

MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
MARCH 5, 2013 AT 6:00 P.M.
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094



Bret Baldwin
Mayor

Colleen Halbert
Deputy Mayor Pro Tem

John Daugherty
Councilmember

Dennis Richmond
Councilmember

Scott Bradley
Councilmember

Bernard Grant
Councilmember

Dave Brandon
Councilmember

James Fisher
City Manager

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 March 5, 2013 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. PRESENTATION ITEMS:

- A. Presentation from Progressive Waste Solutions on the proposed implementation schedule and program details for solid waste and recycling services.

6. CONSENT AGENDA

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

- A. Consider and take action, if any, on the approval of meeting minutes:
1. Reconsider January 31, 2013 Special Called Joint Meeting; and,
 2. February 19, 2013 Regular Meeting.
- B. Consider and take action, if any, Consider and/or act on the application of Allen & Loucks Venture for a Final Plat for **121 E. FM 544** in Murphy Marketplace – West Addition.

7. INDIVIDUAL CONSIDERATION

- A. Consider and/or act upon nominations and election for Mayor Pro Tem.
- B. Consider and/or act upon the recommendations from the Council Interview Panel regarding appointing a board member to the Murphy Community Development District (4B).
- C. Hold a public hearing and consider and/or act on the application of Allen & Locks Venture for a Specific Use Permit for Dault Lytle Financial to allow for the use of Office, Financial Services (Advise/Invest) at 305 E. FM 544, Suite 909 on property zoned PD (Planned Development) District No. 12-10-923 for Retail Uses.
- D. Presentation by Murphy 2013 Senior Community, L.P regarding a proposed application to the Texas Department of Housing and Community Affairs for the

Evergreen Senior Living Community and consider and/or act upon a proposed resolution regarding said project.

- E. Consider and/or act upon, neighborhood traffic control issues and the City of Murphy Traffic Calming Initiative Policy.
- F. Consider and/or act on authorizing the City Manager to execute a contract with Progressive Waste Solutions/IESI to provide Solid Waste Collection & Disposal and Recyclable Material Collection & Processing services for the City of Murphy.
- G. Consider and/or act upon a proposed resolution approving the City of Murphy Policies and Procedures.

8. CITY MANAGER/STAFF REPORTS

North Murphy Road Construction Update
McCreary Road Construction Update
Murphy Central Park Construction Update

9. 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:

§551.071 Consultation with City Attorney regarding advice from City Attorney involving:

- a) Susan Kinder-Alessio v. City of Murphy, et al., Civil Action No. 4:12-CV-000493-RC-ALM
- b) Michael Cantrell v. City of Murphy, et al, Cause No. 6:09-cv-225.

§551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of City of Murphy Community Development Member.

10. RECONVENE INTO REGULAR SESSION

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

§551.071 Consultation with City Attorney regarding advice from City Attorney involving:

- a) Susan Kinder-Alessio v. City of Murphy, et al., Civil Action No. 4:12-CV-000493-RC-ALM
- b) Michael Cantrell v. City of Murphy, et al, Cause No. 6:09-cv-225.

§551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of City of Murphy Community Development Member.

11. ADJOURNMENT

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on March 1, 2013 by 5:15 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.



Kristi Gilbert, TRMC, CMC, CPM
City Secretary

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

CITY COUNCIL MINUTES
 JANUARY 31, 2013 JOINT CITY COUNCIL AND ANIMAL SHELTER ADVISORY
 COMMITTEE MEETING AND WORK SESSION

1. CALL TO ORDER

Mayor Baldwin called the meeting to order at 6:03 p.m. in the Homer Adams Room of the Murphy Community Center.

2. CERTIFICATION OF A QUORUM

The following Councilmembers were present:

Mayor Brett Baldwin
 Mayor Pro Tem John Daugherty
 Deputy Mayor Pro Tem Colleen Halbert (arrived at 6:05 p.m.)
 Councilmember Dennis Richmond (arrived at 6:05 p.m.)
 Councilmember Bernard Grant
 Councilmember Dave Brandon

Councilmembers absent: Councilmember Scott Bradley

The following Animal Shelter Advisory Committee Members were present:

Chairperson Stephanie Pennington
 Tammy Drake, Animal Control Officer
 Dr. Lorraine Chalkley
 Buddy Russell
 Dave Brandon

Committee members absent: Beverly Mueller

3. PUBLIC COMMENTS: None

4. INDIVIDUAL CONSIDERATION

- A. Consider and take action, if any, on the proposed Animal Shelter Project, including the design process and status report.

The Council held discussions with regard to the three proposed options. Discussions included outdoor play areas, state requirements, the separation of the lab and work room, staffing requirements and the Animal Shelter Advisory Committee's suggestions.

COUNCIL ACTION:

APPROVE OPTION #2

Deputy Mayor Pro Tem Halbert moved to have Quorum proceed with Option #2 to include an enclosed chain link, outdoor play area, to include a separate lab space from the work room, use the Animal Shelter Advisory Committee's list for an alternate bid list (*attached as Exhibit "A"*), swap the laundry and cat hold areas for access to the kennels and to include artificial turf and Expansion A, B and C as alternate bids. Mayor Pro Tem Daugherty seconded the motion. For: Baldwin, Daugherty, Halbert, Grant and Richmond. Against: Brandon. The motion carried by a vote of 5 to 1.

5. ADJOURNMENT

With no further business, the meeting was adjourned at 7:08 p.m.

APPROVED BY:

Bret M. Baldwin, Mayor

ATTEST:

Kristi Gilbert, City Secretary

EXHIBIT "A"
ANIMAL SHELTER ADVISORY COMMITTEE'S LIST OF REQUIRED ELEMENTS**Dog Space Estimates**

Dog runs – 12 runs desired (per Kim)

20 runs desired (per Dr C)

Dog outdoor exercise area (play yard)

Direct access from dog kennels to outdoor exercise area, without having to exit the building and re-enter the outdoor exercise area

Airflow meet requirements 12/per hours

Cat Space Estimates

Cat space – 20 cages; 3'x3' minimum size

Adoptable window feature - might be exterior window to cat area, might be interior only window

Airflow to meet requirements

Reception Area:

Night slot for paperwork

Bench for seating for public

Bonding Room: Get to know you space for adoption

Bathroom: single unisex

Private Office:

Files

Computer

Small refrigerator for staff

Lab/treatment and bathing/work room: Need two separate spaces

Lab:

3 compartment sink

Cabinets/overhead storage for drugs and equipment

Lab/treatment is windowless room; quiet environment a must

Mobile SS lift exam table

Safe for controlled substances

Standard refrigerator for vaccines and tests

Sufficient power outlets at floor and counter height

Microscope

Bathing/Work room/Food Prep:

Bathing – SS tub with walk up ramp and stainless surround – (location TBD)

Shelving for towels and shampoo

Cabinets

Sink for hand washing and food prep (double compartment)

Dishwasher for sanitizing bowls and equipment

Deep freeze

Laundry:

Separate space not shared with storage

Storage:

Storage spaces required: Consider utilizing existing shelter for storage needs

Facilities

Non-slip sealed epoxy based flooring

Epoxy flooring material continues up wall for 4ft

Sound panels installed in dog area

Floor drains, every room - except office, admin, checking

Kennel facings stainless

Cat cages stainless

Work tables stainless

Exam table stainless

Countertops in workroom stainless

Hand-sink near isolation area

Security:

Controlled access /(badge) for all exterior doors

Controlled access from public lobby area to private areas: kennels, lab, work space, etc.

Doorbell/entry notification to signal entry which should be heard throughout the facility

Install wiring/conduit for cameras or access controlled devices which may be installed in the future

Lighting:

Outdoor security

Dimmable/night time lighting for kennels

**CITY COUNCIL MINUTES
FEBRUARY 19, 2013 REGULAR CITY COUNCIL MEETING**

1. CALL TO ORDER

Mayor Pro Tem Daugherty called the meeting to order at 6:04 p.m.

2. INVOCATION & PLEDGE OF ALLEGIANCE

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

3. ROLL CALL & CERTIFICATION OF A QUORUM

City Secretary, Kristi Gilbert, certified a quorum with the following Councilmembers present:

Mayor Bret Baldwin (arrived at 8:34 p.m.)

Mayor Pro Tem John Daugherty

Deputy Mayor Pro Tem Colleen Halbert

Councilmember Dennis Richmond

Councilmember Scott Bradley

Councilmember Bernard Grant

Councilmember Dave Brandon

Councilmembers absent: None

4. PUBLIC COMMENTS – No one was signed in to speak.

5. PRESENTATION ITEMS –

Mayor Pro Tem Daugherty presented a proclamation declaring February 21-24, 2013, Delta Sigma Theta Sorority, Inc. Days in the City of Murphy commemorating 100 years of public service to members of the Collin County Chapter of Delta Sigma Theta Sorority, Inc.

6. CONSENT AGENDA

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

A. Consider and take action, if any, on the approval of meeting minutes:

1. January 31, 2013 Special Called Joint Meeting; and,
2. February 5, 2013 Regular Meeting.

B. Consider and take action, if any, on the application of Winkelmann and Associates, Inc. representing D.R. Horton, requesting approval of the Final Plat for **the Gables at North Hill, Phase 2B** on property zoned PD (Planned Development) District for Single Family Uses. This property is located southwest of McCreary Road and McWhirter Road.

C. Consider and take action, if any, on the application of Winkelmann and Associates, Inc. representing D.R. Horton, requesting approval of the Final Plat for **The Gables at North Hill (Park Lots)** on property zoned PD (Planned Development) District for Single Family Uses (Ordinance No. 03-10-590). This property is located at the intersection of North Hill Lane and Gene Autry Lane. It extends to the Amenity Center at North Hill and all lots abut to North Hill Park, City of Murphy.

- D. Consider and take action, if any, on a utility capital improvement project for the South Maxwell Creek Trunk Sewer Line.
- E. Consider and take action, if any, on awarding the contract for wrecker and impound services for the City of Murphy to Wylie Towing, or other responsible bidder, in accordance with Chapter 78.133, of the Murphy City Code and authorize the City Manager to execute the contract agreement for the delivery of wrecker and impound services.

Councilmember Brandon asked to remove item 6.E. from the consent agenda.

COUNCIL ACTION:

APPROVE A-D

Deputy Mayor Pro Tem Halbert moved to approve consent agenda items 6.A. through 6.D. as presented. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

COUNCIL ACTION:

APPROVE E

Councilmember Brandon moved to approve awarding the contract for wrecker and impound services for the City of Murphy to Wylie Towing in accordance with Chapter 78.133, of the Murphy City Code and authorize the City Manager to execute the contract agreement for the delivery of wrecker and impound services with the addition of Article XII, 12.2 to add the ability for the customer to pay a drop fee of \$75 which is equal to the base tow fee. The customer is able to pay a drop fee assuming the towable vehicle has not been fully hooked up to the wrecker. Any other requirements around the drop fee are regulated and spelled out by the Texas Department of Licensing and Regulation. Deputy Mayor Pro Tem Halbert seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

7. INDIVIDUAL CONSIDERATION

Mayor Pro Tem Daugherty moved discussion on items 7.A. through 7.E. to the end of the agenda.

- F. Consider and take action, if any, on the review of the Traffic Study conducted on Moonlight Drive.

City Manager, James Fisher, provided the Council with a report on the traffic study performed at the request of the residents on Moonlight Drive. Mr. Fisher stated that one area of concern was the volume of cars utilizing Moonlight Drive. Police Chief GM Cox provided the Council with details of the study including the use of unmarked cars and COPs for the initial study. Discussion was held with regard to utilizing a speed trailer in conjunction with a selective traffic enforcement program (STEP) and the installation of pole-mounted speed indicators, as well as the costs associated with each. Discussion included taking additional steps to further investigate a more permanent solution.

Citizen Comments:

The following citizens expressed concerns regarding the increased traffic volume on Moonlight Drive, as well as a desire for the Council to take steps to mitigate the volume:

Linda Martin, 142 Moonlight Drive

Greg Matocha, 151 Moonlight Drive

Susie Blackstock, 150 Moonlight Drive
Robert Abbie, 171 Moonlight Drive
Jake Glenn, 182 Moonlight Drive
Melanie Griesmer, 179 Moonlight Drive

Gail Tobleman, 1004 Mason Way – Ms. Tobleman stated that she was very concerned that the Council would consider closing Moonlight Drive. Ms. Tobleman stated that, if the road was closed, it would appear to remove Mason Way from the City of Murphy.

COUNCIL ACTION (ITEM 7.F.):

CONTINUE STUDY/SEEK GUIDANCE

Deputy Mayor Pro Tem Halbert moved to proceed with utilizing a speed trailer and conducting a STEP program in conjunction with the speed trailer and have the Police Department provide Council with a report and guidance for next steps at the March 19, 2013 meeting. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

- G. Hold a public hearing and consider and/or act on the application of McBirney-544 Joint Venture, on behalf of the property owner, Mike Horn, to re-plat **Lot 2R - Block A – Murphy Village Addition Lots 6, 7 & 8** on property zoned PD (Planned Development) District No. 09-12-823 and No. 09-12-824 for Retail and Office Uses. This property is located at the southeast quadrant of West FM 544 and Brand Road.

Kristen Roberts stated that the replat was to split a single lot into three lots. Ms. Roberts stated that public hearing notices had been published in the newspaper and property owners had been notified as required. Ms. Roberts stated that staff had not received any comments on the proposed replat and the Planning and Zoning Commission had unanimously recommended approval.

Mayor Pro Tem Daugherty opened the public hearing at 6:55 p.m. No individuals were signed in to speak in favor of or in opposition to the proposed replat. Mayor Pro Tem Daugherty closed the public hearing at 6:55 p.m.

COUNCIL ACTION (ITEM 7.G.):

APPROVED

Councilmember Brandon moved to approve the replat as submitted. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

- H. Consider and take action, if any, on the application of Wal-Mart Real Estate Business trust requesting approval of a site plan and related items for **Wendy's** on property zoned PD (Planned Development) District No. 12-02-905 located at 117 West FM 544.

Ms. Roberts stated that a restaurant with a drive-thru/drive-in was an allowed use on the lot as specified in the PD ordinance. Ms. Roberts stated that Staff had asked the applicant to relocate the drive-thru to the rear of the building so that it did not front on FM 544, however, that would have resulted in the dumpster being located in the front of the building. Ms. Roberts stated that the Planning and Zoning Commission had recommended approval with changes to include the extension of the curb slightly at the southeast corner of the parking lot, covering the exposed cooler doors with brick and the installation of stone or brick in lieu of the proposed tile locations on the façade.

The Council held discussion with regard to allowing only a single drive-thru lane, the usage of LED lights to match the proposed Wal-Mart parking lights, the monument sign, and the stub through from the Kwik Kar parking lot and reducing a portion of the red, aluminum construction material.

Derrick Langford with PM Design Group, representing the applicant, stated that Wendy's would be amenable to the reduction in drive-thru lanes. Mr. Langford stated that Wendy's would change the façade of the drive-thru area to stone or masonry, with red only on the blade that is facing the Wal-Mart parking lot.

COUNCIL ACTION (ITEM 7.H.):

APPROVED

Deputy Mayor Pro Tem Halbert moved to approve the site plan as presented with the following changes: to remove the second drive-thru; to extend the drive-thru island to prevent access from the northwest entrance; to change the drive-thru tower to include masonry; to cap the signage to make sure that it fits the style of the Wal-Mart sign; and, to direct Staff to review the lighting to be consistent with the Wal-Mart lighting. Councilmember Brandon seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

- I. Continue a public hearing and consider and/or act upon approval of an ordinance amending Chapter 28, Development Standards, of the Code of Ordinances.

Ms. Roberts stated the Council reviewed a draft at the September 6, 2012 meeting. Since that meeting, Staff made changes based on recommendations to draft the ordinance as provided. Ms. Roberts stated there were minimal changes; however, Staff felt it was necessary to review additional items in the code in the near future.

Mayor Pro Tem Daugherty continued the public hearing. No individuals were signed in to speak in favor of or in opposition to the proposed replat. Mayor Pro Tem Daugherty closed the public hearing at 7:12 p.m.

COUNCIL ACTION (ITEM 7.I.):

APPROVED

Deputy Mayor Pro Tem Halbert moved to approve an ordinance amending Chapter 28, Development Standards, of the Code of Ordinances as presented and direct Staff to move forward with research on Hookah lounges, solar panels, enhanced overnight parking restrictions, human signs and accessory Buildings/Structures (all sections). Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0. (*Assigned Ordinance No. 13-02-947*)

- J. Consider and take action, if any on authorizing the City Manager to negotiate a contract to provide Solid Waste Collection & Disposal and Recyclable Material Collection & Processing services for the City of Murphy.

