

MURPHY CITY COUNCIL AGENDA  
REGULAR CITY COUNCIL MEETING  
SEPTEMBER 4, 2012 AT 6:00 P.M.  
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 September 4, 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.

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

Bret Baldwin  
Mayor

ROLL CALL & CERTIFICATION OF A QUORUM

John Daugherty  
Mayor Pro Tem

PUBLIC COMMENTS

Colleen Halbert  
Deputy Mayor Pro Tem

PRESENTATION ITEMS

- Explorers Recognition
- Fire Prevention Poster Finalist Recognition
- Proclamation – Keep America Beautiful 1<sup>st</sup> National Planting Day

Dennis Richmond  
Councilmember

CONSENT AGENDA

Scott Bradley  
Councilmember

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.

Bernard Grant  
Councilmember

Dave Brandon  
Councilmember

1. Consider and/or act upon the approval of the minutes from the Special City Council meeting of August 21, 2012.
2. Consider and/or act upon approval of an ordinance amending the Code of Ordinances correcting the designated school zones and times.

PUBLIC HEARINGS

1. Hold the second public hearing on the proposed tax rate of \$0.5700 per \$100 valuation.
2. Hold the second public hearing on the proposed fiscal year 2012-2013 City of Murphy Annual Budget.
3. Hold a public hearing and take action on the application of ALLEN AND LOUCKS VENTURE, L.P. requesting approval of an SUP (Specific Use Permit) to allow a Drive-through window for a Del Taco on property zoned PD (Planned Development) District No. 09-02-784 for Retail Uses on property located at 102 N. Murphy Road, NE corner of FM 544. (ZF 2012-02)

James Fisher  
City Manager

INDIVIDUAL CONSIDERATION

1. Consider and/or act on the application of **ALLEN AND LOUCKS VENTURE, L.P.** requesting approval of a site plan for a Del Taco on property zoned PD (Planned Development) District No. 09-02-784 for Retail Uses on property located at 102 N. Murphy Road, NE corner of FM 544. **(ZF 2012-02)**
2. Consider and/or act on approving the proposed Rules and Procedures of the Ethics Review Commission.
3. Consider and/or act on recommendations, requests and notifications of the Ethics Review Commission.
4. Consider and/or act upon approval of status report and professional services for Timbers Nature Preserve Park project FEMA and Section 404 permits.
5. Consider and/or act upon recommendations from Parks and Recreation Board regarding Murphy Central Park and PSA Murphy Project.

CITY MANAGER/STAFF REPORTS

- September 18 – Regular Meeting, Adoption of the FY 2013 Annual Budget and Tax Rate
- Board Scope and Description
- TML Annual Conference, November 13-16, Gaylord Texan Conference Center
- Murphy Maize Days and 3<sup>rd</sup> Annual 5K/Fun Run, September 29
- North Murphy Road
- DRAFT Lease Agreement with PSA (Plano Sports Authority) regarding PSA Murphy Center.

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:

§ 551.074 PERSONNEL MATTERS - to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee – City Secretary.

§551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation involving George Parker and Parker Tree Services.

§ 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.

§ 551.072 DELIBERATION REGARDING REAL PROPERTY – to deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

§ 551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving Susan Kinder-Alessio v. Sarah Helms-Asmore, Aaron McCarty, Snow Robertson, G.M. Cox, & City of Murphy, Civil Action No. 4:12-CV-000493-RC-ALM

RECONVENE INTO REGULAR SESSION

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

§ 551.074 PERSONNEL MATTERS - to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee – City Secretary.

§551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation involving George Parker and Parker Tree Services.

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§ 551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving Susan Kinder-Alessio v. Sarah Helms-Asmore, Aaron McCarty, Snow Robertson, G.M. Cox, & City of Murphy, Civil Action No. 4:12-CV-000493-RC-ALM

ADJOURNMENT

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, TX 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on August 31, 2012 by 5:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.

Nancy Meadows, Interim City Secretary

In compliance with the American with Disabilities Act, the City of Murphy will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the Acting City Secretary at 972.468.4006 or [kroberts@murphytx.org](mailto:kroberts@murphytx.org)

# *Proclamation*

*City of Murphy, Texas*

**WHEREAS**, the City of Murphy was selected among the first 100 communities in the United States to participate in the first Keep America Beautiful National Planting Day celebration; and

**WHEREAS**, the City Council finds that planting a tree within 50 feet of a residence can increase its value by 9% and that houses within 1/4 mile of a park average 10% higher value; and

**WHEREAS**, the City Council agrees that treescaped business districts average 12% higher revenue than treeless areas, and consumer responses to green retail and business locations are consistently positive, and “views of green” have even been shown to improve employee satisfaction and productivity for area businesses; and

**WHEREAS**, the City Council agrees that beautification projects bring neighbors together, building pride, cohesion and connection; and

**WHEREAS**, the City Council agrees that green public spaces encourage exercise, while local gardens promote healthy eating habits and better nutrition, and access to public greenspaces has been shown to lower heart rates and reduce stress; and

**WHEREAS**, the City Council agrees that treescaped and landscaped areas reduce soil erosion, and decreases stormwater runoff; and

**WHEREAS**, the City Council urges all citizens to support efforts to add native plant materials to their landscape, their neighborhood, and/or public areas.

**NOW, THEREFORE**, I, Bret Baldwin, Mayor of the City of Murphy, Texas, do hereby proclaim September 8, 2012 National Planting Day on behalf of Keep America Beautiful and Keep Murphy Beautiful, and will urge all citizens to celebrate by planting native trees and landscape

in Murphy, Texas. Proclaimed this 4th day of September, 2012.

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*Bret M. Baldwin, Mayor  
City of Murphy*

MINUTES  
SPECIAL CITY COUNCIL MEETING  
COMMUNITY ROOM – CITY HALL, FIRST FLOOR  
AUGUST 21, 2012 AT 6:00 P.M.  
206 NORTH MURPHY ROAD  
MURPHY, TEXAS 75094



CALL TO ORDER

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

ROLL CALL & CERTIFICATION OF A QUORUM

Kristen Roberts certified a quorum with the following Councilmembers present:

Mayor Brent Baldwin  
Mayor Pro Tem John Daugherty  
Deputy Mayor Pro Tem Colleen Halbert arrived at 6:03 p.m.  
Councilmember Dennis Richmond  
Councilmember Scott Bradley arrived at 6:05 p.m.  
Councilmember Bernard Grant  
Councilmember Dave Brandon

Bret Baldwin  
Mayor

John Daugherty  
Mayor Pro Tem

Colleen Halbert  
Deputy Mayor Pro Tem

A quorum of the Parks Board was certified with the following members present:

Julia Baldwin  
Amy Lawrence  
Katie Westhora  
Kenneth Oltman  
Paula Harper arrived at 6:30 p.m.

Dennis Richmond  
Councilmember

Scott Bradley  
Councilmember

Bernard Grant  
Councilmember

Dave Brandon  
Councilmember

PSA Board Members present:  
Bill Wadley, Chairman  
Don Blackwood, General Manager

INDIVIDUAL CONSIDERATION

1. Discussion with Parks Board to discuss Central Park and the proposed Murphy PSA (Plano Sports Authority) facility.

Director of Parks and Public Works Kim Lenoir began with a presentation on Central Park regarding schedules and updates.

Mayor Baldwin asked for a brief history.

Ms. Lenoir turned the floor over to PSA (Plano Sports Authority) Board Member, General Manager Don Blackwood. Mr. Blackwood went through a power point presentation that discussed history and details of PSA.

PSA Board Member, Chairman Bill Wadley took the floor and went through details of the proposed facility.

Councilmember Halbert made the point that all of this was new to Council and the Parks Board Members had not even heard it.

Parks Board Members asked questions, made comments, question for clarification on community center comment.

James Fisher  
City Manager

Mr. Blackwood spoke regarding different community activities, drives, food drives, etc.

Mayor Baldwin stated that he wanted to discuss the location, open space, grant money, ingress and egress.

There were discussions regarding the following:

- TXDOT
- PSA 1 and Traffic Study
- Shared use of the facility, amphitheater, and parking
- Location choices

Council thanked PSA for presenting. Mayor asked Parks Board to hold a public input meeting as soon as it could be scheduled to offer the community an opportunity to offer input.

At 7:20 Councilmember Halbert moved to recess for ten minutes. Councilmember Daugherty seconded the motion which passed by a unanimous vote of 7-0.

#### 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:

§551.074 PERSONNEL MATTERS – to deliberate the appointment, employment, evaluation, resignation, duties, discipline, or dismissal of a public officer or employee – City Secretary.

Mayor Baldwin read the following for consideration in closed Executive Session;

§ 551.072 DELIBERATION REGARDING REAL PROPERTY – to deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

#### **Council Action**

Council convened into Executive Session at 7:33 p.m.

#### RECONVENE INTO REGULAR SESSION

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

§551.074 PERSONNEL MATTERS – to deliberate the appointment, employment, evaluation, resignation, duties, discipline, or dismissal of a public officer or employee – City Secretary

§ 551.072 DELIBERATION REGARDING REAL PROPERTY – to deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

**Council Action**

Council reconvened into Regular Session at 8:39 p.m.

As a result of the Executive Session, Mayor Baldwin will work with the City Attorney to negotiate a contract for the City Secretary.

**ADJOURNMENT**

With there being no further business to discuss at this time, the meeting adjourned  
At 8:40 p.m.

**APPROVED:**

\_\_\_\_\_  
Bret Baldwin, Mayor

**ATTEST:**

\_\_\_\_\_  
Nancy Meadows, Interim City Secretary

**City Council Meeting**  
**September 4, 2012**

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**Issue**

Consider and/or act upon approval of an ordinance amending the Code of Ordinances correcting the designated school zone sites and removing designated times.

**Staff Resource / Department**

Kim Lenoir, Director of Parks and Public Works

**Key Focus Area**

Traffic Management

**Summary**

Municipal Code of Ordinance Section 78-57 (d) identifying the school zones needs to be corrected to include the actual location of the existing school zones.

**Background/History**

The school zones are reviewed annually each August to insure that the traffic management is in order. This year in verifying proper placement of school zones it was discovered that the actual school zones on-site do not match the current ordinance. The following ordinance will correct the distances and locations that are actually on the ground. Due to new subdivision roads/subdivision additions, school zones have been adjusted as needed. Also the school zone times are removed from the ordinance so times can be adjusted as the school districts adjust their hours.

**Financial Considerations**

N/A

**City Manager Comments**

**Action Requested / Staff Recommendation**

A motion to approve Ordinance 12-09-04-XXX, correcting school zone sites, locations, size, and removing specific school zone times.

**Attachments**

Ordinance 12-09-04-XXX

**ORDINANCE NO. 12-09-04-xxxx**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AMENDING IN PART SECTION 78-57 OF THE CODE OF ORDINANCES OF THE CITY OF MURPHY, TEXAS, REGARDING SPEED LIMITS IN SCHOOL ZONES; ESTABLISHING THE MAXIMUM PRIMA FACIE REASONABLE AND PRUDENT SPEED IN SCHOOL ZONES DURING SCHOOL ZONE HOURS; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS DATE OF PUBLICATION.**

**WHEREAS**, Section 545.356 of the Texas Transportation Code provides the authority for the City of Murphy, Texas, to alter by ordinance the prima facie speed limits for the City of Murphy, Texas; and

**WHEREAS**, the City Council of the City of Murphy, Texas, has determined that the following regulation is necessary in order to protect public health, safety, and welfare.

**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.** That section 78-57 of Chapter 78 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended in part and shall read as follows:

**“Sec. 78-57. Speed through school zones.**

(a) *Definition of "school days". "School days"* as that term is used in this section, shall be each Monday through Friday on which classes are scheduled during the regular school year on the official calendar of the applicable school district. Each school zone listed in this section shall have the applicable school district calendar noted as follows: "(P)" indicates the Plano Independent School District and "(W)" indicates the Wylie Independent School District. "School days" shall not include days on which classes are not held but does include days on which summer school sessions are held per the School District calendar.

(b) The city council may establish school traffic zones on any street or highway or any portion of any street or highway within the corporate limits of the city.

(c) When any school traffic zone has been established, it shall be unlawful for any person to operate a motor vehicle or any other vehicle in such zone at a speed greater than the posted

speed, and any speed in excess of the posted speed shall be prima facie evidence that the speed is neither reasonable nor prudent.

