

MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
AUGUST 16, 2016 AT 6:00 PM
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094



Eric Barna
Mayor

Scott Bradley
Mayor Pro Tem

Owais Siddiqui
Deputy Mayor Pro Tem

Jennifer Berthiaume
Councilmember

Betty Spraggins
Councilmember

Sarah Fincanon
Councilmember

Don Reilly
Councilmember

Bill Shipp
Interim City Manager

Susie Quinn
City Secretary

NOTICE is hereby given of a meeting of the City Council of the City of Murphy, Collin County, State of Texas, to be held on August 16, 2016 at Murphy City Hall for the purpose of considering the following items. The City Council of the City of Murphy, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. CALL TO ORDER

2. INVOCATION & PLEDGE OF ALLEGIANCE

3. ROLL CALL & CERTIFICATION OF A QUORUM

4. PRESENTATIONS/RECOGNITIONS

- A. Recognize the City of Murphy Police Explorers and their Sponsors.
- B. Recognize the Recreation Department for their recent awards.
- C. Recognize the Animal Shelter for its recent success in its participation of Clear the Animal Shelter day.
- D. Presentation of the financial report as of July 31, 2016.

5. PUBLIC COMMENTS

6. CONSENT AGENDA

All consent agenda items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the Consent Agenda and voted on separately.

- A. Consider and/or act on the August 2, 2016 Regular Council meeting minutes.
- B. Consider and/or act on the August 9, 2016 Special Council meeting minutes.
- C. Consider and/or act upon proposed Resolution Number 16-R-836 authorizing the City Manager to re-enter into an Interlocal Agreement between the City of Murphy and the City of Plano for training classes that would commence October 1, 2016 and end September 30, 2017. The City of Murphy would have the right and option to extend the term by two (2) additional twelve (12) month periods by giving written notice to Plano.

- D. Consider and/or act upon the issuance of a special permit to allow a fireworks display during the Murphy Maize Days celebration on September 24, 2016.

7. INDIVIDUAL CONSIDERATION

- A. Consider and/or act upon Resolution Number 16-R-837 establishing two dates, September 6, 2016 and September 13, 2016, at 6 pm, to conduct Public Hearings on the City of Murphy proposed tax rate of \$.5100 per \$100 valuation and the proposed 2016-2017 municipal budget.
- B. Consider and/or act upon Resolution Number 16-R-838 establishing the proposed tax rate of \$0.5100 per \$100 valuation to be considered for adoption on September 20, 2016, and take a record vote.
- C. Hold a public hearing and consider and/or act on the application of Thorpe Family Trust - Charles R. Thorpe, Trustee to request approval of Ordinance Number 16-08-1013 for a Variance for a fence height amendment. Located on 1.9567 acres, having the legal description of Abstract A0588, C A McMillan Tract 17.
- D. Consider and/or act on the application of property owner and applicant, Sri Muralidharan Holdings, LLC; Meyyappan Arunachalam, requesting approval of a site plan, building elevations, landscape plan, and construction plat for Fort Child Activity Center on property located on 1.19 acres on Betsy Lane, west of Murphy Road.
- E. Consider and/or act on the application of property owner and applicant, Three Murphy Retail, requesting approval of a site plan, landscape plan, building elevations and construction plat for Murphy Village Phase 3 on property zoned Retail located adjacent to W. FM544 to build a 36,855 square foot building to be leased to multi-use tenants.
- F. Consider and/or act upon approval of Ordinance Number 16-08-1014 ordering a Special Election to be held on November 8, 2016 to amend the City Charter.
- G. Consider and/or act upon approval of Ordinance Number 16-08-1015 to approve, repeal, rename and/or add various sections to Chapter 4, entitled "Animal Control", and Appendix A – Fee Schedule in the Code of Ordinances of the City of Murphy, Texas.
- H. Update regarding Timbers Nature Preserve.

8. CITY MANAGER/STAFF REPORTS

- A. Radio Systems
- B. Food Truck Court
- C. Sidewalk Rehabilitation Program

- D. South Maxwell Creek Sewer Line
- E. North Murphy Road
- F. Betsy Lane
- G. Safe Routes to School
- I. Regulatory Update

9. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council will now recess into Executive Session (closed meeting) to discuss the following:

- A. § 551.071. Consultation with City's Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding construction of North Murphy Road.
- B. § 551.072 Deliberation regarding the purchase, exchange, lease, or value of real property.
- C. § 551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the Municipal Judge.

10. RECONVENE INTO REGULAR SESSION

The City Council will reconvene into Regular Session, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. § 551.071. Consultation with City's Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding construction of North Murphy Road.
- B. § 551.072 Deliberation regarding the purchase, exchange, lease, or value of real property.
- C. § 551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the Municipal Judge.
- D. Take Action on any Executive Session Items.

11. ADJOURNMENT

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on August 12, 2016 by 5:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.



Susie Quinn, TRMC
City Secretary

In compliance with the American with Disabilities Act, the City of Murphy will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City Secretary at 972.468.4011 or squinn@murphytx.org.

Notice of Possible Quorum: There may be a quorum of the Animal Shelter Advisory Committee, the Board of Adjustment, the Building and Fire Code Appeals Board, the Charter Review Commission, the Ethics Review Commission, the Murphy Community Development Corporation, the Murphy Municipal Development District Board, the Park and Recreation Board and/or the Planning and Zoning Commission members who may be present at the meeting, but they will not deliberate on any city or board business.

**CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
AUGUST 2, 2016 AT 6:00 PM**

1. CALL TO ORDER

Mayor Barna called the meeting to order at 6:00 pm.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Barna gave the invocation and led the Pledge of Allegiance.

3. ROLL CALL & CERTIFICATION OF A QUORUM

City Secretary, Susie Quinn, certified a quorum with the following Councilmembers present:

Mayor Eric Barna
Mayor Pro Tem Scott Bradley
Deputy Mayor Pro Tem Owais Siddiqui
Councilmember Jennifer Berthiaume
Councilmember Betty Nichols Spraggins
Councilmember Sarah Fincanon
Councilmember Don Reilly

4. PUBLIC COMMENTS

No Public Comments were presented.

5. PRESENTATIONS

- A. Presentation concerning water and wastewater services by the North Texas Municipal Water District (NTMWD)

Billy George, Assistant Deputy Director Water and Jenna Covington, Assistant Deputy Director Wastewater presented to Council an overview of North Texas Municipal Water mission and services, key water and wastewater projects and programs, and wastewater and water system rate projections.

Billy George presented to Council an overview that NTMWD serves 1.6m customers in the North Texas area with 77 city delivery points. Services began in 1956 with a population of 32,000 customers. Operating facilities include six (6) water treatment plants, nine (9) raw water pump stations, eight (8) treated water pump stations, fourteen (14) wastewater treatment plants and three (3) solid waste transfer stations serving over 2,000 square miles.

First major reservoir to be constructed in Texas in the last 30 years is Lower Bois d'Arc Creek Reservoir located in Fannin County spanning 16, 526 acres with a completion date of 2022. Future supplies of water is to reuse with new project Trinity River Main Stem Pump Station with a completion date 2018 and WaterMyYard conservation program that your city participates in the program.

Jenna Covington provided to Council an overview on wastewater serving one (1) million residents in twenty-five (25) different communities operating fourteen (14) wastewater treatment plants. Main focus of the daily operations is to protect human health, protect the environment and enable economic development. As to what is driving the cost increases, the district wanted to provide

Council some background information on wastewater and water system rate projections. The City of Murphy participates in Muddy Creek WWTP & Conveyance System, a ten (10) million gallon a day treatment plant. Contribution payment is based on how much flow the City of Murphy sends into the system. Wastewater rate projections is based on three main drivers, maintaining the aging infrastructure, increasing EPA regulatory requirements and expanding and building new projects for growth. The budget increase is associated with the treatment plant.

Billy George presented to Council water rates for current member cities with the wholesale rates of \$2.34/1000 gallons and FY17 projected rate of \$2.58/1000 gallons.

6. INDIVIDUAL CONSIDERATION

- A. Consider and/or act on the July 19, 2016 Regular Council meeting minutes.

COUNCIL ACTION (6.A.):

APPROVED

Mayor Pro Tem Bradley moved to approve the July 19, 2016 Regular Council meeting minutes as presented. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- B. Hold a public hearing and consider and/or act on the application of Murphy Meadows, LTD Venture, requesting approval of a Final Plat for approximately 6.5 acres located at the southwest corner of Betsy Road and McCreary.

Interim Community and Economic Development Director Kelly Carpenter presented to Council item 6B request for the approval of the final plat of 6.511 acres proposing 15 patio homes and 29 townhomes. This plat has been reviewed by the Development Review Committee and found to meet all the minimum requirements for platting as established in the Murphy Code of Ordinances. Public improvements have all been installed, inspected and found to be satisfactory, including the punch list items. In total 44 lots with 5 common areas, located in the northeast, northwest, southeast, southwest and small easements between 2 of the 3 townhouse areas on the east side. LTD Venture Group is proposing this project and have paid \$52,000 in park and recreation fees to the Parks Department. Staff recommended approval of this final plat.

Public Hearing opened at 7:07 pm

No one spoke at the Public Hearing

Public Hearing closed at 7:07 pm

COUNCIL ACTION (6.B.):

APPROVED

Mayor Pro Tem Bradley moved to approve the application of Murphy Meadows, LTD Venture, requesting approval of a Final Plat for approximately 6.5 acres located at the southwest corner of Betsy Road and McCreary as presented. Councilmember Fincanon seconded the motion. For: Mayor Barna, Mayor Pro Tem Bradley, Councilmember Spraggins, Councilmember Fincanon, Councilmember Reilly, against: Deputy Mayor Pro Tem Siddiqui, Councilmember Berthiaume. The motion carried by a vote of 5-2.

- C. Consider and/or act upon approval of Ordinance No. 16-08-1013 to approve, repeal, rename and/or add various sections to Chapter 4, entitled "Animal Control", and Appendix A – Fee Schedule in the Code of Ordinances of the City of Murphy, Texas.

Chief Cotten and Kim Parker addressed Council and inquired if additional questions needed further discussion. Additional dialogue among Council referenced the following sections:

- 1) To allow or not allow invisible fencing,
- 2) Limitation to number of animals (what number do the neighboring cities have in their ordinance for similar property size),
- 3) Animal shelter advisory committee having a resident of the City of Parker which by consensus they did not see a need and
- 4) Restriction of the length of the lease for a pet, proposed is 6 feet, some desire up to 15 feet.

COUNCIL ACTION (6.C.):

NO ACTION

- D. Consider and/or act upon election proposition language for amendments to the City of Murphy Home Rule Charter.

Assistant City Attorney Mack Reinwand stated that Council was provided a redline draft copy of the Charter with the amendments that were discussed and approved at the July 19, 2016 Council meeting. Each topic was voted on individually and the City Attorney was directed to prepare the proposition language.

Council reviewed the proposition language and election summary as presented. On August 16, 2016 Council will consider approval of an ordinance to call an election and submit the proposed Charter amendments to the voters at a Special Election to be held on November 8, 2016.

COUNCIL ACTION (6.D.):

APPROVED

Councilmember Reilly moved to approve the proposed language of the amendments to the City of Murphy Home Rule Charter, as presented, with the following changes:

Proposition 13 – Delete "reside in the city" and insert "be a legal resident of the city". Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- E. Discussion with regard to National Night Out to be held on Tuesday, October 4, 2016.

Chief Cotten presented to Council that the Murphy Police Department would like to partner with the community and participate in National Night Out. For the past 5 years, the Police Department has sponsored a yearly block party called Neighbor to Neighbor or N2N. Participation in the parties has remained constant, but we are always looking to update and revamp ideas. With the national campaign Murphy will have the opportunity to compete amongst other cities our size.

In conjunction with National Night Out, the Murphy Police Department would like to introduce two new programs: Residential Lock Box Program and Video Crime Watch Program.

The Residential Lock Box Program is intended to expedite access to older adults in their own homes during medical or other emergencies, while eliminating the likelihood of property damage from forced entry. The program is open to all Murphy residents who either live alone, or must be left alone on a regular basis and are age 60 and above or if they are under 60, have a major medical issue that could render them incapacitated or unconscious. Participation in the program is at no cost to the resident but would require an application submittal for approval to participate in the program.

The Video Crime Watch Program is asking for help from residents, business owners and property management companies to create a resource for officers and detectives in the fight against crime. The neighborhood video crime watch program asks owners of video surveillance camera to volunteer their information and complete an online form that has basic questions about their video system's capabilities. The information submitted by the owners will then be compiled into a confidential and secure database that will automatically populate a map, this resource will allow Police to quickly identify video camera locations where suspect information may have been captured.

COUNCIL ACTION (6.E.):

NO ACTION (DISCUSSION ONLY)

- F. Discussion with regard to a process for developing a Capital Improvement Program for consideration in a possible future bond program.

Bill Shipp Interim City Manager presented to Council a Capital Improvement Plan that was developed by Birkhoff, Hendricks and Carter, L.L.P. for the City as a starting point for further discussion. That CIP will be input into this process. While the CIP was developed as a comprehensive plan, it does not include facilities nor all the parks programs, those programs are normally outside the purview of Birkhoff, Hendricks and Carter, L.L.P. the civil engineer. Those requirements will be input into the process by the Parks Board and by Staff. The formation of an ad hoc committee to review, prioritize and make recommendations to Council is needed. A committee of 5 to 7 members would be optimum for this task. The committee would be comprised of citizens who would be selected through an application process and be appointed by Council. A possible May 2017 Bond Election will drive the timeline for the entire process.

COUNCIL ACTION (6.F.):

NO ACTION (DISCUSSION ONLY)

7. CITY MANAGER / STAFF REPORTS

- A. Radio Systems – project is progressing very well and on schedule. The tower construction by the Police department is complete. Path surveys between Betsy Water Tower, to the Police Department Tower and to the Wylie Tower were conducted and signed off as operational on Monday, August 1st. Next step of the project is completing the installation on the Betsy tower, PD tower and Wylie tower.

On Thursday, DFW Communications will begin installation of the new mobile radios in the vehicles beginning first with Fire, then move to Police and then to the Public Works vehicles. Once installation is complete with all of the vehicles, the company will begin the programming of the radios.

- B. Food Truck Court – project is going well. A small remaining portion of concrete is what will need to be completed this week at the parking lot area and a sidewalk. Lighting, cleanup of the location and adding vegetation are the last few remaining items to finish and on schedule to complete prior to Maize Days.

- C. Sidewalk Rehabilitation Program – project has been completed at Glen Ridge. The crews have progressed to Heritage and anticipate completion next week, crews will then begin at the Timbers. By the time Glen Ridge and Timbers are complete, \$67,000 or two-thirds of the monies will have been spent of the \$100,000 allocated budget Murphy Municipal Development District (MDD) allotted for the project. Not all of the sidewalks will be completed this fiscal year. Currently, MDD budget has planned another \$100,000 in sidewalks to continue the sidewalk rehabilitation program next year. In addition, the MDD approved \$50,000 this year and \$100,000 next year in funds for the Heritage project.

- D. South Maxwell Creek Sewer Line – project is making progress. The crew has progressed to lay sewer under FM 544 on the North side. On the other end, the crew is cleaning up and adding re-vegetation. The boring contractor will not return for another two weeks. The contractor will be boring underneath the RaceTrac driveway and further up under Maxwell Creek Road. In the meantime, options are being discussed with the City Attorney to make certain that all insurance claims are properly filed and reimbursement received; since contractor submitted their insurance claim and the true up will not be finalized until October.

- E. North Murphy Road – payment has been received from the contractor in the amount of \$62,000 for the rebuilding of the four HOA entry ways. Individual meetings with the HOAs are being scheduled. Each will be presented a check and a description of how the check amount was calculated. TxDOT has met the requirements of the HOAs. City Attorney will draft a form or letter of release to be signed by the four HOAs.

- F. Betsy Lane – project is moving along well. Irrigation has been completed, inspected and the only item remaining is to establish vegetation but that can be a challenge this time of year. The city’s obligation is to build a couple of fences: at Ms. Bailey’s home, a five wire smooth strand fence is to be built and at Mr. Saunders home west and across the creek, a hog wire fence is to be built. The shed on Ms. Bailey’s property has been demolished and debris will be hauled off next week. Pending legal actions remain and Staff will follow council’s direction.

- G. Timber Nature Preserve Park – Maintenance is an issue and the parks department will be working every Friday to ensure that the maintenance is brought up to date. Another factor is the native grasses and wildflowers as they will require time to become established, if the grasses and wildflowers do not establish, then the contractor is obligated to plant the items again. The trails are unacceptable and a meeting with the engineer who designed the preserve is to be held. Either the contractor did not meet spec, but was informed that the contractor did meet spec or the spec was incorrect. There are serious issues with drainage as this piece was not addressed in the project bid documentation originally. At the west end of the reserve, the contractor has re-established the grass areas and the fields will remain practice fields since this location is a retainage pond. The item will be discussed in more detail at the August 16th City Council meeting.

- H. Safe Routes to School – project is making progress. The electricity is complete on the monuments, the capping around the monuments is metal and no one is very happy with the quality of the work. Lettering and the plaques still need to be installed and the City will be meeting with the engineer to walk through the project. On the ADA side, traffic buttons at the cross walks are not at the proper right height of 48 inches so they will be lowered from the 51 inches to 48 inches. A small portion of concrete is left to be completed at the curb, the city will be repairing that item.

- I. Leadership Team Staffing – the following positions filled are:
 - 1) Fire Chief – the brochure for the position will be posted online beginning August 8 and will close on September 2. Currently Interim Fire Chief Ed Henderson has joined the team.
 - 2) Director of Economic and Community Development – Currently Interim Director of Economic and Community Development Kelly Carpenter has joined the team and will be a consultant on how to shape the position and role.
 - 3) Public Service Director - at this time will not hire an interim, utilizing the superintendents in place to manage the department and projects concurrently with input from city manager’s office.
 - 4) Finance Director – currently Interim Steven Ventura is managing the department concurrently with input from city manager office.

New City Manager, Mike Castro will have the final hiring decision for all positions once on board.

8. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) at 8:34 pm to discuss the following:

- A. § 551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the Fire Chief and Police Chief’s Executive Administrative Assistant.

9. RECONVENE INTO REGULAR SESSION

The City Council reconvened into Regular Session at 8:41 pm, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. § 551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the Fire Chief and Police Chief’s Executive Administrative Assistant.

- B. Take Action on any Executive Session Items.

COUNCIL ACTION (9.B.):

APPROVED

Mayor Pro Tem Bradley moved to approve in accordance with Section 4.07.16 of the City of Murphy employee handbook to authorize payout of sick leave not to exceed \$6,536.35 for Roni Brackett and \$21,360.00 for Fire Chief Mark Lee. Councilmember Reilly seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

10. ADJOURNMENT

With no further business, the Council meeting adjourned at 8:42 pm.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Susie Quinn, City Secretary

CITY COUNCIL MINUTES
SPECIAL CITY COUNCIL MEETING
AUGUST 9, 2016 AT 6:00 PM

1. CALL TO ORDER

Mayor Pro Tem Bradley called the meeting to order at 6:01 pm.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Pro Tem Bradley gave the invocation and led the Pledge of Allegiance.

3. ROLL CALL & CERTIFICATION OF A QUORUM

City Secretary, Susie Quinn, certified a quorum with the following Councilmembers present:

Mayor Pro Tem Scott Bradley
Deputy Mayor Pro Tem Owais Siddiqui
Councilmember Jennifer Berthiaume
Councilmember Betty Nichols Spraggins
Councilmember Sarah Fincanon
Councilmember Don Reilly

Absent:

Mayor Eric Barna

4. PRESENTATIONS

- A. Presentation of proposed municipal budget for fiscal year 2016-2017.

Interim City Manager Bill Shipp gave the Council an overview of the changes that had been incorporated into the budget since this last budget work session.

5. INDIVIDUAL CONSIDERATION

- A. Consider and/or act upon Resolution Number 16-R-834 approving the 2016 appraisal roll with a taxable value of \$2,108,125,222 as certified by Bo Daffin, Chief Appraiser of the Collin Central Appraisal District, and a protested taxable property value of \$83,944,475 under review by the Appraisal Review Board.

Interim City Manager Shipp explained the tax appraisal roll figures.

COUNCIL ACTION (5.A.):

APPROVED

Councilmember Reilly moved to approve Resolution Number 16-R-834 approving the 2016 appraisal roll with a taxable value of \$2,108,125,222 as certified by Bo Daffin, Chief Appraiser of the Collin Central Appraisal District, and a protested taxable property value of \$83,944,475 under review by the Appraisal Review Board. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 6-0 (Mayor Barna was absent).

- B. Consider and/or act upon Resolution Number 16-R-835 establishing two dates, September 6, 2016 and September 20, 2016, at 6 pm, to conduct a Public Hearing on the City of Murphy Proposed tax

rate of \$0.5113 per \$100 valuation and establishing two dates, September 6, 2016 and September 20, 2016, at 6 pm, for a Public Hearing on the proposed 2016-2017 municipal budget.

Following discussion regarding the tax rate and the simplicity of using two digits when talking to citizens, Council requested the tax rate numbers be changed from \$.5113 to \$.5100 in all future budget numbers. Staff agreed to make the necessary adjustments. A record vote is required because the amount of the tax rate is exceeding the effective tax rate which calculated to \$.484776 per \$100 valuation. Two motions were made.

COUNCIL ACTION (5.B.): **APPROVED**
Deputy Mayor Pro Tem Siddiqui moved to approve Resolution Number 16-R-835 establishing two dates, September 6, 2016 and September 20, 2016, at 6 pm, to conduct a Public Hearing on the City of Murphy Proposed tax and establishing two dates, September 6, 2016 and September 20, 2016, at 6 pm, for a Public Hearing on the proposed 2016-2017 municipal budget. Councilmember Berthiaume seconded the motion. For: Unanimous. The motion carried by a vote of 6-0 (Mayor Barna was absent).

COUNCIL ACTION (5.B.): **APPROVED**
Deputy Mayor Pro Tem Siddiqui moved to take a record vote to approve Resolution Number 16-R-835 with the proposed tax rate of \$0.5113 per \$100 valuation. Councilmember Berthiaume seconded the motion. Roll call vote is as follows:

Mayor Eric Barna	Absent
Mayor Pro Tem Scott Bradley	Yes
Deputy Mayor Pro Tem Owais Siddiqui	Yes
Councilmember Jennifer Berthiaume	Yes
Councilmember Betty Nichols Spraggins	Yes
Councilmember Sarah Fincanon	Yes
Councilmember Don Reilly	Yes

For: Unanimous. The motion carried by a vote of 6-0 (Mayor Barna was absent).

Deputy Mayor Pro Tem Siddiqui announced that City Manager Castro prefers to wait at least ninety days before Council and Staff plan a Strategic Planning Session. Consensus was reached by Council that meeting could be held in December, 2016 or maybe January, 2017 to allow City Manager Castro time to establish and work with his Leadership Team before having a Strategic Planning Session.

6. ADJOURNMENT

With no further business, the Council meeting adjourned at 6:26 pm.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Susie Quinn, City Secretary

City Council Meeting
August 16, 2016

Issue

Consider and/or act upon a proposed Resolution Number 16-R-836 authorizing the City Manager to re-enter into an Interlocal Agreement between the City of Murphy and the City of Plano for training classes that would commence October 1, 2016 and end September 30, 2017. The City of Murphy would have the right and option to extend the term by two (2) additional twelve (12) month periods by giving written notice to Plano.

Staff Resource/Department

Jana Traxler, HR Manager

Background

Training programs are a very important aspect of employee retention and development. By offering effective training programs for all levels of employees, organizations are not only promoting personal and professional development, they are also investing time and money in their employees that will hopefully result in increased commitment and reduced turnover and absenteeism rates.

The City of Plano is well known for its Professional Development Center that offers city employees a variety of training classes and programs including a very well respected six month long 21st Century Leadership Supervisory Program. In order to more effectively serve the citizens while also providing growth opportunities for the employees, the City of Murphy would like to continue our Interlocal Agreement that will allow our employees to participate in these training programs offered by Plano's Professional Development Center. The training ILA has been in place since 2009. The current Agreement expires on September 30, 2016. The new agreement would commence on October 1, 2016 and end of September 30, 2017. The City of Murphy would have the right and option to extend the term by two additional twelve month periods by giving written notice to Plano.

Financial Considerations

The staff at the City of Plano has proposed to offer their training classes and programs to the City of Murphy at a very affordable price when compared to similar programs offered by professional training organizations. Class and program costs range from \$35 to \$110 for single day classes and specialized series classes that span multiple days range between \$335 and \$400. In addition to sending employees to professional development classes based on training needs, we would like to continue sending winners of our Rising Star Award to the Leadership for the 21st Century supervisory program that runs from April through September each year. The cost is \$1,650 per person. Training money is budgeted within the administration training budget as well as departmental training budgets that can be used for these classes throughout the year.

Board/Staff Recommendation

Staff recommends approval of a resolution authorizing the City Manager to re-enter into an Interlocal Agreement between the City of Murphy and the City of Plano for training classes that would commence on October 1, 2016 and end of September 30, 2017. The City of Murphy would have the right and option to extend the term by two additional twelve month periods by giving written notice to Plano.

Attachments

1. Letter from Plano
2. Resolution Number 16-R-836 with Exhibit A (the ILA with City of Plano)



City of Plano
1520 K Avenue
Plano, TX 75074

P.O. Box 860358
Plano, TX 75086-0358
Tel: 972.941.7000
plano.gov

July 26, 2016

Jana Traxler
Human Resources Manager
City of Murphy
206 N. Murphy Rd.
Murphy, TX 75094

RE: 2016-0435-I – Interlocal Agreement between the City of Plano and the City of Murphy for attending City of Plano Training Classes.

Dear Jana:

We are hereby enclosing two (2) copies of the above contract for review, approval and signatures. Please have both copies signed and notarized, where noted by an authorized representative.

Return both copies to my attention to the City of Plano Purchasing Department, 1520 K Avenue, Suite 370, Plano, Texas, 75074; or, to the City of Plano Purchasing Division, P. O. Box 860358, Plano, Texas 75086-0358.

When the contract has been executed by the City of Plano, you will be sent an original executed copy.

If you have any questions, please call me at (972) 941-7549. Thank you for your prompt attention to this matter.

Thank you,

Vernie Rambo
Sr. Buyer

RESOLUTION NUMBER 16-R-836

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AUTHORIZING FOR EMPLOYEE TRAINING BETWEEN THE CITY OF MURPHY, TEXAS AND THE CITY OF PLANO, TEXAS.

WHEREAS, the City of Murphy, Texas desires to re-enter into the Interlocal Agreement with the City of Plano, Texas to provide employee training classes pursuant to the terms in the agreement attached hereto as *Exhibit A* effective October 1, 2016 and ending September 30, 2017; and,

WHEREAS, said contract provides for the option to extend the agreement by two (2) additional twelve (12) month periods by giving written notice to the City of Plano; and,

WHEREAS, the participants are authorized by the Interlocal Cooperation Act, V.T.C.A. Government Code, Chapter 791, to enter into joint contracts and agreements for the performance of governmental functions and services.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Murphy that, the City approves the Interlocal Agreement with the City of Plano for Employee Training Services with an effective date of October 1, 2016 and ending September 30, 2017 and authorizes the City Manager to provide written notice to the City of Plano for up to two (2) twelve month extension periods pursuant to the terms of the agreement.

PASSED AND APPROVED by the City Council of the City of Murphy this 16th date of August, 2016.

APPROVED:

Eric Barna, Mayor

ATTEST:

Susie Quinn, City Secretary

**INTERLOCAL AGREEMENT BY AND BETWEEN
THE CITY OF PLANO, TEXAS AND THE CITY OF MURPHY, TEXAS
FOR CITY OF MURPHY EMPLOYEES TO PARTICIPATE IN PLANO PROGRAM
2016-0435-I**

THIS AGREEMENT is made and entered by and between the **CITY OF PLANO, TEXAS**, a home-rule municipal corporation, hereinafter referred to as "Plano", and the **CITY OF MURPHY, TEXAS**, a home-rule municipal corporation hereinafter referred to as "Murphy", as follows:

WITNESSETH:

WHEREAS, Plano and Murphy are political subdivisions within the meaning of Interlocal Cooperation Act, Texas Government Code, Chapter 791, as amended (the "Act"); and

WHEREAS, the Act provides authority for entities such as Plano and Murphy to enter into interlocal agreements with each other to perform governmental functions and services as set forth in the Act; and

WHEREAS, City of Plano Professional Development Center offers Business Productivity education courses ("Program") and desires to offer the Program to Murphy employees; and

WHEREAS, Murphy desires to offer its employees the opportunity to attend the Program taught by the City of Plano. The classes in the Program are as shown on the City of Plano Scope of Services, attached hereto and marked **Exhibit "A"**; and

WHEREAS, Murphy has current revenues available to satisfy the fees and/or expenses incurred pursuant to this Agreement; and

NOW, THEREFORE, Plano and Murphy, for and in consideration of the recitals set forth above and terms and conditions below, agree as follows:

**I.
TERM**

The initial term of this Agreement shall be a period of twelve (12) months commencing upon the effective date hereof. Murphy shall have the right and option to extend the term hereof by two (2) additional twelve (12) month periods by giving written notice to Plano.

**II.
THE PROGRAM**

The parties agree that Plano shall offer the courses as identified in **Exhibit "A"** attached hereto and incorporated herein by reference. The parties understand and agree that any deviations or modifications in the terms of the Agreement may be authorized from time to time, but said authorization must be made in writing.

III.**ROLES AND GENERAL RESPONSIBILITIES OF THE PARTIES**

1. Murphy shall designate a program liaison who will manage program details and work with the Plano's program manager in content and logistics planning. Murphy shall provide Plano with required student-employee information for the purpose of registration and documentation. Murphy shall also provide appropriate training facilities and all reasonably necessary equipment, including AV equipment, for any session that is presented within the boundaries of the City of Murphy.
2. Plano shall provide curriculum design, program delivery, assembly of program materials, development of materials for participants, and a program manager to work with Murphy.

IV.**CONSIDERATION / FEES**

- A. Murphy shall pay Plano according to the terms set out in **Exhibit "A"** attached hereto and made a part hereof. Payment shall be made within 30 days of receipt of invoice for services provided. Murphy will pay for the fees and/or expenses incurred pursuant to this Agreement from its current available revenues. Any renewal will be subject to Murphy having the revenues available for that contract term.
- B. Plano recognizes that this Agreement shall commence upon the effective date herein and continue in full force and effect until termination in accordance with its provisions.

V.**TERMINATION**

Either party may terminate this Agreement at any time without cause or penalty by giving thirty (30) days advance written notice. Murphy shall pay all fees and costs, if any, incurred by Plano pursuant to this Agreement through the effective date of termination.

VI.**RELEASE AND HOLD HARMLESS**

Plano, to the extent authorized under the constitution and laws of the State of Texas, agrees to be responsible for its own acts of negligence and Murphy, to the extent allowed by law and without waiving any rights or protections provided therein, agrees to be responsible for its own acts of negligence which may arise in connection with any and all claims for damages, cost, and expenses to person or persons and property that may arise out of or be occasioned by this Agreement.

In the event of joint and concurrent negligence, Murphy and Plano agree that responsibility shall be apportioned comparatively. This obligation shall be construed for the benefit of the parties hereto, and not for the benefit of any third parties, nor to create liability for the benefit of any third parties, nor to deprive the parties hereto of any defenses each may have as against third parties under the laws and court decisions of the State of Texas.

VII. NOTICE

Any notice provided under this Agreement shall be delivered by mail or personal service to the parties named below:

City of Murphy Representative:

Jana Traxler
Human Resources Manager
City of Murphy
206 N Murphy Road
Murphy, Texas 75094
T - 972-468-4018

City of Plano Representative:

Debbie Speed
Human Resources Training Manager
City of Plano
1520 Avenue K
Plano, Texas 75074
T - 972-941-7217

VIII. AUTHORITY TO SIGN/CITY COUNCIL AUTHORIZATION

The undersigned officer and/or agents of the parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties hereto. Plano has executed this Agreement pursuant to duly authorized action of the Plano City Council. Murphy has executed this Agreement pursuant to the authority granted by its governing body. Each of the parties shall provide written documentation evidencing the grant of approval by its respective governing body.

IX. SEVERABILITY

The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held to be contrary to the law or contrary to any rule or regulation having the force and effect of the law, such decisions shall not affect the remaining portions of the Agreement. However, upon the occurrence of such event, either party may terminate this Agreement by giving the other party thirty (30) days written notice.

X. VENUE

This Agreement and any of its terms or provisions, as well as the rights and duties of the parties hereto, shall be governed by the laws of the State of Texas. The parties agree that this Agreement shall be enforceable in Collin County, Texas, and, if legal action is necessary, exclusive venue shall lie in Collin County, Texas.

XI. INTERPRETATION OF AGREEMENT

Although this Agreement is drafted by Plano, this is a negotiated document. Should any part of this Agreement be in dispute, the parties agree that the Agreement shall not be construed more favorably for either party.

**XII.
REMEDIES**

No right or remedy granted herein or reserved to the parties is exclusive of any right or remedy granted by law or equity; but each shall be cumulative of every right or remedy given hereunder. No covenant or condition of this Agreement may be waived without the express written consent of the parties. It is further agreed that one (1) or more instances of forbearance by either party in the exercise of its respective rights under this Agreement shall in no way constitute a waiver thereof.

**XIII.
SUCCESSORS AND ASSIGNS**

The parties each bind themselves, their respective successors, executors, administrators and assigns to the other party to this contract. Neither party will assign, sublet, subcontract or transfer any interest in this Agreement without the prior written consent of the other party. No assignment, delegation of duties or subcontract under this Agreement will be effective without the written consent of both parties.

**XIV.
EFFECTIVE DATE**

This Agreement shall be effective from and after the date of execution by the last signatory hereto as evidenced below.

IN WITNESS WHEREOF, the parties have executed this Agreement by signing below.

CITY OF MURPHY, TEXAS

Date: _____

By: _____

Name: Bill Shipp

Title: INTERIM CITY MANAGER

APPROVED AS TO FORM:

Andy Messer, CITY ATTORNEY

CITY OF PLANO, TEXAS

Date: _____

By: _____
Bruce D. Glasscock
CITY MANAGER

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

ACKNOWLEDGMENTS

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, 2016, by **BILL SHIPP**, Interim City Manager, of **CITY OF MURPHY, TEXAS**, a home-rule municipal corporation, on behalf of said municipal corporation.

Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, 2016, by **BRUCE D. GLASSCOCK**, City Manager, of **CITY OF PLANO, TEXAS**, a home-rule municipal corporation, on behalf of said municipal corporation.

Notary Public, State of Texas

Exhibit A

Scope of Services

Training classes to be available to the City of Murphy employees include:

Leadership
Management
Customer Service
Diversity/Inclusion
Desktop Computing
Professional Development

Class pricing per employee will be as follows:

Half day class = \$65.00
Full day class= \$110.00
2 hour class = \$35.00
40 Hr. Conflict Mediation = \$ 335.00

Special Courses:

Conflict Mediation 40 hour certification course. \$300.00 plus manual cost of \$35.00.

7 Habits = \$285.00 plus manual cost of \$125.00

Six month course "Leadership for the 21st Century" = \$1650.00

Cancellation Policy:

Class enrollment may be cancelled without billing, by providing 5 business days notification prior to the start of the class. No shows will be billed.

City Council Meeting
August 16, 2016

Issue

Consider and/or act upon the issuance of a special permit to allow a fireworks display during the Murphy Maize Days celebration on September 24, 2016.

Staff Resource/Department

Kayla McFarland, Special Events Coordinator
Perry Elliott, Fire Marshal
Caitlyn Mullins, Manager of Recreation Services

Summary

City ordinance Section 34-41 states “the possession of fireworks or discharge of fireworks within the city to be unlawful except where a special permit has been issued by the city council and approved by the city fire marshal.” Therefore, we are requesting council issue a special permit that will allow the city’s selected vendor to bring fireworks into the city and then to discharge them after the fire marshal, or his designee, has reviewed the firing area, weather and wind conditions, and has approved the start of the fireworks display.

Background/History

The selected vendor, Illumination Fireworks, LLC, has received the State of Texas Fire Marshal’s office permit. The City of Murphy is listed as an insured entity on their Certificate of Insurance. Valid state pyrotechnic licenses are verified by the Fire Marshal prior to allowing the display to take place.

Financial Considerations

N/A

Other Considerations

N/A

Action Requested

Staff recommends Council issue a special permit allowing the possession and discharge of fireworks to Illumination Fireworks, LLC. in accordance with City of Murphy Codes and Ordinances Sec. 34-41.

Attachments

1. State Fire Marshal’s Office Fireworks Permit for September 24, 2016
2. Site Plan
3. State Permit Application
4. Copy of Liability Insurance
5. Site Inspection Certificate
6. Applicable Fireworks Operators Licenses

Fire Protection Plan Review Permit Application

Murphy Fire Rescue
Fire Marshal's Office

Date of Application _____

206 North Murphy Road
Murphy, TX 75094
972-468-4300 Tel
972-468-4354 Fax

Building Permit Number _____

Application must be completed in full. Failure to provide any of the information may result in a delay of the plan review and the rejection of the application. This application is for permit issuance only. A permit will be issued upon the review and approval of plans for which this application is intended.

Project Information - Submittal will not be accepted without the correct address & Building Permit Number

Project Name: Murphy Maize Days Fireworks Square Footage: _____
 Project Address: Murphy Central Park, 550 N. Murphy Road, Murphy, Texas 75094
Street Address Suite No.

