

MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
TUESDAY, APRIL 03, 2012 AT 6:00 PM
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094

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 04/03/2012 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 PUBLIC COMMENTS

5 PROCLAMATIONS & PRESENTATIONS

5.1 Proclamation designating April 2012 as Sexual Assault Awareness and Prevention Month

5.2 Presentation and discussion regarding Senate Bill 100 - Implications and Options

6 CONSENT ITEMS

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.

6.1 Approval of the Minutes from the Regular Council Meeting of March 20, 2012.

7 ORDINANCE APPROVAL

7.1 Consider and/or act upon approval of an ordinance amending the City of Murphy Code of Ordinances, Appendix A – Fee Schedule, Section 3.100 - Emergency Services.

7.2 Consider and/or act upon approval of an ordinance amending the City of Murphy Code of Ordinances, Chapter 35, Section 35-6. - Duty to transport.

8 OTHER CONSIDERATION ITEMS

8.1 Consider and/or act upon an Alcohol Policy for the Murphy Community
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8.2 Consider and/or act upon funding the sidewalk extension from Liberty Ridge Park to Featherwood Drive in the amount of \$29,000.

8.3 Consider and/or take action regarding the City's Drought Contingency and Water Emergency Response Plan.

9 CITY MANAGERS REPORT

- City Offices closed April 6 in observance of Good Friday
- North Murphy Road Update
- Draft Budget Submittal
- Budget/Vacation Schedules
- Schedule Work Sessions - Focus Areas
- Schedule Work Session - Determine Board Scope
- Upcoming Agendas

10 EXECUTIVE SESSION

The City Council will hold a closed Executive Session pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

10.1 551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving Michael Cantrell v. City of Murphy, et. al, Cause No. 6:09-cv-225.

10.2 551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving Johnny Boles v. City of Murphy, et al., Civil Action No. 4:11-cv-682.

11 RECONVENE INTO REGULAR SESSION

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

11.1 551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving Michael Cantrell v. City of Murphy, et. al, Cause No. 6:09-cv-225.

11.2 551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving Johnny Boles v. City of Murphy, et al., Civil Action No. 4:11-cv-682.

12 ADJOURNMENT

Issue

Proclamation designating April 2012 as Sexual Assault Awareness and Prevention Month

Attachments

Proclamation

Proclamation

City of Murphy, Texas

“Sexual Assault Awareness and Prevention Month”

WHEREAS, sexual assault, a violent and devastating crime, affects men, women and children of all races, ages and economic situations; and

WHEREAS, the consequences of sexual assault are often severe and long lasting. In addition, the risk of developing post traumatic stress disorder, depression, and many other psychological or physical ailments increases dramatically for victims of sexual assault; and

WHEREAS, each year, the Texas Association Against Sexual Assault, in conjunction with other organizations such as The Turning Point (Rape Crisis Center of Collin County), designates the month of April for an educational campaign to promote awareness and to build upon the network of support that has been mobilized to address this issue, and

WHEREAS, the April 2012 theme, “End the Silence”, focuses on everyone speaking up to prevent sexual violence in their neighborhoods, communities, workplaces and schools; and

WHEREAS, the Turning Point (Rape Crisis Center of Collin County) will also be working to publicize their services, increase community support for their agency, and increasing awareness of the healing potential for survivors.

NOW, THEREFORE, I, Bret Baldwin, Mayor of the City of Murphy, Texas, do hereby proclaim April 2012 as

Sexual Assault Awareness and Prevention Month

and encourage all Texans to increase their awareness and work to prevent sexual assault in communities across this great state. Together, united in this effort, we can continue to make a difference.

Proclaimed this 3rd day of April, 2012.

*Bret M. Baldwin, Mayor
City of Murphy*

Issue

Presentation and discussion regarding Senate Bill 100 -Implications and Options

Staff Resource/Department

Aimee Nemer, City Secretary

Key Focus Area

TBD

Summary

Due to implications of SB 100, the City should review options for conducting City Council elections. Staff will present options for Council consideration. Council will need to provide staff direction during the FY 2012-2013 Budget cycle.

Background/History

SB 100 was passed by the 82nd Legislature and became effective September 1, 2011. The legislation brings Texas in compliance with the 2009 federal Military and Overseas Voter Empowerment Act (MOVE).

The MOVE Act requires 45 days between federal elections to ensure military and overseas voters have ample time to return their ballots. Because of this requirement, SB 100 adjusted the General Primary and Primary runoff election dates. This adjustment could also affect the May Uniform Election date for local elections. Previously, County Election Administrators were obligated to conduct city elections if requested. SB 100 gives election administrators the authority to refuse to administer local government elections on the May Uniform Date in even-numbered years due to the Primary elections.

Murphy has been contracting with Collin County to administer elections since 2002. Contracting with the County provides access to required electronic voting equipment, convenience to voters, experienced election workers and systems, and secure and centralized election operations.

Initially, after SB 100 was approved, Collin County declined to conduct elections in May of even-numbered years. The County has reconsidered, but there will likely be increased costs because additional machines will need to be purchased. Additional County personnel may also be a factor adding to the costs.

The City has four options which will be discussed in detail during the presentation:

- 1) Keep May Uniform Election Date and continue to contract with Collin County Elections Administrator
- 2) Keep May Uniform Election Date and contract with vendor for voting equipment; City would provide election services
- 3) Move to November Uniform Election Date and contract with Collin County Elections Administrator

- 4) Change City Council terms to either a) two year terms, or b) four year terms; in order to hold elections in odd-years only on the May Uniform Election Date and contract with Collin County Elections Administrator

Financial Considerations

There are various financial considerations depending on the chosen option. Preliminary estimates indicate that Options 1 and 2 will mean increased costs to the City. Staff has received estimates from Collin County as well as two vendors. (See presentation)

The initial estimate from Collin County is more than quadrupled in costs; however, staff will review and discuss the estimate after the May 2012 election and believes that the actual costs will be much lower than estimated.

The two estimates received from vendors vary significantly. It is difficult to compare the cost estimates side by side because the vendors do not offer the same services. Additionally, the cost estimates from the vendors versus the County are not comparable because the County offers full contractual services and the vendors offer machine rental, supply purchase, and limited technical support. The vendor estimates do not include election workers which would be an additional cost to the City. If Council determines to explore Option 2, staff will meet with vendors to detail costs and services further.

For Options 3 and 4, costs are expected to remain consistent with current election costs with Collin County.

Other Considerations

Other concerns that Council may consider include surrounding entities decisions, Charter provisions, SB 100 deadlines, and potential 2013 legislation.

In the past, Murphy has contracted with the Plano (PISD) and Wylie (WISD) school districts because the City shares voters with these entities. Contracting provides shared costs and convenience to voters.

The table below lists other entities in our region and their election decision. The table shows that there is no regional consistency for local elections. This will likely add to voter apathy and confusion.

Surrounding Entities Decisions				
Changed to 4 yr Terms May/odd-year	Changed to November	Stay in May with County Odd/Even	Contracting w/ other County (May/odd-even)	Undecided*
Plano	WISD	AISD	Wylie/Rockwall	Allen
PISD			Frisco/Denton	Parker
McKinney			FISD/Denton	
MISD				

*Conducting May 2012 Election with Collin County and will determine future elections after May.

If Council chooses to change the length of terms (2 or 4 year), a Charter Amendment Election will need to be held in November 2012. Pursuant to the Charter, a Charter Election can only be held every two years. The last Charter Election was held November 2010.

If Council chooses to change the terms to November, a resolution designating the change must be adopted by December 31, 2012.

Additionally, it is possible that the legislature will make further changes that could affect local elections in 2013, potentially requiring local elections to move to the November Uniform Date, or establishing a new Uniform Election Date.

Board Discussion/Action

N/A

Action Requested

Staff requests Council to discuss options, determine any additional information needed, and make final consideration during the FY2012-2013 Budget Cycle.

City Manager Comments

The City is very fortunate that we do have an election this year. Aimee has been very involved in meeting with other jurisdictions regarding their plans and courses of action. If the City chooses to go at this alone, it will become very costly, financially with staff time. Contracting with other entities is an option that has been considered, but many entities have already declared a path of action. If the City Council decides upon a Charter Election to let voters decide upon 2 or 4 year terms, we should also look at any other Charter revisions that may be necessary.

Attachments

SB 100 Presentation

Senate Bill 100



IMPLICATIONS & OPTIONS



CITY OF _____
MURPHY

LIFE LIVED AT YOUR PACE

What is SB 100?



- SB 100 was passed by the 82nd Texas Legislature
- Effective September 1, 2011
- Brings Texas in compliance with the 2009 federal Military and Overseas Voter Empowerment Act (MOVE)
- The MOVE act requires 45 days between federal elections to ensure military and overseas voters have ample time to return their ballots
- SB 100 only affects the General Primary & Primary runoff dates

What is SB 100?



- The General Primary Election date remains the first Tuesday in March of even-numbered years*
 - The Primary Runoff Election date was the second Tuesday in April following the primary*
 - SB 100 changed the runoff date to the fourth Tuesday in May to comply with the MOVE act*
- *With the exception of 2012 –due to the redistricting issues

How does SB 100 Affect Elections?



- May Uniform Election Date is second Saturday in May – odd & even years
- SB 100 gives counties the authority to refuse to administer local government elections on the May Uniform Election date in even-numbered years
- Previously, a county election administrator had a duty to provide election services to a city if requested

How does SB 100 Affect Murphy?



- Murphy has been contracting with Collin County for election services since 2002 when the federal Help America Vote Act (HAVA) implemented the requirement of at least one electronic voting system per polling location
- Contracting with the County provides access to electronic voting equipment, convenience to voters, experienced election personnel and systems, and secure and centralized election operations

How does SB 100 Affect Murphy?



- Initially, the Collin County Elections Administrator (CCEA) stated that the County would not be able to contract for election services in May even-numbered years
- After several meetings with Collin County entities including cities, ISD's, and Collin College, the CCEA has agreed to contract for services for May 2012 with the intention of continuing in even-numbered years
- This decision comes with increased costs because the County will need to purchase additional machines and add personnel to run both May elections

What are the Options for Murphy?