(d) *Twenty miles per hour zones.* A person commits an offense if he operates a vehicle in a school traffic zone at a speed greater than 20 miles per hour and such operation of a vehicle shall be prima facie evidence that the speed is not reasonable or prudent and is unlawful. The city manager or his designee shall designate school traffic zones with appropriate street markings or signs, which street markings or signs shall be placed at the school zone by the city manager or his designee. The speed limit designated for school traffic zones shall be effective only at time when appropriate signs advising motorists of the speed limit are placed in conspicuous places, complete with school zone speed limit signs and with flashing caution devices, and shall be placed at the following locations:

(1) Betsy Lane – (P):

(A) (Westbound) Between a point starting 472 feet east of the eastern most curb line of Oriole to a stopping point of ~~830~~ 270 feet west of the western most curb line of Oriole.

(B) (Eastbound) Between a point starting 520 feet west of the western most curb line of Oriole to a stopping point of ~~810~~ 260 feet east of the eastern most curb line of Oriole.

(2) Clearview - (P):

(A) Between a point starting 52 feet east of the eastern most curb line of Oriole to a stopping point of the eastern most curb line of Oriole.

(3) Glen Ridge Drive - (P):

(A) Between a point starting 200 feet west of the western most curb line of Ambrose to a stopping point of 120 feet east of the eastern most curb line of Elmhurst.

(4) McCreary Road - (W):

(A) Between a point starting 662 feet north of the northern most curb line of Waters Edge Way to a stopping point of ~~130~~ 285 feet south of the southern most curb line of Waters Edge Way.

(5) McMillen Road - (W)

(A) Between a point starting ~~100~~ 250 feet east of Chisholm Trail to a stopping point ~~300~~ 400 feet west of Rosewood Drive.

(6) Mustang Ridge Drive – (P):

(A) Between a point starting 102 feet south of the southern most curb line of Midstream to a stopping point of the north curb line at Glen Ridge Drive.

(7) Oriole - (P):

(A) Between a point starting 301 feet south of the southern most curb line of Betsy Lane to a stopping point of 374 feet north of the northern most curb line of Betsy Lane.

(B) Between a point starting 22 feet north of the northern most curb line of Avondale to a stopping point of the southern most curb line of Rolling Ridge Drive.

(8) Rolling Ridge - (P):

(A) Between a point starting 90 feet east of the eastern most curb line of Overland to a stopping point of 31 feet east of the eastern most curb line of Featherwood.

(9) Rosewood - (W):

(A) Between a point starting at the north curb line of Waters Edge Way to a stopping point at the south curb line of McMillen Road.

(10) Waters Edge Way - (W):

(A) Between a point starting 92 feet east of the eastern most curb line of Rosewood to a stopping point 75 feet west of the western most curb line of Lone Oak.

(B) Between a point starting 15 feet east of the Paint Creek Road to a stopping point at McCreary Road.

(11) Lone Oak Drive – (W):

(A) Between a point starting on Lone Oak Drive 75 feet from the southern most curb line on Waters Edge Way as a stopping point.

(e) Thirty miles per hour zones. A person commits an offense if he operates a vehicle in a school traffic zone at a speed greater than 30 miles per hour and such operation of a vehicle shall be prima facie evidence that the speed is not reasonable or prudent and is unlawful. The city manager or his designee shall designate school traffic zones with appropriate street markings or signs, which street marking or signs shall be placed at the school zone by the city manager or his designee. The speed limit designated for school traffic zones shall be effective only at time

when appropriate signs advising motorists of the speed limit are placed in conspicuous places. School zone speed limit signs, complete with flashing caution device or signs with posted limits, to be placed at the following locations:

- (1) *North Murphy Road – (P):*
  - a. Beginning at said point (MP 12.186) of FM 2551 (North Murphy Road), thence continuing along FM 2551 (North Murphy Road) in a southerly direction for a distance of ~~1,304.16~~ 2,878 feet to said point (MP 12.433).
  - b. To be designated as a school zone 30 miles per hour when so signed for a school zone both directions.

~~Delete (e) (1) c. – school zone times.~~

- (f) Passing another vehicle in school zone.....remains as is.

**Section 3. PENALTY CLAUSE**

Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed \$200.00 for each offense, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense.

**Section 4. SEVERABILITY CLAUSE**

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

**Section 5. REPEALER CLAUSE**

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

**Section 6.     **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 4<sup>th</sup> day of September, 2012.

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Bret M. Baldwin, Mayor  
City of Murphy

ATTEST:

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Nancy Meadows, City Secretary  
City of Murphy

**City Council Meeting  
September 4, 2012**

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**Issue**

Hold a public hearing on the proposed tax rate of \$0.5700 per \$100 valuation.

**Staff Resource/Department**

James Fisher – City Manager

Linda Truitt – Finance Director

**Key Focus Area**

Finance and Taxes

**Summary**

Public Hearings on the 2012-2013 budget are schedule for Tuesday, August 28, 2012 and Tuesday, September 4, 2012 at 6:00 PM in the Council Chambers at 206 North Murphy Road, Murphy, Texas.

**Background/History**

The City Council voted to propose a tax rate of \$0.5700 per \$100 valuation for the 2012 tax year. The proposed Maintenance and Operations (M&O) rate is \$0.329495, an increase of \$0.019502, and the debt service rate is \$0.240505, a decrease of \$0.014502 for a total tax rate increase of \$0.0050 per \$100 valuation.

**Financial Considerations**

The City is proposing a Maintenance and Operations (M&O) tax rate of \$0.329495 per \$100 valuation. The M&O tax rate funds a large portion of the City's operations, including Parks, Public Safety and Public Works. The second portion of the tax rate is for debt service, which provides funding for the current portion of the long-term debt. This year the debt service tax rate is set at \$0.240505 per \$100 valuation, a decrease from last year's tax rate due to the refinancing of various series of bonds at a lesser interest rate.

**Other Considerations**

N/A

**Board Discussion/Action**

N/A

**Action Requested**

N/A

***Announce after Public Hearing:***

**The vote on the proposed tax rate will take place on Tuesday, September 18, 2012 at 6:00 PM in the City Council Chambers at Murphy City Hall, 206 North Murphy Road, Murphy, Texas.**

**Attachments**

1) Notice of Public Hearing on Tax Increase

# Notice of Public Hearing on Tax Increase

The City of Murphy will hold two public hearings on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 2.35 percent (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax calculated under Chapter 26, Tax Code). Your individual taxes may increase at a greater or lesser rate, or even decrease, depending on the change in the taxable value of your property in relation to the change in taxable value of all other property and the tax rate that is adopted.

The first public hearing will be held on August 28, 2012 at 6:00 PM at City of Murphy, Council Chambers, 206 North Murphy Road, Murphy, TX 75094.

The second public hearing will be held on September 4, 2012 at 6:00 PM at City of Murphy, Council Chambers, 206 North Murphy Road, Murphy, TX 75094.

The members of the governing body voted on the proposal to consider the tax increase as follows:

<b>FOR:</b>	John Daugherty	Colleen Halbert
	Dennis Richmond	Bernard Grant
	David Brandon	

**AGAINST:** None

**PRESENT** and not voting: None

<b>ABSENT:</b>	Bret M. Baldwin	Scott Bradley
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The average taxable value of a residence homestead in City of Murphy last year was \$254,449. Based on last year's tax rate of \$0.565000 per \$100 of taxable value, the amount of taxes imposed last year on the average home was \$1,437.64.

The average taxable value of a residence homestead in City of Murphy this year is \$256,742. If the governing body adopts the effective tax rate for this year of \$0.556915 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$1,429.83.

If the governing body adopts the proposed tax rate of \$0.570000 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$1,463.43.

Members of the public are encouraged to attend the hearings and express their views.

**City Council Meeting**  
**September 4, 2012**

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**Issue**

Hold a public hearing on the proposed fiscal year 2012-2013 City of Murphy budget.

**Staff Resource/Department**

James Fisher – City Manager

Linda Truitt – Finance Director

**Key Focus Area**

Finance and Taxes

**Summary**

Public Hearings on the 2012-2013 budget are schedule for Tuesday, August 28, 2012 and Tuesday, September 4, 2012 at 6:00 PM in the Council Chambers at 206 North Murphy Road, Murphy, Texas.

**Background/History**

Pursuant to Texas Local Government Code 102.006 and City Charter Section 7.05, the City Council has set a date for the Public Hearing on the municipal budget to be Tuesday, August 28, 2012 at 6:00 PM and a second Public Hearing on Tuesday, September 4, 2012 at 6:00 PM. The date set must be at least 15 days after the date the proposed budget is filed with the City Secretary and before the date the City makes its tax levy. The proposed budget was filed with City Secretary on August 7, 2012.

The City Council is required to provide notice of the date, time and location of the public hearing pursuant to Texas Local Government Code 102.0065.

The Public Hearing notice was published on August 19, 2012 in the Dallas Morning News.

**Financial Considerations**

See the fiscal year 2012-2013 budget provided to City Council on August 7th. The budget is also available on the City's website.

This budget will raise more total property taxes than last year's budget by \$328,121, or 3.87%, and of that amount \$131,795 is tax revenue to be raised from new property added to the roll this year.

**Other Considerations**

N/A

**Board Discussion/Action**

N/A

**Action Requested**

N/A

***Announce after Public Hearing:***

**The vote on the proposed fiscal year 2012-2013 budget will take place on Tuesday, September 18, 2012 at 6:00 PM in the City Council Chambers at Murphy City Hall, 206 North Murphy Road, Murphy, Texas.**

**Attachments**

- 1) Notice of Public Hearing on Proposed Budget
- 2) Fiscal Year 2012-2013 Budget – previously provided and available online

NOTICE OF PUBLIC HEARING  
CITY OF MURPHY  
PROPOSED OPERATING BUDGET FISCAL YEAR 2012-2013

The City of Murphy will conduct a Public Hearing on the Proposed Operating Budget for the fiscal year 2012-2013 on Tuesday, August 28, 2012 at 6:00 p.m. and on Tuesday, September 4, 2012 at 6:00 p.m. at the Murphy Municipal Complex, City Council Chambers, 206 North Murphy Road, Murphy, Texas 75094.

This budget will raise more total property taxes than last year's budget by \$328,121, or 3.87%, and of that amount \$131,795 is tax revenue to be raised from new property added to the roll this year.

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

Dated this 14th day of August, 2012.

Linda Truitt  
Finance Director  
City of Murphy, Texas

**City Council**  
**September 4, 2012**

**Issue**

Hold a public hearing and take action on the application of ALLEN AND LOUCKS VENTURE, L.P. requesting approval of an SUP (Specific Use Permit) to allow a Drive-through window for a Del Taco on property zoned PD (Planned Development) District No. 09-02-784 for Retail Uses on property located at 102 N. Murphy Road, NE corner of FM 544. (ZF 2012-02)

**Background**

On November 4, 2006, the City Council adopted Ordinance No. 06-11-707 creating a Planned Development District for Retail Uses with conditions. The Planned Development District was subsequently amended on February 16, 2009 (Ordinance No. 09-02-784), and allowed drive-in restaurants by the approval of a SUP (Specific Use Permit) only.

The applicant is proposing to develop a Del Taco restaurant on the subject property (Pad 10). The current Planned Development District allows a drive-in restaurant only with the approval of a SUP (Specific Use Permit). The applicant is requesting approval of an SUP (Specific Use Permit) to allow a Del Taco with a drive-through window.

This item was considered at the August 7, 2012, City Council meeting where a motion to approve was denied. At the August 14, 2012, City Council meeting, after discussion, Mayor Pro Tem Daugherty moved to place this item on this meeting's agenda for reconsideration which was approved by the City Council.

**Considerations**

**Specific Use Permit Request**

1. The 380 Agreement and other related performance agreements regarding Murphy Marketplace between Allen & Loucks Venture, L.P. and the City of Murphy, the Murphy Economic Development Corporation and the Murphy Community Development Corporation detailing the Developer's Obligations for the development of the Retail Shopping Center are as follows:
  - Pad 10 . . . which may be used for a higher quality drive-through restaurant.

The same section also states:

Unless otherwise approved by the **CITY**, the following uses shall not be allowed in the Retail Shopping Center: dollar stores; convenience stores; gas stations; sexually oriented businesses; car washes; auto repair stores; auto parts stores; automobile dealerships; stand alone beer, wine or liquor stores; more than one (1) financial institution, including banks, savings and loans, or credit unions; and drive-through fast food restaurants.

**City Council**  
**September 4, 2012**

2. Since the development of Murphy Marketplace, the developer has requested and been granted three drive-through uses in Murphy Marketplace and two drive-through uses in The Crossing at Murphy Marketplace, which are all in this zoning district.
3. A new public hearing notification for this proposed zoning change was published in the newspaper as well as notification being mailed to the property owners included in the required 200 feet notification radius.

