

MURPHY CITY COUNCIL AGENDA  
REGULAR CITY COUNCIL MEETING  
JANUARY 4, 2011 AT 6:00 PM  
206 NORTH MURPHY ROAD  
MURPHY, TEXAS 75094

NOTICE is hereby given of a meeting of the City Council of the City of Murphy, Collin County, State of Texas, to be held on January 4, 2011 at Murphy City Hall for the purpose of considering the following items. The City Council of the City of Murphy, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

ROLL CALL & CERTIFICATION OF A QUORUM

PUBLIC COMMENTS

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. Approval of December 6 and December 13, 2010 Minutes.
- B. Consider and/or act upon the Construction Plat (Replat) for Murphy Village Addition, Lot 2R, 4 and 5, Block A on property zoned PD (Planned Development) District No. 09-12-823 and No. 09-12-824 for Retail and Office Uses on property located at the southeast quadrant of West FM 544 and Brand Road.
- C. Consider and/or act upon approval of an ordinance approving modifications to Section 30-53 of the City of Murphy Code of Ordinances as it relates to noise abatement regarding concrete batch plants.
- D. Consider and/or act upon approval of an ordinance to amend the fee schedule for private use of park pavilions and community meeting rooms and policies, as needed.
- E. Consider and/or act upon approval of an ordinance closing of the portion of Tom Clevenger Drive between North Murphy Road (FM 2551) and the Municipal Complex ring road.

INDIVIDUAL CONSIDERATION

1. Discussion regarding neighborhood concerns with traffic on Hawthorne Drive, specifically speeding and accidents and possible solutions.
2. Consider and/or act on the application of Matt Neher requesting an exception to Section 28-132 (a)(2) of the City of Murphy Code of Ordinances to allow an

Bret Baldwin  
Mayor

John Daugherty  
Mayor Pro Tem

Colleen Halbert  
Deputy Mayor Pro Tem

Dennis Richmond  
Councilmember

Scott Bradley  
Councilmember

Mike Daniel  
Councilmember

Dave Brandon  
Councilmember

James Fisher  
City Manager

alternative exterior building material for an addition to a single family dwelling on property located at 178 Sunset Drive.

3. Consider and/or act on the application of the City of Murphy requesting 1) an exception to Section 28-181 (b) of the City of Murphy Code of Ordinances to remove and relocate protected trees; 2) an exception to Section 28-156 (b) of the Code of Ordinances to relocate the requirement of landscape buffer trees along North Murphy Road and 3) an exception to Section 28-52 (b) of the Code of Ordinances to allow a fence in the front yard for the Murphy Community Center on property located at 205 North Murphy Road.
4. Hold a public hearing and consider and/or act upon approval of an ordinance amending PD (Planned Development) District No. 09-12-825 for Retail and Office Uses on property located on East FM 544, west of McCreary Road. (Zoning File 2010-10)
5. Consider and/or act upon the Construction Plat for Rolling Ridge Estates, Phase 6 on property zoned PD (Planned Development) District No. 04-01-599 and No. 04-09-622 for Single Family Uses on property located at the northwest corner of West Betsy Lane and Oriole Drive.
6. Consider and/or act on a recommendation to officially name the Murphy Community Center, the Murphy Activity Center, and the Murphy Central Park.
7. Consider and/or act upon a proposed resolution approving the City of Murphy Policies and Procedures, including the addition of Electronic Communications and Social Media policies.

#### CITY MANAGER/STAFF REPORTS

- Website Update
- Jan 10 Utility Fund Work Session 6 pm – Community Room
- Jan 17 – City Offices Closed in Observance of MLK Day
- Jan 18 – Regular Council Meeting
- Jan 21 CLC – New Quarterly Meeting Schedule
- Jan 28 - Chamber Banquet
- November Financial Report

#### 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 pending litigation or contemplated litigation or settlement offer involving *Michael Cantrell v. City of Murphy, et al.*, Cause No. 6:09-cv-225.

§551.074 Personnel matters; to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: Sam Elliston.

### 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 pending litigation or contemplated litigation or settlement offer involving *Michael Cantrell v. City of Murphy, et al.*, Cause No. 6:09-cv-225.

§551.074 Personnel matters; to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: Sam Elliston.

### ADJOURNMENT

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, TX 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on December 30, 2010 by 5:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.

\_\_\_\_\_  
Aimee Nemer, TRMC, CMC  
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 [anemer@murphytx.org](mailto:anemer@murphytx.org).

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

**December 6, 2010**  
**6:00 P.M.**

**CALL TO ORDER**

Mayor Baldwin called the meeting to order at 6:02 p.m.

**INVOCATION & PLEDGE OF ALLEGIANCE**

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

**ROLL CALL & CERTIFICATION OF A QUORUM**

Administrative Assistant Kim McCranie certified a quorum with the following:

Present

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

**PUBLIC COMMENTS**

Ms. Maggie Whitt addressed Council and presented a report on the Timbers Community Organization.

**CONSENT AGENDA**

**Council Action**

Councilmember Brandon requested to remove Items C and D from the Consent Agenda. The applicant requested to postpone Item B. Councilmember Halbert moved to approve Item A as presented. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

**A. Approval of the November 15, 2010 Minutes.**

**B. Consider and/or act on the Construction Plat for Rolling Ridge Estates, Phase 6 on property zoned PD (Planned Development) District No. 04-01-599 and No. 04-09-622 for Single Family Uses on property located at the northwest corner of West Betsy Lane and Oriole Drive.**

**C. Consider and/or act upon approval of a resolution amending the Budgetary Financial Policy regarding terms for the Budgetary Finance Committee.**

**Council Action**

Council clarified that the only change to the Budgetary Finance Policy is the Budgetary Finance Committee term limits. Councilmember Brandon moved to approve the changes to letter I, term limits only. Councilmember Halbert seconded the motion. A vote was taken and passed, 7-0.

**D. Consider and/or act on approval of an ordinance temporarily prohibiting commercial vehicles on McMillen Road between North Murphy Road and Rosewood Drive.**

**Council Action**

Councilmember Brandon moved to approve Item D as submitted. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

**INDIVIDUAL CONSIDERATION**

- 1. Consider and/or act upon approval of a resolution changing the City Council meetings from the first and third Monday to the first and third Tuesday beginning January 2011.**

**Council Action**

Councilmember Halbert moved to approve. Councilmember Daugherty seconded the motion. A vote was taken and passed, 4-3 with Councilmember Richmond, Councilmember Daniel, and Councilmember Brandon voting in opposition.

- 2. Consider and/or act upon appointing members to fill vacancies on the City of Murphy Boards and Commissions.**

**Council Action**

Councilmember Halbert moved to appoint Jane Jan to a Commissioner on Planning and Zoning with a term to expire 2012; and Ken Steubing as an alternate Commissioner on Planning and Zoning with a term to expire 2011, and Ken Steubing as a member of the Building and Fire Code Appeals Board with a term to expire 2011. Councilmember Daniel seconded the motion. A vote was taken and passed, 7-0.

- 3. Consider and/or act upon the approval of an ordinance amending the General Fund FY 2009-2010 budget.**

**Council Action**

Councilmember Daugherty moved to approve an ordinance amending the General Fund FY 2009-2010 budget. Councilmember Halbert seconded the motion. A vote was taken and passed, 7-0.

- 4. Consider and/or act upon approval of a resolution authorizing an Engineering Services Agreement for utility relocations for FM 2551, McMillen High School sanitary sewer replacement, and S. Maxwell Creek sanitary sewer crossing repairs.**

**Council Action**

Councilmember Halbert moved to approve a resolution authorizing an Engineering Services Agreement for utility relocations for FM 2551, McMillen High School sanitary sewer replacement, and S. Maxwell Creek sanitary sewer crossing repairs. Councilmember Richmond seconded the motion. A vote was taken and passed, 6-1 with Councilmember Brandon voting in opposition.

- 5. Consider all matters incident and related to approving and authorizing the execution of a project contract between the City of Murphy and the Murphy Community Development Corporation, including the adoption of a resolution authorizing such project contract.**

**Council Action**

Councilmember Richmond moved to approve and authorize the execution of a project contract between the City of Murphy and the Murphy Community Development Corporation, including the adoption of a resolution authorizing such project contract. Councilmember Bradley seconded the motion. A vote was taken and passed, 6-1 with Councilmember Brandon voting in opposition.

6. **Consider all matters incident and related to the issuance of the “City of Murphy, Texas, Tax Notes, Series 2011”, including the adoption of an Ordinance authorizing the issuance of such tax notes.**

**Council Action**

Councilmember Daugherty moved to approve the issuance of the “City of Murphy, Texas, Tax Notes, Series 2011”, including the adoption of an Ordinance authorizing the issuance of such tax notes. Councilmember Bradley seconded the motion. A vote was taken and passed, 6-1 with Councilmember Brandon voting in opposition.

7. **Consider and/or act upon amendments to the City of Murphy Policies and Procedures, including the addition of Electronic Communications and Social Media policies.**

**Council Action**

There was no action on this item. Staff will resubmit with changes for the January 4<sup>th</sup> agenda.

8. **Discussion regarding the regulation of concrete batch plants.**

**Council Action**

There was no action on this item. Council directed staff to update the current noise ordinance regulating hours of operation and resubmit on January 4<sup>th</sup>.

9. **Discussion regarding the temporary closing of the portion of Tom Clevenger Drive between North Murphy Road and the Municipal Complex ring road.**

**Council Action**

There was no action on this item. Council directed staff to prepare a resolution to temporarily close the road.

**Reconsideration of Item 1**

Councilmember Bradley requested to reconsider Item 1. Councilmember Richmond stated he has no conflicts with changing the meeting days, but was giving consideration for Councilmember Brandon’s work schedule. Councilmember Daniel stated that there was nothing wrong with the current schedule, but the change does not affect his schedule. Councilmember Brandon stated that the change will cause a conflict with work related travel. Upon reconsideration, there was no further action on Item 1.

**CITY MANAGER/STAFF REPORTS**

City Manager Fisher reported on the following:

- **December 13 –Joint 4B/Park/Council** –meeting at 6 pm to ensure everyone is on the same page with several park projects.
- **December 16 –Employee Holiday Dinner** –City Council is invited to attend.
- **Christmas/Holiday Schedule** –City Hall is closed December 24 and 27 and January 3
- **January Meeting Schedule/Utility Fund Work Sessions**
- **Budget Retreat Schedule** –Council should submit dates that are not good for retreat

## 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 pending litigation or contemplated litigation or settlement offer involving *Michael Cantrell v. City of Murphy, et al.*, Cause No. 6:09-cv-225.
- §551.072 Deliberation regarding real property; to deliberate the purchase, exchange, lease, or value of real property.
- §551.071 Consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter regarding: economic and community development.

### Council Action

Council convened into Executive Session at 8:30 p.m.

## RECONVENE INTO REGULAR SESSION

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

- §551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving *Michael Cantrell v. City of Murphy, et al.*, Cause No. 6:09-cv-225.
- §551.072 Deliberation regarding real property; to deliberate the purchase, exchange, lease, or value of real property.
- §551.071 Consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter regarding: economic and community development.

### Council Action

Council reconvened into Regular Session at 9:07 p.m. The following action was taken as a result of the Executive Session.

## COUNCIL ACTION

- Consider and/or act upon authorizing the City Manager to execute documents regarding real property as discussed in Executive Session.

**Council Action**

Councilmember Halbert moved to authorize the City Manager to sign closing documents regarding real property as discussed in Executive Session. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

**ADJOURNMENT**

With no further business, the meeting was adjourned at 9:08 p.m.

**APPROVED BY:**

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**Bret M. Baldwin, Mayor**

**ATTEST:**

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**Aimee Nemer, City Secretary**

**MINUTES**  
**SPECIAL CITY COUNCIL MEETING**  
**JOINT WITH PARK AND 4B BOARD**  
**CITY OF MURPHY**  
**206 North Murphy Road**  
**Murphy, Texas**

**December 13, 2010**  
**6:00 P.M.**

**CALL TO ORDER**

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

**INVOCATION & PLEDGE OF ALLEGIANCE**

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

**ROLL CALL & CERTIFICATION OF A QUORUM**

Secretary Nemer certified a quorum with the following:

Council Present

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

Park Board Present

Julia Baldwin  
Brian Jones  
Eric Lopez  
Jasmin Bayliss  
Cary Walker  
Paula Harper

4B Board Present

Michael Kim  
Cary Walker  
Katie Westhora  
Brian Epstein  
Brian Jones

**PUBLIC COMMENTS**

Public comments were submitted from a group of residents representing the Murphy Park Committee comprised of residents from Lakeside Circle in Rolling Ridge. They submitted a list of requests regarding plans for Liberty Ridge Park.

**JOINT WORK SESSION**

Council, the boards, and staff discussed the following:

- **Update on Parks/Open Spaces Bond Program**
- **Concept plans for Liberty Ridge Park, Bunny Run, and City Park/Kinney Road**
- **FM 544 Landscape Plans**
- **Betsy Lane and South Murphy Road Landscape Plans**
- **Murphy Community Center**
- **Recommendations from Park Board regarding fees and rules**
- **Park Names**
- **Collin County Trails**
- **Recap of Joint Work Session items**

**ADJOURN JOINT WORK SESSION**

The joint work session was adjourned at 10:16 p.m.

**CONVENE CITY COUNCIL MEETING**

Following a recess, the Council convened into regular session at 10:20 p.m.

## INDIVIDUAL CONSIDERATION

- 1. Hold a public hearing and consider and/or act upon concept plans for improvements to Liberty Ridge Park and Bunny Run/ City Park/Kinney Road property.**

### Council Action

Mayor Baldwin opened the public hearing at 10:21 p.m. With no comments submitted, he closed the public hearing at 10:21 p.m. There was no action on this item.

- 2. Consider and/or act upon a recommendation regarding FM 544 concept landscape.**

### Council Action

There was no action on this item.

- 3. Consider and/or act upon a recommendation regarding the landscape design and entry signs design and award construction authorization for West Betsy Lane and South Murphy Road.**

### Council Action

Councilmember Halbert moved to approve a recommendation regarding the landscape design and entry design and award construction authorization for West Betsy Lane and to direct staff to continue to work with the City of Richardson regarding South Murphy Road. Councilmember Richmond seconded the motion. A vote was taken and passed, 7-0.

- 4. Hold a public hearing and consider and/or act upon approval of renovation plans and design of the Murphy Community Center and to authorize the preparation of bid documents and solicitation of bids.**

### Council Action

Mayor Baldwin opened the public hearing at 10:23 p.m. With no comments submitted, he closed the public hearing at 10:23 p.m. Councilmember Halbert moved to approve the renovation plans and design of the Community Center and to authorize the preparation of bid document for solicitation. Councilmember Bradley seconded the motion. A vote was taken and passed, 7-0.

- 5. Consider and/or act upon approval of an ordinance to amend the fee schedule for private use of park pavilions and community meeting rooms.**

### Council Action

There was no action on this item. It will be resubmitted on the January 4<sup>th</sup> agenda.

- 6. Consider and/or act upon approval of an ordinance to amend the Park Rules and Regulations.**

### Council Action

Councilmember Halbert moved to approve. Councilmember Richmond seconded the motion. A vote was taken and passed, 7-0.

- 7. Consider and/or act upon a recommendation of the Collin County Regional Trails Master Plan.**

### Council Action

Councilmember Halbert moved to direct staff to send comments regarding the initial review of plans from FM 544 – Dublin –Heritage trails to Collin County stating that the trails from Windy Hill Farms to FM 544 should be removed and that additional comments may be submitted in January 2011. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

**ADJOURNMENT**

With no further business, the meeting was adjourned at 10:44 p.m.

**APPROVED BY:**

\_\_\_\_\_  
**Bret M. Baldwin, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Aimee Nemer, City Secretary**

**Issue**

Consider and/or act upon the Construction Plat (Replat) for **Murphy Village Addition, Lot 2R, 4 and 5, Block A** on property zoned PD (Planned Development) District No. 09-12-823 and No. 09-12-824 for Retail and Office Uses on property located at the southeast quadrant of West FM 544 and Brand Road.

**Owner(s):**

McBirney-544 Joint Venture

**Zoning History**

Ordinance No. 00-12-514 – Adopted December 18, 2000, which changed the zoning from PD (Planned Development) District for Residential Uses to PD (Planned Development) District for Mixed Use Retail, Commercial and Office Uses.

Ordinance No. 03-09-585 – Adopted September 15, 2003, which amended the Planned Development District tied to Ordinance No. 00-12-514 to allow a private school as a permitted use.

Ordinance No. 09-12-823 – Adopted December 7, 2009, which changed the zoning from PD (Planned Development) District for Mixed Use Retail, Commercial and Office Uses to PD (Planned Development) District for Retail and Office Uses.

Ordinance No. 09-12-824 – Adopted December 7, 2009, which approved a Specific Use Permit tied to Ordinance No. 09-12-823 for an Assisted Living Facility.

