,
   b. Acceptable scale: 1"=10', 1"=20', 1"=40', or as approved.
   c. North arrow, graphic and written scale
   d. Appropriate title (i.e. "Landscape Plan")
   e. Title block, including street address, legal description, and date of preparation.
   f. Name and address of owner
   g. Name, address, and telephone number of person preparing plan.
   h. Property line shown with dimensions
   i. Existing utilities (water, sewer, storm drain, gas, electric, cable TV, etc.)
   j. Width and type of buffer yards labeled on all sides
   k. Location, caliper size and species of all existing trees 6" caliper or greater which are to be preserved,
   l. Location, quantity, size and species of all proposed plant materials.
   m. Maintenance Note
   n. Label type of any enhanced pavement proposed.
   o. Visibility triangles shown
   p. Seal and dated signature of Landscape Architect (if applicable)
   q. Plant list, and
   r. Any berms delineated with one-foot (1') contours

3. Irrigation Plan Requirements: The following items shall be provided on the required irrigation plan:
   a. Sheet size 24" by 36", or as approved
b. Acceptable scale: 1" = 10', 1"=20', 1"=40', or as approved (Must be at same scale as landscape plan)
c. North arrow, graphic and written scale
d. Appropriate title (i.e. "Irrigation Plan")
e. Title block including street address, legal description, and date of preparation.
f. Name and address of owner
g. Name, address, and telephone number of person preparing plan.
h. Property line with dimensions
i. Location of all existing trees 6" caliper or larger which are to be saved
j. All pipes labeled as to size
k. All sprinkler heads labeled as to type (key is acceptable)
l. Backflow prevention device labeled with type and size
m. Location of water meter and connection to water service
n. Any existing utilities (water, sewer, storm drain, gas, electric, cable TV, etc.)
o. Note indicating that installation must be inspected by the City of Justin
p. Maintenance Note indicated.
q. Seal and dated signature of professional who prepared plan.

**I. Maintenance**

1. General: The owner, tenant, and the agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping and irrigation. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds and other such material or plants not a part of the approved landscape plan, and all plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year.

2. Any broken or non-performing irrigation components shall be replaced or repaired to functioning condition by a licensed irrigator.

3. Plant Replacement: For one year after the date of issuance of the Certificate of Occupancy, the owner shall be responsible for replacing all plant materials that have died after installation, or that do not exhibit healthy foliage during the growing season of at 1/3 percent of the normal branching extent or pattern. Plant materials that die shall be replaced with plant material of similar variety and similar initial size. The Owner shall make such necessary replacements within 30 days of notification by the City.
City Council Meeting
February 26, 2018
Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item:

Title: Discuss auditor selection

Department: Finance, Admin

Contact: Josh Armstrong, and Cori Reaume

Recommendation: Move to approve the selection of Clifton Larson Allen to provide professional independent financial auditing services for the City of Justin and to allow the city manager to sign a contract with the firm.

Background: Mayor and Council asked staff to issue a RFP for independent financial auditing services. The city received 5 proposals from excellent firms including: Asefaw Accounting & Tax, Clifton Larson Allen, Hankins Eastup Deaton Tonn & Seay, Sutton Frost Cary, and Weaver.

Staff has read through the proposals and made a recommendation based on the following criteria: Cost, Completion Date, Municipal Experience, and Auditor Hours. We also included the estimated cost per hour.

Each firm has municipal experience; which staff believes is a priority. Some of the cities each firm represents will be provided at the bottom of this sheet. Completion time was another factor which staff feels is a major issue. Staff would prefer the audit to be completed by the end of March for reporting purposes, but given the unusual circumstances regarding two sets of books due to the changes in our accounting software, this is not possible.

Staff also took into consideration the amount of staff and numbers of hours each firm has stated will be used for the audit. After building the matrix and carefully reviewing each proposal, staff is recommending that you choose Clifton Larson Allen to be the city’s independent financial auditor.

Line Item: $20,000
Amount remaining in line item:
Expenditure Required: $30,050.00
Additional Required: 
Budget Amendment Needed: Yes

City Attorney Review:

Attachments:
(1) Audit Services Matrix
(2) Proposals (5)

Municipal Experience:

Clifton Larson Allen
City of New Braunfels
Fort Worth Housing Solutions
Presbyterian Night Shelter of Tarrant County

Sutton Frost Cary
City of Arlington
Northwest Dallas County Flood Control District
Tarrant County Homeless Coalition

Weaver
City of Allen
City of Benbrook
Town of Westlake

Hankins, Eastup, Deaton, Tonn, Seay
Town of Ponder
Town of Double Oak
City of Lake Dallas

Asefaw Accounting & Tax
City of Sane Fe
City of Orange
City of San Diego
City Council Meeting

February 26, 2018

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item: 4 (Workshop) 12 (Action)

Title: Energy Provider Contract

Department: Administration, Finance

Contact: Cori Reaume, Josh Armstrong

Recommendation:

Background:
The City’s energy contract for electricity expires in April 2018. We have reached out to several electric providers to determine if we can get a better rate for the next contract. We received rates from our current provider, Gexa Energy, and from Cavallo Energy Texas, as well as United Commercial Energy Partners, an energy broker representing several energy companies.