Company Information

Company Name: Illumination Fireworks, LLC
 Company Address: 1605 Crescent Circle, Suite 200
Street Address Suite No.
Carrollton, Texas 75006
City State Zip
 Contact Person: Kate Rohloff
 Phone Number: (972) 245-7976 Fax Number: (972) 245-7977
 E-mail Address: kate@illuminationfireworks.com

Requested Plan Review - Please use a separate application for each submittal type

First Submittal: <input checked="" type="checkbox"/>	Second Submittal: <input type="checkbox"/>	Third Submittal: <input type="checkbox"/>	Fourth Submittal: <input type="checkbox"/>
New Construction: <input type="checkbox"/>	<u>N/A</u>	Alteration/Finish-Out/Remodel: <input type="checkbox"/>	
Fire Sprinkler System: <input type="checkbox"/>		Fire Alarm System: <input type="checkbox"/>	
Underground Fire Main: <input type="checkbox"/>		New System: <input type="checkbox"/>	
New System: <input type="checkbox"/>		Modification: <input type="checkbox"/>	
Modification: <input type="checkbox"/>		Fixed Extinguishing System: <input type="checkbox"/>	
Standpipe: <input type="checkbox"/>		Commercial Kitchen Hood: <input type="checkbox"/>	
Fire Pump: <input type="checkbox"/>		Spray Booth: <input type="checkbox"/>	
Foam/Pre-Action: <input type="checkbox"/>		Clean Agent: <input type="checkbox"/>	
Other: <input type="checkbox"/>			
Propane Exchange/LPG Tank: <input type="checkbox"/>		Compressed Gases: <input type="checkbox"/>	
Access Control Gates: <input type="checkbox"/>		Tent/Membrane Structure: <input type="checkbox"/>	
Access Control System: <input type="checkbox"/>		Smoke Control/Pressurization: <input type="checkbox"/>	
Hazardous Materials: <input type="checkbox"/>		Aboveground/Underground: <input type="checkbox"/>	
High-Piled Storage: <input type="checkbox"/>		Liquid Storage Tank: <input type="checkbox"/>	
Pyrotechnic Display: <input checked="" type="checkbox"/>		Size and Number of Tank(s): _____	

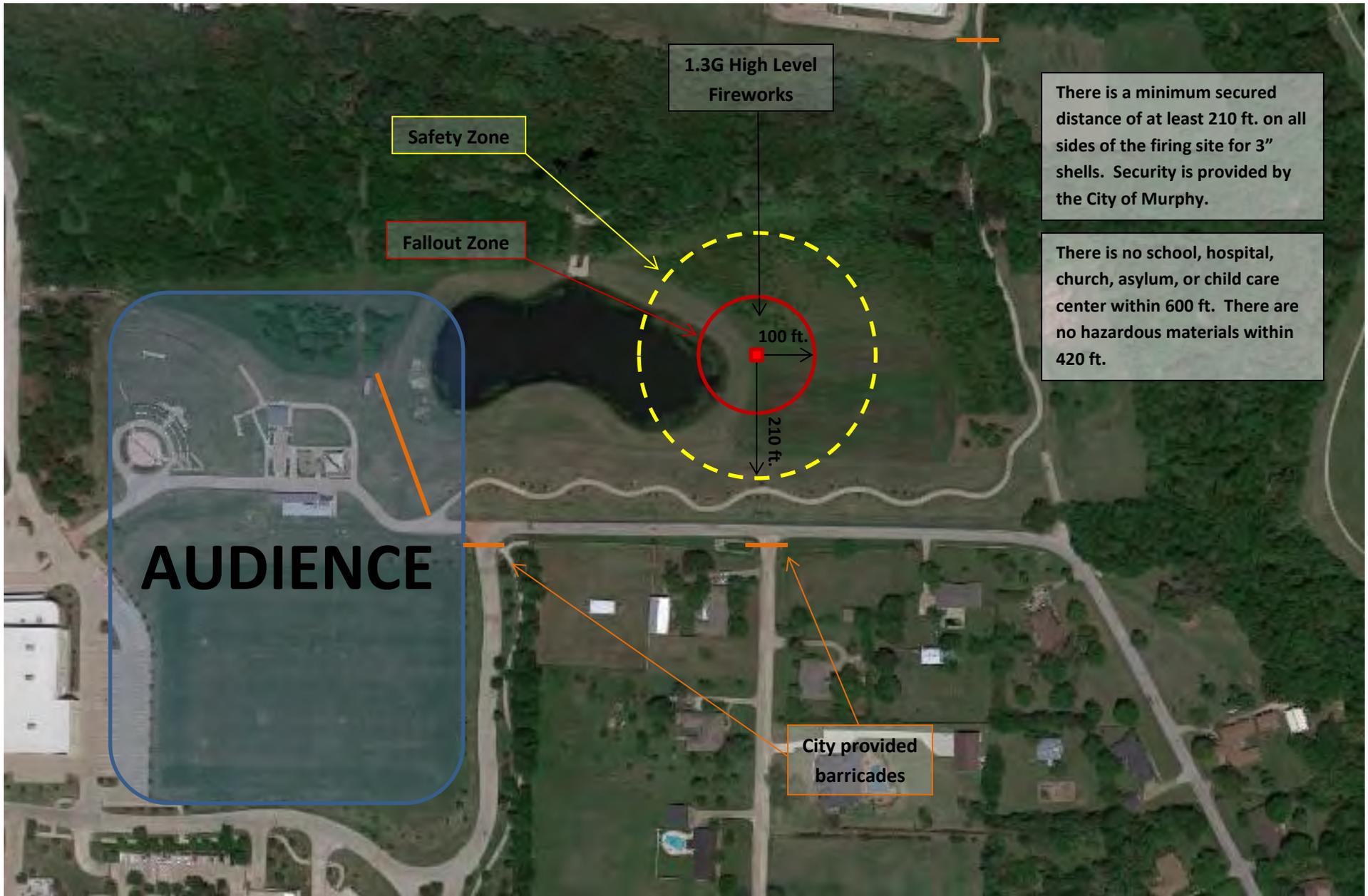
Valid permit and approved plans must be maintained on the job site at all times. Failure to obtain a permit prior to beginning work or failure to provide the plans and permit to the field inspector may result in a citation and failed inspection

Please allow a minimum of one (1) business week for the Murphy Fire Marshal's Office Plan Review Process.

I have read and understand the responsibilities stated therein:

Kate Rohloff
 Signature of Applicant

Revised 09/13



PYROTECHNICS • FLAMES • LASERS • FIREWORKS • CONFETTI • FOG

1605 Crescent Circle, Suite 200, Carrollton, Texas 75006 Phone: 972-245-7976 | Fax: 972-245-7977 | IlluminationFireworks.com



Texas Department of Insurance

State Fire Marshal's Office Mail Code 112-FM
333 Guadalupe • P. O. Box 149221, Austin, Texas 78714-9221
512-305-7900 • 512-305-7922 fax • www.tdi.texas.gov

APPLICATION FOR CLASS B FIREWORKS (FIREWORKS 1.3G) SINGULAR OR MULTIPLE DISPLAY PERMIT

This application must be accompanied by the appropriate fee and all documents and information required by Chapter 2154 of the Texas Occupations Code and the Fireworks Rules. Complete answers must be given to all questions.

Please print or type.

A public fireworks display permit may not be issued to any person who is under 21 years of age. Any fraudulent representation on this application shall be cause for denial, suspension, or revocation of a permit. All fees are non-refundable, except for overpayments resulting from mistakes of law or fact.

PERMIT			
CHECK ONE	TYPE OF PERMIT	PERMIT FEE	CODE
<input checked="" type="checkbox"/>	Singular Display Permit	\$50.00	570-07
<input type="checkbox"/>	Multiple Display Permit	\$400.00	570-08

APPLICANT			
NAME OF APPLICANT Illumination Fireworks, LLC		Telephone No. (972) 245-7976	
		Fax No. (972) 245-7977	
ADDRESS 1605 Crescent Circle, Suite 200	CITY Carrollton	STATE Texas	ZIP 75006
E-MAIL ADDRESS FOR NOTIFICATION PURPOSES (optional) Kate@illuminationfireworks.com		WEB SITE ADDRESS (optional) www.illuminationfireworks.com	
Applicant doing business as (Check One)			
<input type="checkbox"/> Individual.		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is the individual 21 years of age or older?			
<input type="checkbox"/> Partnership.		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is each partner 21 years of age or older?			
<input type="checkbox"/> Corporation			
<input checked="" type="checkbox"/> Other – describe LLC			

DISPLAY INFORMATION	
Date of display Saturday, September 24, 2016	Time 7:45pm
Alternate date of display	Time
Exact location description or address of display and/or alternate location for the display Murphy Central Park, 550 N. Murphy Road, Murphy, Texas 75094	
Pyrotechnic operator licensed in Texas who will be at the display site to supervise the display:	
Name Georgi Shattuck	License number FPO-2098520
Name Chris Smith	License number FPO-2086623
Name	License number

QUESTIONS	
Size and estimated number of 1.3G fireworks to be discharged: 2" shells - 330*; 3" shells - 578*; 1.3G cakes - 2	*subject to change upon design of show
Other items (1.4G fireworks, flame effects, set pieces, etc.)	
None	
Manner and address of storage of fireworks prior to and during the display	
Prior to: In a Type IV magazine at Lot 13/14, CR 337, Era, Texas 76238	
During: All shells will be loaded	
Manufacturer or distributor licensed in Texas who is to supply the fireworks:	
Name Illumination Fireworks, LLC	License number FWD-0111
SIGNATURES	
In applying for a fireworks permit, I certify that I am familiar with and will comply with Chapter 2154 of the Texas Occupations Code and the Fireworks Rules. I hereby authorize the state fire marshal or any of his duly authorized deputies, upon notice, to enter, examine, and inspect any premises, building, room, or establishment used in connection with the permit for which I am applying to determine compliance with the provisions of Chapter 2154 and the Fireworks Rules. By my signature, I verify that the information on this application and its attachments are true. I understand that knowingly providing a false answer to any question or submitting false information or documents with this application may be tampering with a governmental record which is punishable under the Texas Penal Code Chapter 37, §37.10.	
Printed name Steve Rosenbaum	Title Vice-President
Signature 	Date 03 August 16
Printed name	Title
Signature	Date

APPLICATIONS MUST BE SIGNED BY AN INDIVIDUAL APPLICANT, BY AN OFFICER OF A CORPORATION, BY THE SOLE PROPRIETOR, BY EACH PARTNER OF A GENERAL PARTNERSHIP, BY THE GENERAL PARTNER OF A LIMITED LIABILITY PARTNERSHIP OR BY AN OFFICER OR MEMBER OF A LIMITED LIABILITY COMPANY.

APPLICATIONS SUBMITTED BY A GOVERNMENTAL ENTITY MUST BE SIGNED BY THE APPROPRIATE OFFICER. FOR EXAMPLE, A CITY'S APPLICATION SHOULD BE SIGNED BY THE MAYOR, CITY MANAGER, CITY ADMINISTRATOR, CITY SECRETARY, ETC.

Check or money order should be made payable to the TEXAS DEPARTMENT OF INSURANCE.

Mail this completed application along with the appropriate fee and additional documents to:

Mail Address:	State Fire Marshal's Office Mail Code 9999 P. O. Box 149221 Austin, TX 78714-9221 512-305-7930	Physical Address:	State Fire Marshal's Office 333 Guadalupe Austin, TX 78701 512-305-7922
		Fax No.	512-305-7922
		Web Site Address:	www.tdi.texas.gov/fire

NOTICE ABOUT CERTAIN INFORMATION LAWS AND PRACTICES

With few exceptions, you are entitled to be informed about the information that the Texas Department of Insurance (TDI) collects about you. Under sections 552.021 and 552.023 of the Texas Government Code, you have a right to review or receive copies of information about yourself, including private information. However, TDI may withhold information for reasons other than to protect your right to privacy. Under section 559.004 of the Texas Government Code, you are entitled to request that TDI correct information that TDI has about you that is incorrect. For more information about the procedure and costs for obtaining information from TDI or about the procedure for correcting information kept by TDI, please contact the Agency Counsel Section of TDI's Legal and Regulatory Affairs Division at 512-475-1757 or visit the Corrections Procedure section of TDI's web page at www.tdi.texas.gov.

**CERTIFICATE OF LIABILITY INSURANCE**

8/10/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 777 108th Ave NE, #200 Bellevue WA 98004	CONTACT NAME: Kristen Look PHONE (A/C, No, Ext): 425-586-1016 E-MAIL ADDRESS:	FAX (A/C, No): 425-451-3716
	INSURER(S) AFFORDING COVERAGE	
INSURED ILLUFIR-01 Illumination Fireworks, LLC 1605 Crescent Circle, Suite 200 Carrollton TX 75006	INSURER A: T.H.E. Insurance Company	12866
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES**CERTIFICATE NUMBER: 87847680****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			CPP0104006-02	3/1/2016	3/1/2017	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$2,000,000 \$
A	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			CPP0104006-02	3/1/2016	3/1/2017	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			ELP0011564-02	3/1/2016	3/1/2017	EACH OCCURRENCE \$9,000,000 AGGREGATE \$9,000,000 \$
A	<input type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	WCP0004675-002	10/5/2015	10/5/2016	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000
A	Hired Auto Physical Damage			CPP0104006-02	3/1/2016	3/1/2017	\$100 \$1,000 \$100,000 Comprehensive Ded Collision Ded Limit

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The City of Murphy is an additional insured for the fireworks display on Saturday, September 24, 2016, at Murphy City Park, 550 N. Murphy Road, Murphy, Texas 75094.

CERTIFICATE HOLDER**CANCELLATION**

The City of Murphy 206 Murphy Road Murphy TX 75094	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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**Texas Department of Insurance
State Fire Marshal's Office**

**Application for Class B Fireworks (Fireworks 1.3G) Singular or Multiple Display Permit
Site Inspection Certification**

1. Name of applicant Illumination Fireworks, LLC
 Address 1605 Crescent Circle, Suite 200 Telephone (972) 245-7976
 City Carrollton State Texas Zip Code 75006
 2. Date of display Saturday, September 24, 2016 Time 7:45pm
 Alternate date of display _____ Time _____
 3. Location and/or alternate location for the display Murphy Central Park, 550 N. Murphy Road, Murphy, Texas 75094.

- 4. As the fire prevention officer, I approve of the display site and have reviewed the site diagram. Yes No
- 5. I approve of the location and manner for storage of display fireworks before and during the display. Yes No
- 6. I approve of the potential landing area for fireworks debris. Yes No
- 7. The display is to be conducted in compliance with TX Occupations Code, Regulation of Fireworks & Fireworks Displays and the Fireworks Rules. Yes No

8. My approval is subject to the following conditions.
 List conditions, if applicable, or indicate "None" _____

9. As the appropriate fire prevention officer, I have inspected the display site(s) to determine whether this proposed display is of a nature or in a location that may be hazardous to property or dangerous to any person. This form is my notice to the state fire marshal of the results of the inspection as required in Sec. 2154.206, Chapter 2154, Texas Occupations Code.

Signature of fire prevention officer _____ Date _____

Printed name of fire prevention officer _____ Title _____

Department _____ Telephone No. _____

Email address: _____ Mobile Phone No. _____

Telephone No. 512-305-7930
 Fax No. 512-305-7922
 Web Site Address www.tdi.texas.gov/fire

Issued To:

Attachment No. 6 - Applicable Fireworks Operators Licenses

License Number

Smith, Christopher Wayne

FPO-2086623

Agenda Item 6.D.

1605 PARK ST

Expiration Date: 04-26-2017

COMMERCE TX 75428-3053

EFFECTIVE DATE: 04-26-2016

FIREWORKS PYROTECHNIC OPERATOR'S LICENSE
TEXAS DEPARTMENT OF INSURANCE
STATE FIRE MARSHAL'S OFFICE



DATE ISSUED: April 26, 2016

Chris Connealy

Chris Connealy, State Fire Marshal

SF081|0115

To receive news and updates from the SFMO concerning Fire Industry Licensing, sign up for the SFMO Licensing eNews Update at <http://www.tdi.texas.gov/alert/esfmlicensing.html>

TEXAS DEPARTMENT OF INSURANCE
 STATE FIRE MARSHAL'S OFFICE

Smith, Christopher Wayne

License No: **FPO-2086623**

PYROTECHNIC OPERATOR

Expires: **04-26-2017** D.O.B. 03-09-1974

Signature Of License/Permit Holder

Chris Connealy

EFFECTIVE DATE: 04-26-2016

STATE FIRE MARSHAL

Smith, Christopher Wayne
 1605 CRESCENT CIR STE 200
 CARROLLTON TX 75006-3500

Registered Location(s):

1605 CRESCENT CIR STE 200
CARROLLTON TX 75006-3500

Agenda Item 6.D.
Registration Number

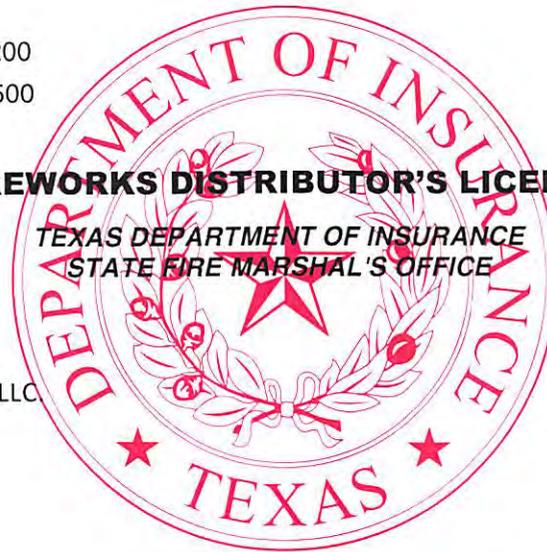
FWD-0111

Expiration Date: 01-29-2017

EFFECTIVE DATE: 01-29-2009

FIREWORKS DISTRIBUTOR'S LICENSE

TEXAS DEPARTMENT OF INSURANCE
STATE FIRE MARSHAL'S OFFICE



Issued To:

ILLUMINATION FIREWORKS, LLC

DATE ISSUED: December 11, 2015

Chris Connealy, State Fire Marshal

SF081|0115

To receive news and updates from the SFMO concerning Fire Industry Licensing, sign up for the SFMO Licensing eNews Update at <http://www.tdi.texas.gov/alert/esfmlicensing.html>



ILLUMINATION FIREWORKS, LLC.
1605 CRESCENT CIR STE 200
CARROLLTON TX 75006-3500

**City Council Meeting
August 16, 2016**

Issue

Consider and/or act upon Resolution Number 16-R-837 establishing two dates, September 6, 2016 and September 13, 2016, at 6 pm, to conduct Public Hearings on the City of Murphy proposed tax rate of \$.5100 per \$100 valuation and the proposed 2016-2017 municipal budget.

Staff Resource/Department

Bill Shipp – Interim City Manager
Steven Ventura – Interim Finance Director
Susie Quinn – City Secretary

Background/History

At the August 9, 2016 Special Council meeting an error was made on the date for the second Public Hearing. To comply with the Truth in Taxation laws, it has to be held on September 13, 2016 instead of September 20, 2016 as listed in the previously approved Resolution Number 16-R-835.

The Texas Local Government Code and City of Murphy Charter requires the governing body to conduct two public hearings on the proposed tax rate and one public hearing on the proposed budget. The proposed tax rate for FY 2017 is \$.5100 which is comprised of the maintenance and operations rate of \$.3277 and \$.1823 for debt service, a two cent decrease from the FY 2016 tax rate. Council will consider the adoption of FY 2017 tax rate and budget on September 20, 2016 at 6:00 pm City Council meeting.

Financial Considerations

N/A

Action Requested

Approval of Resolution Number 16-R-837 establishing two dates, September 6, 2016 and September 13, 2016, at 6 pm, to conduct Public Hearings on the City of Murphy proposed tax rate \$.5100 and the proposed 2016-2017 municipal budget.

Attachments

- 1) Proposed Resolution Number 16-R-837
- 2) Notice of Public Hearing on Budget

RESOLUTION NUMBER 16-R-837**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, ESTABLISHING TWO DATES TO CONDUCT PUBLIC HEARINGS ON THE MUNICIPAL TAX RATE AND PUBLIC HEARINGS ON THE PROPOSED MUNICIPAL BUDGET FOR FISCAL YEAR 2016-2017.**

WHEREAS, Resolution No. 16-R-835 approved at the August 9, 2016 Special meeting had the incorrect Public Hearing date of September 20, 2016; and.

WHEREAS, chapter 102 of the Texas Local Government Code requires the City Council of the City of Murphy, Texas to conduct a public hearing on the proposed 2016-2017 municipal budget; and

WHEREAS, section 7.05 of the City of Murphy, Texas Home-Rule Charter requires the City Council to conduct a public hearing on the proposed 2016-2017 municipal budget; and

WHEREAS, chapter 26 of the Texas Tax Code, as amended by the Texas Legislature in the 79th Legislative Session, requires the City of Murphy, Texas, to conduct two public hearings on the proposed 2016-2017 municipal property tax rate; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AS FOLLOWS:

Section 1. That the foregoing recitals are hereby found to be true and correct findings of the City of Murphy, Texas, and are fully incorporated into the body of this resolution.

Section 2. That the City Council of the City of Murphy, Texas will conduct the first public hearing on the \$0.5100 proposed municipal tax rate and proposed municipal budget for fiscal year 2016-2017 on Tuesday, September 6, 2016 at 6:00 p.m.

Section 3. That the City Council of the City of Murphy, Texas will conduct the second public hearing on the \$0.5100 proposed municipal tax rate and the proposed municipal budget for fiscal year 2016-2017 on Tuesday, September 13, 2016 at 6:00 p.m.

Section 4. That the two Public Hearings and the Regular City Council meeting will be held in the Murphy City Hall Council Chambers at 206 North Murphy Road, Murphy, Texas 75094.

Section 5. That the City Secretary and other City personnel are hereby authorized to post all notices and publish all notices in the official newspaper of the City of Murphy, Texas, concerning the municipal budget, municipal tax rate and public hearings as required by state law and the City Charter.

Section 6. This resolution shall become effective from and after its passage.

DULY RESOLVED by the City Council of the City of Murphy, Texas, on this the 16th day of August, 2016.

Eric Barna, Mayor
City of Murphy

ATTEST:

Susie Quinn, City Secretary
City of Murphy

NOTICE OF PUBLIC HEARING
CITY OF MURPHY
PROPOSED OPERATING BUDGET FISCAL YEAR 2016-2017

The City of Murphy will conduct a Public Hearing on the Proposed Operating Budget for the fiscal year 2016-2017 on Tuesday, September 6, 2016 at 6:00 p.m. and on Tuesday, September 13, 2016 at 6:00 p.m. at the Murphy Municipal Complex, City Council Chambers, 206 North Murphy Road, Murphy, Texas 75094.

This budget will raise more total property taxes than last year's budget by \$595,300 or 9.1%, and of that amount \$139,514 is tax revenue to be raised from new property added to the roll this year.

You have a right to attend the Public Hearing and make comments. A copy of the proposed budget is on file with the City Secretary's Office located at 206 North Murphy Road, Murphy, Texas 75094. It is also available on the City's website at www.murphytx.org.

Dated this 9th day of August, 2016.

Steven Ventura
Interim Finance Director
City of Murphy, Texas

City Council Meeting
August 9, 2016

Issue

Consider and/or act upon Resolution Number 16-R-838 establishing the proposed tax rate of \$0.5100 per \$100 valuation to be considered for adoption on September 20, 2016, and take a record vote.

Staff Resource/Department

Bill Shipp – Interim City Manager
Steven Ventura – Interim Finance Director

Background/History

The Resolution passed at the August 9th Special Meeting contained an error on the Public Hearing dates. Therefore, a new resolution is required to correct the dates. We took this opportunity to do two things:

1. For clarity, break the single resolution into two resolutions – one containing the public hearing dates and one containing only the proposed tax rate. The resolution under consideration at this agenda item is for the tax rate only.
2. As suggested by the Mayor ProTem, we reduced the proposed rate to an even \$0.5100.

The proposed tax rate for 2016 is \$0.5100 which is comprised of the maintenance and operations rate of \$0.3277 and \$0.1823 for debt service, a two cent decrease from the 2015 tax rate. Council will consider the adoption of 2016 tax rate and the FY 2016-2017 Budget at the Regular City Council meeting on September 20, 2016 at 6:00 pm.

Financial Considerations

N/A

Action Requested

Approve Resolution Number 16-R-838 establishing the proposed tax rate of \$0.5100 per \$100 valuation and take a record vote.

Attachments

- 1) Proposed Resolution Number 16-R-838
- 2) Effective Tax Rate Calculation
- 3) Rollback Tax Rate Calculation

RESOLUTION NUMBER 16-R-838

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, PROPOSING THE MUNICIPAL TAX RATE BE SET AT \$0.5100 PER \$100 VALUATION; AND RECORDING A RECORD VOTE ON THE PROPOSED TAX RATE OF \$0.5100.

WHEREAS, an error was made on Resolution Number 16-R-835, approved August 9, 2016 regarding Public Hearing dates, thus necessitating another resolution (Resolution Number 16-R-837) correcting those dates; and

WHEREAS, a Record Vote on a Proposed Tax Rate of \$0.5113 was also included in Resolution Number 16-R-835; and

WHEREAS, for the purpose of clarity, the Proposed Tax Rate is now being considered by this separate resolution; and

WHEREAS, City Council also desires that the Proposed Tax Rate be reduced to \$0.5100.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AS FOLLOWS:

Section 1. That the foregoing recitals are hereby found to be true and correct findings of the City of Murphy, Texas, and are fully incorporated into the body of this resolution.

Section 2. That the City Council desires to propose a tax rate for the 2016 tax year of \$0.5100 per \$100 valuation that will exceed the lower of the rollback rate or the effective tax rate.

Section 3. That the Tax Rate will be considered for adoption at the Regular City Council Meeting on September 20, 2016.

Section 4. That the City Secretary and other City personnel are hereby authorized to post all notices and publish all notices in the official newspaper of the City of Murphy, Texas, concerning the municipal budget, municipal tax rate and public hearings as required by state law and the City Charter.

Section 5. This resolution shall become effective from and after its passage.

COUNCIL RECORDED VOTE:

FOR

AGAINST

Mayor Eric Barna

Mayor Pro Tem Scott Bradley _____

Deputy Mayor Pro Tem Owais Siddiqui _____

Councilmember Jennifer Berthiaume _____

Councilmember Betty Spraggins _____

Councilmember Sarah Fincanon _____

Councilmember Don Reilly _____

DULY RESOLVED by the City Council of the City of Murphy, Texas, on this the 16th day of August, 2016.

Eric Barna, Mayor
City of Murphy

ATTEST:

Susie Quinn, City Secretary
City of Murphy

2016 Effective Tax Rate Worksheet

City of Murphy

Date: 07/27/2016 08:33 AM

1. 2015 total taxable value. Enter the amount of 2015 taxable value on the 2015 tax roll today. Include any adjustments since last year's certification; exclude Tax Code Section 25.25(d) one-third over-appraisal corrections from these adjustments. This total includes the taxable value of homesteads with tax ceilings (will deduct in Line 2) and the captured value for tax increment financing (will deduct taxes in Line 14). ¹	\$1,971,325,065
2. 2015 tax ceilings. Counties, cities and junior college districts. Enter 2015 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter 0. If your taxing units adopted the tax ceiling provision in 2015 or a prior year for homeowners age 65 or older or disabled, use this step. ²	\$0
3. Preliminary 2015 adjusted taxable value. Subtract Line 2 from Line 1.	\$1,971,325,065
4. 2015 total adopted tax rate.	\$0.530000/\$100
5. 2015 taxable value lost because court appeals of ARB decisions reduced 2015 appraised value. A. Original 2015 ARB Values.	\$11,564,534
B. 2015 values resulting from final court decisions.	\$10,967,100
C. 2015 value loss. Subtract B from A. ³	\$597,434
6. 2015 taxable value, adjusted for court-ordered reductions. Add Line 3 and Line 5C.	\$1,971,922,499
7. 2015 taxable value of property in territory the taxing unit deannexed after Jan. 1, 2015. Enter the 2015 value of property in deannexed territory. ⁴	\$0
8. 2015 taxable value lost because property first qualified for an exemption in 2016. Note that lowering the amount or percentage of an existing exemption does not create a new exemption or reduce taxable value. If the taxing unit increased an original exemption, use the difference between the original exempted amount and the increased exempted amount. Do not include value lost to freeport or goods-in-transit exemptions. A. Absolute exemptions. Use 2015 market value:	\$4,518
B. Partial exemptions. 2016 exemption amount or 2016 percentage exemption times 2015 value:	\$2,908,500
C. Value loss. Add A and B. ⁵	\$2,913,018
9. 2015 taxable value lost because property first qualified for agricultural appraisal (1-d or 1-d-1), timber appraisal, recreational/scenic appraisal or public access airport special appraisal in 2016. Use only properties that qualified in 2016 for the first time; do not use properties that qualified in 2015. A. 2015 market value:	\$0
B. 2016 productivity or special appraised value:	\$0

C. Value loss. Subtract B from A. ⁶	Attachment 2 - Effective Tax Rate Calculation	Agenda Item 7.B.	\$0
10. Total adjustments for lost value. Add lines 7, 8C and 9C.			\$2,913,018
11. 2015 adjusted taxable value. Subtract Line 10 from Line 6.			\$1,969,009,481
12. Adjusted 2015 taxes. Multiply Line 4 by Line 11 and divide by \$100.			\$10,435,750
13. Taxes refunded for years preceding tax year 2015. Enter the amount of taxes refunded by the taxing unit for tax years preceding tax year 2015. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2015. This line applies only to tax years preceding tax year 2015. ⁷			\$20,319
14. Taxes in tax increment financing (TIF) for tax year 2015. Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the taxing unit has no 2016 captured appraised value in Line 16D, enter 0. ⁸			\$0
15. Adjusted 2015 taxes with refunds and TIF adjustment. Add Lines 12 and 13, subtract Line 14. ⁹			\$10,456,069
16. Total 2016 taxable value on the 2016 certified appraisal roll today. This value includes only certified values and includes the total taxable value of homesteads with tax ceilings (will deduct in Line 18). These homesteads include homeowners age 65 or older or disabled. ¹⁰			
A. Certified values:			\$2,107,782,722
B. Counties: Include railroad rolling stock values certified by the Comptroller's office:			\$0
C. Pollution control exemption: Deduct the value of property exempted for the current tax year for the first time as pollution control property:			\$0
D. Tax increment financing: Deduct the 2016 captured appraised value of property taxable by a taxing unit in a tax increment financing zone for which the 2016 taxes will be deposited into the tax increment fund. Do not include any new property value that will be included in Line 21 below. ¹¹			\$0
E. Total 2016 value. Add A and B, then subtract C and D.			\$2,107,782,722
17. Total value of properties under protest or not included on certified appraisal roll. ¹²			
A. 2016 taxable value of properties under protest. The chief appraiser certifies a list of properties still under ARB protest. The list shows the appraisal district's value and the taxpayer's claimed value, if any, or an estimate of the value if the taxpayer wins. For each of the properties under protest, use the lowest of these values. Enter the total value. ¹³			\$76,388,132
B. 2016 value of properties not under protest or included on certified appraisal roll. The chief appraiser gives taxing units a list of those taxable properties that the chief appraiser knows about, but are not included in the appraisal roll certification. These properties also are not on the list of properties that are still under protest. On this list of properties, the chief appraiser includes the market value, appraised value and exemptions for the preceding year and a reasonable estimate of the market value, appraised value and exemptions for the current year. Use the lower market, appraised or taxable value (as appropriate). Enter the total value. ¹⁴			\$0

C. Total value under protest or not certified: Add A and B.	\$76,388,132
18. 2016 tax ceilings. Counties, cities and junior colleges enter 2016 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter 0. If your taxing units adopted the tax ceiling provision in 2015 or a prior year for homeowners age 65 or older or disabled, use this step. ¹⁵	\$0
19. 2016 total taxable value. Add Lines 16E and 17C. Subtract Line 18.	\$2,184,170,854
20. Total 2016 taxable value of properties in territory annexed after Jan. 1, 2015. Include both real and personal property. Enter the 2016 value of property in territory annexed. ¹⁶	\$0
21. Total 2016 taxable value of new improvements and new personal property located in new improvements. New means the item was not on the appraisal roll in 2015. An improvement is a building, structure, fixture or fence erected on or affixed to land. New additions to existing improvements may be included if the appraised value can be determined. New personal property in a new improvement must have been brought into the taxing unit after Jan. 1, 2015, and be located in a new improvement. New improvements do include property on which a tax abatement agreement has expired for 2016. ¹⁷	\$27,286,157
22. Total adjustments to the 2016 taxable value. Add Lines 20 and 21.	\$27,286,157
23. 2016 adjusted taxable value. Subtract Line 22 from Line 19.	\$2,156,884,697
24. 2016 effective tax rate. Divide Line 15 by Line 23 and multiply by \$100. ¹⁸	\$0.484776/\$100
25. COUNTIES ONLY. Add together the effective tax rates for each type of tax the county levies. The total is the 2016 county effective tax rate. ¹⁹	

A county, city or hospital district that adopted the additional sales tax in November 2015 or in May 2016 must adjust its effective tax rate. The Additional Sales Tax Rate Worksheet sets out this adjustment. Do not forget to complete the Additional Sales Tax Rate Worksheet if the taxing unit adopted the additional sales tax on these dates.

¹Tex. Tax Code Section 26.012(14)

²Tex. Tax Code Section 26.012(14)

³Tex. Tax Code Section 26.012(13)

⁴Tex. Tax Code Section 26.012(15)

⁵Tex. Tax Code Section 26.012(15)

⁶Tex. Tax Code Section 26.012(15)

⁷Tex. Tax Code Section 26.012(13)

⁸Tex. Tax Code Section 26.03(c)

⁹Tex. Tax Code Section 26.012(13)

¹⁰Tex. Tax Code Section 26.012(15)

¹¹Tex. Tax Code Section 26.03(c)

¹²Tex. Tax Code Section 26.01(c)

¹³Tex. Tax Code Section 26.04 and 26.041

¹⁴Tex. Tax Code Section 26.04 and 26.041

¹⁵Tex. Tax Code Section 26.012(6)

¹⁶Tex. Tax Code Section 26.012(17)

¹⁷Tex. Tax Code Section 26.012(17)

¹⁸Tex. Tax Code Section 26.04(c)

¹⁹Tex. Tax Code Section 26.04(d)

2016 Rollback Tax Rate Worksheet

City of Murphy

Date: 07/27/2016

26. 2015 maintenance and operations (M&O) tax rate.	\$0.333221/\$100
27. 2015 adjusted taxable value. Enter the amount from Line 11.	\$1,969,009,481
28. 2015 M&O taxes.	
A. Multiply Line 26 by Line 27 and divide by \$100.	\$6,561,153
B. Cities, counties and hospital districts with additional sales tax: Amount of additional sales tax collected and spent on M&O expenses in 2015. Enter amount from full year's sales tax revenue spent for M&O in 2015 fiscal year, if any. Other taxing units enter 0. Counties exclude any amount that was spent for economic development grants from the amount of sales tax spent.	\$0
C. Counties: Enter the amount for the state criminal justice mandate. If second or later year, the amount is for increased cost above last year's amount. Other taxing units enter 0.	\$0
D. Transferring function: If discontinuing all of a department, function or activity and transferring it to another taxing unit by written contract, enter the amount spent by the taxing unit discontinuing the function in the 12 months preceding the month of this calculation. If the taxing unit did not operate this function for this 12-month period, use the amount spent in the last full fiscal year in which the taxing unit operated the function. The taxing unit discontinuing the function will subtract this amount in H below. The taxing unit receiving the function will add this amount in H below. Other taxing units enter 0.	\$0
E. Taxes refunded for years preceding tax year 2015: Enter the amount of M&O taxes refunded in the preceding year for taxes before that year. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2015. This line applies only to tax years preceding tax year 2015.	\$12,314
F. Enhanced indigent health care expenditures: Enter the increased amount for the current year's enhanced indigent health care expenditures above the preceding tax year's enhanced indigent health care expenditures, less any state assistance.	\$0
G. Taxes in TIF: Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the taxing unit has no 2016 captured appraised value in Line 16D, enter 0.	\$0
H. Adjusted M&O Taxes. Add A, B, C, E and F. For unit with D, subtract if discontinuing function and add if receiving function. Subtract G.	\$6,573,467
29. 2016 adjusted taxable value. Enter Line 23 from the Effective Tax Rate Worksheet.	\$2,156,884,697
30. 2016 effective maintenance and operations rate. Divide Line 28H by Line 29 and multiply by \$100.	\$0.304767/\$100
31. 2016 rollback maintenance and operation rate. Multiply Line 30 by 1.08.	\$0.329148/\$100

32. Total 2016 debt to be paid with property taxes and additional sales tax revenue.

"Debt" means the interest and principal that will be paid on debts that:

- (1) are paid by property taxes,
- (2) are secured by property taxes,
- (3) are scheduled for payment over a period longer than one year and
- (4) are not classified in the taxing unit's budget as M&O expenses.

A. **Debt** also includes contractual payments to other taxing units that have incurred debts on behalf of this taxing unit, if those debts meet the four conditions above. Include only amounts that will be paid from property tax revenue. Do not include appraisal district budget payments. List the debt in Schedule B: Debt Service.

B. Subtract **unencumbered fund amount** used to reduce total debt.

C. Subtract **amount paid** from other resources.

D. **Adjusted debt.** Subtract B and C from A.

\$3,980,688

\$0

\$0

\$3,980,688

33. Certified 2015 excess debt collections. Enter the amount certified by the collector.

\$0

34. Adjusted 2016 debt. Subtract Line 33 from Line 32D.

\$3,980,688

35. Certified 2016 anticipated collection rate. Enter the rate certified by the collector. If the rate is 100 percent or greater, enter 100 percent.

100.00%

36. 2016 debt adjusted for collections. Divide Line 34 by Line 35

\$3,980,688

37. 2016 total taxable value. Enter the amount on Line 19.

\$2,184,170,854

38. 2016 debt tax rate. Divide Line 36 by Line 37 and multiply by \$100.

\$0.182251/\$100

39. 2016 rollback tax rate. Add Lines 31 and 38.

\$0.511399/\$100

40. COUNTIES ONLY. Add together the rollback tax rates for each type of tax the county levies. The total is the 2016 county rollback tax rate.

A taxing unit that adopted the additional sales tax must complete the lines for the Additional Sales Tax Rate. A taxing unit seeking additional rollback protection for pollution control expenses completes the Additional Rollback Protection for Pollution Control.

City Council Meeting
August 16, 2016

Issue

Hold a public hearing and consider and/or act on the application of Thorpe Family Trust - Charles R. Thorpe, Trustee to request approval of Ordinance 16-08-1013 for a Variance for a fence height amendment. Located on 1.9567 acres, having the legal description of Abstract A0588, C A McMillan Tract 17.

Staff Resource/Department

Kelly Carpenter, AICP, Interim Director of Economic and Community Development

Summary

The applicant's residence is 1.9567 acres located at 920 N. Murphy Road.

The applicant is requesting a variance in fence height from 4 feet allowed to 4 feet 8 inches. Applicant is requesting a variance to install a metal open fence at the height of 4 feet 8 inches. By ordinance (Sec. 26.03.003, item J) fences in residential areas:
Fences in front yard. No fence shall be built within the required front yard, as defined in the zoning ordinance, except for lots that have an area of one and one-half acres or greater. Front yard fencing shall be limited to four feet in height and shall not be of solid construction, providing that at least 50 percent of the fence be open.

Applicant submitted the attached letter to justify their variance request. A public hearing notification for this variance request was published in the newspaper as well as notification mailed to the property owners included in the required 200 feet notification radius.

Planning and Zoning Commission Recommendation

The Planning and Zoning Commission recommended approval of this variance from 4 feet allowed front fence height to 4 feet 8 inches fence height at its July 25, meeting.

Staff Recommendation

To approve or deny the ordinance and application.

Attachments

1. Applicant Summary Letter
2. Ordinance No. 16-08-1013
3. Map of Property
4. Reply Communications (emails, letters)
5. Fence Drawing
6. Property Photo

Reasons for Requesting a Variance to maximum Front Yard Fence Height

1. To provide better security: 1) while working out in the yard; 2) while wife is at home while husband is out on business; and 3) while both homeowners are out on business or vacation.
2. Murphy Road is now a much heavier traveled 6 lane road.
3. The new sidewalk along Murphy Road has increased the amount of foot and bicycle traffic in front of the house.
4. The 7-11 store across the street brings many strangers to our area.
5. We want to prevent uninvited strangers from driving or walking in and knocking on our doors. Numerous strangers have come to our front and back doors unannounced for various reasons: Selling something; looking for owner of horses next door; looking for another address or person; campaigning for public office; wanting to buy our property; wanting some of our peaches or pears; etc.
6. The acreage on the south side of our property has been approved for a housing development; with possible future construction activity.
7. The lot on our north side is in the process of being re-zoned for Neighbor-Hood Services; leading to future possible construction activity and future customers coming to the area.
8. The crime reports have indicated an increase in crimes as Murphy grows in population.
9. There is an abandoned house on the second lot north of us. In the past several years the absentee landlord has allowed persons of questionable character to live there. As a result there have been 12 police involvements at this house from 2007 thru 2013 (See attached police reports). Even though the house has been vacant for the past 3 years, it is presently being repaired for possible future occupancy.
10. The standard requiring a maximum fence height of 4 feet seems to be a somewhat arbitrary and limiting number. The iron fences along Betsy Lane are all 5 1/2 feet tall. Also, the brick and stone walls lining Betsy lane and Murphy Road are all over 5 feet in height. By comparison, a 4 foot fence would look out of place. In view of all these facts, we believe that our request for an additional 8 inches of height to be very reasonable.

ORDINANCE NUMBER 16-08-1013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, GRANTING A VARIANCE FROM THE CODE OF ORDINANCES OF THE CITY OF MURPHY, TEXAS ALLOWING A CHANGE FROM FOUR FEET TO FOUR FEET EIGHT INCH FENCE HEIGHT PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS DATE OF APPROVAL.

WHEREAS, Sec. 26.03.003, item J of the Zoning code regulates front yard fences in residential areas as follows: “No fence shall be built within the required front yard, as defined in the zoning ordinance, except for lots that have an area of one and one-half acres or greater. Front yard fencing shall be limited to four feet in height and shall not be of solid construction, providing that at least 50 percent of the fence be open.”; and,

WHEREAS, the Thorpe property is almost two acres in size and is proposed as an open fence. However, their request is to add 8 inches to the maximum allowance of four feet; and,

WHEREAS, the Planning and Zoning Commission held the required public hearing as required in Section 26.03.004 Variance Procedure, on this variance request on July 25, 2016; and,

WHEREAS, the Planning and Zoning Commission recommends approval of this request and no one in the public objected to the fence height increase request;

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

Section 1. FINDINGS INCORPORATED

The findings set forth by Planning and Zoning Commission recommending approval of this request and no one in the public objected to the fence height increase request.