**Background**

The proposed construction plat is a replat of Lot 2, Block A – Murphy Village Addition and would allow for the development of a proposed assisted living facility that would be known as Orchard Park Senior Living. The proposed replat would divide Lot 2 into three (3) lots (Lot 2R, 4 and 5). The Orchard Park Senior Living assisted living facility would be located on Lot 4. There are several easements (utility, drainage, franchise utility, fire lane, and access) that are shown that would serve the proposed assisted living facility and future development on Lots 2R and 5.

**Comprehensive Plan**

The 2008 Future Land Use Plan recommends High Intensity Retail for the subject property. Areas appropriate for High Intensity Retail are intended to provide for a variety of more region-serving retail trade and personal/business services. Generally, businesses within this use would have large single-use buildings, commonly referred to as “big-box” stores. The construction plat is consistent with the recommendations of the 2008 Future Land Use Plan.

**Transportation Strategy**

- **The Thoroughfare Plan** – The 2008 Thoroughfare Plan shows FM 544 as a Type A Major Arterial on the northern boundary of the site. A Type A roadway requires 120 feet of right-of-way. The plat indicates a 140 foot right-of-way. FM 544 has already been constructed to its ultimate configuration; therefore, no additional right-of-way is required. The Plan also shows Brand Road as a Type B Secondary Arterial on the

western boundary of the site. A Type B roadway requires 84 feet of right-of-way. The plat indicates a 110 foot right-of-way. Brand Road has already been constructed to its ultimate configuration; therefore, no additional right-of-way is required.

- **Traffic Impact Analysis** –A Traffic Impact Analysis (TIA) is not required as the proposed subdivision will not generate more than 1,000 one-way trips per day.
- **Access** – Access to the development will be provided from FM 544 and Brand Road via dedicated access drives.

#### Existing Utilities

- **Water** – There is a 10 inch water line along both FM 544 and Brand Road that will serve the subdivision. Water service will need to be extended to the proposed assisted living facility at the time of development.
- **Sanitary Sewer** – There is an 8 inch sanitary sewer line along the along FM 544 that will serve the subdivision. Sanitary sewer service will need to be extended to the proposed assisted living facility at the time of development.

#### Parkland

Section 70-104(b)(1) of the City of Murphy Code of Ordinances requires that the proposed subdivision dedicate parkland at the ratio of one acre of parkland for every 100 residential units developed (assisted living units are considered residential units) with a minimum of five (5) acres in size. With 77 units proposed, the required parkland dedication for the proposed subdivision is 0.77 acres. However, since the proposed acreage is less than five (5) acres, a fee in lieu of parkland is required. The fee in lieu of dedication is \$1,200 per unit. With 77 units proposed, this equates to a fee of \$92,400.

#### Public Education

The subject property lies within the Plano Independent School District. The subdivision would be served by Schell Elementary School, Otto Middle School, McMillen High School and Plano East Senior High School. The Plano Independent School District has not indicated an immediate need for an additional school in this area.

#### Considerations

On November 18, 2002, the City Council adopted the current parkland dedication ordinance. The ordinance states the primary costs of neighborhood parks should be borne by the ultimate residential property owners who will be the primary beneficiaries of such facilities. The applicant is requesting a waiver of the fee in lieu of parkland dedication due to the fact that the residents of the proposed assisted living facility most likely will not utilize or have an impact on the park system. Consideration should be given to waiving the parkland dedication fee due to the minimal impact the proposed development will have on the park system.

**Staff Recommendation**

The proposed construction plat (replat) complies with all applicable ordinances; therefore, staff recommends approval of the construction plat as submitted. Staff recommends waiving the parkland dedication fee.

**Board Recommendation**

At their November 22, 2010 meeting, the Planning and Zoning Commission, by a [7] to [0] vote; recommended to approve the request as recommended by staff.

**Attachments**

- 1) Construction Plat
- 2) Parkland Dedication Waiver Letter

*Jeff Bickerstaff, Asst. City Manager*  
**Submitted By**

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**City Manager Approval**

VILLAGE DRIVE  
(60' R.O.W.)

BRAND ROAD  
(110' R.O.W.)

MEY-544 JOINT VENTURE  
BLOCK B, LOT 3  
ZONED: PD-R/LC  
C#2003-0207485  
M.R.C.C.T

**Δ=23°16'21"**  
**L=367.59'**  
**R=905.00'**  
**T=186.37'**  
**CH=N11°15'45"E**  
**~365.07'**

at from an actual and accurate  
on as "set" were properly placed  
ion Ordinance of the City of

NAIL FND

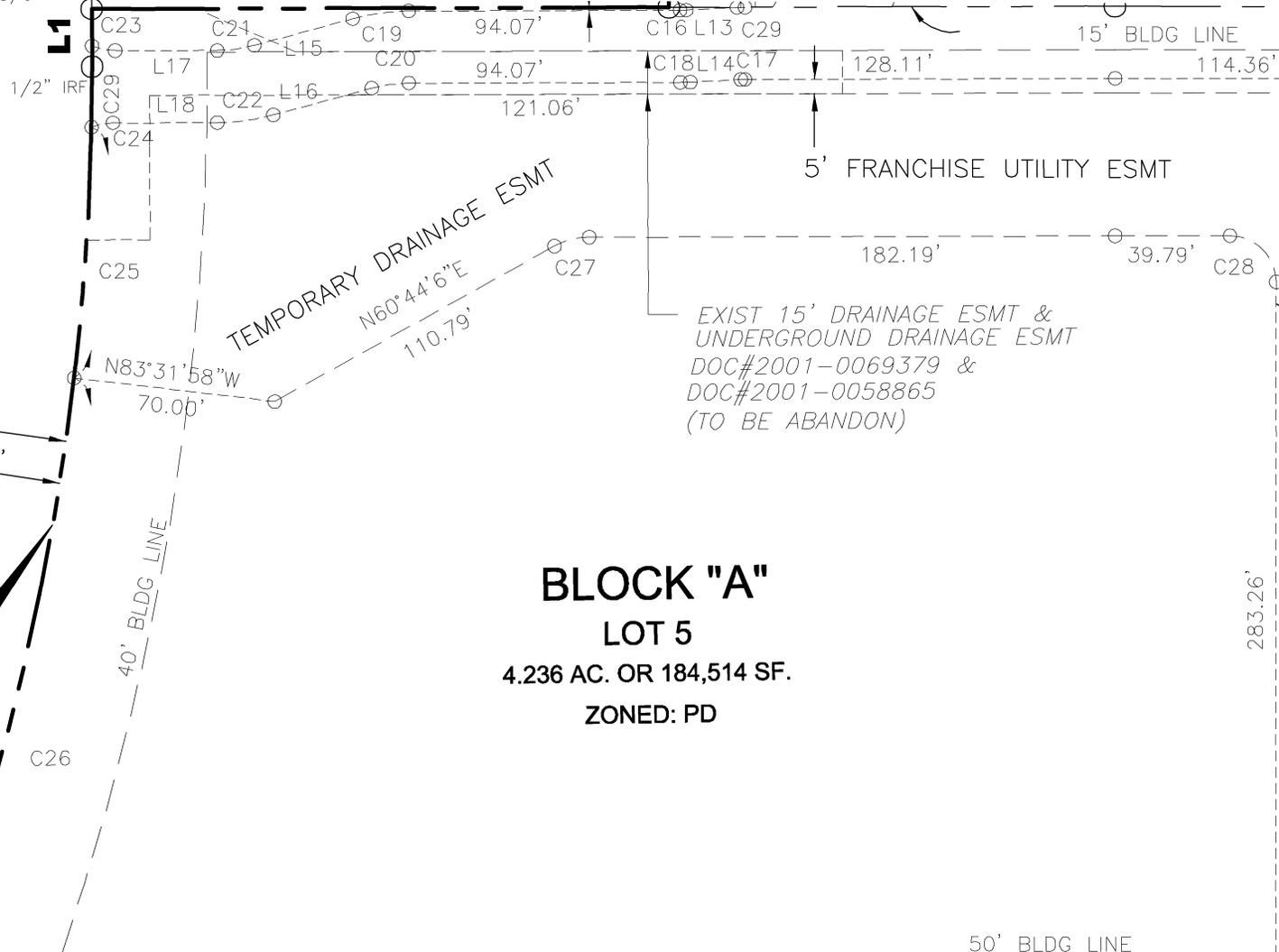
**CITY APPROVAL OF CONSTRUCTION PLAT**

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

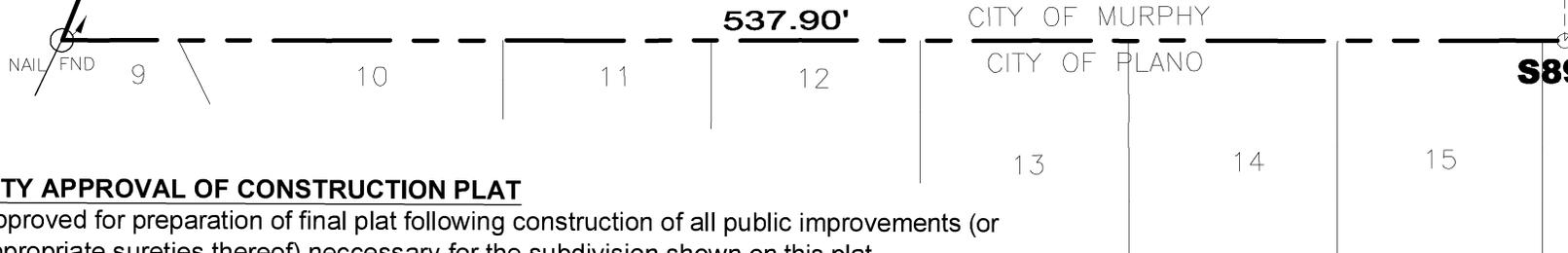
**RECOMMENDED BY:**

Planning and Zoning Commission  
City of Murphy, Texas

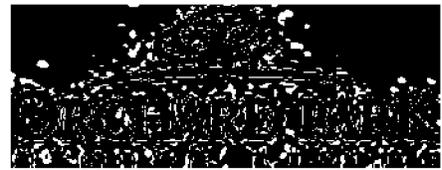
Surveyor No. 3576



**BLOCK "A"**  
**LOT 5**  
4.236 AC. OR 184,514 SF.  
ZONED: PD



CURVE	DELTA	RADIUS



November 12, 2010

Mr. Jeff Bickerstaff  
City of Murphy  
Assistant City Manager  
206 North Murphy Road  
Murphy, Texas 75094

Re: Murphy Village Addition & Orchard Park Senior Living Request for Waiver from Multi-Family Designation and Parkland Dedication Fee

Dear Mr. Bickerstaff:

Orchard Park Senior Living ("Orchard Park") is requesting a variance from the City of Murphy to the classification of multi-family development and a waiver of the parkland dedication fees in the amount of \$92,500 for the below referenced Site. A construction plat was delivered for a 4.00 acre parcel of land at the S.E. corner of Brand Road and FM 544 in Murphy, more particularly 4.00 acres of 12.42 acres of land located in Abstract A0580 Maxwell J, Tract 1 (referred to as the "Site") currently owned by McBirney #544 JV. The Site is part of a Planned Development District for Retail and Office Uses ("Murphy Village PD") and Orchard Park received a Special Use Permit for assisted living and Alzheimer's care and related facilities pursuant to Ordinance No. 09-12-824 (referred to as the "SUP").

In 2008 the City of Murphy adopted the *Parks, Recreation & Open Space Plan* ("Master Plan") as a planning tool to guide the development and acquisition of new park land and recreational facilities. The Master Plan indicates that seniors may utilize hike-and bike trails and passive open space areas (Page 17). The residents of the assisted living and Alzheimer's care facility do not fit the profile of those persons that would utilize hike-and bike trails and passive open spaces.

It is important to note that the facility is more comparable to a health care/wellness facility than a multi-family housing development. The assisted living residents will be receiving assistance with their activities of daily living ("ADLs") which include transferring, toileting, bathing, dressing and eating. The Alzheimer's care wing, which consists of 33 units, will offer additional levels of care and is housed in a secured area to protect residents from leaving unescorted. The facility will offer a self-contained environment to support the resident's needs at all times (e.g., commercial kitchen serving three meals daily, fitness and wellness areas, therapy room, visiting physician(s), three internal and beautifully landscaped courtyards and forty-five (45) full-time employees).

Further, the current Murphy Village PD does not allow multi-family housing as a permitted use or by special use permit. The Orchard Park SUP approval was based on information pertinent to the details of the intended development which was presented during the SUP process and included:

- The facility serves an elderly customer typically age 82 and older and requires assistance with at least 2 ADLs;

Mr. Jeff Bickerstaff  
November 12, 2010

- The facility is a quiet use compared to other developments (Generates less traffic and less noise, and creates less crime than other land uses) and a good buffer between Fairfield of Plano and the retail at FM 544;
- The facility is a single-story structure;
- The facility will provide a commercial kitchen;
- The facility will create approximately 45 permanent jobs at the facility generating \$1.5 million in annual salaries;
- Employee and facility spending in the City of Murphy is estimated to generate an additional \$85,000 in annual sales tax revenues; and
- The facility provides a needed service and “peace of mind” to Murphy area elderly residents and their families; they know that as they age there is a continued home for them in Murphy.

The resident characteristics for an assisted living development are not consistent with the residents of a traditional multi-family housing development. Residents of more traditional multi-family developments (e.g., apartment complex, condo development, duplexes) typically live a much more active lifestyle and thus are the likely end users for park and recreational land(s).

In addition to the drastically different resident characteristics, highlighted below are some of the physical differences.

	<b>Multi-Family</b>	<b>Assisted &amp; Alzheimer's</b>
Minimum Floor Area per Dwelling Unit	900 s.f.	285 s.f.
Commercial Kitchen On-Site?	No	Yes
Full-time Staff Members for 78 Units	2	45
Ave. Number of Occupants Per Unit	2.8	1
Ave. Age of Occupants	33	82

For the reasons above, Orchard Park would like to ask the City of Murphy to grant a variance to the classification of multi-family and waive the parkland dedication fees in the amount of \$92,500 attributed to the Site.

Regards,



Matt Farlin

Orchard Park Senior Living  
6350 LBJ Freeway, Suite 263  
Dallas, TX 75240  
Phone: (469) 619-5418  
Fax: (972) 385-0029  
[matt@mcfarlin-group.com](mailto:matt@mcfarlin-group.com)

**Issue**

Consider and/or act upon approval of an ordinance approving modifications to Section 30-53 of the City of Murphy Code of Ordinances as it relates to noise abatement regarding concrete batch plants.

**Background**

On December 6, 2010 the City Council discussed ways to further regulate the placement of concrete batch plants. Currently, concrete batch plants are allowed in all zoning districts. The Council directed staff to start the proceedings to amend the Comprehensive Zoning Ordinance to allow future concrete batch plants only by SUP (Specific Use Permit). In the meantime, Council also directed staff to modify the noise ordinance (Chapter 30 of the Code of Ordinances) to allow concrete batch plants to operate only during certain hours and certain days, limiting their impact on surrounding neighborhoods.

**Financial Considerations**

N/A

**Other Considerations**

Proposed changes include limiting the hours of operation for concrete batch plants from 8:00 a.m. to 6:00 p.m. weekdays. Concrete batch plants would not be allowed to operate on designated city holidays and weekends. Under special circumstances, waivers of the hours and days of operation could be approved by the City Manager or his/her designee. Special circumstances could include, but are not limited to, the size of a concrete pour or extreme heat.

**Staff Recommendation**

Staff recommends approval of the ordinance as submitted.

**Attachments**

1) Ordinance

*Jeff Bickerstaff, Asst. City Manager*  
**Submitted By**

---

**City Manager Approval**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING CHAPTER 30, ARTICLE III OF THE CODE OF ORDINANCES OF THE CITY OF MURPHY, TEXAS, BY AMENDING CHAPTER 30, SECTION 30-57 ENTITLED “NOISE CONTROL–ACTS CREATING LOUD NOISES” LIMITING THE HOURS OF OPERATION OF CONCRETE BATCH PLANTS; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A PENALTY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.**

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

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

**Section 1. FINDINGS INCORPORATED**

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

**Section 2.** That Chapter 30 of the City of Murphy Code of Ordinances is hereby amended by adding subsection (l) to Chapter 30, Section 30.57 which said Section shall read as follows.

**CHAPTER 30: ARTICLE III**

**NOISE CONTROL**

**Sec. 30-57. ACTS CREATING LOUD NOISES.**

...

l) *Concrete Batch Plants.* The operation of concrete batch plants shall be limited to between the hours of 8:00 a.m. to 6:00 p.m. weekdays. Concrete batch plants are not allowed to operate on city designated holidays and weekends. A waiver of this requirement may be submitted to the City Manager or his/her designee for review under special circumstances. Special circumstances could include, but are not limited to, the size of a concrete pour or extreme heat.