Due to the constant changes in the commodity markets, these prices will be subject to change by the time you will be asked to make a decision. We will bring updated pricing information to the February 26 meeting. The attachment shows the tentative pricing from each company at different lengths of time for each.

United Commercial Energy Partners is also providing additional components that I would also consider in conjunction with their rates from the energy providers they represent. The two additional components are the Swing component and the Add/Delete component.

Swing is a bandwidth limitation that the providers put in contracts to avoid a loss of profit due to a client’s unexpected fluctuation in their energy usage. If a Retail Electric Provider has a 25% swing for example, then you can increase or decrease your usage by 25% in comparison to the historical usage you had at the point of contract. Your usage is roughly 1,000,000 kws annually so if you were to increase or decrease by roughly 250,000 kws than you would see a penalty of roughly $0.002 per kw for the usage that was outside of the limitation. A 100% swing contract is unlimited restriction thus eliminates this worry all together.
Add/delete is the ability to remove a meter entirely or add a meter mid contract at the grandfathered in rate of the contract. The % of add/delete is the amount in comparison to the annual historical usage that you can add or delete. With roughly 1,000,000 kws a 20% add/delete language would give you 200,000 to remove or add penalty free.

These two additional components should definitely be considered for the growth coming to Justin over the next 3-5 years that the new energy contract would cover.

Line Item:
Amount remaining in line item:
Expenditure Required:
Additional Required:
Budget Amendment Needed: NA

City Attorney Review:

Attachments:
(1)
Agenda Item:  5 (Workshop)
Title:   Miscellaneous Permit Fees
Department:  Development, Admin
Contact:  Dan Coleman, Cori Reaume

Recommendation:  Discuss the proposed amendment to the Justin Fee Schedule regarding permits for remodels, alterations, additions, and other miscellaneous fees.

Background

The City of Justin currently uses the 1997 Uniform Building Code valuation table to determine the cost of permits issued for any work which is not new construction. This includes plumbing, electrical, roofing, signs, etc. The fee is based on the value of the job as quoted by the contractor.

The 1997 UBC Table (attached) is non-linear, and includes fairly harsh jumps between levels of value, which are tough to defend to customers. For example, if a job is quoted as being $9,999 in value, the permit is a flat $80, but if the job is $10,001, the fee is $181.25.

Development would like to propose a new formula which can determine the fee for any job in a linear way, which does not include arguably unfair jumps in the cost. This new fee structure is also attached. The new proposed schedule will also make it more feasible to allow online calculation of fees in the future.

Line Item:
Amount remaining in line item:
Expenditure Required:
Additional Required:
Budget Amendment Needed: NA
City Attorney Review:

Attachments:
(1) 1997 Uniform Building Code Table 1-A
(2) Proposed Formula
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1997 UBC Table 1-A
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</tbody>
</table>

![Graph showing the relationship between cost of job and fee](image-url)
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**Formula:**
Fee = 55 + 0.006 (job value)
City Council Meeting
February 26, 2018
Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item: #4 Workshop Item

Title: Pool Ordinance
Department: Development Services
Contact: Dan Coleman, Abbey Reece

Recommendation: We recommend that the Council take no action at this time. We are still in the process of amending this ordinance to ensure that all necessary regulations are included.

Background:
The city does not currently have an ordinance in place regulating pools (outside of general health and safety requirements). There have been some concerns addressed from time to time regarding state requirements for inspections, and the requirements for testing and pool pumps.

In order to ensure we are addressing these concerns, and to develop a draft ordinance that will ensure proper maintenance of pools, staff have worked with our health inspector, Duane Barrett, as well as members of the public who have expressed an interest or concern.

One concern brought forward by the public (Mr. Kenneth Harbin, Reatta Ridge Owners Association), is in regards to requirements for pumps to run 24/7. While this is a state requirement, it is only required for pools that remain open without closing for extended periods (closed for winter, etc.) so the Reatta Pool would not have to comply with this regulation. This could be clarified further in the city's draft ordinance.

Another concern raised is with inspection requirements, which will also be included in the draft ordinance.
This is intended as a discussion item, only, in order to gather any feedback you may have on the topic, and we expect to bring this back to you in the next 2-3 meetings for recommended action, along with a recommended plan review/inspection fee.