Mr. Fisher stated that, per Council's direction at the last meeting, Staff asked for proposed route maps from the bidders. Mr. Fisher stated that the City received four great proposals from four great representatives, which made the decision difficult. Mr. Fisher thanked Waste Management for the thirty day extension to allow Staff adequate time to make the best

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decision for the community. Mr. Fisher stated that, based on the community's needs, Staff recommended awarding the bid to Community Waste Disposal.

Council held discussion with regard to services provided by Community Waste Disposal and Progressive. Mayor Pro Tem Daugherty allowed a representative from both Progressive and Community Waste Disposal to give a brief presentation of their services to Council. Shawn Eiras spoke on behalf of Progressive Waste Solutions. Greg Roemer spoke on behalf of Community Waste Disposal.

Council continued discussion of the preference to have the City's Customer Service Department be heavily involved in handling inquiries related to solid waste services. Council held discussions with regard to Progressive Waste's Option #1.

COUNCIL ACTION (ITEM 7.J.):

APPROVED

Deputy Mayor Pro Tem Halbert moved to authorize the City Manager to negotiate a contract for services with Progressive (IESI) and bring it back on the March 5, 2013 agenda and to include in the contract that the rebate will be raised with the CPI with any rate increases that may occur and to clarify the customer service and transition plans. Councilmember Brandon seconded the motion. For: Daugherty, Halbert, Bradley and Brandon. Against: Richmond and Grant. The motion carried by a vote of 4 to 2.

- K. Consider and take action, if any on capital expenditures:
1. Consider and take action, if any, on the capital projects list, and authorize the City Manager to prepare the appropriate financial documents for funding.

Mr. Fisher presented the Council with the list of Capital Projects that needed funding. The project list included \$214,069 shortage from Central Park, the additional irrigation of \$50,000, \$500,000 of funds from the Murphy Municipal Development District (MDD) for Central Park for a total needed of \$764,069 for Central Park, plus an additional \$19,570 for parking for the Decatur Maxwell Cemetery. Mr. Fisher stated an additional \$75,000 was needed for signage along North Murphy Road for the City Hall Complex, the Community Center and Central Park. Mr. Fisher stated that funding for the Community Center project was still not complete and required an additional \$103,800, less an estimated \$57,576 in revenue expected from a SECO Grant for a total estimated amount of \$46,224 outstanding for the Community Center. Mr. Fisher cautioned that this was not a final amount. Mr. Fisher stated that an additional \$150,000 was needed for the animal shelter project. All items totaled \$1,054,863.

Mr. Fisher continued by stating potential funding sources that included \$52,000 in interest from 2008 Bonds and \$371,000 from Bunny Run Park funds, not including the \$600,000 in trail funds. Mr. Fisher stated that \$1,000,000 in tax notes could be issued, \$500,000 currently approved by the MDD, on top of the \$600,000 cash already provided by the MDD.

Discussion was held with regard to the parking lot for the Plano Sports Authority (PSA), parking lot. Council discussed that the lease agreement with the Plano Sports Authority (PSA) required the construction of the parking lot, the location of which was moved to the east of the police department and funds have yet to be allocated for \$100,000 of the

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parking lot construction costs. Mr. Fisher stated that the parking lot would have cost a lot more if it had been constructed at some point in the future.

Discussion was held with regard to additional funding sources, the priority of projects, irrigation, signage and cemetery parking. Council also held discussion with regard to animal shelter options that could save money and the use of trail funds for Central Park. Mr. Fisher stated that the City received \$500,000 in matching grants for the Oncor Trail. Discussion was held with regard to having the MDD provide the needed matching funds in the future and use the \$600,000 in Trail funds to cover the current projects.

Deputy Mayor Pro Tem Halbert moved to authorize the City Manager to proceed with the capital projects list and prepare the appropriate documents for funding using \$500,000 in tax notes from the Murphy Development District and \$600,000 from the 2008 Parks Bond. Councilmember Richmond seconded the motion. For: Bradley, Halbert and Richmond. Against: Daugherty, Brandon and Grant. The motion failed with a vote of 3 to 3.

Mayor Baldwin arrived at 8:34 p.m.

Councilmember Brandon moved to authorize the City Manager to prepare the documents for funding to issue \$1,000,000 in tax notes with \$500,000 being funded by the MDD. Mayor Pro Tem Daugherty seconded the motion. Councilmember Brandon withdrew his motion.

COUNCIL ACTION (ITEM 7.K.1.):

APPROVED

Councilmember Brandon moved to authorize the City Manager to approach the MDD Board to negotiate the increase of \$500,000 in tax notes up to \$1,000,000 in tax notes. Mayor Pro Tem Daugherty seconded the motion. For: Daugherty, Bradley, Brandon, Grant, Halbert and Richmond. Against: None. Abstained: Baldwin. The motion carried 6-0-1.

RECESS AND RECONVENE

Mayor Baldwin recessed the meeting at 8:37 p.m. and reconvened at 8:49 p.m.

2. Consider and take action, if any, on Alternate #7, Construct 4 Space Parking Lot and Connector Trail, east of PISD Maintenance Facility for Murphy Central Park, and authorize the City Manager to enter into an Interlocal Agreement with PISD for said parking lot and connector trail

Steve Richards, 244 Briar Oaks Drive President of the Cemetery Association – Mr. Richards stated that he felt that it was better that the cemetery be part of the park and he is in favor of the new parking lot being built.

COUNCIL ACTION (ITEM 7.K.2.):

APPROVED

Councilmember Brandon moved to authorize the City Manager to execute Alternative #7 and enter into an Interlocal agreement with PISD to allow for the fence to be moved and the construction of the new parking lot at a not to exceed cost of \$20,000 to be funded from the interest of the 2008 Bonds. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

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3. Consider and take action, if any, on the request by Plano Sports Authority to waive the permit fees for PSA Murphy.

Mr. Fisher stated the projected cost of plan review and health fees was \$27,523 not including City Engineer fees or Customer Service fees. Mr. Fisher stated that PSA had generated approximately \$20,000 to help with landscape costs.

Discussion was held with regard to the unknown, future hard costs of the project.

Don Blackwood, PSA General Manager – Mr. Blackwood stated that the cement that was currently onsite represented one third of the foundation. He stated that March 15th was the target date to tilt walls. Mr. Blackwood stated that PSA owed the City, contractually, \$100,000 on May 1st so anything delayed beyond that date would help the project.

Don Kiertscher, 416 Skyline Dr – Mr. Kiertscher stated that he saw three options with regard to the fees: 1) charge PSA all the permit and inspection fees; 2) charge the actual cost of the inspections and review from the past and present, through the final inspection; or, 3) waive all of the fees. Mr. Kiertscher stated that he believed that the Council should go with option 2. Mr. Kiertscher stated that he had no problem with raising his taxes for Tier 1 costs that he defined as a fire truck and ambulance, however, he did not agree with raising his taxes for Tier 2 projects that he defined as parks and recreation projects.

COUNCIL ACTION (ITEM 7.K.3.):

WAIVE & DELAY

Councilmember Brandon moved to waive the impact fees for PSA of \$43,452.52 and delay collection of the remainder of the permit fees until June 1, 2013. Mayor Pro Tem Daugherty seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

4. Consider and take action, if any, on funding provisions provided by the Murphy Municipal Development District to improve the infrastructure at Central Park to accommodate the Plano Sports Authority Murphy Building.

COUNCIL ACTION (ITEM 7.K.4.):

NO ACTION

No action was taken.

Mayor Baldwin continued the meeting by revisiting items 7.A. through 7.E. that were delayed by Mayor Pro Tem Daugherty.

- A. Consider and take action, if any, on accepting the resignation of Mayor Bret Baldwin effective after his successor qualifies as a result of the May 11, 2013 election.

The Council relayed their regret for having to take action on the Mayor's resignation.

COUNCIL ACTION (ITEM 7.A.):

APPROVED

Councilmember Bradley moved to accept the resignation of Mayor Bret Baldwin effective after his successor qualifies as a result of the May 11, 2013 election. Deputy Mayor Pro Tem Halbert seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

Mayor Baldwin stated that it had been a privilege to serve in the community and to serve with great people that really care about the community. The Mayor stated that Murphy was a great

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place to live and it was an honor to serve for eight years, in which he's seen a lot of change and growth. The Mayor stated that he felt that the community was in a good place, that things were going well and it was a good time to step down. He stated that he had every confidence that there were people ready to take over and the City won't miss a beat.

- B. Consider and take action, if any, on approving an Ordinance ordering a Special Election to be held on May 11, 2013, for the purpose of electing the position of Mayor to fill a one-year, unexpired term of office.

COUNCIL ACTION (ITEM 7.B.):

APPROVED

Deputy Mayor Pro Tem Halbert moved to approve an Ordinance ordering a Special Election to be held on May 11, 2013, for the purpose of electing the position of Mayor to fill a one-year, unexpired term of office. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. *(Assigned Ordinance No. 13-02-945)*

- C. Consider and take action, if any, on accepting the resignation of John Daugherty, Council Member Place 3 effective after his successor qualifies as a result of the May 11, 2013 election.

Andy Messer, City Attorney, explained to the Council that Mr. Daugherty's seat is considered vacant upon the Council's acceptance and, according to the Constitution, he continues to holdover until his successor is elected and sworn in. Mr. Messer stated that the City Charter provides that, upon a vacancy of the Mayor Pro Tem, the Council appoints the Mayor Pro-Tem at the next regular meeting. Mr. Messer stated that, due to a combination of both the Constitution and the Charter, the Mayor Pro Tem should be appointed at the March 5, 2013 meeting. Councilmember Brandon and Councilmember Grant stated that they agreed with Mr. Messer.

COUNCIL ACTION (ITEM 7.C.):

APPROVED

Deputy Mayor Pro Tem Halbert moved to accept the resignation of John Daugherty, Council Member Place 3 effective after his successor qualifies as a result of the May 11, 2013 election. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

Councilmember Bradley requested that the City Manager place the appointment of the Mayor Pro Tem at the March 5, 2013 meeting.

- D. Consider and take action, if any, on approving an Ordinance ordering a Special Election to be held on May 11, 2013, for the purpose of electing the position of Council Member, Place 3 to fill a one-year, unexpired term of office.

COUNCIL ACTION (ITEM 7.D.):

APPROVED

Councilmember Bradley moved to approve an Ordinance ordering a Special Election to be held on May 11, 2013, for the purpose of electing the position of Mayor to fill a one-year, unexpired term of office. Deputy Mayor Pro Tem Halbert seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. *(Assigned Ordinance No. 13-02-946)*

- E. Consider and take action, if any, on approval of the Joint General and Special Election Contract for Election Services for the May 11, 2013 General and Special Elections between the City of

Murphy, the Plano Independent School District and the Elections Administrator of Collin County, Texas and the included Joint Election Agreement between the City of Murphy, the Plano Independent School District and the Collin College District and authorize the City Manager to execute the same.

COUNCIL ACTION (ITEM 7.D.):**APPROVED**

Deputy Mayor Pro Tem Halbert moved to approve of the Joint General and Special Election Contract for Election Services for the May 11, 2013 General and Special Elections between the City of Murphy, the Plano Independent School District and the Elections Administrator of Collin County, Texas and the included Joint Election Agreement between the City of Murphy, the Plano Independent School District and the Collin College District and authorize the City Manager to execute the same. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

8. CITY MANAGER/STAFF REPORTS

Mr. Fisher provided the Council with an update on the following items:

North Murphy Road Construction Update

McCreary Road Construction Update

Murphy Central Park Construction Update

CLC Meeting – Thursday, February 21st at 7:30 a.m.

9. EXECUTIVE SESSION

The City Council convened into Executive Session at 9:30 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

§551.071 Consultation with City Attorney regarding advice from City Attorney involving:

- a) Susan Kinder-Alessio v. City of Murphy, et al., Civil Action No. 4:12-CV-000493-RC-ALM
- b) Michael Cantrell v. City of Murphy, et al, Cause No. 6:09-cv-225.

§551.087 Deliberation regarding economic development: Deliberation regarding the offer of a financial or other incentive to Murphy 2013 Senior Community, L.P

§551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of City of Murphy Community Development Member.

10. RECONVENE INTO REGULAR SESSION

The City Council reconvened into Open Session at 10:04 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

§551.071 Consultation with City Attorney regarding advice from City Attorney involving:

- a) Susan Kinder-Alessio v. City of Murphy, et al., Civil Action No. 4:12-CV-000493-RC-ALM
- b) Michael Cantrell v. City of Murphy, et al, Cause No. 6:09-cv-225.

§551.087 Deliberation regarding economic development: Deliberation regarding the offer of a financial or other incentive to Murphy 2013 Senior Community, L.P

§551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of City of Murphy Community Development Member.

No action was taken as a result of Executive Session items.

Deputy Mayor Pro Tem Halbert stated that she could not support a resolution providing for funding provisions at this time, but she would like to see Murphy 2013 Senior Community move forward with their application and would like to see them work with Staff on their site plan and zoning applications. Councilmember Bradley, Councilmember Grant and Councilmember Brandon stated they agreed with Deputy Mayor Pro Tem Halbert.

11. ADJOURNMENT

With no further business, the meeting was adjourned at 10:06 p.m.

APPROVED BY:

Bret Baldwin, Mayor

ATTEST:

Kristi Gilbert, City Secretary

City Council
March 5, 2013

Issue

Consider and/or act on the application of Allen & Loucks Venture for a Final Plat for **121 E. FM 544** in Murphy Marketplace – West Addition.

Staff Resource / Development

Kristen Roberts, Director of Community and Economic Development

Considerations

1. On July 23, 2013, this property was replat to combine two lots to one.
1. This property has one building of approximately 9,524 square feet that houses Einstein's, Super Cuts and Chipotle. There is an additional restaurant space that is currently vacant.
2. This project is complete and once approved, the final plat can be filed with the County.
3. Submission of the plat mylars, filing fees and other materials necessary to file the plat at the county shall be submitted to the City within 30 calendar days of the final plat approval by the City Council.

Board Discussion / Action

On February 25, 2013, the Planning & Zoning Commission considered this item and voted unanimously to approve.

Staff Recommendation

Staff recommends approval of the final plat as submitted.

Attachments

Final Plat

Kristen Roberts, Director of Economic and Community Development

Submitted By

Issue

Consider and/or act upon nominations and election for Mayor Pro Tem.

Staff Resource / Department

Kristi Gilbert, City Secretary

Summary

On February 14, 2013, John Daugherty submitted his letter of resignation, resigning from Place 3. The Council accepted Mr. Daugherty's resignation on February 19, 2013.

At the February 19, 2013 meeting, City Attorney Andy Messer explained to the Council that Mr. Daugherty's seat is considered vacant upon the Council's acceptance and, according to the Constitution, he continues to holdover until his successor is elected and sworn in. Mr. Messer stated that the City Charter provides that, upon a vacancy of the Mayor Pro Tem, the Council appoints the Mayor Pro-Tem at the next regular meeting. Mr. Messer stated that, due to a combination of both the Constitution and the Charter, the Mayor Pro Tem should be appointed at the March 5, 2013 meeting.

Issue

Consider and/or act upon the recommendations from the Council Interview Panel regarding appointing a board member to the Murphy Community Development District (4B).

Staff Resource / Department

Kristi Gilbert, City Secretary

Summary

On February 22, 2013, Jim Tuskan submitted his letter of resignation from the Murphy Community Development District (4B). The Interview Panel will present their recommendation for Mr. Tuskan's replacement to serve until the end of 2014.

City Council
March 5, 2013

Issue

Hold a public hearing and consider and/or act on the application of Allen & Locks Venture for a Specific Use Permit for Dault Lytle Financial to allow for the use of Office, Financial Services (Advise/Invest) at 305 E. FM 544, Suite 909 on property zoned PD (Planned Development) District No. 12-10-923 for Retail Uses.

Staff Resource / Development

Kristen Roberts, Director of Community and Economic Development

Background

The applicant is proposing to open a financial services office within an established space in Murphy Marketplace. The overall property is zoned PD (Planned Development) District No. 12-10-923 for Retail Uses. The PD (Planned Development) District allows for Office, Financial Services (Advise/Invest) by way of approval of a Specific Use Permit.

Considerations

1. The PD (Planned Development) District allows for Office, Financial Services (Advise/Invest) by way of approval of a Specific Use Permit.
2. Dault Lytle Financial plans to lease a currently vacant space formerly occupied by Pounds & Inches.
3. A 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.
 - a. There have been two responses to date, in favor of this Specific Use Permit.

Board Discussion / Action

On February 25, 2013, the Planning & Zoning Commission considered this item and voted unanimously to approve.

Staff Recommendation

Staff recommends approval of a SUP (Specific Use Permit) to allow for Office, Financial Services (Advise/Invest) specific to Dault Lytle Financial to be located at 305 E. FM 544, Suite 909 in Murphy Marketplace.