- 1) Keep May Uniform Election Date and continue to contract with CCEA
- 2) Keep May Uniform Election Date and contract with vendor for voting equipment; City would provide election services
- 3) Move to November Uniform Election Date
- 4) Change City Council terms to either a) two year terms, or b) four year terms in order to hold elections in odd-years only (May Uniform Election Date)

Option 1 – Stay in May w/ CCEA



Pros

- No changes necessary for City
- No changes for voters for City election
- Continued election processing with County equipment, expertise

Cons

- Increased costs
 - Two estimates provided for May 2012
 - Estimate 1 –Joint with PISD and WISD \$24,178
 - Estimate 2 –Murphy Only \$40,276
 - May 2011 \$5900

Option 2 – Stay in May, City run w/ vendor



Pros

- Election will remain in May
- Costs may be less than contracting with County (2 estimates)
 - Election Systems & Software (ES&S) \$4888 for basic supplies; additional items – including Election Day support \$4507 –total \$9395
 - Hart Intercivic - \$25,870

Cons

- Vendor machines are leased on first come, first served basis
- Full contract services are not available with vendor
- Voting equipment will likely be different than previously used
- Additional staff training will be necessary
- Additional staff time will be have to be dedicated to election throughout election period (January-June)

Option 2 – Continued



Pros

- Wouldn't have to implement this option until 2014
 - County will contract in odd years

Cons

- In addition to equipment rental, City will need to employ election clerks and judge for a minimum of 108 hours plus provide training
 - Based on 2 clerks (\$10 p/h) and 1 judge (\$12 p/h) at current rates paid by County, costs would be \$3456

Option 3 – Move to November



Pros

- Contract with County
- Higher voter turnout
- Voter convenience
- Change can be implemented with Council Resolution
- CCEA will pay cost of election workers in Nov
- Council terms remain the same

Cons

- Higher # of undervotes
- Runoffs in December
- Potential higher campaign costs
- Placement on the ballot
 - CCEA has stated local races will be at top
- Local races could be politicized with parties

Option 4a. – Change to Two-Year Terms



Pros

- Contract with County at current service level and cost for odd-years only

Cons

- Changing terms requires approval by the voters with Charter Election
- Two-year terms would not be staggered; all seats would be elected every two years

Option 4b. – Change to Four-Year Terms



Pros

- Contract with County at current service level and cost for odd-years only
- Four-year terms would be staggered; electing 3 seats one election cycle, and 4 seats the next election cycle

Cons

- Changing terms requires approval by the voters with Charter Election
- Holdover provision would apply for 1 year

SB 100 and Other Requirements



- Moving to November requires City adopt a resolution by December 31, 2012
- SB 100 provides for a City to un-stagger Council terms by resolution but there is a conflicting constitutional amendment that states that a city charter may only be amended by a vote of the people
- The Murphy City Charter provides for 3-year staggered terms
- Charter Election can not be held until November 2012



Other Considerations

What are PISD and WISD going to do?

What are surrounding cities doing?

Voter confusion

Integrity of Election

What will the 2013 Legislature Do?

- **PISD** – changed to 4 yr terms May odd year (CCEA)
- **Plano** –changed to 4yr terms; May odd year (CCEA)
- **McKinney** – changed to 4 yr terms; May odd year (CCEA)
- **MISD** – changed to 4 yr terms; May odd year (CCEA)
- **WISD** – changing terms to November even-numbered years & contract with CCEA
- **Parker** – conducting May 2012 election with CCEA; will consider options after May
- **Allen** - conducting May 2012 election with CCEA; will consider options after May
- **AISD** – staying with CCEA May odd/even
- **Wylie** – contracting with Rockwall County
- **Frisco/FISD** – contracting with Denton Co.
- **Richardson** – already conducts elections in odd years only

Staff Recommendations



- Consider options again during FY2012-2013 Budget cycle
 - Allows time to call November 2012 Charter Election if necessary
 - Allows City opportunity to review May 2012 elections conducted by CCEA and costs
 - Allows time to review what other entities decide
 - May have indications from Legislators on 2013 direction

SB 100 QUESTIONS?



CITY OF _____
MURPHY

LIFE LIVED AT YOUR PACE

MINUTES
REGULAR CITY COUNCIL MEETING
CITY OF MURPHY
206 North Murphy Road
Murphy, Texas

Tuesday, March 20, 2012
6:00 PM

1. CALL TO ORDER

Mayor Baldwin called the meeting to order at 6:00 p.m.

2. INVOCATION & PLEDGE OF ALLEGIANCE

Councilmember Richmond gave the invocation and led the Pledge of Allegiance.

3. ROLL CALL & CERTIFICATION OF A QUORUM

The following Councilmembers were present:

Mayor Bret Baldwin
Mayor Pro Tem John Daugherty
Deputy Mayor Pro Tem Colleen Halbert
Councilmember Dennis Richmond
Councilmember Scott Bradley
Councilmember Bernard Grant
Councilmember Dave Brandon

4. PUBLIC COMMENTS

Mr. Brad Lapsley addressed Council thanking them for what they have done and continue to do for the City.

PROCLAMATIONS / PRESENTATIONS

5. PRESENTATION

Presentation of the Comprehensive Annual Financial Report for the 2011 fiscal year.

Mr. Mike Conway, Conway Company P.C., addressed Council commending the City on financial reporting and procedures. He explained that the only item to point out was the issuance of 1099 forms versus adding employees to payroll. He explained that though the City has committed no wrongdoing in its practices, the IRS is scrutinizing governments on this particular issue. Linda Truitt, Finance Director, presented the Comprehensive Annual Financial Report for the 2011 fiscal year.

6. CONSENT ITEMS

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.

6.1. Approval of Minutes for the Regular meetings of February 7, 2012, February 21, 2012, March 6, 2012; and the Strategic Planning Session of February 23-24, 2012.

6.2. Consider and/or act upon approval of the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending September 30, 2011.

6.3. Consider and/or act upon the approval of an ordinance amending the FY 2010-2011 budget for the Economic Development Fund.

VOTING

Motion by: John Daugherty to approve the Consent Agenda, Items 6.1-6.3 as presented.

Second by: Bernard Grant

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott	x			
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis	x			

7. OTHER CONSIDERATION ITEMS

7.1. Consider and/or act upon board appointments to fill vacancies.

VOTING

Motion by: John Daugherty to appoint Mathew Thekkil as an alternate to fill an unexpired term on the Board of Adjustment ending December 31, 2013; and Owais Siddiqui to fill an unexpired term on the Ethics Review Commission ending December 31, 2013.

Second by: Colleen Halbert

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott	x			
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis	x			

7.2. Consider and/or act upon reallocation of the 2008 street bond funds.

VOTING

Motion by: John Daugherty to approve the recommended allocation for the 2012-2013 street projects as presented.

Second by: Dennis Richmond

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott	x			
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis	x			

7.3. Consider and/or act upon allocation of the 2008 park bond funds.

VOTING

Motion by: John Daugherty to approve the recommended allocation for the 2008 park and trail bonds funds as presented in the attached schedule. (See below)

Second by: Scott Bradley

Allocation of 2008 Bonds

Murphy Central Park - \$583,776

Murphy Central Park Trail Project -\$194,200

Timbers Park -\$500,000

Timbers Trail -\$600,000

Other Trails - \$937,035

Total Funds - \$2,815,011

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott	x			
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis	x			

8. CONTRACT APPROVAL

8.1. Consider and/or act upon approving an amendment for additional services to the professional services contract with Duncan Sims Stoffels, Inc., for the Murphy Central Park project

Councilmember Brandon inquired about the fence removal, driveway, and access road; commenting that the City Engineer stated that an access road would be required. He asked if the figures to construct the driveway and/or access road were included. City Manager Fisher stated that it was not included and explained that the City could determine later what was required in consultation with the City Engineer.

Councilmember Halbert clarified that the discussion with the City Engineer was an example used by the City Engineer in Executive Session during a discussion about ways he has saved the City money; not a discussion regarding the park.

Councilmember Halbert inquired about engineering fees for burying power lines. Mr. Sims stated that those fees were not included because he is not able to provide those services. Ms. Halbert stated she wanted to make sure this was not something missed that would need to be included later. She stated she still has questions on items provided at the last meeting.

VOTING

Motion by: John Daugherty to approve an additional services contract for professional services in the amount of \$43,600 with Dunkin Sims Stoffels, Inc., for the Murphy Central Park project.

Second by: Dennis Richmond

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott	x			
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis	x			

8.2. Consider and/or act upon approval of a change order for Wall Construction to sod Liberty Ridge Park.

Councilmember Richmond recommended hydromulch unless the goal is to have the grass ready quickly.

VOTING

Motion by: Colleen Halbert to continue with hydromulch as the method for turf installation.

Second by: Scott Bradley

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott	x			
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis	x			

9. RESOLUTION APPROVAL

9.1. Consider and/or act upon approval of a resolution for an interlocal agreement with the City of Wylie for drainage improvements needed for the McCreary Road widening project.

VOTING

Motion by: John Daugherty to approve the resolution and interlocal agreement with the City of Wylie as presented.
 Second by: Bernard Grant

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott	x			
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis	x			

10. WORK SESSION

10.1. Discussion and action regarding the Strategic Planning Session held February 23-24, 2012.

Prior to the Work Session, Council heard the City Manager Reports and convened into Executive Session. During the Work Session, Council reviewed and commented on the focus areas and sub-categories.

There was some discussion as to whether to leave *Infrastructure* and *Mobility* as separate focus areas or combine them. Councilmember Grant requested to remove DART from the sub-categories. There was discussion regarding taking over state roads and there was a consensus of Council that was not in favor of considering this option. Council requested more information on intersection monitoring from the City of Richardson. Regarding *Infrastructure*, Council requested the completion of the sidewalk inventory.

Under *Employee Development*, Council discussed the importance of having a succession plan in place. Mr. Fisher stated that the departments are working on road maps that will define future operational needs and levels of service to be submitted with the draft budget by June 1.

Regarding *Finance*, there was a brief discussion on transparency and what more can be done. Councilmember Brandon mentioned posting the check registry. Council discussed defining what fiscal responsibility means to Murphy and determined that a Work Session should be scheduled to have a philosophical discussion on the tax rate as it relates to a balanced, competitive, and unique community.

Councilmember Halbert requested to add development/maintenance standards under *Community Character*; specifically to address the integrity of commercial areas.

Overall, Council determined that the focus areas should be discussed in detail in Work Sessions to be scheduled over the next six months.

11. CITY MANAGERS REPORT

- Mar 27 – Collin County Day
- Mar 27 – Meeting with Joe Gonzalez
- Apr 6 – City offices closed in observance of Good Friday
- Apr 14 – Texas Trash-off
- Apr 19 – Bulky Trash Day
- WISD meeting request – need Council representatives

In addition to the listed items, City Manager Fisher reported that the Alcohol Use Policy for the Murphy Community Center and Murphy Activity Center will be on the April 3rd City Council Agenda. Councilmember Bradley noted that he will not be able to attend that meeting.

12. EXECUTIVE SESSION

The City Council will hold a closed Executive Session pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

Council convened into Executive Session at 6:37 p.m.

13. RECONVENE INTO REGULAR SESSION

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

Council convened back to Regular Session at 6:57 p.m. No action was taken as a result of the Executive Session.

14. ADJOURNMENT

With no further business, the meeting was adjourned at 7:22 p.m.

APPROVED BY:

Bret M. Baldwin, Mayor

ATTEST:

Aimee Nemer, City Secretary

Issue

Consider and/or act upon approval of an ordinance amending the City of Murphy Code of Ordinances, Appendix A – Fee Schedule, Section 3.100 - Emergency Services.

Staff Resource/Department

Mark Lee, Fire Chief Murphy Fire Rescue

Key Focus Area

TBD

Summary

The fire department wishes to restructure the fee system to one that bills a base fee, mileage, oxygen, and supplies (either Basic Life Support [BLS] or Advanced Life Support [ALS]). This will increase compliant billing and reduce the burden to the patient. Due to limited Health Care Provider codes for many of the supplies, many patients are billed using a generic A0999 code, which is disallowed by most insurance carriers and places these fees on the patient.

Background/History

The City Council approved a change in the Emergency Medical Services billing partner in September 2011. At that time the fire chief advised that the City's billing practices would be evaluated by the new billing company for efficiency. After such review, the determination was made that moving to a bundled billing practice would result in higher collections from insurance companies and be less burdensome on the patient and patient family.

Bundled services bill a flat rate as a base fee, a flat rate for oxygen (when administered), a standard mileage fee, and a bundle price for BLS or ALS services. Private insurance recognizes codes for each of these and normally considers these as covered expenses (where ambulance services are included in coverage). Medicare pays base and mileage only. Medicaid pays base, mileage, oxygen, and supplies.