Line Item:
Amount remaining in line item:
Expenditure Required:
Additional Required:
Budget Amendment Needed: NA

City Attorney Review:

Attachments:
(1) Pool Ordinance (Draft)
ORDINANCE _______________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JUSTIN, DENTON COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF JUSTN, BY AMENDING ARTICLE 22 TO PROVIDE FOR THE REGULATION OF SWIMMING POOLS, SPAS, AND INTERACTIVE WATER FEATURES WITHIN THE CITY; PROVIDING A REPEALING CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Council has determined that the regulation of the operation and inspection of pools, spas, and interactive water features within the City of Justin is necessary in the interest of the public health, safety and welfare;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JUSTIN, DENTON COUNTY, TEXAS, THAT;

SECTION 1. The Code of Ordinances of the City of Justin, Texas, is hereby amended by amending Chapter 22 with the addition of the new section included herewith as Exhibit “A”.

SECTION 2. All provisions of the Code of the City of Justin, Texas in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. Should any word, sentence, paragraph, subdivision, clause phrase, or section of this ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void and/or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 4. Any person violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Justin, as heretofore amended. Upon conviction that person shall be punished by a fine not to exceed the sum of two thousand dollars ($2,000.00) each offense, and each subsequent day that such violation may continue shall constitute a separate offense.
EXHIBIT A

“Pools, Spas, and Interactive Water Features

Definitions:

All definitions in the V.T.C.A., Health and Safety Code Ch. 341 and Title 25, Chapter 265, Subchapter L of the Texas Department of State Health Services regulations, "standards for public pools and spas," are hereby adopted. In addition, the following definitions shall apply in this article:

Certified Pool Operator. A person who possesses a valid pool operator's certificate from a course approved by the city.

City. Authorized representatives of the City of Justin, which shall be the City Manager and their designee.

Pool. Any manmade permanently installed or non-portable structure, basin, chamber, or tank containing an artificial body of water that is used for swimming, diving, aquatic sports, or other aquatic activity other than a residential pool and that is operated by an owner, lessee, operator, licensee or concessionaire, regardless of whether a fee is charged for use. The pool may be either publicly or privately owned. The term does not include a spa or a decorative fountain that is not used as a pool.

Private residential pool. A pool that is located on private property that is intended for use by one single family and their invited guests, located on property used for the placement of a single-family residence.

Private residential spa. A spa that is located on private property that is intended for use by one single family and their invited guests, located on property used for the placement of a single-family residence.

Public interactive water feature and fountain (PIWF). Any indoor or outdoor installation maintained for public recreation that includes water sprays, dancing water jets, waterfalls, dumping buckets, or shooting water cannons in various arrays for the purpose of wetting the persons playing in the spray streams.

Regulatory authority. The City of Justin.

Spa. A constructed permanent or portable structure that is two feet or more in depth and that has a surface area of 250 square feet or less or a volume of 3,250 gallons or less and that is intended to be used for bathing or other recreational uses and is not drained and refilled after each use. It may include, but is not limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction bubbles, or any combination thereof. A spa does not refer to a business establishment, such as a day spa or a health spa. Industry terminology for a spa includes, but is not limited to,
"hydrotherapy pool," "whirlpool," "hot spa," "hot tub," etc. A spa does not include a private residential spa.

**Pool and Spa Permitting requirements**

(A) **Permit required.**

Required. It shall be unlawful for any person to operate a public pool, spa or interactive water feature in the city without a current and valid pool, spa or interactive water feature permit.

(B) **Posting.** A valid permit shall be posted in public view in a conspicuous place at the public swimming pool for which it is issued or on file in a secure area of the permitted facility's premises.

(C) **Nontransference (change of ownership).** Permits issued under the provisions of this article are not transferable. Upon change of ownership of a business, the new business owner will be required to meet current standards as defined in city ordinances and state law before a permit will be issued. The new owner shall notify the city within ten days after assuming ownership of the pool, spa or interactive water feature.

(D) **Multiple permits.** A separate permit shall be required for every public pool, spa or interactive water feature except that public pools or spas or interactive water features on a single water filtration system require one permit.

(E) **Denial of permit.** A permit may be denied if the city, upon inspection, determines that the requestor has failed to comply with approved plans and specifications adopted in accordance with these rules.

(F) **Inspections for permits.** An inspection shall be required annually to qualify for a permit. A permit is valid for one year from the date of issuance.

**Review of plans and specifications**

(A) **Submission of plans.** Before a public pool's and/or spa's and/or interactive water feature's construction or extensive remodeling begins, the person proposing to construct or remodel shall submit an application to the regulatory authority for review and approval. The application shall include:

(1) The construction or remodeling plans, under an engineer's seal, and specifications stating that the proposed construction or remodeling complies with these rules and indicating that the proposed layout, mechanical plans, construction materials of work areas, and the type and model of proposed fixed equipment and facilities;

(2) The date on or after which proposed construction is to begin;

(3) The phone number and address of the entity primarily responsible for constructing the pool, spa or interactive water feature and the phone number and address of the entity primarily responsible for operating the pool, spa or interactive water feature;
(4) A plan review fee will be set by a Resolution by City Council from time to time

(5) And any necessary additional information necessary to verify compliance.