**Board Discussion/Action**

On July 23, 2012, the Planning & Zoning Commission voted to approve the Special Use Permit to allow a Drive-through window for a Del Taco (by a vote of 5-2) to include the conditions as determined by City Staff in consultation with the applicant, so that the proposed restaurant be designed and constructed in conformance with the Planned Development District Conditions requirements and requirements of the 380 Agreement and the related performance agreements, between Allen & Loucks Venture, L.P., and the City of Murphy, the Murphy Economic Development Corporation and the Murphy Community Development Corporation, which require that the proposed restaurant be **“of such quality or higher quality, as approved by the CITY”** as described in the agreements.

**Staff Recommendation**

Motion to approve the SUP application with conditions as determined by City Staff in consultation with the applicant, so that the proposed restaurant be designed and constructed in conformance with the Planned Development District Conditions requirements and requirements of the 380 Agreement and the related performance agreements, between Allen & Loucks Venture, L.P., and the City of Murphy, the Murphy Economic Development Corporation and the Murphy Community Development Corporation, which require that the proposed restaurant be **“of such quality or higher quality, as approved by the CITY”** as described in the agreements.

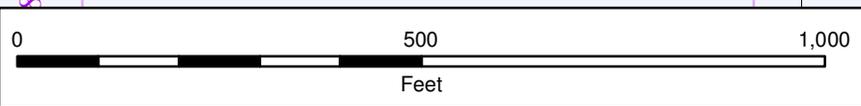
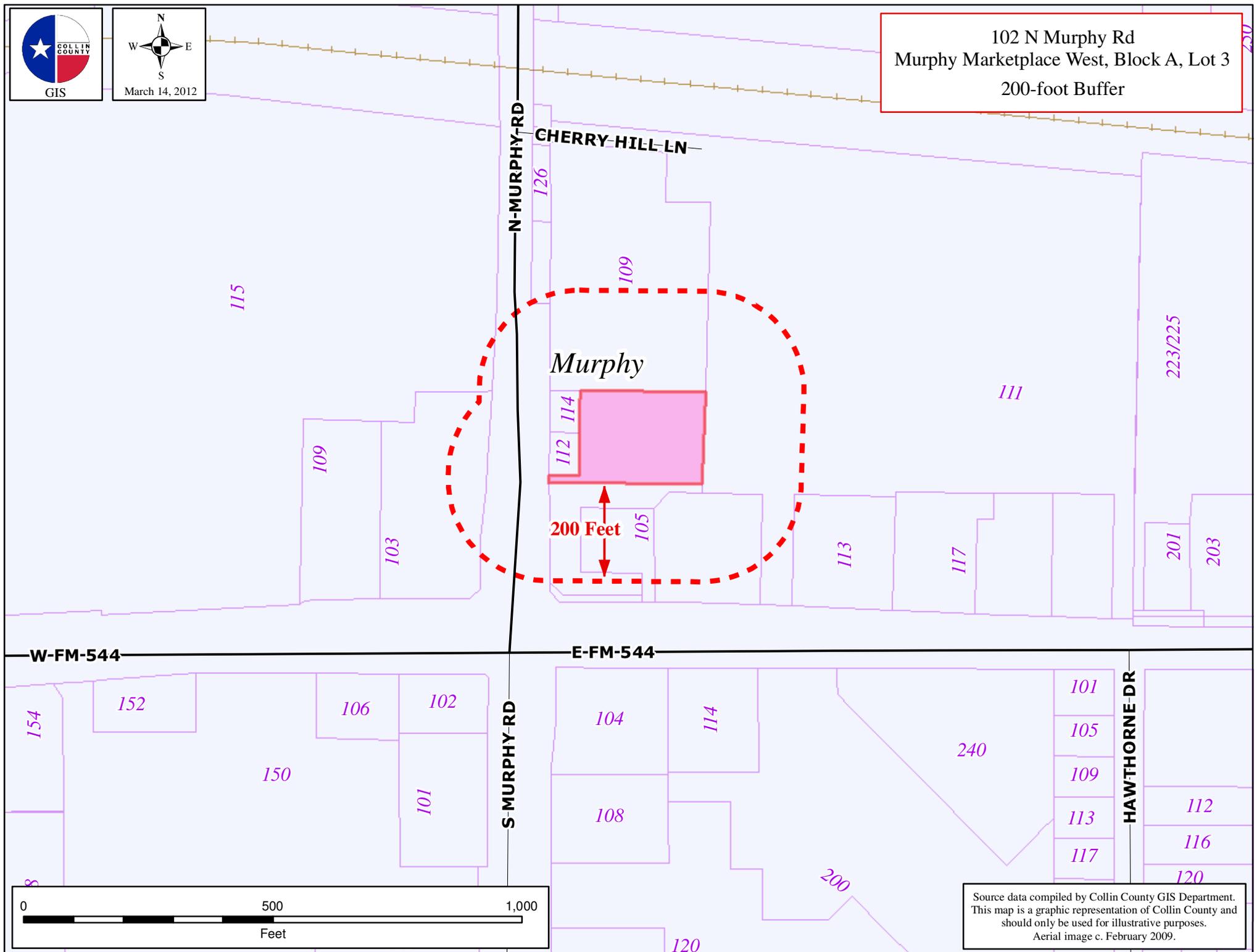
**Attachments**

Location Map  
Proposed Elevations

*Kristen Roberts, Director of Economic and Community Development*  
**Submitted By**



102 N Murphy Rd  
 Murphy Marketplace West, Block A, Lot 3  
 200-foot Buffer



Source data compiled by Collin County GIS Department.  
 This map is a graphic representation of Collin County and  
 should only be used for illustrative purposes.  
 Aerial image c. February 2009.



01 EAST ELEVATION  
SCALE: 1/4"=1'-0"



02 WEST ELEVATION  
SCALE: 1/4"=1'-0"



01 NORTH ELEVATION  
SCALE: N.T.S.



02 SOUTH ELEVATION  
SCALE: N.T.S.

### Finish Legend



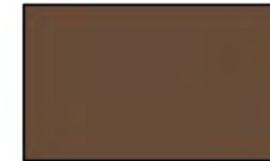
Field Brick...  
Boral Brick, Wellington



Field Stone...  
Lone Star Stone, Victoria Chalk



Field Stucco Color...  
Dunn Edwards, Buckskin #1671



Trim Color...  
Sherwin Williams, Java #6090



Roof Color...  
Sherwin Williams, Luau Green #6712



Accent Tile...  
Daltile, Aged Copper #CM01



## Exterior Elevations

Del Taco  
Free Standing - Murphy, Texas

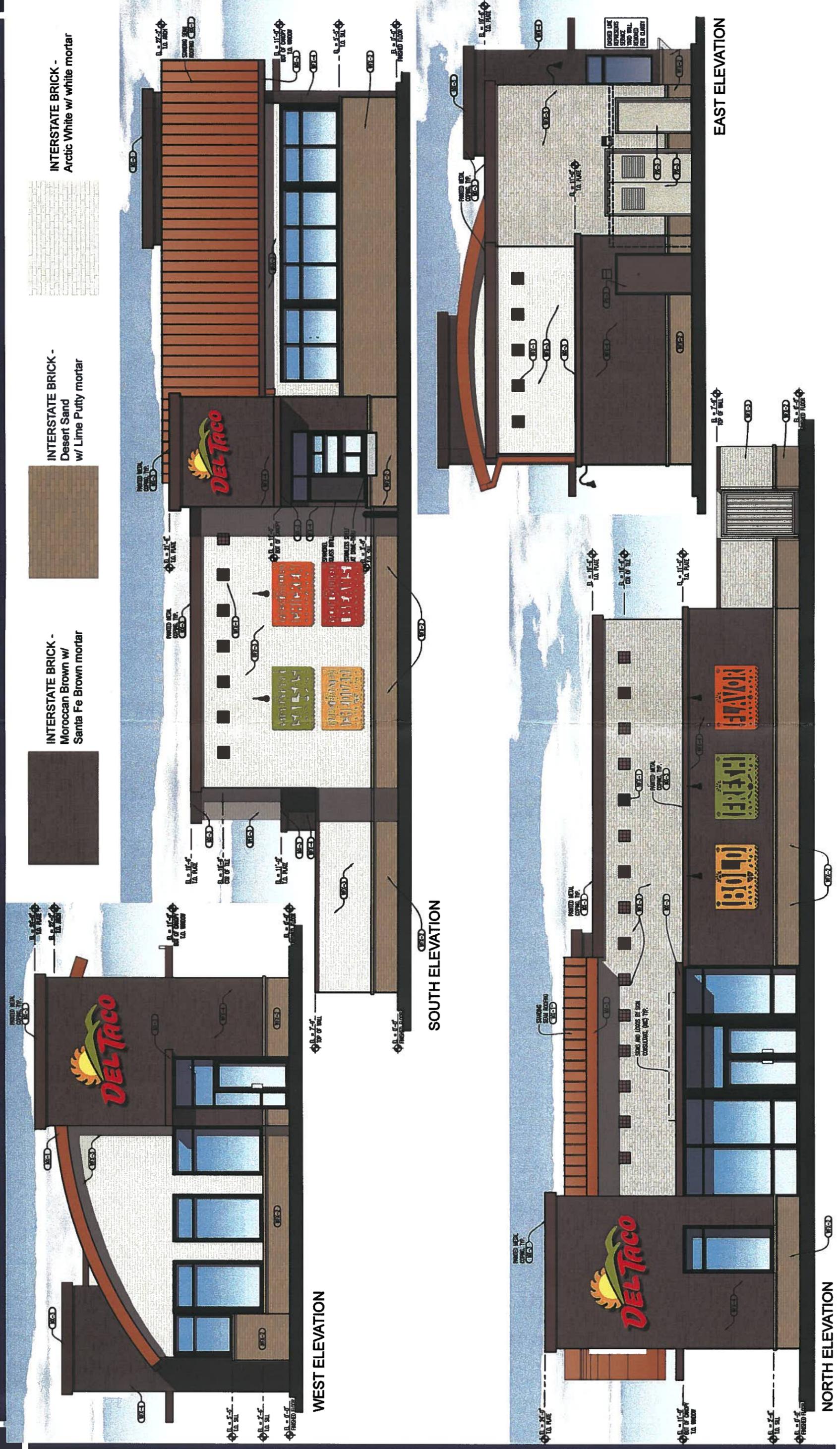
DATE: 02-23-2012  
SCALE: N.T.S.



Del Taco Design & Construction Dept.  
GHA Architecture / Development

14110 Dallas Parkway Suite 300  
Dallas, Texas 75254 972.239.8884





INTERSTATE BRICK -  
Moroccan Brown w/  
Santa Fe Brown mortar

INTERSTATE BRICK -  
Desert Sand  
w/ Lime Putty mortar

INTERSTATE BRICK -  
Arctic White w/ white mortar

WEST ELEVATION

SOUTH ELEVATION

NORTH ELEVATION

EAST ELEVATION



Exterior Elevations

DATE: 08-25-2011  
SCALE: N.T.S.



GHA Architecture / Development  
14110 Dallas Parkway Suite 300  
Dallas, Texas 75254 972.239.8884

**City Council Meeting  
September 4, 2012**

**Issue**

Consider and/or act on the application of **ALLEN AND LOUCKS VENTURE, L.P.** requesting approval of a site plan for a Del Taco on property zoned PD (Planned Development) District No. 09-02-784 for Retail Uses on property located at 102 N. Murphy Road, NE corner of FM 544. (**ZF 2012-02**)

**Background**

On November 4, 2006, the City Council adopted Ordinance No. 06-11-707 creating a Planned Development District for Retail Uses with conditions. The Planned Development District was subsequently amended on February 16, 2009 (Ordinance No. 09-02-784), and allowed drive-in restaurants by the approval of a SUP (Specific Use Permit) only.

The applicant is proposing to develop a Del Taco restaurant on the subject property. The current Planned Development District allows a drive-in restaurant only with the approval of a SUP (Specific Use Permit). The applicant is requesting approval of a SUP (Specific Use Permit) to allow a Del Taco with a drive-through window.

At the August 7, 2012, City Council meeting, consideration of this item was postponed to a later date.

**Considerations**

Following staff's sixth review of the re-submittal of the site plan, all requested revisions to date have been addressed. Outstanding Landscape Plan revisions will be addressed on the construction plans.

A piece of property included in the site plan is owned by the City of Murphy. There is a Beautification Easement/Agreement with the City specific to this property. The details of this agreement are being reviewed by the City and the applicant, are near completion and will be finalized prior to construction on this property.