Financial Considerations

Approval and implementation of this ordinance should result in a higher collection rate.

Other Considerations

N/A

Board Discussion/Action

N/A

Action Requested

Staff requests City Council approve an ordinance amending the City of Murphy Code of Ordinances, Appendix A—Fee Schedule, Section 3.100: Emergency Services to include bundled pricing as presented.

City Manager Comments

The proposed revisions will make it easier for staff to administer, reconcile and manage our EMS billing system.

Attachments

Proposed Ordinance

Comparison Table -Existing/Proposed Emergency Service Fee

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AMENDING THE CODE OF ORDINANCES; APPENDIX A, FEE SCHEDULE; SECTION 3.100, EMERGENCY SERVICES; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS DATE OF PUBLICATION.

WHEREAS, the City Council has previously amended the Fee Schedule on June 07, 2010; and

WHEREAS, City Council desires to amend the Fee Schedule to reflect the charges which may be assessed.

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

Section 1. FINDINGS INCORPORATED

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. The City Manager is authorized to waive any fee contained in this Fee Schedule which is determined by the City Manager to be in the best interest of the City of Murphy, Texas.

Section 3. That Section 3.100 of the Fee Schedule of the City of Murphy, Texas, is hereby amended, which shall read as follows:

Section 3.100 Emergency Services.

TABLE INSET:

Base Fee Resident	\$600
Base Fee Non Resident	Resident + 15% = \$690.00
BLS Supplies	\$125
ALS Supplies	\$250
Treatment / No Transport	\$100
Mileage	\$10 / loaded mile
Oxygen	\$70

Section 4. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this the 3rd day of April, 2012.

Bret M. Baldwin, Mayor
City of Murphy

ATTEST:

Aimee Nemer, City Secretary
City of Murphy

Existing Fee Schedule

BLS Resident	\$600
BLS Nonresident	Resident + 15% = \$690.00
ALS1 Resident	\$600
ALS1 Nonresident	Resident + 15% = \$690.00
ALS2 Resident	\$600
ALS2 Nonresident	Resident + 15% = \$690.00
Treatment/No Transport	\$100
Mileage	\$10/loaded mile
Oxygen	\$30
Disposable Items, Medications, IV Fluids, and All Patient Care Items Used	Actual FD Cost + 20%

Proposed Fee Schedule

Base Fee Resident	\$600
Base Fee Non Resident	Resident + 15% = \$690.00
BLS Supplies	\$125
ALS Supplies	\$250
Treatment / No Transport	\$100
Mileage	\$10 / loaded mile
Oxygen	\$70

Issue

Consider and/or act upon approval of an ordinance amending the City of Murphy Code of Ordinances, Chapter 35, Section 35-6. - Duty to transport.

Staff Resource/Department

Mark Lee, Fire Chief Murphy Fire Rescue

Key Focus Area

TBD

Summary

The Murphy City Council recently approved an ordinance providing for Emergency Medical Services. In Section 35-6 there is a list of hospitals for adult and pediatric patients. Just after approving the ordinance, Medical Center of Plano stopped admitting pediatric patients. Therefore, transport destinations were limited to Children's Dallas and Children's Legacy for pediatrics. The addition of Medical City Dallas provides an alternative to these two facilities.

Background/History

On December 6, 2011, the Murphy City Council approved Ordinance No. 11-12-903. The ordinance lists specific hospitals which the Emergency Medical Services division of the Murphy Fire Department is allowed to transport patients to.

This list was developed with the premise of having options for pediatric patients. In February of 2012 the department was notified that The Medical Center of Plano would no longer admit pediatric patients. The department will continue to transport adult patients to this facility; yet, Children's Medical Center – Legacy was the only pediatric facility on the list without having to go to downtown Dallas. For non-neurological trauma pediatric patients, The Medical Center of Plano will continue to treat and admit these patients into the trauma services unit. Neurological trauma will only be transported to Children's Medical Center – Dallas. Pediatric medical conditions are admitted to Children's Medical Center – Legacy, Children's Medical Center – Dallas, and Medical City – Dallas. These three facilities will be the destinations for pediatric non-trauma patients.

In addition to this amendment to the destinations list, an additional amendment allows for the ambulance to transport to a facility not listed for medical necessity. There are patients residing in our community with unique medical conditions that are being treated at facilities that are not ones that we normally consider as a transport destination. When one of these patients is seeking medical transportation to the facility not listed in order to meet their treating physician the online medical control physician will be consulted. If the online medical control physician agrees that this would be the only appropriate destination for this patient, then the ambulance will be allowed to transport to that destination. In these unique situations, other transport options will also be evaluated in order to conserve ambulance resources within the Murphy community.

Financial Considerations

N/A

Other Considerations

N/A

Board Discussion/Action

N/A

Action Requested

Staff requests City Council to approve an ordinance amending the City of Murphy Code of Ordinances Chapter 35 Section 35-6 to amend the list of transport destinations to include Medical City – Dallas.

City Manager Comments

V °

Attachments

Proposed Ordinance Amending Chapter 35, Code of Ordinances

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AMENDING THE CODE OF ORDINANCES; APPENDIX A, FEE SCHEDULE; SECTION 3.100, EMERGENCY SERVICES; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS DATE OF PUBLICATION.

WHEREAS, the City Council has previously amended the Fee Schedule on June 07, 2010; and

WHEREAS, City Council desires to amend the Fee Schedule to reflect the charges which may be assessed.

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

Section 1. FINDINGS INCORPORATED

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. The City Manager is authorized to waive any fee contained in this Fee Schedule which is determined by the City Manager to be in the best interest of the City of Murphy, Texas.

Section 3. That Section 3.100 of the Fee Schedule of the City of Murphy, Texas, is hereby amended, which shall read as follows:

Section 3.100 Emergency Services.

TABLE INSET:

Base Fee Resident	\$600
Base Fee Non Resident	Resident + 15% = \$690.00
BLS Supplies	\$125
ALS Supplies	\$250
Treatment / No Transport	\$100
Mileage	\$10 / loaded mile
Oxygen	\$70

Section 4. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this the 3rd day of April, 2012.

Bret M. Baldwin, Mayor
City of Murphy

ATTEST:

Aimee Nemer, City Secretary
City of Murphy

Issue

Consider and/or act on an Alcohol Policy for the Murphy Community Center and Murphy Activity Center.

Staff Resource/Department

Kristen Roberts, Recreation - Director of Economic and Community Development

Key Focus Area

TBD

Summary

Following City Council approval of alcohol use at the Murphy Community Center (MCC) and Murphy Activity Center (MAC), staff is recommending an Alcohol Policy to administer this use.

Background

On January 3, 2012, City Council approved MCC and MAC hours of operation, membership rates, room rental rates, and a catering policy. On February 7, 2012, City Council approved alcohol use at the MCC and MAC; however, before it is to be allowed, an Alcohol Policy must be approved by City Council.

Other Considerations

City staff, the Chief of Police and the City Attorney worked together extensively to review and detail the proposed policy. Staff also did research with other cities to identify other security policies.

General points (but not limited to) detailed in the Policy:

- Alcohol may not be sold at the MCC or MAC unless it meets policy requirements.
- Alcohol is not allowed on premises for an event honoring a minor.
- Alcohol is not allowed on premise if there are additional booking involving minors.

Options for consideration:

- Replacing Paragraph 6 of the proposed policy to read: "At events where alcohol is being served or sold, the Lessee shall be responsible, at its sole cost and expense, for providing the number of officers as determined by Chief of Police to ensure safety and security. Notwithstanding the foregoing, for events that are not open to the public and admission is based on invitation only ("private events") and alcohol is not being sold, the City Manager may issue a security exemption after determining that there is no necessity for the provision of security services. "
- Or replacing Paragraph 6 with verbiage reflecting that the number of officers required will be determined as recommended by the Chief of Police (see the attached Recommendation Memo).
- Including the requirement that only events of Murphy residents will be allowed to have alcohol or heightening security requirements for non-Murphy residents.

**Alcohol Use Liability Agreement
City of Murphy**

If alcoholic beverages are to be sold, served and/or consumed at _____ (the "Facility") during the period of this rental agreement or facility use permit, the lessee agrees to the following:

1. The Lessee shall pay a fee of \$50.00 for an alcohol use permit to serve alcoholic beverages at the event. If alcoholic beverages are to be sold at the event, Lessee must pay a fee of \$100.00 in advance for an alcohol use permit to sell alcoholic beverages at the event. Alcoholic beverages shall be considered to be sold under the following circumstances: a) if a fee is charged for the serving of an alcoholic beverage; and/or b) if the Lessee charges a cover charge or other admission fee or donation for the event and alcoholic beverages are then provided to patrons at no additional cost.
2. Alcoholic beverages may only be consumed inside the authorized portions of the Facility (Murphy Community Center and/or Murphy Activity Center) and only during the permitted event.
3. Alcohol shall not be served, sold or consumed at the Facility for an event honoring a child or a minor. A "child" or "minor" shall have the meaning as set out in Section 101.003 of the TEXAS FAMILY CODE.
4. Alcohol shall not be served, sold or consumed at the Facility at an event when there are other events concurrently being held involving children or minors.
5. Lessee fully guarantees, represents and shall be totally responsible, that the sale, serving and/or consuming of alcoholic beverages at the event shall comply with the laws of the State of Texas and the rules and regulations of the Texas Alcoholic Beverage Commission ("TABC"), including, without limitation, ensuring that no alcoholic beverages are dispensed to children, minors or any persons under the age of 21. The Lessee also fully guarantees that the responsible party providing, selling and/or serving alcoholic beverages is licensed by the TABC.
6. At events where there are up to fifty (50) patrons and alcohol is being served or sold, the Lessee shall be responsible, at its sole cost and expense, for providing two (2) uniformed, off-duty Murphy Police Department ("MPD") officers or other police officers as approved by the Chief of Police, to ensure safety and security. Notwithstanding the foregoing, for events that are not open to the public and admission is based on invitation only ("private events") and alcohol is not being sold, the City Manager may issue a security exemption after determining that there is no necessity for the provision of security services. At events where there are more than fifty (50) patrons and alcohol is being served or sold, the Lessee shall be responsible, at its sole cost and expense, for providing three (3) uniformed, off-duty MPD officers or other police officers as approved by the Chief of Police, to ensure safety and security.
7. If alcoholic beverages are to be sold at the event, the sale of alcoholic beverages must be in conjunction with a City sponsored or City approved community, civic, or charitable event.
9. An event may not run for more than three (3) consecutive days.

To: Mr. James Fisher, City Manager

From: Chief G. M. Cox, Ph.D.

Subject: Alcohol Policy for Murphy Community Center

Date: March 20, 2012

Recommendation: If the person holding the event is a city resident and the event is NOT expected to have over 50 people, only one (1) off-duty officer would be required for security purposes. If the event is going to be larger than 50 people, the person or entity must agree to pay for 2 police officers. If the event is expected to exceed 100 people, the number of officers needed would be left to the Chief of Police to determine. However, if 3 or more officers are scheduled to work an event, at least one of the officers must be a supervisor.

If the person holding the event is not a city resident, I would recommend that the person pay for at least two off-duty police officers for events up to 50 people, 3 officers for events expected to be over 50 people and if over 100 people are expected the number of officers would be as required by the Chief of Police.