(B) Approval. The city shall approve plans and specifications that meet the requirements of these rules. No public pool, spa or interactive water feature shall be constructed or extensively remodeled except in accordance with plans and specifications approved by the city.

**Inspections**

(A) Preoperational inspections. The city shall inspect a newly constructed or remodeled public pool, spa or interactive water feature prior to operation to determine compliance with approved plans and specifications, and with the requirements of these regulations. Requested inspections must be made a minimum of three working days prior to the desired opening date.

(B) Inspections. The city shall inspect all public pools, spas and interactive water features at least once per year. The owner or operator shall request an inspection by permit application providing the pool, spa or interactive water feature owner's name and address and, if different, the pool, spa or interactive water feature operator's name and address.

(C) Inspection fees. A plan review fee will be set by a Resolution by City Council from time to time.

**Pool, spa, or interactive feature closures.**

(A) A public pool, spa, or interactive water feature shall be closed if any of the following conditions occur:

1. Disinfectant level below the minimums set by the Texas Department of State Health Services;
2. pH below 7.0;
3. Inability to see bottom drain (poor visibility);
4. Chlorine levels above eight ppm; or
5. Any other imminent health hazards.

(B) A closed sign shall immediately be posted and the pool, spa or interactive water feature access gate shall be locked until all violations have been corrected.

(C) Circulation pumps shall run continuously 24 hours a day year round and not be throttled to reduce circulation below the design flow rate, except that a pool pump may run less than 24 hours a day if:
(1) a “Pool Closed” sign, with letters at least 1-inch tall, is posted on the exterior of each entry gate into the pool yard; and

(2) the pump runs a sufficient number of hours needed to keep the water at required clarity and disinfectant levels; and

(3) the pump runs the same number of hours each day.

(D) Class A pools and spas, those used for sanctioned aquatics, must be tested every 2 hours when the pool is open for use.

(E) Class B pools, those that are open to the general public with or without a fee, must be tested every 2 hours when the pool is open for use.

(F) HOA pools are considered to be a Class C pool and are subject to regulations for Class C public pools, spas, or Interactive Water Features and Fountains.

(G) Class C Public Pools are not required to test pool chemicals on a certain schedule. Unless the pool is open for use, the required water clarity standards and chemical levels must be maintained.

**Pool and spa records.**

(A) Daily records for each permitted public pool, spa or interactive water feature shall be kept on premises and shall include information pertaining to:

   (1) Disinfectant—Three times per day;
   (2) pH—Three times per day;
   (3) Alkalinity—One time per week;
   (4) Chemicals added—As noted by name, amount and date; and
   (5) Other information needed to ensure the facility's proper operation.

**Suspension and revocation of permit.**

(A) **Notice of suspension.** The city may temporarily suspend the permit of a public pool, spa or interactive water feature for noncompliance with state pool, spa or interactive water feature standards, by issuing a written notice for suspension. When a permit is suspended, pool, spa or interactive water feature operations shall immediately cease. A closed sign shall be immediately posted and the pool, spa or interactive water feature access gate shall be locked until any and all violations have been corrected.

(B) **Reinstatement of permit after suspension.** Whenever a notice of suspension is issued by the city, the holder of the permit or the person in charge will be given an opportunity to correct the
violation(s) prior to final revocation of the permit. The city may end the suspension any time if the reasons for suspension no longer exist.

(C) Revocation of permit. The city may, after providing notice of pending revocation and an opportunity for a hearing, revoke a permit for serious or repeated violations of any of the requirements of these rules or for interference with the city in the performance of its duties. Prior to revocation, the city shall notify the holder of the permit or the person in charge, in writing, of the reason for which the permit is subject to revocation and that the permit shall be revoked at the end of the ten days following service of such notice. Unless a written request for a hearing is filed with the city by the holder of the permit within such ten-day period, the revocation of the permit becomes final.

(D) Service of notices. A notice provided for in these rules is properly served when it is delivered to the holder of the permit or the person in charge of pool and/or spa operations, or when it is sent by registered or certified mail, return receipt requested, to the address listed on the permit application. A copy of the notice shall be filed in the records of the regulatory authority.

(E) Hearings. The hearings provided for in these rules shall be conducted by the regulatory authority at a time and place designated by it. Based upon the recorded evidence of such hearings, the regulatory authority shall make a final finding, and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the regulatory authority.

(F) Right of appeal. Any permit holder who wishes to dispute the decision of a hearing may appeal the decision to the director of the Tarrant County Health Department.

(G) Application after revocation. Final revocation of a pool and/or spa permit shall not prevent the holder of the revoked permit from making written application for a new permit to the regulatory authority.