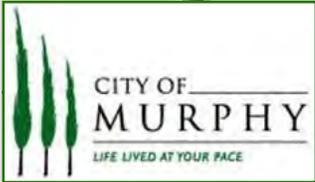
Attachments

Location Map
 Public Notice Responses
 SUP Ordinance and Exhibit

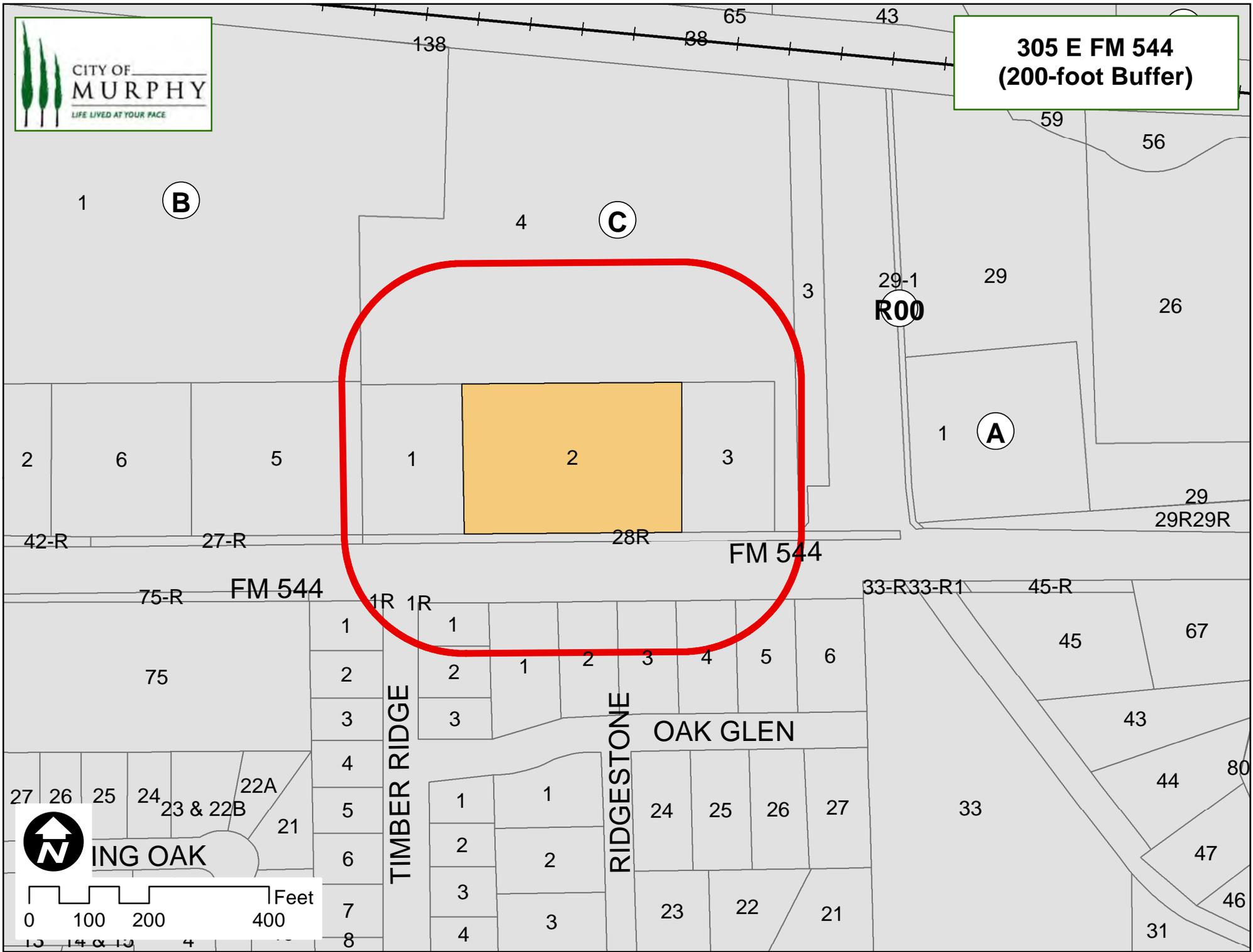
City Council
March 5, 2013

Kristen Roberts, Director of Economic and Community Development

Submitted By



**305 E FM 544
(200-foot Buffer)**



B

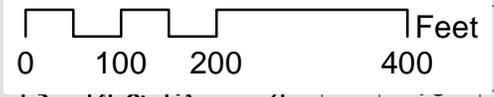
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February 13, 2013

RE: Zoning File 2013-01

Dear Property Owner:

Section 86-144. of the Murphy Texas Code of Ordinances requires that written notice of the public hearing be sent to all owners of property, as indicated by the most recently approved city tax roll, that is located within the area of the application, and within 200 feet of any property affected, said written notice.

This is to advise you that a public hearing will be held by the Planning and Zoning Commission on **Monday, February 25, 2013 at 6:00 p.m.** in the City Council Chambers at 206 N. Murphy Road and a public hearing will be held by the **City Council** on **Tuesday, March 5, 2013 at 6:00 p.m.** to consider the application of **Champion Langford Partners**. They are requesting approval of a SUP (Specific Use Permit) to allow Dault Lytle Financial, a financial services (advise/invest) use, to lease space on property zoned PD (Planned Development) District No. 12-10-923 for Retail Uses located at the northeast corner of East FM 544 and North Murphy Road.

If you would like to inform us of your opinion, a reply form is enclosed which can be mailed to the Community Development Department. Mail the reply form to: City of Murphy, Attn: Lori Knight, Community Development Department, 206 North Murphy Road, Murphy, Texas 75094 or lknight@murphytx.org.

The Planning and Zoning Commission agenda is available 72 hours prior to the meeting at City Hall and on the City's website at www.murphytx.org.

If you have any questions, please feel free to contact this office at (972) 468-4006 or Lori Knight at (972) 468-4014.

Sincerely,

Kristen Roberts
Director of Economic and Community Development

Enclosures

- Chairman
- Steve Levy
Vice-Chairman
- Jon King
Secretary
- Ty Holcomb
Commissioner
- John Johnson
Commissioner
- Camille Hooper
Commissioner
- Eric Hemphill
Commissioner
- Matthew Thekkil
Commissioner
- Greg Mersch
Alternate
- Jennifer Berthiaume
Alternate

- Kristen Roberts
Director of Economic and
Community Development

- Lori C Knight
Administrative Assistant

Reply Form

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



Dear Commissioner:

This letter is regarding **ZF2013-01**. This request is to consider the application of **Champion Langford Partners** requesting approval of a SUP (Specific Use Permit) to allow Dault Lytle Financial, a financial services (advise/invest) use, to lease space on property zoned PD (Planned Development) District No. 12-10-923 for Retail Uses located at the northeast corner of East FM 544 and North Murphy Road.

I am **IN FAVOR** of the requested Specific Use Permit as explained on the attached cover sheet.

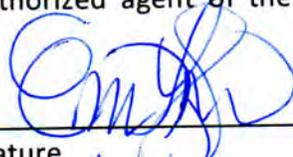
I am **OPPOSED** to the requested Specific Use Permit as explained on the attached cover sheet.

This item will be heard at the Planning & Zoning Commission on **Monday, February 25, 2013 at 6:00 p.m.** at Murphy City Hall, 206 North Murphy Road in the City Council Chambers and a public hearing will be held by the **City Council on Tuesday, March 5, 2013 at 6:00 p.m.** in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. Please provide your written comments below regarding the requested change. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

Good use for this space. will help with parking shortage (as opposed to a restaurant or store)

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

FOR CHAMPION LANGFORD
Name (Please Print) ERIC LANGFORD
5924 TWIN CAVES
Address KILLAM TX 75248


Signature
2/15/13
Date

Reply Form

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



Dear Commissioner:

This letter is regarding **ZF2013-01**. This request is to consider the application of **Champion Langford Partners** requesting approval of a SUP (Specific Use Permit) to allow Dault Lytle Financial, a financial services (advise/invest) use, to lease space on property zoned PD (Planned Development) District No. 12-10-923 for Retail Uses located at the northeast corner of East FM 544 and North Murphy Road.

I am **IN FAVOR** of the requested Specific Use Permit as explained on the attached cover sheet.

I am **OPPOSED** to the requested Specific Use Permit as explained on the attached cover sheet.

This item will be heard at the Planning & Zoning Commission on **Monday, February 25, 2013 at 6:00 p.m.** at Murphy City Hall, 206 North Murphy Road in the City Council Chambers and a public hearing will be held by the **City Council on Tuesday, March 5, 2013 at 6:00 p.m.** in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. Please provide your written comments below regarding the requested change. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

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

ERIC LANGFORD for Allen & Loucks
Name (Please Print)
5924 Twin Coves
Address
Dallas TX 75248

[Signature]
Signature
2/15/13
Date

NOTE - Murphy Four Didnt get A notice but is in favor also. Thanks



February 13, 2013

RE: Zoning File 2013-01

Dear Property Owner:

Section 86-144. of the Murphy Texas Code of Ordinances requires that written notice of the public hearing be sent to all owners of property, as indicated by the most recently approved city tax roll, that is located within the area of the application, and within 200 feet of any property affected, said written notice.

This is to advise you that a public hearing will be held by the Planning and Zoning Commission on **Monday, February 25, 2013 at 6:00 p.m.** in the City Council Chambers at 206 N. Murphy Road and a public hearing will be held by the **City Council on Tuesday, March 5, 2013 at 6:00 p.m.** to consider the application of **Champion Langford Partners**. They are requesting approval of a SUP (Specific Use Permit) to allow Dault Lytle Financial, a financial services (advise/invest) use, to lease space on property zoned PD (Planned Development) District No. 12-10-923 for Retail Uses located at the northeast corner of East FM 544 and North Murphy Road.

If you would like to inform us of your opinion, a reply form is enclosed which can be mailed to the Community Development Department. Mail the reply form to: City of Murphy, Attn: Lori Knight, Community Development Department, 206 North Murphy Road, Murphy, Texas 75094 or lknight@murphytx.org.

The Planning and Zoning Commission agenda is available 72 hours prior to the meeting at City Hall and on the City's website at www.murphytx.org.

If you have any questions, please feel free to contact this office at (972) 468-4006 or Lori Knight at (972) 468-4014.

Sincerely,

Kristen Roberts
Director of Economic and Community Development

Enclosures

Kristen Roberts
Director of Economic and
Community Development

Lori C Knight
Administrative Assistant

ORDINANCE __-__-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE AND MAP, CHAPTER 86 OF THE CITY OF MURPHY CODE OF ORDINANCES BY APPROVING A SPECIFIC USE PERMIT FOR OFFICE, FINANCIAL SERVICES (ADVISE/INVEST) FOR DAULT LYTLE FINANCIAL ON PROPERTY ZONED PLANNED DEVELOPMENT DISTRICT NO. 12-10-923 FOR RETAIL USES ON PROPERTY LOCATED AT 305 E. FM 544, SUITE 909 LOCATED IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS AND INCORPORATED HEREIN BY REFERENCE FOR ALL PURPOSES, APPROVING SPECIFIC USE PERMIT STANDARDS HERETO AS EXHIBIT “B”; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A PENALTY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Murphy and the City Council of the City of Murphy, in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of Murphy is of the opinion and finds that said changes should be granted and that the Comprehensive Zoning Ordinance should be amended;

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

Section 1. That the Comprehensive Zoning Ordinance and Map of the City of Murphy, Texas, be, and the same are hereby, amended so as to approve a Specific Use Permit for an Office, Financial Services (Advise/Invest), applicable only to Dault Lytle Financial, on property zoned PD (Planned Development) District for Retail Uses for the property located at 305 E. FM 544, Suite 909, in the City of Murphy, Collin County, Texas.

Section 2. That the development standards for this Specific Use Permit are attached hereto as Exhibit “A”, and the same are hereby approved for said Specific Use Permit as required by Section 86-635(b), of the City of Murphy, Texas Code of Ordinances.

Section 3. That Chapter 86 of the City of Murphy Code of Ordinances, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 4. 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 the Comprehensive Zoning Ordinance, Chapter 86 of the City of Murphy Code of Ordinances, and the remaining portions shall remain in full force and effect.

Section 5. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, in the municipal court of the City of Murphy, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

Section 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

PASSED, APPROVED AND ADOPTED this the 5th day of March 2013.

Bret
City
ATTEST: M. Baldwin, Mayor
of Murphy

Kristi Gilbert, City Secretary
City of Murphy

EXHIBIT A**305 E. FM 544, Suite 909****SPECIFIC USE PERMIT FOR OFFICE, FINANCIAL SERVICES (ADVISE/INVEST)**

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow the use Office, Financial Services (Advise/Invest) compatible with the surrounding area and specific to Dault Lytle Financial at 305 E. FM 544, Ste. 909.
- II. **Statement of Effect:** This Specific Use Permit shall not affect any regulation found in the City of Murphy Code of Ordinances, Ordinance No. 06-12-708, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of PD (Planned Development) District No. 12-10-923 and shall apply, except as otherwise specified in this ordinance.
- IV. **Development Plans:**
 - A. Applicability: This Specific Use Permit shall only apply to **Dault Lytle Financial** and specifically at 305 E. FM 544, Ste. 909.

EXHIBIT B

Issue

Presentation by Murphy 2013 Senior Community, L.P regarding a proposed application to the Texas Department of Housing and Community Affairs for the Evergreen Senior Living Community and consider and/or act upon a proposed resolution regarding said project.

Staff Resource / Department

James Fisher, City Manager

Background

On February 19, 2013, Council discussed in Executive Session the offer of a financial or other incentive to Murphy 2013 Senior Community, L.P. for the proposed development of a senior living community at 401 W. FM 544 in Murphy. No action was taken on this item. Deputy Mayor Pro Tem Halbert stated that she could not support a resolution providing for funding provisions at this time, but she would like to see Murphy 2013 Senior Community move forward with their application and would like to see them work with Staff on their site plan and zoning applications. Councilmember Bradley, Councilmember Grant and Councilmember Brandon stated they agreed with Deputy Mayor Pro Tem Halbert.

On February 27, 2013, Mr. Fisher executed a letter regarding the financing application for the proposed Evergreen at Murphy Senior Living Community project located at 401 W. FM 544 in Murphy, and informed Mr. Tony Sisk that the presentation and resolution has been placed on the City Council Agenda for March 5, 2013 at 6:00pm.

Attachments

- 1) Murphy 2013 Senior Community, L.P. Resolution

RESOLUTION NO. 13-R-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, (the ‘CITY’), AUTHORIZING MURPHY 2013 SENIOR COMMUNITY, L.P. TO APPLY TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR FUNDING FOR A SENIOR LIVING COMMUNITY, INCLUDING PROVIDING AN EFFECTIVE DATE.

WHEREAS, MURPHY 2013 SENIOR COMMUNITY, L.P. has proposed the development of a senior living community at 401 W 544 Murphy, Collin County, TX 75094, within the corporate boundaries of the City of Murphy, Collin County, Texas, to be named “Evergreen Senior Living” (the “Project”);

WHEREAS, Murphy 2013 Senior Community, L.P. intends to submit a joint application to the Texas Department of Housing and Community Affairs (“TDHCA”) for 2013 Housing Tax Credits and HOME Investment Partnership Program funds for the Project.

WHEREAS, in order to provide funds and secure necessary financing approvals for the Project under the TDHCA HOME Program, Murphy Senior Community, L.P will apply for Housing Tax Credits and will also apply for TDHCA HOME funds with the support of the City, which requires an authorizing resolution of the City Council.

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

Section 1.

The City hereby approves Murphy 2013 Senior Community, L.P. to apply for TDHCA HOME funds solely for Evergreen Senior Living; provided, however, that the City has no liability or obligation related to said financing application.

Section 2.

The City of Murphy encourages Murphy 2013 Senior Community, L.P. to submit a zoning change and site plan application and other associated and required documents to move forward with their project in the City of Murphy.

Section 3.

That this Resolution shall become effective immediately from and after its passage, as the law and charter in such cases provide.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this the 5th day of March, 2013.

Bret M. Baldwin, Mayor
City of Murphy

ATTEST:

Kristi Gilbert, City Secretary
City of Murphy

Issue

Consider and take action, if any, regarding neighborhood traffic control issues and the City of Murphy Traffic Calming Initiative Policy.

Staff Resource / Department

James Fisher, City Manager
GM Cox, Police Chief
Mark Lee, Fire Chief

Background

Over the past several months, several citizens have made comments to Council during the "Citizen Comments" section of the Council Meeting Agenda relative to perceived speeding of vehicles on Hawthorne Drive and the need for additional traffic enforcement and traffic calming mechanisms.

At the January 4, 2011 Council meeting, the general idea of adopting a Traffic Calming Policy for the City of Murphy was recommended. Staff was directed to develop a model, or draft, policy. This item was again discussed at the March 1, 2011 Council meeting.