Background: In all of the communities where I have served as a Chief of Police, I have always required two officers to work a venue where alcohol was being served (or available). The reason for the two officer minimum standard is that alcohol venues can get out of hand very quickly and an officer may not have time to call for a back-up. Even if an officer had time to request a backup, since we only have three officers, usually, on-duty at any given time, there is no guarantee that an officer will be available. Many times throughout any given day, every officer we have is busy with traffic stops, working a traffic accident, handling a call, out of service for prisoner transport or to meet a citizen at the PD. The presence of an officer usually serves as much as a preventative measure as a practical one. Two officers present during the event usually places people on notice that getting out of hand is not a good idea.

I have known several departments that would not allow their officers to work, off-duty, an assignment where alcohol was available.

I have contacted several departments in and around Murphy to ascertain what their policies and practices were as they related to officers working extra-jobs (assignments) where alcohol was served or available. The policies and practices of these departments are varied. Sachse PD only allows their officers to work the parking lots of a venue where alcohol is served (i.e., they can work the parking lot of Southfork Ranch). Fairview requires two officers, minimum, to work a venue where alcohol is served. Wylie, and several other departments, have a case-by-case policy, as determined by the Chief or his designee, with a 4-hour minimum.

The hourly rate goes between \$35 up to \$50, per hour. The minimum hours goes between 2 hours minimum to 4. In one case, if sufficient lead time is given, 24 hours I think, the minimum hour requirement is waived. In my opinion, this is NOT appropriate especially if an officer has signed up to work the extra-job and, therefore, he or she may have given up another opportunity to sign up for other jobs that might have become available. The right thing to do is if the person gets to the point that he or she is ready to commit to an event and officers are solicited to work, he or she are liable for the 2-hour

minimum. However, if a sponsor wishes to cancel an event prior to any officer having signed up to work it, no minimum would be required.

My recommendation would be that any person or entity proposing an event at the MCC/MAC that will involve alcohol must contact my office and fill out an application, attached, to secure the officers. This form will contain the necessary information for the command staff to establish the number of officers that will be required for the event. It will then be up to Lt. Barber to fill the positions. If we cannot fill the jobs with our officers, she will solicit the help from other agencies we normally include in extra jobs in the city.

Some groups may have police officers who are members of that group who would be willing to work the event for free. In that case, I would require that the entity submit those names to my office for review and confirmation. If approved, they would be notified.

The current rate is \$40 per hour, 2 hour minimum (travel and preparation time).

My recommendation would be that the sponsor pays the officer(s) directly at the going rate of \$40 per hour, 2 hour minimum. If a supervisor is required, the hourly rate would be \$50 per hour with a 2-hour minimum for the supervisor(s).

This is how we handle all current extra jobs requests, except PISD jobs. On PISD jobs (football games, for instance), we turn in a time sheet with the officers' times and then PISD issues the officer(s) checks and then sends them a 1099. However, we would not be willing to extend this type of arrangement to a private individual or group not associated with a governmental entity.

Individual officers are allowed to negotiate his or her wages for off-duty opportunities that he or she finds. In those cases, the hourly rate may differ according to those negotiations. All extra-jobs requests, even those that have nothing to do with security type duties, must receive approval from me prior to the extra-job being performed. However, if someone calls the PD wanting an officer, or officers, to work an off-duty, security type job, we inform him or her that the rate is \$40 per hour with a 2-hour minimum.

Lt. Barber is the department's designated "Off duty employment coordinator." Under state law, an individual who does not have a security license issued by the state cannot perform security company functions, except law enforcement officers (full-time). The exception is that police departments can appoint a coordinator who will perform scheduling type functions. While the coordinator can work extra-jobs, he or she may not charge for the coordinator function.

MURPHY POLICE DEPARTMENT OFF-DUTY OFFICER REQUEST FORM

Name/Type of Event: _____

Event Date(s): _____

Event Location: _____

Event Time(s): Start _____ End _____

Type of Duty: Traffic control and pedestrian safety Crowd control Security
 Routine law enforcement

Additional Information on Duties (if needed):

Number of Officers Requested: _____ Will alcohol be served:

Requestor Name: _____ Phone(s): _____

Address: _____

Initial beside each of the following guidelines acknowledging these standards for off-duty officer employment:

___ I agree to pay the amount of \$40.00 per hour (2 hour minimum) to each individual officer hired.

___ I understand that only law enforcement related duties will be performed, no “house rules” can be enforced.

___ I agree to contact the off-duty employment coordinator (listed below) within 24 hours prior to the date of the assignment in the event of cancellation.

___ I understand that failure to cancel prior to 24 hours before the event will constitute a final agreement to compensate the off-duty officer(s).

___ I agree that off-duty officers work under the authority of the Murphy Police Department and its supervisors.

___ I understand that should the detail require more than two officers that a supervisor must be present and will be compensated in the amount of \$50 per hour.

___ I understand that in a case of extreme emergency officers may be called away from the assignment.

___ I agree to contact the coordinator listed below prior to the event to confirm officers have been assigned.

Requestor Signature: _____ Date: _____

Return this form to: Murphy Police Department
Attn: Lt. Adana Barber
206 N. Murphy Road, Murphy, TX 75094
Phone: 972-468-4200
Fax: 972-468-4213

Department Approval:

Chief of Police:

Approved _____

Denied _____

Signature

Date: _____

(Alcohol Related Event Extra Job Questionnaire, GMC, 031912)

Off Duty Employment
Murphy Area

Department	Hourly Rate	Minimum Hours	Minimum Officers-Alcohol	Minimum Officers-Event	Public Facility Allows Alcohol
Fairview	\$40 per hour	4	2	Depends	Unk
Plano	\$40/\$50 Traffic or holiday	2 hours if less than 24 hour notice	Depends	1 up to 70; Depends	Yes; Officers required
Sachse	\$35	NA	Not allowed	Depends	Unk
McKinney	\$35	4	Case-by-case	Depends	Yes; Officers required and are considered on-duty
Wylie	\$35/\$40 Supvr	4	Case-by-case	Depends	Unk
Allen	\$35/\$40 Traffic	2	Will allow; minimum number not clear	Not clear	Unk
Rowlett	\$40/\$50 Traffic	Unk	Depends; case-by-case basis	Not clear	Yes; officer required

Issue

Consider and/or act upon funding the sidewalk extension from Liberty Ridge Park to Featherwood Drive in the amount of \$29,000

Staff Resource

James Fisher, City Manager

Key Focus Area

TBD by City Council upon completion of the Strategic Planning Session.

Summary

On February 21, 2012, City Council voted to extend the sidewalk along Rolling Ridge Drive from Liberty Ridge Park west to Featherwood. However, City Council did not approve the mechanism for funding this item.

Background

During the groundbreaking ceremony for Liberty Ridge Park, several residents expressed concerns regarding accessibility to the park. Their primary concern was the lack of sidewalk from Oriole to Mayfield to Featherwood to Liberty Ridge Park. The City intends to build these sidewalks with Safe Routes to Schools funds; however, these funds will not be available for at least a year.

On February 21, 2012, after multiple discussions with City Council, this item was placed on the City Council agenda for consideration and/or action. After discussion by members of City Council and staff, the item was approved. Staff then directed the contractor to proceed with the construction of the sidewalk.

However, since the approval of this project, some Councilmembers have expressed concerns regarding the funding for the sidewalk and have asked for it to be placed back on the agenda. Staff has advised the contractor to stop any work regarding this sidewalk.

Financial Considerations

On February 21, 2012, the City Council voted to approve Minute Item 8.2, a sidewalk extension from Liberty Ridge Park to Featherwood Drive and installation of landscape islands along Rolling Ridge Drive for a cost not to exceed \$29,000.

These funds can come from the City's reserve funds or the City Council can choose not to fund this item. If no funding is authorized, the sidewalk will not be constructed until Safe Routes to School Funds are released to the City.

Staff Recommendation

City staff is asking City Council to fund the \$29,000 sidewalk extension from Liberty Ridge Park to Featherwood Drive out of City Council reserve funds.

Attachments

Original Agenda Item (with Attached Quote)
City Council Meeting Minutes, 02-21-2012

Issue

Consider and/or act upon adding sidewalk extension from Liberty Ridge Park to Featherwood Drive.

Background

Wall Construction is under contract building Liberty Ridge Park. It is timely to extend the sidewalk from the park to Featherwood Drive, next major intersection. This Rolling Ridge Drive north side sidewalk is scheduled to continue west to Hunt Elementary School and east to North Murphy Road, with the Safe Routes to School Grant Project in 2013 or 2014.

Financial Considerations

The attached quote lists two options for addressing the existing berms. Option 1 is recommended by staff which is to grade the berm to the sidewalk edge and add turf grass. Option 2 included building retaining walls. The total price with option 1 is \$21,915. Funds are available for this project in the 2008 bond funds.

Staff Recommendation

Motion to add sidewalk from Liberty Ridge Park to Featherwood Drive at a cost not to exceed \$21,915.

Attachments

Quote for Sidewalk

PROPOSAL

Wall Enterprises

5425 CR 309

Cleburne, TX 76031

Phone (972)298-4800

Wallenterprisestx@msn.com

Cell (682) 556-0238

Submitted By: Dustin Wall

Proposal Date:	February 4, 2012	Proposal No.:	015-100
Project:	Liberty Ridge Park	Location:	Murphy, Texas
Description:	Install new sidewalks and ramps from the park to Featherwood ST.		
Item	Description	Quantity	Total
1	Add 3375 SF of new 4" sidewalk using 4000 PSI concrete with #3 rebar on 18" centers. 3375 SF @ \$4.68 per SF		\$15,795.00
2	Install two new ADA ramps		\$2,195.00
3	Relocate irrigation head after sidewalk is installed (I would allow a contingency of \$1,800.00 dollars should we encounter mainline, valves, or wire)		\$1,200.00
	Option 1		\$2,725.00
4	Grade all slopes to accommodate new sidewalks and resod disturbed areas. (No retaining wall)		
	Option 2		
5	Install a varying height concrete retaining wall (160 LF 6"-18" tall)		\$3,935.00
Note:		SUBTOTAL:	\$25,850.00
		SALES TAX:	\$0.00
		TOTAL:	\$25,850.00

Thank you,
Dustin Wall

MINUTES
REGULAR CITY COUNCIL MEETING
CITY OF MURPHY
206 North Murphy Road
Murphy, Texas

February 21, 2012
6:00 PM

1. CALL TO ORDER

Mayor Baldwin called the meeting to order at 6:04 p.m.

2. INVOCATION & PLEDGE OF ALLEGIANCE

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

3. ROLL CALL & CERTIFICATION OF A QUORUM

The following Councilmembers were present:

Mayor Bret Baldwin
Mayor Pro Tem John Daugherty
Deputy Mayor Pro Tem Colleen Halbert
Councilmember Dennis Richmond
Councilmember Scott Bradley
Councilmember Bernard Grant
Councilmember Dave Brandon

4. Presentation from Congressman Sam Johnson

Mayor Pro Tem John Daugherty introduced Congressman Sam Johnson who presented a plaque of gratitude to Councilmember Scott Bradley. The plaque honored the Councilmember's military service as part of the Congressional Veteran Commendation program.

5. PUBLIC COMMENTS

No public comments were submitted.

6. CONSENT ITEMS

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.

6.1. Consider and/or act upon approval of the January 3, 2012, Minutes, January 17, 2012, Minutes, and January 31, 2012, Minutes.

VOTING

Motion by: Colleen Halbert to approve the Consent Agenda, Item 6.1, as presented.