**Board Discussion/Action**

On July 23, 2012, the Planning & Zoning Commission considered the site plan, including the landscape plan and elevations plans, for this item. The Commission had concern over the bright green roof and accents as shown in the elevations. At the meeting, the applicant produced an elevation option that showed a copper roof with no stucco material. The Planning & Zoning Commission voted to approve (by a vote of 6-1) the site plan for a Del Taco with recommendations to change the roof to copper or other similar materials with conditions as determined by City Staff in consultation with the applicant, so that the proposed restaurant be designed and constructed in conformance with the Planned Development District Conditions requirements and requirements of the 380 Agreement and the related performance agreements, between Allen & Loucks Venture, L.P., and the City of Murphy, the Murphy Economic Development Corporation and the Murphy Community Development Corporation, which require that the proposed restaurant be "of such quality or higher quality, as approved by the CITY" as described in the agreements.

**City Council Meeting  
September 4, 2012**

**Staff Recommendation**

Motion to approve the site plan, landscape plan and elevations with conditions as determined by City Staff in consultation with the applicant, so that the proposed restaurant be designed and constructed in conformance with the Planned Development District Conditions requirements and requirements of the 380 Agreement and the related performance agreements, between Allen & Loucks Venture, L.P., and the City of Murphy, the Murphy Economic Development Corporation and the Murphy Community Development Corporation, which require that the proposed restaurant be "of such quality or higher quality, as approved by the CITY" as described in the agreements.

**Attachments**

Proposed Site Plan

Proposed Landscape Plan

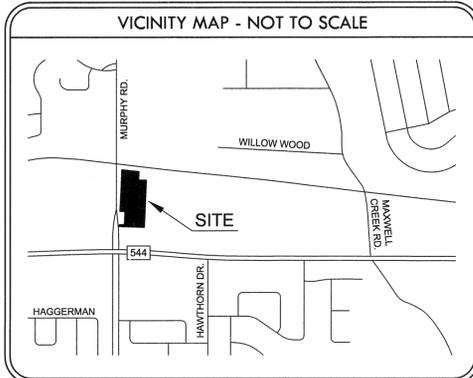
Proposed Elevations as submitted with application

Proposed Elevations as recommended by Planning & Zoning Commission

*Kristen Roberts, Director of Economic and Community Development*

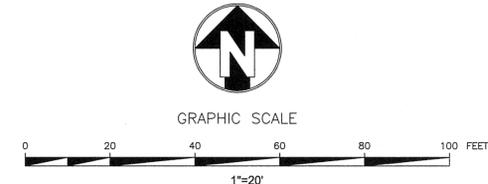
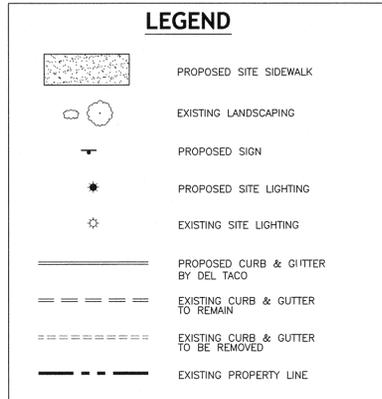
**Submitted By**

PLANS SUBJECT TO REVIEW AND APPROVAL BY JURISDICTIONAL ENTITIES



**SITE INFORMATION - DEL TACO**

LAND AREA:	27,674 SF (0.635 AC)
CURRENT ZONING:	PD (ORDINANCE 06-11-707)
EXISTING USE:	VACANT LAND
PROPOSED USE:	RESTAURANT (W/DRIVE THRU)
BUILDING AREA (APPROXIMATE):	2,373 SF
PARKING REQUIRED:	1 SPACE/100 SF
PARKING PROVIDED ON DEL TACO TRACT:	25 SPACES
PARKING PROVIDED ON CITY OF MURPHY TRACT:	16 SPACES
HANDICAP PARKING REQUIRED:	2
HANDICAP PARKING PROVIDED:	2



**OWNER**  
ALLEN & LOUCKS VENTURE, L.P.,  
A TEXAS LIMITED PARTNERSHIP  
5924 TWIN COVES  
DALLAS, TEXAS 75248

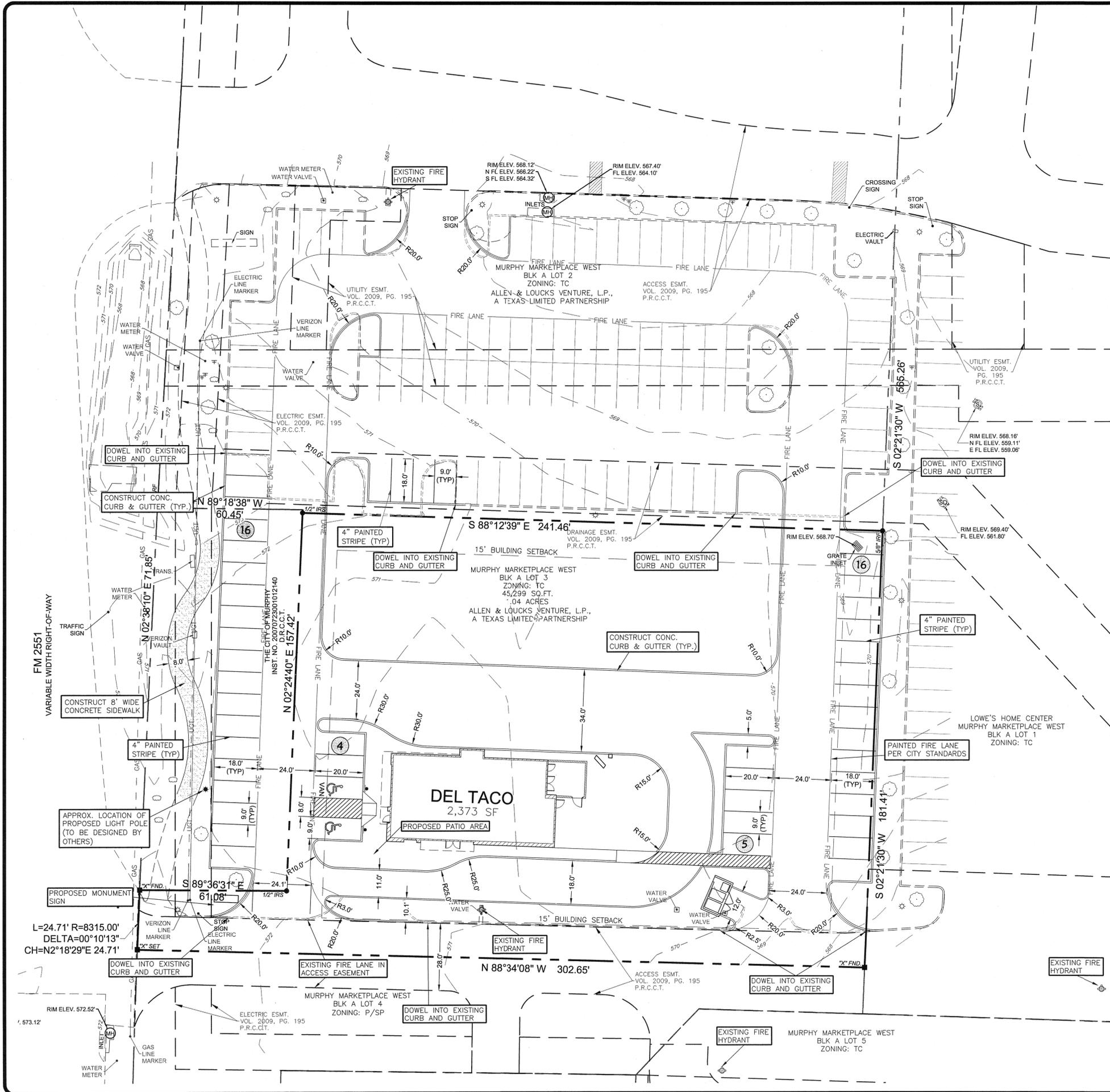
**ENGINEER**  
ADAMS ENGINEERING  
901 S. KIMBALL  
SOUTH LAKE, TEXAS 76092  
P - (817)328-3200

**SURVEYOR**  
TEXAS HERITAGE, LLC  
10810 METRIC DRIVE, SUITE 124  
DALLAS, TEXAS 75243  
P - (214)340-9700

MURPHY MARKETPLACE - WEST ADDITION  
JAMES W. MAXWELL SURVEY, ABSTRACT NO. 582  
CITY OF MURPHY, COLLIN COUNTY, TEXAS

**\*\* NOTICE TO CONTRACTORS \*\***

TOPOGRAPHIC INFORMATION TAKEN FROM A TOPOGRAPHIC SURVEY PERFORMED BY TEXAS HERITAGE, OF DALLAS, TEXAS. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY, IN WRITING, OF ANY DISCREPANCIES OR OMISSIONS TO THE TOPOGRAPHIC INFORMATION. THE CONTRACTORS SHALL BE RESPONSIBLE FOR CORRECTING THE LOCATION (HORIZONTAL/VERTICAL) OF ANY BURIED CABLES, CONDUITS, PIPES AND STRUCTURES (STORM SEWER, SANITARY SEWER, WATER, GAS, TELEVISION, TELEPHONE, ETC.) WHICH IMPACT THE CONSTRUCTION SITE. THE CONTRACTORS SHALL NOTIFY THE ENGINEER IMMEDIATELY, IN WRITING, OF ANY DISCREPANCIES OR OMISSIONS BETWEEN THE ACTUAL CONDITIONS VERSUS THE DATA CONTAINED IN THE CONSTRUCTION PLANS. ANY COSTS INCURRED AS THE RESULT OF NOT CORRECTING THE ACTUAL LOCATION (HORIZONTAL/VERTICAL) OF SAID CABLES, CONDUITS, PIPES AND STRUCTURES SHALL BE BORNE BY THE CONTRACTOR. ADDITIONALLY, THE CONTRACTORS SHALL NOTIFY THE OWNER AND ENGINEER IF ANY ERRORS OR DISCREPANCIES ARE FOUND ON THE CONSTRUCTION DOCUMENTS (SPANS), WHICH NEGATIVELY IMPACT THE PROJECT. ENGINEER AND OWNER SHALL BE INDICATED OF PROBLEMS AND/OR COST WHICH MAY RESULT FROM CONTRACTOR'S FAILURE TO NOTIFY ENGINEER AND OWNER.



DATE	REVISIONS
02/24/12	SPECIAL USE PERMIT
03/13/12	CITY COMMENTS
04/12/12	CITY COMMENTS
04/18/12	CITY COMMENTS
04/27/12	CITY COMMENTS
05/03/12	CITY COMMENTS
05/14/12	CITY COMMENTS

Adams Engineering, Inc. is a registered professional engineering firm in the State of Texas. The engineer's seal and signature are required on all plans and drawings prepared by this firm. The engineer is responsible for the accuracy of the information provided and the quality of the work performed. The engineer is not responsible for the accuracy of the information provided by others or for the quality of the work performed by others. The engineer is not responsible for the accuracy of the information provided by others or for the quality of the work performed by others.

**Adams ENGINEERING**  
910 S. Kimball Avenue • Southlake, Texas 76092 • (817) 328-3200

**DEL TACO  
102 N. MURPHY RD  
SITE PLAN**

STATE OF TEXAS  
MAEGAN C. SCHNEIDER  
99357  
LICENSED PROFESSIONAL ENGINEER  
Megan Schneider  
TBP# Registration #: F-1002

PROJECT MGR.	TDM
PROJECT TECH.	MCS
CHECKED BY	
JOB NO.	2006-058
SHEET NO.	C4.0



Issue For:

<input type="checkbox"/>	Design Development
<input type="checkbox"/>	Progress
<input type="checkbox"/>	Bidding
<input checked="" type="checkbox"/>	Permit
<input type="checkbox"/>	Construction

Original Issue Date:  
 02.24.2012

<input type="checkbox"/>	

LANDSCAPE PLAN

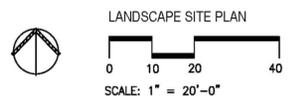
Drawn By: CMT

Checked By: BDA

Current Date: 05.03.2012

Drawing #

L1



LANDSCAPE TABULATIONS

FRONT BUFFER LANDSCAPE  
 Requirements: 15' buffer along street frontage: (1) tree 2" cal and (8) ornamentals, 2" cal or 7" ht, per 50 LF of street frontage.