At the November 27, 2012 Council meeting, staff presented a draft Traffic Calming Policy and was directed to rework to address speed reduction and volume reduction and bring back to Council no later than January 31, 2013.

At the January 15, 2013 Council meeting, staff presented a revised Traffic Calming Policy and provided a phased approach to addressing property owner concerns. Council discussed revisions that would include streets with a speed limit up to 35 mph and the fees involved for speed control versus volume control, and directed staff to address the revisions and bring back to Council.

Financial Considerations

Depending upon the scope and depth of the Traffic Calming Initiative Policy, if adopted, the financial impacts could be substantial. Speed cushions, if approved as a traffic calming device, could be very expensive to install and there are concerns for general liability issues of damage to vehicles and the response by emergency vehicles that have to maneuver around and over these obstacles. Installing choke points or altering landscaping could be very expensive not only to install, but also to maintain. Installing additional traffic enforcement mechanisms, such as speed limit signs, speed trailers, or even pole mounted speed display devices could be very expensive (from a few hundred dollars up to about \$10,000 for a new speed trailer).

Staff Recommendation

The Staff has reviewed several Traffic Calming Policies of various cities as well as several reports regarding traffic calming. Most of the policies say the same thing, but present it in different manners. The staff has broken the proposed policies into two phases. Phase one involves a

petition from the concerned property owner and 5 other property owners who live in the affected area. Upon receiving the petition, the City shall ask MPD COP's to conduct various traffic and speed surveys over a two week period to determine the magnitude of the issue. If it is found that there is an issue, then the Chief of Police will set up a special team to enhance our enforcement efforts in the affected area. The enforcement will be targeted to meet the concerns identified in the COP surveys. This enforcement action will occur over a two week period. Once this process is completed, the City will place a speed monitoring trailer to determine the effectiveness of the City's actions.

Phase two comes into play if Phase one does not resolve the issue or concern. This Phase will consist of a public hearing with City Council, the property owners and staff to discuss Phase one and the options available to address the concern. Phase two will require greater participation from more property owners within the affected area, because the implementation of any traffic calming device will impact them.

This is an extremely challenging policy to implement. It is important to get a true understanding of the traffic issue before deciding on installing a traffic calming device. Sometimes the traffic issue is more of a personal perception of a problem and sometimes there is a real problem. The two phases will allow the City to get a good read on the issue and then work with the community to get a good solution that is financially viable while addressing the concern.

Attachments

- 1) City of Murphy Traffic Calming Policy for Residential Neighborhoods



CITY OF _____
MURPHY
LIFE LIVED AT YOUR PACE

**Traffic Calming
Initiative Policy
For
Residential Neighborhoods**

March 5, 2013



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1. Introduction

Traffic management is vital to Murphy as the City seeks to meet the needs of our residents, business and visitors. The City of Murphy has adopted a Thoroughfare Plan that is within the City's Comprehensive Plan to help identify the types and purposes of roadways within the City. The Thoroughfare Plan has identified five (5) types of roadways in the City: 1) Major Arterial; 2) Secondary Arterial; 3) Major Collector; 4) Minor Collector; and 5) Residential Street. The Traffic Calming Initiative Policy will focus primarily on minor collector roadways and residential streets.

It is important to the City of Murphy to both maintain the safety and integrity of neighborhoods and meet the needs of drivers on the roadway. In response to this set of objectives, the City has developed a Traffic Calming Initiative Policy to address certain neighborhood traffic issues. Traffic Calming methods are aimed at either: 1) slowing the speed of traffic in neighborhoods; 2) reducing the volume of cut-through traffic; or 3) both.

This policy allows citizens to petition the City to establish a procedure for making and evaluating the objectives. Since a Traffic Calming device may affect streets besides the one being altered, the policy provides a means for property owners beyond the immediate area to participate in the process and to understand the impact on all affected streets prior to providing their feedback on the proposal. If the installation of a Traffic Calming device is approved, the City will work with the neighborhood to select the appropriate device depending upon whether the primary goal is to reduce traffic speeds or to reduce traffic volume.

The City Manager's office is responsible for the program petition process and implementation of any approved Traffic Calming measures. The administrative process for this Traffic Calming Initiative Policy may be refined as necessary by the City without the need for City Council action; however any significant changes in policy criteria must be approved by the Council. Implementation of Traffic Calming devices installed under this program will be limited by the annual budget adopted by funding in the City Council each fiscal year (October 1 – September 30).



2. Definitions

An **Applicant** is the individual designated as the contact person for the group (HOA, subdivision, or a sub-set of an HOA or subdivision) making the traffic calming request.

Critical service routes consist of streets necessary for the provision of services to the community by Police, Fire, Solid Waste, Emergency Operations, any other City department, or any public utility company. The following street types are incorporated into this policy and designated, accordingly, as critical service routes and roadway types:

Level of Service (LOS)	Description	Example
A and B	Light, free-flowing traffic volumes. Virtually no delays with smooth progression of traffic, and speed is generally unaffected by other vehicles. Slight decline in the freedom to maneuver from A to B.	Residential or rural streets
C	Basically satisfactory to good progression of traffic, but at that point where individual drivers become affected by interactions with other vehicles. Light congestion, and speed is affected by the presence of other vehicles.	Urban thoroughfares at off-peak hours
D	High density, but stable, traffic flow. Speed and freedom to maneuver are restricted. Small increases in traffic volume will cause significant operational problems. This LOS is generally used to justify thoroughfare improvements.	Secondary streets at peak hours
E	Operating conditions at or near capacity level. All speeds are reduced, but remain relatively uniform, meaning generally not stop-and-go. Operations at this level are usually unstable, because small increases in traffic volume will cause severe speed reductions.	Primary streets at peak hours
F	Forced flow. Heavy congestion. Total breakdown with stop-and-go operation. Queues/backlog (i.e., vehicle stacking) at intersections may exceed 100 vehicles.	Developed areas in larger cities at the peak hours

Attachment #1: Comprehensive Plan, Chapter 4, Thoroughfare Plan (Sefko Planning Group)



Roadway Type	Right-of-Way Width	Street Paving Width	Ultimate Number of Traffic Lanes	Median Width
Type "A" - Major Arterial	120 feet	87 feet	6 Lanes	16 feet
Type "B" - Secondary Arterial	84 feet	64 feet	4 Lanes	16 feet
Type "C" - Major Collector (Non-Residential)	70 feet	44 feet	4 Lanes	None
Type "D" - Minor Collector (Residential)	60 feet	37 feet	2 Lanes	None
Type "E" - Residential Street	50 feet	27 feet	2 Lanes	None

Attachment #1: Comprehensive Plan, Chapter 4, Thoroughfare Plan (Sefko Planning Group)

Neighborhood concurrence is the percentage of homeowners in the Primary Affected Area that must concur with the placement of either a temporary or permanent Traffic Calming device.

The **Primary Affected Area** consists of the private property along: 1) the street being considered for a Traffic Calming device; 2) those streets in the area that are likely to experience an increase in traffic after the Traffic Calming measure is implemented due to diverted traffic; and 3) those intersecting streets that depend on the street(s) under discussion for convenient access. The City Manager will determine the Primary Affected Area for each proposed Traffic Calming measure. See Appendix B and Appendix C.

Speed control measures include chicanes, speed humps, speed cushions, speed tables, traffic circles, center island narrowing, midblock narrowing, intersection neckdowns, and speed monitor display signs (permanent or temporary).

Street closure refers to the partial or complete closure of a publicly-owned and maintained street to through traffic, typically implemented by the installation of a physical device or barrier designed to prevent vehicular traffic from passing, and may include warning signage, pedestrian access through the barrier, emergency vehicle access, and a vehicle turn-around, if required.

Street length is the distance measured along the centerline of the street from the projection of the curb line at the last intersecting street or an existing acceptable turn-around point to the center of the proposed turn-around, dead-end, or cul-de-sac.

A **Traffic Calming measure or device** is a physical barrier or device or a geometric design feature installed for the purpose of reducing the speed and/or volume of vehicles traveling a roadway and classified as either speed control measures or volume control measures.

Volume control measures include full street closures, half street closures, semi-diverters, median barriers, forced turn islands, and gate closures.



The *85th percentile speed* is the speed at or below which 85% of vehicles on the roadway travel and above which only 15% of vehicles travel.

3. General Information

Each request will be evaluated according to the requirements and procedures outlined below. Speed control measures require approval from the Murphy Police Department. Volume control measures require the approval of the City Council. In order for a request to be forwarded to the City for consideration, all eligibility requirements must be met. This is done by meeting the minimum threshold criteria, achieving the appropriate level of concurrence from the impacted property owners, and conducting the necessary traffic impact analyses.

- 3.1.** The property owner of the concerned area shall submit the Traffic Calming Initiative Policy Petition to the City Manager's Office (Appendix A). The petition must be complete and clearly explain the concern of the traffic issue: either speed, volume, or both. Upon receipt of the petition, the City shall date stamp the petition and schedule a meeting with the petition signers within ten (10) days of receipt.
- 3.2.** The City Manager will forward the petition to Murphy Police Department and ask for a Traffic Study. The Study may be conducted by the Citizens on Patrol (COP) volunteers. The Study will include a traffic survey utilizing the department's equipment and software, not limited to the following examples: license plate survey, spot speed checks and vehicle counts. This study will occur over a two (2) week period.
- 3.3.** After the Study is complete, the findings will be reviewed by the Chief of Police or his designee. If it is found that the 85th percentile speed is exceeding the posted speed limit, then the Chief shall schedule an Enhanced Traffic Enforcement Team. The Team shall monitor and enforce the Traffic laws in the concerned area over a two (2) week period.
- 3.4.** Approximately two (2) weeks at the conclusion of the enhanced enforcement action, the City shall place speed radar trailer(s) on the street of concern to determine the effectiveness of the actions of the City. The trailer(s) shall remain in place at least two (2) weeks. In lieu of, or in addition, to the speed trailer, Murphy Police Department may utilize the traffic survey equipment and software "MetroCount" or similar equipment that measures various metrics including speed, direction of travel, volume, axle count and that will perform various analytics based on the collected data.
- 3.5.** If the actions of the City are not successful in the reduction of speed and/or volume, then the City staff will place the item before the City Council as a public hearing item. The public hearing will be an opportunity to review this item with the City Council, residents and staff to discuss options, cost and timing of improvements, if any.



4. Procedures for Installing a Traffic Calming Device

4.1. Eligibility Requirements

A request for the Traffic Calming Initiative Policy is eligible for consideration where the following requirements are met:

(Note: Speed control measures and volume control measures have similar eligibility requirements, but differences do exist as noted below.)

4.1.1. Operational Characteristics:

- The roadway must be classified as either a local street or a two-lane residential neighborhood collector street as depicted in the latest Thoroughfare Plan, Chapter 4 of the Comprehensive Plan which is amended from time to time. Arterial streets and collector streets with more than two lanes will not be considered.
- Properties fronting or having access to the street must be predominantly residential in character.
- The street must have a posted speed limit less than or equal to 35 miles per hour.
- For a speed control measure, traffic volumes must be between 150 vehicles/day and 1,500 vehicles/day. For a volume control measure, traffic volumes must be between 750 vehicles/day and 2,500 vehicles/day.
- The street must not be a critical service route as identified by the Police, Fire, Solid Waste, Emergency Operations, any other City department, or any public utility company, unless this requirement is waived by the City Council.
- A Traffic Calming measure must not eliminate the only means of vehicular, pedestrian, or service vehicle access to any property or restrict access to utilities.
- A road closure or any other Traffic Calming measure must not create terminated roadway segments, dead-end blocks, or cul-de-sacs that are greater than 500' in length.

4.1.2. Geometric Characteristics:

- The street must have adequate sight distances to safely accommodate the Traffic Calming measure as determined by the City.
- The street must not have curves or grades that prevent safe placement of the Traffic Calming measure. The Traffic Calming measure may not be located on streets that have a vertical grade of more than 5% on their immediate approaches.



- The street must be paved and be at least 1,000 feet in length. If there is no curb and gutter, a special design must be used to prevent vehicles from maneuvering around the device.
- The design and implementation of the traffic calming device must not interfere with the existing street drainage, property access, or driveways.
- The street should not be scheduled for resurfacing or reconstruction within the next two years.

If a request is determined not to be eligible, the Applicant will be notified in writing.

4.2. *Cost Responsibility*

4.2.1. *Speed Control Measure Costs:*

Installation cost - The cost for the installation of various speed reducing devices (including accompanying signs, pavement markings, etc.) will be paid by the City based on a priority ranking and within the limits of annual funding.

Upon review, the petitions submitted will be ranked on a priority basis. The budgeted funds will be spent starting with the highest priority location. The ranking will be based on the 85th percentile speed on the subject street and the degree to which it is over the posted speed. For example, if two streets (A & B) have a posted speed of 30 miles per hour and the 85th percentile speed on street A is 37 miles per hour but it is 39 miles per hour on street B, then street B will have a higher priority ranking; however, the installation of speed humps can be expedited if the requesting party provides the funding for the installation rather than waiting for City funds to become available.

4.2.2. *Volume Control Measure Costs:*

- Trial closure cost - Temporary closure signs and barricades to be used for trial street closures meeting the requirements of Section 4.1 will be provided and installed by the City for the duration of the evaluation process.
- Permanent closure cost - Each request will be evaluated separately and the cost to the Applicant will be determined on a case-by-case basis.
- Due to the higher costs associated with volume control measures and street closures, these projects may require placement on the City's Capital Improvement Program (CIP) list for future bond programs. Possible funding sources will be discussed with the Council at the time of approval of the project. The cost for these projects will not be funded in the annual general fund budget.



4.3. Location of Traffic Calming Device

Many factors must be considered in locating Traffic Calming devices for optimal effectiveness. If not correctly placed, localized reductions in speed or volume may occur instead of overall speed or volume reductions along the entire block. Specific site details and conditions should be the dominant consideration in determining the exact location for each of these devices.

4.4. Removal of Traffic Calming Device

The process and procedure for requesting removal or alteration of Traffic Calming devices is the same as the process for installation, except that there is no City participation in cost sharing for removal of speed humps and speed cushions that were installed under this policy. All associated costs for the removal of devices originally installed under this program must be borne by the Applicant.

Notwithstanding the criteria and procedures described in this policy, the City Council, at its discretion, may close, divert or reopen any public street within the City when deemed necessary to preserve or protect the public health, safety, and welfare.

4.5. Design Standards and Procedures

City staff shall prepare and maintain design standards and installation procedures for Traffic Calming devices in accordance with these guidelines.

4.6. Petition

The petition will consist of a completed Traffic Calming Initiative Petition form supplied by the City (Appendix A). It will include six (6) names and addresses of property owners living within the Primary Affected Area. The Applicant must obtain the signatures. Signatures from renters or tenants do not qualify. All signatures must be dated within six months of the issuance of the petition. The Applicant is responsible for submitting all of the components of the petition in order for review of the Traffic Calming proposal to commence.

4.7. Implementation for Permanent Device Installation

The Traffic Calming Initiative Policy process must be completed, documented and the required percentage of all property owners in the Primary Affected Area must concur prior to approval of the installation of the permanent device. The process is as follows:

- 4.7.1. City staff will estimate the funding necessary to implement the permanent device based on design, right-of-way, and construction costs. If a volume control device is to be installed, prior to the City sending mail-back ballots to all affected property owners, the Applicant must concur with and agree to fund their portion of the device as designed (up to 100%) as prescribed by City Council.



- 4.7.2. If a closure is warranted and will result in a dead-end roadway, the City will determine whether a turn-around area, cul-de-sac, or other acceptable emergency access is required. In addition to, or in lieu of, the turn-around or other emergency access, the Murphy Fire Department may require an easement or right-of-way dedication for emergency equipment access. The costs to the Applicant associated with construction of the turn-around area or emergency access will be determined by the City Council on a case-by-case basis.
- 4.7.3. The City will notify all property owners in the affected area by mail of the requested permanent device. At least 75% of all property owners in the Primary Affected Area must concur with the request for the permanent installation of a speed control device. If the device requested is for volume control, there must be 85% concurrence from the Primary Affected Area and 100% concurrence of the owners of property abutting the street to be modified, between the intersecting streets or either side of the proposed installation. The notice will include a mail-back ballot to indicate support or opposition to the request. **Ballots from renters or tenants do not qualify.** All ballots must be returned within 30 days of the mailing date, and there must be a minimum 50% return rate of ballots from the Primary Affected Area and 100% of the abutting properties adjacent to a closure.
- 4.7.4. If 75% of all property owners in the Primary Affected Area concur with the installation of a permanent speed control device, and all other conditions are met, staff will place the location on the project installation list in priority ranking. If the device requested is for volume control, 85% concurrence is required and the City Council will be responsible for reviewing all findings and determining whether to approve the request. If approved, the permanent volume control installation will be placed on a separate project list and may require funding through the Capital Improvement Program. City staff (speed control device) or the City Council (volume control device) may approve, deny, or table the request. If the criteria described herein are not met, the petition will not be presented for approval consideration, and the Applicant will be notified in writing.
- 4.7.5. If a permanent device is approved by City staff or the City Council, the temporary devices may remain in place for up to 90 days after the trial period. Once funds to construct any permanent modifications are identified, the design and construction process will begin as outlined below:
- City staff will initiate the preliminary design and review process to implement the device.
 - The Applicant will be notified and have the opportunity to review the design with staff prior to construction; however, the City will have final design approval.
 - The City will develop a final design and cost estimate for the device, and the Applicant's cost, if applicable, will be adjusted accordingly.