**Section 3.** That Chapter 30, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

**Section 4.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section..

**Section 5.** Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed \$500.00 for each offense, and each and every violation or day such violation shall continue or exist, shall be deemed 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 4th day of January 2011.

---

Bret M. Baldwin, Mayor  
City of Murphy

ATTEST:

---

Aimee Nemer, City Secretary  
City of Murphy

**Issue**

Consider and/or act upon approval of an ordinance to amend the fee schedule for private use of park pavilions and community meeting rooms and policies, as needed.

**Background**

The Community Recreation Coordinator currently processes all building, park pavilions, and athletic field reservations from the [www.murphytx.org](http://www.murphytx.org) website. With changes in the website, new park facilities, and the growing demand for private reservations; new policies and procedures were recommended by the Park and Recreation Board. Currently the City does not charge any fees and require that reservations must be from a Murphy resident, Murphy business, or Murphy business owner.

Groups that request the city facilities for a 9-month period (i.e. scouts) or annual schedule of regular monthly meetings (i.e. chamber lunches) may apply annually by using the standard facility use agreement (approved by the city manager / city council).

The Park and Recreation Board recommended a fee schedule to City Council in September. The Council had some additional questions and requested a recommendation for non-profit groups to use the meeting rooms. The Park and Recreation Board revisited the recommendations on October 19<sup>th</sup>, and made a modification to include no charge reservations during the Monday through Thursday use hours. Non-profits would be required to pay a building damage deposit.

<b>Park &amp; Recreation Board Recommendation</b>				
		Community Rooms	Fields	Pavilions
	Deposit	\$100 / Clean up/damages		
Proposed for MURPHY	Resident	\$25/hr (Business Hours); \$40/hr (Non Business)	\$0/hour - team must be at least 40% Murphy residents	\$25 for 2 hours, then \$10/hr
	Non-Resident	\$50/hr (Business Hours); \$65/hr (Non Business)	Not Available	\$50 for 2 hours, then \$10/hr
	Duration Rental	1 hr. min.	1 hour MAX.	2 hr. min.
	Advance Notice	6 months	6 months	365 days
Non-profits	Resident only	Mon-Thurs Only No Charge 1 hr min./2 hr. max. \$100 deposit required reservation time includes set-up and tear down		

**Financial Considerations**

Fees collected will be deposited into the general fund.

**Staff Recommendation**

Staff recommends approval.

**Attachments**

- 1) Ordinance
- 2) Policy changes

*Kim Lenoir, Community Services Manager*

**Submitted By**

\_\_\_\_\_  
**Approved by**

**ORDINANCE NO. 10-12-867**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, ADDING SECTION 6.300 OF ORDINANCE NO. 09-04-792, FEE SCHEDULE; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS DATE OF PUBLICATION.**

WHEREAS, the City Council has previously adopted a Fee Schedule on March 20, 2004; and

WHEREAS, the City Council desires to add residential, residential non-profit, and non-residential fees and charges for private use of public buildings and park facilities; and

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

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

**Section 1. FINDINGS INCORPORATED**

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

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

**Section 3.** That Section 6.300 of the Fee Schedule of the City of Murphy, Texas, is hereby amended, which shall read as follows:

**Section 6.300 Park and Recreation Usage Fees...**

**Community Use Fees for Private Events.** The City may levy and collect a fee for

**Community Meeting Rooms:**

<u>Fee Type</u>	<u>City Fee</u>
Deposit	\$100
Resident	\$25/hr during business hours \$40/hr during non-business hours
Resident Non-profits	\$0/hr only Monday to Thursday (2 hour maximum)
Non-Resident	\$50/hr during business hours \$65/hr during non-business hours

**Pavilions:**

<u>Fee Type</u>	<u>City Fee</u>
Resident	\$25 for 2 hours, then \$10/hour
Non-Resident	\$50for 2 hours, then \$10/hour

**Section 4. EFFECTIVE DATE**

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

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Murphy, Texas, on this the 13th day of December, 2010.

\_\_\_\_\_  
Bret M. Baldwin, Mayor  
City of Murphy

ATTEST:

\_\_\_\_\_  
Aimee Nemer, City Secretary  
City of Murphy

**Issue**

Consider and/or act upon approval of an ordinance closing of the portion of Tom Clevenger Drive between North Murphy Road (FM 2551) and the Municipal Complex ring road.

**Background**

On July 19, 2010, the City Council awarded the contract for the 2010 Street Rehabilitation Project. As part of this contract, the existing asphalt surface of North Maxwell Creek Road and Tom Clevenger Drive has been resurfaced with asphalt to address uneven pavement and to stabilize the roadway. The resurfacing project started on November 29, 2010 and is scheduled to be completed by the end of December.

On October 19, 2010, staff met with the residents of Willow Wood to discuss the resurfacing project. One of the main concerns expressed was the potential increase in cut through traffic using Tom Clevenger/North Maxwell Creek Road between FM 544 and North Murphy Road once the two roadways asphalt surfaces were improved. The consensus from the residents of Willow Wood was to close the portion of Tom Clevenger Drive between North Murphy Road and the Municipal Complex ring road to discourage cut through traffic. City Council initially discussed this item at the December 6, 2010 meeting and directed staff to prepare an ordinance for adoption closing this segment of Tom Clevenger Drive. The road closure is scheduled to be reviewed by City Council once the master park plan is approved for the property encompassing the Municipal Complex.

**Financial Considerations**

N/A

**Other Considerations**

1. If the portion of Tom Clevenger Drive from the Municipal Complex ring road to North Murphy Road is closed, traffic wishing to access Willow Wood Ranch Estates from North Murphy Road would have to travel on the ring road around the Municipal Complex. This route would be necessary to ensure a second point of access to Willow Wood Ranch Estates.
2. The proposed Murphy Central Park design would eliminate Tom Clevenger Drive from the Municipal Complex ring road to North Murphy Road. This design is preliminary and is subject to revisions and future review by City Council.

**Staff Recommendation**

Staff recommends approval of the ordinance as submitted.

**Attachments**

- 1) Ordinance

*Jeff Bickerstaff, Asst. City Manager*  
**Submitted By**

---

**City Manager Approval**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, PROVIDING FOR THE CLOSURE OF TOM CLEVINGER DRIVE, BETWEEN NORTH MURPHY ROAD (FM 2551) AND THE UNAMED MUNICIPAL COMPLEX RING ROAD, AS DEPICTED IN EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES; PROVIDING FOR THE TERMS AND CONDITIONS OF THE CLOSURE OF TOM CLEVINGER DRIVE, BETWEEN NORTH MURPHY ROAD (FM 2551) AND THE UNAMED MUNICIPAL COMPLEX RING ROAD; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 311.007 of the Texas Transportation Code provides that “[a] home-rule municipality may vacate, abandon, or close a street or alley”; and

**WHEREAS**, the City Council of the City of Murphy, Texas, acting pursuant to state law, deems it advisable to close the hereinafter described street segment and is of the opinion that said land is not needed for public use and therefore constitutes a public charge without corresponding benefit, and that the same should be closed as hereinafter provided; and

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

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

**Section 1.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**Section 2.** That a portion of Tom Clevenger Drive, between North Murphy Road and the unnamed Municipal Complex Ring Road, located within the City of Murphy, Collin County, Texas, shall be and the same is hereby closed insofar as the right, title, and easement of the public is concerned; subject, however, to the conditions, requirements, and restrictions hereinafter more fully set out and which street segment is described more particularly in attached *Exhibit A* which is incorporated herein for all purposes.

**Section 3.** That the closure provided for herein is made and accepted subject to all present zoning and deed restrictions if the latter exist, and all easements, whether apparent or non-apparent, aerial, surface or underground.

**Section 4.** That the closure provided for herein shall extend only to the public right, title, easement and interest and shall be construed to extend only to that interest which the City Council for the City of Murphy, Texas, may legally and lawfully close.

**Section 5.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**Section 6.** That this Ordinance shall become effective immediately upon its passage.

**PASSED, APPROVED AND ADOPTED** this the 4<sup>th</sup> day of January, 2011.

---

Bret M. Baldwin, Mayor  
City of Murphy

ATTEST:

---

Aimee Nemer, City Secretary  
City of Murphy

*Exhibit A*

**Depiction of Tom Clevenger Drive**

# Exhibit A



**Issue**

Discussion regarding neighborhood concerns with traffic on Hawthorne Drive, specifically speeding and accidents and possible solutions.

**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 last Council meeting, it was decided that this item would be placed on the Council Agenda for January 4, 2011, to allow for a more thorough discussion about these concerns and methods to address possible speeding issues on Hawthorne Drive.

Among available alternatives for reducing speed, not exhaustive, are speed cushions, choke points, and continued traffic enforcement activities by the Murphy Police Department.

**Financial Considerations**

Speed cushions 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**

Staff would recommend that the City of Murphy develop a policy to guide staff and citizens on traffic related issues in neighborhood traffic control issues similar to Richardson's "Traffic Calming Policy for Residential Neighborhoods."

**Attachments**

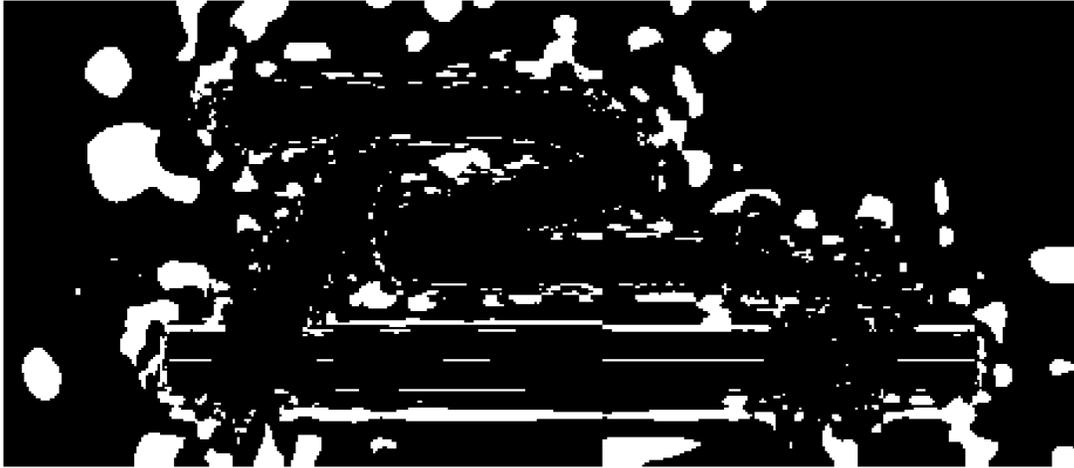
- 1) City of Richardson, Texas, "Traffic Calming Policy for Residential Neighborhoods," 7/2008
- 2) Traffic Stops on Hawthorne, July 2009-November 2010
- 3) Traffic Enforcement on Hawthorne, July 2009-November 2010
- 4) Traffic Accidents on Hawthorne, July 2009-November 2010
- 5) COP Speed Survey, Hawthorne, December 13-17, 2010

*Chief G. M. Cox*

**Submitted By**

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**City Manager Approval**



**Traffic Calming Policy  
For  
Residential Neighborhoods**

**July 14, 2008  
for  
City Council Consideration**

**RESOLUTION NO. 08-08**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS, ADOPTING THE CITY OF RICHARDSON TRAFFIC CALMING POLICY FOR RESIDENTIAL NEIGHBORHOODS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council desires to adopt a policy aimed at slowing the speed of motor vehicle traffic in neighborhoods or reducing the volume of cut-through motor vehicle traffic; and

**WHEREAS**, the Traffic Calming Policy for Residential Neighborhoods was reviewed by the City Council, which finds such policy to be in the best interest of the citizens of Richardson; and

**WHEREAS**, the City Council desires to adopt the City of Richardson Traffic Calming Policy for Residential Neighborhoods, attached hereto as Exhibit "A";

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

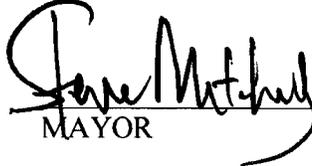
**SECTION 1.** The City of Richardson Traffic Calming Policy for Residential Neighborhoods attached hereto having been reviewed by the City Council of the City of Richardson, Texas, is found to be acceptable and in the best interest of the City and its citizens, be, and the same is hereby, in all things approved.

**SECTION 2.** 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.

**SECTION 3.** This Resolution shall become effective immediately from and after its passage.

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Richardson, Texas, on this the 14th day of July, 2008.

CITY OF RICHARDSON, TEXAS

  
MAYOR

ATTEST:

  
CITY SECRETARY

APPROVED AS TO FORM:



CITY ATTORNEY

(PGS/tc 28724 6/16/08)



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## Appendix

MASTER TRANSPORTATION PLAN MAP

APPLICATION AND SAMPLE PETITION FORM

PRIMARY AFFECTED AREA – SPEED CONTROL SAMPLE MAP

PRIMARY AFFECTED AREA – VOLUME CONTROL SAMPLE MAP

TRAFFIC CALMING MEASURE EXHIBITS



## ***1. Introduction***

It is important to the City of Richardson 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 Policy to address certain neighborhood traffic issues. Traffic Calming methods are aimed at either slowing the speed of traffic in neighborhoods or reducing the volume of cut-through traffic.

This policy allows citizens to request the installation of certain Traffic Calming measures and establishes a procedure for making and evaluating such requests. The policy and the accompanying procedures specify the types of streets that are eligible for consideration, how a request can be made, what procedures will be used to evaluate a request and how the cost for the Traffic Calming measure will be paid. 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 Development Services Department – Traffic & Transportation (DST&T) is responsible for the program application process and implementation of any approved Traffic Calming measures. The administrative process for this Traffic Calming Policy may be refined as necessary by DST&T 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 the City Council each fiscal year.

The DST&T staff can be contacted at (972)744-4320.

More information is available at <http://www.cor.net/TrafficCalming/>

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## 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.

An *application* will consist of a completed form provided by the City, along with a petition in favor of the proposed Traffic Calming device, signed as described herein, and the required review fee.

*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.

*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's Assistant Director of Development Services - Traffic and Transportation will determine the Primary Affected Area for each proposed Traffic Calming measure following a pre-application meeting with the applicant.

*Speed control measures* include speed humps, speed cushions, speed tables, traffic circles, center island narrowing, midblock narrowing, and intersection neckdowns.

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

## ***General Information***

Any request/petition for a Traffic Calming device must be in writing and include the City's standard Traffic Calming Request Application and a check for the review fee. The application must be signed and submitted with the necessary signatures of the Homeowner Association President or designee (if applicable) and the Applicant. Certain dates will be determined as submittal dates by which applications must be turned in to the DST&T to be eligible for consideration. The City of Richardson website will be updated periodically to reflect the latest submittal dates. The website address is <http://www.cor.net/TrafficCalming/>. Each request will be evaluated according to the requirements and procedures outlined below.

Speed control measures require approval from the DST&T. Volume control measures require the approval of the City Council. In order for a request to be forwarded to the Assistant Director of DST&T or City Council 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. Eligibility Requirements***

A request for a Traffic Calming device to be placed on a City street 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.)*

#### ***3.1.1. 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 Master Transportation Plan (MTP), which is amended from time to time. Arterial streets and collector streets with more than two lanes will not be considered. A map of the MTP is included in the appendix
- Properties fronting or having access to the street must be predominantly residential in character.



- The street must have a posted speed limit of 30 miles per hour.
- For a speed control measure, traffic volumes must be between 500 vehicles/day and 4,000 vehicles/day. For a volume control measure, traffic volumes must be between 1,500 vehicles/day and 4,000 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.

### 3.1.2. *Geometric Characteristics:*

- The street must have adequate sight distances to safely accommodate the Traffic Calming measure as determined by the DST&T.
- 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.

For application requests meeting the above and all other pertinent requirements, City staff will proceed with the analysis described in Section 4.4. If a request is determined not to be eligible, the Applicant will be notified in writing.



### 3.2. *Cost Responsibility*

#### 3.2.1. *Speed Control Measure Costs:*

Application fee - The applicant is responsible for payment of the \$250 application review fee at the time of the application submittal.

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 applications 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 85<sup>th</sup> 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 85<sup>th</sup> 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.

#### 3.2.2. *Volume Control Measure Costs:*

- Application fee - The applicant is responsible for payment of the \$250 application review fee at the time of the application submittal.
- Trial closure cost - Temporary closure signs and barricades to be used for trial street closures meeting the requirements of Section 3.1 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.



### ***3.3. 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.

### ***3.4. 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.

### ***3.5. Design Standards and Procedures***

The DST&T staff shall prepare and maintain design standards and installation procedures for Traffic Calming devices in accordance with these guidelines.