Section 2. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 3. REPEALER CLAUSE

Any provision of any prior ordinance of the City whether codified or uncoded, which are in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 4. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this the 16th day of August, 2016.

Eric Barna, Mayor
City of Murphy

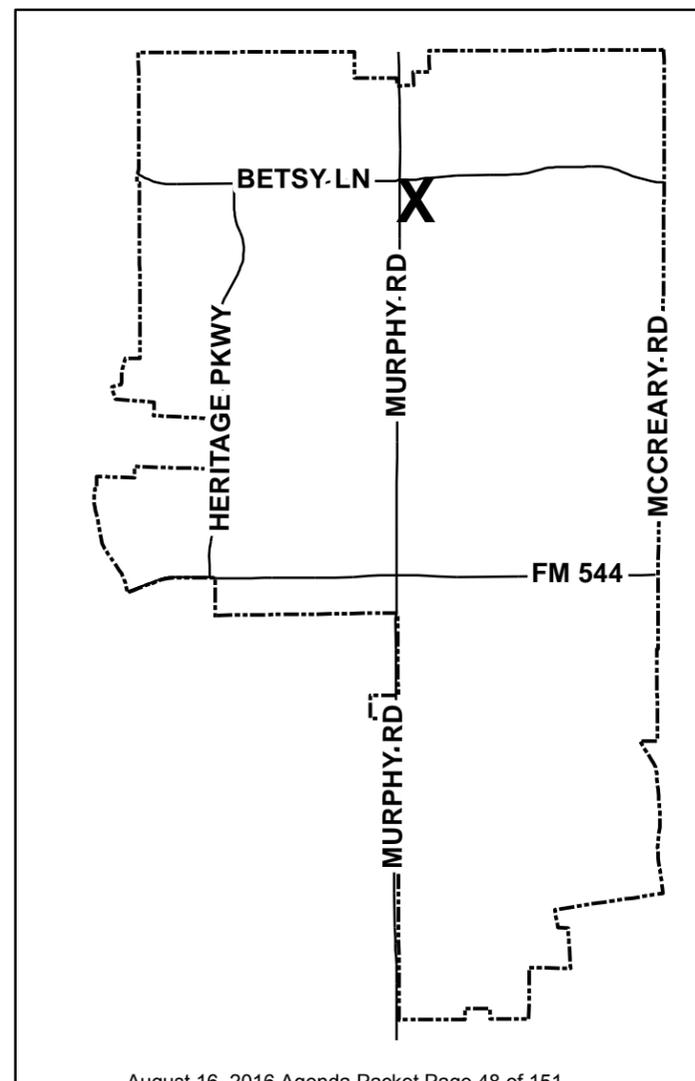
ATTEST:

Susie Quinn, City Secretary
City of Murphy

920 N Murphy Rd Property



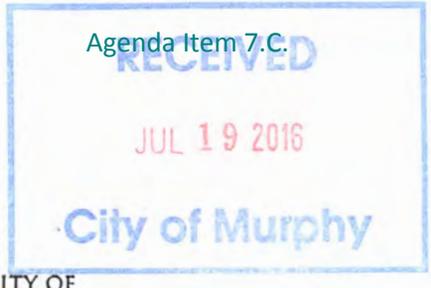
- Murphy City Limits
- Parcel Boundaries



0 250 500 Feet



Data Sources:
Collin County Appraisal District
Collin County 911 Addressing



Reply Form
2016-009 - Variance Request



Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094

This letter is regarding a request for comments on the application of 2016-009 Thorpe Family Trust - Charles R. Thorpe, Trustee to request approval of a Variance Request for a Fence Height amendment. Located on 1.9567 acres, having the legal description of Abstract A0588, C A McMillan Tract 17.

[checked] I am IN FAVOR of the request for approval of a variance request.

[] I am OPPOSED to the request for approval of a variance request.

This item will be heard at the Planning & Zoning Commission on Monday, July 25, 2016 at 6:00 p.m. and by City Council on Tuesday, August 16, 2016 at 6:00 p.m. at Murphy City Hall, in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. Please provide your written comments below regarding the requested change. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

Multiple horizontal lines for providing written comments.

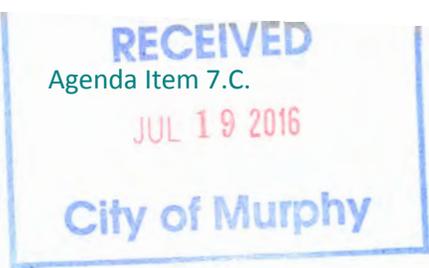
By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Melanie Bynum
Name (Please Print)

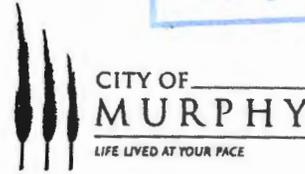
Melanie Bynum
Signature

117 McMillan Dr, Murphy
Address

7-19-16
Date



Reply Form
2016-009 - Variance Request



Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094

This letter is regarding a request for comments on the application of 2016-009 Thorpe Family Trust - Charles R. Thorpe, Trustee to request approval of a Variance Request for a Fence Height amendment. Located on 1.9567 acres, having the legal description of Abstract A0588, C A McMillan Tract 17.

[checked] I am IN FAVOR of the request for approval of a variance request.

[unchecked] I am OPPOSED to the request for approval of a variance request.

This item will be heard at the Planning & Zoning Commission on Monday, July 25, 2016 at 6:00 p.m. and by City Council on Tuesday, August 16, 2016 at 6:00 p.m. at Murphy City Hall, in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. Please provide your written comments below regarding the requested change. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

Mrs. Thorpe is concerned about her security.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Dale Bynum
Name (Please Print)

[Signature]
Signature

117 McMillen, Murphy
Address

7-20-16
Date

From: [Charlotte Thorpe](#)
To: [Tina Stelnicki](#)
Subject: Comments Regarding Thorpe Family Trust Charles R. Thorpe trustee
Date: Wednesday, July 20, 2016 1:36:30 PM

Ms. Stelnicki,

Please convey my comments below to the Community Development Department.

Thank you for receiving comments in advance of the community hearing on Monday, July 25. I am writing to you on behalf of my parents, Charles and Jeanne Thorpe, represented under the name "Thorpe Family Trust Charles R. Thorpe trustee," and their request for a height variance for their fence.

I respectfully ask that you allow my parents to install the fence as they request at 4' 8" to help provide security and privacy for themselves and their property. With increased traffic, absentee landowners on either side of my parents' property, and the potential for additional development I believe they are making a wise choice to take responsibility for their safety.

Yours sincerely,
Charlotte Thorpe
4300 Horizon N. Pkwy. #1433
Dallas, TX 75287

From: [Teresa Jungerman](#)
To: [Tina Stelnicki](#)
Subject: Statement for Fence Variance issue- 920 N. Murphy Rd.
Date: Wednesday, July 20, 2016 8:09:13 PM

To whom it may concern,

I would like to write to you on behalf of my parents' request for a slightly higher fence for their front yard. Having knowledge of the types of incidents that have happened in the past and recently, I believe it is more than warranted.

It would grant them more peace and security and would not cause any problems for anyone else, as there are higher walls and fences around the vicinity in plain view.

- They have been broken into twice in the distance past.
- Once an item was stolen from the front yard.
- Suspected drug users have come to the door late at night, confusing my parents' home for the one on the corner (red Spanish house) which was their destination at the time.
- Strangers have walked across their property to go look at the horses next door.
- A man drove into their back yard more than once and was snooping around their car. The Police had to be called to confront him.
- More recently they have had to endure several instances of unwanted and annoying strangers coming to their door repeatedly for various reasons.

These are just a few examples of the things that a significant fence might have deterred.

As I am sure you are aware, the world is becoming increasingly dangerous by the day; and given the increase in traffic and people around this area and these afore mentioned incidents, I ask that you approve my parents request for an 8 inch variance for the fence height.

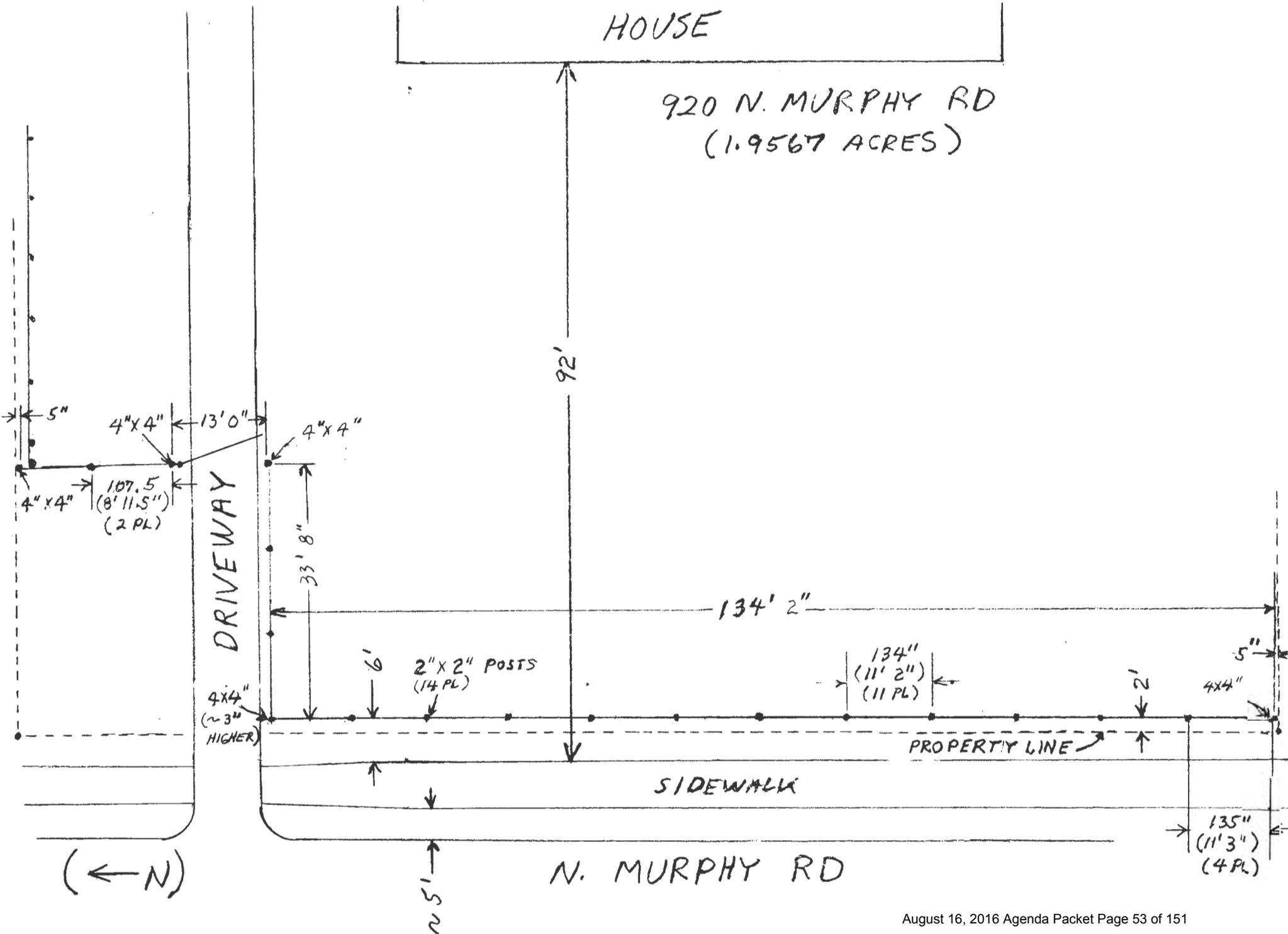
Thank you,

Teresa Jungerman

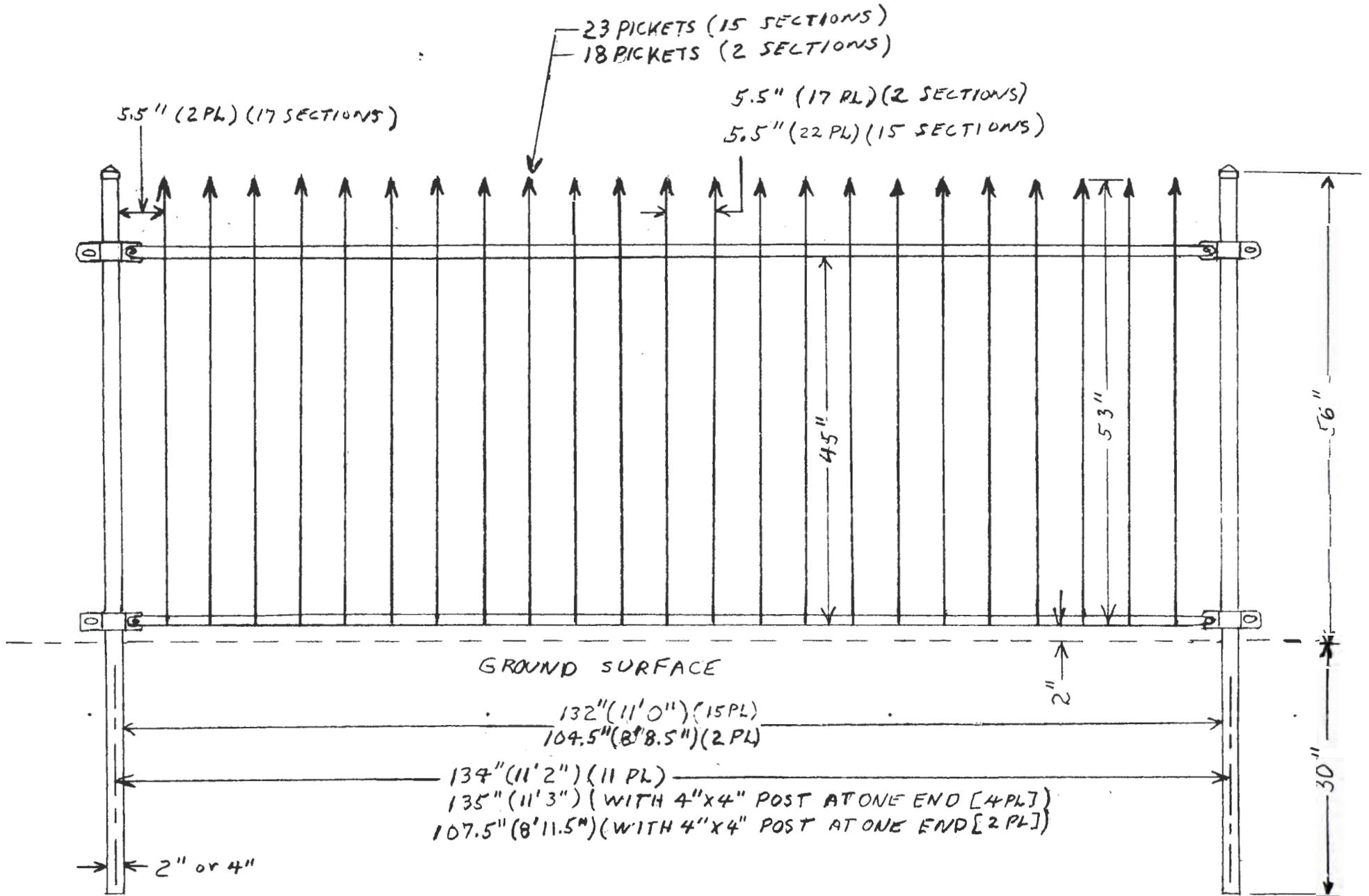
3400 McMillen Rd.

Wylie, TX 75098

Attachment 5 - Fence Drawing



Attachment 5 - Fence Drawing





City Council
August 16, 2016

Issue

Consider and/or act on the application of property owner and applicant, Sri Muralidharan Holdings, LLC; Meyyappan Arunachalam, requesting approval of a site plan, building elevations, landscape plan, and construction plat for Fort Child Activity Center on property located on 1.19 acres on Betsy Lane, west of Murphy Road.

Staff Resource/Department

Kelly Carpenter AICP, Interim Director of Economic and Community Development

Summary

The applicant submitted a site plan, building elevation plans, landscape plans and construction plat for approval that would allow for development of a single story building. The project will develop a 10,000 square foot activity center building with an indoor swimming pool. The property is located directly east of the Fort Montessori School and is zoned PD (Planned Development).

Current proposed swim school is a permitted use within the PD.

Site Plan

The proposed site plan has been reviewed by staff and meets the requirements as set forth by the Planned Development District and the Code of Ordinances

Building Elevations

The proposed building elevation and materials meet requirements as set forth by the Planned Development District and the Code of Ordinances

Landscape Plan

The proposed landscape and materials used have met requirement standards including landscape setbacks as detailed within the Planned Development District and the Code of Ordinances

Construction Plat

The construction plat has been reviewed by staff and meets the requirements as set forth by the Planned Development District and the Code of Ordinances

Considerations:

This item was approved by the Planning and Zoning Commission on July 25 requiring the following changes and which the staff subsequently reviewed:

- move the fence gate that was located on the north (front) elevation to the west (side) elevation
 - *completed*
- redesign the fence from being all wood to ornamental iron with stone columns at the northwest and southwest corners and by the two gate posts
 - *completed*
- ensure that the Betsy Lane (front of building) (north) elevation includes landscape screening
 - *completed*
- redesign the sidewalk as applicable to accommodate the west (side) facing fence
 - *completed*

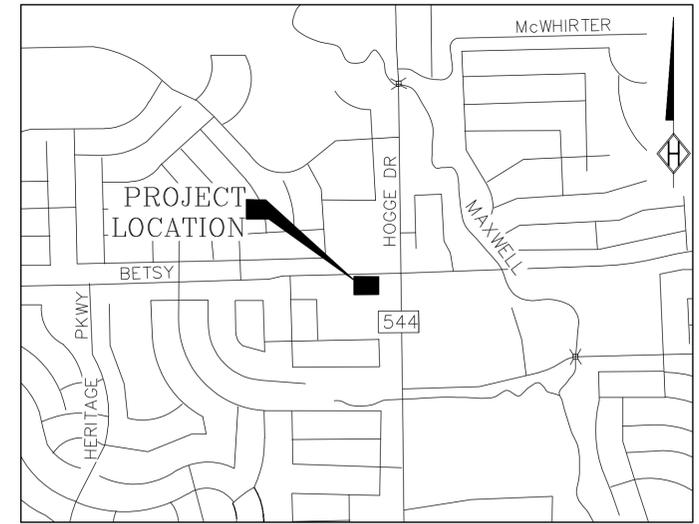
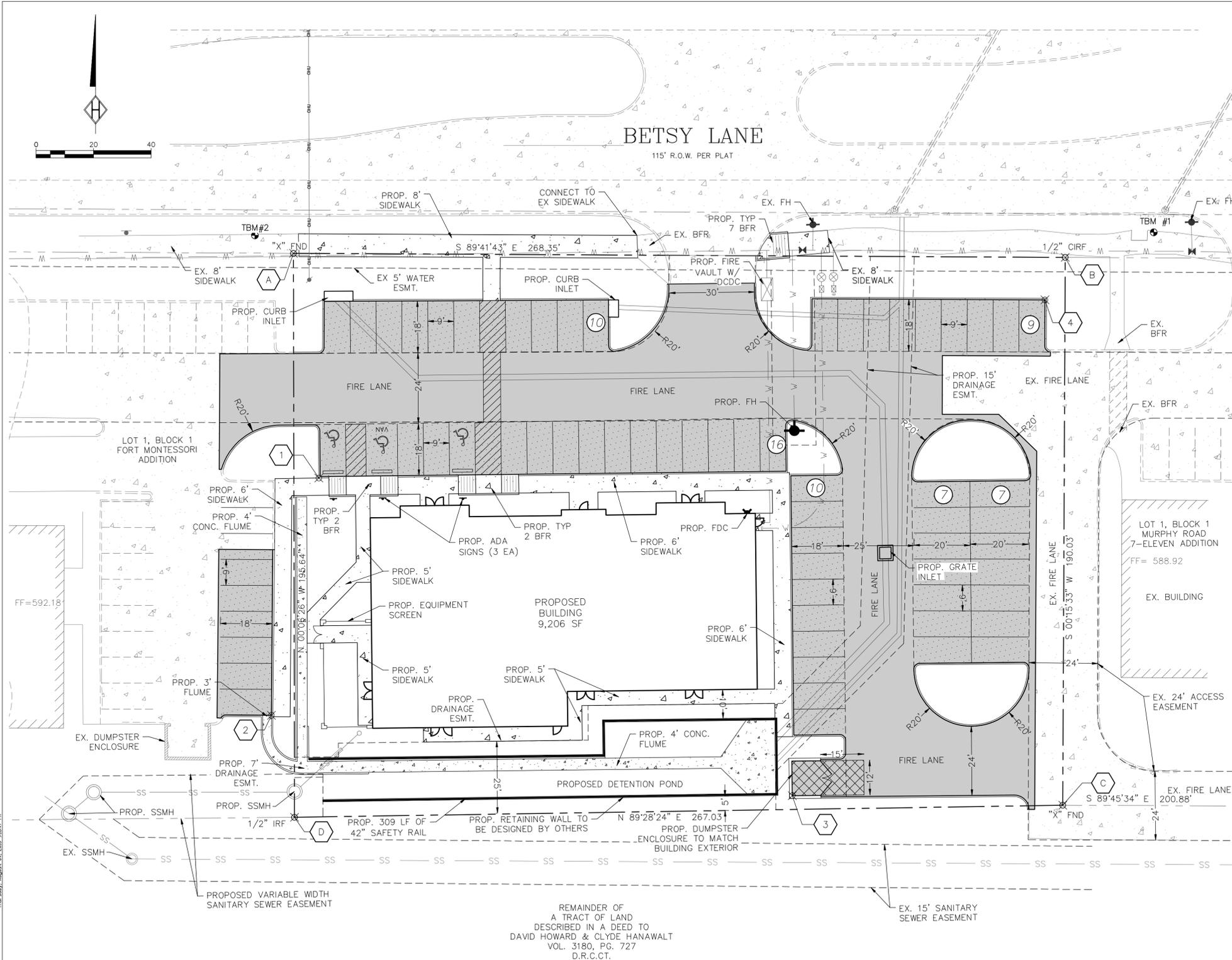
Staff Recommendation

Staff recommends approval of the site plan, landscape plan, building elevations, and construction plat as submitted with the considerations as noted in this agenda item.

Attachments

1. Map of Property
2. location Site plan
3. Building Elevations
4. Landscape Plan
5. Construction Plat
6. Planned Development District code





VICINITY MAP
SCALE: 1"=1000'

PAVEMENT LEGEND

- DRIVE APPROACH AND DUMPSTER PAVEMENT
PROPOSED 8" 4,000 PSI CONC. @ 28 DAYS WITH #3 BARS @ 18" O.C.E.W.
- HEAVY DUTY PAVEMENT
PROPOSED 7" 3,600 PSI CONC. @ 28 DAYS WITH #3 BARS @ 18" O.C.E.W.
- LIGHT DUTY PAVEMENT
PROPOSED 5" 3,600 PSI CONC. @ 28 DAYS WITH #3 BARS @ 18" O.C.E.W.
- SIDEWALK PAVEMENT
PROPOSED 4" 3,600 PSI CONC. @ 28 DAYS WITH #3 BARS @ 18" O.C.E.W.

PAVEMENT NOTES:

1. ALL PAVEMENT SUBGRADE SHALL BE SCARIFIED TO A MINIMUM DEPTH OF 6" AND COMPACTED TO A MINIMUM 95% STANDARD PROCTOR DENSITY AT OR ABOVE OPTIMUM MOISTURE.
2. THE CONTRACTOR SHALL DOWEL & EPOXY #4 X 24" SMOOTH BARS @ 24" CENTERS ALONG ALL PROPOSED TO EXISTING CONCRETE EDGES W/ 3/4" EXPANSION JOINT & SELF LEVELING JOINT SEALING COMPOUND.
3. THE CONTRACTOR SHALL PROVIDE A 1/2" EXPANSION JOINT W/ SELF LEVELING JOINT SEALING COMPOUND BETWEEN THE PROPOSED CONCRETE PAVEMENT AND THE PROPOSED BUILDING.

DESIGN POINTS

PT	NORTHING	EASTING	PT	NORTHING	EASTING
A	7064129.3060	2546465.7692	1	7064051.3348	2546474.5919
B	7064127.8790	2546734.1130	2	7063969.0384	2546458.1165
C	7064113.1521	2546727.0567	3	7063941.1540	2546639.2123
D	7063937.8480	2546733.2530	4	7063933.6670	2546466.1340

SITE INFORMATION

PROPOSED BUILDING AREA = 9,206 S.F.
 PARKING REQUIRED:
 1 SPACE PER 200 S.F. = 47 SPACES
 PARKING REQUIRED: 47 SPACES
 PARKING PROVIDED: 59 SPACES
 HANDICAP PARKING REQUIRED: 3 SPACES
 HANDICAP PARKING PROVIDED: 3 SPACES

PRELIMINARY PLANS

THIS DOCUMENT IS FOR INTERIM REVIEW AND IS NOT INTENDED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.
 STEVEN R. HOMEYER, PE # 86942
 DATE: 08/05/2016

FORT CHILD ACTIVITY CENTER
 FORT CHILD ACTIVITY CENTER ADDITION
 LOT 1, BLOCK A
 1.18 ACRES
 CITY OF MURPHY
 COLLIN COUNTY, TEXAS

SITE PLAN

DRAWN: ASW
 DATE: 03/07/2016
 HEI #: 15-181

SHEET NO:
C2

HOMEYER
ENGINEERING, INC.
 T&E FIRM REGISTRATION NO. F-8440
 P.O. BOX 294527 ALEXANDRIA, TEXAS 75009
 972-906-9985 PHONE 972-906-9987 FAX
 WWW.HEI.US.COM



If the adjacent seal block does not contain the architect's seal, signature, and date; then this document is incomplete and may not be used for regulatory approval, permit, or construction.
 PlacesMade architecture
 Phillip Morse, TX Reg No. 17037
 The Texas Board of Architectural Examiners has jurisdiction over complaints regarding the professional practices of persons registered as Architects in TX. PO Box 12337 Austin, TX 78711-2337. Ph. 512-305-9000. www.tbaa.texas.gov

TRI-STAR CONSTRUCTION, INC. GENERAL CONTRACTORS
 Building #2
 3601 Yucca Drive
 Flower Mound, Texas 75028
 972.221.5588
 www.tristarcorp.org

Fort Child Activity Center
 Swim School Component
 Murphy, TX 75094

Project No.	16004
Date	March 2016
Revisions	
No.	Date
1	Facade Review 04-04-16
2	Facade Review 06-08-16
3	Facade Review 08-05-16

scale verification
 1" = 1" = 1"
 Sheet
A2.1C
 Color Elevations

- GENERAL NOTES:**
- THIS FACADE PLAN IS FOR CONCEPTUAL PURPOSES ONLY. ALL BUILDING PLANS REQUIRE REVIEW AND APPROVAL OF THE BUILDING INSPECTION DEPARTMENT.
 - ALL MECHANICAL UNITS SHALL BE SCREENED FROM PUBLIC VIEW.
 - WHEN PERMITTED, EXPOSED UTILITY BOXES AND CONSULTS SHALL BE PAINTED TO MATCH THE BUILDING.
 - ALL SIGNAGE AREAS AND LOCATIONS ARE SUBJECT TO APPROVAL BY THE BUILDING INSPECTION DEPARTMENT. ROOF ACCESS SHALL BE PROVIDED INTERNALLY UNLESS OTHERWISE PERMITTED BY THE BUILDING OFFICIAL.

FORT CHILD SWIM
 W. BEESY LANE
 MURPHY, TX 75094
 972 468 8138
 CONTACT: MEYAPPAN ARUNACHALAM

ARCHITECT:
 PLACESMADE ARCHITECTURE
 2840 KELLER SPRINGS, SUITE 503
 CARROLLTON, TX 75006
 972 248 7660
 CONTACT: PHILLIP MORSE

CIVIL ENGINEER:
 HOMEYER ENGINEERING
 PO BOX 284527
 LEWISVILLE, TX 75029
 972 906 9885
 CONTACT: STEVE HOMEYER, P.E.

MATERIALS LIST

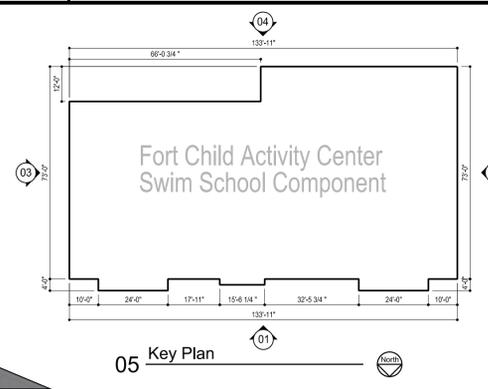
B-1 BRICK VENEER	BORAL BRICK CO. "BANDERA" BRICK
W-1 WOOD	STAINED CEDAR FACIA
S-1 STONE VENEER	NATURE STONE VENEER "WHITE ROUGHBACK" WITH BUFF MORTAR
R-1 ROOFING SHINGLES	COMPOSITION ROOFING TO MATCH FORT CHILD MONTESSORI

MATERIAL COVERAGE CHART
 FRONT OF BUILDING

MATERIAL	SQ. FT.	PERCENTAGE
BRICK VENEER	641	59%
WOOD	38	4%
STONE VENEER	401	37%
TOTAL AREA	1080	100%

COLOR/MATERIAL VARIATION
 FRONT OF BUILDING

- BRICK B-1
- STONE S-1
- STAINED CEDAR FACIA
- WINDOW GLASS



05 Key Plan



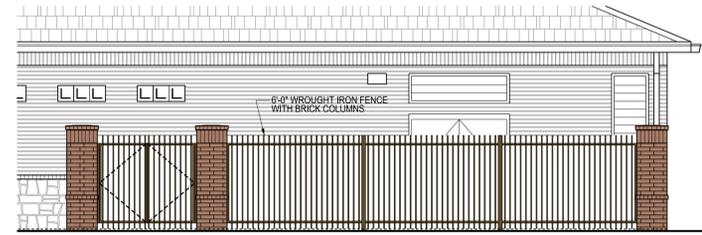
01 North (Front) Elevation

MATERIAL COVERAGE CHART
 WEST SIDE OF BUILDING

MATERIAL	SQ. FT.	PERCENTAGE
BRICK VENEER	589	82%
WOOD	0	0%
STONE VENEER	126	18%
TOTAL AREA	715	100%

COLOR/MATERIAL VARIATION
 SIDE OF BUILDING

- BRICK B-1
- STONE S-1
- STAINED CEDAR FACIA
- WINDOW GLASS



02b West Elevation (FENCE)

MATERIAL COVERAGE CHART
 EAST SIDE OF BUILDING

MATERIAL	SQ. FT.	PERCENTAGE
BRICK VENEER	626	72%
WOOD	0	0%
STONE VENEER	249	28%
TOTAL AREA	875	100%

COLOR/MATERIAL VARIATION
 SIDE OF BUILDING

- BRICK B-1
- STONE S-1
- STAINED CEDAR FACIA
- WINDOW GLASS



02 West Elevation



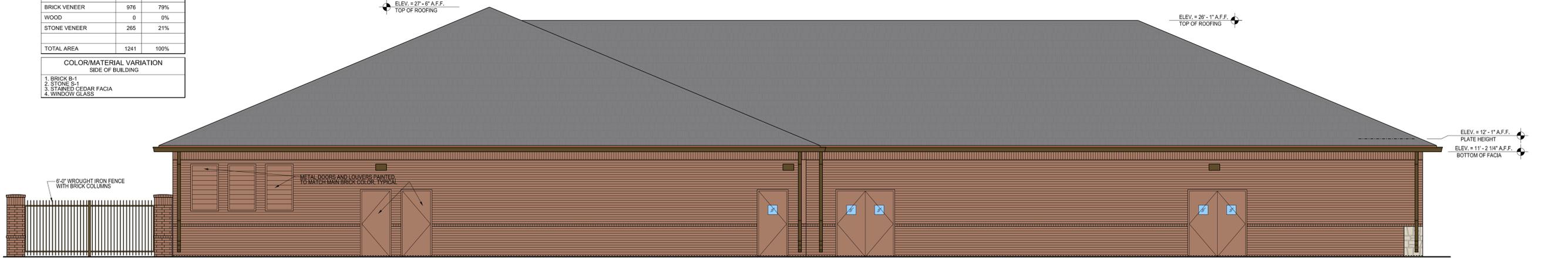
03 East Elevation

MATERIAL COVERAGE CHART
 SOUTH SIDE OF BUILDING

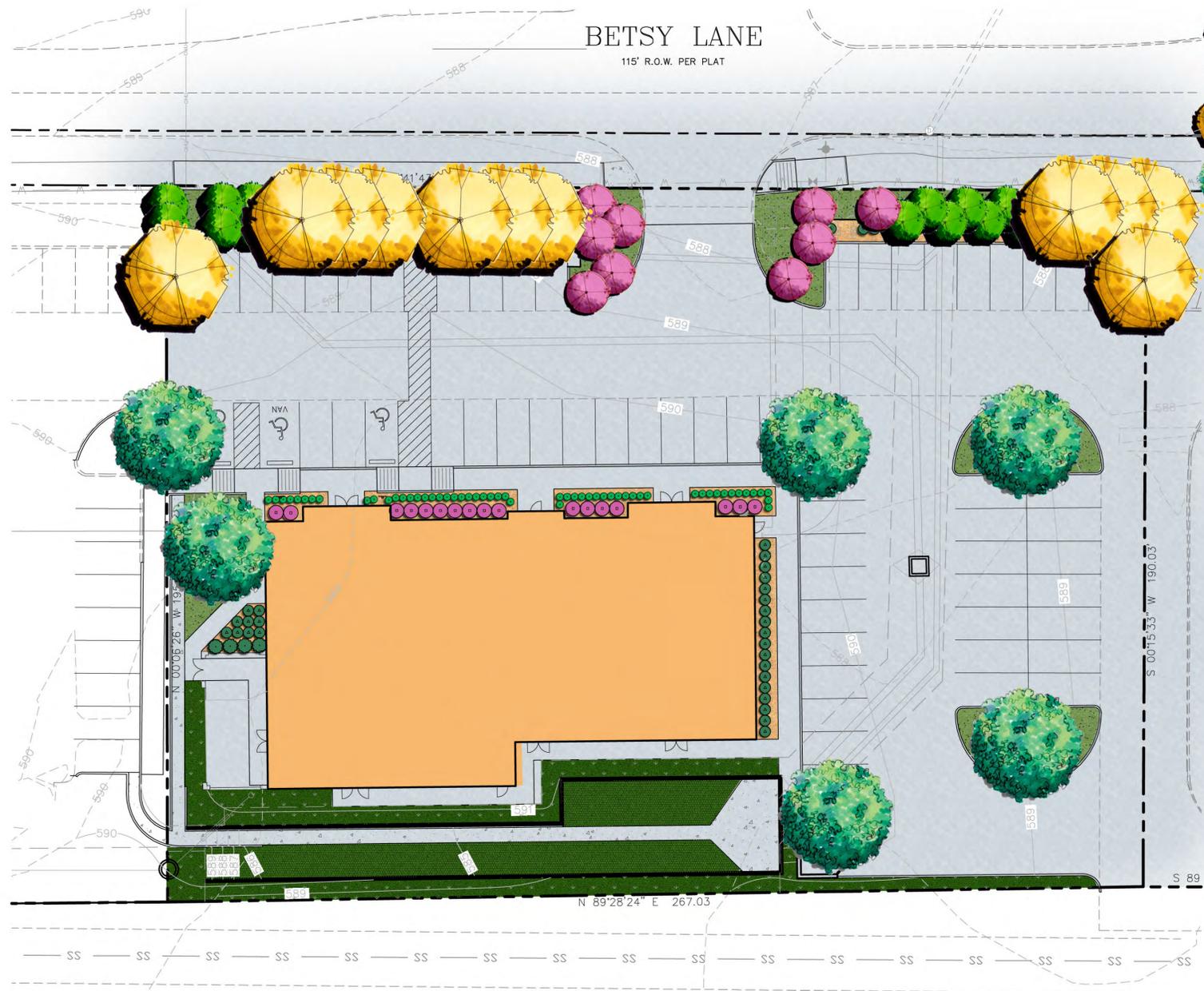
MATERIAL	SQ. FT.	PERCENTAGE
BRICK VENEER	976	79%
WOOD	0	0%
STONE VENEER	265	21%
TOTAL AREA	1241	100%

COLOR/MATERIAL VARIATION
 SIDE OF BUILDING

- BRICK B-1
- STONE S-1
- STAINED CEDAR FACIA
- WINDOW GLASS

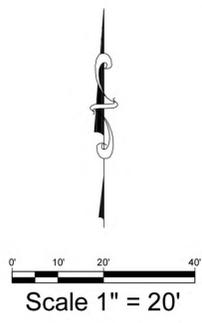


04 South Elevation



PLANTING LEGEND

SYMBOL	BOTANIC NAME	COMMON NAME	SIZE	SPACING	QUANTITY	REMARKS
TREES						
ILDE	Ilex decidua	Possumhaw	2" cal., 8' high	Per plan	13	
LAIN	Lagerstroemia indica 'Whit II'	Dynamite Crape Myrtle	2" cal., 8' high	Per plan	9	
PLOC	Platanus occidentalis	American Sycamore	2" cal., 8' high	Per plan	11	
ULCR	Ulmus crassifolia	Cedar Elm	5" cal., 16-18' high	Per plan	6	
NOTE: ALL TREES SHALL BE CONTAINER-GROWN, CONTAINER SIZE AS APPROPRIATE FOR THE CALIPER SPECIFIED. SEE SPECIFICATIONS FOR PROPER ROOT QUALITY.						
SHRUBS						
BERG	Berberis thunbergii 'Rose Glow'	Rose Glow Barberry	#5 cont.	4' o.c.	17	
ILVO	Ilex vomitoria 'Nana'	Dwarf Yaupon Holly	#5 cont.	3' o.c.	82	
JUCH	Juniperus chinensis 'Spartan'	Spartan Juniper	5' high min.	4' o.c.	4	
NADO	Nandina domestica 'Firepower'	Firepower Heavenly Bamboo	#5 cont.	2' o.c.	55	
TURF AND SEED						
	Cynodon 'Tifway 419'	Tifway Hybrid Bermuda Grass	Sod	---	---	
	---	Blackland Prairie Mix	Hydromulch	---	1 lb/1,000 sf	
	---	Drainfield Mix	Hydromulch	---	5 lb/1,000 sf	



HOMEYER ENGINEERING, INC.
 ENGINEERING, INC.
 TBPE FIRM REGISTRATION NO. F-8440
 P.O. BOX 294527 • LEWISVILLE, TEXAS • 75029
 972-906-9985 PHONE • 972-906-9987 FAX
 WWW.HEI.US.COM



FORT CHILD ACTIVITY CENTER ADDITION
 FORT CHILD ACTIVITY CENTER ADDITION
 LOT 1, BLOCK A
 1.18 ACRES
 CITY OF MURPHY
 COLLIN COUNTY, TEXAS

PLANTING PLAN



DRAWN: LML
 DATE: 03/07/2016
 HEI #: 15-181
 SHEET NO:
 LP1

Attachment 5 - Construction Plat

VICINITY MAP
NOT TO SCALE



OWNERS CERTIFICATION

STATE OF TEXAS
COUNTY OF DENTON

WHEREAS, Fort Child Activity Center, is the Owner of a tract of land situated in the Isaac Herring Survey, Abstract Number 403 I the City of Murphy, Collin County, Texas and being a part of a tract of land described in a deed to Hanawalt Living Trust as recorded in Document Number 2008-1256490f of the Official Public Records, Collin County, Texas; the subject tract being more particularly described as follows:

BEGINNING at a "X" cut found for the Northeast corner of Lot 1, Block 1 Fort Montessori Addition, an addition to the City of Murphy, Collin County, Texas as recorded in County Clerks File Number 2010-145 of the Map Records, Collin County, Texas, and being in the South Right of Way of Betsy Lane;

Thence South 89 degrees 41 minutes 43 seconds East with the South line of said Betsy Lane and the North line of said Hanawalt Living Trust tract a distance of 268.35 feet to a capped iron rod stamped "4813" found for the Northwest corner of Lot 1, Block 1 Murphy Road 7-Eleven Addition, an addition to the City of Murphy, Collin County, Texas as recorded in County Clerks File Number 2007-545 of the Map Records, Collin County, Texas;

Thence South 00 degrees 15 minutes 33 seconds West with the West line thereof a distance of 190.03 feet to a "X" cut found for the Southwest corner of said Murphy Road 7-Eleven Addition;

Thence South 89 degrees 06 minutes 12 seconds West a distance of 267.15 feet to a capped iron rod stamped "ROOME" found for the Southeast corner of said Fort Montessori Addition;

Thence North 00 degrees 06 minutes 26 seconds West with the East line thereof a distance of 195.64 feet to the POINT OF BEGINNING and enclosing 1.185 acres of land more or less.