(H) Closed pool, spa or interactive water feature. Prior to reopening, the owner or operator shall provide the application and fee required by section 66-69(a) if a pool, spa or interactive water feature:

1. Closes voluntarily at the request of the regulatory authority on more than two occasions in one calendar year; or

2. Closes on court order on more than two occasions in one calendar year.

Public pool, spa, or interactive water feature operator certification.

(A) Requirement. The person in charge of pool, spa or interactive water feature operations at a Class C pool as defined by the adopted regulations, shall have at least one certified pool, spa or interactive water feature operator employed to maintain the pool, spa or interactive water feature for each apartment complex or municipal location. The certificate must be kept on premises to facilitate inspections.
(B) **Termination of certified pool, spa or interactive water feature operator.** In the event that a certified pool, spa or interactive water feature operator is terminated or transferred, the business shall have 60 days from the operator's termination or transfer date to designate a new certificate holder. This requirement is applicable even if pool, spa or interactive water feature maintenance operations are contracted to an outside company.

**Penalty for violation.**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this article shall be fined not more than $2,000.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**Designation of health authority.**

The health authority for the City of Justin for the purpose of ensuring minimum standards of environmental health and sanitation within the scope of the City of Justin shall be the City Manager or their designee.”
City Council Meeting
February 26, 2018
Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item: 9
Title: PUBLIC HEARING
Department: Administration
Contact: Cori Reaume

Recommendation: Open Public Hearing and hear comments for and against. Continue public hearing to March 26th, 2018 at 7:00pm at Justin City Hall.

Background: The first Public Hearing was scheduled at the January 29, 2018 City Council meeting, and continued to March 26th, 2018 which is the final hearing.

The City Team has indicated to staff that there are still some details to be worked out with the developer in regards to the PID. The primary concern is that no cost associated with the future-planned water tower has been included to date in their cost estimates. While the water tower is not required until a later stage in this project, we are asking for language to be included now so that the developer will make adequate contributions to escrow for the first phases’ proportionate share toward the water tower which will eventually serve the entire development.

City Attorney Review: Bond Counsel has drafted the attached ordinance and the resolution you approved when calling this public hearing

Line Item:
Amount remaining in line item:
Expenditure Required:
Additional Required:
Budget Amendment Needed: NA
Attachments:

(1) Ordinance drafted for consideration during the public hearing (which will be continued to March 26th)
ORDINANCE NO. 635-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JUSTIN, TEXAS ACCEPTING AND APPROVING A SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR THE TIMBERBROOK PUBLIC IMPROVEMENT DISTRICT NO. 1; MAKING A FINDING OF SPECIAL BENEFIT TO THE PROPERTY IN THE DISTRICT; LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTY WITHIN THE DISTRICT AND ESTABLISHING A LIEN ON SUCH PROPERTY; PROVIDING FOR THE METHOD OF ASSESSMENT AND THE PAYMENT OF THE SPECIAL ASSESSMENTS IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED, PROVIDING PENALTIES AND INTEREST ON DELINQUENT ASSESSMENTS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a petition, dated June 6, 2017, was submitted and filed with the City Secretary (the “City Secretary”) of the City of Justin, Texas (the “City”) pursuant to the Public Improvement District Assessment Act, Chapter 372, Texas Local Government Code, as amended (the “PID Act”), requesting the creation of a public improvement district within the City; and

WHEREAS, the petition contained the signatures of the owners of taxable property representing more than fifty percent of the appraised value of taxable real property liable for assessment within the District, as determined by the then current ad valorem tax rolls of Denton Central Appraisal District and the signatures of the property owners who own taxable real property that constitutes more than fifty percent of the area of all taxable property within the District that is liable for assessment; and

WHEREAS, on September 25, 2017, after due notice, the City Council of the City (the “City Council”) held a public hearing in the manner required by law on the advisability of the public improvements and services described in the petition as required by Section 372.009 of the PID Act and made the findings required by Section 372.009(b) of the PID Act and, by Resolution No. 513-17 (the “Authorization Resolution”) adopted by a majority of the members of the City Council, authorized and created The Timberbrook Public Improvement District No. 1 (the “District”) in accordance with its finding as to the advisability of the authorized improvements relating to the District (the “Authorized Improvements”); and

WHEREAS, the City published the Authorization Resolution as required by law; and

WHEREAS, no written protests regarding the creation of the District from any owners of record of property within the District were filed with the City Secretary;

WHEREAS, on January 15, 2018, the Council adopted a resolution approving the preliminary service and assessment plan, including the proposed assessment roll; calling for a public hearing to consider an ordinance levying assessments on property within the District (the “Special Assessments”); authorizing and directing the City Secretary of the City to file the proposed assessment roll and make such roll available for public inspection; authorizing and
directing the publication of notice of a public hearing to consider the levying of the Special Assessments against the property within the District; authorizing and directing the mailing of notice of the Levy and Assessment Hearing to owners of property liable for assessment; and directing related action; and