## ***4. Procedures for Requesting and Installing a Traffic Calming Device***

### ***4.1. Project Request***

The initial request for installation of traffic calming measures must originate from the property owners residing on the street(s) in question. A request in writing must be forwarded to City of Richardson, Development Services Department - Traffic & Transportation, P.O. Box 830309, Richardson, Texas 75083-0309, (972)-744-4320, or delivered to City of Richardson, Traffic and Transportation Division, 411 W. Arapaho Rd., Suite 204, Richardson, TX 75080.



#### ***4.2. Pre-Application Conference***

Prior to submission of an application, the City of Richardson DST&T staff will meet with the applicant to discuss the application process, the eligibility requirements, the limits of the area potentially impacted by the Traffic Calming device (the Primary Affected Area), the evaluation procedure and the implementation process.

#### ***4.3. Application***

The application will consist of a completed Traffic Calming Request form supplied by the City, the required petition with signatures, and the review fee. The petition must be signed by greater than 50% of the property owners in the Primary Affected Area. If the petition is for a volume control measure, the petition must include signatures from all of the owners of property abutting the street to be modified. 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 application in order for review of the Traffic Calming proposal to commence.

A dated petition form will be provided by the City after the pre-application meeting. It will include the names and addresses of property owners living within the Primary Affected Area. The Applicant must obtain the signatures. The petition form in the appendix is only an example.

#### ***4.4. Implementation Process for Trial Device***

After the application and all its components have been submitted to the city, the Assistant Director of DST&T will evaluate the request and make a recommendation relative to the proposed Traffic Calming device based on a combination of the factors listed below and accepted engineering principles and practices. The following procedures must be followed for a trial Traffic Calming device placement request.

- 4.4.1. DST&T Staff will conduct a traffic study to determine if the subject street meets the eligibility requirements and an infrastructure review to confirm existing conditions. The study may include, but is not limited to, the following:
  - A review of pertinent issues and conditions, including but not limited to, existing traffic conditions, projected traffic conditions, vehicle and pedestrian safety, bus routes (i.e., speed, volume etc.) and other factors.
  - License plate surveys, 24-hour traffic counts, spot speed studies, accident history for the prior three years and crime statistics for the prior three years.



- An examination of the technical feasibility, physical conditions, and anticipated impacts of the proposed device.
  - A review of safe school routes and pedestrian flow.
  - Confirmation that the proposed device and resulting traffic flow modifications will not exceed the capacity of streets and intersections impacted by the diverted traffic.
- 4.4.2. The review conducted by DST&T will be sent to all affected City departments, including Public Services, Planning, Police and Fire as well as the franchise utility companies and school district(s) for comment.
- 4.4.3. Once the studies are completed, the City staff will determine if the subject street meets the eligibility requirements and is a good candidate for a Traffic Calming device. If the street either does not meet the eligibility criteria or the petition requirements are not met, the Applicant and HOA representative will be notified of this in writing by the City staff.
- 4.4.4. If a speed control measure meets the appropriate level of concurrence, the location will be placed on the list for trial device installation. The applicant will be notified of the result and where the project is ranked on the list of eligible installations. City Council authorization is not required for speed control measures.
- 4.4.5. If a volume control device is requested and appears warranted by the DST&T, the City Council will be briefed on the request and must approve the trial installation. The DST&T staff will prepare a report and recommendation to be presented to the City Council. The report will detail the Traffic Calming device request, any public comments received, the results of the technical staff review, and the estimated cost for the device. The Council will start evaluating how the cost will be shared between the applicant and the City.
- 4.4.6. Signs giving notice of the trial closure and contact information for questions or comments will be erected by the City at the location of the device approximately two weeks prior to the installation date.
- 4.4.7. The trial period for either a speed control device or a volume control device will last a minimum of 60 days for evaluation. During the trial period, city staff will conduct traffic studies similar to those performed before the trial



period to determine the effectiveness of the traffic calming device. A letter explaining the trial device will be sent to the Applicant and the property owners in the Primary Affected Area.

After the trial period is over, the studies will be compiled into a report which will be made available to the property owners and City Council (if applicable). Written public comments received during the evaluation period will be attached and summarized in the report. After reviewing the report about the effectiveness of the device and evaluating the public comments, the affected owners and Council (if applicable) will decide if they choose to move forward with a permanent device.

### ***4.5. Implementation for Permanent Device Installation***

The trial device evaluation 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:

- 4.5.1 DST&T 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.
- 4.5.2 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 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.
- 4.5.3 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.

4.5.4 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. The DST&T 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 application will not be presented for approval consideration and the applicant will be notified in writing.

4.5.5 If a permanent device is approved by the DST&T 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 Speed Cushions

- A rubber overlay that measures 6 feet by 7 feet, about 3 inches high, placed in sets of two or more across a roadway depending on the width of the roadway. Speed cushions are wide enough that they force regular vehicles to travel over them, but they allow wide axle vehicles (i.e. emergency vehicles) to travel over them without slowing down.
- Estimated cost \$1,000 per cushion; if the street width requires three cushions, then the cost would be approximately \$3,000.
- Rubberized speed cushions may be used as trial or permanent devices.
- Reference Exhibit #1 in the Appendix.

#### 5.1.2 Speed Humps

- A pavement overlay placed on the roadway, approximately 14 feet in length, about 3.5 inches high, extending from curb to curb. The ends are tapered to be flush with the street at the curbs and gutter to allow water to drain.
- Estimated cost \$2,000 - \$3,000 per location.
- Reference Exhibit #2 in the Appendix.

#### 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.
- Estimated cost \$2,500 - \$6,000 per location.
- Reference Exhibit #3 in the Appendix.

#### 5.1.4 Traffic Circles

- Raised island, often landscaped, placed in an intersection, around which traffic circulates.



- Estimated cost \$6,000 - \$15,000 per location.
- Reference Exhibit #4 in the Appendix.

## 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.
- Estimated cost \$22,500 - \$37,000 per location.
- Reference Exhibit #5 in the Appendix.

## 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 #6 in the Appendix.

## 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 #7 in the Appendix.

## 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 # 8 in the Appendix.

## 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 #9 in the Appendix.

### 5.2.2 Midblock Closures

- Physical barrier placed across then 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 #10 in the Appendix.

### 5.2.3. Half Street 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 #11 in the Appendix.

### 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 #12 in the Appendix.

### 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 #13 in the Appendix.

### 5.2.6. Forced Turn Islands

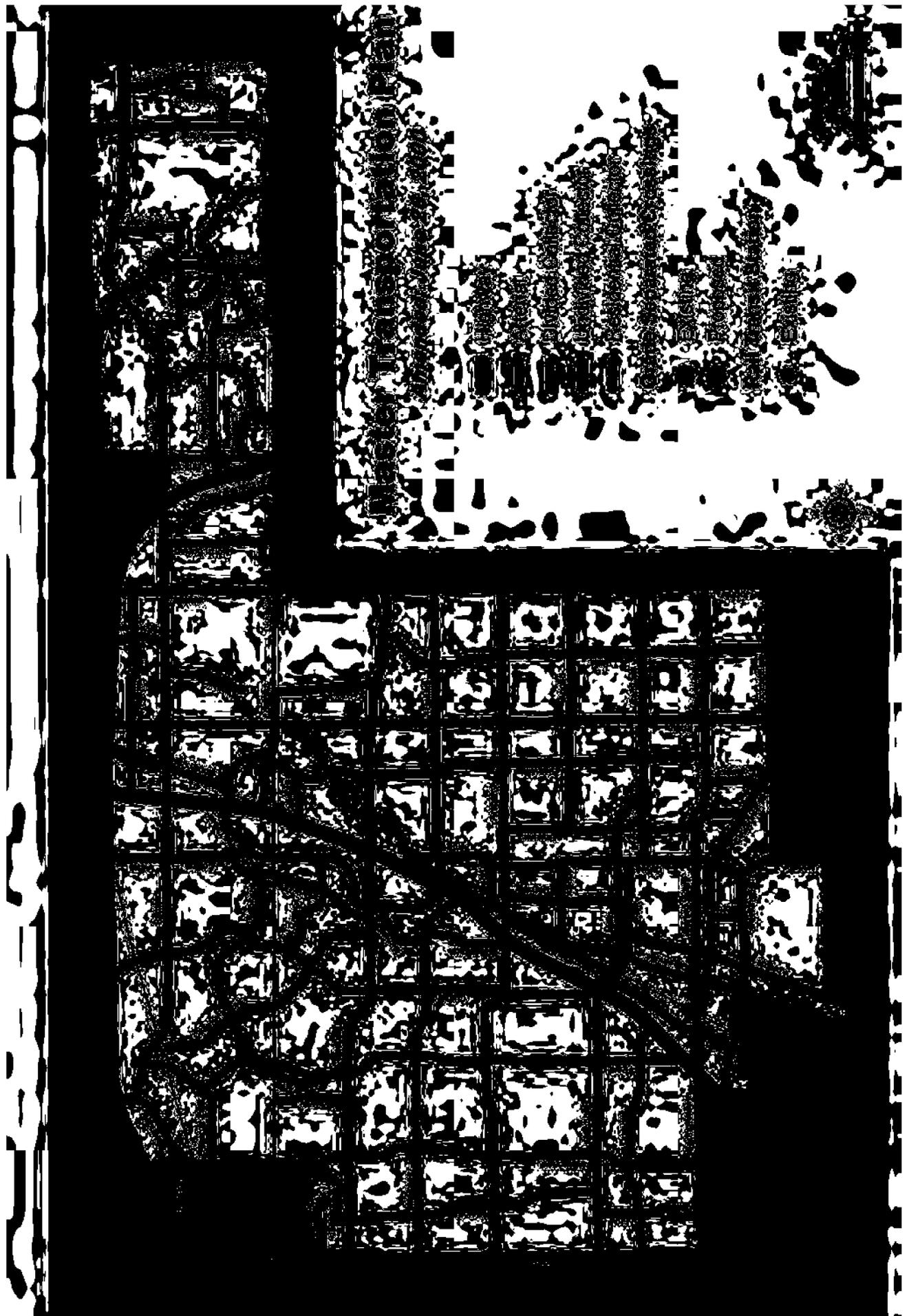


- Physical barrier that blocks certain movements on approaches to an intersection, forcing a vehicle to turn.
- Estimated cost \$25,000 - \$35,000 per location.
- Reference Exhibit #14 in the Appendix.

**Note:** *The estimated costs for each traffic calming measure cannot replace detailed cost estimates using quantities and local unit prices for work items associated with specific projects; however, these estimates are provided for use in the conceptual planning phase, as they show order-of-magnitude differences among the various calming measures.*



# *Appendix*



Traffic Calming for Residential Neighborhoods Application

Prior to submission of an application, the applicant must meet with the City of Richardson Development Services Department – Traffic & Transportation (DST&T) staff to discuss eligibility requirements, the Primary Affected Area of impact, the evaluation procedure and the implementation process. A completed application with petition and filing fee must be submitted to initiate the evaluation of the proposed trial closure.

Submittal Date \_\_\_\_\_

Review Fee: \$ 250.00

HOA/ Neighborhood

(Subdivision Name and Home Owners Association Name, if Applicable)

Brief Description of Traffic Calming Request

(Include Street Name and address limits of requested Traffic Calming device, attach a map with limits of the desired Traffic Calming area clearly identified)

Reason for Request

Attach an "Applicant's Statement" to this application detailing the reason for the requested Traffic Calming device.

Application Petition

Following the pre-application meeting, the City will provide a petition form that must be signed by at least 50% of the property owners in the Primary Affected Area as determined by the City to initiate a trial installation. For proposed street closures, the petition must include all the owners of property abutting the street to be modified, between the last intersecting street and the next intersecting street. Signatures from renters or tenants do not qualify. For consideration of a permanently-installed device, a separate poll of all impacted property owners will be conducted by the City. A favorable vote of 75% of the ownership for speed control (85% for volume control) would be required before permanent modification of the street is considered by Staff (or City Council).

HOA Acknowledgement and Applicant's Signature

I hereby certify that I am the Homeowners Association (HOA) President (or duly authorized agent of the HOA, subdivision or neighborhood); and I acknowledge this request submitted by the Applicant listed herein. Approval of the HOA is not required for this application; this acknowledgement only indicates that the HOA has been made aware of the request.

(Please print legibly or type on the lines below).

HOA / Neighborhood Representative

Applicant / Contact Person

HOA Representative Title

Title (if applicable)

Address

Address

City, State, Zip

City, State, Zip

Telephone

Telephone

Fax

Fax

e-mail address

e-mail address

Signature (must be original signature)

Signature (must be original signature)

***Traffic Calming Petition Form***

This petition is required by the City of Richardson in order to consider an application requesting the placement of a Traffic Calming device on a residential street. The purpose of the City’s Traffic Calming Policy is to provide uniform guidelines for evaluation and implementation of citizens’ requests for Traffic Calming devices. The policy and procedures specify what type of streets may be modified, what procedures should be used to evaluate the request, how to implement the process and how the cost for the device should be paid. Since the placement of a Traffic Calming device may affect other streets, the policy provides a means for area property owners to participate in this process and to understand the impact on all affected streets prior to a permanent modification.

An application for speed control measures must consist of a petition in favor of the proposed device signed by greater than 50% of the property owners in the Primary Affected Area plus the application fee. Signatures from renters or tenants do not qualify. For volume control measures (closures), the petition must include the owners of all property abutting the street to be modified, from the last intersecting street to the next intersecting street. Obtaining a completed petition is only one step in the process and does not guarantee a street will be modified.

By signing this petition, the property owners in the Primary Affected Area concur with the request for a study to be conducted on the feasibility of placing a Traffic Calming device on the subject street. Fifty % of all property owners in the Primary Affected Area must concur with the request for the study and review process; 75% must concur for permanent placement of a speed control device, such as a speed hump; 85% must concur for permanent placement of a volume control device, such as a street closure.

<b>Property Address</b>	<b>Mailing Address</b>	<b>Property Owner</b>	<b>Signature</b>
123 Main Street Richardson, TX 75081	123 Main Street Richardson, TX 75081	John & Jane Doe	
124 Main Street Richardson, TX 75081	321 Broadway Dallas, TX 75214	Bob Smith	
125 Main Street Richardson, TX 75081	125 Main Street Richardson, TX 75081	Sally Johnson	
126 Main Street Richardson, TX 75081	126 Main Street Richardson, TX 75081	John & Mary Williams	
127 Main Street Richardson, TX 75081	127 Main Street Richardson, TX 75081	Jane Moore	
128 Main Street Richardson, TX 75081	128 Main Street Richardson, TX 75081	George Smith	
129 Main Street Richardson, TX 75081	123 Country Lane Richardson, TX75082	Susie Taylor	
130 Main Street Richardson, TX 75081	130 Main Street Richardson, TX 75081	Mike Jones	
131 Main Street Richardson, TX 75081	131 Main Street Richardson, TX 75081	Mark & Alice Richards	
132 Main Street Richardson, TX 75081	132 Main Street Richardson, TX 75081	Billy & Betty Johnson	

# Primary Affected Area - Example

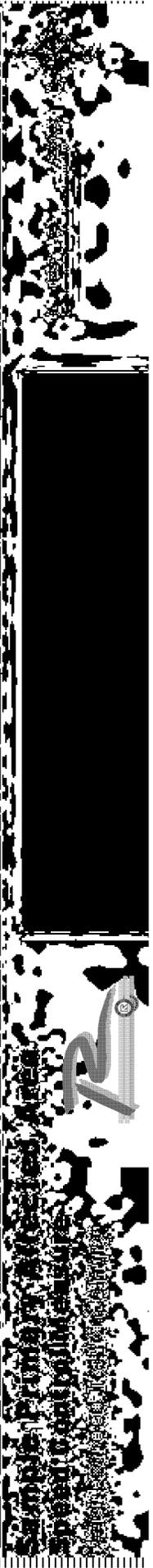
**Collector Roadway A**

**Residential Street A**

**Residential Street B**

**Residential Street C**

**Residential Street D**



# Primary Affected Area - Example

Residential Street E

Residential Street F

Residential Street G

Residential Street H

Residential Street I

Residential Street B

Residential Street C

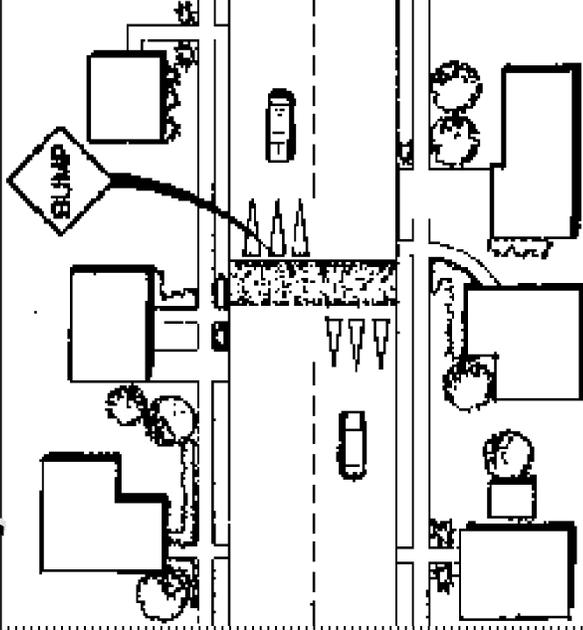
Residential Street D



# Exhibit 1. Speed Cushions (undulations)



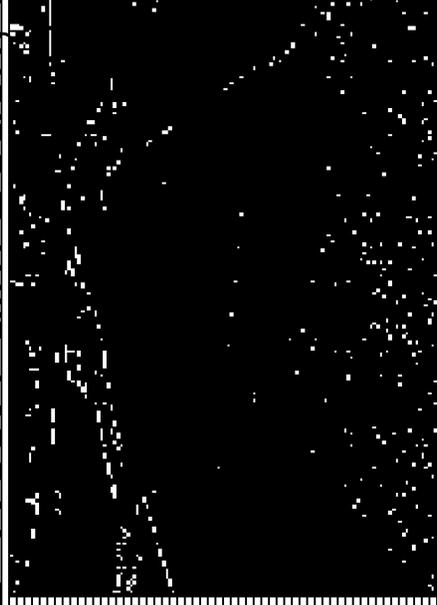
# Exhibit 2. Speed Humps (undulations)