- Once the Applicant's share of the project cost is received (if applicable), the City will finalize the design and schedule construction of the Traffic Calming device, subject to the availability of the City's portion of the funds.

Notwithstanding the criteria and procedures described in this policy, the City Council, at its discretion, may close, divert or reopen any public street within the City when deemed necessary to preserve or protect the public health, safety, and welfare.

5. Types of Traffic Calming Measures

Traffic Calming measures are installed to meet one of two specific needs. These needs can be broken down into one of two categories: speed control or volume control. Both are listed below with various measures described in each.

5.1. Speed Control Measures:

5.1.1. Radar Speed Signs, Pole-Mounted

- A radar speed sign placed on or near the speed limit sign that shows traffic speed.
- There is the possibility that a speed limit may need to be increased if it is determined upon a study that it was originally set too low.

5.1.2. Speed Control Display Signs

- Either pole mounted or portable signs that display the speed of approaching vehicles. The displays will be installed only with solar powered cells on appropriate support structures, either installed or existing.
- Estimated cost \$5,000 - \$10,000 per location.

5.1.3. Speed Tables

- A pavement overlay placed on the roadway, approximately 22 feet in length, and about 3.5 inches high, extending from curb to curb. The ends are tapered to be flush with the street at the curbs and gutters to allow water to drain.
- Reference Exhibit #1 in Appendix D.

5.1.4. Traffic Circles

- A raised island, often landscaped, placed in an intersection around which traffic circulates.
- Reference Exhibit #2 in Appendix D.



5.1.5. Chicanes

- Series of two or more staggered curb extensions on alternating sides of the roadway. A raised island can be added to the center of the road to prevent motorist from crossing the center line. Placed not further apart than 50 feet and no more than one set of chicanes in 200 feet.
- Reference Exhibit #3 in Appendix D.

5.1.6. Center Island Narrowings

- Also called midblock medians, slow points, or median chokers; medians placed down the center of the street to narrow the lanes to slow traffic; often landscaped to provide a visual amenity and neighborhood identity.
- Estimated cost \$8,000 - \$15,000 per location.
- Reference Exhibit #4 in Appendix D.

5.1.7. Midblock Narrowings

- Curb extensions at midblock that narrow a street by widening the sidewalk or planting strip.
- Estimated cost \$8,000 - \$15,000 per location.
- Reference Exhibit #5 in Appendix D.

5.1.8. Intersection Neckdowns

- Curb extensions at intersections that reduce roadway width between curbs.
- Estimated cost \$8,000 - \$15,000 per location.
- Reference Exhibit #6 in Appendix D.

5.2. Volume Control Measures:

5.2.1. Full Street Closures

- Physical barrier placed across a street to close the street completely to through traffic, usually leaving only sidewalks or bicycle paths open; the most aggressive traffic control measure.
- Estimated cost \$12,000 per location. (In some cases, a cul-de-sac or turn-around may be required, which would necessitate RIGHT-OF-WAY and significantly increase the cost.)
- Reference Exhibit #7 in Appendix D.

5.2.2. Midblock Closures

- Physical barrier placed across the entire street at the midblock preventing any through traffic, usually leaving only sidewalks or bicycle paths open; does not allow sufficient area for turn-around



- Estimated cost \$12,000 per location.
- Reference Exhibit #8 in Appendix D.

5.2.3. Half Street or Partial Closures

- Physical barrier that blocks travel in one direction for a short distance on otherwise short-distance streets; sometimes called partial closures or one-way closures.
- Two half-closures placed across from one another at an intersection are often referred to as a semi-diverter.
- Estimated cost \$35,000 - \$40,000 per location.
- Reference Exhibit #9 in Appendix D.

5.2.4. Diagonal Diverters

- Physical barrier placed diagonally across an intersection to block through movements.
- Estimated cost \$85,000 - \$90,000 per location.
- Reference Exhibit #10 in Appendix D.

5.2.5. Median Barriers

- Raised islands installed across the centerline of a street and continuing through an intersection so as to block through movement at a cross street.
- Estimated cost \$10,000 - \$30,000 per location.
- Reference Exhibit #11 in Appendix D.

5.2.6. Forced Turn Islands

- Physical barrier that blocks certain movements on approaches to an intersection, forcing a vehicle to turn.
- Estimated cost \$25,000 - \$35,000 per location.
- Reference Exhibit #12 in Appendix D.

Note: *Estimated cost will be determined at the time of the public hearing.*



Appendix

Appendix A



Traffic Calming Initiative Policy Petition

We, the undersigned, believe our neighborhood traffic situation warrants the City’s Traffic Calming Initiative Program. The following names and signatures represent six (6) different residents within the Primary Affected Area:

Name:	Address:	Signature:	Date:
1.			
2.			
3.			
4.			
5.			
6.			

Contact Name: _____ Email Address: _____

Address: _____ Phone: _____

Location of Concern: _____

What is your concern? _____

Primary Affected Area - Example



Collector Roadway A

Residential Street A

Residential Street B

Residential Street C

Residential Street D

Arterial Roadway A

Collector Roadway B

Appendix B

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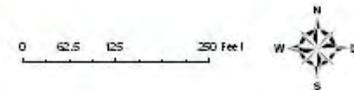
Sample Primary Affected Area Speed Control Measure

Neighborhood Traffic Calming



Legend:

Affected Area -		Speed Hump -	
Target Street -		Affected Street -	



Primary Affected Area - Example



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Sample Primary Affected Area Volume Control Measure

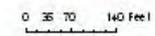
Neighborhood Traffic Calming



Legend:

Affected Area - 

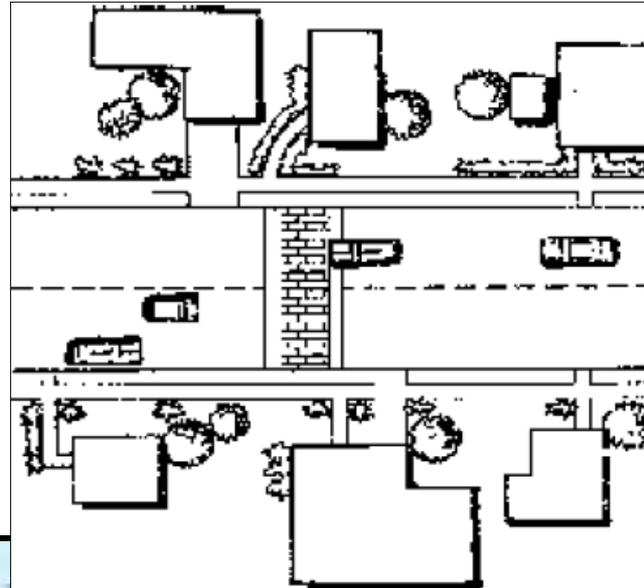
Target Street -  Affected Street - 



Appendix C

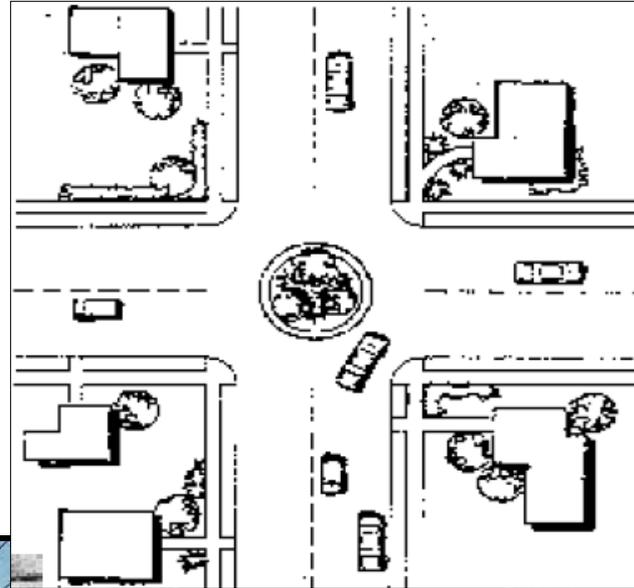
Exhibit 1. Speed Tables

(trapezoidal humps, flat topped humps)



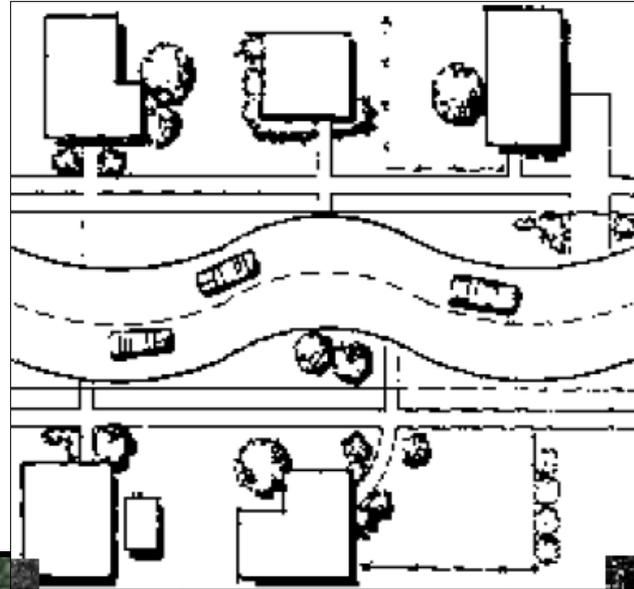
Appendix D

Exhibit 2. Traffic Circles (rotaries, intersection islands)



Appendix D

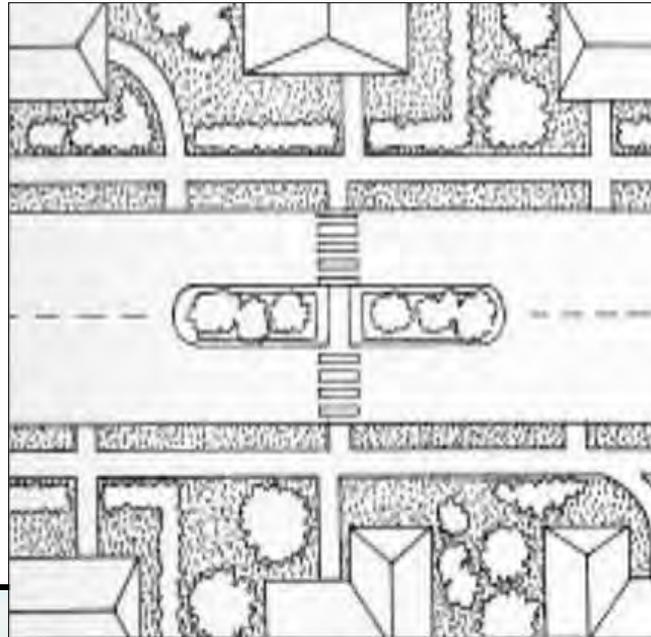
Exhibit 3. Chicanes (deviations, serpentine, reversing curves)



Appendix D

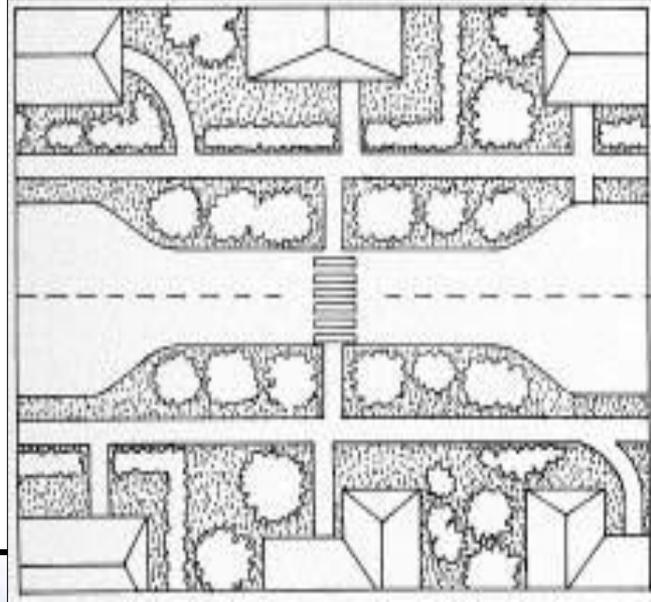
Exhibit 4. Center Island Narrowings

Item 7.E.



Appendix D

Exhibit 5. Midblock Narrowings (chokers, curb extensions)

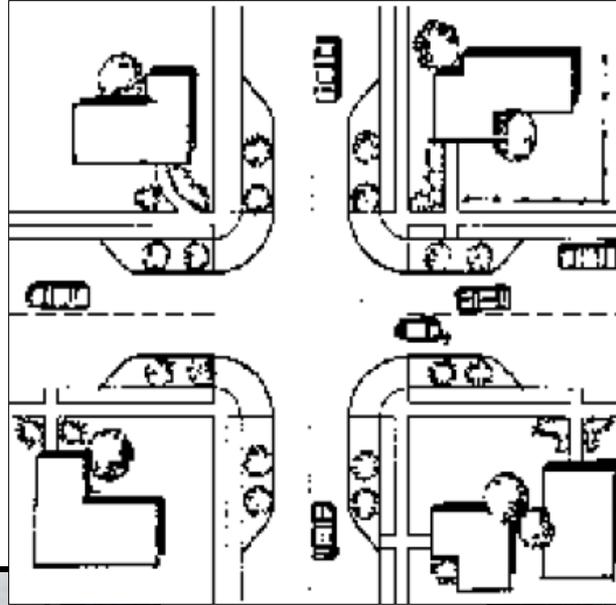


Appendix D

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Exhibit 6. Intersection Neckdowns

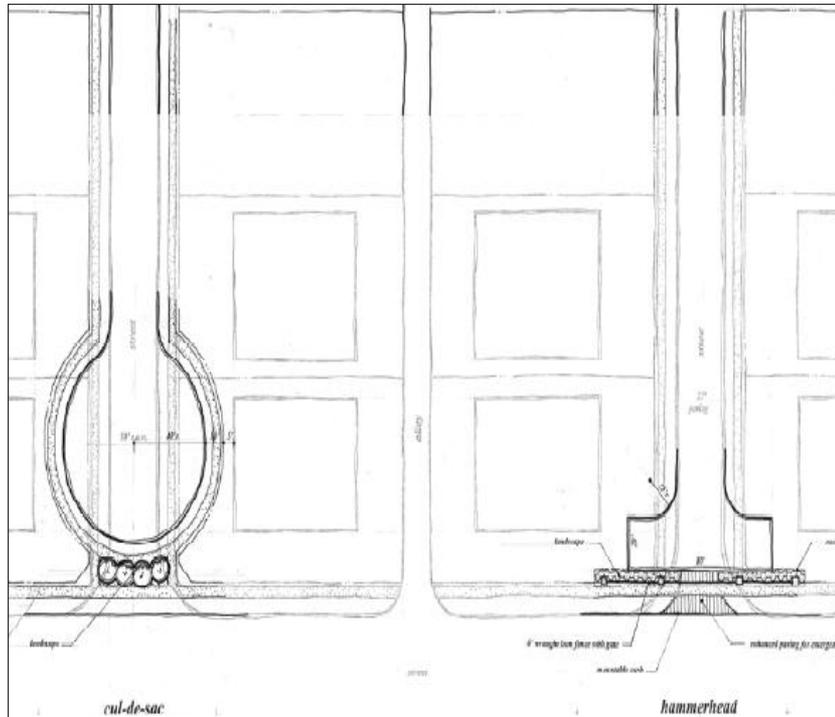
(nubs, bulbouts, knuckles, intersection narrowings, corner bulges)



Appendix D

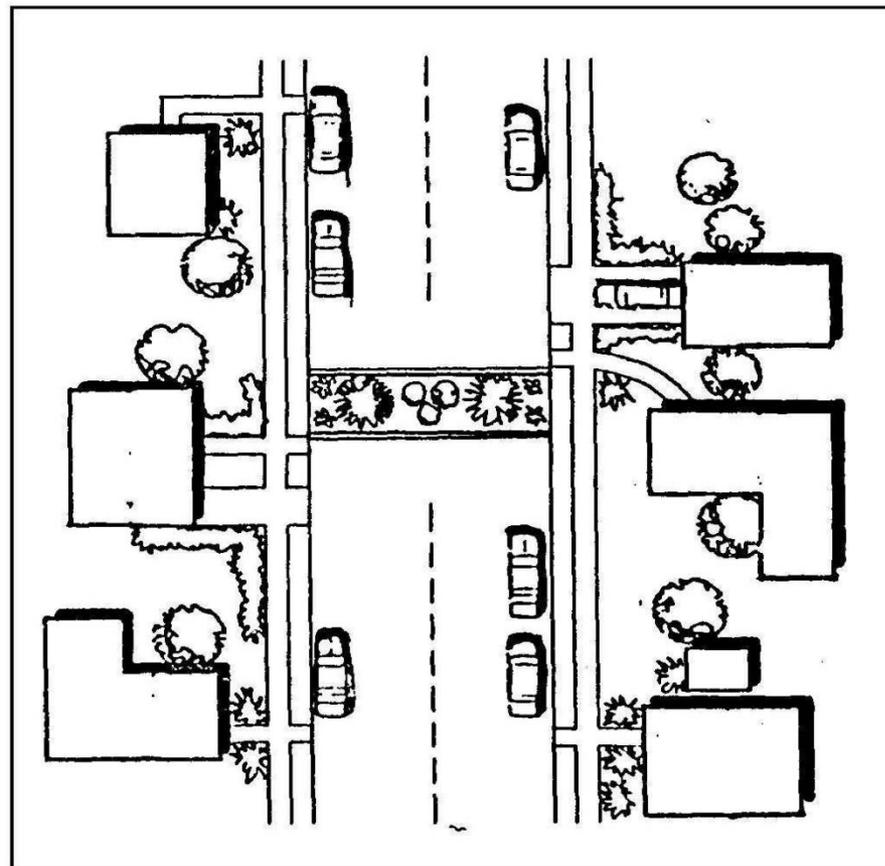
23

Exhibit 7. Full Street Closures (shown with Cul-de-sac or Hammer head)



Turn-around may be required and will necessitate acquisition of right-of-way or easements from adjacent residential lots.