Second by: John Daugherty

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott	x			
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis	x			

7. CONTRACT APPROVAL

7.1. Consider and/or act upon approval of a change order to the Muniz Construction contract to repair 2 sanitary sewer aerial crossings and to install the PISD sanitary sewer line.

There was some discussion and clarification regarding why this project was not competitively bid, previous change orders, and the original scope of the project.

VOTING

Motion by: Colleen Halbert to approve change order 4 to the Muniz Construction project as presented to include the two aerial crossings and the PISD sewer replacement additions.

Second by: Scott Bradley

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott	x			
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis	x			

8. OTHER CONSIDERATION ITEMS

8.1. Consider and/or act upon approval to purchase historical display cabinets for City Hall.

Ms. Donna Jenkins and Lolisa Laenger, representing the Murphy Historical Commission, addressed Council and explained the type and use of the historical display cabinets. There was some discussion regarding the type and amount of items to be displayed and the various types of display cabinets that could be used.

VOTING

Motion by: Colleen Halbert to approve the purchase of display cabinets not to exceed \$5500.

Second by: John Daugherty

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott	x			
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis	x			

8.2. Consider and/or act upon adding sidewalk extension from Liberty Ridge Park to Featherwood Drive.

There was considerable discussion regarding the funding of the sidewalk extension, specifically, whether or not the funding would come from the Safe Routes to School grant; and if so, when those funds would be released.

There was also discussion on whether to use Council contingency funds, reserve funds, or bond funds. Councilmember Halbert stated she would prefer to use contingency or reserve funds and not bond funding.

There was some discussion regarding the type of landscape islands and placement.

Councilmember Halbert requested a list of unconnected sidewalks throughout the City.

VOTING

Motion by: Colleen Halbert to approve sidewalk extension from Liberty Ridge to Featherwood Drive with landscape islands not to exceed \$29,000.

Second by: John Daugherty

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott		x		
Brandon, Dave		x		
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis	x			

8.3. Consider and/or act on construction plans for Murphy Central Park and the Maxwell Creek Trail Extension Project.

Council requested to postpone this item for discussion at the Strategic Planning Session.

8.4. Consider and/or act upon approval of plans for Timbers Nature Preserve Park (Bunny Run, City Park, and ONCOR) Trail.

Council requested to postpone this item for discussion at the Strategic Planning Session.

8.5. Consider and/or act upon award of bid for the City Mowing Contract.

There was no action on this item. After Council requested additional information and contract specifics, City Manager Fisher recommended postponing this item until March and stated that staff will break out the bid in detail.

Issues raised by Council were contract specifics related to drought watering restrictions and subcontracting. Council requested to specify in the contract that there would be no subcontracting. Councilmember Richmond stated that he has not been impressed with the work done previously by the recommended company. Councilmember Halbert requested further research on previous customer service issues.

8.6. Consider and/or act upon reallocation of the 2008 bond funds.

Council requested to postpone this item for discussion at the Strategic Planning Session.

VOTING

Motion by: Colleen Halbert to postpone Items 8.3, 8.4, and 8.6 to the Strategic Planning Session on Thursday and Friday.

Second by: Scott Bradley

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott	x			
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis	x			

8.7. Consider and/or take action regarding executing a street name change for E FM544, W FM544, E Betsy Ln, and W Betsy Ln.

There was no action on this item. Council discussed the pros and cons of changing the street names. There was some support for changing Betsy Lane to Park, but it was determined that a coordinated effort between neighboring cities would make more sense. Council determined to delay further discussion indefinitely.

9. **CITY MANAGERS REPORT**
- **Feb 23-24 Council Planning Session**
 - **March 3 -MCC Grand Opening**
 - **Council Scope for Boards**
 - **Schedule Board Orientation Date**
 - **Governance/Ethics Policy Review**

In addition to the above listed items, City Manager Fisher reported on the following:

- Update on utility relocations for North Murphy Road project and signal at Glenridge
- Governance/Ethics policies will be sent out for review prior to consideration at March 6 meeting
- McCreary project will go to Council in March; 3-6 month project
- Councilmember Halbert requested to discuss the Betsy Lane construction project and 2012 scope for boards at Council Retreat

10. **EXECUTIVE SESSION**

The City Council will hold a closed Executive Session pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

The Executive Session was not held.

10.1. **551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving Michael Cantrell v. City of Murphy, et. al, Cause No. 6:09-cv-225.**

10.2. **551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving Johnny Boles v. City of Murphy, et al., Civil Action No. 4:11-cv-682.**

11. **RECONVENE INTO REGULAR SESSION**

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

11.1. **551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving Michael Cantrell v. City of Murphy, et. al, Cause No. 6:09-cv-225.**

11.2. **551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving Johnny Boles v. City of Murphy, et al., Civil Action No. 4:11-cv-682.**

12. **ADJOURNMENT**

With no further business, the meeting was adjourned at 7:47 p.m.

APPROVED BY:

Bret M. Baldwin, Mayor

ATTEST:

Aimee Nemer, City Secretary

Issue

Consider and/or take action regarding the City's Drought Contingency and Water Emergency Response Plan.

Staff Resource/Department

James Fisher, City Manager

Key Focus Area

TBD

Background/History

The City of Murphy has been under water restrictions since Stage 1 was initiated on April 19, 2011. The City Council initiated Stage 2 on August 15th and Stage 3 on November 1st. Since January 1, 2012, the Murphy area has received approximately 14.20 inches of rain compared to 3.36 inches for the same time period last year. Lake Lavon is currently one foot above capacity and the Corps of Engineers is expecting to release some water from Lake Lavon. However, NTMWD is still not allowed to draw water from Lake Texoma, which is approximately 28% of its available supply. Several cities are considering reducing their Stage level restrictions and have asked the NTMWD to do the same. The North Texas Municipal Water District Board is meeting on Thursday, March 29th to discuss easing the water restrictions for the service area.

Financial Considerations

The City has spent approximately \$4700 in printing, mailers, door hangers, signage and overtime. Also, NTMWD has asked for a 10% reduction in water usage, Murphy has not met that goal; we are actually maintaining our usage at normal levels.

Other Considerations

City Ordinance No. 11-10-897 regulates our Drought Contingency and Water Emergency Response Plan. Under this Plan, if the City Manager has declared a Stage 3 water management, then a once every two weeks watering schedule shall be in effect November 1 through March 31; from April 1st through September 30th, it is once a week on a specific day per your address. Residential addresses ending in odd numbers may water on Mondays only, residential even addresses may water on Wednesdays only and all others on Fridays only.

Action Requested

NTMWD has asked that members and customers stay in Stage 3 Enhanced (this allows watering once every two weeks). I believe our best course of action would be to allow our Ordinance to govern our actions. In other words, no action is needed by City Council. Stage 3 can remain in effect and Murphy citizens can begin watering once a week except during the hours of 10am – 6 pm.

Attachments

Ordinance No. 11-10-897 Drought Contingency and Water Emergency Response Plan

ORDINANCE NO. 11-10-897

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AMENDING 11-08-890 TO INCLUDE NOVEMBER 1 TO MARCH 31 STAGE 3 WATERING SCHEDULE; REPEALING ORDINANCE NO. 06-07-699 IN ITS ENTIRETY; REPEALING ORDINANCE NO. 06-08-703 IN ITS ENTIRETY; REPEALING ORDINANCE NO. 11-03-875 IN ITS ENTIRETY; REPEALING CHAPTER 82, ARTICLE IX., SECTIONS 82-371 THROUGH 82-377 OF THE CITY OF MURPHY CODE OF ORDINANCES IN ITS ENTIRETY; AMENDING THE CITY OF MURPHY CODE OF ORDINANCES BY AMENDING CHAPTER 82, ARTICLE IX, TO ESTABLISH A NEW DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN; ESTABLISHING MANDATORY WATERING SCHEDULE FOR STAGE 2, INCLUDING PROHIBITED WATERING HOURS; ESTABLISHING MANDATORY WATERING SCHEDULE FOR STAGE 3, INCLUDING PROHIBITED WATERING HOURS; ESTABLISHING A WATER RATE SURCHARGE FOR STAGE 4; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; ESTABLISHING PENALTIES FOR VIOLATING THE RESTRICTIONS AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; PROVIDING FOR MANDATORY PROVISIONS IN WHOLESALE WATER CONTRACTS; PROVIDING FOR FILING OF THE PLAN WITH THE TCEQ; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE/REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Murphy, Texas (the "City"), recognizes that the amount of water available to its water customers is limited; and

WHEREAS, the City recognizes that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the City cannot guarantee an uninterrupted water supply for all purposes at all times; and

WHEREAS, the Water Code and the regulations of the Texas Commission on Environmental Quality (the "Commission") require that the City adopt a Drought Contingency and Water Emergency Response Plan; and

WHEREAS, the City has determined an urgent need in the best interest of the public to adopt a Drought Contingency and Water Emergency Response Plan; and

WHEREAS, pursuant to Chapter 54 of the Local Government Code, the City is authorized to adopt such Ordinances necessary to preserve and conserve its water resources; and

WHEREAS, the City Council of the City of Murphy desires to adopt the North Texas Municipal Water District (the “NTMWD”) Model Drought Contingency and Water Emergency Response Plan as official City policy for the conservation of water.

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

SECTION 1. FINDINGS INCORPORATED.

The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

SECTION 2. AMENDMENT OF CHAPTER 82, ARTICLE IX., CODE OF ORDINANCES.

That Chapter 82, Article IX., Sections 82-371 through 82-377 of the Code of Ordinances of the City of Murphy, Texas are hereby repealed and Chapter 82, Article IX., is hereby amended to adopt a new Drought Contingency and Water Emergency Response Plan to read as follows:

“Sec. 82-371. Adoption of Plan.

The City Council hereby approves and adopts the NTMWD Model Drought Contingency and Water Emergency Response Plan, as modified for the City of Murphy (the “Plan”), attached hereto as Addendum A, as if recited verbatim herein. The City commits to implement the requirements and procedures set forth in the adopted Plan.

Sec. 82-372. Mandatory Watering Schedule for Stage 2; Prohibited Hours.

In the event the City Manager declares Stage 2, customers shall comply with the following schedule for irrigation of existing landscape areas with hose-end sprinklers or irrigation systems:

- A. Schedule:
 - a) Residential Street addresses ending in odd numbers (1,3,5,7,9) may water on Mondays and Thursdays only.
 - b) Residential Street addresses ending in even numbers (0,2,4,6,8) may water on Wednesdays and Saturdays only.
 - c) Public Schools, All Non-Residential Businesses, City and HOA entries/medians may water on Fridays and Tuesdays only.
- B. Prohibited Watering Hours. All watering is prohibited during the hours of 10:00 a.m. – 6:00 p.m.

Sec. 82-373. Mandatory Watering Schedule for Stage 3; Prohibited Hours.

In the event the City Manager declares Stage 3, all of the requirements of Stages 1 and 2 remain in effect during Stage 3, except customers shall comply with the following

schedule for irrigation of existing landscape areas with hose-end sprinklers or irrigation systems:

- A. Schedule between April 1 and October 31:
 - a) Residential Street addresses ending in odd numbers (1,3,5,7,9) may water on Mondays only.
 - b) Residential Street addresses ending in even numbers (0,2,4,6,8) may water on Wednesdays only.
 - c) Public Schools, All Non-Residential Businesses, City and HOA entries/medians may water on Fridays only.
- B. Schedule between November 1 and March 31:
 - a) Limit landscape watering with sprinklers or irrigation systems between November 1 and March 31 to once every two weeks. All water customers using sprinklers or irrigation systems may only operate those systems on Thursdays, if needed. Specific dates will be published on the city website of designated watering days for designated service zones and water customers.
- C. Prohibited Watering Hours. All watering is prohibited during the hours of 10:00 a.m. – 6:00 p.m.