14' Portland, OR

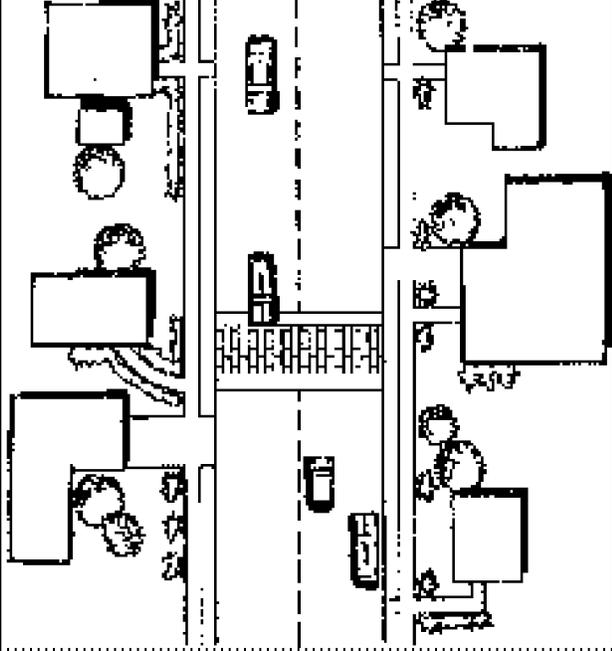


12' West Palm Beach, FL



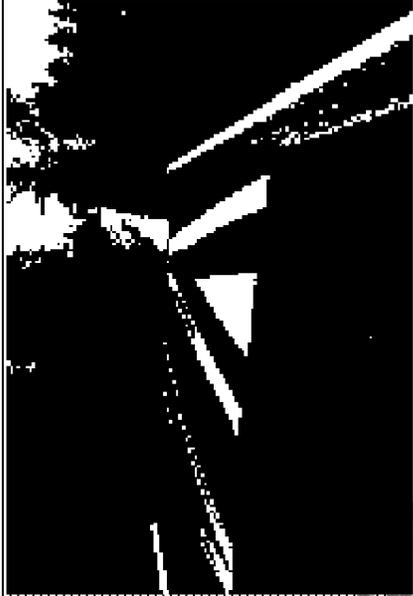
# Exhibit 3. Speed Tables

(trapezoidal humps, flat topped humps)

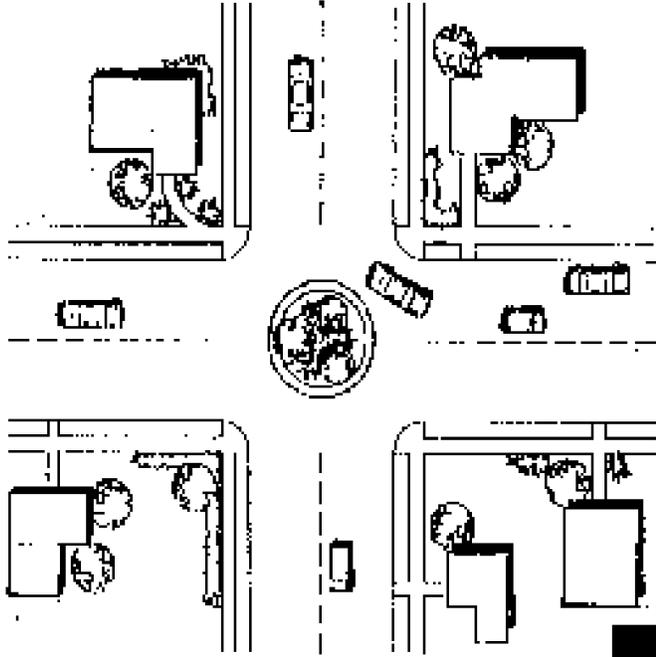


Bellevue, WA

Charlotte, NC



# Exhibit 4. Traffic Circles (rotaries, intersection islands)



Charlotte, NC

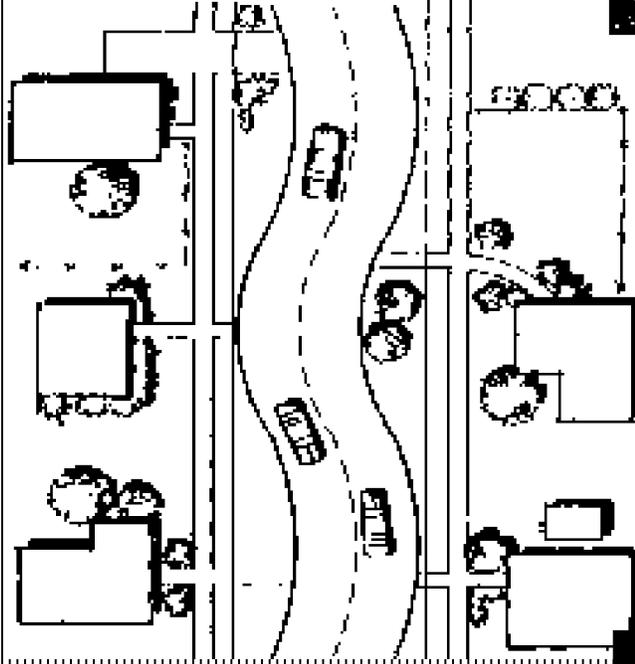


Portland, OR



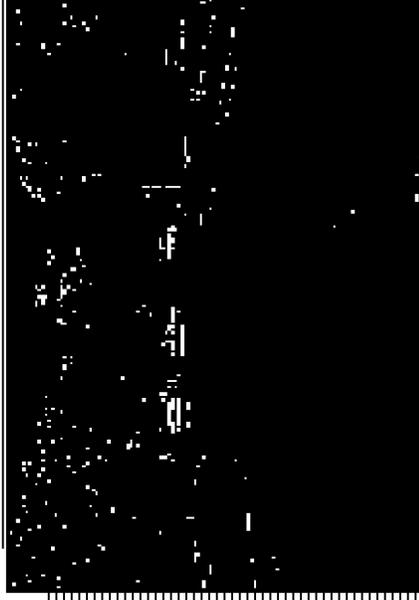
# Exhibit 5. Chicanes

(deviations, serpentine, reversing curves)



Montgomery County, MD

Alachua, FL

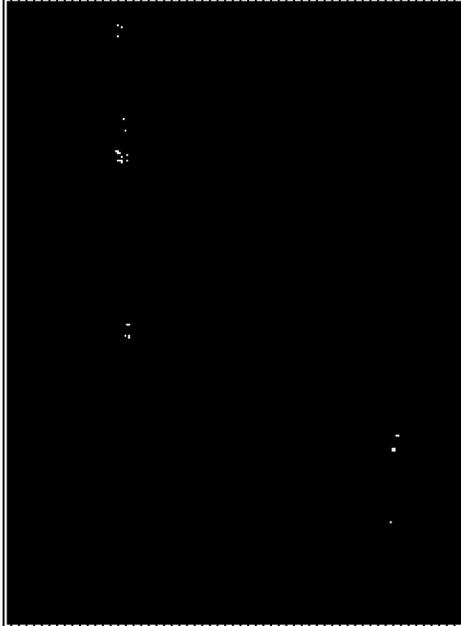


# Exhibit 6. Center Island Narrowings

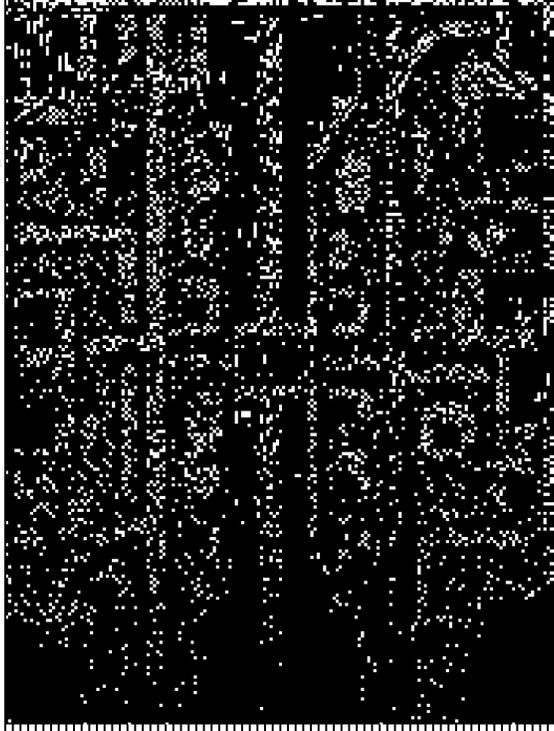


Dublin, OH

Portland, OR



# Exhibit 7. Midblock Narrowings (chokers, curb extensions)



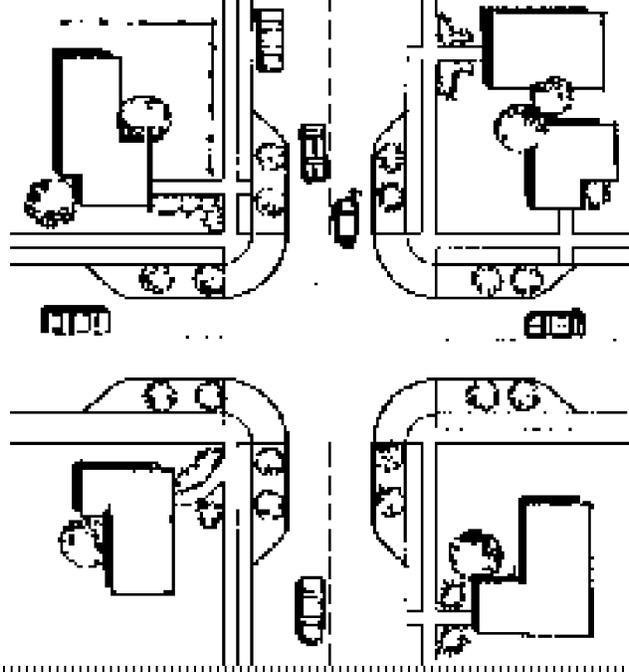
Surrey, British Columbia



Beaverton, OR

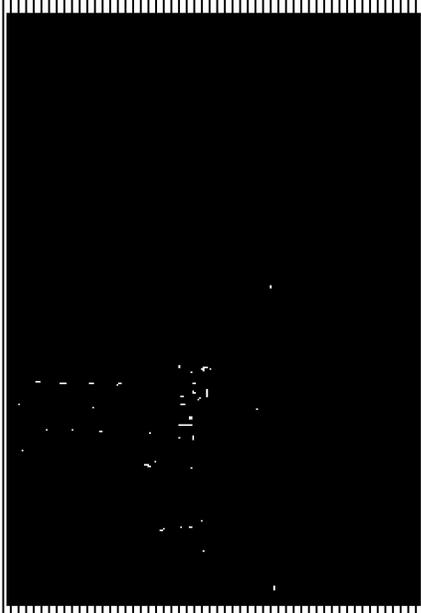
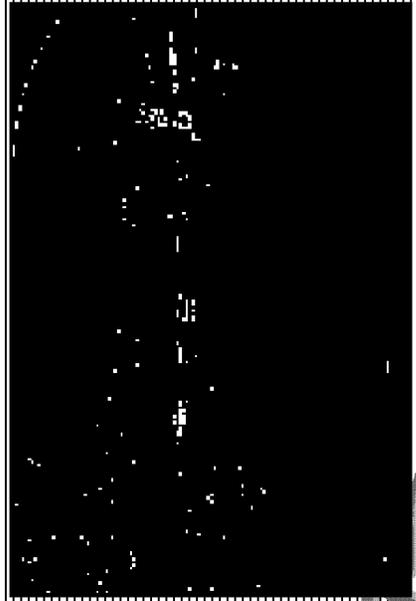


# Exhibit 8. Intersection Neckdowns (nubs, bulbouts, knuckles, intersection narrowings, corner bulges)



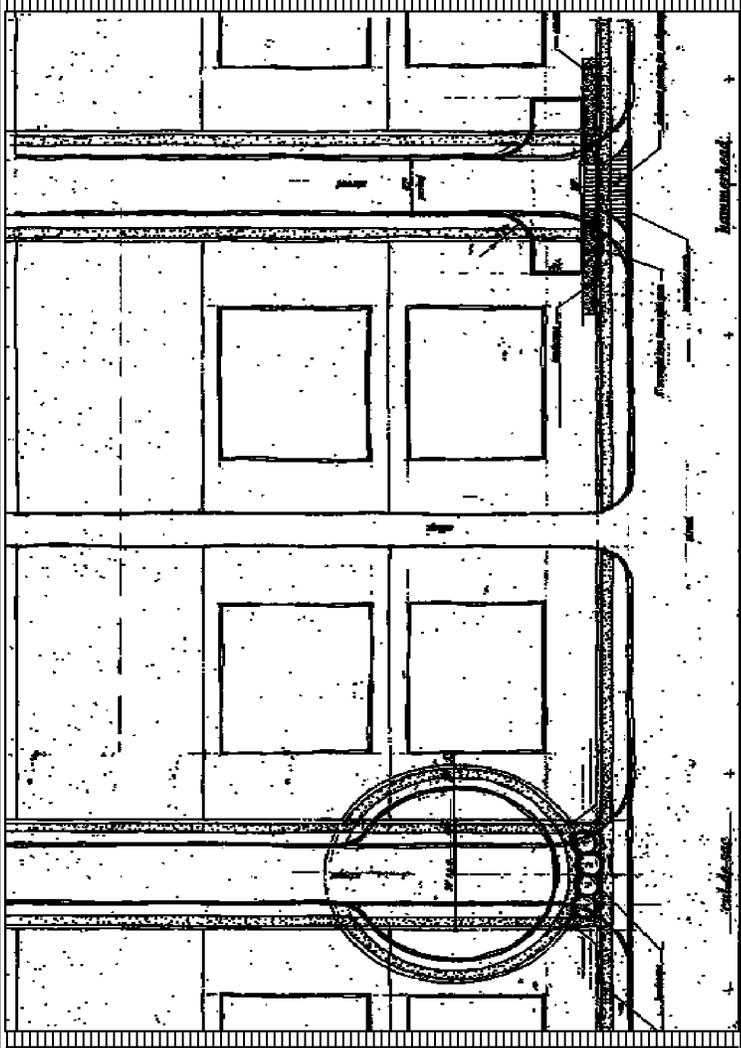
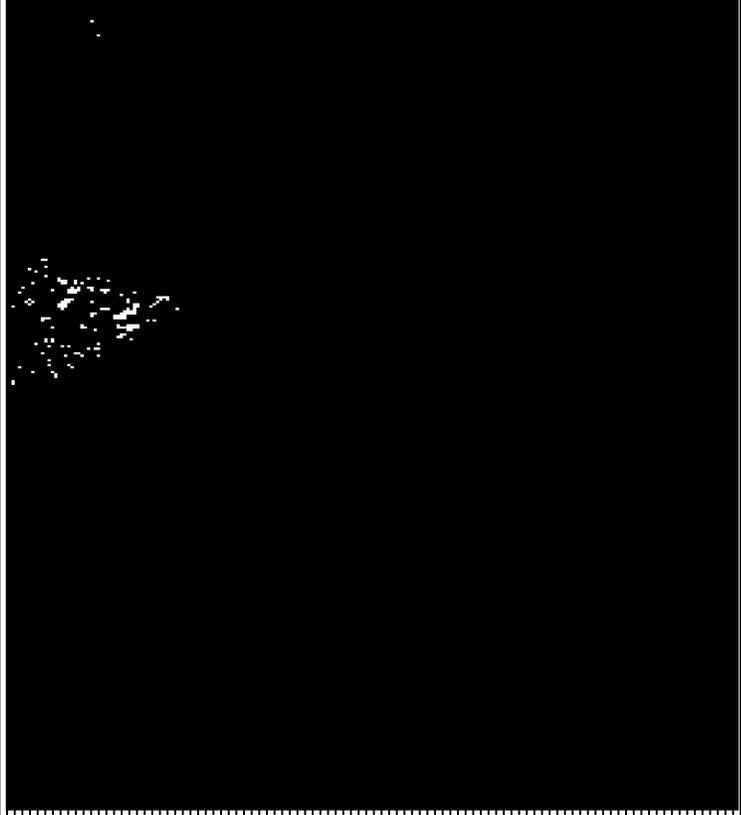
Eugene, OR