Exhibit 8. Midblock Closures

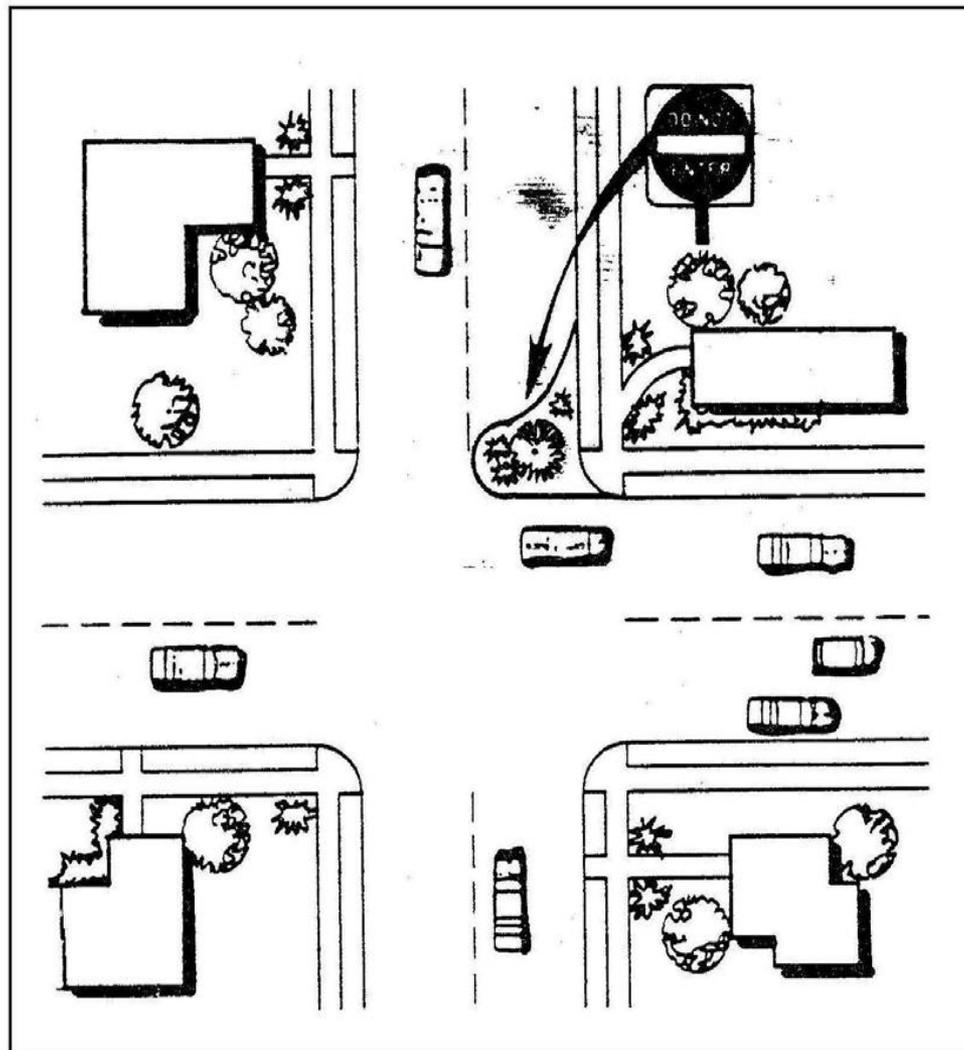


Appendix D

- Creates a dead-end street without sufficient area for turn-around.
- May cause confusion to persons who don't drive in the area on a regular basis (visitors, delivery vehicles, etc.).

Exhibit 9. Half Street or Partial Closures

- Two-way traffic allowed on remainder of street.
- May cause confusion to persons who don't drive in the area on a regular basis (visitors, delivery vehicles, etc.).

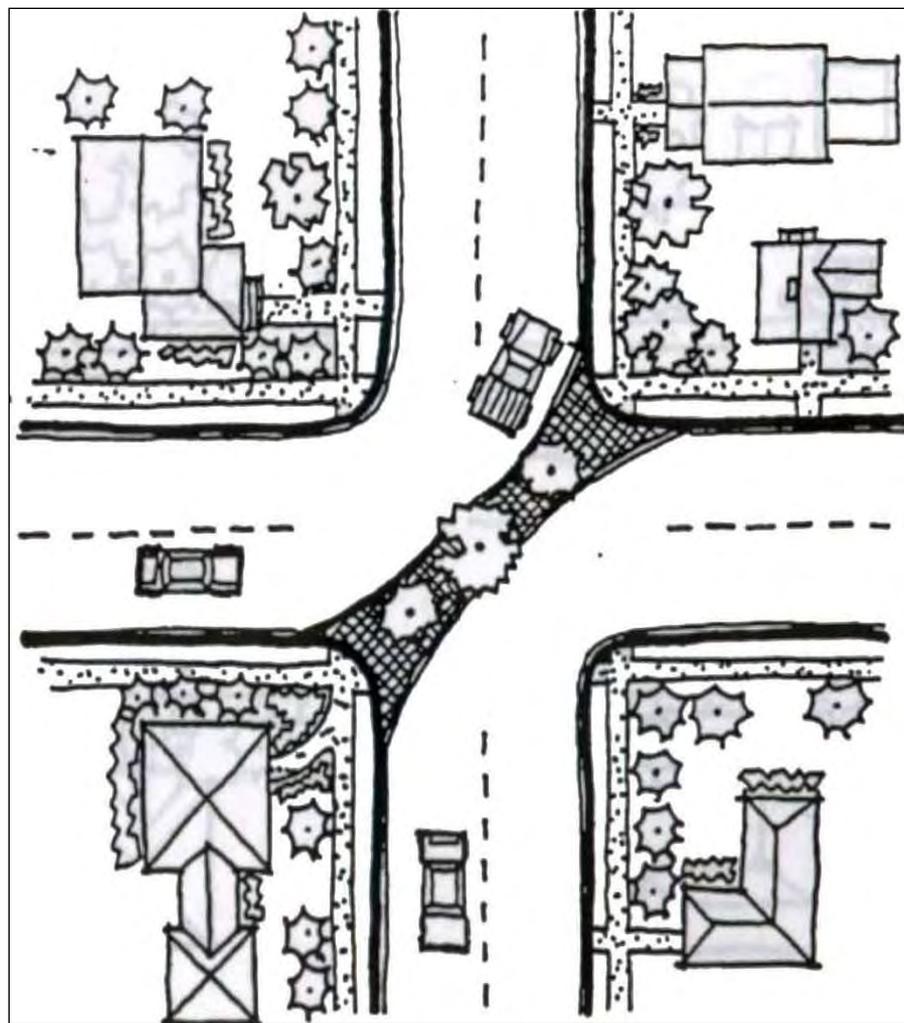


Appendix D



Exhibit 10. Diagonal Diverters

Right-of-way corner clips or easements likely to be required on narrow streets to provide adequate turn radii and landscaping in the diverter.

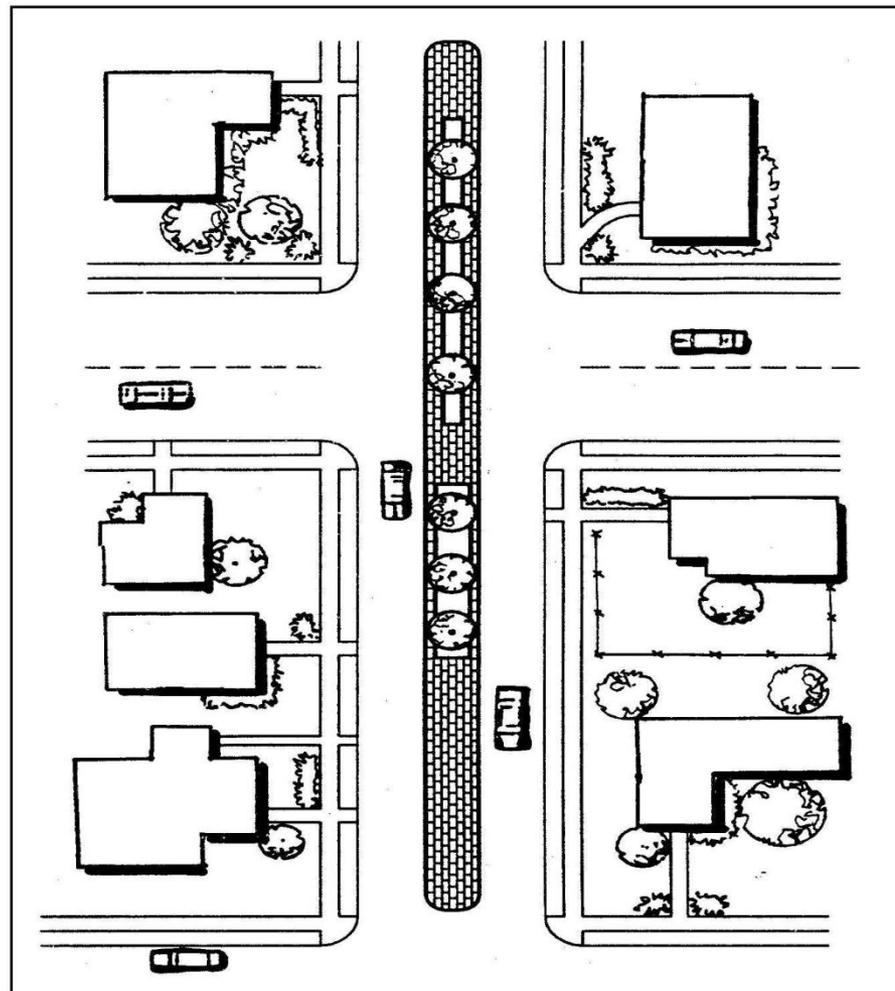


Appendix D

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Exhibit 11. Median Barriers

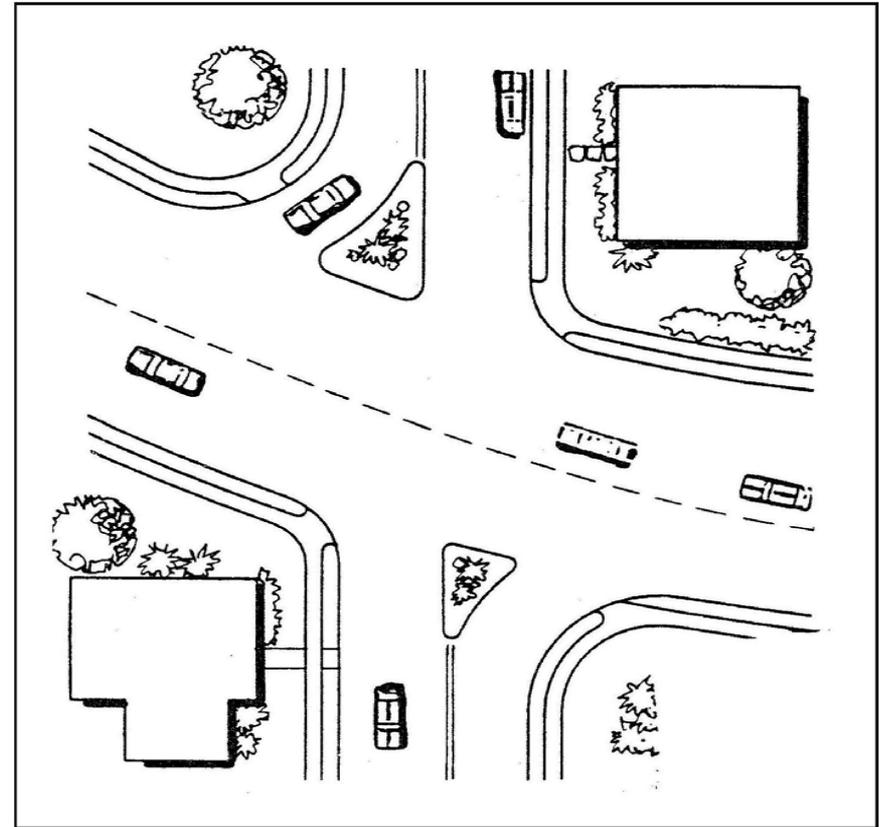
- May require acquisition of right-of-way or easement from adjacent residential lots for median construction on narrow streets.
- On-street parking prohibited.



Appendix D

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Exhibit 12. Forced Turn Islands



May require acquisition of right-of-way or easement from adjacent residential lots for island construction and turn radius.

Issue

Consider and/or act on authorizing the City Manager to execute a contract with Progressive Waste Solutions/IESI to provide Solid Waste Collection & Disposal and Recyclable Material Collection & Processing services for the City of Murphy.

Staff Resource / Department

James Fisher, City Manager
Linda Truitt, Finance Director
Kristi Gilbert, City Secretary
Candy McQuiston, Customer Service Manager

Background/History

In March of 2008, a solid waste collection and recycling services contract was awarded to Waste Management for a 5-year period ending March 31, 2013. On November 12, 2012, City Council directed staff to notify Waste Management of non-renewal of contract and to solicit proposals. A letter was sent to Waste Management notifying them of non-renewal on November 20, 2012.

On November 27, 2012, Council approved the RFP (Request for Proposals) for Solid Waste Collection and Disposal and Recycling Collection and Processing Services. The week of December 3, staff advertised the sealed competitive RFP in order to locate a contractor to provide solid waste and recycling collection for the City of Murphy. On January 14, 2013, four proposals were received from the various firms. The firms included:

- CWD (Community Waste Disposal)
- WM (Waste Management)
- Allied Waste
- Progressive Waste

Staff read and evaluated each of the four proposals. All firms were interviewed the week of January 28, 2013 by the City Manager. On February 5, 2013, Council discussed multi-day pick-up, community education regarding switching days, and route maps depicting multi-day service. Council directed staff to look at multi-day proposals, work with contractors on developing multi-day route maps, and bring back a recommendation on February 19, 2013.

Staff contacted all bidders to allow them the opportunity to provide multi-day routes. Additionally, bidders who provided single-day only services were allowed the opportunity to provide multi-day bids. The deadline for bidders to submit revisions was Tuesday, February 12, 2013 at 5:00 p.m.

On February 19, 2013, Staff recommended awarding the Solid Waste Collection & Disposal and Recyclable Material Collection & Processing services bid to Community Waste Disposal. Council voted to go with Progressive Waste Solution's (IESI) Option #1, and directed staff to negotiate a contract and bring back on March 5, 2013. Council stated the contract should include that the rebate will be raised with the CPI with any rate increases that may occur and to clarify the customer service and transition plans.

Staff is meeting with Andy Messer, City Attorney, and Shawn Eiras, Progressive District Manager, on Monday, March 4, 2013 to finalize the contract with Progressive Waste Solutions/IESI to provide Solid

Waste Collection & Disposal and Recyclable Material Collection & Processing services for the City of Murphy.

Financial Considerations

Contract services for solid waste and recycling services is funded out of the General Fund. For the current fiscal year, \$701,200 was budgeted.