FM 2551 (R111)  
 Required: (6) trees, 3" cal (18) ornamental trees, 2" cal or 7" ht  
 Provided: (6) trees, 4" cal (18) ornamental trees, 2" cal or 7" ht

FRONT BUFFER SCREENING  
 Requirements: 24" ht. evergreen hedge, berm or wall  
 Provided: 24" ht. evergreen hedge

INTERIOR PARKING LOT LANDSCAPE: (6) species, 10,954 sq ft  
 Requirement: (1) tree, 2" cal. or (3) ornamentals per 12 sq ft, 5% of parking lot area

Required: (3) trees, 3" cal (9) trees, 2" cal (27) trees, 1.5" cal (40.5%)  
 Provided: (3) trees, 3" cal (9) trees, 2" cal (27) trees, 1.5" cal (40.5%)

TOTAL TREES REQUIRED:  
 (7) large trees (15) ornamentals

TOTAL TREE PROVIDED:  
 (15) large trees (16) ornamentals

PLANT LIST

QUANTITY	SYMBOL	BOTANICAL NAME	PLANT TYPE	SIZE	REMARKS
1585	AJ	Trachelospermum asiaticum	Asian Jasmine	4" pots	container, top of cont. 12" o.c.
4	CE	Cedrus deodora	Cedar Elm	4" cal.	B&B, 15" ht. 6" spread min. container grown, 3-5 cane, no cross caning, 4' spread
6	CM	Croton variegatus	Croton	8" ht.	container, full 20" spread, 30" o.c., 24" ht.
523	DTS	Dwarf Texas Sage 'Compactum'	Dwarf Texas Sage 'Compactum'	5 gallon	container, full top of container, 20" ht. min.
35	DWM	Dwarf Wax Myrtle	Dwarf Wax Myrtle	5 gallon	container, full top of container, 20" ht. min.
9	KO	Knockout Rose	Knockout Rose	5 gallon	container, full top of cont. 12" o.c.
66	LHM	Lindheimeria	Lindheimer Muhly	4" pots	container, top of cont. 12" o.c.
550	LIR	Liriodendron tulipifera	Liriope 'Majestic'	4" cal.	container grown, 15" ht. 6" spread min.
1	LO	Live Oak	Live Oak	4" cal.	container, full 20" spread min.
6	LOR	Loropetalum nobile	Loropetalum 'Plum Delight'	5 gallon	container, full top of cont.
6	MFG	Mexican Feather Grass	Mexican Feather Grass	3 gallon	container, full top of cont.
9	NRS	Nellie R. Stevens' Perennials	Nellie R. Stevens Holly Perennials	15 gallon	container, full to base 5. ht., 3' spread.
430	PER	Perennials	Perennials	4" pots	container, full top of cont., 12" o.c.
1	RO	Red Oak 'Shumardii'	Red Oak 'Shumardii'	4" cal.	container grown, 15" ht. 6" spread min.
18	SAL	Salvia greggii 'Furman's Red'	Salvia greggii 'Furman's Red'	5 gallon	container, full 20" spread min.
16	SY	Salvia greggii 'Furman's Red'	Salvia greggii 'Furman's Red'	5 gallon	container, full top of cont.
1500	WLG	Weeping Love Grass	Weeping Love Grass	4" pots	container full, 12" o.c.
3	WM	Wax Myrtle	Wax Myrtle	7" ht.	container, tree form, 4' spread min.

All Fire Hydrants require a minimum of 3'-0" clearance radius from all obstructions including plants.

LANDSCAPE NOTES

- Contractor shall verify all existing and proposed site elements and notify Architect of any discrepancies. Survey data of existing conditions was supplied by others.
- Contractor shall locate all existing underground utilities and notify Architect of any conflicts. Contractor shall exercise caution when working in the vicinity of underground utilities.
- Contractor is responsible for obtaining all required landscape and irrigation permits.
- Contractor to provide a minimum 2% slope away from all structures.
- All planting beds and lawn areas to be separated by steel edging. No steel to be installed adjacent to sidewalks or curbs.
- All landscape areas to be 100% irrigated with an underground automatic irrigation system and shall include rain and freeze sensors.
- All lawn areas to be Solid Sod Bermudagrass, unless otherwise noted on the drawings.

MAINTENANCE NOTES

- The Owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscape.
- All landscape shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding and other such activities common to landscape maintenance.
- All landscape areas shall be kept free of trash, litter, weeds and other such material or plants not part of this plan.
- All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.
- All plant material which dies shall be replaced with plant material of equal or better value.
- Contractor shall provide separate bid proposal for one year's maintenance to begin after final acceptance.

GENERAL LAWN NOTES

- Fine grade areas to achieve final contours indicated on civil plans.
- Adjust contours to achieve positive drainage away from buildings. Provide uniform rounding at top and bottom of slopes and other breaks in grade. Correct irregularities and areas where water may stand.
- All lawn areas to receive solid sod shall be left in a maximum of 1" below final finish grade. Contractor to coordinate operations with on-site Construction Manager.
- Contractor shall provide (2") two inches of imported topsoil on all areas to receive lawn. ADD ALTERNATE.
- Imported topsoil shall be natural, friable soil from the region, known as bottom land soil, free from lumps, clay, toxic substances, roots, debris, vegetation, stones, containing no salt and black to brown in color.
- All lawn areas to be fine graded, irrigation trenches completely settled, and finish grade approved by the Owner's Construction Manager or Architect prior to installation.
- All rocks 3/4" diameter and larger, dirt clods, sticks, concrete spoils, etc. shall be removed prior to placing topsoil and any lawn installation.



01 EAST ELEVATION  
SCALE: 1/4"=1'-0"



02 WEST ELEVATION  
SCALE: 1/4"=1'-0"



01 NORTH ELEVATION  
SCALE: N.T.S.



02 SOUTH ELEVATION  
SCALE: N.T.S.

### Finish Legend



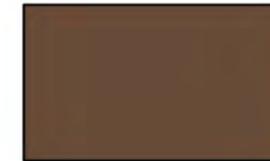
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Trim Color...  
Sherwin Williams, Java #6090



Roof Color...  
Sherwin Williams, Luau Green #6712



Accent Tile...  
Daltile, Aged Copper #CM01



## Exterior Elevations

Del Taco  
Free Standing - Murphy, Texas

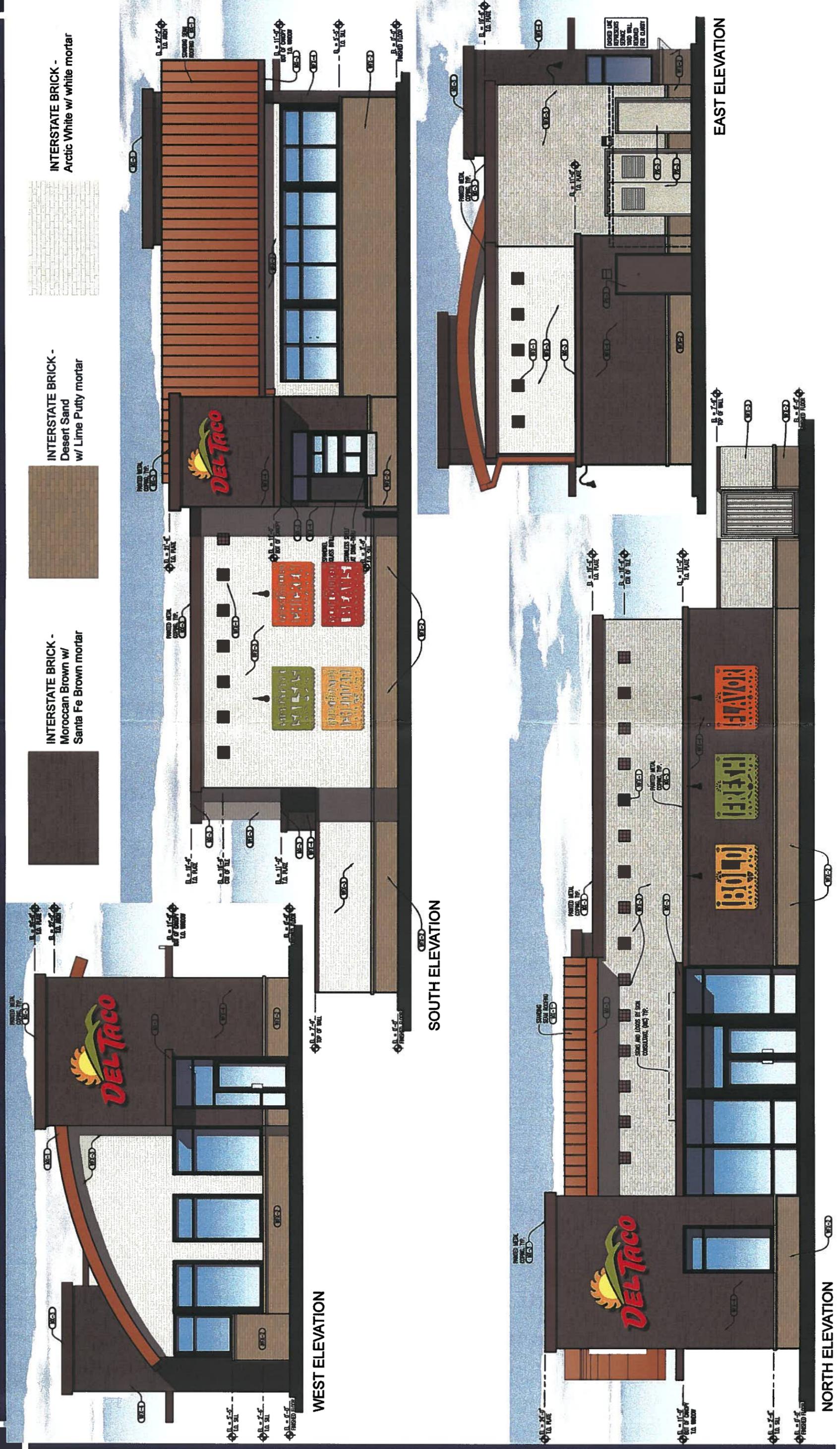
DATE: 02-23-2012  
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Del Taco Design & Construction Dept.  
GHA Architecture / Development

14110 Dallas Parkway Suite 300  
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INTERSTATE BRICK -  
Moroccan Brown w/  
Santa Fe Brown mortar

INTERSTATE BRICK -  
Desert Sand  
w/ Lime Putty mortar

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Arctic White w/ white mortar

WEST ELEVATION

SOUTH ELEVATION

NORTH ELEVATION

EAST ELEVATION



Exterior Elevations

DATE: 08-25-2011  
SCALE: N.T.S.



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14110 Dallas Parkway Suite 300  
Dallas, Texas 75254 972.239.8884

**City Council**  
**September 4, 2012**

**Issue**

Consider and act on the proposed Rules and Procedures of the Ethics Review Commission.

**Background**

The Ethics Review Commission was established in 2012 and held several meetings in order to appoint its officers, review, consider and discuss the Code of Ethics of the City of Murphy and the Commission's duties and responsibilities in this regard, and to discuss, prepare and adopt its proposed Rules and Procedures for submission to the City Council for consideration and action. On July 19, 2012, the Commission approved its proposed Rules and Procedures and also approved certain recommendations, requests and notifications to be presented to the City Council.

**Staff Recommendation**

City Attorney recommends approval of the item submitted for approval.

**Attachments**

Proposed Rules and Procedures of the Ethics Review Commission.

*Ben Wyse, Assistant City Attorney*

**Submitted By**

# **CITY OF MURPHY**

## **ETHICS REVIEW COMMISSION**

### **RULES AND PROCEDURES**

#### **SECTION 1. INTRODUCTION**

(a) The Ethics Review Commission (the “Commission”) is an advisory body of the City of Murphy, Texas, having jurisdiction over ethics complaints as described in Chapter 2, Article IX of the Code of Ordinances of the City of Murphy, Texas. The Commission is responsible for its own development, discipline, and performance of its duties and responsibilities. The development of this policy is designed to ensure effective and efficient application of these rules and procedures.

(b) This policy addresses Commission relations among Commission members, and with city employees and officials. By adopting this policy, we, as members of the Commission, acknowledge our responsibility to each other, to City staff and to the public. This policy will be reviewed as necessary.

#### **SECTION 2. MISSION**

(a) The Commission will provide for the fair and equal resolution of all ethics complaints brought forth for its review.

(b) In order to ensure proper resolution of all matters brought before the Commission, members of the Commission will display behavior that demonstrates independent and impartial review of all matters addressed by them, and be duly responsible to the citizens of the City of Murphy and to each other.

#### **SECTION 3. INFORMATION**

(a) The Complaint Process will be followed as outlined in Article IX, Section 2-514, as amended.

(b) All Commission members shall have access to the same information with which to make decisions. When one Commission member has an information request, the response may be shared with all members of the Commission so that each member may be equally informed.

(c) All correspondence or communications shall be copied to the City Attorney.