Sarasota, FL



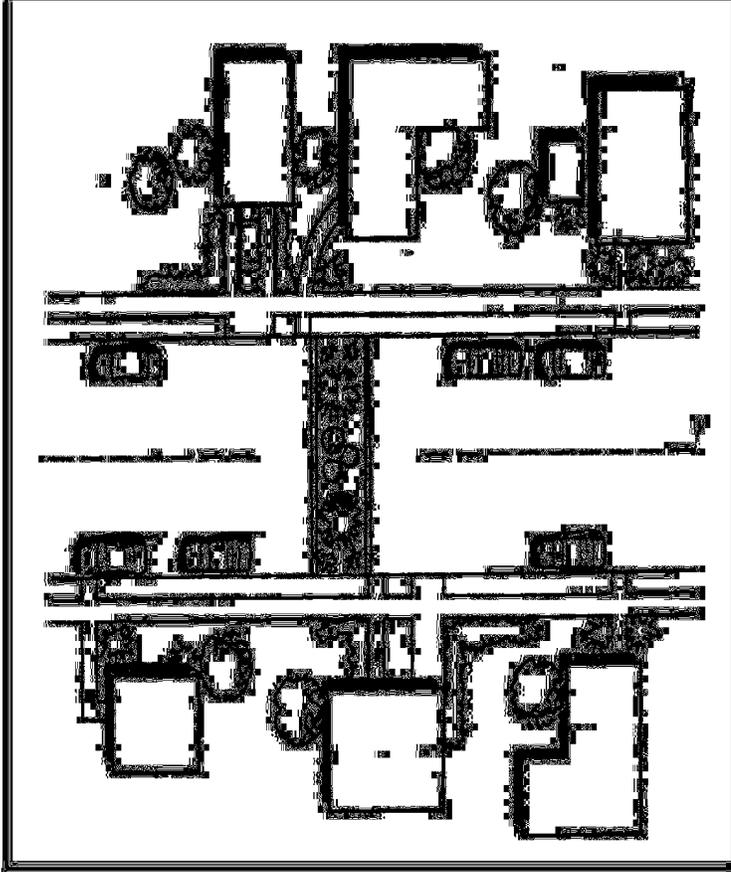
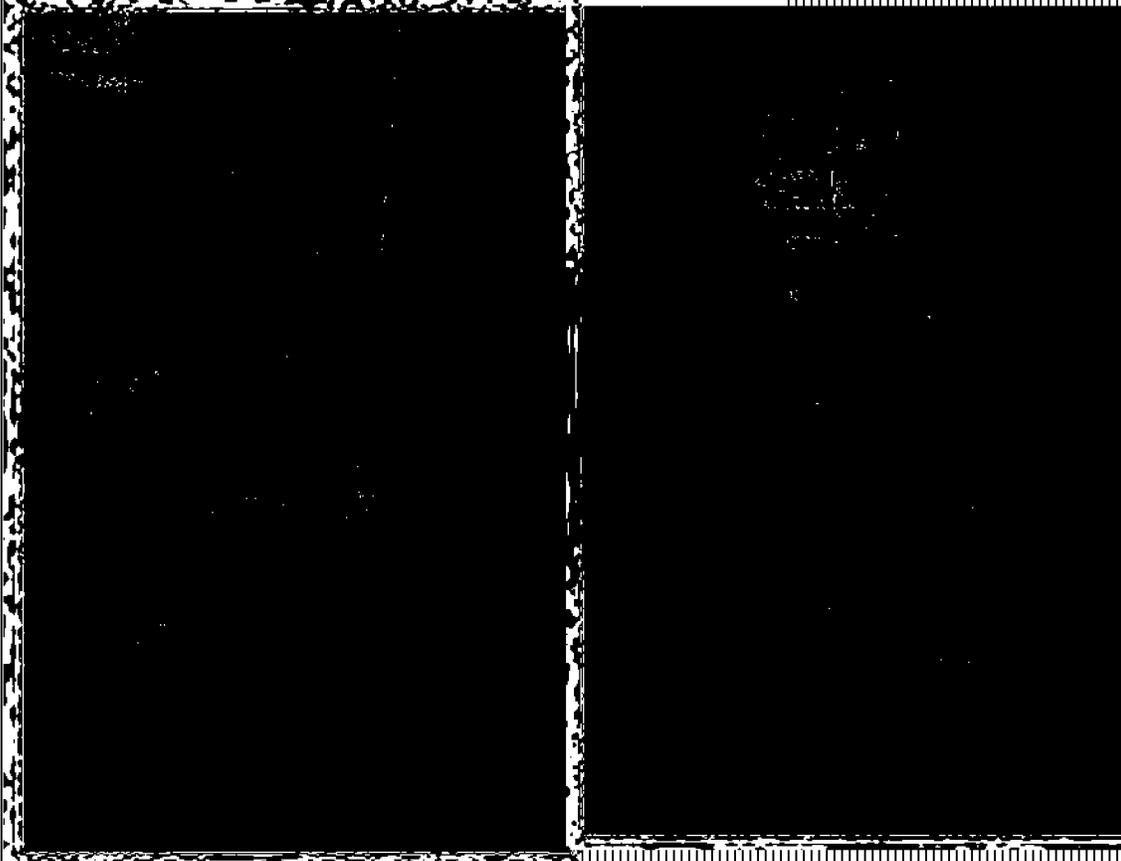
# Exhibit 9. Full Closure

(shown with Cul-de-sac or Hammer head)



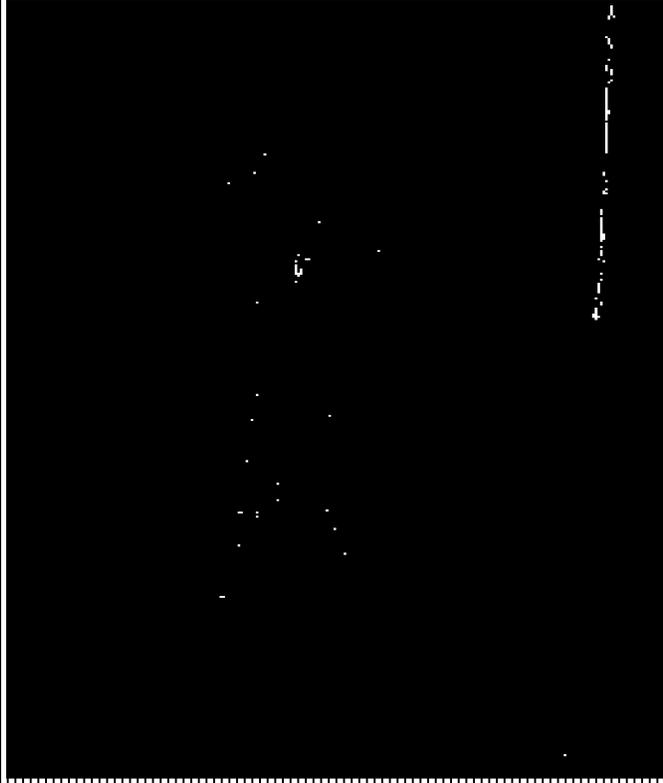
Turn-around may be required and will necessitate acquisition of right-of-way or easements from adjacent residential lots

# Exhibit 10. Mid Block Closure

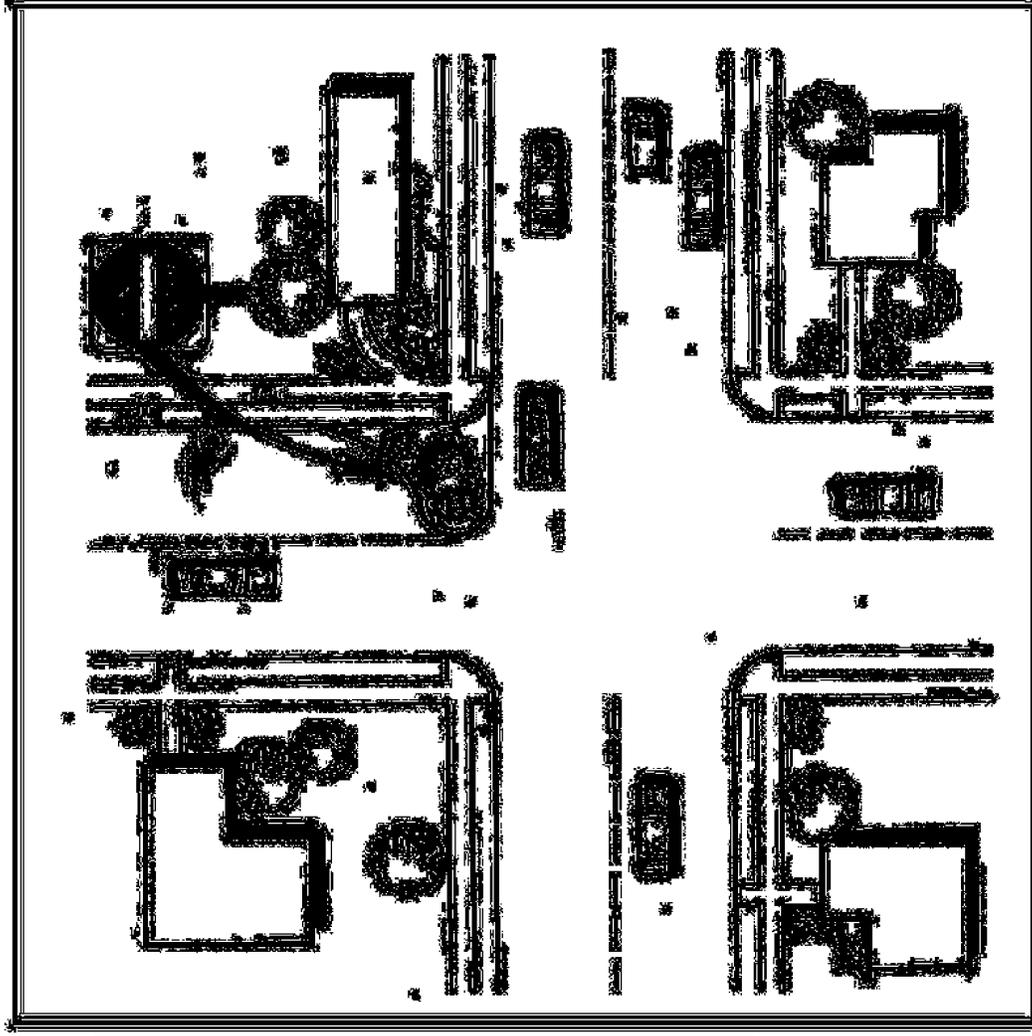


- Creates a dead-end street without sufficient area for turn-around
- May cause confusion to persons who don't drive in the area on a regular basis (visitors, delivery vehicles, etc.)

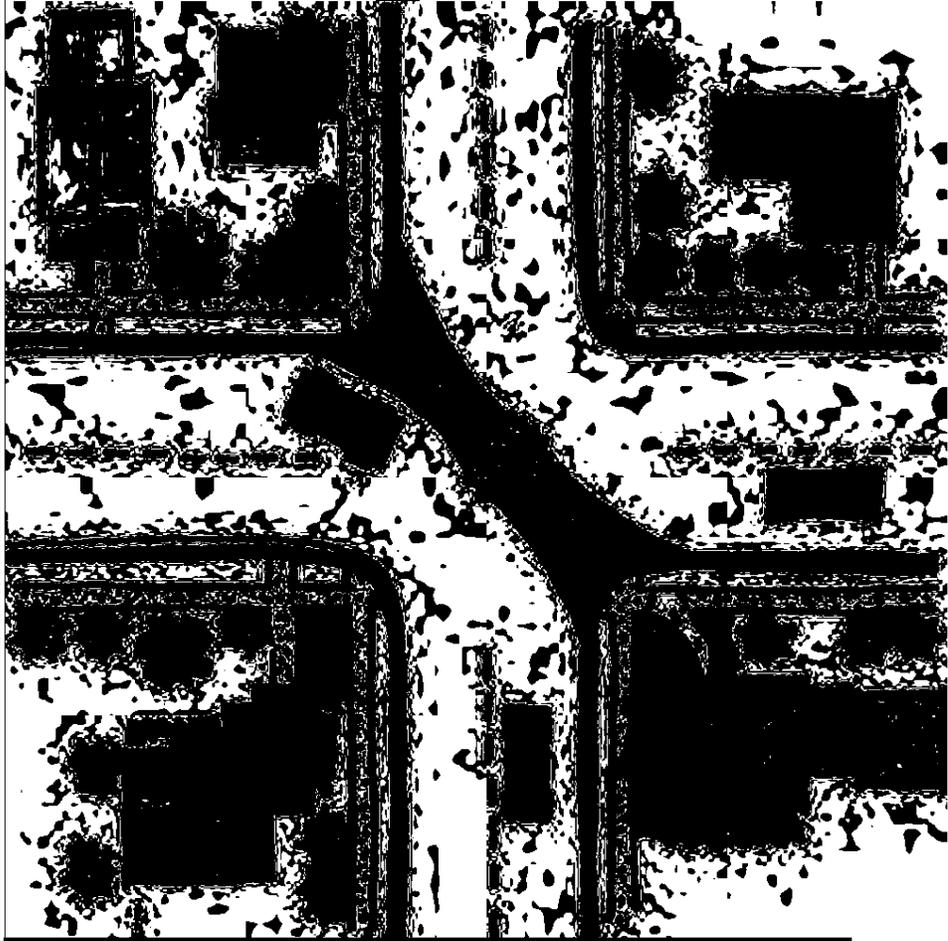
# Exhibit 11. Half Street or Partial Closure



- 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.)