Action Requested

Staff recommends that Council authorizes the City Manager to execute a contract with Progressive Waste Solutions/IESI to provide Solid Waste Collection & Disposal and Recyclable Material Collection & Processing services for the City of Murphy.

Issue

Consider and/or act upon a proposed resolution approving the City of Murphy Policies and Procedures.

Background

The City of Murphy's Employee Policies and Procedures Manual was originally adopted on April 16, 2009 and took effect on June 20, 2009. In January 2010, staff brought forth several amendments that were needed due to legal requirements as well as clarifying some of the policies. The most current version of the Policies and Procedures Manual was adopted February 1, 2011. The proposed policy amendments and revisions were taken to Council on January 15, 2013 and are being brought back with the requested revisions.

Staff Recommendation

Staff recommends approval of the proposed resolution as presented.

Attachments

Adopting Resolution
Compensation Policy
Executive Benefit Plan Policy Amendment
Hazardous Weather Policy Amendment
Holidays Policy Amendment
Longevity Payment Policy Amendment
Tuition Reimbursement Policy
Addendum D-Purchasing Policy Amendments

Submitted By

Approved by

CITY OF MURPHY, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, APPROVING THE AMENDMENTS WITHIN THE CITY OF MURPHY PERSONNEL POLICIES AND PROCEDURES MANUAL WITH AN EFFECTIVE DATE OF APRIL 1, 2013.

WHEREAS, the City Council recognizes the importance to set forth policies and procedures to govern employment within the City of Murphy in a fair and consistent manner and maintain the highest degree of professional conduct for city employees; and,

WHEREAS, the City Council of the City of Murphy had adopted the most current Personnel Policies and Procedures under Resolution 09-R-638 with an effective date of June 20, 2009. Revisions to the existing Policies and Procedures were made in December 2010 with the latest effective date of February 26, 2011.

WHEREAS, on February 5, 2013, the City Council reviewed the drafted, revised policies and procedures; and, the City Council made minor adjustments to the drafted format.

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

Section 1. There is a April 1, 2013 effective date for the adopted Personnel Policies and Procedures Manual.

Section 2. The City Council of the City of Murphy approves the amendments to the “City of Murphy Personnel Policies & Procedures Manual” including amending Section 3.01 Compensation Plan; Section 4.03.06 as it relates to General Policy – Holidays; Section 5.05 Longevity; Section 5.07 Education and Training; Section 5.08 Tuition Reimbursement; Section 5.08 Executive Benefit Plan (to renumber to 5.09); Section 6.18 Hazardous Weather Conditions; Section 3.01 of Addendum D, Purchasing Policy as it relates to price quotations; Section 4.01 of Addendum D, Purchasing Policy as it relates to requisitions and purchase orders; and to Section 5.02 of Addendum D, Purchasing policy as it relates to the City Manager and Department Heads, attached hereto as *Exhibit A*.

DULY RESOLVED by the City Council of the City of Murphy, Collin County, Texas, on this the 5th day of March 2013.

Bret M. Baldwin, Mayor
City of Murphy

ATTEST:

Kristi Gilbert, City Secretary
City of Murphy

**EXHIBIT “A”
PERSONNEL POLICY AMENDMENTS**

I. Section 3.01 shall be amended to read as follows:

“3.01 COMPENSATION PLAN-CIVILIAN AND SWORN POSITIONS

A pay plan covering all City positions is established each year by the City Council in the City’s adopted operating budget. Within the general guidelines of the pay plan and the budget, the City Manager is authorized to determine the appropriate pay to which each position is allocated and the pay to which the particular employee is assigned. An employee who is designated exempt from the pay plan is paid within maximums set in a budget approved by the City Council. The compensation plans for fire and police personnel are located within each department.

Objectives

The basic philosophy and objectives of the City of Murphy are to provide a compensation system utilizing accepted practices in the management and design of compensation systems.

The objectives of the City are:

1. To attract and retain qualified workers who will be paid equitable salaries;
2. To provide fair salaries for all workers of the City;
3. To motivate and reward high-level performance; and
4. To provide the City with a salary structure that enables the City to maintain a competitive position with other Cities and companies within the same geographic area.

The compensation and classification system, when properly maintained in accordance with the competitive labor market, will be dynamic rather than static. Therefore, it will remain valid over many years. Salary ranges established for any given year are best maintained if adjusted each year to reflect the movements of salaries and wages occurring in the competitive marketplace.

A. COMPENSATION FOR CLASSIFIED POSITIONS

Each non-exempt and exempt position is assigned to a classified grade level within their respective pay plans. The Compensation Plan specifies a minimum and maximum hourly wage or salary within each pay grade. The City Council, as part of its annual budget process, considers the allocation of funds for pay plan adjustments and merit increases.

B. SETTING SALARY LEVEL FOR NEW EMPLOYEES

Employees may be hired for positions at a higher pay than the established minimum pay level, but not higher than the mid-point level based upon

qualifications and job-related experience, unless approved by the City Manager.

C. SALARIES AND BENEFITS OF CITY MANAGER AND CITY SECRETARY

Salaries and benefits for the City Manager and City Secretary are established by the City Council and may not be subject to the Compensation Plan.

D. AMENDMENTS TO PLAN

As circumstances require, the Compensation Plan may be amended through submission of suggested changes by the City Manager.

E. JOB TITLES AND EMPLOYEE CLASSIFICATION

Job titles are descriptive of the duties performed, skill required and organization level. Each employee will be properly classified under an established job title which will be used on all payroll and personnel records. This classification shall not be changed unless a transfer, promotion or demotion occurs, or a re-study of the job results in a re-classification.

F. RE-CLASSIFICATION/NEW POSITIONS

As new jobs are approved or requests for reclassification of existing positions are made, the City Manager will evaluate or re-evaluate the job(s) and make recommendations. The department desiring the new or re-classified position must submit requests in writing, including the rationale for the proposed change and a new/revised job description. *(Note: this process is not meant to replace requests for new personnel as normally submitted during the budget process. It is assumed that the addition of the position has been approved prior to evaluating the job.)*

SALARY REVIEW

An annual salary review will be made by the City Manager or his/her designee to determine if City of Murphy salaries are in line with the market. If the City Manager determines that an increase is warranted and is not regularly scheduled, salary recommendations will be made in the next annual budget.”

II. Section 4.03.06 shall be amended to read as follows:

“4.03 GENERAL POLICY-HOLIDAYS

.....

4.03.06 An employee who is absent without approved leave immediately preceding or following a holiday may be required to provide a doctor’s note. If the leave was not approved, the employee may not be paid for the holiday.”

III. Section 5.05 shall be amended to read as follows:

“5.05 LONGEVITY

All full-time employees of the City who have completed one full year of employment as of August 30 shall be eligible to receive longevity pay for each year of service to the City, not to exceed 25 years, beginning with the date of hire. Longevity begins accruing beginning at the employee's thirteenth (13th) month of employment. Longevity pay shall be at a rate of \$4.00 per month for every year of service.

Longevity pay shall be included in the employee's regular rate of pay in computing the overtime pay rate. Longevity pay is subject to federal withholdings, including TMRS contributions, and will be paid annually in November.¹ Employees who terminate prior to November will receive a prorated payment on their final check.”

IV. Section 5.07 shall be amended to read as follows:

“5.07 EDUCATION AND TRAINING

When the City requires an employee to attend any educational or training course, conference, or seminar, the City will provide the necessary time off with pay for attendance during normal working hours and will reimburse the employee for associated costs, including tuition or registration fees, and authorized travel, meals, and lodging.

Time spent at a conference, meeting, or seminar will not be compensated and will not be considered "hours worked" for purposes of calculating overtime when the four conditions are met:

- 1) Attendance is voluntary;
- 2) Attendance is outside of normal working hours;
- 3) The event is not directly job-related; and
- 4) The employee performs no productive work during this period.

The City encourages its regular full-time and part-time (scheduled to work at least twenty (20) hours per week) employees to take advantage of educational or training opportunities and professional memberships which are related to and will enhance the performance of their work with the City.”

¹ Revised February 26, 2011

V. Section 5.08 shall be amended to read as follows:

“5.08 TUITION REIMBURSEMENT

Proposed policy-

At such time as budgeted and financially feasible, the City of Murphy supports partial or full reimbursement for tuition and books for courses that are job related and for courses that are on an approved degree plan or an approved career path program. All regular full-time employees that have satisfactorily completed their introductory period are eligible for tuition reimbursement. Employees are encouraged to enroll in outside courses to improve job performance and promotability within the City. The course must be taken at a regionally accredited college or university. An "accredited college or university" is an institution of higher education that is accredited or authorized by one of the following agencies: Southern Association of Colleges and Schools, Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, North Central Association of Colleges and Schools, Northwest Association of Schools and Colleges, or Western Association of Schools and Colleges.

Source: Department of Education – www.ed.gov

Eligible expenses for reimbursement include class fees, enrollment fees, test fees, laboratory fees, computer center fees, and similar fees required for completion of the course, required textbooks and tuition up to a maximum of **\$1,000 per calendar year**. To be eligible for the full annual maximum reimbursement, an employee must have earned an average of an “A” on all coursework. A “B” average on all coursework is required in order to receive 75% of the allowed annual maximum.

The City will not reimburse for ordinary supplies such as paper, notebooks, pens, copy and printing fees, etc. Seminars, certification review courses, testing fees for certifications and licensure, initial and advanced certification fees and requests for C.E.U. credits are not eligible for reimbursement under this program. Reimbursement does not include program materials, transportation, mileage, or parking. Employees who attend classes will not be paid for time spent in attending classes and/or studying unless the employee is notified in writing by the supervisor and the Department Director that the employee is being required to take a particular course.

Based on budgetary constraints, the number of employees approved for tuition reimbursement may be limited, and additional employees may be accepted as current incumbents complete their programs.

An employee (A) who drops during a semester may forfeit to a waiting employee (B) that may be approved for that semester. If this occurs, Employee (A) must reapply for tuition reimbursement during a semester that has an opening in the future.

Employees who are terminated due to performance problems before completing a course will not be reimbursed their tuition, books, or other related fees. Employees must remain employed with the City for a minimum of one (1) year following any tuition reimbursement. Any employee enrolled in the program who leaves employment within one (1) year of their last class will be required to reimburse the City the full amount of educational assistance received.

RESPONSIBILITIES

Employees

1. Meet with immediate supervisor and/or department director to discuss and agree upon an approved career development plan, or an approved degree program.
2. Complete a Tuition Reimbursement Application form, signed by immediate supervisor and department director, and submit to the City Manager for review and approval *no later than 2 weeks prior to beginning of semester. Requests will be considered based on earliest submission, and in accordance with the approved budget.*
3. Upon completion of the approved semester, the employee must submit the Tuition Reimbursement Request form provide the City Manager with written documentation of successful completion (“B” or better) of the approved class, and receipts for paid tuition, books, and related eligible course fees.

Supervisors

1. Meet with employee to discuss and agree upon an approved career development plan, or an approved degree program.
2. Assist employee with completion of Tuition Reimbursement Application and Tuition Reimbursement Request form and indicate levels of approval with appropriate signatures.”

VI. Section 5.09 shall be amended to read as follows:

“5.09 EXECUTIVE BENEFIT PLAN

The City Manager shall notify the City Council of any executive benefit plan offered to a member of Leadership/Executive team that exceeds the normal City plan. The City Council may establish an executive benefit plan for the City Manager and for the City Secretary in excess of those benefits already established for other employees. The executive benefit plan may include but is not limited to the following: additional vacation and/or sick days; tuition reimbursement; professional dues and attendance at annual conferences; employment agreements; travel expenses; moving allowances; temporary housing allowance; mobile communication allowance; vehicle allowance; and business expenses.”

VII. Section 6.18 shall be amended to read as follows:

“6.18 HAZARDOUS WEATHER CONDITIONS

Employees are expected to arrive at work each day prior to commencement of the workday, regardless of weather conditions. If the weather conditions or roads are unsatisfactory in the employee’s residential area, the supervisor must be notified by phone prior to the employee’s scheduled work time. An employee who fails to report to work for scheduled work hours during hazardous weather conditions, such as icy roads, **must use vacation leave or unpaid time off for the time missed.**

~~If the City Manager declares the city offices officially closed because of bad weather, employees will be excused for that time without penalty or loss of pay. City personnel will be notified by their immediate supervisor by phone. All employees are required to keep a current phone number on file for emergency notification.~~

Each Director will designate emergency service personnel who are required to be on the job regardless of weather conditions. This includes sworn fire and police personnel, communications personnel and certain parks and public works personnel. Unless your supervisor notifies you to stay at home, you are expected to report for work. ~~Additionally, those employees required to work during hazardous weather will receive one day of hazard leave per day worked. One day is defined as eight (8) hours for all employees except sworn fire shift personnel. One day is defined as twelve (12) hours for all sworn fire shift personnel. This leave time must be used within 90 days.”~~

VIII. Section 3.01 of Addendum D shall be amended to read as follows:

“3. GUIDELINES FOR PURCHASES BELOW \$50,000

3.01 PRICE QUOTATIONS

If competitive sealed bids are not used, price quotations should be solicited from a minimum of three (3) vendors to ensure competition for expenditures of more than \$3,000. A vendor currently under a State contract or an inter-local agreement with the City may be utilized. A formal quote should include specifications and purchase terms and conditions to vendors with a specific date and time to return the bid. Any requisition in the amount of \$3,000 or more is subject to requirements for contacting historically underutilized businesses. To protect the integrity of the process, all solicitations of quotes should comply with the following:

1. Vendors should be informed that only price quotes are being solicited at this time;
2. Vendors should not be privileged to quotes from other vendors or to City budget information;
3. Vendors should be rotated to ensure competition;
4. Justification for any sole source should be documented on the requisition;
5. Quotes should be submitted with a requisition to the Finance Department;
6. The lowest price should always be accepted, all other factors being equal;

7. All purchases over \$1,000 must be made by purchase order;
8. All purchases of \$2,500 or more must be approved by the Finance Director before an order is placed;
9. All purchases of \$5,000 or more must be approved by the City Manager before an order is placed;
10. All contracts paid annually or monthly must have a purchase order.

IX. Section 4.01 of Addendum D shall be amended to read as follows:

“4. PURCHASING PROCEDURES

4.01 REQUISITIONS AND PURCHASE ORDERS

Departments will submit an electronic requisition for any purchase except those that must be submitted by check request or paid by credit card. These requisitions will be reviewed for available funds and approval by the proper authority.

Requisitions shall be specific and include purchase description, vendor and price. Price quotes submitted for a purchase should be included with the requisition. If the total annual expenditure throughout the City is above the statutory bid requirement, the formal sealed bid/proposal process must be followed. If the total annual expenditure throughout the City is below the statutory bid requirement, a source with fair and reasonable pricing must be sought. For expenditures of more than \$3,000 but less than \$50,000, at least two (2) historically underutilized businesses must be contacted if they can be located in Collin County. Results should be forwarded to the Finance Department with the requisition. All purchases over \$1,000 must be made by purchase order. All purchases of \$2,500 or more must be approved by the Finance Director before an order is placed. All purchases of \$5,000 or more must be approved by the City Manager before an order is placed. All contracts paid annually or monthly must have a purchase order and approved by the City Manager.”

X. Section 5.02 of Addendum D shall be amended to read as follows:

5.02 CITY MANAGER AND DEPARTMENT HEADS

The Department Head shall approve all expenditures. All purchases of \$2,500 or more must be approved by the Finance Director before an order is placed. All purchases over \$5,000 must be made by purchase order after approval by City Manager. The City Manager and Finance Director must approve all emergency purchases. Whenever possible, approval should be obtained in advance of the purchase. If prior approval is not possible, written approval must be obtained within 48 hours thereafter, and submitted to the Finance Department with the requisition.

3.00 WAGE AND SALARY ADMINISTRATION

Current policy-

3.01 COMPENSATION PLAN

A pay plan covering all City positions is established each year by the City Council in the City's adopted operating budget. Within the general guidelines of the pay plan and the budget, the City Manager is authorized to determine the appropriate pay to which each position is allocated and the pay to which the particular employee is assigned. An employee who is designated exempt from the pay plan is paid within maximums set in a budget approved by the City Council.

Proposed policy-

3.01 COMPENSATION PLAN-CIVILIAN AND SWORN POSITIONS

A pay plan covering all City positions is established each year by the City Council in the City's adopted operating budget. Within the general guidelines of the pay plan and the budget, the City Manager is authorized to determine the appropriate pay to which each position is allocated and the pay to which the particular employee is assigned. An employee who is designated exempt from the pay plan is paid within maximums set in a budget approved by the City Council. The compensation plans for fire and police personnel are located within each department.

Objectives

The basic philosophy and objectives of the City of Murphy are to provide a compensation system utilizing accepted practices in the management and design of compensation systems.