#### **SECTION 4. ROLES**

(a) The Chairperson shall preside at meetings of the Commission, and shall be recognized as head of the Ethics Review Commission for all purposes. The Chairperson

may participate in the discussion of all matters coming before the Commission. The Chairperson shall be entitled to vote as a member thereof unless prohibited by law, and shall have no power of veto.

(b) The Commission shall elect from among the Commission members a Vice Chairperson who shall act as Presiding Officer during the absence or disability of the Chairperson.

(c) The Chairperson shall preserve order and decorum and shall require Commission members engaged in debate to limit discussion to the question under consideration.

(d) The Chairperson is the spokesperson for the Commission on all official positions taken unless absent, at which time the Vice Chairperson or other designee will assume the role.

(e) The Chairperson will encourage all Commission members to fully participate in Commission discussion before an item is brought to vote.

(f) The Chairperson may appoint a subcommittee made up of Commission members and staff as deemed necessary by the Commission to recommend direction to the full Commission.

(g) The Chairperson or designee shall act as the appointed liaison to the City Council.

## SECTION 5. MEETINGS

(a) **Annual Meeting** – The Commission shall meet at least once a year as outlined in Article IX, Section 2-513 (subsection 3) as amended.

(b) **Special Meetings** – Special Meetings may be held on any day of the week to consider items that require action prior to the annual meeting and may be called upon at the request of the Chairperson, Vice Chairperson or City Manager. Special meetings will be open to the public in accordance with the Texas Open Meetings Act.

(c) **Work sessions** – Work sessions shall be held as needed and used to allow the Commission to discuss procedures. Work sessions will be open to the public in accordance with the Texas Open Meetings Act.

(d) **Executive Sessions** – The Commission may meet in executive session in compliance with the Texas Open Meetings Act. All final actions, decisions or votes on any matter deliberated in an executive session shall be made in open session for which proper notice has been provided. All discussions in executive session shall remain confidential. Executive sessions are not open to the public in accordance with the Texas Open Meetings Act.

(e) **Each member shall sign a nondisclosure agreement.**

(f) **Attendance** - Commission members are expected to attend all meetings and stay in attendance during each meeting. No member shall leave a meeting without advising the Presiding Officer.

(g) The Commission may create a subcommittee of two as necessary.

(h) **Punctuality and Recess** – Members of the Commission are expected to arrive at meetings at or before the scheduled time for the meeting to begin and shall advise the Chairperson or Secretary if there is an expectation that the Commission member will be tardy or may need to leave the meeting before it is adjourned. At the beginning of each meeting, the Presiding Officer shall announce those members that are absent and shall announce the arrival time of any member arriving after the beginning of any meeting. The Presiding Officer may at any time, upon his or her own motion, or upon the request of a Commission member, declare a recess of the meeting. *The time period of the recess shall be strictly followed.*

(i) **Conflict of Interest** – A Commission member prevented from voting due to a conflict of interest shall leave the room during the debate, shall not vote on the matter, and shall otherwise comply with the state law and the Charter and ordinances concerning conflicts of interest. Any Commission member filing a conflict of interest affidavit on an Executive Session item shall not thereafter confer with staff, or Commission members regarding that matter. The City attorney may provide assistance in determining whether or not a conflict of interest exists.

(j) **Process of Ethics Hearing:**

1. An initial meeting will be held to discuss the filed complaint.
2. A majority vote will be required for the Commission to continue its investigation of the complaint; otherwise, the matter will be closed.
3. The Chairperson or authorized designee shall send notice of the initial review and its outcome to both the complainant and the complaine within a reasonable amount of time.
4. The Commission will exercise its powers as outlined in Article IX, Section 2-513 to investigate, request and gather evidence as necessary to determine if a violation has occurred.
5. If the Commission determines that there are reasonable grounds to believe that a violation of Article IX has occurred, it shall schedule a final hearing. Otherwise, the complaint may be dismissed.
6. Sanctions may be imposed in accordance with Article IX, Section 2-517 as amended, by majority vote of the Commission.

(k) **Conduct of Meetings and Work Sessions**

- 1) During Commission meetings and work sessions, Commission members shall assist in preserving order and decorum and shall neither by conversation or

otherwise delay or interrupt the proceedings nor refuse to obey the rules of the Commission.

2) A Commission member shall confine discussion to the question under debate, avoid the discussion of personalities and the use of inappropriate language, and refrain from personal attacks or from publicly criticizing a citizen, a City Councilmember, a member of any board, commission or committee of the City, an individual employee, or an operational issue. Criticism is differentiated from questioning facts or the opinion of staff.

3) When there is more than one speaker during a final hearing who is called to address the matter, Commission Members shall delay their comments until after all speakers on the subject have been heard.

4) The Chairperson shall state all questions submitted for a vote and announce the result.

(1) **Citizens and Visitors**

(1) Everyone attending a meeting will refrain from private conversations and turn mobile phones to silent or vibrate while the Commission is in session.

(2) Citizens and visitors attending Commission meetings, work sessions and hearings shall observe the same rules of propriety, decorum and good conduct applicable to members of the Commission. Any person making personal, impertinent, disruptive, profane or defamatory remarks or who becomes boisterous while addressing the Commission or while attending the meeting, work session or hearing, shall be removed from the room if so directed by the Presiding Officer. Such person shall be barred from further audience before the Commission during that session. If the Presiding Officer fails to act, any member of the Commission may move to require enforcement of the rules, and the affirmative vote of a majority of the Commission shall require the Presiding Officer to act.

(4) Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the Presiding Officer, who may direct the removal of offenders from the room. In case the Presiding Officer shall fail to act, any member of the Commission may move to require enforcement of the rules and the affirmative vote of a majority of the Commission shall require the Presiding Officer to act.

(5) No placards, banners, or signs will be permitted in the Commission meeting room or in any other room in which the Commission is meeting. Exhibits, displays and visual aids used in connection with presentations, however, are permitted. Video presentations requested by a citizen or visitor as visual aids will not be broadcast over any city public access cable channel.

(m) **Agenda**

(1) The Chairperson and/or alternatively Vice Chairperson shall set the agenda. Any Commission member may request an item be placed on a future agenda at a meeting.

(2) Agenda item requests made outside of an open meeting shall be submitted to the City Secretary.

(n) **Motions**

(1) The Commission may discuss an agenda item prior to a motion being made. This allows a motion to be crafted that will incorporate the issues discussed.

(2) A motion made and seconded will be considered the main motion. Any Commission member may make a motion to amend a motion. The amendment must receive a second before it may be discussed and must be voted on prior to voting on the main motion.

(3) A motion may be withdrawn or modified by its mover without asking permission until the motion is voted upon. If the mover modified the motion, the Commission member who seconded the motion may withdraw the second.

(4) A motion to reconsider any action of the Commission must be made no later than prior to the conclusion of the next regularly scheduled meeting of the Commission. Such a motion may only be made by a Commission member who voted with the prevailing side. The motion to reconsider may be seconded by any member. No question shall be twice reconsidered except by unanimous vote of the Commission.

(i) If a motion to reconsider is made at the same meeting at which the matter was acted upon, the motion may be heard and voted upon and the original action on the matter is set aside. Deliberation may then resume on the matter at that same meeting.

(ii) If a motion to reconsider is made at the next meeting after the matter was acted upon, with the exception of any final determination of the Commission, the motion to reconsider may be heard and voted upon and the original action on the matter is not set aside. Deliberation may not resume on the matter, but it shall be placed on the next available agenda for deliberation.

(o) **Suspension of Rules** – Any provision of these rules not governed by the City Charter, City Code, State or Federal law may be temporarily suspended by a majority vote of the members of the Commission present. The vote on any such suspension shall be taken by yeas and nays and entered upon the record.

(p) **Amendment of Rules** – These rules may be amended or new rules adopted, by a majority vote of the members of the Commission and approved by the Commission.

(q) **Failure to Comply** - A failure to comply with these rules does not invalidate any otherwise lawful act of the Commission.

(r) **Tabling** – An item under consideration may be tabled until a later point in the same meeting.

(s) **Postponement** – An item may be postponed until a future meeting, a specific future date, or until a specific outside action occurs. Items may also be postponed indefinitely, which means the item is dead and cannot be brought back before the Commission unless there is a change.

(t) **Retention Policy** - The retention policy of the Commission shall be the same as that of the City.

#### SECTION 6. PUBLIC CONTACT / MEDIA RELATIONS

(a) All reporters may receive an agenda in advance and will be furnished supporting materials needed for clarification if requested.

(b) The Commission shall refer all media inquires to the City Manager or his or her designee as the City's official representative to the media.

**City Council**  
**September 4, 2012**

**Issue**

Consider and act approval of Amendments to the Code of Ethics of the City of Murphy; Approval of a Confidentiality and Non-Disclosure Agreement; Approval of Ethics Review Commission Complaint Form; and Approval of City Secretary or designee to assist with preparation, posting and delivery of agendas for the Ethics Review Commission Meetings

**Background**

The Ethics Review Commission was established in 2012 and held several meetings in order to appoint its officers, review, consider and discuss the Code of Ethics of the City of Murphy and the Commission's duties and responsibilities in this regard, and to discuss, prepare and adopt its proposed Rules and Procedures for submission to the City Council for consideration and action. On July 19, 2012, the Commission approved its proposed Rules and Procedures and also approved certain recommendations, requests and notifications to be presented to the City Council.

**Staff Recommendation**

City Attorney recommends approval of all items submitted for approval.

**Attachments**

Recommendations, Requests and Notifications including:

- a. Proposed Amendments to the Code of Ethics of the City of Murphy;
- b. Proposed Confidentiality and Non-Disclosure Agreement;
- c. Proposed Ethics Review Commission Complaint Form

*Ben Wyse, Assistant City Attorney*

**Submitted By**

**CITY OF MURPHY**  
ETHICS REVIEW COMMISSION

Recommendations, Requests and Notifications

A. Pursuant to the City of Murphy Code, Chapter 2 – Administration, Article IX – Code of Ethics, Section 2-513 (a)(4)(f), the Ethics Review Commission requests the City Council to consider the following recommendations that were approved by the Commission at its meeting held on Thursday, July 19, 2012:

1. Amend Article IX Code of Ethics, Section 2-513, to require all employees and City officials to answer any inquiries of the Ethics Review Commission.
2. Amend Article IX Code of Ethics, Section 2-501 Definitions, to include the Municipal Development District in the definition of “City Official.”
3. Amend Article IX Code of Ethics, Section 2-518, to require all City employees and City officials to receive a copy of the Code of Ethics and to sign for their receipt of their copy. [Not just to make it available.]
4. Approve the Confidentiality and Non-Disclosure Agreement approved by the Ethics Review Commission on July 19, 2012.
5. Approve the Ethics Review Commission Ethics Complaint form.

B. Pursuant to City of Murphy Code, Chapter 2 – Administration, Article IX – Code of Ethics, Section 2-513, the Ethics Review Commission requests the following administrative support from the City:

1. City Secretary or designee to receive requests for agenda items outside of an open meeting and to prepare, post, and deliver the agendas for the meetings of the Ethics Review Commission meeting (in order to avoid potential violations of the Open Meetings Act by members of the Commission).

C. Pursuant to City of Murphy Code, Chapter 2 – Administration, Article IX – Code of Ethics, Section 2-513, the Ethics Review Commission advises the City Council of the resignation of Chairperson Gena Misouria effective at the end of the Commission meeting on July 19, 2012; Chairperson Misouria’s term would have continued through December 31, 2013.

# CONFIDENTIALITY AND NON-DISCLOSURE AGREEMENT

Date: \_\_\_/\_\_\_/\_\_\_

1. I, \_\_\_\_\_, a duly elected or appointed Member of the Ethics Review Commission of the City of Murphy, Texas, hereby request as part of my duties as a Member of the Ethics Review Commission to review the following documents or information which is held and maintained by the City of Murphy, Texas: \_\_\_\_\_ (hereafter “Confidential Information”) for the purpose of \_\_\_\_\_.
2. I understand the Confidential Information may be considered Sensitive Security Information under applicable federal regulations; considered confidential and protected from disclosure under the Texas Public Information Act; considered confidential and protected from disclosure under the Federal Freedom of Information Act; considered by the City to contain information that is vital to the security and safe operation of the City of Murphy, whether these documents are otherwise classified by any other entity or law as containing such information; and may contain information that is highly personal or financially sensitive.
3. I solemnly agree to the following with respect to the Confidential Information that is provided by the City to me:
  - A. I will safeguard the Confidential Information to prevent disclosure of it;
  - B. I will not release to or discuss the Confidential Information with any person, company, or entity for any reason;
  - C. I will not permit inspection of the Confidential Information by any person, company, or entity for any reason;
  - D. I will not release the Confidential Information pursuant to a request under the Texas Public Information Act or the Freedom of Information Act; and
  - E. I will promptly notify the City Secretary if any request, oral or written, is made for the Confidential Information by any unauthorized person.
4. I understand the City may seek appropriate remedies for any violation of this Agreement.