OWNERS DEDICATION

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

That Fort Child Activity Center, acting herein by and through its duly authorized officer, does hereby adopt this plat designating the herein above described property as Fort Child Activity Center Addition, an addition to the City of Murphy, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, rights-of-way, and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City Council of the City of Murphy. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Murphy's use thereof. The City of Murphy and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Murphy and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Murphy, Texas.

WITNESS, my hand, this the ____ day of _____, 2016.

BY: _____

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, owner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this ____ day of _____, 2016.

Notary Public in and for the State of Texas

My commission expires: _____

CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS:

That I, Ernest Woorster, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as "set" were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Murphy.

Ernest Woorster
R.P.L.S. # 6509

STATE OF TEXAS
COUNTY OF DENTON

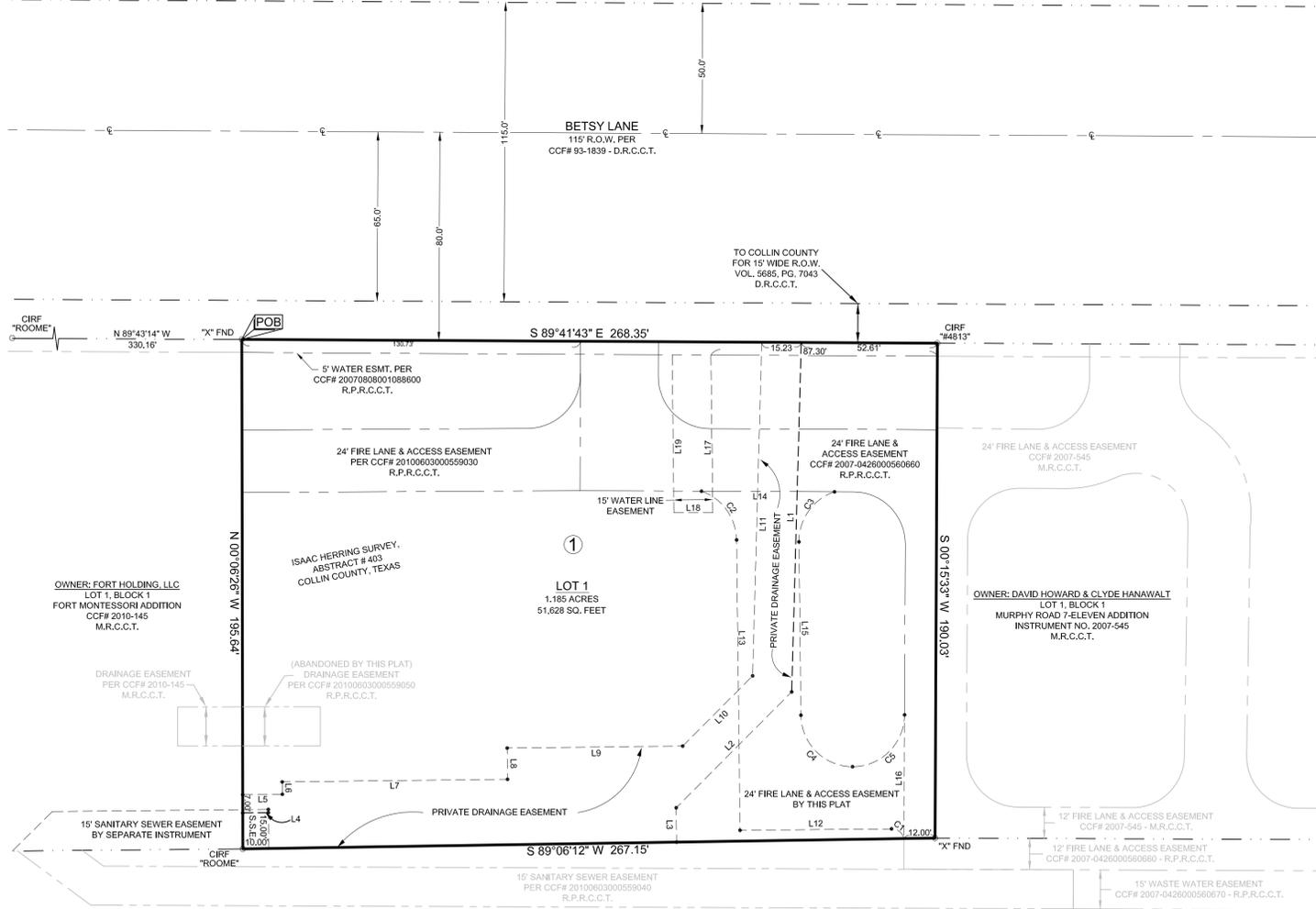
Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Ernest Woorster, Registered Public Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this ____ day of _____, 2016.

Notary Public in and for the State of Texas

My commission expires on _____

- GENERAL PLAT NOTES**
- All interior property corners are marked with a 1/2" iron rod with a green cap stamped "Eagle Surveying" unless otherwise noted.
 - This property is located in "Non-shaded Zone X" as scaled from the F.E.M.A. Flood Insurance Rate Map dated June 2, 2009 and is located in Community Number 480137 as shown on Map Number 480085C0415J. The location of the Flood Zone is approximate, no vertical datum was collected at the time of the survey. For the exact Flood Zone designation, please contact 1-(877) FEMA MAP.
 - The purpose of this plat is to create a single lot of record from an unplatted tract of land.
 - The subject property is zoned "PD-R" per the City of Murphy online zoning map.
 - The bearings shown on this survey were derived from Western Data Systems RTK Network and are referenced to the Texas Coordinate System of 1983, North Central Zone (4202) and are based on the American Datum of 1983, 2011 Adjustment.



LINE	BEARING	DISTANCE
L1	S 01°34'29" W	134.23'
L2	S 45°02'37" W	62.98'
L3	S 00°39'42" E	13.19'
L4	S 89°20'33" W	9.89'
L5	N 89°20'33" E	15.32'
L6	N 00°39'42" W	4.75'
L7	N 89°20'36" E	86.95'
L8	N 00°39'27" W	12.00'
L9	N 89°20'33" E	67.72'
L10	N 45°02'37" E	38.15'
L11	N 01°34'29" E	128.15'
L12	S 89°27'38" W	58.46'
L13	N 00°40'48" W	111.51'
L14	S 89°44'57" E	51.35'
L15	S 00°38'37" E	66.57'
L16	S 00°15'33" W	47.49'
L17	S 00°39'42" E	60.57'
L18	N 90°00'00" W	15.00'
L19	N 00°39'42" W	60.68'

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	DELTA ANGLE
C1	4.81'	6.57'	N 52°10'16" W	6.07'	78°13'04"
C2	20.00'	24.63'	N 35°57'35" W	23.10'	70°33'35"
C3	20.00'	25.27'	S 35°32'56" W	23.62'	72°23'06"
C4	20.00'	31.10'	S 45°11'32" E	28.06'	89°05'49"
C5	20.00'	31.42'	N 45°15'33" E	28.28'	90°00'00"

CITY APPROVAL OF CONSTRUCTION PLAT

Approved for preparation of final plat following construction of all public improvements (or appropriate sureties thereof) necessary for the subdivision shown on this plat.

RECOMMENDED BY: Planning and Zoning Commission
City of Murphy, Texas

Signature of Chairperson _____ Date _____

APPROVED BY: City Council
City of Murphy, Texas

Signature of Mayor _____ Date _____

ATTEST:

City Secretary _____ Date _____

A TRACT OF LAND DESCRIBED
IN A DEED TO DON WALK
CCF# 20150120000063300
R.P.R.D.C.T.

CONSTRUCTION PLAT
FORT CHILD ACTIVITY
CENTER ADDITION
LOT 1, BLOCK 1

CONSTRUCTION PLAT OF LOTS 1, BLOCK 1,
FORT CHILD ACTIVITY CENTER ADDITION,
BEING 1.185 ACRES OF LAND LOCATED IN THE
ISAAC HERRING SURVEY, ABSTRACT NO. 403,
AN ADDITION IN THE CITY OF MURPHY,
COLLIN COUNTY, TEXAS

LEGEND

- ① = BLOCK
- IRF = IRON ROD FOUND
- POB = POINT OF BEGINNING
- CIRF = CAPPED IRON ROD FOUND
- CIRS = CAPPED IRON ROD SET
- B.L. = BUILDING LINE
- R.O.W. = RIGHT OF WAY
- S.S.E. = SANITARY SEWER EASEMENT
- D.E. = DRAINAGE EASEMENT
- ε— = CENTERLINE OF ROAD

SURVEYOR

EAGLE SURVEYING, LLC
210 SOUTH ELM STREET
SUITE: 104
DENTON, TX 76201
940.222.3009
www.eaglesurveying.com

ENGINEER

HOMeyer ENGINEERING
P.O. BOX 294527
LEWISVILLE, TX 75029
972.906.9985

OWNER

FORT CHILD ACTIVITY CENTER
ARUN MEYAPPAN
186 BETSY LANE
MURPHY, TEXAS 75094
972.468.8138

JOB #: 16-59 CP
DATE: 7/12/2016
DRAWN BY: JDC



EAGLE SURVEYING, LLC
210 SOUTH ELM STREET
SUITE: 104
DENTON, TX 76201
940.222.3009
TX FIRM # 10194177

West Betsy Lane, west of North Murphy Road
Amended PLANNED DEVELOPMENT CONDITIONS

- I. **Statement of Purpose:** The purpose and intent of this Planned Development District is to permit the development of retail uses and to amend certain development conditions.
- II. **Statement of Effect:** This Planned Development shall not affect any regulation found in the City of Murphy Code of Ordinances, Ordinance No. 06-12-708, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of the R (Retail) District set forth in Article III, Division 14 of the City of Murphy Code of Ordinances (Ordinance No. 06-12-708), as amended, are included by reference, except as otherwise specified by this ordinance.
- IV. **Specific Regulations:**
 - A. Permitted Uses: All uses of the R (Retail) District shall be permitted. In addition, the following uses shall be permitted.
 1. Automotive Gasoline or Motor Fuel Service Station.
 2. Bank
 3. Offices (Health Services)
 4. Offices (Legal Services)
 5. Offices (Professional)
 6. Real Estate Offices
 7. School, K through 12 (Private) (SUP)
 8. Swim School
 - B. Minimum Exterior Construction Standards, Building Materials and Design
 1. There shall be a compatible architectural framework in which individual building sites and/or tenant character may be expressed. All buildings shall be finished on all sides in a compatible architectural concept and shall not detract from adjacent property.
 2. Building materials shall be of permanent, lasting quality and shall be of masonry construction. Masonry construction shall be construed to mean that form of construction composed of brick or stone (or combination of these materials) laid up unit by unit and set in mortar, and shall exclude wall area devoted to doors and windows. As applicable to meeting the minimum requirements for the exterior construction of buildings within each zoning district, this term shall include the following materials:
 - a. Hard fired brick (kiln fired clay or slate material; severe weather grade; minimum thickness of three inches when applied as a veneer; shall not include unfired or underfired clay, sand or shale brick; may include concrete brick if it conforms to the same ASTM standards, and to the above stated additional standards, as hard fired clay brick).
 - b. Stone (includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all-weather stone that is customarily used in exterior building construction; may also include cast- or manufactured-stone product, provided that such product yields a highly textured, stone-like appearance, its coloration is integral to the masonry material and shall not be painted on, and it is demonstrated to be highly durable and maintenance-free; natural or man-made stone shall have a minimum thickness of three and five-eighths inches when applied as a veneer).

Planned Development Conditions
Page 2

3. Color schemes shall reflect a certain quality and expression consistent with the architectural character and design of the structure. Accent colors may be used to identify architectural features or highlight details. The use of primary or garish colors shall not be predominately used on the exterior facade of any structure. This shall not be intended to prevent or exclude a national or regional retailer from using their prototypes.
 4. Each commercial building, complex of buildings, or separate commercial business enterprises shall have a trash bin on the premises adequate to handle the trash and waste items generated, manufactured, or acquired thereon by such commercial activities. The sorting, handling, moving, storing, removing and disposing of all waste materials must be housed or screened from public view.
 5. Building roofs shall be so designed and constructed to prevent water ponding and to shed water in a reasonable amount of time. Built-up roofs and roof-top items which include equipment, piping, flashing, and other items shall be maintained for continuity of the roof appearance. Minimum roof pitch of a gabled or otherwise pitched roof shall be at least 4:12, except for flat-roofed structures that shall have a highly articulated parapet that conceals the roof and any roof-mounted equipment.
 6. In all cases, mechanical equipment on roofs and outcroppings should be clad by a like building material or painted with a color scheme similar to the principal structure walls or roof.
- E. Height Regulations: The maximum height shall be three (3) stories or forty-five feet (45') for the main building(s).
- F. Area Regulations
1. The minimum lot/tract area shall be ten thousand (10,000) square feet, except fifteen thousand (15,000) square feet for any site fronting Murphy Road.
 2. The minimum front yard shall be forty (40) feet. All yards adjacent to a street shall be considered a front yard for setback purposes.
 3. The minimum side or rear yard adjacent to a residential zoning district shall be twenty (20) feet.
- G. Special Requirements: Driveways along Betsy Lane shall be located as shown on the "7-11" site plan and at the existing curb cuts on the property. One curb cut on Murphy Road shall be allowed in addition to the one shown on the "7-11" site plan.

City Council
August 16, 2016

Issue

Consider and/or act on the application of property owner and applicant, Three Murphy Retail, requesting approval of a site plan, landscape plan, building elevations and construction plat for Murphy Village Phase 3 on property zoned Retail located adjacent to W. FM544 to build a 36,855 square foot building to be leased to multi-use tenants.

Staff Resource/Department

Kelly Carpenter, Interim Director of Economic and Community Development

Summary:

The applicant submitted a site plan, building elevation plans, landscape plans and construction plat for approval that would allow for development of a two story mixed tenant building.

Applicant plans for the building include professional offices on the second floor with restaurant and retail tenants on the first floor. Total square footage of the proposed building is approximately 37,000 square feet. Uses currently proposed by the developer are allowed in this zoning type. Approved office use types include: medical office, brokerage services, and insurance agency offices. There are a variety of other Retail uses allowed.

Site Plan

The proposed site plan has been reviewed by staff and meets the requirements as set forth by the Retail zoning district.

Building Elevations

The proposed building elevation and materials meet requirements as set forth by the Retail zoning district including:

- Height regulations (City Ordinance: Sec. 30.03.403)

Maximum height regulations in the Retail district shall be as follows:

Three stories or 45 feet for the main building, except maximum height shall be 25 feet for any portion of a building that is located within 100 feet of a residential zoning district.

Landscape Plan

The proposed landscape and materials used meet requirement standards including landscape setbacks as detailed within the Retail district.

Construction Plat

The construction plat meets requirements pending the completion of comments currently being addressed by the applicant. The applicant is required to gain approval from property owner to the east specific to easement access approval due to grading proposed on the property related to connection of the two drainage systems. Easement approval will be required to be secured prior to Pre-Construction meeting being scheduled.

Additional Considerations for Notation

Prior to any signage installation, the sign plans for the building and site will be submitted to Customer Service, be reviewed by standard staff procedures to ensure compliance with the Sign Ordinance and will be permitted separately after staff approved.

Considerations:

This item was approved by the Planning and Zoning Commission on July 25 requiring the following changes and which the staff subsequently reviewed:

1. Improve the west facing elevation of the building to include variegated building materials as have been used on the other elevations of the building. *The architect has improved the west façade by adding multiple windows as well as switching out some of the brick for stone to give a variegated look similar to the other building elevations.*
2. Ensure that there is a gate on the dumpster enclosure and that it is shown on the site plan. *A callout is now shown regarding the solid metal gates for the dumpster enclosure on the site plan.*

Staff Recommendation

Staff recommends approval of the site plan, landscape plan, building elevations, and construction plat as submitted with the considerations as noted in this agenda item.

Attachments

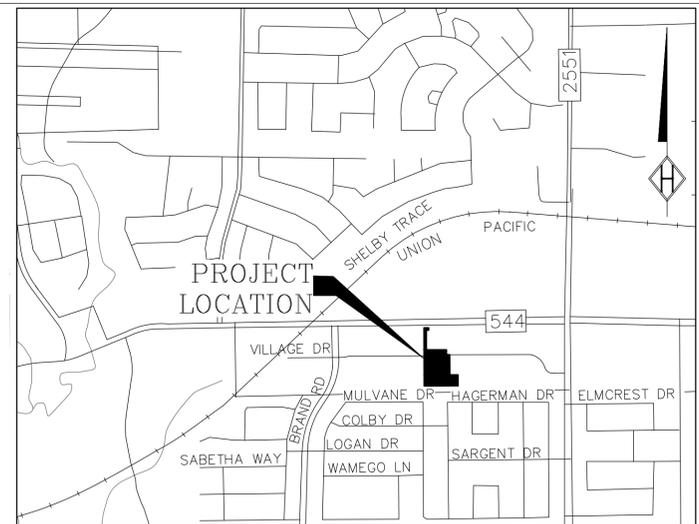
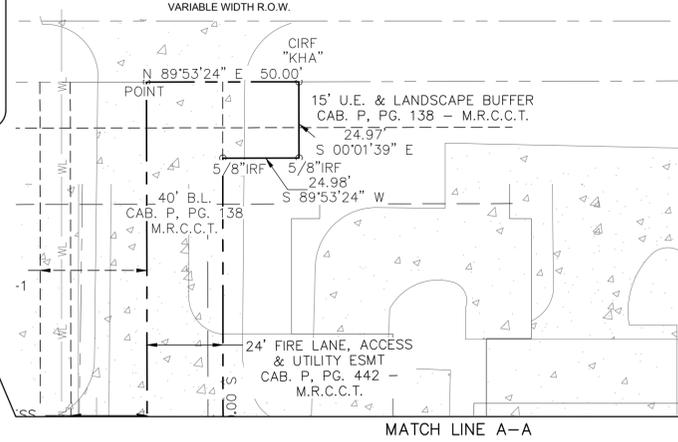
1. Site plan
2. Building Elevations
3. Landscape Plan
4. Construction Plat

ITE TRIP GENERATION RATES

PROPOSED LAND USE	ITE CODE	QUANTITY	UNIT OF MEASURE	WEEKDAY	AM			PM		
					TOTAL	ENTER	EXIT	TOTAL	ENTER	EXIT
RETAIL SHOPPING CENTER	820	36.855	KSF	T=42.94(X)	T=1.00(X)	61%	39%	T=3.73(X)	49%	51%
				1,583	37	23	14	137	67	70

SOURCE: 8th EDITION, I.T.E. TRIP GENERATION MANUAL

FM HIGHWAY 544



VICINITY MAP
SCALE: 1"=1000'

HOMEYER ENGINEERING, INC.
 ENGINEERING, INC.
 T.B.P.E. FIRM REGISTRATION NO. F-84440
 P.O. BOX 294527 • LEWISVILLE, TEXAS • 75029
 972-906-9985 PHONE • 972-906-9987 FAX
 WWW.HEI.US.COM



MURPHY VILLAGE PHASE 3
 MURPHY VILLAGE ADDITION
 LOT 4, BLOCK D
 2.883 ACRES
 CITY OF MURPHY
 COLLIN COUNTY, TEXAS

SITE PLAN

DRAWN: JDH
 DATE: 05/25/2016
 HEI #: 16-130

SHEET NO:
 C2

NOTE:
 SEE ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS

SITE INFORMATION

- PROPOSED BUILDING AREA = 32,411 S.F.
- GROUND FLOOR (19,156 S.F.)
- RESTAURANT 10,000 S.F.
1 SPACE PER 100 S.F. = 100 SPACES
- OFFICE 1,181 S.F.
1 SPACE PER 300 S.F. = 4 SPACES
- RESTAURANT 7,975 S.F.
1 SPACE PER 200 S.F. = 40 SPACES
- SECOND FLOOR (13,255 S.F.)
- OFFICE 13,255 S.F.
1 SPACE PER 300 S.F. = 45 SPACES
- PARKING REQUIRED: 189 SPACES
- PARKING PROVIDED: 222 SPACES
- HANDICAP PARKING REQUIRED: 6 SPACES
- HANDICAP PARKING PROVIDED: 6 SPACES

PAVEMENT LEGEND

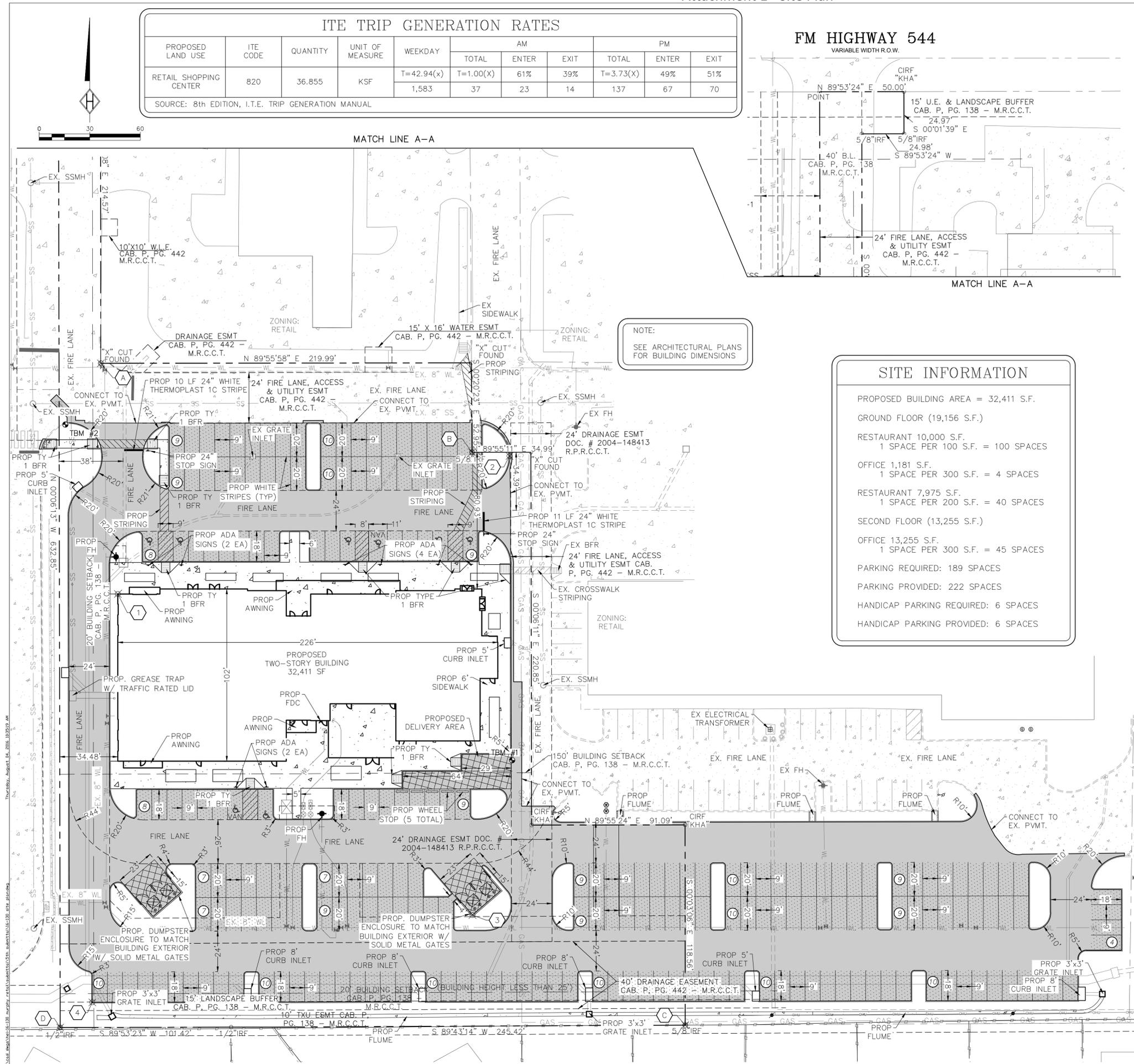
- DRIVE APPROACH AND DUMPSTER PAVEMENT**
 PROPOSED 8" 4,000 PSI CONC. @ 28 DAYS WITH #3 BARS @ 18" O.C.E.W.
- HEAVY DUTY PAVEMENT**
 PROPOSED 7" 3,600 PSI CONC. @ 28 DAYS WITH #3 BARS @ 18" O.C.E.W.
- LIGHT DUTY PAVEMENT**
 PROPOSED 5" 3,600 PSI CONC. @ 28 DAYS WITH #3 BARS @ 18" O.C.E.W.
- SIDEWALK PAVEMENT**
 PROPOSED 4" 3,600 PSI CONC. @ 28 DAYS WITH #3 BARS @ 18" O.C.E.W.

- PAVEMENT NOTES:
- ALL PAVEMENT SUBGRADE SHALL BE SCARIFIED TO A MINIMUM DEPTH OF 6" AND COMPACTED TO A MINIMUM 95% STANDARD PROCTOR DENSITY AT OR ABOVE OPTIMUM MOISTURE.
 - THE CONTRACTOR SHALL DOWEL & EPOXY #4 X 24" SMOOTH BARS @ 24" CENTERS ALONG ALL PROPOSED TO EXISTING CONCRETE EDGES W/ 3/4" EXPANSION JOINT & SELF LEVELING JOINT SEALING COMPOUND.
 - THE CONTRACTOR SHALL PROVIDE A 1/2" EXPANSION JOINT W/ SELF LEVELING JOINT SEALING COMPOUND BETWEEN THE PROPOSED CONCRETE PAVEMENT AND THE PROPOSED BUILDING.

DESIGN POINTS

PT	NORTHING	EASTING	PT	NORTHING	EASTING
A	7055791.0700	2545409.5490	1	7055654.4581	2545419.6528
B	7055738.3750	2545629.8530	2	7055736.1691	2545652.1289
C	7055399.1310	2545756.4290	3	7055464.3061	2545630.1323
D	7055397.7100	2545385.4660	4	7055412.5995	2545404.5003

PRELIMINARY PLANS
 THIS DOCUMENT IS FOR INTERIM REVIEW AND IS NOT INTENDED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.
 STEVEN R. HOMEYER, PE # 86942
 DATE: 08/05/2016





FINISH SCHEDULE	
MARK	DESCRIPTION
BR1	BRICK VENEER
BR2	BRICK VENEER
ST1	STONE VENEER
REFER TO COVER SHEET FOR SPECIFICATIONS	

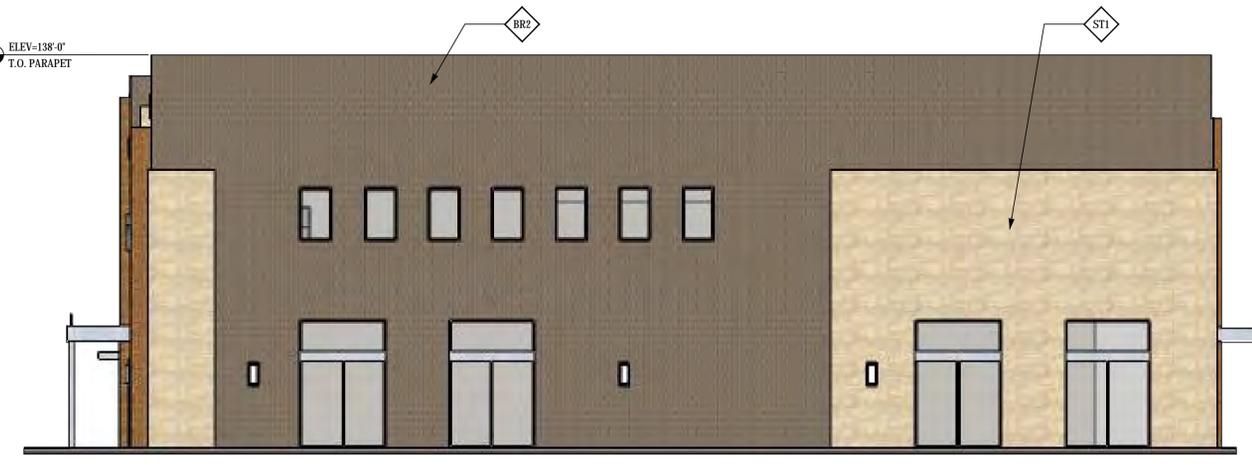
STONE	2,160 S.F.	26 %
BRICK	3,456 S.F.	44 %
GLASS SYSTEM	2,362 S.F.	29 %
MTL CANOPY	136 S.F.	01 %
TOTAL AREA	8,114 S.F.	100.0 %

01 NORTH ELEVATION
SCALE: 1/8"=1'-0"



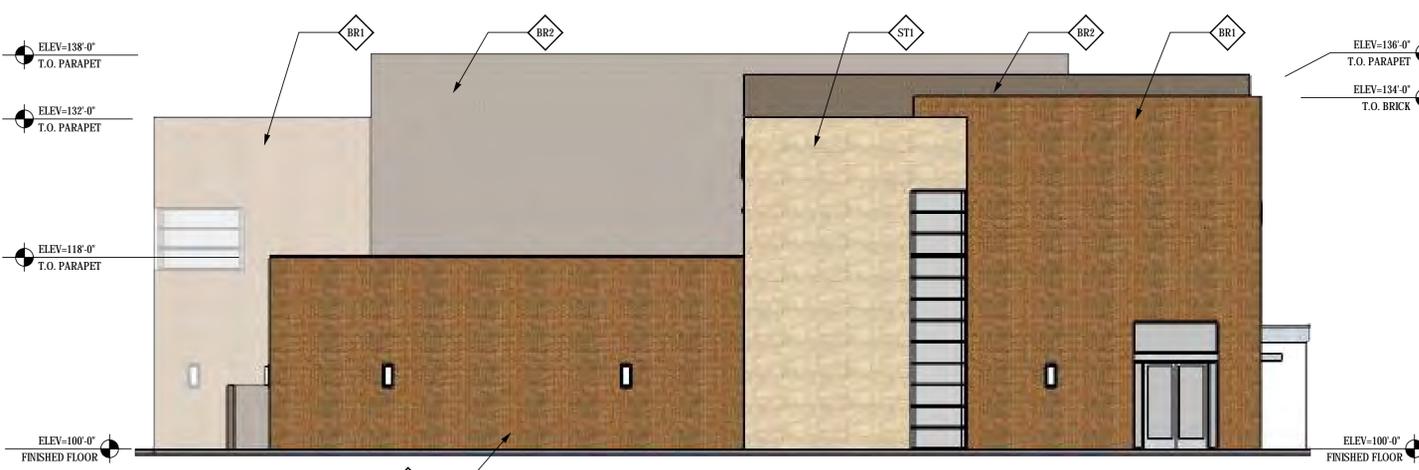
STONE	1,613 S.F.	17 %
BRICK	5,004 S.F.	62 %
GLASS SYSTEM	1,372 S.F.	17 %
MTL CANOPY	60 S.F.	04 %
TOTAL AREA	8,049 S.F.	100.0 %

02 SOUTH ELEVATION
SCALE: 1/8"=1'-0"



STONE	940 S.F.	25 %
BRICK	2,413 S.F.	64 %
GLASS SYSTEM	409 S.F.	11 %
MTL CANOPY	0 S.F.	00 %
TOTAL AREA	3,762 S.F.	100.0 %

04 WEST ELEVATION
SCALE: 1/8"=1'-0"



STONE	713 S.F.	19 %
BRICK	2,764 S.F.	75 %
GLASS SYSTEM	220 S.F.	06 %
MTL CANOPY	8 S.F.	00 %
TOTAL AREA	3,705 S.F.	100.0 %

03 EAST ELEVATION
SCALE: 1/8"=1'-0"

NCA Partners
ARCHITECTURE

5646 MILTON ST.
SUITE 610
DALLAS, TX 75206
214.361.9901
214.361.9906 FAX
ncapartners.com

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MURPHY VILLAGE ADDITION
LOT 4 BLOCK D MURPHY VILLAGE ADDITION
MURPHY, TX

DATE	DESCRIPTION
08-05-2016	CITY RESUBMITAL

PRELIMINARY
THIS DOCUMENT SHALL NOT BE USED FOR REGULATORY APPROVAL, PERMIT, OR CONSTRUCTION. RELEASED UNDER THE AUTHORITY OF NICHOLAS K. CADE, TBAE LICENSE #9301

NCA JOB #: 14085

MATERIAL CALCULATIONS

A301



MURPHY VILLAGE PHASE 3
 MURPHY VILLAGE ADDITION
 LOT 4, BLOCK D
 2.883 ACRES
 CITY OF MURPHY
 COLLIN COUNTY, TEXAS

EVERGREEN DESIGN GROUP
 (800) 680-6630
 15305 Dallas Pkwy., Ste 300
 Addison, TX 75001
 www.landscape-consultants.net



DRAWN: JDH
 DATE: 05/25/2016
 HEI #: 16-130

SHEET NO:
 LP-1

PLANT SCHEDULE

TREES	CODE	COMMON NAME / BOTANICAL NAME	CONT	CAL	SIZE	QTY
	CE	Cedar Elm / <i>Ulmus crassifolia</i>	CONT.	5" Cal	14' ht.	23
	QV2	Live Oak / <i>Quercus virginiana</i> screen tree	CONT.	2" Cal	min. 8' ht.	22
SHRUBS	CODE	COMMON NAME / BOTANICAL NAME	SIZE	QTY		
	RY	Red Yucca / <i>Hesperaloe parviflora</i> 30" o.c.; 2 plant units	5 gal	102		
	NDM	Nandina domestica / Nandina	5 gal	36		
SHRUB AREAS	CODE	COMMON NAME / BOTANICAL NAME	CONT	SPACING	QTY	
	LA	Aztec Grass / <i>Liriope muscari</i> 'Aztec'	1 gal	15" o.c.	175	
GROUND COVERS	CODE	COMMON NAME / BOTANICAL NAME	CONT	QTY		
	CD	Bermuda Grass / <i>Cynodon dactylon</i>	hydro	26,489 sf		

ROOT BARRIERS

THE CONTRACTOR SHALL INSTALL ROOT BARRIERS NEAR ALL NEWLY-PLANTED TREES THAT ARE LOCATED WITHIN FIVE (5) FEET OF PAVING OR CURBS. ROOT BARRIERS SHALL BE "CENTURY" OR "DEEP-ROOT" 24" DEEP PANELS (OR EQUAL). BARRIERS SHALL BE LOCATED IMMEDIATELY ADJACENT TO HARDSCAPE. INSTALL PANELS PER MANUFACTURER'S RECOMMENDATIONS. UNDER NO CIRCUMSTANCES SHALL THE CONTRACTOR USE ROOT BARRIERS OF A TYPE THAT COMPLETELY ENCIRCLE THE ROOTBALL.

MULCHES

AFTER ALL PLANTING IS COMPLETE, CONTRACTOR SHALL INSTALL 3" THICK LAYER OF 1-1/2" SHREDDED WOOD MULCH IN ALL PLANTING AREAS. CONTRACTOR SHALL SUBMIT SAMPLES OF ALL MULCHES TO LANDSCAPE ARCHITECT AND OWNER FOR APPROVAL PRIOR TO CONSTRUCTION. ABSOLUTELY NO EXPOSED GROUND SHALL BE LEFT SHOWING ANYWHERE ON THE PROJECT AFTER MULCH HAS BEEN INSTALLED.