The objectives of the City are:

1. To attract and retain qualified workers who will be paid equitable salaries;
2. To provide fair salaries for all workers of the City;
3. To motivate and reward high-level performance; and
4. To provide the City with a salary structure that enables the City to maintain a competitive position with other Cities and companies within the same geographic area.

The compensation and classification system, when properly maintained in accordance with the competitive labor market, will be dynamic rather than static. Therefore, it will remain valid over many years. Salary ranges established for any given year are best maintained if adjusted each year to reflect the movements of salaries and wages occurring in the competitive marketplace.

- A. COMPENSATION FOR CLASSIFIED POSITIONS
Each non-exempt and exempt position is assigned to a classified grade level within their respective pay plans. The Compensation Plan specifies a minimum and maximum hourly wage or salary within each pay grade. The City Council, as part of its annual budget process, considers the allocation of funds for pay plan adjustments and merit increases.
- B. SETTING SALARY LEVEL FOR NEW EMPLOYEES
Employees may be hired for positions at a higher pay than the established minimum pay level, but not higher than the mid-point level based upon qualifications and job-related experience, unless approved by the City Manager.
- C. SALARIES AND BENEFITS OF CITY MANAGER AND CITY SECRETARY
Salaries and benefits for the City Manager and City Secretary are established by the City Council and may not be subject to the Compensation Plan.
- D. AMENDMENTS TO PLAN
As circumstances require, the Compensation Plan may be amended through submission of suggested changes by the City Manager.
- E. JOB TITLES AND EMPLOYEE CLASSIFICATION
Job titles are descriptive of the duties performed, skill required and organization level. Each employee will be properly classified under an established job title which will be used on all payroll and personnel records. This classification shall not be changed unless a transfer, promotion or demotion occurs, or a re-study of the job results in a re-classification.
- F. RE-CLASSIFICATION/NEW POSITIONS
As new jobs are approved or requests for reclassification of existing positions are made, the City Manager will evaluate or re-evaluate the job(s) and make recommendations. The department desiring the new or re-classified position must submit requests in writing, including the rationale for the proposed change and a new/revised job description. *(Note: this process is not meant to replace requests for new personnel as normally submitted during the budget process. It is assumed that the addition of the position has been approved prior to evaluating the job.)*

SALARY REVIEW

An annual salary review will be made by the City Manager or his/her designee to determine if City of Murphy salaries are in line with the market. If the City Manager determines that an increase is warranted and is not regularly scheduled, salary recommendations will be made in the next annual budget.

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5.09 EXECUTIVE BENEFIT PLAN

Current

~~The City Council may establish an executive benefit plan for department heads and for the City Manager in excess of those benefits already established for other employees.~~

Proposed-

The City Manager shall notify the City Council of any executive benefit plan offered to a member of Leadership/Executive team that exceeds the normal City plan. The City Council may establish an executive benefit plan for the City Manager and for the City Secretary in excess of those benefits already established for other employees. The executive benefit plan may include, but is not limited to, the following: additional vacation and/or sick days; tuition reimbursement; professional dues and attendance at annual conferences; employment agreements; travel expenses; moving allowances; temporary housing allowance; mobile communication allowance; vehicle allowance; and, business expenses.

6.18 HAZARDOUS WEATHER CONDITIONS

Current policy-

Employees are expected to arrive at work each day prior to commencement of the workday, regardless of weather conditions. An employee who fails to report to work for scheduled work hours during hazardous weather conditions, such as icy roads, must use personal leave or unpaid time off for the time missed.

If the City Manager declares the administrative offices officially closed because of bad weather, administrative and clerical employees will be excused for that time without penalty or loss of pay. Each Department Head will designate emergency service personnel who are required to be on the job regardless of weather conditions. This includes all certified police officers, fire department personnel, communications personnel and certain public works and parks personnel. In the event the City Manager declares the administrative offices closed, area radio and television stations will be advised of the closing. Non-emergency personnel will either be notified by their immediate supervisor or can call our emergency phone line (972-468-4236) to find out whether or not to report to work or if there is a delayed opening. Unless your supervisor notifies you to stay at home or our recorded phone message says the offices are closed, you are expected to report for work.

6.18 HAZARDOUS WEATHER CONDITIONS

Proposed policy-

Employees are expected to arrive at work each day prior to commencement of the workday, regardless of weather conditions. If the weather conditions or roads are unsatisfactory in the employee's residential area, the supervisor must be notified by phone prior to the employee's scheduled work time. An employee who fails to report to work for scheduled work hours during hazardous weather conditions, such as icy roads, **must use vacation leave or unpaid time off for the time missed.**

~~If the City Manager declares the city offices officially closed because of bad weather, employees will be excused for that time without penalty or loss of pay. City personnel will be notified by their immediate supervisor by phone. All employees are required to keep a current phone number on file for emergency notification.~~

Each Director will designate emergency service personnel who are required to be on the job regardless of weather conditions. This includes sworn fire and police personnel, communications personnel and certain parks and public works personnel. Unless your supervisor notifies you to stay at home, you are expected to report for work. ~~Additionally, those employees required to work during hazardous weather will receive one day of hazard leave per day worked. One day is defined as eight (8) hours for all employees except sworn fire shift personnel. One day is defined as twelve (12) hours for all sworn fire shift personnel. This leave time must be used within 90 days."~~

4.03 GENERAL POLICY-HOLIDAYS

Current policy-

4.03.06 An employee who is absent without approved leave or is on leave without pay on the workday immediately preceding or following a holiday will not be paid for the holiday.

Proposed policy-

4.03.06 An employee who is absent without approved leave immediately preceding or following a holiday may be required to provide a doctor's note. If the leave was not approved, the employee may not be paid for the holiday.

DRAFT

5.05 LONGEVITY

Current policy-

All full-time employees of the City shall receive longevity pay for each year of service to the City, beginning the month following the employee's first full year of employment. Longevity pay shall be at a rate of \$4.00 per month for every year of service.

Regular part-time employees are entitled to longevity pay at a rate of \$2.00 per pay month for every year of service, beginning the month following the employee's first full year of employment.

Longevity pay shall be included in the employee's regular rate of pay in computing the overtime pay rate. Longevity pay is subject to federal withholdings, including TMRS contributions, and will be paid annually in November.¹

Proposed policy-

All full-time employees of the City who have completed one full year of employment as of August 30 shall be eligible to receive longevity pay for each year of service to the City, not to exceed 25 years, beginning with ~~retroactive to the date of hire.~~ Longevity begins accruing beginning at the employee's thirteenth (13th) month of employment. Longevity pay shall be at a rate of \$4.00 per month for every year of service.

~~Regular part-time employees are entitled to longevity pay at a rate of \$2.00 per pay month for every year of service, beginning the month following the employee's first full year of employment.~~

Longevity pay shall be included in the employee's regular rate of pay in computing the overtime pay rate. Longevity pay is subject to federal withholdings, including TMRS contributions, and will be paid annually in November.² **Employees who terminate prior to November will receive a prorated payment on their final check.**

¹ Revised February 26, 2011

² Revised February 26, 2011

5.07 EDUCATION AND TRAINING

Current policy-

When the City requires an employee to attend any educational or training course, conference, or seminar, the City will provide the necessary time off with pay for attendance during normal working hours and will reimburse the employee for associated costs, including tuition or registration fees, and authorized travel, meals, and lodging.

Time spent at a conference, meeting, or seminar will not be compensated and will not be considered "hours worked" for purposes of calculating overtime when the four conditions are met:

- 1) Attendance is voluntary;
- 2) Attendance is outside of normal working hours;
- 3) The event is not directly job-related; and
- 4) The employee performs no productive work during this period.

The City encourages its regular full-time and part-time (scheduled to work at least twenty (20) hours per week) employees to take advantage of educational or training opportunities and professional memberships which are related to and will enhance the performance of their work with the City.

~~At such time as financially feasible, the City of Murphy may provide tuition cost and laboratory fees to regular full-time employees who successfully complete approved education at an accredited college, university or other institution of higher learning. See the Human Resources Department for details regarding tuition reimbursement.~~

5.08 TUITION REIMBURSEMENT

Proposed policy-

At such time as budgeted and financially feasible, the City of Murphy supports partial or full reimbursement for tuition and books for courses that are job related and for courses that are on an approved degree plan or an approved career path program. All regular full-time employees that have satisfactorily completed their introductory period are eligible for tuition reimbursement. Employees are encouraged to enroll in outside courses to improve job performance and promotability within the City. The course must be taken at a regionally accredited college or university. An "accredited college or university" is an institution of higher education that is accredited or authorized by one of the following agencies: Southern Association of Colleges and Schools, Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, North Central Association of Colleges and Schools, Northwest Association of Schools and Colleges, or Western Association of Schools and Colleges.

Source: Department of Education – www.ed.gov

Eligible expenses for reimbursement include class fees, enrollment fees, test fees, laboratory fees, computer center fees, and similar fees required for completion of the course, required textbooks and tuition up to a maximum of **\$1,000 per calendar year**. To be eligible for the full annual maximum reimbursement, an employee must have earned an average of an “A” on all coursework. A “B” average on all coursework is required in order to receive 75% of the allowed annual maximum.

The City will not reimburse for ordinary supplies such as paper, notebooks, pens, copy and printing fees, etc. Seminars, certification review courses, testing fees for certifications and licensure, initial and advanced certification fees and requests for C.E.U. credits are not eligible for reimbursement under this program. Reimbursement does not include program materials, transportation, mileage, or parking. Employees who attend classes will not be paid for time spent in attending classes and/or studying unless the employee is notified in writing by the supervisor and the Department Director that the employee is being required to take a particular course.

Based on budgetary constraints, the number of employees approved for tuition reimbursement may be limited, and additional employees may be accepted as current incumbents complete their programs.

An employee (A) who drops during a semester may forfeit to a waiting employee (B) that may be approved for that semester. If this occurs, Employee (A) must reapply for tuition reimbursement during a semester that has an opening in the future.

Employees who are terminated due to performance problems before completing a course will not be reimbursed their tuition, books, or other related fees. Employees must remain employed with the City for a minimum of one (1) year following any tuition reimbursement. Any employee enrolled in the program who leaves employment within one (1) year of their last class will be required to reimburse the City the full amount of educational assistance received.

RESPONSIBILITIES

Employees

1. Meet with immediate supervisor and/or department director to discuss and agree upon an approved career development plan, or an approved degree program.
2. Complete a Tuition Reimbursement Application form, signed by immediate supervisor and department director, and submit to the City Manager for review and approval ***no later than 2 weeks prior to beginning of semester***. *Requests will be considered based on earliest submission, and in accordance with the approved budget.*
3. Upon completion of the approved semester, the employee must submit the Tuition Reimbursement Request form provide the City Manager with

written documentation of successful completion (“B” or better) of the approved class, and receipts for paid tuition, books, and related eligible course fees.

Supervisors

1. Meet with employee to discuss and agree upon an approved career development plan, or an approved degree program.
2. Assist employee with completion of Tuition Reimbursement Application and Tuition Reimbursement Request form and indicate levels of approval with appropriate signatures.

DRAFT

**CITY OF MURPHY
TUITION REIMBURSEMENT APPLICATION**

Employee: _____ **Date:** _____

Department: _____ **Position:** _____

Semester (circle one)

Fall **Spring** **Summer**

Name of course/s to be taken (attach a copy of the degree plan):

1) _____

2) _____

Provide a brief description of how course/s are job-related or how course/s will benefit applicant's job performance:

Name of institution and address where course/s are to be taken:

Approximate dates course/s to be taken: **From:** _____ **To:** _____

Approximate tuition costs _____

Approximate textbook/s costs _____

Approximate Fees _____

Approximate Total Cost _____

Will any part of the cost for the course/s be paid to you on your behalf by any agency or award? Yes ___ No ___

If so, give amount _____

AFFIDAVIT

I realize that the approval of educational reimbursement is dependent upon the presentation of evidence of enrollment, tuition and textbook costs, and approval will only be made after receipt of the appropriate documents. The actual reimbursement will only be paid after successful completion of the course.

I hereby agree that should I be reimbursed for the tuition and textbook/s costs for the above stated course/s, I will not voluntarily leave the employ of the City of Murphy for a period of one (1) year from the date of the reimbursement receipt. Further, I agree that should I leave the employment of the City of Murphy before the expiration of the one (1) year period stated above, I will refund the City up to 100% of the full amount of educational assistance received or that I will allow the City to deduct such amount from my last paycheck.

Applicant Signature

Date

APPROVED/DENIED (Circle one):

Supervisor/Date

Department Head/Date

City Manager/Date

CITY OF MURPHY TUITION REIMBURSEMENT REQUEST

Name: _____ Date: _____

I certify that I have completed the course(s) previously approved for tuition reimbursement (attach a copy of the tuition reimbursement assistance request) for the following classes:

Course: _____ Grade: _____

Course: _____ Grade: _____

Course: _____ Grade: _____

* Attach copy of university/college semester report indicating grades.

University Attended: _____

From: _____ To: _____

Costs:

Tuition: _____

Books: _____

Fees: _____

Total: _____

Submit receipts for the amounts claimed above. A copy of the registration indicating classes and amounts paid must be attached.

AFFIDAVIT

I realize that the approval of educational reimbursement is dependent upon the presentation of evidence of enrollment, tuition and textbook costs, and approval will only be made after receipt of the appropriate documents. The actual reimbursement will only be paid after successful completion of the course.

I hereby agree that should I be reimbursed for the tuition and textbook/s costs for the above stated course/s, I will not voluntarily leave the employ of the City of Murphy

for a period of one (1) year from the date of the reimbursement receipt. Further, I agree that should I leave the employment of the City of Murphy before the expiration of the one (1) year period stated above, I will refund the City of Murphy up to 100% of the full amount of educational assistance received or that I will allow the City to deduct such amount from my last paycheck.

Signature: _____ Date: _____

Staff Review:

Department Director: _____ Date: _____

Approve reimbursement in the amount of: _____

HR: _____ Date: _____

Finance Director: _____ Date: _____

City Manager: _____ Date: _____

DRAFT

ADDENDUM D PURCHASING POLICY

3. GUIDELINES FOR PURCHASES BELOW \$50,000

3.01 PRICE QUOTATIONS

If competitive sealed bids are not used, price quotations should be solicited from a minimum of three (3) vendors to ensure competition for expenditures of more than \$3,000. A vendor currently under a State contract or an inter-local agreement with the City may be utilized. A formal quote should include specifications and purchase terms and conditions to vendors with a specific date and time to return the bid. Any requisition in the amount of \$3,000 or more is subject to requirements for contacting historically underutilized businesses. To protect the integrity of the process, all solicitations of quotes should comply with the following:

1. Vendors should be informed that only price quotes are being solicited at this time;
2. Vendors should not be privileged to quotes from other vendors or to City budget information;
3. Vendors should be rotated to ensure competition;
4. Justification for any sole source should be documented on the requisition;
5. Quotes should be submitted with a requisition to the Finance Department;
6. The lowest price should always be accepted, all other factors being equal;
7. All purchases over \$1,000 must be made by purchase order;
8. All purchases of ~~\$1,500~~ **\$2,500** or more must be approved by the Finance Director before an order is placed;
9. All purchases of ~~\$3,000~~ **\$5,000** or more must be approved by the City Manager before an order is placed;
10. All contracts paid annually or monthly must have a purchase order.

4. PURCHASING PROCEDURES

4.01 REQUISITIONS AND PURCHASE ORDERS

Departments will submit an electronic requisition for any purchase except those that must be submitted by check request or paid by credit card. These requisitions will be reviewed for available funds and approval by the proper authority.

Requisitions shall be specific and include purchase description, vendor and price. Price quotes submitted for a purchase should be included with the requisition. If the total annual expenditure throughout the City is above the statutory bid requirement, the formal sealed bid/proposal process must be followed. If the total annual expenditure throughout the City is below the statutory bid requirement, a source with fair and reasonable pricing must be sought. For expenditures of more than \$3,000 but less than

\$50,000, at least two (2) historically underutilized businesses must be contacted if they can be located in Collin County. Results should be forwarded to the Finance Department with the requisition. All purchases over \$1,000 must be made by purchase order. All purchases of ~~\$1,500~~ **\$2,500** or more must be approved by the Finance Director before an order is placed. All purchases of ~~\$3,000~~ **\$5,000** or more must be approved by the City Manager before an order is placed. All contracts paid annually or monthly must have a purchase order and approved by the City Manager.

5.02 CITY MANAGER AND DEPARTMENT HEADS

The Department Head shall approve all expenditures. All purchases of ~~\$1,500~~ **\$2,500** or more must be approved by the Finance Director before an order is placed. All purchases over ~~\$3,000~~ **\$5,000** must be made by purchase order after approval by City Manager. The City Manager and Finance Director must approve all emergency purchases. Whenever possible, approval should be obtained in advance of the purchase. If prior approval is not possible, written approval must be obtained within 48 hours thereafter, and submitted to the Finance Department with the requisition.