**WHEREAS**, the proposed assessment roll has been on file with the City Secretary and available for public inspection; and

**WHEREAS**, the City Secretary, pursuant to Section 372.016(b) of the PID Act, published notice of the Levy and Assessment Hearing on __________, 2018 in the *Denton Record-Chronicle*, a newspaper of general circulation in the City; and

**WHEREAS**, the City Secretary, pursuant to Section 372.016(c) of the PID Act, mailed the notice of the Levy and Assessment Hearing to the last known address of the owners of the property liable for the Special Assessments on __________, 2018; and

**WHEREAS**, on January 29, 2018, the City Council convened the Levy and Assessment Hearing and adjourned the Levy and Assessment Hearing until February 26, 2018; and

**WHEREAS**, on February 26, 2018, the City Council reconvened the Levy and Assessment Hearing and all persons who appeared, or requested to appear, in person or by their attorney, were given the opportunity to contend for or contest the Assessment Roll, and the proposed Special Assessments, and to offer testimony pertinent to any issue presented on the amount of the Special Assessments, the allocation of the Actual Costs of the Authorized Improvements to be undertaken for the benefit of property within the District (the “Improvements”), the purposes of the Special Assessments, the special benefits of the Special Assessments, and the penalties and interest on annual installments and on delinquent annual installments of the Special Assessments; and

**WHEREAS**, the City Council finds and determines that the Assessment Roll and The Timberbrook Public Improvement District No. 1 Service and Assessment Plan, dated __________, 2018 in a form substantially similar to the attached *Exhibit A*, which final form shall be approved by the City Manager (the “Service and Assessment Plan”), and which is incorporated herein for all purposes, should be approved and that the Special Assessments should be levied as provided in this Ordinance and the Service and Assessment Plan and the Assessment Rolls attached thereto as Exhibit F-1 and Exhibit G-1 (the “Assessment Roll”); and

**WHEREAS**, the owners (the “Landowners” or the “Assessed Parties”), or their representatives, of the majority of the privately-owned and taxable property located within the District, and who are the persons to be assessed pursuant to this Ordinance, appeared at the Levy and Assessment Hearing and indicated their approval and acceptance of the Service and Assessment Plan, of the Assessment Roll, this Ordinance and their approval of the levy of the Special Assessments against their property located within the District, and their agreement to pay the Special Assessments when due and payable and requested that the City file the Service and Assessment Plan and/or the assessment roll with the real property records of Denton County; and
WHEREAS, the City Council closed the hearing, and, after considering all written and documentary evidence presented at the hearing, including all written comments and statements filed with the City, determined to proceed with the adoption of this Ordinance in conformity with the requirements of the PID Act.

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

Section 1. Terms.

Terms not otherwise defined herein, including the preambles to this Ordinance, having the meanings ascribed thereto as set forth in the Service and Assessment Plan.

Section 2. Findings.

The findings and determinations set forth in the preambles hereof are hereby incorporated by reference and made a part of this Ordinance for all purposes as if the same were restated in full in this Section. The City Council hereby finds, determines, and ordains, as follows:

(a) The apportionment of the Actual Costs of the Improvements (as reflected in the Service and Assessment Plan, and the Administrative Expenses pursuant to the Service and Assessment Plan) is fair and reasonable, reflects an accurate presentation of the special benefit each assessed Parcel will receive from the construction of the Improvements identified in the Service and Assessment Plan, and is hereby approved;

(b) The Service and Assessment Plan covers a period of at least five years and defines the annual indebtedness and projected costs for the Authorized Improvements;

(c) The Service and Assessment Plan apportions the Actual Cost(s) of the Improvements to be assessed against the property in the District and such apportionment is made on the basis of special benefits accruing to the property because of the Improvements;

(d) All of the real property in the District which is being assessed in the amounts shown in the Assessment Roll will be benefited by the Improvements proposed to be constructed as described in the Service and Assessment Plan, and each assessed Parcel will receive special benefits in each year equal to or greater than each annual Special Assessments and will receive special benefits during the term of the Special Assessments equal to or greater than the total amount assessed;

(e) The method of apportionment of the Actual Costs of the Improvements and Administrative Expenses set forth in the Service and Assessment Plan results in imposing equal shares of the Actual Costs of the Improvements and Administrative Expenses on property similarly benefited, and results in a reasonable classification and formula for the apportionment of the Actual Costs;
(f) The Service and Assessment Plan should be approved as the service plan and assessment plan for the District as described in Sections 372.013 and 372.014 of the PID Act;

(g) The Assessment Roll should be approved as the Assessment Roll for the District;

(h) The provisions of the Service and Assessment Plan relating to due and delinquency dates for the Special Assessments, interest on Annual Installments, interest and penalties on delinquent Special Assessments and delinquent Annual Installments, and procedures in connection with the imposition and collection of Special Assessments should be approved and will expedite collection of the Special Assessments in a timely manner in order to provide the services and improvements needed and required for the area within the District; and

(i) A written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered, and formally acted upon.