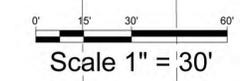
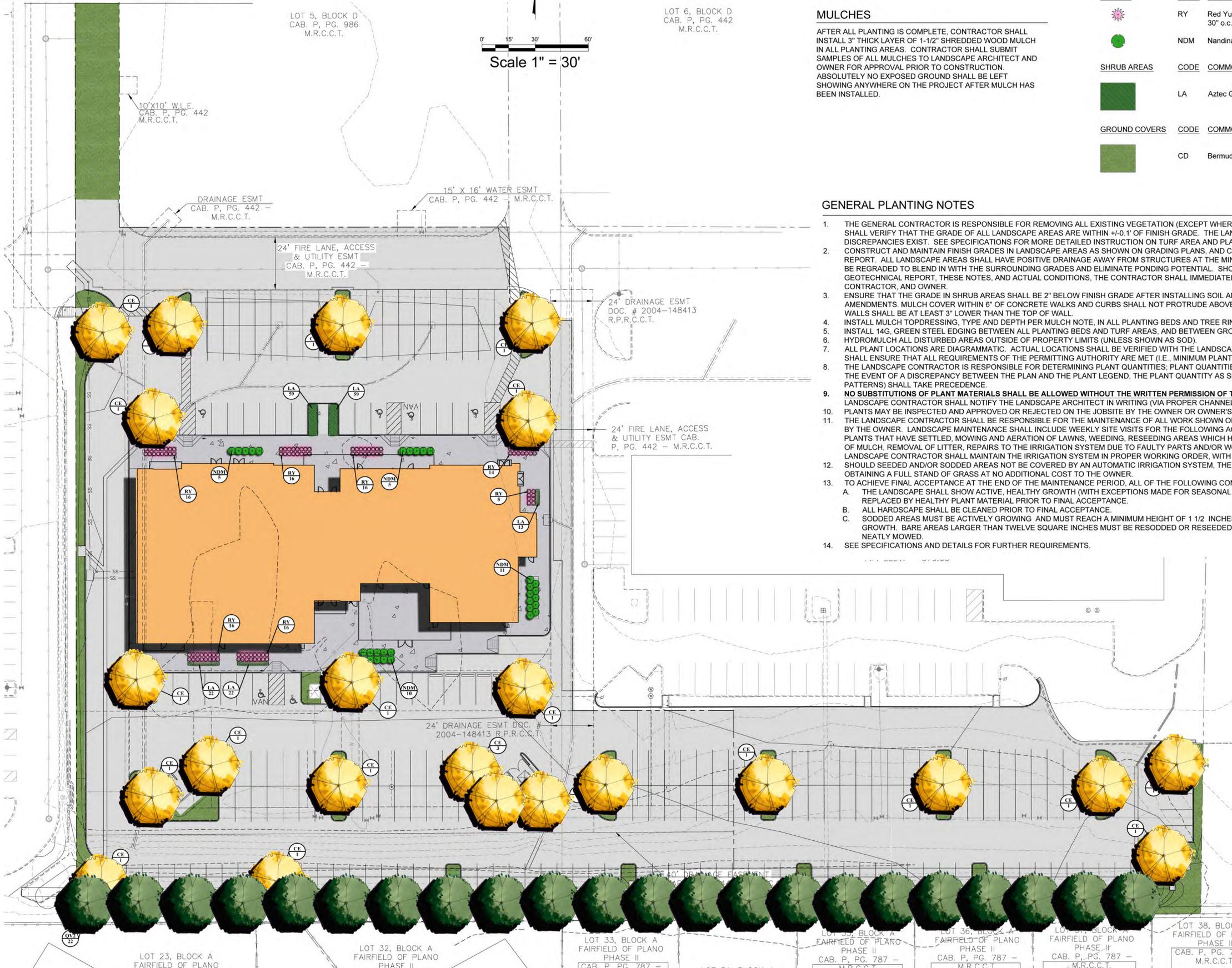
GENERAL PLANTING NOTES

- THE GENERAL CONTRACTOR IS RESPONSIBLE FOR REMOVING ALL EXISTING VEGETATION (EXCEPT WHERE NOTED TO REMAIN) BEFORE STARTING WORK. THE LANDSCAPE CONTRACTOR SHALL VERIFY THAT THE GRADE OF ALL LANDSCAPE AREAS ARE WITHIN +0.1' OF FINISH GRADE. THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE OWNER IMMEDIATELY SHOULD ANY DISCREPANCIES EXIST. SEE SPECIFICATIONS FOR MORE DETAILED INSTRUCTION ON TURF AREA AND PLANTING BED PREPARATION.
- CONSTRUCT AND MAINTAIN FINISH GRADES IN LANDSCAPE AREAS AS SHOWN ON GRADING PLANS, AND CONSTRUCT AND MAINTAIN SLOPES AS RECOMMENDED BY THE GEOTECHNICAL REPORT. ALL LANDSCAPE AREAS SHALL HAVE POSITIVE DRAINAGE AWAY FROM STRUCTURES AT THE MINIMUM SLOPE SPECIFIED IN THE REPORT, AND AREAS OF POTENTIAL PONDING SHALL BE REGRADED TO BLEND IN WITH THE SURROUNDING GRADES AND ELIMINATE PONDING POTENTIAL. SHOULD ANY CONFLICTS AND/OR DISCREPANCIES ARISE BETWEEN THE GRADING PLANS, GEOTECHNICAL REPORT, THESE NOTES, AND ACTUAL CONDITIONS, THE CONTRACTOR SHALL IMMEDIATELY BRING SUCH ITEMS TO THE ATTENTION OF THE LANDSCAPE ARCHITECT, GENERAL CONTRACTOR, AND OWNER.
- ENSURE THAT THE GRADE IN SHRUB AREAS SHALL BE 2" BELOW FINISH GRADE AFTER INSTALLING SOIL AMENDMENTS, AND 1" BELOW FINISH GRADE IN SOD AREAS AFTER INSTALLING SOIL AMENDMENTS. MULCH COVER WITHIN 6" OF CONCRETE WALKS AND CURBS SHALL NOT PROTRUDE ABOVE THE FINISH SURFACE OF THE WALKS AND CURBS. MULCH COVER WITHIN 12" OF WALLS SHALL BE AT LEAST 3" LOWER THAN THE TOP OF WALL.
- INSTALL MULCH TOPDRESSING, TYPE AND DEPTH PER MULCH NOTE, IN ALL PLANTING BEDS AND TREE RINGS. DO NOT INSTALL MULCH WITHIN 6" OF TREE ROOT FLARE.
- INSTALL 14G GREEN STEEL EDGING BETWEEN ALL PLANTING BEDS AND TURF AREAS, AND BETWEEN GROUNDCOVERS AND OTHER PLANTS (WHERE INDICATED ON THE PLAN).
- HYDROMULCH ALL DISTURBED AREAS OUTSIDE OF PROPERTY LIMITS (UNLESS SHOWN AS SOD).
- ALL PLANT LOCATIONS ARE DIAGRAMMATIC. ACTUAL LOCATIONS SHALL BE VERIFIED WITH THE LANDSCAPE ARCHITECT OR DESIGNER PRIOR TO PLANTING. THE LANDSCAPE CONTRACTOR SHALL ENSURE THAT ALL REQUIREMENTS OF THE PERMITTING AUTHORITY ARE MET (I.E., MINIMUM PLANT QUANTITIES, PLANTING METHODS, TREE PROTECTION METHODS, ETC.).
- THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR DETERMINING PLANT QUANTITIES; PLANT QUANTITIES SHOWN ON LEGENDS AND CALLOUTS ARE FOR GENERAL INFORMATION ONLY. IN THE EVENT OF A DISCREPANCY BETWEEN THE PLAN AND THE PLANT LEGEND, THE PLANT QUANTITY AS SHOWN ON THE PLAN (FOR INDIVIDUAL SYMBOLS) OR CALLOUT (FOR GROUNDCOVER PATTERNS) SHALL TAKE PRECEDENCE.
- NO SUBSTITUTIONS OF PLANT MATERIALS SHALL BE ALLOWED WITHOUT THE WRITTEN PERMISSION OF THE LANDSCAPE ARCHITECT.** IF SOME OF THE PLANTS ARE NOT AVAILABLE, THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT IN WRITING (VIA PROPER CHANNELS).
- PLANTS MAY BE INSPECTED AND APPROVED OR REJECTED ON THE JOBSITE BY THE OWNER OR OWNER'S REPRESENTATIVE.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL WORK SHOWN ON THESE PLANS FOR 90 DAYS BEYOND FINAL ACCEPTANCE OF ALL LANDSCAPE WORK BY THE OWNER. LANDSCAPE MAINTENANCE SHALL INCLUDE WEEKLY SITE VISITS FOR THE FOLLOWING ACTIONS (AS APPROPRIATE): PROPER PRUNING, RESTAKING OF TREES, RESETTLEMENT OF PLANTS THAT HAVE SETTLED, MOWING AND AERATION OF LAWNS, WEEDING, RESEEDING AREAS WHICH HAVE NOT GERMINATED WELL, TREATING FOR INSECTS AND DISEASES, REPLACEMENT OF MULCH, REMOVAL OF LITTER, REPAIRS TO THE IRRIGATION SYSTEM DUE TO FAULTY PARTS AND/OR WORKMANSHIP, AND THE APPROPRIATE WATERING OF ALL PLANTINGS. THE LANDSCAPE CONTRACTOR SHALL MAINTAIN THE IRRIGATION SYSTEM IN PROPER WORKING ORDER, WITH SCHEDULING ADJUSTMENTS BY SEASON TO MAXIMIZE WATER CONSERVATION.
- SHOULD SEEDING AND/OR SODDED AREAS NOT BE COVERED BY AN AUTOMATIC IRRIGATION SYSTEM, THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING THESE AREAS AND OBTAINING A FULL STAND OF GRASS AT NO ADDITIONAL COST TO THE OWNER.
- TO ACHIEVE FINAL ACCEPTANCE AT THE END OF THE MAINTENANCE PERIOD, ALL OF THE FOLLOWING CONDITIONS MUST OCCUR:
 - THE LANDSCAPE SHALL SHOW ACTIVE, HEALTHY GROWTH (WITH EXCEPTIONS MADE FOR SEASONAL DORMANCY). ALL PLANTS NOT MEETING THIS CONDITION SHALL BE REJECTED AND REPLACED BY HEALTHY PLANT MATERIAL PRIOR TO FINAL ACCEPTANCE.
 - ALL HARDSCAPE SHALL BE CLEANED PRIOR TO FINAL ACCEPTANCE.
 - SODDED AREAS MUST BE ACTIVELY GROWING AND MUST REACH A MINIMUM HEIGHT OF 1 1/2 INCHES BEFORE FIRST MOWING. HYDROMULCHED AREAS SHALL SHOW ACTIVE, HEALTHY GROWTH. BARE AREAS LARGER THAN TWELVE SQUARE INCHES MUST BE RESEEDING OR RESEEDING (AS APPROPRIATE) PRIOR TO FINAL ACCEPTANCE. ALL SODDED TURF SHALL BE NEATLY MOWED.
- SEE SPECIFICATIONS AND DETAILS FOR FURTHER REQUIREMENTS.

LANDSCAPE CALCULATIONS

TOTAL SITE AREA:	155,300 SF
LANDSCAPE AREA REQUIRED:	31,060 SF (20% OF SITE AREA)
LANDSCAPE AREA PROVIDED:	26,331 SF (17% OF SITE AREA)
STREET BUFFER - N/A	
PARKING LOT LANDSCAPE	23 TREES REQUIRED
PARKING LOT TREES 224/10 =	23 TREES PROVIDED
RESIDENTIAL BUFFER	22 TREES REQUIRED
LENGTH @ 634 / 30 =	22 TREES PROVIDED

MATCHLINE REF. LP-2



VICINITY MAP
NOT TO SCALE

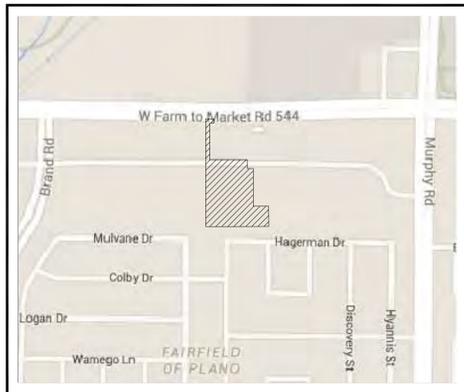


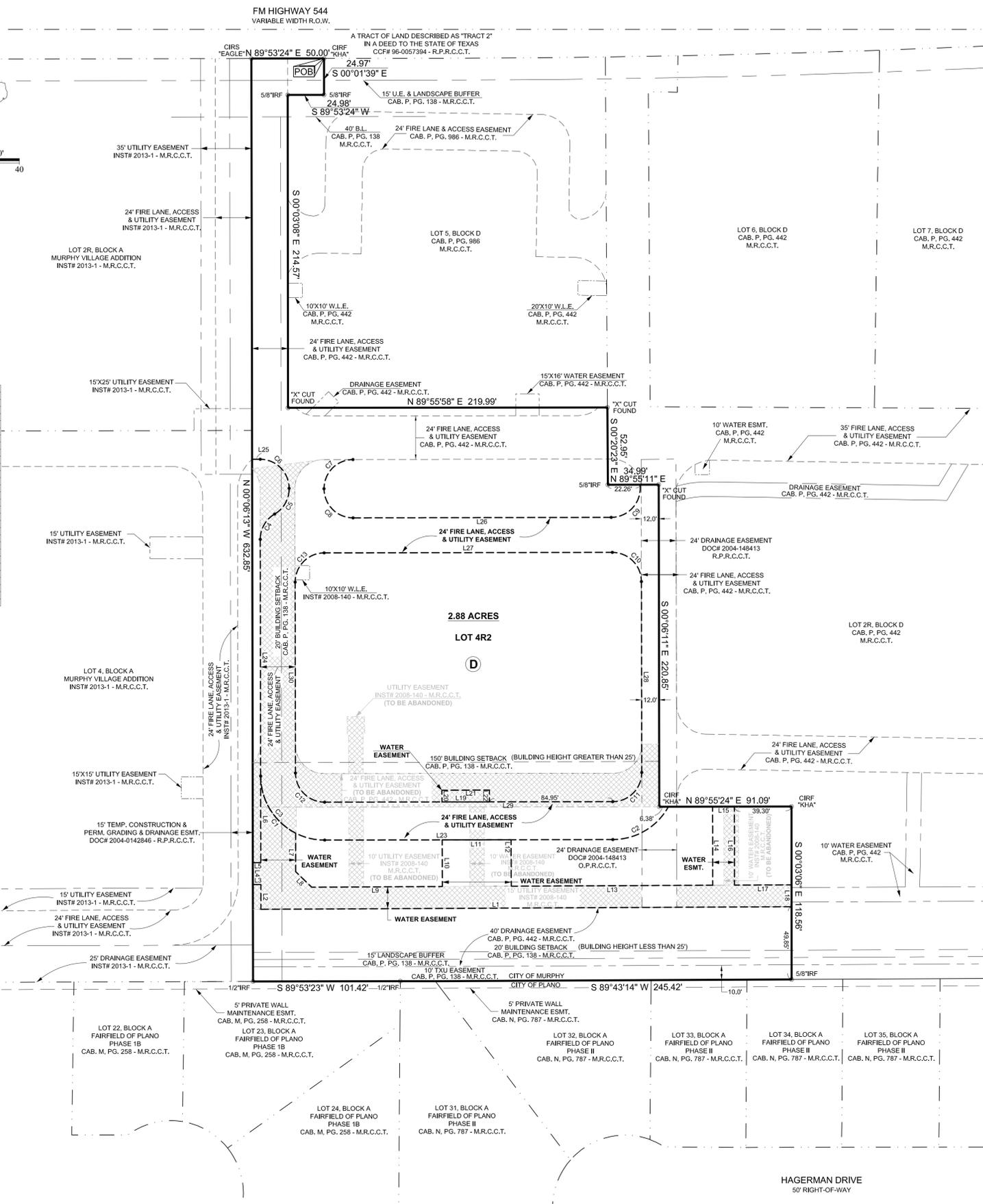
Table with 5 columns: CURVE, RADIUS, ARC LENGTH, CHORD BEARING, CHORD LENGTH, DELTA ANGLE. Lists curve data for the plat.

GENERAL PLAT NOTES

- 1. All interior property corners are marked with a 1/2" iron rod with a green cap stamped "Eagle Surveying" unless otherwise noted.
2. This property is located in "Non-shaded Zone X" as scaled from the F.E.M.A. Flood Insurance Rate Map dated June 2, 2009...
3. The purpose of this replat is to abandon and dedicate easements.
4. The subject property is zoned "R - RETAIL" per the City of Murphy online zoning map.
5. The bearings shown on this survey were derived from Western Data Systems RTK Network and are referenced to the Texas Coordinate System of 1983, North Central Zone (4202) and are based on the American Datum of 1983, 2011 Adjustment.
6. Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law and is subject to fines and withholding of utilities and building permits.
7. All utilities are to be underground i.e. electrical, phone, cable, etc.

CITY APPROVAL OF REPLAT

Approval form for the replat, including sections for RECOMMENDED BY (Planning and Zoning Commission), APPROVED BY (City Council), and ATTEST (City Secretary).



OWNERS CERTIFICATION

STATE OF TEXAS COUNTY OF COLLIN
WHEREAS, STONEWOOD INVESTMENTS, INC., is the sole owner of a tract of land situated in the James Maxwell Survey, Abstract Number 580, in the City of Murphy, Collin County, Texas, being all of Lot 4R, Block D, of Murphy Village Addition, an addition to the City of Murphy, Collin County, Texas, according to the Plat thereof recorded in Document Number 2008-140, Map Records of Collin County, Texas, and being more particularly described as follows:
BEGINNING at a capped iron rod found stamped "KHA" in the southerly line of a called 1.3422 acre tract of land described as "Tract 2" in a deed to The State of Texas for Farm to Market Highway 544 as recorded in County Clerk's File No. 96-0057394, Real Property Records of Collin County, Texas, and being the Northwest corner of Lot 5, Block D of Murphy Village Addition as recorded in Cabinet P, Page 986, Map Records of Collin County, Texas, same being the Northeast corner of aforementioned Lot 4R, Block D;
Thence leaving the southerly line of Farm to Market Highway 544 with the common line of said Lots 4R & 5, Block D, the following courses and distances to wit:
South 00°01'39" East for a distance of 24.97 feet to a 5/8" iron rod found for corner;
South 89°53'24" West for a distance of 24.98 feet to a 5/8" iron rod found for corner;
South 00°03'08" East for a distance of 214.57 feet to an "X" cut found in concrete for corner;
North 89°55'58" East for a distance of 219.99 feet to an "X" cut found in concrete for corner in the westerly boundary line of Lot 2R, Block D of Murphy Village Addition, Block D, Lots 2R, 4R, 5, and 6, for the easterly common corner of Lots 4R and 5, Block D;
Thence with the common line of Lots 2R and 4R, Block D, the following courses and distances to wit:
South 00°20'23" East for a distance of 52.95 feet a 5/8" iron rod found for corner;
North 89°55'11" East for a distance of 34.99 feet to an "X" cut found in concrete for corner;
South 00°06'11" East for a distance of 220.85 feet to a capped iron rod stamped "KHA" found for corner;
North 89°55'24" East for a distance of 91.09 feet to a capped iron rod stamped "KHA" found for corner;
South 00°03'08" East for a distance of 118.56 feet to a 5/8" iron rod found in the northerly line of Fairfield of Plano, Phase 2, an addition to the City of Plano, Collin County, Texas, according to the plat thereof recorded in Cabinet N, Page 787, Map Records of Collin County, Texas, for the most southerly common corner of Lots 2R and 4R, Block D;
Thence South 89°43'14" West with the common line of said Lot 4R, Block D and Fairfield of Plano, Phase 2, for a distance of 245.42 feet to a 1/2" iron rod found in the Northeast corner of Lot 23, Block A of Fairfield of Plano, Phase 1B, an addition to the City of Plano, Collin County, Texas, according to the plat thereof recorded in Cabinet M, Page 258, Map Records of Collin County, Texas;
Thence South 89°53'23" West with the common line of said Lot 4R and said Lot 23 for a distance of 101.42 feet to a 1/2" iron rod found for the Southeast corner of Lot 4, Block A of Murphy Village Addition, an addition to the City of Murphy as recorded in Instrument Number 2013-1, Map Records of Collin County, Texas;
Thence North 00°06'13" West with the common line of Lot 4R and Lot 2R of said addition for a distance of 632.85 feet to a capped iron rod stamped "Eagle Surveying" for the Northeast corner of said Lot 2R and lies in the southern boundary line of aforementioned "Tract 2", same being the Northwest corner of said Lot 4R;
Thence North 89°53'24" East with the common line of said "Tract 2" and of said Lot 4R for a distance of 50.00 feet to the POINT OF BEGINNING and there terminating, enclosing 2.88 acres of land, more or less.

OWNERS DEDICATION

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:
That Stonewood Investments, Inc., acting herein by and through its duly authorized officer, does hereby adopt this plat designating the herein above described property as Murphy Village Addition, Block D, Lot 4R2, an addition to the City of Murphy, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, rights-of-way, and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City Council of the City of Murphy. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Murphy's use thereof. The City of Murphy and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Murphy and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.
That the undersigned does hereby covenant and agree that they shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface in accordance with the City of Murphy's paving standards for fire lanes, and that they shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats, or other impediments to the accessibility of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking or Standing". The local law enforcement agency(s) is hereby authorized to enforce parking regulations within the fire lanes, and to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for fire department and emergency use.
The undersigned does covenant and agree that the easement may be utilized by any person or the general public for ingress and egress to and from real property, and for the purpose of general public vehicular and pedestrian use and access, and for fire department and emergency use in, along, upon and across said premises, with the right and privilege at all times of the City of Murphy, its agents, employees, workmen and representatives having ingress, egress, and regress in, along, upon and across said premises.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Murphy, Texas.
WITNESS, my hand, this the ___ day of ___, 2016.
Owner: Stonewood Investments, Inc.

By: Randy Thompson

STATE OF TEXAS COUNTY OF

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Randy Thompson, owner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this ___ day of ___, 2016.

Notary Public in and for the State of Texas

My commission expires: ___

CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS:

That I, Ernest Wooster, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as "set" were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Murphy.

Ernest Wooster R.P.L.S. # 6509 Date

STATE OF TEXAS COUNTY OF DENTON

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Ernest Wooster, Registered Public Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this ___ day of ___, 2016.

Notary Public in and for the State of Texas

My commission expires on ___

CONSTRUCTION PLAT OF THE MURPHY VILLAGE ADDITION BLOCK D, LOT 4R2

BEING 2.88 ACRES OF LAND SITUATED IN THE JAMES MAXWELL SURVEY, ABSTRACT NO. 580, AND BEING A REPLAT OF LOT 4R, BLOCK D OF THE MURPHY VILLAGE ADDITION AN ADDITION TO THE CITY OF MURPHY, TEXAS, AS RECORDED IN DOCUMENT NO. 2008-140 MAP RECORDS OF COLLIN COUNTY, TEXAS



LEGEND table with symbols for BLOCK, IRF, POB, CIRF, CIR, B.L., R.O.W., U.E., and EASEMENT TO BE ABANDONED.

SURVEYOR: EAGLE SURVEYING, LLC 210 SOUTH ELM STREET SUITE: 104 DENTON, TX 76201 940.222.3009

ENGINEER: HOMEYER ENGINEERING P.O. BOX 294527 LEWISVILLE, TX 75029 972.906.9985

OWNER: STONEWOOD INVESTMENTS, INC. RANDY THOMPSON 4120 W. SPRING CREEK PKWY. SUITE: B-200 PLANO, TEXAS 75024 972.758.9800

JOB #: 16-213 RP DATE: 7/18/2016 DRAWN BY: JDC



EAGLE SURVEYING, LLC 210 SOUTH ELM STREET SUITE: 104 DENTON, TX 76201 940.222.3009 TX FIRM # 10194177

City Council Meeting**August 16, 2016**

Issue

Consider and/ or act upon approval of Ordinance Number 16-08-1014 ordering a Special Election to be held on November 8, 2016 to amend the City Charter.

Staff Resource/Department

Mack Reinwand, Assistant City Attorney

Susie Quinn, City Secretary

Background

In April, 2016, Council appointed an eleven member Charter Review Commission pursuant to Section 11.07 of the City Charter. The Commission began meeting April 25, 2016 to review the Charter. On June 13, 2016, a Town Hall meeting was held. At the July 5, 2016 Council meeting, the Final Report of the Commission was presented to Council. The amendments were discussed at the July 19, 2016 Council meeting and voted on individually and the City Attorney was directed to prepare the proposition language. Council reviewed the proposition language and election summary at the August 2, 2016 meeting.

Council has determined to submit the proposed Charter amendments to the voters at a Special Election to be held on November 8, 2016.

Financial Considerations

The City Secretary has budgeted funding of the November Election (FY 2017). Collin County is in the process of drafting a contract for a joint election which will include a cost estimate.

Staff Recommendation

Staff recommends approval of Ordinance Number 16-08-1014 ordering a Special Election to be held on November 8, 2016 to amend the City Charter.

Attachments

1. Ordinance Number 16-08-1014
2. Redlined Charter Amendments
3. Charter election proposition summary
4. Charter amendment propositions

ORDINANCE NUMBER 16-08-1014

AN ORDINANCE OF THE CITY OF MURPHY, TEXAS, ORDERING A SPECIAL ELECTION IN THE CITY OF MURPHY, TEXAS, TO BE HELD ON NOVEMBER 8, 2016, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS FOR APPROVAL OR DISAPPROVAL OF PROPOSED AMENDMENTS TO THE EXISTING HOME RULE CITY CHARTER OF THE CITY OF MURPHY, TEXAS; PRESCRIBING THE FORM OF THE BALLOTS; PROVIDING FOR NOTICE OF THE ELECTION; AUTHORIZING THE CITY MANAGER TO EXECUTE ELECTION SERVICES CONTRACTS; PROVIDING SEVERABILITY, CUMULATIVE/ REPEALER CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council appointed a Charter Review Commission to review the City Charter for the purpose of making recommendations to the City Council for appropriate amendments to cause the Charter to be approved by the voters at an election call for such purpose on November 8, 2016; and

WHEREAS, the Charter Review Commission completed its review and provided a report of recommendations to the City Council for appropriate amendments to the City Charter; and

WHEREAS, the City Council of the City of Murphy, Texas, in the exercise of the discretion reposed in it by the Constitution and laws of this State, and in accordance with the provisions of the Texas Local Government Code, has determined to submit proposed amendments to the existing Home Rule City Charter of the City of Murphy at a special election to be held concurrently with the general election to be held on November 8, 2016.

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

Section 1
FINDINGS INCORPORATED

The findings in the preamble set forth above are determined to be true and correct and are hereby incorporated into the body of this ordinance as if fully set forth herein.

Section 2
ELECTION ORDER AND NOTICE OF ELECTION

There is hereby ordered a special election for November 8, 2016, for the purpose of submitting to the qualified voters of the City for their approval or disapproval the proposed

amendments to the Home Rule City Charter of the City of Murphy, Texas, as provided by the ballot propositions contained in Section 3 herein.

Section 3.
PROPOSED CHARTER AMENDMENTS

The ballot propositions for the proposed amendments to the Home Rule City Charter shall be submitted to the qualified voters of the City of Murphy. The proposed amendments are designated as follows in accordance with the ballot proposition numbers as they will appear on the ballot:

PROPOSITION NO. 1

Shall the Charter be amended to provide that the term “qualified voter” is defined in accordance with state law consistently throughout the Charter.

PROPOSITION NO. 2

Shall Section 3.04 of the Charter relating to reimbursement of council members’ actual expenses incurred in the performance of official duties be amended so that council members be reimbursed when provided for in the annual city budget and subject to the city’s reimbursement policies.

PROPOSITION NO. 3

Shall the Charter be amended to clarify the authority of the city and mayor during emergencies and disasters in conformity with state law.

PROPOSITION NO. 4

Shall the Charter be amended to require that the city council elect council members as mayor pro-tem and deputy mayor pro-tem annually.

PROPOSITION NO. 5

Shall Section 3.06 of the Charter relating to the procedure for city council to declare a council member office vacant for excessive absences be amended to allow the city council discretion to commence the procedure to declare a council member’s office vacant.

PROPOSITION NO. 6

Shall Section 3.06 of the Charter be amended to provide that city council may fill by appointment a single vacancy in the office of council member, other than mayor, for the remainder of the unexpired term if the unexpired term is twelve (12) months or less and there is not more than one (1) vacancy in the office of council member at the time of appointment.

PROPOSITION NO. 7

Shall the Charter provisions related to filing for elective office be amended to clarify that the filing requirements for candidates for mayor and council member be consistent with state law.

PROPOSITION NO. 8

Shall Section 6.10 of the Charter be amended to clarify that recall elections be held in accordance with state law.

PROPOSITION NO. 9

Shall Section 6.14 of the Charter related to referendum elections be amended to clarify that an ordinance or resolution subject to a referendum election be suspended from enforcement pending the holding of the referendum election.

PROPOSITION NO. 10

Shall Section 6.20 of the Charter be amended to allow city council to repeal an ordinance or resolution adopted by initiative or referendum if a court of final jurisdiction declares the ordinance or resolution on direct challenge to be unconstitutional, preempted, or otherwise unenforceable.

PROPOSITION NO. 11

Shall Section 7.02 of the Charter be amended to provide that the budget prepared by the city manager comply with, and contain such information, as required by state law.

PROPOSITION NO. 12

Shall Section 8.01 of the Charter relating to forfeiture of a position on a city board, commission or committee for excessive absences be deleted to clarify the sole authority of city council to appoint and remove an individual from a position on a board, commission or committee.

PROPOSITION NO. 13

Shall the Charter be amended to clarify that an individual must be a legal resident of the city to be appointed to a city board, commission or committee.

PROPOSITION NO. 14

Shall the Charter be amended to prohibit the sale of liquor in any zoning district which allows residential development.

PROPOSITION NO. 15

Shall the Charter be amended to renumber the articles, sections, subsections and paragraphs of the Charter as necessary following the amendment election.

Section 4.
NOTICE AND PUBLICATION

Notice of the election on the proposed Charter amendments shall be posted on the bulletin board used to post notice of the City Council meetings not later than the 21st day before election day and must include a substantial copy of the proposed amendments and the location of each polling place. Notice of the election must be published in a newspaper of general circulation in the City in conformance with Tex. Election Code Chapter 4 and Texas Local Government Code Chapter 9 on the same day in each of 2 consecutive weeks with the first publication occurring not earlier than the 30th day before the election and not later than the 14th day before the date of election, and must include a substantial copy of the proposed Charter amendments and an estimate of the anticipated fiscal impact on the municipality if the proposed amendments are approved. A copy of the published notice that contains the name of the

newspaper and the date of publication shall be retained as a record of such notice, and such person posting the notice shall make a record of the time of posting, starting date and the place of posting

Section 5
ELECTION SERVICE CONTRACT

The election on the proposed Charter amendments shall be conducted in accordance with election contracts between the City and Collin County and other units of government for the City Charter election on November 8, 2016. The City Manager or designee is hereby authorized to execute election contracts with the Collin County for the conduct of the election, location of polling places, appointment of election judges and administrators, and to approve any amendments thereto.

Section 6
POLLING PLACE AND EARLY VOTING

The election shall be conducted by Collin County pursuant to an election contract for election services and Collin County election officials, election judges, and election clerks shall serve as officials for the election. Early voting by personal appearance may be conducted at times and locations established by the election contract. Early voting by mail may be conducted in accordance with the election contract and the Texas Election Code.

Section 7
SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of such unconstitutional phrase, clause, sentence, paragraph or section.

Section 8
CUMULATIVE/REPEALING CLAUSE

This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Murphy, Texas, whether codified or un-codified, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict.

Section 9
EFFECTIVE DATE

This ordinance shall become effective immediately upon its passage, as required by law.

DULY PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this 16th day of August, 2016.

Eric Barna, Mayor
City of Murphy

ATTEST:

Susie Quinn, City Secretary
City of Murphy

APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney
City of Murphy

**2016 CITY COUNCIL RED-LINE TEXT
OF PROPOSED CHARTER PROVISIONS**

**HOME RULE CHARTER
FOR
THE CITY OF MURPHY, TEXAS**

Originally Adopted February 7, 2004

**Proposed Amendments Submitted to and
Approved by the Voters of the City of Murphy
November 2, 2010**

**Amendments Declared Adopted
by Order of the City Council
November 15, 2010**

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**HOME RULE CHARTER
FOR
THE CITY OF MURPHY, TEXAS
PREAMBLE**

We, the citizens of Murphy, Texas, in order to establish a Home Rule municipal government, provide for the future progress of our City, obtain the full benefits of local self government and provide for the public welfare, hereby adopt this Home Rule Charter, in accordance with the statutes of the State of Texas; and do hereby declare the residents of the City of Murphy, in Collin County, Texas, living within the legally established boundaries of the said City, to be a political subdivision of the State of Texas, incorporated forever under the name and style of the "City of Murphy" with such powers, rights, privileges, authorities, duties and immunities, as are herein provided.

**ARTICLE I
Form of Government and Boundaries**

SECTION 1.01 Form of Government

The municipal government provided by this Charter shall be the "Council-Manager form of Government." Pursuant to its provisions, and subject only to the limitations imposed by the State Constitution, the statutes of this state, and by this Charter, all powers of the City of Murphy (hereinafter referred to as the "City,") shall be vested in an elected council, hereinafter referred to as the "City Council" or "Council," which shall enact local legislation, adopt budgets, determine policies, and appoint City officials as noted in this Charter, including the City Manager, who in turn, shall be held responsible to the City Council for the execution of the laws and the administration of the government of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner is not prescribed, then in such manner as may be prescribed by ordinance, the State Constitution, or by the statutes of the State of Texas.

SECTION 1.02 The Boundaries

The citizens of the City of Murphy, Collin County, Texas, residing within its corporate limits, as heretofore or hereafter established, are hereby constituted and shall continue to be a municipal body politic and corporate, in perpetuity, under the name of the "City of Murphy," with such powers, privileges, rights, duties, authorities and immunities as are herein provided. The City shall maintain an official map of its boundaries in accordance with state law.

SECTION 1.03 Extension and Reduction of Boundaries

The boundaries of the City may be enlarged and extended by the annexation of additional territory, or reduced by the disannexation of territory, irrespective of size and configuration, by the method hereinafter set forth:

(1) The City Council shall have the power by ordinance to fix the boundary limits of the City, to exchange area with other municipalities, and to provide for the alteration and extension of said boundary limits and the annexation of additional territory lying adjacent to the City, with or without the consent of the inhabitants of the territory annexed, in any manner provided by state law.

(2) When any additional territory has been so annexed, same shall be a part of the City and the property situated therein shall bear taxes levied by the City; and the citizens thereof shall be entitled to all the rights and privileges of the other citizens of said City and shall be bound by the acts, ordinances, resolutions and regulations of the City.

(3) Whenever, in the opinion of the City Council, there exists within the corporate limits of the City any territory, either inhabited or uninhabited, not suitable or necessary for City purposes, or upon a petition signed by a majority of the qualified voters residing in said inhabited territory, the Council may, upon a public hearing and by ordinance duly passed, disannex said territory as part of the City. The City shall comply with all applicable procedural rules and notice requirements set forth in state law.

ARTICLE II

Powers of the City

SECTION 2.01 General Powers of the City

The City shall have all powers and rights of self-government and home rule that exist now or may be granted to municipalities by the Constitution and laws of the State of Texas, together with all of the implied powers necessary to carry into execution such granted powers, unless such power or right is expressly prohibited or restricted by this Charter. The enumeration of particular powers in this Charter shall not be held or deemed to be exclusive, and in addition to the powers enumerated herein, implied herein or appropriate to the exercise thereof, the City shall have and may exercise all other powers which under the Constitution and laws of the State of Texas it would be competent for this Charter specifically to enumerate.

SECTION 2.02 Public Improvements

The City shall have the power to, among others, construct and maintain, within or without its corporate limits, public improvements as authorized by state statutes and such other public improvements as the City Council shall determine to serve a public purpose of the City, including but not limited to, constructing and maintaining streets, flood control and sanitary facilities, and water and storm drainage facilities, in, over, under or upon all public property or easements granted for that purpose and to levy assessments for the costs of such improvements. The City shall have the power to collect attorney's fees for the collection of assessments as allowed under state law. It shall have the power to cause liens to be established for the purpose of securing the payment of such levies and shall have the power to compel the use of such improvements by the citizens of the City.

SECTION 2.03 Eminent Domain

The City shall have the full power, right, and authority to exercise the power of eminent domain, within or without its corporate limits, when necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the Constitution and laws of the State of Texas. The City may exercise the power of eminent domain in any manner not prohibited by the Constitution and state law. The power of eminent domain hereby conferred shall include the right of the City to take the fee and/or easement in lands so condemned, and such power and authority shall include the right to condemn public or private property for such purposes. The City shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this Charter.

SECTION 2.04 Miscellaneous Powers

The City shall have the power to, among others, establish, enact and maintain ordinances and promulgate regulations governing the use of lands within the City and to enforce by all lawful means these ordinances and regulations, within and without its corporate limits. The City shall have the power to authorize, regulate and inspect all construction and existing structures within or without its limits, consistent with state statutes, and to establish, enact and enforce ordinances and regulations concerning their use, construction and reconstruction. The City shall have the power to contract and be contracted with, to buy, sell, lease, lease purchase, mortgage and/or manage property, to acquire property by donation or condemnation, and to control such property as its

interests require. The City shall have the power to license and regulate persons, corporations and associations engaged in any business, occupation, profession or trade, unless prohibited by state law. The City shall have all powers granted by any section of this Charter, together with all of the implied powers necessary to carry into execution such granted powers.

ARTICLE III

The City Council

SECTION 3.01 Composition, Selection and Term

(1) The City Council shall be composed of a Mayor and six (6) Council Members elected under the place system, with there being Places 1, 2, 3, 4, 5 and 6. The Mayor and each of the six (6) Council Members shall be elected at large, and unless sooner removed under the provisions of this Charter, shall serve for a term of three (3) years, and until their successor has been elected and duly qualified. All of the City Council holding office at the time of passage of this Charter or any amendments to this Charter shall continue to hold their respective offices until the respective term for which they were elected expires.

(2) There shall be held in the City on the third Saturday in May, 2004, and every three years thereafter, or on such other date or dates as may be prescribed by the laws of the State of Texas, a City election for City Council Places 1, 2, 4 and 6. There shall be held in the City on the first Saturday in May, 2005, and every three years thereafter, or on such other date or dates as may be prescribed by the laws of the State of Texas, a City election for the Mayor and City Council Places 3 and 5.

(3) A majority of the full membership of the City Council shall be four (4) City Council members.

SECTION 3.02 Limitations on Terms

This Charter does not restrict or place limitations on the number of terms any one person may serve.

SECTION 3.03 Qualifications of City Council

In addition to any other qualifications prescribed by law, a candidate for the Mayor and each City Council Member shall meet the following qualifications ~~as also set forth in Section 5.02 of this Charter while in office:~~

- (1) Shall be at least twenty-one (21) years of age at the time of the election for which they are filing;
- (2) Shall be a qualified voter; and
- (3) Shall have resided within the corporate limits of the City, or recently annexed territory, for at least twelve (12) months immediately preceding Election Day.
- (4) No candidate for elective City office may file in a single election for more than one (1) office or position as provided by this Charter.
- (5) No employee of the City shall continue in any City employee position after filing for an elective office provided for in this Charter.
- (6) Candidates for elective City offices shall file for office in accordance with the Texas Election Code and comply with all other City ordinances or resolutions that may be applicable.

Unless otherwise provided, the term "qualified voter" in this Charter means a qualified voter in accordance with the Texas Election Code residing in the City.

SECTION 3.04 Compensation

Compensation of the City Council shall be \$50 per council meeting for which the Council Member is present. The compensation of the Mayor shall be \$75 per council meeting for which the Mayor is present. For council meetings which the Mayor Pro-Tem or other Council Member acts as Mayor, that person shall receive \$75. The City Council may also be entitled to reimbursement for actual expenses incurred in the performance of official duties when provided for in the annual City Budget and in accordance with the reimbursement policies adopted by the City Council.

SECTION 3.05 Mayor, Mayor Pro-Tem and Deputy Mayor Pro-Tem

(1) The Mayor shall attend and preside at meetings of the City Council, and shall be recognized as head of the City government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have no regular administrative duties. The Mayor may participate in the discussion of all matters coming before the City Council and shall have a vote as a member thereof, on legislative or other matters, unless otherwise prohibited by law, and shall have no power to veto.

(2) The Mayor shall also represent the City in intergovernmental relationships, and shall perform other duties specified by the City Council, imposed by this Charter and by ordinances and resolutions passed in pursuance thereof. Additionally, the Mayor, the City Manager, or designee shall sign, after authorization by the City Council, all contracts and conveyances made or entered into by the City and all bonds, warrants and any other obligation issued under the provisions of this Charter, in the manner prescribed in the ordinance or resolution authorizing the signing of any such obligation. The Mayor may declare a local state of disaster and order the evacuation of all or part of the population from a stricken or threatened area.

(3) The Mayor Pro-Tem shall be a Council Member elected to be the Mayor Pro-Tem by the City Council annually at the first meeting of ~~each Council after each election June~~ or as soon thereafter as practicable, but not later than the last business day of July ~~in the year that the election was held~~. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and in this capacity shall have the rights conferred upon the Mayor.

(4) The Deputy Mayor Pro-Tem shall be a Council Member elected to be the Deputy Mayor Pro-Tem by the City Council annually at the first meeting ~~of each Council after each election June~~ or as soon thereafter as practicable, but not later than the last business day of July ~~in the year that the election was held~~. The Deputy Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and Mayor Pro-Tem, and in this capacity shall have the rights conferred upon the Mayor.

SECTION 3.06 Vacancies, Forfeiture and Filling of Vacancies

(1) The office of a Council Member or the Mayor shall become vacant upon his or her death, resignation, incapacity, forfeiture of office, or removal from office, by any manner authorized by law.

(2) If any Member of the City Council is absent from three (3) consecutive regular meetings, without explanation acceptable to a majority of the remaining Council Members, his or her office ~~shall~~ may be declared vacant, by resolution, at the next regular meeting of the City Council. The City Council shall convene a public hearing before exercising its authority under this provision, and permit the Council Member facing expulsion to be heard regarding absences.

(3) Any person on the City Council who:

- (A) ceases to possess the required qualifications for office as set forth in Section 5-023.03 of this Charter, or
- (B) ceases to reside within the corporate limits or recently annexed territory of the City, or
- (C) is convicted of a felony, or of a misdemeanor involving moral turpitude, or
- (D) is convicted of violating any state laws regulating conflicts of interest of municipal officers, or

(E) is in violation of any part of Article 14 of this Charter,

shall forfeit his or her office. Every forfeiture shall be declared and enforced by the City Council. The City Council shall convene a public hearing before exercising its authority under this provision, and permit the Council member to be heard regarding forfeiture of office.

(4) If there is a vacancy in the office of Mayor, a new Mayor shall be elected by special election within one hundred twenty (120) days after such vacancy occurs, in accordance with the Texas Constitution and the Texas Election Code.