Sec. 82-374. Water Rate Surcharge.

In the event the City Manager declares Stage 4, all of the requirements of Stages 2 and 3 remain in effect during Stage 4 with the same mandatory irrigation schedule listed in Stage 3 and, in addition, a customer will be charged a water rate surcharge for water usage as follows:

<u>Gallons</u>	<u>Rate</u>
0 – 15,000	1.25 times the regular rate
15,001-30,000	2 times the regular rate
30,001 – 45,000	2.5 times the regular rate
45,001 +	3 times the regular rate

The regular rate shall be established pursuant to the City’s fee ordinance on an annual basis.

Sec. 82-375. Variances to the Plan.

- (a) Customers may water new planting of grass within the first thirty (30) days up to four (4) hours a day by any means. Watering is prohibited from 10:00 a.m. to 6:00 p.m.
 - (1) Prior to the first day of the thirty (30) day watering period, residents or businesses must provide the following information to the City:
 - i. Address;
 - ii. Company name;
 - iii. Superintendent name;
 - iv. Superintendent contact number;

- v. First day of thirty (30) day watering period;
- vi. Expiration date of thirty (30) day watering period; and
- vii. Starting and ending time of watering period.

(2) Customers are required to have a weather proof sign, capable of lasting the full thirty (30) day watering period, posted in the front yard. The sign shall be separate and not attached to any other signs. In addition, a window sign shall be posted on the inside of a window, on the front of the building. The sign shall be legible from the street on neon colored paper with black print. Window signs shall include the following information:

- i. Company name;
- ii. Address;
- iii. Approved thirty (30) day watering period;
- iv. Approved day of the week, as specified in Stage 3 Restrictions;
- v. Starting date and ending date of thirty (30) day water period; and
- vi. Starting and ending time of watering period.

(b) The City Manager or his/her designee may, in writing, grant a temporary variance of existing water uses otherwise prohibited under the Plan if the City Manager or his/her designee determines that the failure to grant such a variance would cause an emergency condition adversely affecting the public health, safety or welfare, or the person requesting the variance would suffer an undue hardship and the person demonstrates that:

- (1) Compliance with the Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect; or
- (2) Alternative methods can be implemented which will achieve a similar level of compliance.

(c) Plan or a particular drought response stage has been initiated. A petition for a variance must include the following:

- (1) The name and address of petitioners;
- (2) The purpose of the intended water use;
- (3) The specific requirement of the Plan from which the petitioner is requesting relief;
- (4) A detailed statement as to how the specific requirement creates a hardship unique to the petitioner or adversely affects the petitioner, and a statement as to what damage or harm will occur to the petitioner or others if the petitioner complies with this article;
- (5) A description of the relief requested;
- (6) The period of time for which the variance is sought; and
- (7) A description of what alternative water use restrictions or other measures the petitioner is taking or proposes to take in order to meet the intent of this Plan.

- (d) Unless waived or modified in writing by the City Manager or his/her designee, a variance granted under this section shall include a timetable for compliance and shall contain a condition terminating the variance if the petitioner fails to meet a specified requirement of the variance.
- (e) A variance expires when a particular Drought Response Stage is no longer in effect. No variance will be retroactive or otherwise justify any violation of this Plan that occurs prior to the issuance of the variance.

Sec. 82-376. Penalty; Enforcement of Restrictions.

(a) Any customer, defined pursuant to 30 Tex. Admin. Code Chapter 291, failing to comply with the provisions of the Plan and/or this ordinance shall be subject to a fine of up to two thousand dollars (\$2,000.00) and/or discontinuance of water service by the City. Proof of a culpable mental state is not required for a conviction of an offense under this section. Each day a customer fails to comply with the Plan is a separate violation. The City's authority to seek injunctive or other civil relief available under the law is not limited by this section.

(b) Each day that one or more of the provisions in the Plan and/or this ordinance are violated shall constitute a separate offense. If a customer is convicted of three (3) or more distinct violations of the Plan and/or this ordinance, the City Manager or his/her designee shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$50, and any other costs incurred by the City in discontinuing service. In addition, suitable assurance must be given to the City Manager or his/her designee that the same action shall not be repeated while the Plan and/or this ordinance is in effect. Compliance with this Plan and/or this ordinance may also be sought through injunctive relief in the district court.

(c) Any person, including a person classified as a customer of the City, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of the Plan and that the parent could not have reasonably known of the violation.

(d) Any employee of the city, police officer, or other employee designated by the City Manager, may issue a citation to a person he/she reasonably believes to be in violation of the Plan and/or this ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for

which the date shall not be less than three (3) days nor more than five (5) days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over eighteen (18) years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of the Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

Sec. 82-377. Mandatory Provisions in Wholesale Water Contracts.

All wholesale water contracts entered into or renewed after adoption of the Plan and/or this ordinance, including contract extensions, shall include a provision that requires all wholesale water customers of the City to comply with the provisions of the Plan and/or this ordinance."

SECTION 3. Filing of Plan.

The City Manager or his designee is hereby directed to file a copy of the Plan and this Ordinance with the Commission in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

SECTION 4. Severability Clause.

If any word, section, article, phrase, paragraph, sentence, clause or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect, for any reason, the validity of the remaining portions of this ordinance and the remaining portions shall remain in full force and effect.

SECTION 5. Cumulative/Repealer Clause.

This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Murphy, Texas, including the Plan attached hereto as Addendum A, whether codified or uncodified, 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. Notwithstanding the foregoing, this ordinance repeals, in their entirety, Ordinance Nos. 06-07-699, 06-08-703 and 11-03-875.

SECTION 6. Savings Clause.

All rights and remedies of the City of Murphy, Texas, are expressly saved as to any and all violations of the provisions of this ordinance or any other ordinance which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or

not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7. Effective Date.

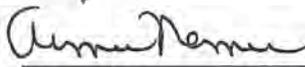
This ordinance shall become effective immediately upon its passage and publication as required by law.

DULY PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this the 18th day of October, 2011.



Bret M. Baldwin, Mayor
City of Murphy

ATTEST:



Aimee Nemer, City Secretary
City of Murphy



APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney

ADDENDUM A

**City of Murphy
Drought Contingency and
Water Emergency Response Plan
AS A North Texas Municipal Water District Customer**

**City of Murphy
Drought Contingency and
Water Emergency Response Plan
AS A North Texas Municipal Water District Customer**

1. INTRODUCTION AND OBJECTIVES

This plan addresses all of the current TCEQ requirements for a drought contingency plan.

The measures included in this drought contingency and water emergency response plan are intended to provide short-term water savings during drought or emergency conditions. Water savings associated with ongoing, long-term strategies are discussed in the *Model Water Conservation Plan for North Texas Municipal Water District Member Cities and Customers*.²

The purpose of this drought contingency and water emergency response plan is as follows:

- To conserve the available water supply in times of drought and emergency
- To maintain supplies for domestic water use, sanitation, and fire protection
- To protect and preserve public health, welfare, and safety
- To minimize the adverse impacts of water supply shortages
- To minimize the adverse impacts of emergency water supply conditions.

The NTMWD supplies treated water to its Customers. This plan was developed by NTMWD in consultation with its Member Cities. In order to adopt this plan, each NTMWD Customer will need to adopt ordinance(s) or regulation(s) implementing the plan, including the determination of fines and enforcement procedures. The plan calls for Customers to adopt drought stages initiated by NTMWD during a drought or water supply emergency. NTMWD Customers may also adopt more stringent drought or water emergency response stages than NTMWD if conditions warrant.

A drought is defined as an extended period of time when an area receives insufficient amounts of rainfall to replenish the water supply, causing water supply sources, in this case reservoirs, to be depleted. In the absence of drought response measures, water demands tend to increase during a drought due to the need for additional outdoor irrigation. The severity of a drought depends on the degree of depletion of supplies and on the relationship of demand to available supplies. The NTMWD considers a drought to end when all of its supply reservoirs refill to the conservation storage pool.

2. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES

The TCEQ rules governing development of drought contingency plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 of the

Texas Administrative Code, a current copy of which is included in Appendix B. For the purpose of these rules, a drought contingency plan is defined as “a strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies.”¹

Minimum Requirements

TCEQ’s minimum requirements for drought contingency plans are addressed in the following subsections of this report:

- 288.20(a)(1)(A) – Provisions to Inform the Public and Provide Opportunity for Public Input – Section 3.1
- 288.20(a)(1)(B) – Provisions for Continuing Public Education and Information – Section 3.2
- 288.20(a)(1)(C) – Coordination with the Regional Water Planning Group – Section 3.7
- 288.20(a)(1)(D) – Criteria for Initiation and Termination of Drought Stages – Section 3.3
- 288.20(a)(1)(E) – Drought and Emergency Response Stages – Section 3.4
- 288.20(a)(1)(F) – Specific, Quantified Targets for Water Use Reductions – Section 3.4
- 288.20(a)(1)(G) – Water Supply and Demand Management Measures for Each Stage – Section 3.4
- 288.20(a)(1)(H) – Procedures for Initiation and Termination of Drought Stages – Section 3.3
- 288.20(a)(1)(I) - Procedures for Granting Variances – Section 3.5
- 288.20(a)(1)(J) - Procedures for Enforcement of Mandatory Restrictions – Section 3.6
- 288.20(a)(3) – Consultation with Wholesale Supplier – Sections 1, 3.3, and 3.4
- 288.20(b) – Notification of Implementation of Mandatory Measures – Section 3.3
- 288.20(c)– Review and Update of Plan – Section 3.8

3. DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN

3.1 Provisions to Inform the Public and Opportunity for Public Input

City of Murphy will provide opportunity for public input in the development of this drought contingency and water emergency response plan by the following means:

- Providing written notice of the proposed plan and the opportunity to comment on the plan by newspaper, posted notice, and notice on the City’s web site.
- Making the draft plan available on the City’s web site.
- Providing the draft plan to anyone requesting a copy.
- Holding a public meeting.

3.2 Provisions for Continuing Public Education and Information

City of Murphy will inform and educate the public about the drought contingency and water emergency response plan by the following means:

- Preparing a bulletin describing the plan and making it available at city hall and other appropriate locations.
- Making the plan available to the public through the City's web site.
- Including information about the drought contingency and water emergency response plan on the City's web site.
- Notifying local organizations, schools, and civic groups that staff are available to make presentations on the drought contingency and water emergency response plan (usually in conjunction with presentations on water conservation programs).

At any time that the drought contingency and water emergency response plan is activated or the drought stage or water emergency response stage changes, City of Murphy will notify local media of the issues, the drought response stage or water emergency response stage (if applicable), and the specific actions required of the public. The information will also be publicized on the City's web site. Billing inserts will also be used as appropriate.