Section 3. Service and Assessment Plan.

The Service and Assessment Plan is hereby accepted and approved pursuant to Sections 372.013 and 372.014 of the PID Act as the service plan and the assessment plan for the District.

Section 4. Assessment Roll.

The Assessment Roll is hereby accepted and approved pursuant to Section 372.016 of the PID Act as the Assessment Roll of the District.

Section 5. Levy and Payment of Special Assessments for Costs of the Improvements.

(a) The City Council hereby levies an assessment on each Parcel of property (excluding Non-Benefitted Property) located within the District, as shown and described in the Service and Assessment Plan and the Assessment Roll, in the respective amounts shown in the Service and Assessment Plan as a special assessment on the properties set forth in the Assessment Roll. The assessment hereby levied shall be sufficient to pay the debt service on any bonds or other evidences of indebtedness that may be hereafter issued and costs related thereto in accordance with the terms of the Service and Assessment Plan or that are otherwise authorized by the PID Act.
(b) The levy of the Special Assessments shall be effective on the date of execution of this Ordinance levying Special Assessments and strictly in accordance with the terms of the Service and Assessment Plan and the PID Act.

(c) The collection of the Special Assessments shall be as described in the Service and Assessment Plan and the PID Act.

(d) Each Special Assessment may be paid in a lump sum at any time or may be paid in Annual Installments pursuant to the terms of the Service and Assessment Plan.

(e) Each Special Assessment shall bear interest at the rate or rates specified in the Service and Assessment Plan, as the same shall be updated from time to time including upon the issuance of PID Bonds (as defined therein).

(f) Each Annual Installment shall be collected each year in the manner set forth in the Service and Assessment Plan.

(g) The Administrative Expenses for Assessed Property shall be calculated pursuant to the terms of the Service and Assessment Plan.

Section 7. Method of Assessment.

The method of apportioning the Actual Costs of the Improvements and Administrative Expenses are set forth in the Service and Assessment Plan.

Section 8. Penalties and Interest on Delinquent Special Assessments.

Delinquent Special Assessments shall be subject to the penalties, interest, procedures, and foreclosure sales set forth in the Service and Assessment Plan and as allowed by law.

Section 9. Prepayments of Special Assessments.

As provided in Section VI of the Service and Assessment Plan, the owner of any Assessed Property may prepay the Special Assessments levied by this Ordinance.

Section 10. Lien Priority.

The City Council and the Landowners intend for the obligations, covenants and burdens on the landowners of Assessed Property, including without limitation such Landowners' obligations related to payment of the Special Assessments and the Annual Installments thereof, to constitute covenants that shall run with the land. The Special Assessments and the Annual Installments thereof which are levied hereby shall be binding upon the Assessed Parties, as the owners of Assessed Property, and their respective transferees, legal representatives, heirs, devisees, successors and assigns in the same manner and for the same period as such parties would be personally liable for the payment of ad valorem taxes under applicable law. Special Assessments shall have lien priority as specified in the Service and Assessment Plan and the PID Act.
Section 11. Appointment of Administrator and Collector of Assessments.

(a) Appointment of Administrator.

P3Works, LLC, is hereby appointed and designated as the initial Administrator of the Service and Assessment Plan and of Special Assessments levied by this Ordinance. The Administrator shall perform the duties of the Administrator described in the Service and Assessment Plan and in this Ordinance. The Administrator’s fees, charges and expenses for providing such service shall constitute an Administrative Expense.

(b) Appointment of Temporary Collector.

The City’s Director of Finance is hereby appointed and designated as the temporary collector of the Special Assessments (the “Collector”). The Collector shall serve in such capacity until such time as the City shall arrange for the Collector’s duties to be performed by the Denton County Tax Assessor and Collector, or another qualified collection agent selected by the City.


To the extent not inconsistent with this Ordinance, and not inconsistent with the PID Act or the other laws governing public improvement districts, the provisions of the Texas Tax Code shall be applicable to the imposition and collection of Special Assessments by the City.

Section 13. Filing in Land Records. The City Secretary is directed to cause a copy of this Ordinance, including the Service and Assessment Plan and/or the Assessment Roll, to be recorded in the real property records of Denton County. The City Secretary is further directed to similarly file each Annual Service Plan Update approved by the City Council.

Section 14. 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 unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council that no portion hereof, or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, or invalidity or any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

Section 15. Effective Date.