(5) A vacancy in the office of a Council Member, where the remaining unexpired term of the office is twelve (12) months or less, shall be filled by appointment by majority vote of the remaining members of the City Council by a person meeting the qualifications of the Charter to serve the remainder of the unexpired term. When the remaining unexpired term of the office is more than twelve (12) months, the vacancy shall be filled by special election within one hundred twenty (120) days after such vacancy occurs, in accordance with the Texas Constitution and the Texas Election Code. When there are two (2) or more vacancies at any one time, the vacancies shall be filled by special election within one hundred twenty (120) days after such vacancies occur, in accordance with the Texas Constitution and the Texas Election Code. If the vacated office is that of Mayor Pro-Tem or Deputy Mayor Pro-Tem, the City Council shall elect a new Mayor Pro-Tem or Deputy Mayor Pro-Tem at the next regular meeting.

(6) Vacancies filled by special election shall be for the remainder of the term that was vacated.

SECTION 3.07 Powers of the City Council

All powers of the City and the determination of all matters of policy shall be vested in the City Council (which is composed of the Mayor and six (6) Council Members). Except where in conflict with and otherwise expressly provided by this Charter, the City Council shall have all powers authorized to be exercised by the Constitution and laws of the United States and the State of Texas. Without limitation of the foregoing and among the other powers that may be exercised by the City Council, the following are hereby enumerated for greater certainty:

- (1) Appoint and remove the City Manager;
- (2) Appoint and remove the Municipal Judge(s) of the Municipal Court;
- (3) Appoint and remove the City Attorney;
- (4) Appoint and remove the City Secretary;
- (5) Adopt the budget of the City;
- (6) Collectively investigate into the conduct of any office, department or agency of the City and make investigations as to municipal affairs;
- (7) Provide for a Planning and Zoning Commission, a Board of Adjustment and other boards as deemed necessary, and appoint the members of all such boards and commissions. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by City ordinance or by law;
- (8) Adopt and modify the official map of the City;
- (9) Adopt, modify and carry out plans in conjunction with the Planning and Zoning Commission for the planning, improvement and redevelopment of specific areas of the City;
- (10) Adopt, modify and carry out plans in conjunction with the Planning and Zoning Commission for the planning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or part by disaster;
- (11) Regulate, license and fix the charges or fares made by any person owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire on the public streets and alleys of the City;
- (12) Provide for the establishment and designation of fire safety codes and prescribe the kind and character of buildings or structures or improvements to be erected therein; provide for the erection of fireproof buildings within certain limits; and provide for the condemnation of dilapidated buildings, dangerous structures, dangerous buildings or buildings determined to increase the risk of fire hazard, and provide for the manner of their removal or destruction;
- (13) Fix and regulate rates and charges of all utilities and public services provided by the City;

(14) Approve plats, unless the City Council votes to vest this authority exclusively in the Planning and Zoning Commission; and

(15) Individually ask questions of the City Manager regarding City business. Individually ask questions of the department heads regarding items on the posted agenda. Any and all other inquiries to department heads or staff shall follow the City's Governance Policy.

SECTION 3.08 Prohibitions

(1) Except where authorized by law or by this Charter, no Mayor or Council Member shall hold any other City office or City employment during his or her term as Mayor or Council Member. No former Mayor or Council Member shall hold any compensated appointive office or City employment until one (1) year after the expiration of the term for which they were elected to the City Council.

(2) Members of the City Council shall not in any way dictate the appointment, removal, or discipline of the City administrative officers or employees appointed by the City Manager or any of the City Manager's subordinates.

(3) Except for the purpose of inquiries and investigations as provided by this Charter and in accordance with the City's Governance Policy, the City Council shall interact with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager. The City Council shall not give orders to any such officer or employee, either publicly or privately, except as otherwise provided in this Charter.

SECTION 3.09 Meetings of the City Council

(1) The City Council shall meet regularly at such dates and times as may be prescribed by ordinance or resolution, but not less frequently than once each calendar month to transact the business of the City.

(2) Special meetings of the City Council shall be called by the City Secretary upon request of the Mayor, City Manager or three (3) Council Members. Special meetings shall be held and notice given in accordance with state law.

(3) Except as provided by state law, all City Council meetings shall be open to the public and shall be held and notice given in accordance with state law.

SECTION 3.10 Quorum

Four (4) members of the City Council shall constitute a quorum for the purpose of transaction of business. No action of the City Council, except as specifically provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the City Council present and qualified to act.

SECTION 3.11 Conflict of Interest

Should any person on the City Council have a conflict of interest, pursuant to any state laws and/or City ordinances regulating conflicts of interest of municipal officers, with an agenda item then before the City Council, he or she shall disclose such interest to the other members of the City Council, and he or she is thereby prohibited from discussing or voting on the item, and shall not be considered as present and voting for the purposes of the tally. Council members who have a conflict of interest are considered present for purposes of constituting a quorum.

SECTION 3.12 Abstention

Should any person on the City Council choose to abstain from voting on any agenda item before the City Council, where no conflict of interest exists, the person's vote shall be deemed and recorded as a negative vote.

SECTION 3.13 Rules of Procedure

The City Council shall determine by ordinance, resolution, or otherwise, its own rules of order and business. The City Council shall provide that members of the public shall have a reasonable opportunity to clearly be heard at public hearings with regard to specific matters under consideration. In addition, the Council will provide reasonable opportunity for public comments concerning items not on the agenda. The City Council shall provide for minutes to be taken and recorded for all public meetings as required by law. Such minutes shall be a public record and shall be kept and maintained by the City Secretary.

SECTION 3.14 Passage of Ordinances in General

(1) The City Council shall legislate by ordinance only, and the enacting clause of every ordinance shall read "Be it ordained by the City Council of the City of Murphy, Texas" Each proposed ordinance shall be introduced in the written or printed form required for adoption. Each and every ordinance shall contain a title or caption that identifies the subject(s) addressed in the ordinance. General appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. After adoption, an ordinance shall not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. Copies of any proposed ordinance, in the form required for adoption, shall be furnished to the City Council. Copies of the proposed ordinance, in the form required for adoption, shall be available at the City offices and shall be furnished to the public upon request to the City Secretary from and after the date on which such proposed ordinance is posted as an agenda item for a City Council meeting and, if amended, shall be available and furnished in amended form for as long as the proposed ordinance is before the City Council.

(2) Unless otherwise required by law, every ordinance shall become effective upon adoption or at any later time(s) specified in the ordinance, except that every penal ordinance imposing any penalty, fine or forfeiture shall become effective only after having the descriptive title or caption of the same published at least one time after final passage in a newspaper designated as the official newspaper of the City.

(3) If a majority of the City Council present at a council meeting request that the ordinance title and caption or its entirety be read, it must be read.

~~SECTION 3.15 Emergency Ordinances~~

~~(1) The City Council may adopt emergency ordinances only to meet public emergencies affecting life, health, property or the public peace. In particular, such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. Neither shall they authorize the borrowing of money except as provided elsewhere in this Charter.~~

~~(2) An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that they shall be plainly designated in the title as an emergency ordinance and shall contain after the enacting clause a declaration stating that an emergency exists and describing the emergency in clear and specific terms.~~

~~(3) An emergency ordinance may be introduced at any City Council meeting and can be adopted with or without amendment or rejected at the meeting at which it is introduced.~~

~~(4) Emergency ordinances shall become effective upon adoption and shall be published as soon thereafter as practicable as required by law. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, is automatically repealed as of the sixty-first (61st) day following the day on which it became effective. The ordinance may be re-enacted if the emergency still exists.~~

SECTION ~~3.16~~ 15 Authentication, Recording, Codification, Printing and Distribution

(1) All ordinances and resolutions adopted by the City Council shall be authenticated by seal and signature of the person performing the duties of the City Secretary and numbered consecutively as adopted. They shall be properly indexed and placed in a book kept open for public inspection.

(2) The City Council may maintain the codification of ordinances of the City. This codification shall be known and cited as "The Murphy City Code" and shall be in full force and effect without the necessity of such code or any part thereof being published in any newspaper. The caption, descriptive clause and other formal parts of the ordinances of the City may be omitted without affecting the validity of such ordinances when codified. Every general ordinance enacted subsequent to such codification shall be enacted as an amendment to the code. For the purpose of this section, general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the City at large. Copies of the code shall be furnished to City Officers, placed in City offices and made available for purchase by the public at a reasonable price to be determined by the City Council, not to exceed the costs permitted by state law.

(3) The City Council shall cause all ordinances and amendments to this Charter to be printed promptly following their adoption. A copy of each ordinance and Charter amendment shall be placed in appropriate City offices for public reference. Printed ordinances and Charter amendments shall be sold to the public at a reasonable price to be determined by the City Council, not to exceed the costs permitted by state law.

SECTION 3.~~17~~—16 Investigations by the City Council

The City Council, by an affirmative vote of at least four (4) members of the City Council, shall have the power to collectively investigate into the official conduct of any department, agency, office, officer, Council Member or employee of the City and to make, direct or supervise investigation(s) as to municipal affairs, and for that purpose, the City Council collectively shall have the power to administer oaths, subpoena witnesses and compel the production of books, papers or other evidence material to the investigation. The City Council shall provide by ordinance the penalties for contempt for failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt in the manner provided by the ordinance. The Council may produce its findings publicly.

SECTION 3.~~18~~—17 Bond

The City Council may require bonds of all municipal officers and employees who receive or pay out any monies of the City. The amount of the bonds may be determined by the City Council and the cost shall be borne by the City.

ARTICLE IV City Administration

SECTION 4.01 City Manager

(1) The City Council shall appoint, upon the affirmative vote of a majority of the full membership of the City Council, a City Manager who shall serve as Chief Administrative Officer of the City. The City Manager shall be responsible to the City Council for administration of all the affairs of the City, with only those exceptions that are named in this Charter. The City Manager shall be appointed solely upon the City Manager's executive, administrative and educational qualifications, and shall have previous city manager or assistant city manager experience and/or a degree in a field related to city government. The City Manager need not be a resident of the City when appointed, but shall within a reasonable time after such appointment reside within the City during the balance of the tenure of his or her appointment.

(2) The City Council shall fix the compensation of the City Manager and the City Manager's compensation may be amended, by the City Council, from time to time, in accordance with the City Manager's experience, qualifications and performance.

- (3) The City Manager shall be appointed for an indefinite term or term defined by the City Council, and may be removed or suspended, with or without cause (subject to any contractual arrangements that may exist between the City and the City Manager), at the discretion of the City Council by the affirmative vote of a majority of the full membership of the City Council. Upon a decision to remove or suspend the City Manager, written notice of such decision shall be immediately furnished to him or her.
- (4) In case of the absence, disability, incapacity or suspension of the City Manager, the City Council may designate a temporary qualified administrative officer of the City to perform the duties of the office.
- (5) The City Manager shall:
- (A) Appoint, suspend, discipline and/or remove all City employees and appointive administrative officers provided for in this Charter, except as otherwise provided by law, this Charter, or personnel rules adopted pursuant thereto;
- (B) Establish administrative departments;
- (C) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by law or this Charter;
- (D) Ensure that all state laws and city ordinances are effectively enforced;
- (E) Attend all City Council meetings with the right to take part in discussion, but the City Manager shall not vote;
- (F) Prepare, accept and, designate, or delegate an appropriate department head or City employee to prepare, accept and designate, items for inclusion in the official agenda of all City Council meetings and meetings of all boards and commissions;
- (G) Prepare and recommend to the City Council the annual budget and capital program, and administer the budget as adopted by the City Council;
- (H) Keep the City Council fully advised and informed at least quarterly, or at the request of individual City Council Members, as to the financial conditions and future needs of the City, and make such recommendations concerning the affairs of the City, as the City Manager or the City Council deems desirable or necessary;
- (I) Make reports as the City Manager or the City Council may require concerning the operations of the City departments, offices or agencies subject to the City Manager's direction or supervision; and
- (J) Perform such other duties as are specified in this Charter or may be required by the City Council, and are consistent with this Charter and state or federal law.

SECTION 4.02 City Secretary

- (1) The City Secretary shall be appointed for an indefinite term or term defined by the City Council, and may be removed or suspended, with or without cause (subject to any contractual arrangements that may exist between the City and the City Secretary), at the discretion of the City Council by the affirmative vote of a majority of the full membership of the City Council. Upon a decision to remove or suspend the City Secretary, written notice of such decision shall be immediately furnished to him or her.
- (2) The City Council shall fix the compensation of the City Secretary, and the City Secretary's compensation may be amended by the City Council, from time to time, in accordance with the City Secretary's experience, qualifications and performance.
- (3) The City Secretary shall:
- (A) Give notice of all public meetings and public hearings of the City Council in a manner consistent with this Charter and state laws;
- (B) Attend all public meetings and hearings of the City Council;
- (C) Keep the minutes of the proceedings of all public meetings and hearings of the City Council in a manner prescribed by the City Council consistent with applicable law;
- (D) Act as custodian of all official records of the City Council;

- (E) Hold and maintain the seal of the City and affix this seal to all appropriate documents;
 - (F) Authenticate by signature and seal and record all ordinances, resolutions and proclamations of the City; and
 - (G) Perform such other duties as may be required by the City Council consistent with this Charter and the laws of the State of Texas.
- (4) In case of the absence, disability, incapacity or suspension of the City Secretary, the City Council may designate a temporary qualified employee of the City to perform the duties of the office.

SECTION 4.03 Municipal Court

- (1) The City Council shall establish and cause to be maintained a Municipal Court. The Court shall have all the powers and duties as may be prescribed by state law.
- (2) The City Council shall appoint by the affirmative vote of a majority of the full membership of the City Council such Municipal Judge(s) and Alternate Municipal Judge(s) of the Municipal Court as may be necessary, all of whom shall be competent, duly qualified attorneys licensed and practicing for at least two (2) years in the State of Texas. The Municipal Judge(s) of the Municipal Court(s) shall be appointed to a term of two (2) years and shall remain in office after the end of that term until the City Council considers appointment for the subsequent term. The Municipal Judge(s) may be appointed to additional consecutive terms upon completion of his/her/their term(s) of office. The appointment of the Municipal Judge(s) may be terminated, with or without cause, at any time by the affirmative vote of a majority of the full membership of the City Council. The Municipal Judge(s) shall receive compensation as may be determined by the City Council.
- (3) The Clerk and Deputy Clerks of the Municipal Court(s) shall be appointed and supervised by the City Manager, and the Clerk and Deputy Clerks shall have the power to administer oaths, certify affidavits, make certificates, affix the seal of the Court, and perform all usual and necessary clerical acts in conducting the business of the Court(s), including but not limited to, the keeping of records and accounts of the Municipal Court(s).
- (4) All special expenses and fines imposed by the Municipal Court(s) shall be paid into the City treasury for the use and benefit of the City, as may be consistent with present and future laws.
- (5) The City Prosecutor(s) of the Municipal Court(s) shall be the City Attorney or their designee subject to the approval of the City Manager.

SECTION 4.04 City Attorney

- (1) The City Council shall appoint by the affirmative vote of a majority of the full membership of the City Council a competent, duly qualified licensed and practicing attorney in the State of Texas who shall serve as the City Attorney. The City's Governance Policy shall be applicable to this section if adopted by the City Council.
- (2) The City Attorney shall:
- (A) Serve as the legal advisor to the City Council and City Manager;
 - (B) Represent the City in litigation and legal proceedings as directed by the City Council and the City Manager; and
 - (C) Review and provide opinions as requested by the City Council or City Manager on contracts, legal instruments, ordinances of the City and other City business.
- (3) The City Council shall have the right to retain special counsel at any time that it may deem necessary and appropriate.
- (4) The City Attorney and special counsel shall receive compensation as may be determined by the City Council.
- (5) The City Attorney, with approval of the City Council, may select additional attorneys to act for him and the City in its representation and/or litigation.
- (6) The City Attorney may be removed, with or without cause, by the affirmative vote of a majority of the full membership of the City Council.

SECTION 4.05 Administrative Departments, Offices and Agencies

(1) The City Manager may establish, abolish, redesignate and/or combine departments, offices or agencies in addition to those provided for by this Charter, and may prescribe the functions and duties of such departments, offices and agencies.

(2) Except as provided elsewhere in this Charter, all departments, offices and agencies of the City shall be under the direction and supervision of the City Manager and shall be administered by officers appointed by and subject to the direction and supervision of the City Manager. The City Manager may appoint one (1) person as head of two (2) or more departments, offices or agencies and with the consent of the City Council, may serve as the head of one (1) or more City departments, offices or agencies.

(3) The City Manager may appoint a City Tax Collector, whose duties and functions shall be those usual to the office and consistent with existing or future laws of the State of Texas as they may apply to City or County tax collectors. The City Manager may recommend that the City Council enter into a contract for such services.

SECTION 4.06 Personnel System

(1) Personnel rules shall be prepared by the City Manager and presented to the City Council, who may adopt them with or without amendment. The adopted rules shall establish the City as an Equal Opportunity Employer and shall govern the equitable administration of the personnel system of the City. Thereafter, the City Manager shall have the power to recommend additions to, modifications of, or deletions from, such rules to the City Council in the same manner used for the adoption of the original rules.

(2) The adopted rules shall provide for the following requirements:

(A) A compensation plan for all City employment positions;

(B) A plan for working hours, attendance policy and regulation and provision for sick and vacation leave;

(C) Procedures for the hearing and adjudication of grievances;

(D) Additional practices and procedures necessary to the beneficial and equitable administration of the City's personnel system;

(E) A plan for annual oral and written evaluation based on a job description for all City employees by their immediate supervisor, including evaluation of the City Manager, City Secretary, Municipal Judge and City Attorney by the City Council; and

(F) A clear and concise statement that all City employees are at-will employees.

ARTICLE V

Nominations and Elections

SECTION 5.01 City Elections

(1) All City elections shall be conducted in accordance with the Texas Election Code.

(2) The City Council may, by resolution or ordinance, order a special election for purposes consistent with this Charter and laws of the State of Texas.

- (3) Municipal elections shall be conducted by election officials appointed by the City Council, or as prescribed by law. Sample ballots identical in format to those used in the specific election shall be posted in the voting place(s) for the purpose of voter orientation.
- (4) All municipal elections shall be publicized in accordance with the Texas Election Code.
- (5) A sample ballot shall be published, printed, and made available on the official City website and at City Hall as required by law.

~~SECTION 5.02~~ Filing for Office

- ~~(1) Candidates for elective City offices shall file for office in accordance with the Texas Election Code.~~
- ~~(2) Candidates for elective City offices shall meet the following qualifications:~~
- ~~(A) Shall be at least twenty-one (21) years of age at the time of the election for which they are filing;~~
- ~~(B) Shall be a qualified voter; and~~
- ~~(C) Shall have resided within the corporate limits of the City, or recently annexed territory, for at least twelve (12) months immediately preceding Election Day.~~
- ~~(3) No candidate for elective City office may file in a single election for more than one (1) office or position as provided by this Charter.~~
- ~~(4) No employee of the City shall continue in any City employee position after filing for an elective office provided for in this Charter.~~
- ~~(5) Candidates for elective City offices shall comply with all other City ordinances or resolutions that may be applicable.~~

~~SECTION 5.03~~ 02 Official Ballots

- (1) The name of each candidate seeking elective office, except those who have withdrawn, died, or become ineligible, and who are authorized to have their names removed from the ballot consistent with state law, shall be printed on the official ballot in the form designated by the candidate in accordance with the Texas Election Code. If two (2) or more candidates have the same surname, their middle name or other identifier shall be printed with their names on the ballot.
- (2) The order of the names of the candidates on the ballot shall be determined by lot in a public drawing to be held under the supervision of the City Secretary in accordance with the Texas Election Code.
- (3) Procedures for voting by absentee ballot shall be consistent with the Texas Election Code.
- (4) An ordinance, bond issue or Charter amendment to be voted on by the voters of the City shall be presented for voting by ballot title. The ballot title of a measure may be different from its legal title and shall be a clear, concise statement, approved by the City Council, describing the substance of the measure without argument or prejudice.
- (5) Procedures for write-in votes shall be consistent with the Texas Election Code.

~~SECTION 5.04~~ 03 Official Results

- (1) The candidate for elective office receiving a majority of the votes cast shall be declared the winner. In the event that no candidate receives a majority of all votes cast for any one place at such election, the City Council shall, upon completion of the official canvass of the ballots, issue a call for a runoff election to be held within thirty (30) days following the issuance of such call, or in accordance with the Texas Election Code. At such runoff election, the two (2) candidates receiving the highest number of votes (or three (3) persons in case of tie for second place) for any one place in the first election shall be placed on the runoff ballot for such election.
- (2) The returns of every municipal election shall be handled in accordance with the Texas Election Code.

SECTION 5.05—04 Taking of Office

- (1) Each newly elected person to the City Council shall take the oath of office and be inducted into office at the first regular City Council meeting following the election.
- (2) At such meeting the oath of office shall be administered in accordance with state law.

ARTICLE VI
Recall, Initiative and Referendum

SECTION 6.01 Scope of Recall

Any elected City official shall be subject to recall and removal from office by the qualified voters of the City on grounds of incompetence, misconduct or malfeasance in office.

SECTION 6.02 Petitions for Recall

Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of City Secretary, which said petition must be signed by thirty percent (30%) of the number of votes cast for the place or position held by that member of the City Council in the last general municipal election for that place or position, or three hundred (300) ~~registered~~ qualified voters, whichever is greater. Each signer of such recall petition shall be a qualified voter of the City and shall provide all requisite information as required by the Texas Election Code and this Charter.

SECTION 6.03 Form of Recall Petition

The recall petition mentioned above must be addressed to the City Council, must be distinctly and specifically pointed to the grounds upon which such petition for removal is predicated, and, if there be more than one (1) ground, said petition shall specifically state each ground with such certainty as to give the officer sought to be removed notice of the matters and things with which the officer is charged. The petition shall contain, in addition to the signature, the signer's name, the signer's date of birth or voter's registration number, the signer's residence address and the date of signing. The signature shall be verified by oath in the following form.

"State of Texas

County of Collin

I, _____, being first duly sworn, on oath depose and say that I am one of the signers of the above petition, and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person it purports to be.

Signature

Sworn and subscribed before me this ____ day of _____, 20____.

Signed _____

Notary Public in and for the State of Texas"

SECTION 6.04 Various Papers Constituting Petition

The petition may consist of one (1) or more copies, or subscription lists, circulated separately, and the signatures thereto may be upon the paper or papers containing the form of petition, or upon other paper attached thereto. Verifications provided for in Section 6.03 of this Article may be made by one (1) or more petitioners, and the several parts of copies of the petition may be filed separately and by different persons. No signatures to such petition shall remain effective or be counted if they were placed on the petition more than forty-five (45) days prior to the filing of such petition or petitions with the City Secretary. All papers comprising a recall petition shall be filed with the City Secretary on the same day, and the City Secretary shall immediately notify, in writing, the officer so sought to be removed, by mailing such notice to the officer's City address.

SECTION 6.05 Presentation of Petition to the City Council

Within twenty-one (21) days after the date of the filing of the papers constituting the recall petition, the City Secretary shall confirm the signatures on the petition and, if the petition is determined to be legally sufficient, present such petition to the City Council.

SECTION 6.06 Public Hearing to be Held

The officer whose removal is sought may, within seven (7) days after such recall petition has been presented to the City Council, request that a public hearing be held to permit him or her to present the facts pertinent to the charges specified in the recall petition. In this event, the City Council shall order such public hearing to be held, not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

SECTION 6.07 Calling of Recall Election

If the officer whose removal is sought does not resign, then the City Council shall order an election and set the date for holding such recall election. The date selected for the recall election shall be in accordance with the Texas Election Code. If after the recall election date is established, the officer vacates his or her position, the election shall be cancelled.

SECTION 6.08 Ballots in Recall Election

Ballots used at recall elections shall conform to the following requirements:

- (1) With respect to each person whose removal is sought, the question shall be submitted:

"Shall _____ be removed from the office of _____ by recall?"

- (2) Immediately below each such question there shall be printed the following words, one above the other, in the order indicated:

"Yes"

"No"

SECTION 6.09 Result of Recall Election

If a majority of the votes cast at a recall election shall be "No," that is, against the recall of the officer named on the ballot, the officer shall continue in office for the remainder of his or her unexpired term, subject to recall as before. If a majority of the votes cast at such election be "Yes," that is, for the recall of the officer named on the ballot, the officer shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall be filled by the City Council as provided in this Charter.

SECTION 6.10 Restrictions on Recall

(1) No recall petition shall be filed against any officer of the City within six (6) months after the officer's election, nor within six (6) months after an election for such officer's recall.

(2) No more than three (3) petitions for recall shall be filed and/or be pending for resolution by election until those three (3) petitions for recall have been resolved by the recall election and an election has been ordered to fill any vacancies created by the recall election.

(3) Recall elections shall be held in accordance with the Texas Election Code.

SECTION 6.11 Failure of the City Council to Call a Recall Election

If all the requirements of this Charter shall have been met and the City Council fails to receive the recall petition, or order such recall election, or discharge any other duties imposed on the City Council by the provisions of this Charter with reference to such recall, then any petitioning citizen may file with the appropriate court for a writ of mandamus to force the City to call the election.

SECTION 6.12 General Power of Initiative and Referendum

The qualified voters of the City, in addition to the method of legislation herein before provided, shall have the power of direct legislation by initiative and referendum.

(1) Initiative: Such power shall not extend to the budget, capital program or any ordinance not subject to initiative as provided by state law.

(2) Referendum: Such power shall not extend to the budget ~~or~~ capital program or any ~~emergency ordinance~~ ~~or~~ ordinance not subject to referendum as provided by state law.

SECTION 6.13 Initiative

Following a review by the City Attorney for enforceability and legality, qualified voters of the City may initiate legislation by submitting a petition addressed to the City Council that requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the City. Said petition must be signed by a minimum of thirty percent (30%) of the number of votes cast at the last regular City election, or three hundred (300) ~~registered~~ qualified voters, whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed in the same manner as recall petitions are signed as provided in this Article, and shall be verified by oath in the manner and form provided for recall petitions in this Article. The petition may consist of one (1) or more copies as permitted for recall petitions. Such petition shall be filed with City Secretary. Within twenty-one (21) days after the filing of such petition, the City Secretary, or the person performing the duties of the City Secretary, shall confirm the signatures on the petition and, if the petition is determined to be legally sufficient, present said petition and proposed ordinance or resolution to the City Council. Upon presentation to the City Council, it shall become the duty of the City Council, within two (2) regularly scheduled City Council meetings after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect, or to call a special election, to be held on a date allowed under the Texas Election Code, at which the qualified voters of the City shall vote on the question of adopting or rejecting the proposed legislation. However, if any other municipal election is to be held within sixty (60) days following

the filing of the petition, the question may be voted on at such election. Any election order so issued shall comply fully with the Texas Election Code. Unless otherwise provided by law, any election for an initiative under this Charter shall be held on the first authorized uniform election date that occurs after the sixty-fifth (65th) day after the petition was presented to the City Council.

SECTION 6.14 Referendum

Qualified voters of the City may require that any ordinance or resolution passed by the City Council or instituted by the initiative process under this Charter be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after final passage of said ordinance or resolution, or within thirty (30) days after its publication. Said petition shall be addressed, signed and verified as required for recall petitions in this Article and shall be submitted to the City Secretary. Immediately upon the filing of such petition, the City Secretary shall confirm the signatures on the petition and, if the petition is determined to be legally sufficient, present said petition to the City Council. Thereupon the City Council shall immediately reconsider such ordinance or resolution and, if the City Council does not entirely repeal the same, shall submit it to popular vote as provided in Section 6.13 of this Charter. Pending the holding of such election, each ordinance or resolution shall be suspended from ~~taking effect~~enforcement and shall not later ~~take effect~~be enforced unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof. Unless otherwise provided by law, any election for a referendum under this Charter shall be held on the first authorized uniform election date that occurs after the sixty fifth (65th) day after the petition was presented to the City Council.

SECTION 6.15 Voluntary Submission of Legislation by the City Council

The City Council, upon its own motion and by the affirmative vote of a majority of the full membership of the City Council, may submit to popular vote at any election, for adoption or rejection, any proposed ordinance, resolution or measure, or may submit for repeal any existing ordinance, resolution or measure in the same manner and with the same force and effect as provided in this Article for submission of a petition, and may at its discretion call a special election for this purpose.

SECTION 6.16 Form of Ballots

The ballots used when voting upon such proposed and referred ordinance, resolutions or measures, shall set forth their nature sufficiently to identify them and shall also set forth upon separate lines the words: "For the Ordinance" or "Against the Ordinance" or "For the Resolution" or "Against the Resolution."

SECTION 6.17 Publication of Proposed and Referred Ordinances

The City Secretary shall publish, print and make available on the official City's website and at City Hall, the caption or a summary of the proposed or referred ordinance or resolution within fifteen (15) days before the date of the election, and shall give such other notices and do such other things relative to such election as are required by law in municipal elections and by the ordinance or resolution calling said election.

SECTION 6.18 Adoption of Ordinances

If a majority of the qualified voters voting on any proposed ordinance or resolution or measure shall vote in favor thereof, it shall thereupon or at any time fixed therein, become effective as a law or as a mandatory order of the City Council.

SECTION 6.19 Inconsistent Ordinances

If the provisions of two (2) or more proposed ordinances or resolutions approved at the same election are inconsistent, the ordinance or resolution receiving the highest number of votes shall prevail.

SECTION 6.20 Ordinances Passed by Popular Vote, Repeal or Amendment

No ordinance or resolution which may have been passed by the City Council upon a petition or adopted by popular vote under the provisions of this Article shall be repealed or amended except by the City Council in response to a referendum petition or by submission as provided by Section 6.15 of this Charter.

If an ordinance or resolution adopted by popular vote under the provisions of this Article is directly challenged and declared to be unconstitutional, preempted, or otherwise unenforceable by a court of final jurisdiction, the City Council, upon its own motion and by majority vote, may repeal the ordinance or resolution.

SECTION 6.21 Further Regulations by the City Council

The City Council may pass ordinances or resolutions providing other and further regulations for carrying out the provisions of this Article consistent herewith.

SECTION 6.22 Franchise Ordinances

Nothing contained in this Article shall be construed to be in conflict with any of the provisions of this Charter pertaining to ordinances granting franchises when valuable rights shall have accrued thereunder.

SECTION 6.23 Failure of the City Council to Call an Initiative or Referendum Election

If all of the requirements of this Charter have been met and the City Council fails or refuses to receive the initiative or referendum petition, or order such initiative or referendum election, or discharge any other duties imposed on the City Council by the provisions of this Charter with reference to such initiative or referendum, then any petitioning citizen may file with the appropriate court for a writ of mandamus to force the City to call the election.

ARTICLE VII

Financial Procedures

SECTION 7.01 Fiscal Year

The fiscal year of the City shall begin on the first day of October and end on the last day of September on the next succeeding year. Such fiscal year shall also constitute the budget and accounting year.

SECTION 7.02 Submission of Budget and Budget Message

On or before the tenth (10th) day of August of the fiscal year, the City Manager shall submit to the City Council a budget for the ensuing fiscal year and an accompanying budget message. The budget shall comply with and contain such information and itemization, as may be required by state law.

SECTION 7.03 Budget Message

The City Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues, together with the reasons for such changes, summarize the City's debt position, and include such other material as the City Manager deems desirable.

SECTION 7.04 Budget a Public Record

The budget and all supporting schedules shall be filed with the City Secretary when submitted to the City Council and shall be open to public inspection by anyone interested. When the notice of public hearing on the budget is posted, a copy of the budget summaries shall be posted on the official City Website.

SECTION 7.05 Public Hearing on Budget

At the City Council meeting when the budget is submitted, the City Council shall designate the date, time and place of a public hearing which shall be published, printed, and made available on the official City website and at City Hall as required by law. At this hearing, interested persons may express their opinions concerning the budget, including items of expenditures, giving their reasons for wishing to increase or decrease any items of expense.

SECTION 7.06 Proceeding on Adoption of Budget

After public hearing, the City Council shall analyze the budget, making any additions or deletions which they determine are appropriate, and shall, adopt the budget by the affirmative vote of a majority of the full membership of the City Council. Should the City Council take no final action on or prior to such day, the current budget shall be in force on a month-to-month basis until a new budget is adopted.

SECTION 7.07 Budget, Appropriation and Amount to be Raised by Taxation

On final adoption, the budget shall be in effect for that budget year. Final adoption of the budget by the City Council shall constitute the official appropriations as proposed by expenditures for that budget year and shall constitute the basis of official levy of the property tax as the amount of tax to be assessed and collected for the corresponding tax year. Estimated expenditures will in no case exceed proposed revenue plus cash on hand. Unused appropriations may be transferred to any item required for the same general purpose.

SECTION 7.08 Contingent Appropriation

Provision shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in an amount not more than three percent (3%) of the total general fund expenditures, to be used in case of unforeseen items of expenditures. This contingent appropriation shall apply to current operating expenses and shall not include any reserve funds of the City. Such contingent appropriation shall be under the control of the City Manager and distributed by him only after prior approval by the City Council. The proceeds of the contingent appropriation shall be disbursed only by transfer to other departmental appropriation, the spending of which shall be charged to the departments or activities for which the appropriations are made.

SECTION 7.09 Amending the Budget

Under conditions which may arise, and for municipal purposes, the City Council may, by the affirmative vote of a majority of the full membership of the City Council, amend or change the budget to provide for any additional expense in which the general welfare of the citizenry is involved. These amendments shall be by ordinance, and shall become an attachment to the original budget.

SECTION 7.10 Certification; Copies Made Available

A copy of the budget, as finally adopted, shall be filed with the City Secretary, such other places required by state law, and as the City Council shall designate. The final budget shall be printed or otherwise reproduced and sufficient copies shall be made available for the use of all offices, agencies, interested persons and civic organizations. Additionally, a copy of the budget summaries shall be posted on the official City Website.

SECTION 7.11 Capital Program

The City Manager shall submit a five (5) year capital program as an attachment to the annual budget. The program as submitted shall include:

- (1) A clear general summary of its contents;
- (2) A list of all capital improvements which are proposed to be undertaken during the next five (5) fiscal years, with appropriate supporting information as to the necessity for such improvements;
- (3) Cost estimates, method of financing, and recommended time schedules for each improvement; and
- (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

SECTION 7.12 Defect Shall Not Invalidate the Tax Levy

Errors or defects in the form or preparation of the budget or the failure to perform any procedural requirements shall not nullify the tax levy or the tax rate.

SECTION 7.13 Lapse of Appropriations

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation. Any funds not expended, disbursed or encumbered shall be deemed excess funds.

SECTION 7.14 Borrowing

- (1) The City shall have the right and power, except as prohibited by law or this Charter, to borrow money by whatever method it may deem to be in the public interest.
- (2) Emergency Funding:

In any budget year, the City Council shall have full powers authorized by law to borrow money in response to an emergency. Notes may be issued which are repayable not later than the end of the current fiscal year.

SECTION 7.15 Purchasing

- (1) The City Council may by ordinance give the City Manager general authority to contract for expenditures without further approval of the City Council for all budgeted items not exceeding limits set by the City Council within the ordinance.
- (2) All contracts for expenditures or purchases involving more than the limits must be expressly approved in advance by the City Council. All contracts or purchases involving more than the limits set by the City Council shall be awarded by the City Council, in accordance with state law.
- (3) Emergency contracts as authorized by law and this Charter may be negotiated by the City Council or City Manager if given authority by the City Council, ~~without competitive bidding,~~ and in accordance with state law. Such emergency shall be declared by the ~~City Manager~~ ~~Mayor~~ ~~and approved by the City Council,~~ ~~or may be declared by the City Council.~~
- (4) Spending, purchasing, and sale of real or personal property guidelines shall be set by policy approved by the City Council and shall be consistent with state law.

SECTION 7.16 Administration of Budget

- (1) No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made, unless the City Manager, or the City Manager's designee, first confirms that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds are or will be available to cover the claim or meet the obligation when it becomes due and payable.
- (2) Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. Such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such payment or obligation, and the officer shall also be liable to the City for any amount so paid.
- (3) This prohibition shall not be construed to prevent the making or authorizing of payments, or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, or certificates of obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, providing that such action is made or approved by ordinance.
- (4) The City Manager shall submit to the City Council as often as the City Council may request, but not less than once a quarter a report covering the revenues and expenditures of the City in such form as requested by the City Council.

SECTION 7.17 Depository

All monies received by any person, department or agency of the City for or in connection with the affairs of the City shall be deposited promptly in the City depository or depositories. The City depositories shall be designated by the City Council in accordance with such regulations and subject to the requirements as to security for deposits and interest thereon as may be established by ordinance and state law.

SECTION 7.18 Independent Audit

At the close of each fiscal year, and at such other times as may be deemed necessary, the City Council shall call for an independent audit of all accounts of the City by a certified public accountant in accordance with state law. No more than five (5) consecutive annual audits shall be completed by the same accountant or accounting firm. The certified public accountant selected shall have no direct or indirect personal interest in the financial affairs of the City or any of its officers. The report of audit, with the auditor's recommendations, will be made to the City Council. Upon completion of the audit, the summary shall be published within thirty (30) days in the official newspaper of the City, shall be posted on the official City Website, and copies of the audit placed on file in the office of the City Secretary, as a public record.

SECTION 7.19 Power to Tax

- (1) The City shall have the power to levy, assess and collect taxes of every character and type for any municipal purpose not prohibited by the Constitution and laws of the State of Texas. The City shall designate or contract for a Tax Collector for the City.
- (2) The City shall have the power to grant tax exemptions in accordance with the laws of the State of Texas.

SECTION 7.20 Taxes; When Due and Payable

- (1) All taxes due in the City shall be payable at the office of the City Tax Collector, or at such location or locations as may be designated by the City Council, and may be paid at any time after the tax rolls for the year have been completed and approved. Taxes for each year shall be paid before February 1 of the next succeeding year, and all such taxes not paid prior to that date shall be deemed delinquent, and shall be subject to penalty and interest as the City Council shall provide by ordinance. The City Council may provide discounts for the payment of taxes prior to January 1 in an amount not to exceed those established by the laws of the State of Texas.
- (2) Failure to levy and assess taxes through omission in preparing the appraisal rolls shall not relieve the person, partnership, company or other legal entity so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipts for the years in question, omitting penalty and interest.

SECTION 7.21 Tax Liens, Liabilities and Suits

- (1) All taxable property located in the City on January 1 of each year shall stand charged from that date with a special lien in favor of the City for the taxes due. All persons purchasing any such property on or after January 1 in any year shall take the property subject to the liens provided above. In addition to the liens herein provided, on January 1 of any year, the owner of property subject to taxation by the City shall be personally liable for the taxes due for that year.
- (2) The City shall have the power to sue for and recover personal judgment for taxes without foreclosure, or to foreclose its lien or liens, or to recover both personal judgment and foreclosure. In any such suit where it appears that the description of any property in the City appraisal rolls is insufficient to identify such property, the City shall have the right to plead a sufficient description of the property to be assessed, to prove the same, and to have its judgment foreclosing the tax lien or for personal judgment against the owners for such taxes.

ARTICLE VIII

Boards and Commissions

SECTION 8.01 Authority, Composition and Procedures

(1) The City Council shall create, establish or appoint, as may be required by the laws of the State of Texas or this Charter, or deemed desirable by the City Council, such boards, commissions and committees as it deems necessary to carry out the functions and obligations of the City. The City Council shall, by ordinance or resolution, prescribe the purpose, composition, function, duties, accountability and tenure of each board, commission and committee where such are not prescribed by law or this Charter.

(2) Individuals who ~~are qualified voters in~~ legal residents of the City may be appointed by the City Council to serve on one (1) or more boards, commissions or committees. Such appointees shall serve at the pleasure of the City Council and may be removed at the discretion of the City Council, except for the members of the Board of Adjustment, who may be removed only for cause. Except as otherwise provided in this Charter, members of any such board, commission or committee shall serve without compensation, but may be reimbursed for actual expenses as approved by the City Council.

(3) All boards, commissions or committees of the City shall, at the discretion of the City Council, keep and maintain minutes of any proceedings held.

(4) No officer or employee of the City nor any person who holds a compensated appointive position with the City shall be a member of any board, commission or committee created or established by state law or this Charter other than in an advisory and/or ex officio capacity except as allowed by state law.