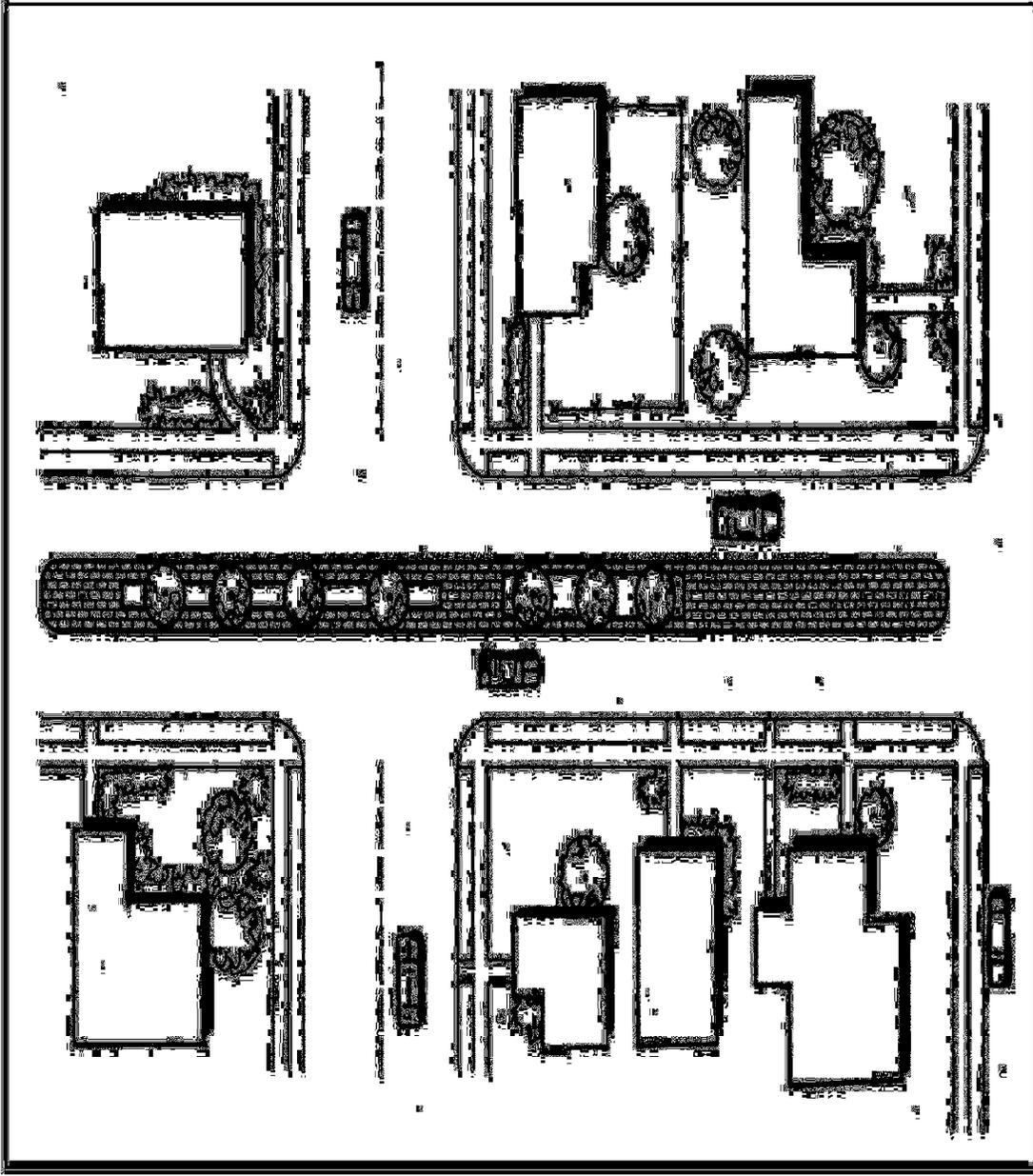
# Exhibit 12. Diagonal Diverter



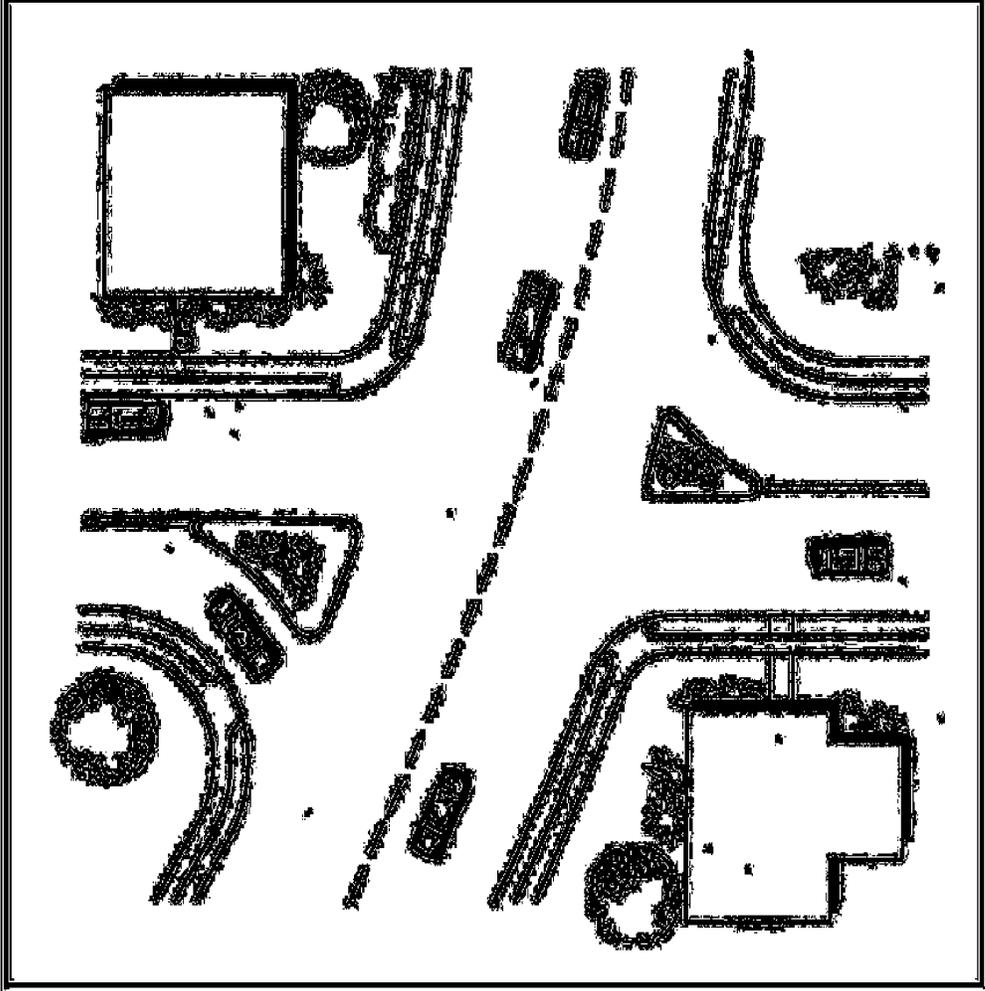
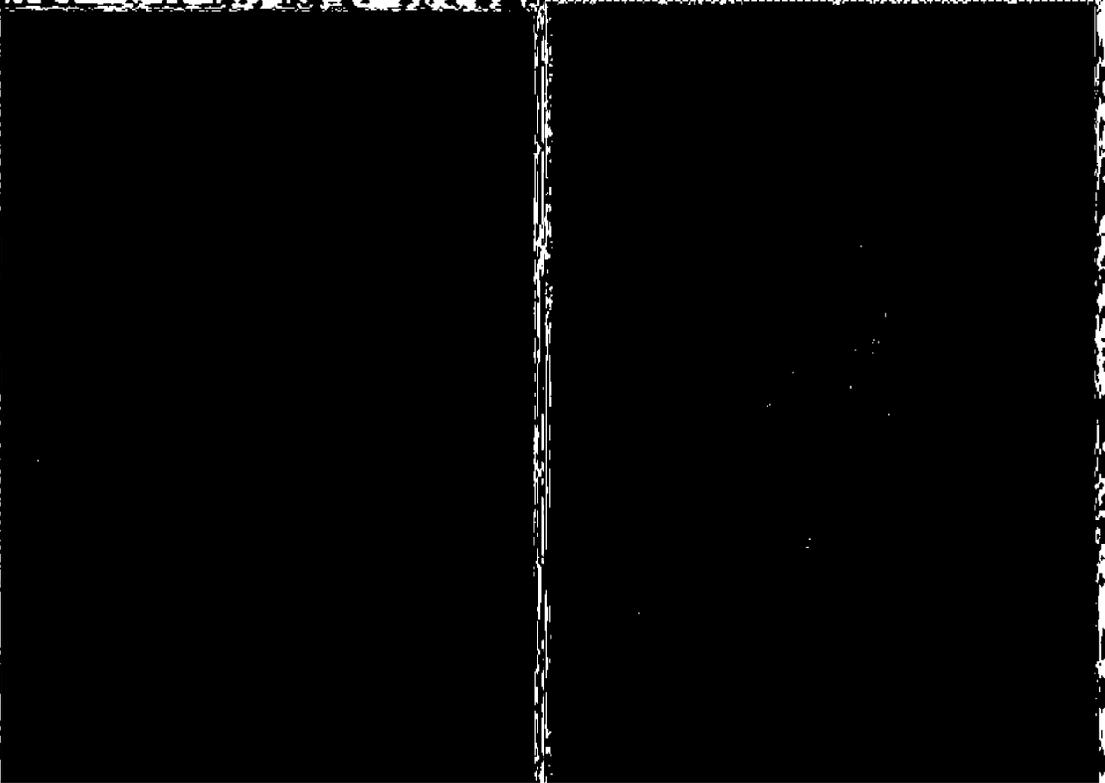
Right-of-way corner clips or easements likely to be required on narrow streets to provide adequate turn radii and landscaping in the diverter

# Exhibit 13. Median Barrier

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



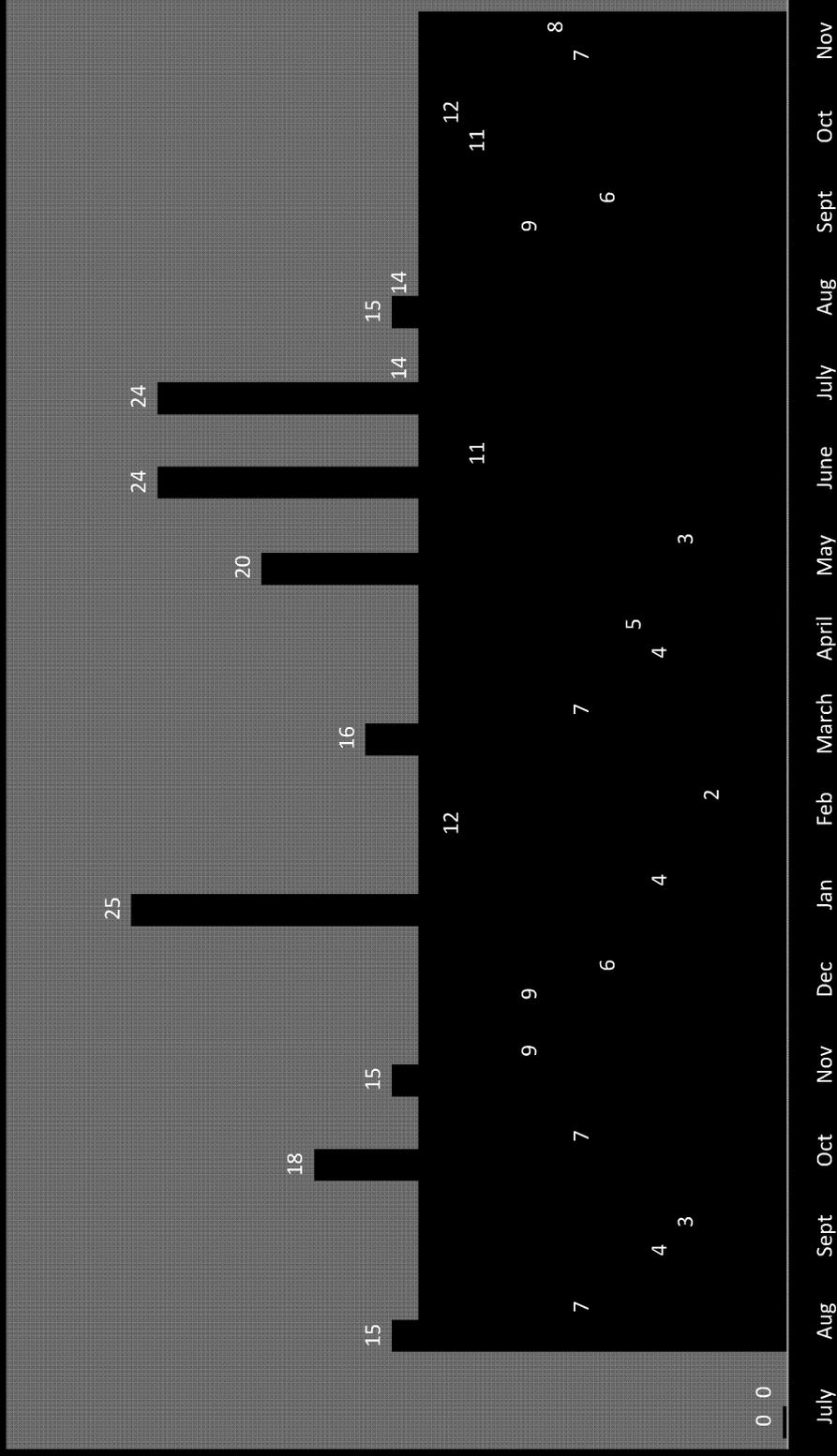
# Exhibit 14. Forced Turn Island



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

# Traffic Stops on Hawthorne July 2009 - November 2010

Traffic Stops w/warning      Traffic Stops w/citation





Accidents on Hawthorne from FM544 to NorthStar  
 July 1, 2009 through November 30, 2010

DATE	TIME	LOCATION	X-STREET	TYPE	CAUSE
12/22/2009	0825	117 Hawthorne Dr	Woodlake Dr	Non Injury	Hit/Run
<b>1/13/2010</b>	<b>2037</b>	<b>531 Hawthorne Dr</b>	<b>Mimosa Dr</b>	<b>Injury</b>	<b>Driver hit parked car</b>
<b>2/13/2010</b>	<b>2041</b>	<b>535 Hawthorne Dr</b>	<b>Mimosa Dr</b>	<b>Injury</b>	<b>Hit/Run / Intoxication</b>
2/25/2010	1459	Hawthorne Dr / Mimosa Dr		Non Injury	School bus hit parked car
6/21/2010	1739	200 Hawthorne Dr	Woodlake Dr	Non Injury	Parties exchanged information
8/26/2010	1653	Hawthorne / Timeberbluff Ln		Non Injury	Veh made u-turn from curb

**MURPHY CITIZENS ON PATROL  
SPEED SURVEY  
HAWTHORNE DRIVE  
DECEMBER 13-17, 2010**

**MORNING 7:00AM - 8:30AM**

	0mph - 5mph over	6mph - 10mph over	11mph - 15mph over	16mph - 20mph over	21mph - 25mph over	26mph over & up	Vehicles Counted
7:00 - 7:15	20	1	0	0	0	0	21
7:16 - 7:30	28	3	0	0	0	0	31
7:31 - 7:45	43	2	0	0	0	0	45
7:46 - 8:00	26	1	0	0	0	0	27
8:01 - 8:15	24	3	1	0	0	0	28
8:16 - 8:30	25	2	0	0	0	0	27
<b>TOTAL</b>	<b>166</b>	<b>12</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>179</b>
% of total vehicles	92.74%	6.70%	0.56%	0.00%	0.00%	0.00%	

**AFTERNOON 4:30PM - 6:30PM**

	0mph - 5mph over	6mph - 10mph over	11mph - 15mph over	16mph - 20mph over	21mph - 25mph over	26mph over & up	Vehicles Counted
4:30 - 4:45	46	3	0	0	0	0	49
4:46 - 5:00	45	13	1	0	0	0	59
5:01 - 5:15	59	9	0	0	0	0	68
5:16 - 5:30	78	23	2	0	0	0	103
5:31 - 5:45	84	13	2	0	0	0	99
5:45 - 6:00	81	6	0	0	0	0	87
6:01 - 6:15	85	4	1	0	0	0	90
6:16 - 6:30	68	5	0	0	0	0	73
<b>TOTAL</b>	<b>546</b>	<b>76</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>628</b>
% of total vehicles	86.94%	12.10%	0.96%	0.00%	0.00%	0.00%	

MONDAY, DECEMBER 13, 2010

MORNING 7:00AM - 8:30AM

	0mph - 5mph over	6mph - 10mph over	11mph - 15mph over	16mph - 20mph over	21mph - 25mph over	26mph over & up	Vehicles Counted
7:00 - 7:15	5	1	0	0	0	0	6
7:16 - 7:30	11	2	0	0	0	0	13
7:31 - 7:45	15	2	0	0	0	0	17
7:46 - 8:00	11	1	0	0	0	0	12
8:01 - 8:15	14	3	1	0	0	0	18
8:16 - 8:30	10	0	0	0	0	0	10
TOTAL	66	9	1	0	0	0	76

FRIDAY, DECEMBER 17, 2010

MORNING 7:00AM - 8:30AM

	0mph - 5mph over	6mph - 10mph over	11mph - 15mph over	16mph - 20mph over	21mph - 25mph over	26mph over & up	Vehicles Counted
7:00 - 7:15	15	0	0	0	0	0	15
7:16 - 7:30	17	1	0	0	0	0	18
7:31 - 7:45	28	0	0	0	0	0	28
7:46 - 8:00	15	0	0	0	0	0	15
8:01 - 8:15	10	0	0	0	0	0	10
8:16 - 8:30	15	2	0	0	0	0	17
TOTAL	100	3	0	0	0	0	103

MONDAY, DECEMBER 13, 2010

AFTERNOON 4:30PM - 6:30PM

	0mph - 5mph over	6mph - 10mph over	11mph - 15mph over	16mph - 20mph over	21mph - 25mph over	26mph over & up	Vehicles Counted
4:30 - 4:45	2	0	0	0	0	0	2
4:46 - 5:00	10	3	1	0	0	0	14
5:01 - 5:15	9	0	0	0	0	0	9
5:16 - 5:30	10	5	0	0	0	0	15
5:31 - 5:45	7	3	2	0	0	0	12
5:46 - 6:00	4	0	0	0	0	0	4
6:01 - 6:15	12	3	1	0	0	0	16
6:16 - 6:30	7	2	0	0	0	0	9
TOTAL	61	16	4	0	0	0	81

TUESDAY, DECEMBER 14, 2010

AFTERNOON 4:30PM - 6:30PM

	0mph - 5mph over	6mph - 10mph over	11mph - 15mph over	16mph - 20mph over	21mph - 25mph over	26mph over & up	Vehicles Counted
4:30 - 4:45	5	1	0	0	0	0	6
4:46 - 5:00	11	6	0	0	0	0	17
5:01 - 5:15	13	3	0	0	0	0	16
5:16 - 5:30	22	5	2	0	0	0	29
5:31 - 5:45	22	5	0	0	0	0	27
5:45 - 6:00	26	2	0	0	0	0	28
6:01 - 6:15	19	1	0	0	0	0	20
6:16 - 6:30	22	3	0	0	0	0	25
TOTAL	140	26	2	0	0	0	168

WEDNESDAY, DECEMBER 15, 2010

AFTERNOON 4:30PM - 6:30PM

	0mph - 5mph over	6mph - 10mph over	11mph - 15mph over	16mph - 20mph over	21mph - 25mph over	26mph over & up	Vehicles Counted
4:30 - 4:45	17	2	0	0	0	0	19
4:46 - 5:00	12	2	0	0	0	0	14
5:01 - 5:15	16	1	0	0	0	0	17
5:16 - 5:30	28	5	0	0	0	0	33
5:31 - 5:45	30	2	0	0	0	0	32
5:45 - 6:00	25	1	0	0	0	0	26
6:01 - 6:15	31	0	0	0	0	0	31
6:16 - 6:30	24	0	0	0	0	0	24
TOTAL	183	13	0	0	0	0	196

THURSDAY, DECEMBER 16, 2010

AFTERNOON 4:30PM - 6:30PM

	0mph - 5mph over	6mph - 10mph over	11mph - 15mph over	16mph - 20mph over	21mph - 25mph over	26mph over & up	Vehicles Counted
4:30 - 4:45	22	0	0	0	0	0	22
4:46 - 5:00	12	2	0	0	0	0	14
5:01 - 5:15	21	5	0	0	0	0	26
5:16 - 5:30	18	8	0	0	0	0	26
5:31 - 5:45	25	3	0	0	0	0	28
5:45 - 6:00	26	3	0	0	0	0	29
6:01 - 6:15	23	0	0	0	0	0	23
6:16 - 6:30	15	0	0	0	0	0	15
TOTAL	162	21	0	0	0	0	183

**Issue**

Consider and/or act on the application of **Matt Neher** requesting an exception to Section 28-132 (a)(2) of the City of Murphy Code of Ordinances to allow an alternative exterior building material for an addition to a single family dwelling on property located at 178 Sunset Drive.