This Ordinance shall take effect, and the levy of the Special Assessments, and the provisions and terms of the Service and Assessment Plan shall be and become effective upon passage and execution hereof.
PASSED AND ADOPTED, this ____th day of ____________, 2018

CITY OF JUSTIN, TEXAS

__________________________________________
Mayor

ATTEST:

__________________________________________
City Secretary

(City Seal)

STATE OF TEXAS §
COUNTY OF DENTON §

This instrument was acknowledged before me on the ______ day of __________, 2018 by David Wilson and Brittany Andrews, Mayor and City Secretary, respectively, of the City of Justin, Texas on behalf of said City.

__________________________________________
Notary Public, State of Texas

(SEAL)
EXHIBIT A

Service and Assessment Plan
City Council Meeting

February 26, 2018

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item: 13 & 14 Consent Items

Title: Minutes and Oncor Agreement

Department: Administration

Contact: Cori Reaume, City Manager

Recommendation: Move to approve the consent agenda items.

Background:

1. Minutes from the February 12 City Council Meeting.

2. The settlement and release agreement with Oncor is related to a previous audit in 2015 of the electricity used for street lights. When Oncor went back to check their previous audit for the City of Justin, they had discovered that they had overcharged us by $6. This settlement and release agreement will acknowledge and resolve the issue regarding the overcharge.

Line Item:

Amount remaining in line item:
Expenditure Required:
Additional Required:
Budget Amendment Needed: NA

City Attorney Review:

Attachments:

(1) Statement and Release Agreement
SETTLEMENT AND RELEASE AGREEMENT

This Settlement and Release Agreement (the “Agreement”) is made and entered into as of November 11, 2015 (the “Effective Date”) by and between Oncor Electric Delivery Company LLC ("Oncor") and the City of Justin, Texas (the "City").

WHEREAS, Oncor and the City agree that Oncor and its predecessors in interest have been billing – either directly to the City prior to the start of retail competition in January 2002 or to retail electric providers serving the City since the start of retail competition in January 2002 – for providing service to unmetered street lights (the “Street Lights”) for which the City is the end-use customer; and

WHEREAS, Oncor and the City agree that Oncor’s billings have, for an undetermined period of time, been inaccurate with respect to the number and/or type and/or size of Street Lights for which the City is the end-use customer; and

WHEREAS, Oncor and the City recognize that the information is not readily available to determine the exact number, type and size of streetlights provided by Oncor during the past; and

WHEREAS the overbilling of street light numbers has resulted in City paying excess charges not only for transmission and distribution service, but also for energy; and

WHEREAS, Oncor and the City wish to avoid the expense of proceedings at either the Public Utility Commission of Texas or state district court; and

WHEREAS, Oncor wishes to avoid the expense Oncor would incur if it were required to cancel/rebill prior bills or invoices to the City or to the City’s retail electric provider(s).

NOW, THEREFORE, in order to fully and finally resolve all disputes and claims arising out of or related to the billings by Oncor, Oncor’s predecessors in interest, the City’s retail electric providers, and the affiliated companies of each, for electricity consumed by the Street Lights, and for the mutual covenants set forth in this Agreement, the adequacy and sufficiency of which is acknowledged, Oncor and the City agree as follows:

1. PAYMENT TO THE CITY

No later than 30 days after the latest signature date set below, Oncor will pay the City the sum of $6.00.
D. This Agreement shall be construed in accordance with the laws of the State of Texas.

E. This Agreement, and any amendment hereto, may be executed in one or more counterparts. All of such counterparts shall constitute one and the same agreement. The parties expressly agree that any counterparts signed and delivered by electronic copy or facsimile shall be deemed original document and shall legally bind the parties to the same extent as originals.

IN WITNESS THEREOF, each party, by its duly authorized representative, has executed this Agreement as of the applicable date set forth below, and by such execution, giving the Agreement full force and effect as of the Effective Date.

ONCOR ELECTRIC DELIVERY COMPANY LLC

By: ________________________________

Its: Vice President

STATE OF TEXAS §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the ____ day of __________, 2015, by ______________________, of Oncor Electric Delivery Company LLC, on behalf of said entity.

______________________________
Notary Public, State of Texas
# ATTACHMENT A

CITY OF JUSTIN  
STREET LIGHTING BILLING TABLE AS OF NOVEMBER 10, 2015

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<tr>
<th>Account</th>
<th>Description</th>
<th>Count</th>
<th>Last Run</th>
<th>Wattage</th>
<th>Type</th>
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City of Justin - Oncor Streetlight Audit Summary 2015

### Inventory Counts

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<th>Lights Surveyed</th>
<th>Lights Correct</th>
<th>Total Errors</th>
<th>Post-Survey Light Total</th>
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### Audit Findings

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<th>Removes</th>
<th>New Adds to Existing Premises</th>
<th>New Adds, Not in Billing System</th>
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### Settlement Calculations

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Wattage Correction Changes: $6.00

Total Settlement to be Paid: $6.00