~~(5) Any member of a board, commission or committee who is absent from three (3) consecutive regular meetings, or twenty five percent (25%) of regularly scheduled meetings during the twelve (12) month period immediately preceding and including the absence in question, without explanation acceptable to a majority of the other members, shall be deemed to have forfeited his or her position on the board, commission or committee.~~

ARTICLE IX

Planning and Zoning Commission

SECTION 9.01 Organization

(1) There is hereby established a Planning and Zoning Commission, which shall consist of not less than seven (7) members who shall be appointed by the City Council to staggered terms of two (2) years in accordance with the existing zoning ordinance. ~~The Commission members shall be qualified City voters.~~ Any vacancy occurring during the unexpired term of a member shall be filled by the City Council for the remainder of the unexpired term. After being duly appointed, the Commission shall elect from its members a Chairman, Vice Chairman and Secretary to serve for one (1) year beginning in that month. Members of the Commission may be removed, with or without cause, by an affirmative vote of a majority of the full membership of the City Council.

(2) The Commission shall meet regularly at such dates and times as may be prescribed by ordinance, resolution or order. The Commission shall keep minutes of its proceedings which shall be of public record. The Commission shall serve without compensation.

(3) Four (4) voting Commission members shall constitute a quorum for the purpose of transaction of business.

SECTION 9.02 Duties and Powers

(1) The Commission shall be responsible to and act as an advisory board to the City Council. The Commission shall:

- (A) Review all current and proposed ordinances and amendments pertaining to planning and zoning and make recommendations to the City Council for action to be taken;
 - (B) Make proposals to the City Council to amend, extend and add to the Comprehensive Plan for the physical development of the City;
 - (C) Keep public records of its resolutions, findings and determinations; and
 - (D) Review plats, site plans, landscape plans, and zoning requests and make recommendations to the City Council for their final approval of same.
- (2) The Commission shall have full power to:
 - (A) Exercise the authority of the Commission as provided by state law, this Charter and City ordinances;
 - (B) Make reports and recommendations relating to the Comprehensive Plan and development of the City; and
 - (C) Approve plats, site plans and landscape plans if it has been given that authority by the City Council.

SECTION 9.03 Procedure

- (1) All rules and regulations adopted by the Commission shall be forwarded in writing to the City Manager who shall submit them to the City Council with the City Manager's recommendations. The City Council may amend, adopt or reject any such rules or regulations. If any rules or regulations should be rejected, the Commission may modify them and submit such modified rules and recommendations to the City Council for consideration.
- (2) Should any person on the Commission have a conflict of interest, pursuant to any state laws and/or City ordinances regulating conflicts of interest of municipal officers, with an agenda item then before the Commission, he or she shall openly declare same before discussion proceeds, file any required affidavit, disclose such interest to the other members of the Commission, and he or she shall thereby be prohibited from discussing and voting on the item, and such person is not considered as present and voting for the purposes of the tally of votes. Commission Members who have a conflict of interest are considered present for purposes of constituting a quorum.
- (3) Should any person on the Commission choose to abstain from voting on any question before the Commission, where no conflict of interest exists, the person's vote shall be recorded as a negative vote.

SECTION 9.04 The Comprehensive Plan: Procedure and Legal Effect

- (1) The Comprehensive Plan shall include, but not be limited to, the Future Land Use Plan, the Thoroughfare Plan, and Parks and Open Space Plan. The Commission shall seek input from all appropriate boards and commissions in the development of the Comprehensive Plan. Additions to and amendments of the Comprehensive Plan shall be by ordinance or resolution, but before any such revision, the Planning and Zoning Commission shall hold at least one (1) public hearing on the proposed action.
- (2) A copy of the proposed revisions to the Comprehensive Plan shall be forwarded to the City Manager who shall submit the proposal to the City Council, together with the City Manager's recommendations, if any. The City Council shall hold a public hearing and shall adopt or reject such proposed revision or any part thereof as submitted within sixty (60) days following its submission by the City Manager. If the proposed revisions or any part thereof are rejected by the City Council, the City Council may request the Planning and Zoning Commission to make other modifications and again forward it to the City Manager for submission to the City Council.
- (3) Following the adoption by the City Council of the Comprehensive Plan, and any revisions thereto, it shall serve as a guide for all future City Council action concerning land use and development regulations and expenditures for capital improvements. Any proposal which deviates from the Comprehensive Plan shall not be authorized until and unless the location and extent thereof shall have been submitted to and approved by the Commission. In case of denial of the request to deviate from the Comprehensive Plan, the Commission shall communicate its reasons to the City Council, which shall have the power to overrule such denial with a vote of a

majority of the full membership of the City Council, and upon such overruling, the City Council or the appropriate office or department shall have authority to proceed.

SECTION 9.05 Board of Adjustment

(1) The City Council shall appoint a Board of Adjustment. The City Council shall, by ordinance, provide standards and procedures for such Board to hear and determine appeals of administrative decisions, petition for variances in the case of peculiar and unusual circumstances which would create a hardship and prevent the reasonable use of land, and such other matters as may be required by the City Council or by law. Appointment and removal of members of the Board of Adjustment shall be in accordance with the provisions of Article VIII, Sec. 8.01 (2) of this Charter and state law.

(2) The Board shall consist of seven (7) members who shall be appointed by the City Council to staggered terms of two (2) years. ~~The Board shall consist of qualified City voters.~~

(3) Each case before the Board of Adjustment shall be heard by not less than seventy-five percent (75%) of the members. The concurring vote of seventy-five percent (75%) of the members shall be required to reverse an order, requirement, decision or determination of an administrative official; decide in favor of an applicant on a matter on which the Board is required to pass under a zoning ordinance; or authorize a variation from the terms of the zoning ordinance.

ARTICLE X Utility and Public Service Franchises

SECTION 10.01 Authority

The City shall have the power to buy, own, sell, construct, lease, maintain, operate and regulate public services and utilities and to manufacture, distribute and sell the output of such services and utility operations. The City shall not supply any utilities service outside the City limits, except by a written contract and/or by ordinance. The City shall have such regulatory and other power as it may now or hereafter be granted under the Constitution and laws of the State of Texas.

SECTION 10.02 Ordinance Granting Franchise

Ordinances granting franchises shall be subject to the terms hereof, and shall contain such terms and conditions as required by the City Council. All franchises shall be exercised in accordance with the terms of the ordinance granting the same and of the Charter. If such franchises shall not be exercised in substantial accordance with the terms hereof and of the ordinance granting the same, the franchise may be cancelled or annulled after notice and reasonable hearing to the holders thereof. The City Council shall by ordinance adopt reasonable rules and regulations for the notice and hearing. No franchise shall be granted for a term of more than twenty (20) years from the date of the grant, renewal or extension of any franchise.

SECTION 10.03 Transfer of Franchise

No public service or utility franchise is transferable, except with the approval of the City Council. No public service or utility franchise may be sold, transferred, assumed or otherwise assigned without the prior written consent of the City Council.

SECTION 10.04 Franchise Value Not to be Allowed

Franchises granted by the City shall be of no monetary value used to calculate rates and charges for public services or utilities within the City or in determining just compensation to be paid by the City for property which the City may acquire by condemnation or otherwise.

SECTION 10.05 Right of Regulation

In granting, amending, renewing and extending public service and utility franchises, the City reserves unto itself all the usual and customary rights, including, but not limited to, the following rights:

- (1) To repeal the franchise by ordinance for failure to begin construction or operation within the time prescribed, or for failure to comply with terms of the franchise;
- (2) To require all extensions of service within the City limits to become part of the aggregate property of the service and operate subject to all obligations and reserved rights contained in this Charter. Any such extension is considered included in the terms of the original grant of franchise and shall be terminable at the same time and under the same conditions as the original grant;
- (3) To require expansion and extension of facilities and services and to require maintenance of existing facilities to provide adequate service at the highest level of efficiency;
- (4) To require reasonable standards of service and quality of product and prevent rate discrimination;
- (5) To impose reasonable regulations and restrictions to ensure the safety and welfare of the public;
- (6) To examine and audit accounts and records and to require annual reports on local operations of the public service or utility as may be allowed by law;
- (7) To require the franchisee to restore, at franchisee's expense, all public or private property to a condition as good as or better than before disturbed by the franchisee for construction, repair or removal of facilities;
- (8) To require the franchisee to furnish to the City, within a reasonable time following request of the City, at franchisee's expense, a general map outlining current location, character, size, length, depth, height and terminal of all facilities over and under property within the City and its extraterritorial jurisdiction, if allowed by law; and
- (9) To require compensation, rent or franchise fees to be paid to the City as may be permitted by the laws of the State of Texas.

SECTION 10.06 Regulation of Rates

- (1) The City Council has the power to determine and regulate the rates and charges of all utilities and public services, consistent with state statutes.
- (2) Upon receiving written request from a utility or public service requesting a change in rates, or upon a recommendation from the City that rates for services provided by or owned by the City be changed, the City Council shall call a public hearing for consideration of the change.
- (3) The City, public service or utility must show the necessity for the change by any evidence required by the City Council, including but not limited to, the following:
 - (A) Cost of its investment for service to the City;
 - (B) Amount and character of expenses and revenues connected with rendering the service;
 - (C) Copies of any reports or returns filed with any state or federal regulatory agency within the last three (3) years; or
 - (D) Demonstration that the return on investment, if any, is within state and federal limitations.
- (4) If not satisfied with the sufficiency of evidence, the City Council may hire rate consultants, auditors and attorneys to investigate and, if necessary, litigate requests for rate changes, the expense of which shall be reimbursed to the City by the franchisee.

SECTION 10.07 Placement of Wires, Etc., Underground

To the extent authorized by law, the City Council may require the placing of all wires or the overhead construction of public utilities under the surface of the ground within the business area, fire zones, industrial areas, or any other area of the City as it may deem necessary or desirable, under the surface of the ground under such regulations as may be prescribed by the City Council.

ARTICLE XI

General Provisions

SECTION 11.01 Public Records

All records of the City shall be open to inspection subject to state law.

SECTION 11.02 Official Newspaper and Website

The City Council shall declare by resolution or ordinance an official newspaper of general circulation in the City and the official City Website. All ordinances, notices and other matters required by this Charter, City ordinance, or the Constitution and laws of the State of Texas shall be published in the official newspaper and on the official City Website.

SECTION 11.03 Oaths

All elected and appointed officers of the City, before entering into the duties of such office, shall take and sign an oath of office as prescribed for state elective and appointive offices in the Constitution of the State of Texas.

SECTION 11.04 Severability

If any section or part of this Charter is held invalid by a court of competent jurisdiction, such holding shall not invalidate or impair the validity, force or effect of any other section or part of this Charter.

SECTION 11.05 Wording Interpretation

The gender of the wording throughout this Charter shall always be interpreted to mean either sex. All singular words shall include the plural and all plural words shall include the singular. All references to the state law or laws of the State of Texas, however expressed in this Charter, shall mean "as presently enacted or as may be amended or superseded." The use of the word "City" in this Charter shall mean the City of Murphy, Texas, and the use of the word "Charter" shall mean this Home Rule Charter.

SECTION 11.06 Amendment of Charter

Amendments to this Charter may be framed and submitted to the qualified voters of the City in the manner provided by the Constitution and the laws of the State of Texas, or by the City Council on its own motion, but the Charter may not be amended more often than once every two (2) years.

SECTION 11.07 Charter Review Commission

(1) The City Council shall appoint a Charter Review Commission at least once every six (6) years. The Charter Review Commission shall consist of at least eleven (11) citizens of the City who shall:

(A) Inquire into the operation of the City government under the Charter and determine whether any provisions require revision. To this end, public hearings may be held. The Commission may compel the attendance of any officer or employee of the City and require submission of any City records;

(B) Propose any recommendations it deems desirable to ensure compliance with the Charter; and

(C) Report its findings and present its recommendations to the City Council.

(2) The City Council shall receive and have published in the official newspaper and website of the City a comprehensive summary of the report presented by the Commission, shall consider any recommendations made, and may order any amendments suggested to be submitted to the voters of the City in the manner provided by state law.

(3) The term of office of the Commission shall be for not more than six (6) months, at the end of which time a report shall be presented to the City Council and all records of proceedings of the Commission shall be filed with the City Secretary and become a public record.

SECTION 11.08 City Depository

The provisions of the laws of the State of Texas governing the selection and designation of the City Depository are hereby adopted as the law governing the selection and designation of a depository of and for the City.

SECTION 11.09 Licenses

The City shall have the power to license, levy and collect fees in order to license any lawful business, occupation or calling subject to control pursuant to the police powers of the State of Texas and for any other purpose not contrary to the Constitution and laws of the State of Texas.

SECTION 11.10 Sale of Liquor Prohibited in Residential Districts

The sale of liquor, as defined in the Texas Alcoholic Beverage Code, as amended, shall be prohibited by a person or entity holding a package store permit, as described in the Texas Alcoholic Beverage Code, as amended, in any zoning district which allows, in whole or in part, residential development in the City.

ARTICLE XII Legal Provisions

SECTION 12.01 Assignment, Execution and Garnishment

(1) Real and personal property belonging to the City shall not be liable to be sold or appropriated under any writ of execution or cost bill. Funds belonging to the City in the hands of any person, firm or corporation shall not be liable to garnishment, attachment or sequestration; nor shall the City be liable to garnishment, attachment or sequestration; nor shall the City be liable to garnishment on account of any debt it may owe or funds or property

it may have on hand owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ of garnishment on any account whatsoever.

(2) The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors, except as provided by the laws of this State or the United States of America.

SECTION 12.02 Security and Bond

It shall not be necessary in any action, suit or proceeding in which the City is a party for any bond, undertaking or security to be demanded or executed by or on behalf of the City. All such actions shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law.

SECTION 12.03 Notice of Claim

(1) The City shall not be held liable on account of any claim for the death of any person or injuries to any person or damage to any property unless the person making such complaint or claiming such damages ("Claimant") shall, within one hundred eighty (180) days after the time at which it is claimed such damages were inflicted upon such person or property, file with the City Secretary a written statement, under oath, stating the nature and character of such damages or injuries, the extent of the same, the place where same happened, the circumstances under which same happened and the condition causing same, with a detailed statement of each item of damages and the amount thereof, giving a list of any witnesses known by the claimant to have seen the incident.

(2) The City shall not be held liable and shall not have waived its immunity from suit on account of any claim for breach of contract unless the person making such complaint ("Claimant") shall, within thirty (30) days after the time at which it is claimed such breach of contract by the City occurred, file with the City Secretary a written statement, under oath, stating each breach of contract, the place where same occurred, the date of each breach, with a detailed statement of each item of damages, and a list of witnesses having knowledge of any breach.

(3) No claim against the City may be brought by a Claimant prior to Claimant having engaged in non-binding mediation pursuant to Chapter 154, TEXAS CIVIL PRACTICE AND REMEDIES CODE, before bringing suit or an arbitration proceeding. Such mediation must occur within sixty (60) days after Claimant has filed with the City Secretary a written statement as set forth in this section 12.03 above regarding Notice of Claim. Claimant is responsible for scheduling mediation at a mutually agreeable date and time.

SECTION 12.04 Power to Settle Claims

The City Council shall have the power to compromise and settle any and all claims and lawsuits of every kind and character, in favor of, or against, the City, including suits by the City to recover delinquent taxes.

SECTION 12.05 Service of Process against the City

All legal process against the City shall be served upon either the City Secretary or the City Manager.

SECTION 12.06 Judicial Notice

This Charter shall be deemed a public act, may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places.

SECTION 12.07 Pending Matters

All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the City department, office or agency appropriate under this Charter.

SECTION 12.08 Property Not Exempt from Special Assessments

No property of any kind, by whomsoever owned or held or by whatsoever institution, agency, political subdivision or organization, owned or held, whether in trust or by non-profit organization, or corporation, or by foundation, or otherwise, (except property of the City), shall be exempt in any way from any of the special taxes, charges, levies and assessments, authorized or permitted by this Charter or state law for local improvements for the public welfare.

SECTION 12.09 City Council May Require Bonds

In addition to any provisions contained herein, the City Council may require any City official, department director, or City employee, before entering upon his or her duties, to execute a good and sufficient bond with a surety company doing business in the State of Texas and approved by the City Council. The premium of such bond shall be paid by the City.

SECTION 12.10 Disaster Clause

In case of disaster where a portion of the City is located wholly or partly in a disaster area declared by the president of the United States or the governor, when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries as a result of the disaster, the surviving members of the City Council, highest surviving City official, and the County Judge of Collin County or his/her designee, must within twenty-four (24) hours of such disaster, appoint a five (5) member commission, which would include any surviving elected City officials, to govern the City, respond to the emergency, and within fifteen (15) days of such disaster call a City election to be held as soon as practicable within fifteen (15) days of such disaster, or as provided in the Texas Election Code, for election of a required quorum, if for good reasons it is known a quorum of the present City Council will never again meet.

SECTION 12.11 No Waiver of Immunity

Nothing in this Charter is intended to waive the City's governmental immunity from suit, liability and/or damages.

ARTICLE XIII

Transitional Provisions

SECTION 13.01 Effective Date

This Charter or any amendments hereto shall take effect immediately following adoption by the voters, as prescribed by state law.

SECTION 13.02 Continuation of Elective Offices

Upon adoption or amendment of this Charter, the present persons filling elective offices on the City Council will continue to fill those offices for the terms for which they were elected. Persons who, on the date this Charter is adopted or amended, are filling appointive positions with the City which are retained under this Charter, may continue to fill these positions for the term for which they were appointed, unless removed by the City Council or by other means provided in this Charter.

SECTION 13.03 Continuation of Operation

All City ordinances, bonds, resolutions, rules and regulations in force on the effective date of this Charter shall remain in force until altered, amended or repealed by the City Council, and all rights of the City under existing franchises and contracts are preserved in full force and effect.

SECTION 13.04 Officers and Employees

Except as specifically provided, nothing in this Charter shall affect or impair the rights or privileges of persons who are City officers or employees at the time of its adoption or amendment.

ARTICLE XIV

Nepotism, Prohibitions and Penalties

SECTION 14.01 Nepotism

No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any Council Member or the City Manager shall be employed by or contracted with the City or the City's corporate affiliate. The nepotism prohibition shall not apply to the following:

- (1) Any person currently employed by the City and employed for six (6) months prior to the person related in the above degree being elected to the City Council or being appointed as City Manager, or
- (2) Any person who serves in an unpaid capacity with the City.

SECTION 14.02 Equality of Rights

Equality of rights under state and federal law shall not be denied, abridged or compromised with respect to appointment to or removal from any position.

SECTION 14.03 Wrongful Influence

No person who seeks appointment or promotion with respect to any City position shall, directly or indirectly, give, render or pay any money, service or other valuable thing to any person for, or in connection with, his or her test, appointment or promotion with respect to any City position.

SECTION 14.04 Wrongful Interference

No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification, appointment or promotion with respect to any City position, or attempt to commit any fraud preventing the impartial execution of the personnel provisions, rules and regulations of this Charter.

SECTION 14.05 Employee's Political Activities

No person who holds any compensated non-elective City position shall use their official title or position with the City to solicit any contribution or endorse the candidacy of any candidate for public office in the City. Such person may exercise his/her legal rights to participate in the election process when he/she is not on duty, in a City building, City provided uniform or attire, or using a City vehicle or equipment.

SECTION 14.06 Penalties

Any person who willfully engages in and is found in violation of any of the activities prohibited in Sections 14.02, 14.03, 14.04 or 14.05 of this Article shall be ineligible for appointment or election to a position in the City for a period of five (5) years from that time. If the person is an officer or employee of the City at the time of the violation, he or she shall immediately forfeit his or her office or position, if found by a majority of the full membership of the City Council to be in violation of such prohibited activities.

SECTION 14.07 Conflict of Interest

- (1) All members of the City Council and all members of any board or commission of the City shall be subject to the provisions of Chapters 171 and 176 of the TEXAS LOCAL GOVERNMENT CODE regarding conflict of interest.
- (2) Any willful violation of this section shall constitute malfeasance in office and any person found guilty thereof shall thereby forfeit his or her office or position.
- (3) Any violation of this section with the knowledge, actual or constructive, of the person or corporation contracting with the governing body of the City shall render the contract or transaction involved voidable by the City Manager or the City Council by the affirmative vote of a majority of the full membership of the City Council.

SECTION 14.08 No Officer or Employee to Accept Gifts, Etc.

No elected official or employee of the City shall ever accept, directly or indirectly, any gift, favor or privilege of more than a nominal sum during the term of office of such elected official, or during the employment of such employee, and it was not given in exchange for any exercise of official discretion. The City Council shall adopt an ethics ordinance.

**PROPOSED CHARTER AMENDMENTS
SPECIAL ELECTION, TUESDAY, NOVEMBER 8, 2016**

The following is intended for informational purposes ONLY on an issue of official concern to Murphy voters. It is not intended to urge a vote in favor of or against the proposed amendments to the Charter.

TIMELINE OF PROCESS

The City of Murphy adopted the Murphy City Charter (“Charter”), a home rule charter, on February 7, 2004. Proposed amendments were submitted to and approved by the voters of the City of Murphy on November 2, 2010. The Charter states that the City Council shall appoint a Charter Review Commission (“Commission”) at least once every six (6) years. The Commission consists of at least eleven (11) citizens of the City who inquire into the operation of the City government under the Charter and determine whether any Charter provisions require revision.

On April 5, 2016, the Council appointed a Commission. The Commission is comprised of the following Murphy residents:

- Barbara Harless, Chair
- John Wideman, Vice Chair
- Chi Egwuekwe
- Will Ewin IV
- Michelle Foley
- Bernard J. Grant
- James Holley
- Christine Johnson
- Jody Johnson
- Kevin McGillis
- Revis E. Smith

Between April-June 2016, the Charter Review Commission reviewed each provision of the Charter, accepted public comments, and hosted a town hall meeting to receive public input on the Charter prior to the Commission's presentation and recommendation to City Council. The Commission reported its findings and presented its final recommendations to the City Council.

On July 19, 2016, the City Council considered and voted on all recommendations made by the Commission and on August 16, 2016, the City Council called for a Charter amendment election on November 8, 2016, for the voters of the City of Murphy to vote on the adoption of 15 amendments to the Charter.

The City Council and Charter Review Commission Agendas, Packets, Audio and Minutes are available and can be reviewed at <http://www.murphytx.org/archive.aspx>.

DRAFT PROPOSITION AMENDMENTS:**PROPOSITION NO. 1**

Shall the Charter be amended to provide that the term “qualified voter” is defined in accordance with state law consistently throughout the Charter.

PROPOSITION SUMMARY:

Changes in these sections clarify that the term “qualified voter” used in the Charter has the same meaning as state law. Tex. Election Code 11.002 defines “qualified voter” as a person who:

- (1) is 18 years of age or older;
- (2) is a United States citizen;
- (3) has not been determined by a final judgment of a court exercising probate jurisdiction to be:
 - (A) totally mentally incapacitated; or
 - (B) partially mentally incapacitated without the right to vote;
- (4) has not been finally convicted of a felony or, if so convicted, has:
 - (A) fully discharged the person's sentence, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by any court; or
 - (B) been pardoned or otherwise released from the resulting disability to vote;
- (5) is a resident of this state; and
- (6) is a registered voter.

If approved, this amendment would result in the following changes to the Charter:**“Section 3.03. Qualifications of City Council**

Unless otherwise provided, the term “qualified voter” in this Charter means a qualified voter in accordance with the Texas Election Code residing in the City.”

“SECTION 6.02 Petitions for Recall

Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of City Secretary, which said petition must be signed by thirty percent (30%) of the number of votes cast for the place or position held by that member of the City Council in the last general municipal election for that place or position, or three hundred (300) ~~registered~~ qualified voters, whichever is greater. Each signer of such recall petition shall be a qualified voter of the City and shall provide all requisite information as required by the Texas Election Code and this Charter.”

“SECTION 6.13 Initiative

Following a review by the City Attorney for enforceability and legality, qualified voters of the City may initiate legislation by submitting a petition addressed to the City Council that requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the City. Said petition must be signed by a minimum of thirty percent (30%) of the number of votes cast at the last regular City election, or three hundred (300) ~~registered~~ qualified voters, whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. . . .”

PROPOSITION NO. 2

Shall Section 3.04 of the Charter relating to reimbursement of council members’ actual expenses incurred in the performance of official duties be amended so that council members be reimbursed when provided for in the annual city budget and subject to the city’s reimbursement policies.

PROPOSITION SUMMARY:

Changes in this Section clarify that council members’ actual expenses must be budgeted in the City Budget and that reimbursement for expenses must be in accordance with the reimbursement policies of the city.

If approved, this amendment would result in the following changes to the Charter:

“SECTION 3.04 Compensation

Compensation of the City Council shall be \$50 per council meeting for which the Council Member is present. The compensation of the Mayor shall be \$75 per council meeting for which the Mayor is present. For council meetings which the Mayor Pro-Tem or other Council Member acts as Mayor, that person shall receive \$75. The City Council may also be entitled to reimbursement for actual expenses incurred in the performance of official duties when provided for in the annual City Budget and in accordance with the reimbursement policies adopted by the City Council.”

PROPOSITION NO. 3

Shall the Charter be amended to clarify the authority of the city and mayor during emergencies and disasters in conformity with state law.

PROPOSITION SUMMARY:

This proposition clarifies the authority of the Mayor and the City during emergencies and disasters in conformity with provisions of state law. Texas Gov. Code Gov’t Code §§ 418.108-.1015 authorize the Mayor to declare a disaster and order evacuation of an area and provide for continuation of government functions during declared disasters. The Texas Open Meetings Act regulates emergency meetings of the City Council. Texas procurement statutes regulate contracting during disasters and emergencies. Because the City only requires one reading of an ordinance by City Council to become effective, the emergency ordinance provisions of the Charter are not necessary.

If approved, this amendment would result in the following changes to the Charter:**“SECTION 3.05 Mayor, Mayor Pro-Tem and Deputy Mayor Pro-Tem**

...

2) The Mayor shall also represent the City in intergovernmental relationships, and shall perform other duties specified by the City Council, imposed by this Charter and by ordinances and resolutions passed in pursuance thereof. Additionally, the Mayor, the City Manager, or designee shall sign, after authorization by the City Council, all contracts and conveyances made or entered into by the City and all bonds, warrants and any other obligation issued under the provisions of this Charter, in the manner prescribed in the ordinance or resolution authorizing the signing of any such obligation. The Mayor may declare a local state of disaster and order the evacuation of all or part of the population from a stricken or threatened area.”

~~“SECTION 3.15 Emergency Ordinances~~

~~(1) — The City Council may adopt emergency ordinances only to meet public emergencies affecting life, health, property or the public peace. In particular, such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. Neither shall they authorize the borrowing of money except as provided elsewhere in this Charter.~~

~~(2) — An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that they shall be plainly designated in the title as an emergency ordinance and shall contain after the enacting clause a declaration stating that an emergency exists and describing the emergency in clear and specific terms.~~

~~(3) — An emergency ordinance may be introduced at any City Council meeting and can be adopted with or without amendment or rejected at the meeting at which it is introduced.~~

~~(4) — Emergency ordinances shall become effective upon adoption and shall be published as soon thereafter as practicable as required by law. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, is automatically repealed as of the sixty first (61st) day following the day on which it became effective. The ordinance may be re-enacted if the emergency still exists.”~~

“SECTION 6.12 General Power of Initiative and Referendum

...

(2) Referendum: Such power shall not extend to the budget or, capital program or any ~~emergency ordinance or~~ ordinance not subject to referendum as provided by state law.”

“SECTION 7.15 Purchasing

...

(3) Emergency contracts as authorized by law and this Charter may be negotiated by the City Council or City Manager if given authority by the City Council, ~~without competitive bidding,~~ and in accordance with state law. Such emergency shall be declared by the ~~City Manager and approved by the City Council, or may be declared by the City Council~~ Mayor.”

“SECTION 12.10 Disaster Clause

In case of disaster where a portion of the City is located wholly or partly in a disaster area declared by the president of the United States or the governor, when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries as a result of the disaster, the surviving members of the City Council, highest surviving City official, and the County Judge of Collin County or his/her designee, must within twenty-four (24) hours of such disaster, appoint a five (5) member commission, which would include any surviving elected City officials, to govern the City, respond to the emergency, and within fifteen (15) days of such disaster call a City election to be held as soon as practicable within fifteen (15) days of such disaster, or as provided in the Texas Election Code, for election of a required quorum, if for good reasons it is known a quorum of the present City Council will never again meet.”

PROPOSITION NO. 4

Shall the Charter be amended to require that the city council elect council members as mayor pro-tem and deputy mayor pro-tem annually.

PROPOSITION SUMMARY:

These amendments would require the City Council to vote annually at the first meeting of June to select the Council Members to fill the positions of Mayor Pro-Tem and Deputy Mayor Pro-Tem. Without these amendments, a vote is not required if an election for City Council is not held during the year.

If approved, this amendment would result in the following changes to the Charter:

“SECTION 3.05 Mayor, Mayor Pro-Tem and Deputy Mayor Pro-Tem

...

(3) The Mayor Pro-Tem shall be a Council Member elected to be the Mayor Pro-Tem by the City Council annually at the first meeting of ~~each Council~~ after

~~each election June~~ or as soon thereafter as practicable, but not later than the last business day of July ~~in the year the election was held~~. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and in this capacity shall have the rights conferred upon the Mayor.

(4) The Deputy Mayor Pro-Tem shall be a Council Member elected to be the Deputy Mayor Pro-Tem by the City Council annually at the first meeting of ~~each Council after each election June~~ or as soon thereafter as practicable, but not later than the last business day of July ~~in the year the election was held~~. The Deputy Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and Mayor Pro-Tem, and in this capacity shall have the rights conferred upon the Mayor.”

PROPOSITION NO. 5

Shall Section 3.06 of the Charter relating to the procedure for city council to declare a council member office vacant for excessive absences be amended to allow the city council discretion to commence the procedure to declare a council member’s office vacant.

PROPOSITION SUMMARY:

This amendment will provide City Council with discretion whether to vacate a Council Member’s office if the Council Member misses more than three (3) consecutive regular meetings. Currently, City Council must vacate the office if the Council Member misses three (3) consecutive regular meetings, without explanation acceptable to a majority of the remaining Council Members. The explanation requires a public hearing for the Council Member facing expulsion to be heard regarding absences. By removing the mandatory nature of Section 3.06, this amendment to the Charter allows City Council the discretion to not require a public hearing if the reasons for the absences are of a private nature and allow a Council Member to remain on the City Council without a public hearing.

If approved, this amendment would result in the following changes to the Charter:

“SECTION 3.06 Vacancies, Forfeiture and Filling of Vacancies

...

(2) If any Member of the City Council is absent from three (3) consecutive regular meetings, without explanation acceptable to a majority of the remaining Council Members, his or her office ~~shall~~ may be declared vacant, by resolution, at the next regular meeting of the City Council. The City Council shall convene a public hearing before exercising its authority under this provision, and permit the Council Member facing expulsion to be heard regarding absences.”

PROPOSITION NO. 6

Shall Section 3.06 of the Charter be amended to provide that city council may fill by appointment a single vacancy in the office of council member, other than mayor, for the remainder of the unexpired term if the unexpired term is twelve (12) months or less and

there is not more than one (1) vacancy in the office of council member at the time of appointment.

PROPOSITION SUMMARY:

This amendment adopts the authority granted by a 2013 amendment to the Texas Constitution, H.J.R No. 87, which authorized a home-rule municipality to provide in its charter the procedure to fill a vacancy on its governing body by appointment for the remainder of the unexpired term if the unexpired term is twelve (12) months or less.

If approved, this amendment would result in the following changes to the Charter:

“SECTION 3.06 Vacancies, Forfeiture and Filling of Vacancies

...

(5) A vacancy in the office of a Council Member, where the remaining unexpired term of the office is twelve (12) months or less, shall be filled by appointment by majority vote of the remaining members of the City Council by a person meeting the qualifications of the Charter to serve the remainder of the unexpired term. When the remaining unexpired term of the office is more than twelve (12) months, the vacancy shall be filled by special election within one hundred twenty (120) days after such vacancy occurs, in accordance with the Texas Constitution and the Texas Election Code. When there are two (2) or more vacancies at any one time, the vacancies shall be filled by special election within one hundred twenty (120) days after such vacancies occur, in accordance with the Texas Constitution and the Texas Election Code. If the vacated office is that of Mayor Pro-Tem or Deputy Mayor Pro-Tem, the City Council shall elect a new Mayor Pro-Tem or Deputy Mayor Pro-Tem at the next regular meeting.”

PROPOSITION NO. 7

Shall the Charter provisions related to filing for elective office be amended to clarify that the filing requirements for candidates for mayor and council member be consistent with state law.

PROPOSITION SUMMARY:

This amendment clarifies that candidates for elective office must follow the filing requirements as provided in Texas Election Code §§ 141 et al. This amendment also consolidates Sections 5.02 and 3.03 of the Charter by deleting Section 5.02.

If approved, this amendment would result in the following changes to the Charter:

“SECTION 3.03 Qualifications of City Council

In addition to any other qualifications prescribed by law, a candidate for the Mayor and each City Council shall meet the following qualifications ~~as also set forth in Section 5.02 of this Charter while in office:~~

...

(6) Candidates for elective City offices shall file for office in accordance with the Texas Election Code and comply with all other City ordinances or resolutions that may be applicable.”

~~“SECTION 5.02 Filing for Office~~

~~(1) Candidates for elective City offices shall file for office in accordance with the Texas Election Code.~~

~~(2) Candidates for elective City offices shall meet the following qualifications:~~

~~(A) Shall be at least twenty one (21) years of age at the time of the election for which they are filing;~~

~~(B) Shall be a qualified voter; and~~

~~(C) Shall have resided within the corporate limits of the City, or recently annexed territory, for at least twelve (12) months immediately preceding Election Day.~~

~~(3) No candidate for elective City office may file in a single election for more than one (1) office or position as provided by this Charter.~~

~~(4) No employee of the City shall continue in any City employee position after filing for an elective office provided for in this Charter.~~

~~(5) Candidates for elective City offices shall comply with all other City ordinances or resolutions that may be applicable.”~~

PROPOSITION NO. 8

Shall Section 6.10 of the Charter be amended to clarify that recall elections be held in accordance with state law.

PROPOSITION SUMMARY:

This amendment clarifies that recall elections are held on uniform election dates as required by Texas Election Code §§ 41 et al. The existing provisions of the Charter restrict recall petitions from being filed against an elected official of the City within six (6) months after the official’s election. This provision clarifies that a recall petition can be filed within six (6) months of the end of the official’s term, but the recall election would not be held until the official is otherwise up for reelection.

If approved, this amendment would result in the following changes to the Charter:

“SECTION 6.10 Restrictions on Recall

...

(3) Recall elections shall be held in accordance with the Texas Election Code.”

PROPOSITION NO. 9

Shall Section 6.14 of the Charter related to referendum elections be amended to clarify that an ordinance or resolution subject to a referendum election be suspended from enforcement pending the holding of the referendum election.

PROPOSITION SUMMARY:

This amendment clarifies that an ordinance or resolution takes effect when adopted by City Council in accordance with law but that enforcement of the ordinance or resolution will be suspended until the election if a referendum petition is filed. If the referendum is approved at the election, the ordinance or resolution will not be enforced.

If approved, this amendment would result in the following changes to the Charter:

“SECTION 6.14 Referendum

Qualified voters of the City may require that any ordinance or resolution passed by the City Council or instituted by the initiative process under this Charter be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after final passage of said ordinance or resolution, or within thirty (30) days after its publication. Said petition shall be addressed, signed and verified as required for recall petitions in this Article and shall be submitted to the City Secretary. Immediately upon the filing of such petition, the City Secretary shall confirm the signatures on the petition and, if the petition is determined to be legally sufficient, present said petition to the City Council. Thereupon the City Council shall immediately reconsider such ordinance or resolution and, if the City Council does not entirely repeal the same, shall submit it to popular vote as provided in Section 6.13 of this Charter. Pending the holding of such election, each ordinance or resolution shall be suspended from ~~taking effect~~ enforcement and shall not later ~~take effect~~ be enforced unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof. Unless otherwise provided by law, any election for a referendum under this Charter shall be held on the first authorized uniform election date that occurs after the sixty fifth (65th) day after the petition was presented to the City Council.

PROPOSITION NO. 10

Shall Section 6.20 of the Charter be amended to allow city council to repeal an ordinance or resolution adopted by initiative or referendum if a court of final jurisdiction declares the ordinance or resolution on direct challenge to be unconstitutional, preempted, or otherwise unenforceable.

PROPOSITION SUMMARY:

An ordinance or resolution adopted by popular vote can only be repealed or amended by City Council in response to a referendum petition or by submission to the voters. This amendment allows the City Council to repeal an ordinance or resolution approved by popular vote if the law is directly challenged and declared by a court of final jurisdiction to be unconstitutional, preempted, or otherwise unenforceable.

If approved, this amendment would result in the following changes to the Charter:**“SECTION 6.20 Ordinances Passed by Popular Vote, Repeal or Amendment**

No ordinance or resolution which may have been passed by the City Council upon a petition or adopted by popular vote under the provisions of this Article shall be repealed or amended except by the City Council in response to a referendum petition or by submission as provided by Section 6.15 of this Charter.

If an ordinance or resolution adopted by popular vote under the provisions of this Article is directly challenged and declared to be unconstitutional, preempted, or otherwise unenforceable by a court of final jurisdiction, the City Council, upon its own motion and by majority vote, may repeal the ordinance or resolution.”

PROPOSITION NO. 11

Shall Section 7.02 of the Charter be amended to provide that the budget prepared by the city manager comply with, and contain such information, as required by state law.

PROPOSITION SUMMARY:

Changes to this Section harmonize the budget adoption process with state law. State law includes information and itemizations that must be included in the annual budget. This amendment will ensure the Charter is consistent with state law if amendments are made to state law in the future.

If approved, this amendment would result in the following changes to the Charter:**“SECTION 7.02 Submission of Budget and Budget Message**

On or before the tenth (10th) day of August of the fiscal year, the City Manager shall submit to the City Council a budget for the ensuing fiscal year and an accompanying budget message. The budget shall comply with and contain such information and itemization, as may be required by state law.”

PROPOSITION NO. 12

Shall Section 8.01 of the Charter relating to forfeiture of a position on a city board, commission or committee for excessive absences be deleted to clarify the sole authority of city council to appoint and remove an individual from a position on a board, commission or committee.

PROPOSITION SUMMARY:

This amendment clarifies that individuals on city boards, commissions, and committees serve at the pleasure of City Council, which has authority to appoint and remove individuals from city boards, commissions, and committees at any time. This amendment removes the procedure to forfeit a position on a city board, commission, or committee based on absences. Council monitors attendance of individuals on city boards, commissions, and committees and has exclusive authority to remove such individuals.

If approved, this amendment would result in the following changes to the Charter:**“SECTION 8.01 Authority, Composition and Procedures**

...

~~(5) — Any member of a board, commission or committee who is absent from three (3) consecutive regular meetings, or twenty five percent (25%) of regularly scheduled meetings during the twelve (12) month period immediately preceding and including the absence in question, without explanation acceptable to a majority of the other members, shall be deemed to have forfeited his or her position on the board, commission or committee.”~~

PROPOSITION NO. 13

Shall the Charter be amended to clarify that an individual must be a legal resident of the city to be appointed to a city board, commission or committee.

PROPOSITION SUMMARY:

This amendment removes the requirement that an individual must be a qualified voter in the City in order to serve on a city board, commission, or committee. An individual must be a legal resident of the City to serve on a city board, commission, or committee.

If approved, this amendment would result in the following changes to the Charter:**“SECTION 8.01 Authority, Composition and Procedures**

....

(2) Individuals who ~~are qualified voters in~~ legal residents of the City may be appointed by the City Council to serve on one (1) or more boards, commissions or committees. Such appointees shall serve at the pleasure of the City Council and may be removed at the discretion of the City Council, except for the members of the Board of Adjustment, who may be removed only for cause. Except as otherwise provided in this Charter, members of any such board, commission or committee shall serve without compensation, but may be reimbursed for actual expenses as approved by the City Council.”