I hereby affirm and agree to the matters set forth above.

Member of the Ethics Review Commission:

Witnessed:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title





**CITY OF MURPHY**  
**ETHICS REVIEW COMMISSION**  
 206 NORTH MURPHY ROAD  
 MURPHY, TEXAS 75094

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I have made the above statement consisting of \_\_\_\_ page(s), which is based on my personal knowledge, and it is true and correct.

\_\_\_\_\_  
 Signature

**BEFORE ME**, the undersigned authority, this day personally appeared \_\_\_\_\_  
 \_\_\_\_\_ and by oath stated that the facts herein stated are true and correct.

**SWORN TO AND SUBSCRIBED BEFORE ME** before me on this \_\_\_\_\_ day of \_\_\_\_\_,  
 20\_\_\_\_.

\_\_\_\_\_  
 Notary Public in and for the State of Texas

My commission expires: \_\_\_\_\_

For Ethics Review Commission use only				
Chairperson	Vice Chairperson	Secretary	Commissioner	Commissioner
First Review Date	Investigator		Initial Disposition	
Hearing Date	Signature of Presiding officer		Final Disposition	

**\*NOTE THAT THIS COMPLAINT IS CONSIDERED A WORKING DOCUMENT AND IS NOT CONSIDERED RESOLVED UNTIL A FINAL DISPOSITION IS ENTERED AND SIGNED BY THE PRESIDING OFFICER.**

**City Council Meeting**  
**September 4, 2012**

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**Issue**

Consider and/or act upon approval of status report and professional services for Timbers Nature Preserve Park project FEMA and Section 404 permits.

**Staff Resource / Department**

Wade Peterson, HOK Park Planner and Kim Lenoir, Director of Parks and Public Works

**Key Focus Area**

Community Character and 2008 Park Bond Project

**Summary**

Timbers Nature Preserve Park project includes renovations of City Park, improvements to the adjacent Bunny Run property, and a new hike and bike trail on the ONCOR easement. HOK will present status of the concept plans and permitting progress.

**Background/History**

The Timbers Nature Preserve Park (TNPP) is a 2008 funded project now in the design/permitting phase. The master plan was completed in December 2010. HOK was hired to proceed with analyzing the drainage issues only. On October 4, 2011, HOK presented to the City Council findings to correct the drainage issues in the parks. There would need to be more surveying, study, and a letter of map revision prepared for FEMA. City Council approved the additional work to proceed with permitting the new construction with FEMA and the U.S. Corps of Engineers (USCOE).

On October 4, 2011, City Council authorized HOK to proceed with construction plans for the TNPP project. The council members discussed their priorities as being drainage improvements/management, ball fields, trails, and for the Bunny Run area to stay natural. HOK agreed to take that direction and revise the park plans to meet those goals. Council requested that HOK work with the Park and Recreation Board.

April 17, 2012, the City Council approved the revised park design and authorized submittal of the required permits.

**Financial Considerations**

March 6, 2012, City Council designated \$500,000 from the 2008 Park Bond Funds and \$600,000 from the 2008 Trail Bond funds. Current encumbered and expended funds are \$XXX for engineering, surveying, permitting and design.

A Collin County Trail grant of \$600,000 was applied for and will be announced in October 2012. A Texas Parks and Wildlife Department grant of \$100,000 was also applied for and will be announced in January 2013.

**Action Requested / Staff Recommendation**

If desired, a motion to approved an add service for the environmentalist to prepare report as requested.

**Attachments**

Status report



# Timbers Preserve Park Status Update

September 4, 2012

# Environmental Permit Update

## US Fish and Wildlife Threatened and Endangered Species Clearance

- Complete = Received authorization to proceed (4/25/2011)

## Public Notice Posted on June 30, 2012

- Open for comment for 45 days. Three official respondents:
  - Riverbank Ecosystems - objective party, responses issued
  - EPA - Requested clarification on two minor issues , responses issued
  - TPW - 'Concerns' - requires detailed responses at a minimum, and requests significant (but un-required) additional work. Although typical, will require consultant effort. Responses have begun

## Next Steps

- USACE requested consultant draft "Decision Document"
  - We write their report, they sign off on it
  - Pro's = we control the dialog, gains significant USACE good will and speeds up the process by months
  - Cons = costs up to an additional \$5,000
- Recommendation: Hourly add service for environmental consultant for up to \$5,000
- Decision Document goes to three commenters "this is what we decided" by Oct. 1 if we do the work, potentially 3-4 months later if we wait for them.
- Final permit reasonable by mid December (if we do document) or as late as April 2013 if USACE does the document.

# FEMA Permit Update

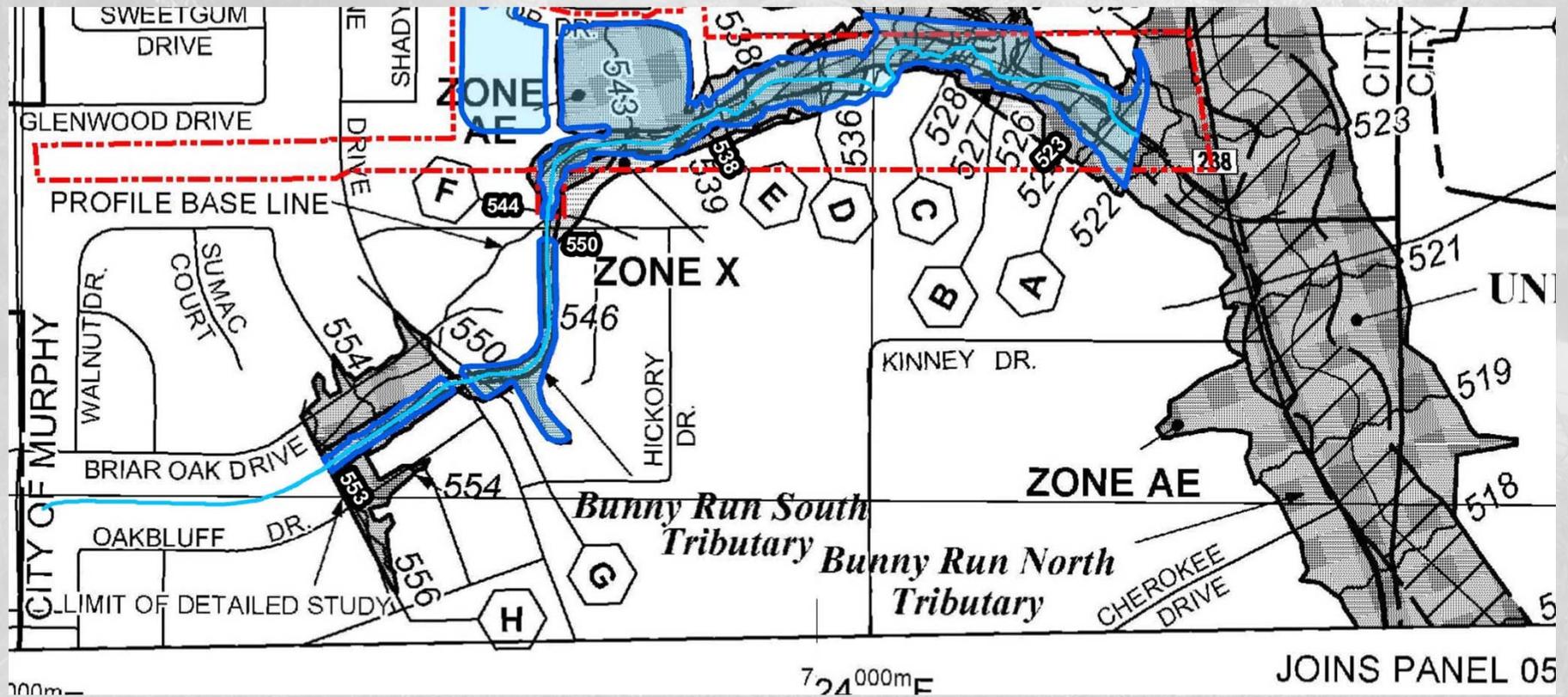
## FEMA Flood Map Revisions and Approvals:

- “Conditional Letter of Map Revision” (CLOMR)
  - Initial submittal on May 14, 2012
  - Initial comments received late July
  - Responses: Submitted August 23, 2012
  - FEMA has 90 days max to review (till late November)
  - Responses: Will submit by Dec. 15, 2012
  - First flood plain work can begin as early as Jan 15, or as late as March 15, 2013.

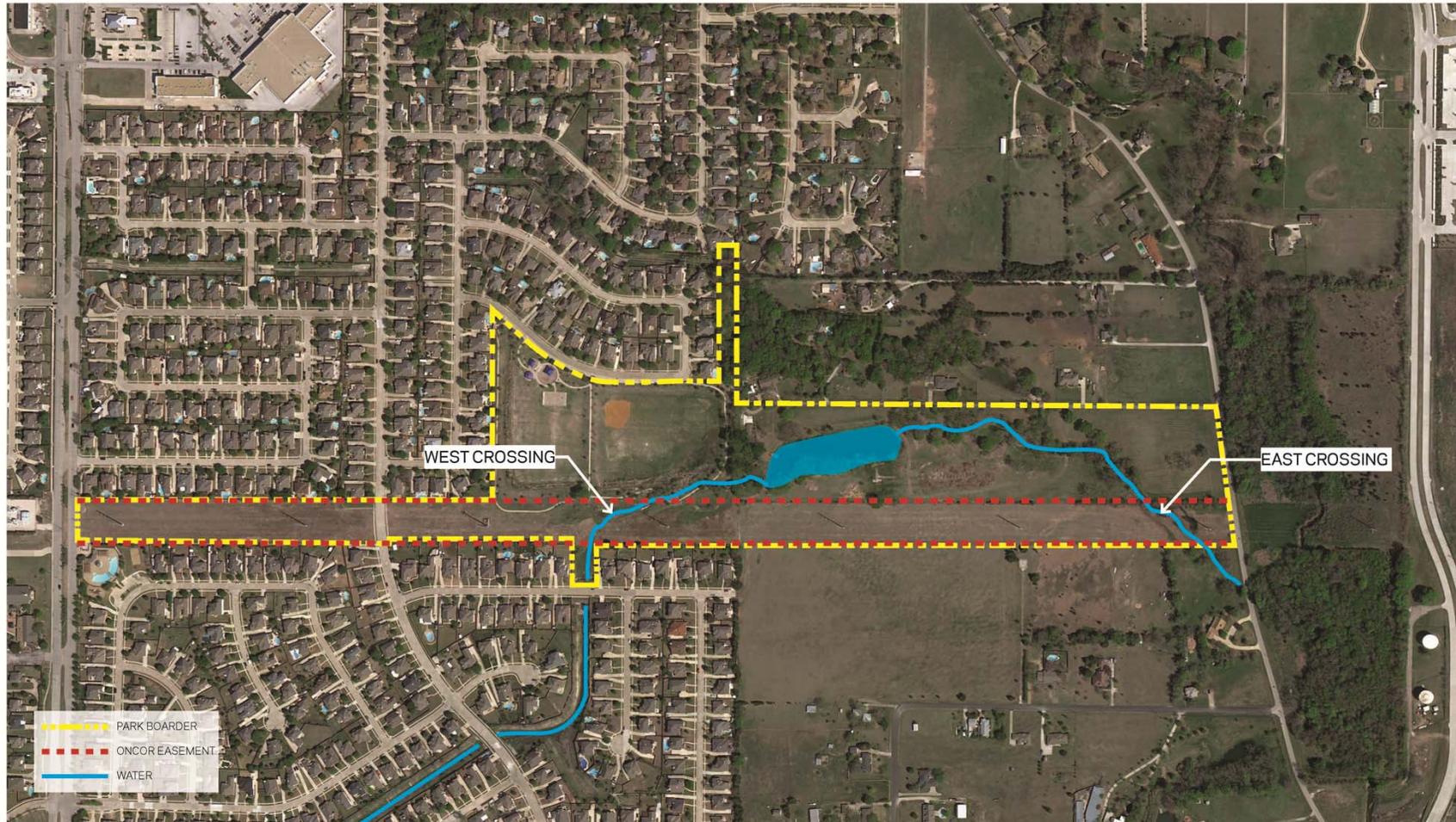
# FEMA Permit Update

## WHAT WILL IT MEAN FOR HOMEOWNERS

- Homeowners currently shown within the flood plain will no longer be REQUIRED to have flood insurance, although it is still recommended