3.3 Initiation and Termination of Drought or Water Emergency Response Stages

Initiation of a Drought or Water Emergency Response Stage

The City Manager, or official designee may order the implementation of a drought or water emergency response stage when one or more of the trigger conditions for that stage is met. The following actions will be taken when a drought or water emergency response stage is initiated:

- The public will be notified through local media and the City's web site as described in Section 3.2.
- The NTMWD will be notified by e-mail with a follow-up letter or fax that provides details of the reasons for initiation of the drought/water emergency response stage.
- If any mandatory provisions of the drought contingency and water emergency response plan are activated, City of Murphy will notify the Executive Director of the TCEQ and the Executive Director of the NTMWD within 5 business days.

Drought contingency and water emergency response stages imposed by NTMWD action must be initiated by Member Cities and Customers. For other trigger conditions internal to City of Murphy, the City Manager, or official designee may decide not to order the implementation of a drought response stage or water emergency even though one or more of the trigger criteria for the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs. The reason for this decision should be documented.

Termination of a Drought or Water Emergency Response Stage

The City Manager or official designee may order the termination of a drought or water emergency response stage when the conditions for termination are met or at their discretion. The following actions will be taken when a drought or emergency response stage is terminated:

- The public will be notified through local media and the City's web site as described in Section 3.2.

- The NTMWD will be notified by e-mail with a follow-up letter or fax. If any mandatory provisions of the drought contingency and water emergency response plan that have been activated are terminated, City of Murphy will notify the Executive Director of the TCEQ and the Executive Director of the NTMWD within 5 business days. The City Manager or official designee may decide not to order the termination of a drought or water emergency response stage even though the conditions for termination of the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the drought stage. The reason for this decision should be documented.

3.4 DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE STAGES AND MEASURES

STAGE 1

Initiation and Termination Conditions for Stage 1

- The NTMWD has initiated Stage 1, which may be initiated due to one or more of the following:
 - The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 1.
 - Water demand is projected to approach the limit of the permitted supply.
 - The storage in Lavon Lake is less than 65 percent of the total conservation pool capacity.
 - NTMWD's storage in Jim Chapman Lake is less than 65 percent of NTMWD's total conservation pool capacity.
 - The Sabine River Authority has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a Mild drought.
 - NTMWD has concern that Lake Texoma, the East Fork Raw Water Supply Project, or some other NTMWD source may be limited in availability in the next 6 months.
 - NTMWD water demand exceeds 90 percent of the amount that can be delivered to customers for three consecutive days.
 - Water demand for all or part of NTMWD's delivery system approaches delivery capacity because delivery capacity is inadequate.
 - NTMWD's supply source becomes contaminated.
 - NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
- City's water demand exceeds 90 percent of the amount that can be delivered to customers for three consecutive days.
- City's water demand for all or part of the delivery system approaches delivery capacity because delivery capacity is inadequate.
- Supply source becomes contaminated.
- City's water supply system is unable to deliver water due to the failure or damage of major water system components.
- City's individual plan may be implemented if other criteria dictate.

Stage 1 may terminate when NTMWD terminates its Stage 1 condition or when the circumstances that caused the initiation of Stage 1 no longer prevail.

Goal for Use Reduction and Actions Available under Stage 1

Stage 1 is intended to raise public awareness of potential drought or water emergency problems. The goal for water use reduction under Stage 1 is a two percent reduction in the amount of water produced by NTMWD. The City Manager or official designee may order the implementation of any of the actions listed below, as deemed necessary:

- Request voluntary reductions in water use by the public.
- Increase public education efforts on ways to reduce water use.
- Review the problems that caused the initiation of Stage 1.
- Intensify efforts on leak detection and repair.
- Reduce non-essential city government water use. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.)
- Notify major water users and work with them to achieve voluntary water use reductions.
- Reduce city government water use for landscape irrigation.
- Ask the public to follow voluntary landscape watering schedules.

STAGE 2

Initiation and Termination Conditions for Stage 2

- The NTMWD has initiated Stage 2, which may be initiated due to one or more of the following:
 - The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 2.
 - Water demand is projected to approach the limit of the permitted supply.
 - The storage in Lavon Lake is less than 55 percent of the total conservation pool capacity.
 - NTMWD's storage in Jim Chapman Lake is less than 55 percent of NTMWD's total conservation pool capacity.
 - The Sabine River Authority has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a Mild drought.
 - NTMWD has concern that Lake Texoma, the East Fork Raw Water Supply Project, or some other NTMWD source may be limited in availability in the next 3 months.
 - NTMWD water demand exceeds 95 percent of the amount that can be delivered to customers for three consecutive days.
 - NTMWD water demand for all or part of the delivery system equals delivery capacity because delivery capacity is inadequate.
 - NTMWD's supply source becomes contaminated.
 - NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
- City's water demand exceeds 95 percent of the amount that can be delivered to customers for three consecutive days.

- City's water demand for all or part of the delivery system equals delivery capacity because delivery capacity is inadequate.
- Supply source becomes contaminated.
- City's water supply system is unable to deliver water due to the failure or damage of major water system components.
- City's individual plan may be implemented if other criteria dictate.

Stage 2 may terminate when NTMWD terminates its Stage 2 condition or when the circumstances that caused the initiation of Stage 2 no longer prevail.

Goal for Use Reduction and Actions Available under Stage 2

The goal for water use reduction under Stage 2 is a five percent reduction in the amount of water produced by NTMWD. If circumstances warrant or if required by NTMWD, the City Manager, or official designee can set a goal for greater water use reduction. The City Manager, or official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as "requires notification to TCEQ" impose mandatory requirements on customers. The City must notify TCEQ and NTMWD within five business days if these measures are implemented:

- Continue or initiate any actions available under Stage 1.
- Initiate engineering studies to evaluate alternatives should conditions worsen.
- Further accelerate public education efforts on ways to reduce water use.
- Halt non-essential city government water use. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.)
- Encourage the public to wait until the current drought or emergency situation has passed before establishing new landscaping.
- **Requires Notification to TCEQ** – Limit landscape watering with sprinklers or irrigation systems to no more than two days per week. An exception is allowed for landscape associated with new construction that may be watered as necessary for 30 days from the date of the certificate of occupancy. An exemption is also allowed for registered and properly functioning ET/Smart irrigation systems and drip irrigation systems, which do not have restrictions to the number of days per week of operation.
- **Requires Notification to TCEQ** – Restrict landscape and lawn irrigation from 10 AM to 6 PM beginning April 1 through October 31 of each year.
- **Requires Notification to TCEQ** – Prohibit planting of cool season grasses (such as rye grass or other similar grasses) that intensify cool season water requirements.

STAGE 3

Initiation and Termination Conditions for Stage 3

- The NTMWD has initiated Stage 3, which may be initiated due to one or more of the following:
 - The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 3.
 - Water demand is projected to approach or exceed the limit of the permitted supply.
 - The storage in Lavon Lake is less than 45 percent of the total conservation pool capacity.

- NTMWD's storage in Jim Chapman Lake is less than 45 percent of NTMWD's total conservation pool capacity.
- The Sabine River Authority has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a Moderate drought. (Measures required by SRA under a Moderate drought designation are similar to those under NTMWD's Stage 3.)
- The supply from Lake Texoma, the East Fork Raw Water Supply Project, or some other NTMWD source has become limited in availability.
- NTMWD water demand exceeds 98 percent of the amount that can be delivered to customers for three consecutive days.
- NTMWD water demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.
- NTMWD's supply source becomes contaminated.
- NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
- City's water demand exceeds 98 percent of the amount that can be delivered to customers for three consecutive days.
- City's water demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.
- Supply source becomes contaminated.
- City's water supply system is unable to deliver water due to the failure or damage of major water system components.
- City's individual plan may be implemented if other criteria dictate.

Stage 3 may terminate when NTMWD terminates its Stage 3 condition or when the circumstances that caused the initiation of Stage 3 no longer prevail.

Goals for Use Reduction and Actions Available under Stage 3

The goal for water use reduction under Stage 3 is a reduction of ten percent in the amount of water obtained from NTMWD. If circumstances warrant or if required by NTMWD, the City Manager, or official designee can set a goal for a greater water use reduction.

The City Manager or official designee must implement any action(s) required by NTMWD. In addition, the City Manager, or official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as "requires notification to TCEQ" impose mandatory requirements on customers. The City must notify TCEQ and NTMWD within five business days if these measures are implemented:

- Continue or initiate any actions available under Stages 1 and 2.
- Implement viable alternative water supply strategies.
- **Requires Notification to TCEQ** – Initiate mandatory water use restrictions as follows:
 - Prohibit hosing of paved areas, buildings, or windows. (Pressure washing of impervious surfaces is allowed.)
 - Prohibit operation of all ornamental fountains or other amenity impoundments to the extent they use treated water.
 - Prohibit washing or rinsing of vehicles by hose except with a hose end cutoff nozzle.
 - Prohibit using water in such a manner as to allow runoff or other waste.

- **Requires Notification to TCEQ** – Limit landscape watering with sprinklers or irrigation systems at each service address to once every seven days. Exceptions are as follows:
 - Foundations, new landscaping, new plantings (first year) of shrubs, and trees may be watered for up to 2 hours on any day by a hand-held hose, a soaker hose, or a dedicated zone using a drip irrigation system.
 - Golf courses may water greens and tee boxes without restrictions.
 - Public athletic fields used for competition may be watered twice per week.
 - Locations using other sources of water supply for irrigation may irrigate without restrictions.
 - Registered and properly functioning ET/Smart irrigation systems and drip irrigation systems may irrigate without restrictions.
- **Requires Notification to TCEQ** – Limit landscape watering with sprinklers or irrigation systems between November 1 and March 31 to once every two weeks. An exception is allowed for landscape associated with new construction that may be watered as necessary for 30 days from the date of the certificate of occupancy, temporary certificate of occupancy, or certificate of completion.
- **Requires Notification to TCEQ** – Prohibit hydroseeding, hydromulching, and sprigging.
- **Requires Notification to TCEQ** – Existing swimming pools may not be drained and refilled (except to replace normal water loss).
- **Requires Notification to TCEQ** - Initiate a rate surcharge as requested by NTMWD.
- **Requires Notification to TCEQ** - Initiate a rate surcharge for all water use over a certain level.
- **Requires Notification to TCEQ** – Prohibit watering of golf courses using treated water, except as needed to keep greens and tee boxes alive.

STAGE 4

Initiation and Termination Conditions for Stage 4

- The NTMWD has initiated Stage 4, which may be initiated due to one or more of the following:
 - The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 4.
 - Water demand is projected to approach or exceed the limit of the permitted supply.
 - The storage in Lavon Lake is less than 35 percent of the total conservation pool capacity.
 - NTMWD's storage in Jim Chapman Lake is less than 35 percent of NTMWD's total conservation pool capacity.
 - The Sabine River Authority has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a severe drought or emergency.
 - The supply from Lake Texoma, the East Fork Raw Water Supply Project, or some other NTMWD source has become severely limited in availability.

- NTMWD water demand exceeds the amount that can be delivered to customers.
- NTMWD water demand for all or part of the delivery system seriously exceeds delivery capacity because the delivery capacity is inadequate.
- NTMWD's supply source becomes contaminated.
- NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
- City's water demand exceeds the amount that can be delivered to customers.
- City's water demand for all or part of the delivery system seriously exceeds delivery capacity because the delivery capacity is inadequate.
- Supply source becomes contaminated.
- City's water supply system is unable to deliver water due to the failure or damage of major water system components.
- City's individual plan may be implemented if other criteria dictate.

Stage 4 may terminate when NTMWD terminates its Stage 4 condition or when the circumstances that caused the initiation of Stage 4 no longer prevail.