“SECTION 9.01 Organization

(1) There is hereby established a Planning and Zoning Commission, which shall consist of not less than seven (7) members who shall be appointed by the City Council to staggered terms of two (2) years in accordance with the existing zoning ordinance. ~~The Commission members shall be qualified City Voters.~~ Any vacancy occurring during the unexpired term of a member shall be filled by the City Council for the remainder of the unexpired term. After being duly appointed, the Commission shall elect from its members a Chairman, Vice Chairman and Secretary to serve for one (1) year beginning in that month. Members of the Commission may be removed, with or without cause, by an affirmative vote of a majority of the full membership of the City Council.”

“SECTION 9.05 Board of Adjustment

...

(2) The Board shall consist of seven (7) members who shall be appointed by the City Council to staggered terms of two (2) years. ~~The Board shall consist of qualified City voters.”~~

PROPOSITION NO. 14

Shall the Charter be amended to prohibit the sale of liquor in any zoning district which allows residential development.

PROPOSITION SUMMARY:

This new provision provides a backstop against nullification of liquor prohibitions in zoning ordinances as provided for by “Texas Alcoholic Beverage Code: Sec. 109.31. MUNICIPAL REGULATION OF LIQUOR. A city by charter may prohibit the sale of liquor in all or part of the residential sections of the city.”

If approved, this amendment would result in the following changes to the Charter:

“SECTION 11.10 Sale of Liquor Prohibited in Residential Districts

The sale of liquor, as defined in the Texas Alcoholic Beverage Code, as amended, shall be prohibited by a person or entity holding a package store permit, as described in the Texas Alcoholic Beverage Code, as amended, in any zoning district which allows, in whole or in part, residential development in the City.”

PROPOSITION NO. 15

Shall the Charter be amended to renumber the articles, sections, subsections and paragraphs of the Charter as necessary following the amendment election.

PROPOSITION SUMMARY:

This provision allows for the renumbering of articles, sections, subsections and paragraphs of the Charter necessitated by amendments to the Charter.

CITY OF MURPHY HOME RULE CHARTER AMENDMENT PROPOSITIONS

PROPOSITION NO. 1

Shall the Charter be amended to provide that the term “qualified voter” is defined in accordance with state law consistently throughout the Charter.

PROPOSITION NO. 2

Shall Section 3.04 of the Charter relating to reimbursement of council members’ actual expenses incurred in the performance of official duties be amended so that council members be reimbursed when provided for in the annual city budget and subject to the city’s reimbursement policies.

PROPOSITION NO. 3

Shall the Charter be amended to clarify the authority of the city and mayor during emergencies and disasters in conformity with state law.

PROPOSITION NO. 4

Shall the Charter be amended to require that the city council elect council members as mayor pro-tem and deputy mayor pro-tem annually.

PROPOSITION NO. 5

Shall Section 3.06 of the Charter relating to the procedure for city council to declare a council member office vacant for excessive absences be amended to allow the city council discretion to commence the procedure to declare a council member’s office vacant.

PROPOSITION NO. 6

Shall Section 3.06 of the Charter be amended to provide that city council may fill by appointment a single vacancy in the office of council member, other than mayor, for the remainder of the unexpired term if the unexpired term is twelve (12) months or less and there is not more than one (1) vacancy in the office of council member at the time of appointment.

PROPOSITION NO. 7

Shall the Charter provisions related to filing for elective office be amended to clarify that the filing requirements for candidates for mayor and council member be consistent with state law.

PROPOSITION NO. 8

Shall Section 6.10 of the Charter be amended to clarify that recall elections be held in accordance with state law.

PROPOSITION NO. 9

Shall Section 6.14 of the Charter related to referendum elections be amended to clarify that an ordinance or resolution subject to a referendum election be suspended from enforcement pending the holding of the referendum election.

PROPOSITION NO. 10

Shall Section 6.20 of the Charter be amended to allow city council to repeal an ordinance or resolution adopted by initiative or referendum if a court of final jurisdiction declares the ordinance or resolution on direct challenge to be unconstitutional, preempted, or otherwise unenforceable.

PROPOSITION NO. 11

Shall Section 7.02 of the Charter be amended to provide that the budget prepared by the city manager comply with, and contain such information, as required by state law.

PROPOSITION NO. 12

Shall Section 8.01 of the Charter relating to forfeiture of a position on a city board, commission or committee for excessive absences be deleted to clarify the sole authority of city council to appoint and remove an individual from a position on a board, commission or committee.

PROPOSITION NO. 13

Shall the Charter be amended to clarify that an individual must be a legal resident of the city to be appointed to a city board, commission or committee.

PROPOSITION NO. 14

Shall the Charter be amended to prohibit the sale of liquor in any zoning district which allows residential development.

PROPOSITION NO. 15

Shall the Charter be amended to renumber the articles, sections, subsections and paragraphs of the Charter as necessary following the amendment election.

City Council Meeting
August 16, 2016

Issue

Consider and/or act upon approval of Ordinance Number 16-08-1015 to approve, repeal, rename and/or add various sections to Chapter 4, entitled "Animal Control", and Appendix A – Fee Schedule in the Code of Ordinances of the City of Murphy, Texas.

Staff Resource/Department

Arthur Cotten, Chief of Police
Kim Parker, Support Services Manager

Summary

At the July 19, 2016 and August 2, 2016 meetings, all proposed changes were accepted and incorporated in the attached Ordinance with the following exceptions:

Section 4.01.001 Definitions

"Running-at-Large, run at large, or at large

- (1) *At Large Off Premises* Any dog which is not restrained by means of a leash or chain of not more than six (6) feet in length and such leash or chain is of sufficient strength to control the actions of such animal while off premises.

Section 4.01.004 (b) changed wording in (b) to read that a person may not keep more than four (4) domestic animals total on a residential lot.

Action Requested

Staff recommends Council approve Ordinance No 16-08-1015 with the following revisions to include the length of the leash at ___ feet and the number of domestic animals to ___.

Attachments

1. Proposed Ordinance Number 16-08-1015.
2. List of cities researched and their ordinance wording regarding the total number of animals, invisible fences, and leash length requirements.

ORDINANCE NUMBER 16-08-1015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, REPEALING VARIOUS SECTIONS OF CHAPTER 4, ENTITLED “ANIMAL CONTROL”, INCLUDING BUT NOT LIMITED TO VARIOUS SECTIONS OF ARTICLE 4.01, ENTITLED “GENERAL PROVISIONS”, VARIOUS SECTIONS OF ARTICLE 4.02 ENTITLED “ANIMAL SHELTER ADVISORY COMMITTEE”, VARIOUS SECTIONS OF ARTICLE 4.03, ENTITLED “REGISTRATION OF DOGS AND CATS”, VARIOUS SECTIONS OF ARTICLE 4.04 AND RENAMING ARTICLE 4.04 TO BE ENTITLED “LIVESTOCK, FERRETS, REPTILES, FOWL, RABBITS AND BEES”, VARIOUS SECTIONS OF ARTICLE 4.05, ENTITLED “DANGEROUS ANIMALS”, VARIOUS SECTIONS OF ARTICLE 4.06, ENTITLED “RABIES CONTROL”, VARIOUS PROVISIONS OF ARTICLE 4.07, ENTITLED “IMPOUNDMENT” AND REPEALING THE EXISTING SECTION A4.001 ENTITLED “ANIMAL CONTROL FEES” OF ARTICLE A4.000 ENTITLED “ANIMAL CONTROL FEES” OF APPENDIX “A”, ENTITLED “FEE SCHEDULE” AND ADOPTING A NEW SECTION A4.001 ENTITLED “ANIMAL CONTROL FEES” OF THE CODE OF ORDINANCES OF THE CITY OF MURPHY, TEXAS; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS/REPEALER CLAUSE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500), EXCEPT THAT VIOLATIONS OF PUBLIC HEALTH AND SAFETY REGULATIONS SHALL BE SUBJECT TO A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000), FOR EACH DAY OR PORTION THEREOF THAT A VIOLATION OCCURS OR CONTINUES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Murphy, Texas (the “City”) recognizes the need for laws regulating animals located within the City to protect the health, safety, and welfare of the public and for the humane treatment of animals; and

WHEREAS, staff has reviewed the existing Animal Control Ordinance codified in Chapter 4 entitled “Animal Control” of Title I, entitled “General Ordinances” of the Code of Ordinances of the City of Murphy, Texas and has determined that various regulations contained in Chapter 4 are in need of amendment, and that in addition to adopting amendments, it is necessary to adopt new sections of Chapter 4 to regulate the keeping of bees, the keeping of pigeons, interference with Animal Control Officer, and specifying prohibited locations for the sale of animals; and

WHEREAS, in an effort to provide its citizenry with efficient and up to date regulations, the City has determined the need to adopt new regulations governing animal control; and

WHEREAS, the City has the authority and the power to adopt regulations relating to the control of the public health of its citizens, the City Council hereby finds and declares that it is in the interest of the public health, safety and general welfare to establish the regulations set forth in this ordinance for the control of animals within the limits of the City of Murphy.

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

**SECTION 1.
INCORPORATION OF PREMISES**

All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.
AMENDMENTS**

2.01 Section 4.01.001 entitled "Definitions" of Article 4.01, entitled "General Provisions" of Chapter 4, entitled "Animal Control" of Title I, "General Ordinances" of the Code of Ordinances of the City of Murphy is hereby amended to adopt definitions for "Colony", "Domestic or Domesticated Animal", "Hive", and "Invisible Fence", and to add those terms to the list of existing definitions in alphabetical order, and to amend the definition for "Owner" and for "Running at large, run at large, or at large" each of which shall be and read in their entirety as follows and all other provisions of Section 4.01.001 not expressly amended hereby shall remain the same:

Sec. 4.01.001 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the content clearly indicates a different meaning:

"Colony. A Hive and its equipment and appurtenances including bees, comb, honey, pollen and brood."

"Domestic or Domesticated Animal. Includes livestock, caged or penned fowl other than animals belonging to the class Aves, order Falconiforms and subdivision Raptae, normal household pets such as but not limited to

dogs, cats, cockatiels, ferrets, hamsters, guinea pigs, gerbils, rabbits, fish, or small nonpoisonous reptiles or nonpoisonous snakes.”

“Hive. A structure intended for the housing of a bee colony.”

“Invisible Fence. An electronic device or other similar device, whether with a cord or wireless, utilized to restrain an animal upon property.”

“Owner. Any person, partnership, corporation, association or legal entity that harbors, shelters, keeps, controls, manages, possesses or has whole or part interest in any animal. The occupant, owner or head of household of any premises where an animal remains for seventy-two (72) hours or more shall be reputedly presumed to be the owner of the animal, unless the animal has been reported to Animal Control as a stray animal. An occupant of any premises on which a domestic animal remains or customarily returns to is an owner for purposes of this chapter. If a person under the age of seventeen (17) years owns an animal the parent, legal guardian, or the head of household shall be the owner for purposes of this chapter. There may be more than one (1) person responsible for an animal. This term shall include persons who are in temporary possession of the animal, including but not limited to pet sitters and trainers.”

“Running at large, run at large, or at large.”

(1) At Large Off premises. Any dog which is not restrained by means of a leash or chain of not more than six (6) feet in length and such leash or chain is of sufficient strength to control the actions of such animal while off premises.

(2) At Large On premises. Any dog not confined by premises of owner by a substantial visible fence of sufficient strength and height to prevent the animal from escaping therefrom, or secured on the premises by a metal chain or leash sufficient in strength to prevent the animal from escaping from premises and so arranged that the animal will remain upon the premises when the leash is stretched to full length.

(3) A dog intruding upon the property of another person other than the owner shall be termed “at large.” Any animal within an automobile or other vehicle of its owner or owner’s agent shall not be deemed “at large.”

2.02. Section 4.01.003 entitled “Authority to enforce” of Article 4.01, entitled “General Provisions” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Section 4.01.003 shall be entitled “Authority to Enforce; Interference with Animal Control Officer;

False Claims/Reports” and regulations regarding interference with animal control and filing false claims are hereby adopted as set forth below so that Section 4.01.003 shall be and read in its entirety as follows:

“Sec. 4.01.003 Authority to Enforce; Interference with Animal Control Officer; False Claims/Reports

(a) The animal control supervisor or designee is designated as the local rabies control authority for the purposes of V.T.C.A., Health and Safety Code Chapter 826, as amended. The local rabies control authority shall enforce:

(1) The Rabies Control Act of 1981, V.T.C.A., Health and Safety Code Chapter 826, as amended, and the rules adopted by the state board of health that comprise the minimum standards for rabies control;

(2) The ordinances and rules of the city; and

(3) The rules adopted by the state board of health under the area rabies quarantine provisions of V.T.C.A., Health and Safety Code sec. 826.045, as amended.

(b) A person commits an offense if the person fails to comply with any lawful order of an animal control officer issued by the officer during the enforcement of this chapter, state, local or federal laws.

(c) A person commits an offense if the person prevents, interferes with, obstructs, or gives false information to any animal control officer who is lawfully discharging duties under this chapter, state, local or federal laws.

(d) For purposes of discharging duties imposed by the provisions of this chapter, or other applicable laws, and to enforce the same, an animal control officer may enter upon private property to the full extent permitted by law, which shall include, but not be limited to, entry upon private unfenced property, except dwellings located thereon, when in pursuit of any animal which he has reason to believe is subject to impoundment pursuant to the provisions of this chapter or other applicable laws.

e) All animal control officers of the city shall have the authority to issue citations for any violation of this chapter and shall have all other authority or duty stated within the terms of this chapter.

(f) Any animal control officer or police officer shall have the authority to humanely euthanize and/or destroy any animal in accordance with the provisions of this chapter.

(g) A person commits an offense if the person makes a claim of ownership for an animal that they know is false.

(h) A person commits an offense if the person makes a report of a violation of city ordinance or state, local or federal law that they know is false.”

2.03. Section 4.01.004 entitled “Limitation of number of animals” of Article 4.01, entitled “General Provisions” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended to add subsection 4.01.004 (b) which shall be and read in its entirety as follows and all other provisions of Section 4.01.004 not expressly amended hereby shall remain the same:

“Sec. 4.01.004 Limitation of number of animals

...

“(b) It shall be unlawful for any Person to keep within the city, in any residential district, more than four (4) adult domesticated animals on a residential lot (dogs, cats, or ferrets). The residence shall be permitted to keep one (1) litter only at any given time.”

2.04. Section 4.01.006 entitled “Conditions constituting nuisance” of Article 4.01, entitled “General Provisions” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.01.006(a) and Subsection 4.01.006(b) shall be and read in their entirety as follows and all other provisions of Section 4.01.006 not expressly amended hereby shall remain the same:

Sec. 4.01.006 Conditions constituting public nuisances

“(a) A person commits an offense if he knowingly harbors an animal that unreasonably barks, howls, crows or makes other unreasonable noise near a private residence that disturbs the peace and quiet of any person of ordinary sensibility.

(1) A person who is disturbed by an animal that unreasonably barks, howls, crows or makes other unreasonable noise near a private residence may file a complaint with the animal control division. A complaint must include the name and address of the complainant, the exact address of the

disturbance, the type of animal causing the disturbance and the times that the animal is causing the disturbance.

(2) An animal control officer shall hand-deliver or mail the owner of the animal a notice that a disturbance complaint has been received.

(3) If an owner continues to allow his animal to cause a disturbance after the receipt of the notice of complaint, the complainant may file a complaint in writing with the municipal court.

(b) It shall be unlawful for the owner to permit, either willfully or through failure to exercise care and control, any such dog or other domesticated animal to defecate upon the sidewalk or parkway or any public street, or upon the floor of any common hall in any entranceway or stairway, or upon any wall of any public place or building or public park, and any private property not his own, if the owner or handler of the offending animal fails to remediate or clean up the waste deposited by the animal.”

2.05. Section 4.01.007 entitled “Animal care rules” of Article 4.01, entitled “General Provisions” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended to revise subsection 4.01.007(d) and to add a new subsection 4.01.007(f) which shall be and read in their entirety as follows and all other provisions of Section 4.01.007 not expressly amended hereby shall remain the same:

“Sec. 4.01.007 Animal care rules

....

(d) It shall be unlawful for a person to use a chain, rope, tether, leash, cable, or other device to attach a dog to a stationary object in violation of state law, or in a manner that could potentially harm the animal or the public.

...

(f) It shall be unlawful for any person to utilize an invisible fence, wireless containment device or other similar device to restrain an animal.”

2.06. Section 4.01.008 entitled “Cruelty to animals” of Article 4.01, entitled “General Provisions” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.01.008(6) shall be and read in its entirety as follows all other provisions of Section 4.01.008 not expressly amended hereby shall remain the same:

Sec. 4.01.008 Cruelty to animals

The following regulations are established for pet and animal care and are not intended to contravene the provisions for animal cruelty as contained in Texas Penal Code 42.09 and 42.092, as amended.

...

“(6) No person shall leave any animal in any standing or parked vehicle in such a way as to endanger the animal’s health or safety. Any animal control officer or police officer is authorized to use reasonable force, including the breaking of any side window, to remove the animal from a vehicle whenever it appears the animal’s health or safety is or soon will be endangered, and said neglect or endangered animal shall be impounded.”

2.07. Section 4.01.009 entitled “Selling baby fowl or rabbits” of Article 4.01, entitled “General Provisions” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended to be entitled “Selling baby fowl or rabbits; dyed fowl or rabbits; prohibited locations” and to add subsection 4.01.009 (c) which shall be and read in its entirety as follows all other provisions of Section 4.01.009 not expressly amended hereby shall remain the same:

Sec. 4.01.009 Selling baby fowl or rabbits; dyed fowl or rabbits; prohibited locations

”(c) It shall be unlawful for any person to sell, exchange, trade, barter, lease, rent, give away, or display for a commercial purpose any live animal on any roadside, public right-of-way, parkway, median, park, playground, swimming pool, other recreation area, flea market, or commercial or retail parking lot that is generally accessible by the public, regardless of whether such access is authorized.”

2.08. Section 4.02.001 entitled “Animal shelter advisory committee” of Article 4.02, entitled “Animal Shelter” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.02.001 (a) entitled “Established; composition” and Subsection 4.02.001(c) entitled “Duties” shall be and read in their entirety as follows and all other all other provisions of Section 4.02.001 not expressly amended hereby shall remain the same:

Sec. 4.02.001 Animal shelter advisory committee

“(a) Established; composition. The city council shall appoint a six-person animal shelter advisory committee. The committee shall be composed of one licensed veterinarian, one municipal official, one person whose duties include the daily operation of the animal shelter and is employed by the city as an animal control officer, one representative from an animal welfare organization, and two (2) citizens. ****This section can be removed since it is not changing.****”

....

(c) Duties. The animal shelter advisory committee shall be limited to the following tasks and responsibilities:

(1) The animal shelter advisory committee shall meet to discuss ideas that will help ensure that the animal shelter is in compliance with the department of state health services rules pertaining to animal shelters;”

2.09. Section 4.02.002 entitled “Removal of animals from animal shelter; abandonment of animals at animal shelter” of Article 4.02, entitled “Animal Shelter” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.02.002(b) and Subsection 4.02.002 (c) shall be and read in their entirety as follows and all other all other provisions of Section 4.02.002 not expressly amended hereby shall remain the same:

Sec. 4.02.002 Removal of animals from animal shelter; abandonment of animals at animal shelter

...

“(b) A person commits an offense if he abandons an animal at the City animal shelter without the authorization of the City or abandons an animal at any location within the City.

(c) In addition to other applicable offenses under this Chapter, a person commits an offense if he is the Owner of an animal, and after being notified that the City has possession of his animal, he leaves an animal unattended at the city animal shelter.”

2.10. Section 4.03.003 entitled “Duplicate certificates” of Article 4.03, entitled “Registration of Dogs and Cats” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Section 4.03.003 shall be and read in its entirety as follows:

Sec. 4.03.003 Duplicate certificates

“If the original current metal registration certificate is lost or destroyed, the owner may obtain a duplicate registration from the animal control division for the fee in accordance with the adopted fee schedule in Appendix A of this code.”

2.11. Section 4.03.004 entitled “Expiration” of Article 4.03, entitled “Registration of Dogs and Cats” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Section 4.03.004 shall be entitled “Registration Expiration” and shall be and read in its entirety as follows:

Sec. 4.03.004 Registration Expiration

“A tag shall be valid only for the animal for which it was originally issued. The Owner shall obtain a city registration within thirty (30) days following receipt of the rabies vaccination of any dog or cat. The registration and tag shall be renewed by Owner on an annual basis.”

2.12 Article 4.04 entitled “Livestock, Ferrets, Reptiles, Fowl and Rabbits” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Article 4.4 shall be entitled “Livestock, Ferrets, Reptiles, Fowl, Rabbits and Bees”.

2.13. Section 4.04.001 entitled “Livestock” of Article 4.04, entitled “Livestock, Ferrets, Reptiles, Fowl, Rabbits and Bees” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.04.001(a), entitled “Keeping swine”, Subsection (b) entitled “Number of horse”, Subsection (d) entitled “Requirements for pens and enclosures” and Subsection (g) entitled “Reporting of livestock” shall be and read in their entirety as follows and all other all other provisions of Section 4.04.001 not expressly amended hereby shall remain the same:

Sec. 4.04.001 Livestock

“(a) Keeping swine. It shall be unlawful for a person to keep any swine within the city limits.”

“(b) Number of livestock. It shall be unlawful for any person or corporation to keep livestock on any premises the overall area of which is less than one acre. The number of livestock permitted shall not exceed two adults (over six months of age) for the first one acre and one adult for each additional one half acre. The number of livestock less than six months of age and horses (miniature variety), sheep, goats less than 34 inches in height at the withers shall not exceed four (4) for the first one acre and three for each additional one half acre.”

...

“(d) Requirements for pens and enclosures. It shall be unlawful to erect a structure/building upon property within the City for the housing or keeping of livestock which is within 40 feet of the property boundary line and 100 feet of the residence of any person other than the owner. A ten-foot by 12-foot stall or enclosure under roof is required for each adult livestock. Offspring may remain with the female parent in the same stall or enclosure until six months of age. In addition, there must be at least 2,000 square feet of fenced exercise area/pasture for each adult. Horses (miniature variety), sheep and goats less than 34 inches in height at the withers shall be provided a stall or enclosure minimum four feet by eight feet under roof for each adult and 500 square feet of fenced exercise area/pasture. Fencing shall be at least four feet in height, or five feet high in the case of breeding-capable males. Fencing must be of proper strength to contain livestock and maintained in good repair at all times.”

...

“(g) Reporting of livestock. All livestock owners are required to submit a report to animal control listing all animals (species, sex, and age), contact information for the owner, contact information for the veterinarian, and emergency contacts. Reports shall be updated annually and shall be submitted to the City on or before January 1 of each year. “

2.14 Section 4.04.004 entitled “Fowl” of Article 4.04, entitled “Livestock, Ferrets, Reptiles, Fowl, Rabbits and Bees” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.04.004 shall be entitled “Fowl; Pigeons” and shall be and read in its entirety as follows:

“Sec. 4.04.004 Fowl; Pigeons

(a) The keeping of loud fowl such as roosters, ducks, turkeys, geese, peacocks, guineas, or other such loud fowl within the city limits upon a lot less than one (1) acre or in any pen, coop or enclosure, including without limitation, a fence, that is on a lot less than one (1) acre, business or school shall be prohibited. No more than two (2) loud fowl of any combination shall be permitted on a single lot over one (1) acre.

(b) No person shall keep more than four (4) hens in an area zoned residential within the city, and shall be no closer than 50 feet to the nearest inhabited dwelling, other than that of the owner.

(c) Any fowl kept within the city limits as authorized by this section shall be in a secure pen, coop or enclosure, and such structure shall be of such construction and strength to keep such animals from running at large. A coop shall be a minimum size of two (2) square feet for each fowl and eight (8) square feet for each fowl when enclosed in an outside enclosed pen.

(d) Pigeons shall be kept in an enclosure or coop that is located no closer than thirty (30) feet from any residential dwelling, other than that of the owner and no closer than fifty (50) feet to a swimming pool on an adjoining or adjacent property.

(e) When a pigeon(s) is outside of its enclosure or coop, the owner shall ensure that the pigeon(s) do not roost on or about a dwelling, structure, or other property owned by another and do not interfere with a neighbor's enjoyment of his property."

2.15 Article 4.04, entitled "Livestock, Ferrets, Reptiles, Fowl, Rabbits and Bees" of Chapter 4, entitled "Animal Control" of Title I, "General Ordinances" of the Code of Ordinances of the City of Murphy is hereby amended to add a new Section 4.04.006 which shall be and read in its entirety as follows:

"Sec. 4.04.006 Bees

(a) Keeping. It shall be unlawful for any owner, person, or beekeeper to keep any colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.

(b) Hives. All bee colonies shall be kept in "Lang Troth" type hives with removable frames, which shall be kept in sound and useable condition.

(c) Water. Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, bibcock's, pet watering bowls, birdbath, or other water sources where they may cause human, bird, or domestic pet contact.

(d) Queens. In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to promptly “re-queen” the colony. Queens shall be selected from stock bred for gentleness and no swarming characteristics.

(e) Colony densities. It shall be unlawful to keep more than the following number of colonies on any lot:

1. One half acre lots or less of lot size: two (2) colonies;
2. Larger than one half up to one acre of lot size: four (4) colonies

Regardless of lot size, where all hives are situated at least 100 feet in any direction from all property lines of the lot on which the apiary is situated, there shall be no limit to the number of colonies.

(f) Marking Hives. The name, address, and telephone numbers of the owner or beekeeper shall be painted or otherwise clearly marked upon the structure of each hive.

(g) Compliance. The animal control manager, upon determination that any colony situated within the city is not being kept in compliance with this section, may order the bees removed from the city or relocated.”

2.16. Section 4.05.007 entitled “Keeping of wild animals” of Article 4.05, entitled “Dangerous Animals” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Section 4.05.007 shall be and read in its entirety as follows:

“Sec. 4.05.007 Keeping of wild animals

(a) It shall be unlawful to keep any wild animal within the city limits, with the following exceptions:

- (1) If a person housing such wild animal(s) has complied with all applicable federal, state, and local laws and regulations, including, but not limited to, the acquisition and retention of all applicable permits and registrations, said person may retain dangerous wild animals(s) in compliance with all federal, state and local laws, including, but not limited to V.T.C.A., Health and Safety Code Chapter 822, as amended;
- (2) A governmental agency or entity acting in an official capacity;
- (3) A government-operated zoological park;

(4) A permitted wildlife educational center, animal exhibitions with valid state or federal permits; or

(5) A holder of an animal dealer or animal establishment with a wild animal permit. The possessor of any dangerous wild animal shall have all applicable state and federal permits to possess the species in question.

(b) Animal establishments or animal dealers who hold a Wild/Exotic Animal permit shall make written application to the animal control supervisor to permanently keep each dangerous wild animal in their possession. The application must include the species and location of the animal, at least two pictures that clearly identify the wild animal, and proof that the establishment, center, or person is in possession of the necessary state and federal permit(s) to possess such species.”

2.17. Section 4.06.007 entitled “Animal exposed to rabies” of Article 4.06, entitled “Rabies Control” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.06.007 (b) shall be and read in its entirety as follows and all other provisions of Section 4.06.007 not expressly amended hereby shall remain the same:

“Sec. 4.06.007 Animals exposed to rabies

...

(b) For any animal [known] to have been, or suspected of being, exposed to rabies, the following rules shall apply:

(1) Animals having a current vaccination must be revaccinated immediately and confined at the animal shelter, by a licensed veterinarian, or if approved by an animal control officer, home quarantine for a period of not less than 45 days.

(2) Animals not having a current vaccination should be humanely destroyed. However, if the owner of such an animal elects, the animal may be confined at the animal shelter or by a licensed veterinarian. Home quarantine will only be allowed if approved by an animal control officer and the owner complies with all requirements of this Chapter, including without limitation Section 4.06.010, as amended. Such animal must be vaccinated immediately following exposure and confined for not less than 90 days. A revaccination shall be administered on the third and eighth week prior to release from confinement.

2.18 Section 4.06.008 entitled “Declaration of area quarantine” of Article 4.06, entitled “Rabies Control” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances”

of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.06.008 shall be and read in its entirety as follows:

“Sec. 4.06.008 Declaration of area quarantine

Should a potential outbreak of rabies within the city be suspected and the danger to the public safety from rabid animals be reasonably imminent, the local rabies authority is hereby authorized to issue a quarantine proclamation, ordering persons owning, keeping, or harboring dogs or other animals to muzzle the same or confine them in such quarantine proclamation by local newspaper and/or website or other medium. Owners of such animals shall confine the animals to premises owned, leased or controlled by the Owner unless the animals are effectively muzzled and under the control of an adult person by leash, cord, chain, or rope and complying with all requirements of this Chapter. Animals found at large in violation of this section may be destroyed by an animal control officer or police officer of the city if such officer is unable, with reasonable effort, to apprehend such animal for impoundment.”

2.19 Section 4.07.005 entitled “Redemption of animal” of Article 4.07, entitled “Impoundment” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.07.005 shall be and read in its entirety as follows:

“Sec. 4.07.005 Redemption of animal

An Owner can regain possession of any impounded animal upon payment of impoundment fees, handling fees and any veterinarian bills incurred by the animal control division for the welfare of the animal and upon compliance with vaccination and registration provisions of this chapter. Any person owning any animal impounded under this article shall be allowed to take such animal from the animal shelter or other place where impounded upon the following conditions:

(1) Payment to the city of an impoundment fee as described in the fee schedule in [appendix A](#) of this code, plus an amount established in the adopted fee schedule in [appendix A](#) of this code per day or fractional part thereof for handling fees for each day impounded.

(2) If the owner cannot provide proof of a current rabies vaccination, the animal must be revaccinated or vaccinated for rabies within five days of being reclaimed by the owner of the impounded animal. Animals less than 12 weeks of age will not require a rabies vaccination in order to be released.”

2.20 Section 4.07.006 entitled “Disposition of unclaimed animals” of Article 4.07, entitled “Impoundment” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.07.006 shall be and read in its entirety as follows:

Sec. 4.07.006 Disposition of unclaimed animals

“If the owner has not redeemed such impounded animal within three (3) days from its capture and impoundment, the animal shall become the property of the City and may be given to a nonprofit humane organization, placed for adoption, or humanely destroyed as deemed appropriate by the animal control officer. Animals wearing a current city license tag will be held for six days prior to their disposition.”

2.21 Section 4.07.007 entitled “Owner relinquishing responsibility” of Article 4.07, entitled “Impoundment” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.07.007 shall be and read in its entirety as follows:

Sec. 4.07.007 Owner relinquishing responsibility

“An owner who no longer wishes responsibility for an animal, or does not desire to regain possession of an impounded animal, may, upon signing a waiver in a form provided by the animal control division, allow the animal to be placed for adoption, given to a humane nonprofit organization, or humanely destroyed as deemed appropriate by the animal control officer; provided, however, that the animal has not bitten a human within the last ten days of the owner wanting to relinquish his responsibility of ownership.”

2.22 Section 4.07.008 entitled “Sick or injured animals” of Article 4.07, entitled “Impoundment” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.07.008 shall be and read in its entirety as follows:

Sec. 4.07.008 Sick or injured animals

“Any impounded animal which has been seriously injured or is seriously ill may be euthanized immediately to prevent suffering, or given to a nonprofit humane organization for the purpose of veterinary medical care, as deemed appropriate by an animal control officer. The animal shelter shall not be responsible for providing veterinary care for any sick or injured animal nor shall the City be liable for any property damage as a result of euthanization or conveyance of such animal.”

2.23 Section 4.07.010 entitled “Baby animals” of Article 4.07, entitled “Impoundment” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Section 4.07.010 shall be and read in its entirety as follows:

Sec. 4.07.010 Baby animals

“Any nursing baby animal impounded without the mother or where the mother cannot or refuses to provide nutritious meals may be immediately euthanized to prevent suffering or given to an individual or to a nonprofit humane organization for the purpose of caring for such animal as determined appropriate by the animal control officer.”

2.24 Section 4.07.012 entitled “Adoption of animals” of Article 4.07, entitled “Impoundment” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.07.012(b) shall be and read in its entirety as follows and all other provisions of Section 4.07.012 not expressly amended hereby shall remain the same:

Sec. 4.07.012 Adoption of animals

“(b) The adoption fee includes sterilization, rabies vaccine, microchipping, and first combo vaccinations. Persons who adopt an animal under four (4) months of age will be provided with a date to return the animal to the animal shelter for sterilization and rabies vaccination.”

2.25 Section A4.001 entitled “Animal Control Fees” of Article A4.000 entitled “Animal Control Fees” of Appendix A, entitled “Fee Schedule”, of the Code of Ordinances of the City of Murphy is hereby repealed in its entirety and a new Section A4.001 entitled “Animal Control” is hereby adopted and shall be and read in its entirety as follows:

A4.000 ANIMAL CONTROL FEES

“Sec. A4.001. ANIMAL CONTROL FEES

a) Animal impound fee *	(1) 1 st impound	\$50.00
	(2) 2 nd impound	\$75.00
	(3) 3 rd impound	\$125.00
	(4) 4 th impound and up	\$150.00
b) Daily handling fee		\$10.00 per day
c) Pet registration	(1) Sterilized	\$10.00 per year
	(2) Non-Sterilized	\$15.00 per year
d) Dangerous animal registration	Per animal	\$50.00 per year

e) Dog or cat adoption fee (not sterilized)	Per animal	\$85.00
f) Dog or cat adoption fee (sterilized)	Per animal	\$45.00
g) Shipping for rabies testing	Per animal	Actual Costs
h) Quarantine fee	Per animal	\$150.00
i) Microchipping fee	Per animal	\$20.00
j) Euthanasia fee	Per animal	\$25.00
k) Disposal fee	Per animal	\$25.00
l) Owner surrender fee	Per animal	\$20.00
m) Duplicate animal registration fee	Per animal	\$5.00
n) Wild/Exotic animal registration fee	Per animal	\$50.00

*These fees are above and beyond any fines for citations related to violations of city ordinance or state laws.”

SECTION 3. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4. SAVINGS/REPEALER CLAUSE

Any provision of any prior ordinance of the City whether codified or uncoded, which are in conflict with any provision of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

SECTION 5. PENALTY

It shall be unlawful for any Person to intentionally, knowingly or recklessly violate or fail to comply with any provision of this ordinance. Such person shall be fined, upon conviction, not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00), except that violations of provisions of this Ordinance that govern public health and sanitation, other than vegetation and litter violations, shall be punishable by a fine of not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$500.00), as authorized by state law. A separate offense shall be deemed committed upon each day or portion thereof upon which a violation occurs or continues.

**SECTION 6.
EFFECTIVE DATE – PUBLICATION**

This Ordinance shall become effective immediately upon its passage and publication as required by the City Charter and by law.

DULY PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this the 19th day of July, 2016.

Scott Bradley, Mayor Pro Tem
City of Murphy

ATTEST:

Susie Quinn, City Secretary
City of Murphy

APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney

List of cities researched for Ordinances**“Total Number of Animals”**

Plano Animal Services	Allows 10 adult animals of which no more than 4 may be intact. No more than 1 litter at any time.
Allen Animal Services	No more than 4 domestic animals of the same species over the age of 6 months of age. No more than 1 litter at any time.
Garland Animal Services	Number of animals is decided by the Animal Control Supervisor considering the following factors: <ol style="list-style-type: none"> 1. Size of the property & size of the dwelling where animals will be kept; 2. Number of animals present; 3. Size of each animal; 4. The apparent physical health of each animal; 5. Type of each animal; 6. Owners ability to provide care for each animal; 7. Distance of the owner’s property from neighboring residents; and 8. History and validity of animal nuisance complaints from neighboring residents.
Richardson (Humane Society)	Allows 4 of each species total. No more than 1 litter at any time.
Rowlett Animal Services	May keep 4 adult animals. No more than 1 litter at any time.
Wylie Animal Services	Has no limit on domestic animals. No more than 1 litter at any time.
Sachse Animal Services	No more than 5 animals (any combination) total. No more than 1 litter at any time.
Rockwall Animal Services	On lots less than 5 acres, no more than 4 animals (any combination) total. On lots 5 acres to 10 acres or less no more than 8 animals (any combination) total. No more than 1 litter at any time.
Highland Village Animal Services	No more than 8 domestic animals total. No more than 1 litter at any time.
Little Elm Animal Services	Aggregate number of domestic animals will not exceed 4 total. No more than 1 litter at any time.

“Invisible Fence”

Plano Animal Services	Does not specifically address Invisible Fences. States the animal must be confined by a substantial physical restraint of sufficient height and strength and/or manner to preclude the animal from leaving the premises or being able to come within 6ft of any public area.
Allen Animal Services	Does not specifically address Invisible Fences. States the animal must be confined by a building, wall or fence of sufficient strength or construction to restrain the animal, except when animal is either on leash or held in the hands of owner or keeper.
Garland Animal Services	Does not specifically address Invisible Fences. Defines an enclosure as any structure or device used to immediately restrict any animal(s) to a limited space, such as a fence, room, pen, run, cage, compartment or hutch.
Richardson (Humane Society)	Does not specifically address Invisible Fences. States the animal must be confined by a substantial fence of sufficient strength & height to prevent escape or confined by a metal chain or leash sufficient strength to prevent escape from premises & so arranged that the animal will remain upon the premises when the leash is stretched to full length.
Rowlett Animal Services	Does not specifically address Invisible Fences. States animal will be completely confined by a building, wall or fence of sufficient strength or function to restrain the animal. Also has specific requirements for Dangerous Dog kennel/pens.
Wylie Animal Services	Does not specifically address Invisible Fences. States animal will be completely confined by a building, wall or fence of sufficient strength or function to restrain the animal on premises.
Sachse Animal Services	Does not specifically address Invisible Fences. States dogs shall be confined by a substantial fence of sufficient strength & height to prevent such dog from escaping or inside a house on premises, or secured on premises by leash consisting of a metal chain of sufficient strength to prevent the dog from escaping the premises when the chain is stretched to its full length.
Rockwall Animal Services	Does not specifically address Invisible Fences. States animal must be confined by a fence of sufficient strength and height to prevent the animal from escaping, inside a house, or secured by a leash of sufficient strength to prevent the animal from escaping and arranged that the animal will remain on the premises when the leash is stretched to full length in any direction.
Highland Village Animal Services	Does not allow Invisible Fences as a primary enclosure but will for secondary. States must confine animals with an adequate fence or enclosure, or within a house, garage or other building.
Little Elm Animal Services	Does not specifically address Invisible Fences. States the animal will be securely enclosed or confined to owner’s yard by a physical fence in a manner that will isolate the animal from the public and other animals.

“Leash Length”

Plano Animal Services	Leash will not be longer than 6 feet. Retractable leashes are not allowed.
Allen Animal Services	Does not specify leash length except for tethering to a stationary object or Trolley system. The down leash must be at least 6 feet in length.
Garland Animal Services	Does not address leash length other than tethering. Animals shall be tethered in a manner as to prevent the animal from reaching any point less than 5 feet from adjoining property line when the tether is fully extended.
Richardson (Humane Society)	Leash length not more than 6 feet in length
Rowlett Animal Services	Does not specify leash length other than tethering. When the animal is on the owner’s premises under the owner’s direct physical control the restraint prevents the dog from advancing to within 15 feet of the edge of any public street.
Wylie Animal Services	Does not specify leash length and goes by state law for tethering.
Sachse Animal Services	Does not specify leash length.
Rockwall Animal Services	Does not specify leash length.
Highland Village Animal Services	For handheld leashes no more than 6 feet. Retractable leashes must be locked at a distance of 4 feet or less when in the immediate proximity of a passerby.
Little Elm Animal Services	Leashes must be at least 5 feet in length and not more than 10 feet in length.

City Council Meeting
August 16, 2016

Issue

Update regarding Timbers Nature Preserve.

Staff Resource/Department

Matt Foster, Parks Superintendent

Bill Shipp, Interim City Manager

Summary

The Timbers Nature Preserve project began construction in October of 2014. The project was originally slated for completion in July of 2015, but due to severe flooding and rains that were prevalent during the Spring and Fall of that year, the project had some significant delays. The project was largely completed in February 2016, but issues remain. We will address those issue in the presentation as an opening for further discussion and input from Council.

Financial Considerations

N/A

Other Considerations

N/A

Action Requested

Discussion only.

Attachments

N/A