# ONCOR Update



AERIAL PHOTO  
TIMBERS PRESERVE PARK

EXHIBIT A

# ONCOR Update

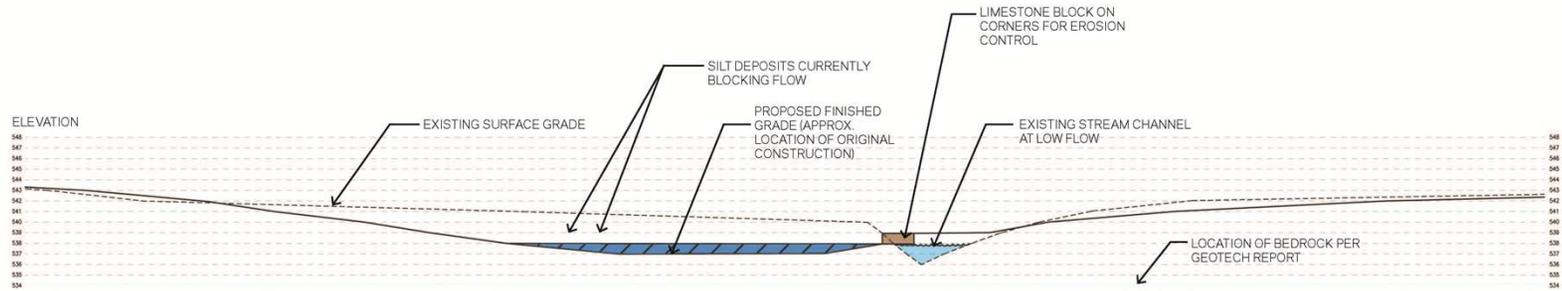


07-27-2012

SILTING  
TIMBERS PRESERVE PARK

EXHIBIT C.1

# ONCOR Update



SECTION A - DIRECTLY UNDER WIRES

SOLUTION



07-27-2012

EXHIBIT D

## **City Council Meeting**

### **September 4, 2012**

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#### **Issue**

Consider and/or act upon recommendations from Parks and Recreation Board regarding Murphy Central Park and PSA Murphy Project.

#### **Staff Resource/Department**

James Fisher – City Manager

Kim Lenoir – Director of Parks

Dennis Sims – Dunkin Sims Stoffels, Park Planner

#### **Key Focus Area**

Community Character, Mobility, and 2008 Trail, Street and Park Bond Projects

#### **Summary**

On August 30, 2012 at 6:30 p.m., Murphy Parks and Recreation Board held a Special Meeting regarding Murphy Central Park Construction Plans and the PSA Murphy Center Proposal. The Board reviewed, discussed, and acted upon four motions concerning Murphy Central Park and the PSA Murphy Project. The motions to recommend to City Council, which of all carried, are as follows:

1. Direct City staff to fast-track locations of additional multi-use practice fields in Murphy.
2. Leave the natural land east of the Central Park pond undeveloped.
3. Proceed with plans for PSA Murphy Center.
4. Leave the city hall loop road and do not include straightening it as designed for the new Tom Clevenger Road, which would encourage traffic to turn left into Willow Wood Estates.

#### **Background/History**

The Murphy Central Park master plan was approved by City Council June 13, 2011. On August 16, 2011, City Council authorized Dunkin Sims Stoffels (DSS), Park Planners, to proceed with construction documents for the Murphy Central Park and Maxwell Creek Trail project. On August 7, 2012, the City Council awarded the construction bid to Dean Construction. Contracts have been signed. The pre-construction meeting was held August 30, 2012. The Notice to Proceed was issued for September 4, 2012.

The Plano Sports Authority (PSA) approached the City about two months ago with a proposal to build a \$9M facility in Murphy, primarily for youth sports. Staff and PSA worked together to review all sites owned by the city and some sites not owned by the city, but that the City may acquire. On August 21, 2012, the City Council and Parks and Recreation Board reviewed the PSA Proposal. On August 30, 2012 the Parks and Recreation Board held a public meeting to solicit public input and to make a recommendation to City Council.

#### **Financial Considerations**

N/A

#### **Action Requested**

Discussion and motions are desired.

#### **Attachments**

- 1) Draft Minutes – August 30, 2012
- 2) PSA Slides
- 3) PSA and Murphy Central Park Site Plans



Murphy Parks and Recreation Board Special Meeting Minutes  
206 N. Murphy Road  
Murphy, Texas 75094  
August 30, 2012

**CALL TO ORDER**

Vice Chair Baldwin called the meeting to order at 6:30 p.m.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Vice Chair Baldwin gave the invocation and lead the Pledge of Allegiance.

**ROLL CALL & CERTIFICATION OF A QUORUM**

**Board Members Present:** Julia Baldwin, Paula Harper, Amy Lawrence, Angelia Pinaga

**Board Members Absent:** Katie Westhora, Ken Oltmann, Cary Walker

**City Staff Present:** Kim Lenoir, Director of Parks and Public Works  
Caitlyn Meehan, Recreation Supervisor  
Rheannon Boe, Executive Assistant  
Kim McCranie, Executive Administrative Assistant

Kim McCranie certified a quorum with all Members present except for Katie Westhora, Ken Oltmann and Cary Walker. Approximately 18 visitors were present.

**PRESENTATIONS**

Murphy Central Park Construction Plans

Kim Lenoir gave a brief update on the constructions plans for Central Park. She said the construction bid was awarded on August 7<sup>th</sup> and had the pre-construction meeting on August 30<sup>th</sup>. She said construction is scheduled to begin next week starting with removing the portion of Tom Clevenger, straightening the City Loop Road and the grading for the amphitheater. She said construction of the Park is scheduled to be complete by Fall 2013.

## PSA Murphy Center Proposal (Plano Sports Authority)

Don Blackwood, General Manager and Bill Wadley, Chairman of PSA (Plano Sports Authority) presented the concept plans for the PSA Murphy facility to the Park Board. They presented their projections of activity, the financials and statistics of their current facilities in Plano. They assured the Board that they are very sensitive to the concerns of building in and/or near a park and that it is always a consideration when planning these facilities.

## PUBLIC COMMENTS

Public comments requested about the PSA Murphy Center Proposal

### Owais Siddiqui, 533 Cave River Drive:

Mr. Siddiqui approached the Board with questions regarding the details of the lease/sale agreement; what impact will the PSA center have on a future recreation center as presented in the Master Plan?

### Margret Malone, 421 N. Maxwell Creek Road:

Ms. Malone approached the Board in favor of the PSA facility. She had questions regarding the affect the traffic will have on the quality of life for Willow Wood Estates residents. She inquired about what the plan is for traffic migration along N. Maxwell Creek Road. She expressed concerns about safety issues with the heavy pedestrian traffic along N. Maxwell Creek Road without sidewalks if Tom Clevenger Road is not closed. She stated that the facility would be great for economic development. She requested that the residents of Willow Wood Estates be kept informed of the plans.

### Tye Holmes, 342 N. Maxwell Creek Road:

Mr. Holmes approached the Board echoing Ms. Malone's comments. He stated that the economic impact would be beneficial for the city. He had questions regarding the flow of traffic with North Murphy Road; memberships; who will control the fields outside; long-term ownership plans; maintenance of the facilities; who is responsible for cleaning exterior after big events; marketing inside the building; the effects on the new Murphy Community Center; the plans for Central Park east of the pond – would be against a field being placed there. He stated that he was opposed to the straightening of Tom Clevenger Road.

### Will Sanitate, 629 Gene Autry Lane:

Mr. Sanitate approached the Board in favor of the PSA facility. He had questions regarding what happens with the PSA becomes defunct; does the building become City of Murphy property. He addressed safety concerns regarding pedestrians if the parking configuration were to change from the concept plan presented. He stated that he fully supports the PSA facility and is looking forward to having it in Murphy.

## CONSIDERATION ITEM

1. Review, discuss, consider and/or act upon a recommendation to City Council concerning the PSA Murphy Center Proposal.

### **Board Discussion**

Board member Pinaga inquired about the stability of the PSA Board structure. She asked if there was currently any recycling in the facilities and about the sustainability of the buildings. Don Blackwood said the Board was formed in 1970 by direction of the City of Plano Mayor. He said PSA has been a non-profit organization for 42 years. He said Bill Wadley has been a member since 1973 and he joined in 1975 and the other 3 directors joined in the 1980's. He said it consists of 5 members with option to expand to 7 according to bylaws. He said they have been together for a long time and still enjoy it and had built the other two facilities together. He said that currently there was not a recycling program in place but had a strong desire to add recycling. Bill Wadley (architect) explained that the materials they use to build and decorate the buildings with were cost effective, durable, and long lasting.

Board member Harper asked about long-term projections for a 4<sup>th</sup> facility. Mr. Blackwood said it took them 2 years of research to decide on the Murphy location and that they will not move any further east or south. If they go forward with a fourth building they will look north.

Board member Lawrence asked about who would pay for the parking, who would be responsible for the maintenance of the field and the lighting of the fields. Kim Lenoir explained that PSA would pay for most of the parking. She said the City would do the landscaping and tie it into the water well irrigation system for Central Park. She said the City would maintain the fields in the park. She said that there were 3 fields in the initial plans with 2 being lighted in the future. She said there are two fields receiving conduits in the current construction plans. Kim Lenoir explained that at this time only PSA is discussing use of the fields during summer camps. Scheduling and PSA use of the sport fields should be done annually.

Vice Chair Baldwin said she was in favor of the PSA facility but has concerns about the aesthetics of the building being a square box. She also said she has concerns with the road being straight. She said she was concerned about losing a field with the facility and appreciated the portion of the presentation showing statics of the indoor and outdoor fields. She requested City Staff fast track and find an alternative location from Central Park for additional fields. Don Blackwood explained that there has been a shift in demographics and volleyball and basketball are becoming more popular. Bill Wadley (architect) addressed her concerns regarding the aesthetics of the building with small changes he made to break up the box feel. He expanded the awning around to the side and added green walls to the sides.

The Board agreed that they like the current parking plan as is.

### **Board Action**

Vice Chair Baldwin moved to recommend to City Council that the City Staff find a location for an additional practice field outside of Murphy Central Park. Board member Lawrence seconded the motion. Motion passed 4-0.

Vice Chair Baldwin moved to recommend to City Council that the area east of the pond in Central Park remain undeveloped. Board Member Lawrence seconded the motion. Motion passed 4-0.

Vice Chair Baldwin moved to recommend to City Council that the City should continue moving forward with the PSA (Plano Sports Authority) Murphy Project. Board Member Pinaga seconded the motion. Motion passed 4-0.

Vice Chair Baldwin moved to recommend to City Council that the new Tom Clevenger Road route not be straightened. Board Member Harper seconded the motion. Motion passed 4-0.

### **STAFF REPORTS**

- **Park Construction Status Updates**  
Liberty Ridge Park is near completion, just need to finish establishing the grass and some more tree pruning. The Grand Opening is scheduled for October 6<sup>th</sup> the time is to be determined.  
Timbers Nature Preserve Park – The Bunny Run house has been demolished. The paving of Bunny Run Road is complete. We are still in the permitting process with FEMA. HOK will give an update at the September 4<sup>th</sup> City Council meeting and at the September 10<sup>th</sup> Park Board meeting.
- **City Council meeting report**  
City Council has been meeting about budget every week and will consider the new FY 2013 budget at the September 18<sup>th</sup> meeting.
- **MCDC Meeting Update**  
The MCDC approved to budget for the capital items requested for Parks and Recreation.

### **ADJOURNMENT**

With no other business before the Board, Vice Chair Baldwin adjourned the meeting at 8:29 pm.

**APPROVED:**

**Attest:**

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Katie Westhara, Chair

---

Kim Lenoir, Director of Parks

# Outdoor Field Vs PSA Murphy

## One Outdoor Field Capacity

- Unlighted initially
- Used two seasons a year
- 12-16 game hours/wk depending on length of day
- 1-2 practice hours possible weekdays in late Spring and early Fall.
- Supports an average of 26 kids/hour for games
- 676 kids-hours/week
- 12,168 kids-hours/year on two seasons
- Supports 50 kids/day in early summer camp before heat

## PSA Murphy Indoor Capacity

- Lighted
- Used 52 weeks/year – no rainouts
- Supports 180 kids/hour
- 8640 kids-hours/week
- 371,520 kid-hours/year
- Supports 400 kids/day in air conditioned summer camp

# Proposed PSA Murphy Site Plan in Murphy Central Park