Goals for Use Reduction and Actions Available under Stage 4

The goal for water use reduction under Stage 4 is a reduction of whatever amount is necessary in the amount of water obtained from NTMWD. If circumstances warrant or if required by NTMWD, the City Manager, or official designee can set a goal for a greater water use reduction.

The City Manager or official designee must implement any action(s) required by NTMWD. In addition, the City Manager, or official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as "requires notification to TCEQ" impose mandatory requirements on member cities and customers. The City must notify TCEQ and NTMWD within five business days if these measures are implemented.

- Continue or initiate any actions available under Stages 1, 2, and 3.
- Implement viable alternative water supply strategies.
- **Requires Notification to TCEQ** – Prohibit the irrigation of new landscaping using treated water.
- **Requires Notification to TCEQ** – Prohibit washing of vehicles except as necessary for health, sanitation, or safety reasons.
- **Requires Notification to TCEQ** – Prohibit commercial and residential landscape watering, except that foundations and trees may be watered for 2 hours on any day with a hand-held hose, a soaker hose, or a dedicated zone using a drip irrigation system. ET/Smart controllers and drip irrigation systems are not exempt from this requirement..
- **Requires Notification to TCEQ** – Prohibit golf course watering with treated water except for greens and tee boxes.
- **Requires Notification to TCEQ** – Prohibit the permitting of private pools. Pools already permitted may be completed and filled with water. Existing private and public pools may add water to maintain pool levels but may not be drained and refilled.
- **Requires Notification to TCEQ** – Require all commercial water users to reduce water use by a percentage established by the City Manager, or official designee.

- **Requires Notification to TCEQ** - Initiate a rate surcharge for all water use over normal rates for all water use.

3.5 Procedures for Granting Variances to the Plan

The City Manager or official designee may grant temporary variances for existing water uses otherwise prohibited under this drought contingency and water emergency response plan if one or more of the following conditions are met:

- Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance.
- Compliance with this plan cannot be accomplished due to technical or other limitations.
- Alternative methods that achieve the same level of reduction in water use can be implemented.

Variances shall be granted or denied at the discretion of the City Manager or official designee. All petitions for variances should be in writing and should include the following information:

- Name and address of the petitioners
- Purpose of water use
- Specific provisions from which relief is requested
- Detailed statement of the adverse effect of the provision from which relief is requested
- Description of the relief requested
- Period of time for which the variance is sought
- Alternative measures that will be taken to reduce water use
- Other pertinent information.

3.6 Procedures for Enforcing Mandatory Water Use Restrictions

Mandatory water use restrictions may be imposed in Stage 2, Stage 3 and Stage 4 drought contingency and water emergency response stages. The penalties associated with the mandatory water use restrictions will be determined by City Ordinance.

3.7 Coordination with the Regional Water Planning Group and NTMWD

The City will send a draft of its ordinance(s) or other regulation(s) implementing this plan to NTMWD for their review and comment. The City will also send the final ordinance(s) or other regulation(s) to NTMWD.

3.8 Review and Update of Drought Contingency and Water Emergency Response Plan

As required by TCEQ rules, the City of Murphy must review the drought contingency and water emergency response plan every five (5) years. The plan will be updated as appropriate based on new or updated information.

APPENDIX A
LIST OF REFERENCES

APPENDIX A LIST OF REFERENCES

- (1) Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter B, Rule 288.20, downloaded from <http://www.tnrcc.state.tx.us/oprd/rules/pdflib/288a.pdf>, July 2007.
- (2) Freese and Nichols, Inc.: North Texas Municipal Water District Water Conservation and Drought Contingency and Water Emergency Response Plan, prepared for the North Texas Municipal Water District, Fort Worth, March 2008.

The following conservation and drought contingency plans and related documents were reviewed in the development of this plan. References marked with a * were used heavily in the development of this plan.

- (3) City of Austin Water Conservation Division: "City of Austin Water Drought Contingency Plan, Developed to Meet Senate Bill 1 Regulatory Requirements," Austin, August 1999.
- (4) City of Austin Water Conservation Division: "City of Austin Water Conservation Plan, Developed to Meet Senate Bill 1 Regulatory Requirements," Austin, August 1999.
- (5) Upper Trinity Regional Water District: "Water Conservation Plan and Emergency Water Demand Management Plan," adopted by the Board of Directors, Lewisville, August 5, 1999.
- (6) Upper Trinity Regional Water District: "Water Conservation Plan and Emergency Water Demand Management Plan (2002 Amended)," adopted by the Board of Directors, Lewisville, February 2002.
- (7) *City of Dallas Water Utilities Department: "City of Dallas Water Management Plan," adopted by the City Council, Dallas, September 1999.
- (8) Updates to City of Dallas Water Management Plan found at <http://www.dallascityhall.com> in September 2003.
- (9) *City of Dallas Water Utilities Department: "City of Dallas Water Conservation Plan," adopted by the City Council, Dallas, September 1999.
- (10) *City of Fort Worth: "Water Conservation plan for the City of Fort Worth," Fort Worth, August 1999.
- (11) Updates to the City of Fort Worth water conservation plan found at <http://ci.fort-worth.tx.us> in September 2003.
- (12) *City of Fort Worth: "Emergency Water Management Plan for the City of Fort Worth," Fort Worth, August 19, 2003.
- (13) HDR Engineering, Inc.: "Water Conservation and Emergency Demand Management Plan," prepared for the Tarrant Regional Water District, Austin, February 2000.
- (14) Freese and Nichols, Inc.: "Water Conservation and Drought Contingency Plan," prepared for Brown County Water Improvement District No. 1, Fort Worth, August 1999.
- (15) Freese and Nichols, Inc.: "Water Conservation and Drought Contingency Plan," prepared for the Sabine River Authority of Texas, Fort Worth, September 1994.
- (16) HDR Engineering, Inc.: "Water Conservation and Emergency Demand Management Plan," prepared for the Tarrant Regional Water District, Austin, June 1998.
- (17) HDR Engineering, Inc.: "Water Conservation Plan for the City of Corpus Christi," adopted by the City of Corpus Christi City Council, August 24, 1999.
- (18) City of Houston's water conservation plan downloaded September 2003 from <http://www.cityofhouston.gov>
- (19) City of Houston: "Ordinance N. 2001-753, Amending Chapter 47 of the Code of Ordinances Relating to Water Emergencies," Houston, August 2001.
- (20) City of Houston: "Ordinance No. 98-764, Relating to Water Conservation," Houston, September 1998.

- (21) City of Houston: "Water Conservation Plan," 1998.
- (22) City of Houston: "Water Emergency Response Plan," Houston, July 15, 1998.
- (23) City of Lubbock: "Water Conservation Plan," ordinance number 10177 adopted by the City Council in August 1999.
- (24) City of El Paso Water Conservation Ordinance downloaded August 14, 2003 from <http://www.epwu.org/ordinance.html>
- (25) San Antonio Water System: "Water Conservation and Reuse Plan," San Antonio, November 1998 with June 2002 updates.
- (26) North Texas Municipal Water District: "District Policy No. 24 Water Conservation Plan Containing Drought Contingency Plan," adopted August 1999.
- (27) GDS Associates, Inc.: "Water Conservation Study," prepared for the Texas Water Development Board, Fort Worth, 2002.
- (28) A & N Technical Services, Inc.: "BMP Costs & Savings Study: A Guide to Data and Methods for Cost-Effectiveness Analysis of Urban Water Conservation Best Management Practices," prepared for The California Urban Water Conservation Council, Santa Monica, California, July 2000.
- (29)*City of Dallas: "City of Dallas Ordinances, Chapter 49, Section 21.1," Dallas, October 1, 2001.

APPENDIX B

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES ON
DROUGHT CONTINGENCY PLANS**

APPENDIX B
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES ON
DROUGHT CONTINGENCY PLANS

Texas Administrative Code

<u>TITLE 30</u>	ENVIRONMENTAL QUALITY
<u>PART 1</u>	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
<u>CHAPTER 288</u>	WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS
<u>SUBCHAPTER B</u>	DROUGHT CONTINGENCY PLANS
RULE §288.20	Drought Contingency Plans for Municipal Uses by Public Water Suppliers

-
- (a) A drought contingency plan for a retail public water supplier, where applicable, must include the following minimum elements.
- (1) Minimum requirements. Drought contingency plans must include the following minimum elements.
- (A) Preparation of the plan shall include provisions to actively inform the public and affirmatively provide opportunity for public input. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.
- (B) Provisions shall be made for a program of continuing public education and information regarding the drought contingency plan.
- (C) The drought contingency plan must document coordination with the regional water planning groups for the service area of the retail public water supplier to ensure consistency with the appropriate approved regional water plans.
- (D) The drought contingency plan must include a description of the information to be monitored by the water supplier, and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.
- (E) The drought contingency plan must include drought or emergency response stages providing for the implementation of measures in response to at least the following situations:
- (i) reduction in available water supply up to a repeat of the drought of record;
 - (ii) water production or distribution system limitations;
 - (iii) supply source contamination; or
 - (iv) system outage due to the failure or damage of major water system components (e.g., pumps).

- (F) The drought contingency plan must include the specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.
 - (G) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:
 - (i) curtailment of non-essential water uses; and
 - (ii) utilization of alternative water sources and/or alternative delivery mechanisms with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).
 - (H) The drought contingency plan must include the procedures to be followed for the initiation or termination of each drought response stage, including procedures for notification of the public.
 - (I) The drought contingency plan must include procedures for granting variances to the plan.
 - (J) The drought contingency plan must include procedures for the enforcement of any mandatory water use restrictions, including specification of penalties (e.g., fines, water rate surcharges, discontinuation of service) for violations of such restrictions.
- (2) Privately-owned water utilities. Privately-owned water utilities shall prepare a drought contingency plan in accordance with this section and incorporate such plan into their tariff.
- (3) Wholesale water customers. Any water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency plan appropriate provisions for responding to reductions in that water supply.
- (b) A wholesale or retail water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.
- (c) The retail public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as the adoption or revision of the regional water plan.

Source Note: The provisions of this §288.20 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384.

APPENDIX C

**LETTERS TO REGION C AND REGION D
WATER PLANNING GROUPS**

Sample letter to

Date

Region C Water Planning Group
c/o North Texas Municipal Water District
P.O. Box 2408
Wylie, TX 75098

Dear Sir:

Enclosed please find a copy of the updated Drought Contingency and Water Emergency Response Plan for City of Murphy of the North Texas Municipal Water District. I am submitting a copy of this plan to the Region C Water Planning Group in accordance with the Texas Water Development Board and Texas Commission on Environmental Quality rules. The Board of the North Texas Municipal Water District adopted the updated model plan on March 2008.

Sincerely,

James Fisher, City Manager
City of Murphy

Sample letter by NTMWD

Date

Mr. Jim Thompson
Chair, Region D Water Planning Group
P.O. Box 1107
Atlanta, TX 75551

Dear Mr. Thompson:

Enclosed please find a copy of the recently updated Drought Contingency and Water Emergency Response Plan for City of Murphy of the North Texas Municipal Water District. I am submitting a copy of this plan to the Region C Water Planning Group in accordance with the Texas Water Development Board and Texas Commission on Environmental Quality rules. The Board of the North Texas Municipal Water District adopted the updated model plan on -----date.

Sincerely,

James M. Parks, Executive Director
North Texas Municipal Water District

APPENDIX D
ORDINANCE ADOPTING DROUGHT CONTINGENCY
AND WATER EMERGENCY RESPONSE PLAN