**Background**

The applicant would like to construct an addition onto the existing single family dwelling located at 178 Sunset Drive. As part of the construction, the applicant is requesting that the addition be constructed with brick and Hardyplank siding. The subject property is zoned in the SF-20 (Single Family Residential) District.

Section 28-132 (a)(2) of the Code of Ordinances states that exterior elevations of single family dwellings shall have no less than 75 percent masonry construction (80 percent if the elevation faces a street). Section 28-131 (a) defines masonry construction and lists the type of materials that qualify as such. These materials include, hard fired brick, stone, or concrete pre-cast or tilt-wall panels (only if highly textured). However, since the addition proposes to use Hardyplank siding, the applicant is requesting the approval of an alternative building material for the building addition. As proposed, the addition would comply with all other requirements of the SF-20 District.

**Financial Considerations**

N/A

**Other Considerations**

1. Prior to the adoption of the current Comprehensive Zoning Ordinance in 2004, only first floor additions to single family dwellings had to meet the same masonry requirements as its parent single family dwelling, regardless of its size relative the square footage of the single family dwelling. Prior to 1983, there was no specific masonry requirement for single family dwellings or additions thereto.
2. Section 28-132 (e) does state that single family dwelling additions that do not exceed 20 percent of the original building size are allowed to be constructed of the same exterior materials as the original building. The existing single family dwelling has an area of 2,400 square feet. The proposed addition would have an area of 902 square feet or 37%, above the 20 percent threshold.
3. The property immediately surrounding the subject property is developed with single family houses. There are several single family dwellings in the surrounding area that do not comply with current masonry requirements and many of these dwellings have Hardyplank or wood siding exteriors. It appears that many of these single family dwellings were constructed prior to the adoption the current masonry requirements.
4. Section 28-133 states that the Planning and Zoning Commission may recommend and the City Council may approve an alternative exterior construction material if it is determined to be equivalent or better than the exterior materials otherwise required. Section 28-132 (f)(2)

states that consideration for exceptions to the exterior construction requirements shall be based only upon the following:

- Architectural design, creativity and innovation;
- Compatibility with surrounding structures;
- Relative ease of maintenance of the material(s);
- Long-term durability and weather-resistance of the material(s); and
- Long-term stability in property value due to the high quality of the material(s).

5. While there have been no building material exceptions for single family dwelling additions in this area, a building material exception was approved for an accessory building located at 507 Horizon Drive and an accessory building located at 709 Horizon Court, both in 2007 and at 807 Horizon Drive in 2009.

**Staff Recommendation**

Approval of the requested Hardyplank siding as an alternative building material. The single family dwelling addition with Hardyplank siding would not be detrimental to the subject property or the surrounding area.

**Board Recommendation**

At their December 13, 2010 meeting, the Planning and Zoning Commission, by a [4] to [0] vote; recommended to approve the request as recommended by staff.

**Attachments**

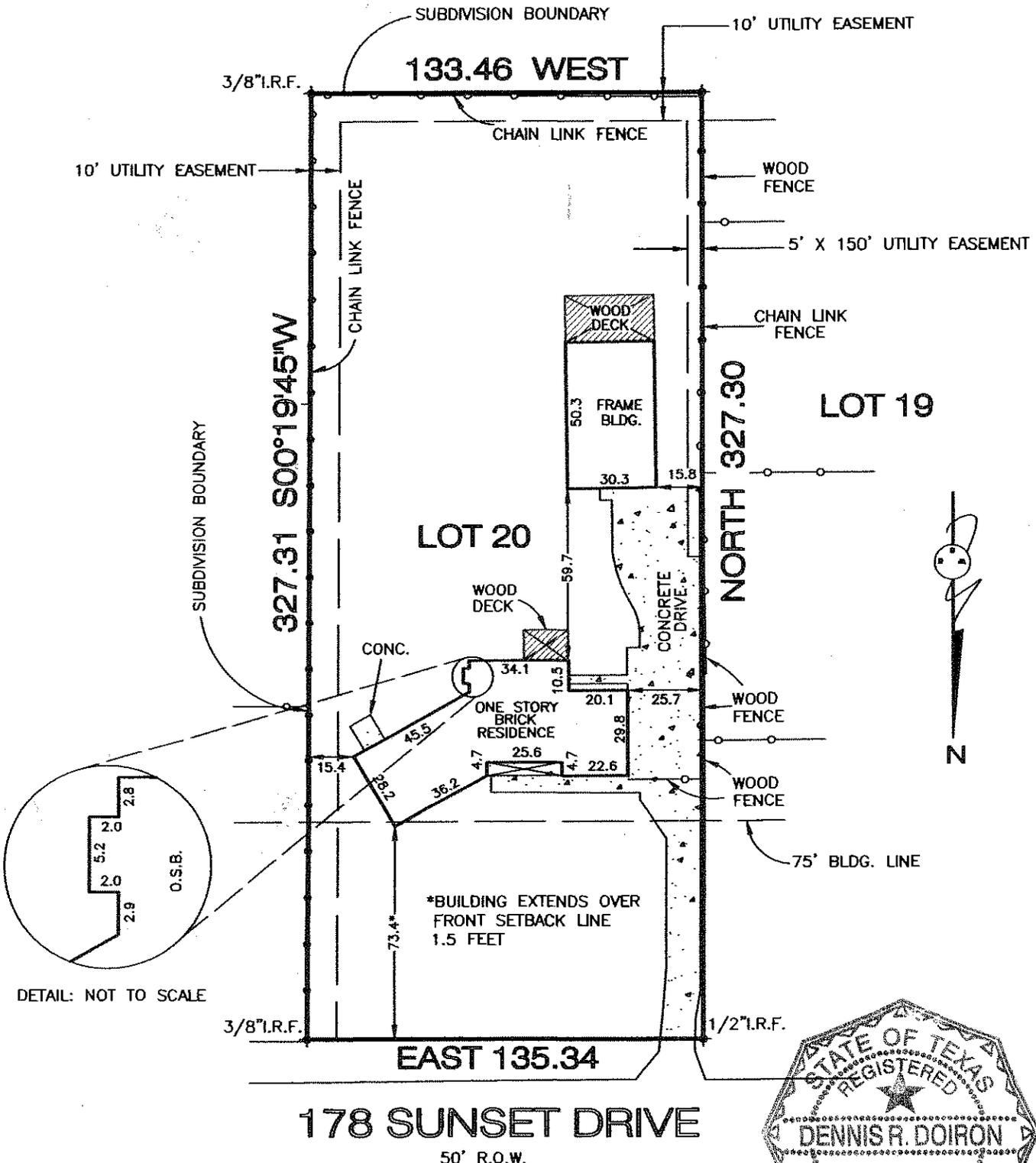
- 1) Property survey
- 2) Proposed floor plans
- 3) Proposed building elevations
- 4) Engineer's Letter

*Jeff Bickerstaff, Asst. City Manager*  
**Submitted By**

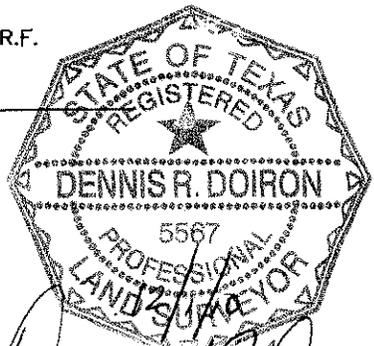
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**City Manager Approval**

DESCRIBED AS FOLLOWS:  
 Lot 20 of Skyline Acres Addition, Third Section, an Addition to the City of Murphy, Collin County, Texas, according to the plat thereof recorded in Volume 8, Page 9, Map Records, Collin County, Texas.



DETAIL: NOT TO SCALE



TO: MILT & JAN NEHER

THIS SURVEY IS FOR THE EXCLUSIVE USE OF THE HEREDON NAMED INDIVIDUAL ONLY AND IS MADE RELYING ON THE INFORMATION PROVIDED BY SAID INDIVIDUAL USE OF THIS SURVEY BY ANY OTHER PARTIES AND/OR FOR OTHER PURPOSES SHALL BE AT USER'S OWN RISK AND ANY LOSS RESULTING FROM OTHER USE SHALL NOT BE THE RESPONSIBILITY OF THE UNDERSIGNED. THE PLAT HERON IS A CORRECT AND ACCURATE REPRESENTATION OF THE PROPERTY LINES AND DIMENSIONS ARE AS INDICATED; LOCATION AND TYPE OF BUILDINGS ARE AS SHOWN; AND EXCEPT AS SHOWN, ALL IMPROVEMENTS ARE LOCATED WITHIN THE BOUNDARIES AND THE DISTANCES INDICATED, AND THERE ARE NO VISIBLE AND APPARENT ENCROACHMENTS OR PROTRUSIONS ON THE GROUND. THIS SURVEY IS ONLY VALID WITH ORIGINAL SIGNATURE AND DATE. UNAUTHORIZED USE IS NOT PERMITTED WITHOUT WRITTEN PERMISSION OF THE SURVEYOR. SURVEY IS PROTECTED BY UNITED STATES COPYRIGHT LAW. ALL RIGHTS RESERVED.

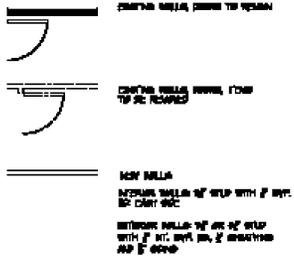
VEACH LAND SURVEYING CO.

DOOR SCHEDULE			
NO.	SIZE	FIN.	DESCRIPTION
1	3'-0" x 7'-0"	1/2"	INT. HD. OR INTL. - INTER. ROOM OR GLASS
2	3'-0" x 7'-0"	1/2"	INT. HD. SWELL-UP
3	3'-0" x 7'-0"	-	EXTERIOR. ALUMINUM BARRAGE DOOR
4	3'-0" x 7'-0"	-	EXTERIOR. ALUMINUM BARRAGE DOOR
5	3'-0" x 7'-0"	-	EXTERIOR. DOOR TO BE REFINISHED / REPAIRED
6	3'-0" x 7'-0"	1/2"	INT. HD. ALUM. FINISH - MATCH LITE
7	3'-0" x 7'-0"	1/2"	INT. HD. & FINISH - FINISHED WOOD PANEL
8	3'-0" x 7'-0"	1/2"	INT. HD. & FINISH - FINISHED WOOD PANEL
9	3'-0" x 7'-0"	1/2"	INT. HD. & FINISH - FINISHED WOOD PANEL
10	3'-0" x 7'-0"	1/2"	INT. HD. & FINISH - FINISHED WOOD PANEL
11	3'-0" x 7'-0"	1/2"	INT. HD. & FINISH - FINISHED WOOD PANEL

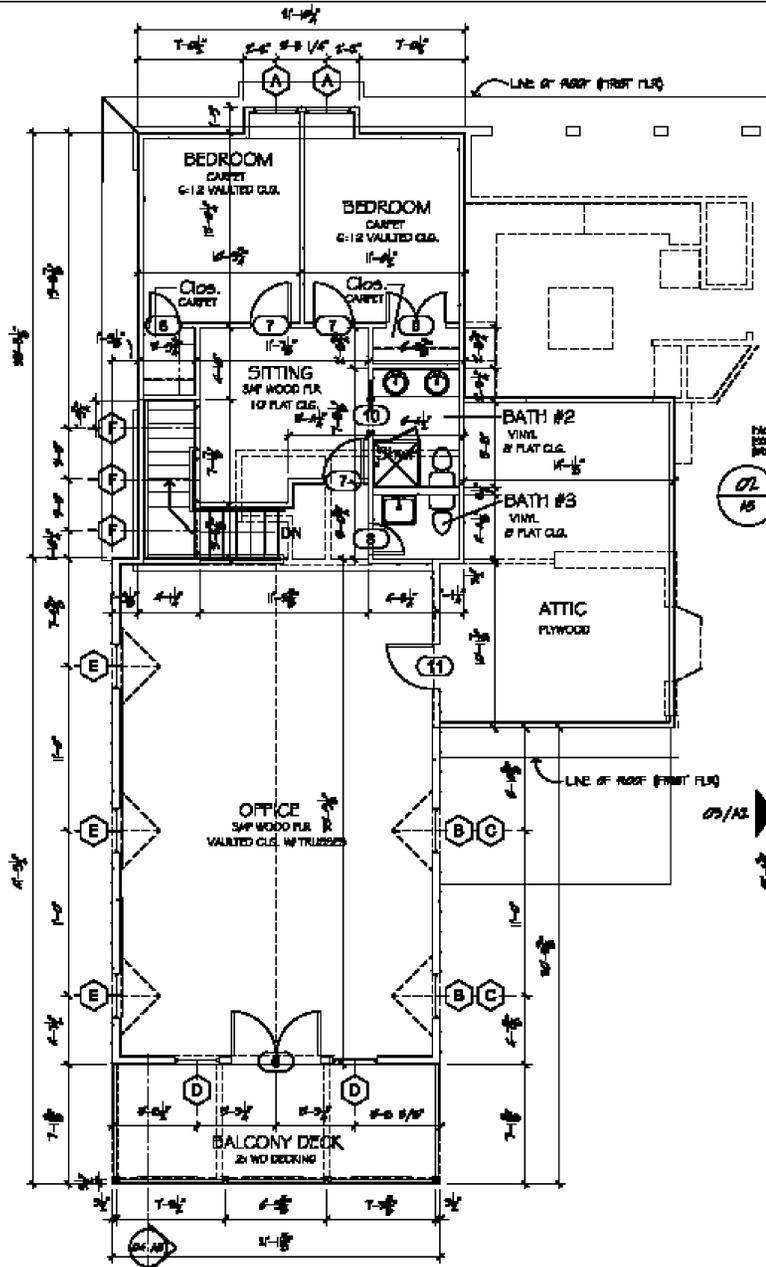
NOTES:  
 1. ALL DOOR STILES TO BE SELECTED BY OWNER.  
 2. FINISHED TRIM AND CASINGS TO MATCH EXISTING UNLESS NOTED OTHERWISE.  
 3. DOOR THRESHOLS TO BE SELECTED BY OWNER.

WINDOW SCHEDULE			
NO.	SIZE (HxW)	TYPE	DESCRIPTION
1	3'-0" x 4'-0"	611	ALUM. TRIM. 1/2" DIVIDED LITE INSULATED GLASS
2	3'-0" x 4'-0"	611	ALUM. TRIM. 1/2" DIVIDED LITE INSULATED GLASS
3	3'-0" x 4'-0"	611	ALUM. TRIM. 1/2" DIVIDED LITE INSULATED GLASS
4	3'-0" x 4'-0"	611	ALUM. TRIM. 1/2" DIVIDED LITE INSULATED GLASS
5	3'-0" x 4'-0"	611	ALUM. TRIM. 1/2" DIVIDED LITE INSULATED GLASS
6	3'-0" x 4'-0"	611	ALUM. TRIM. 1/2" DIVIDED LITE INSULATED GLASS
7	3'-0" x 4'-0"	611	ALUM. TRIM. 1/2" DIVIDED LITE INSULATED GLASS

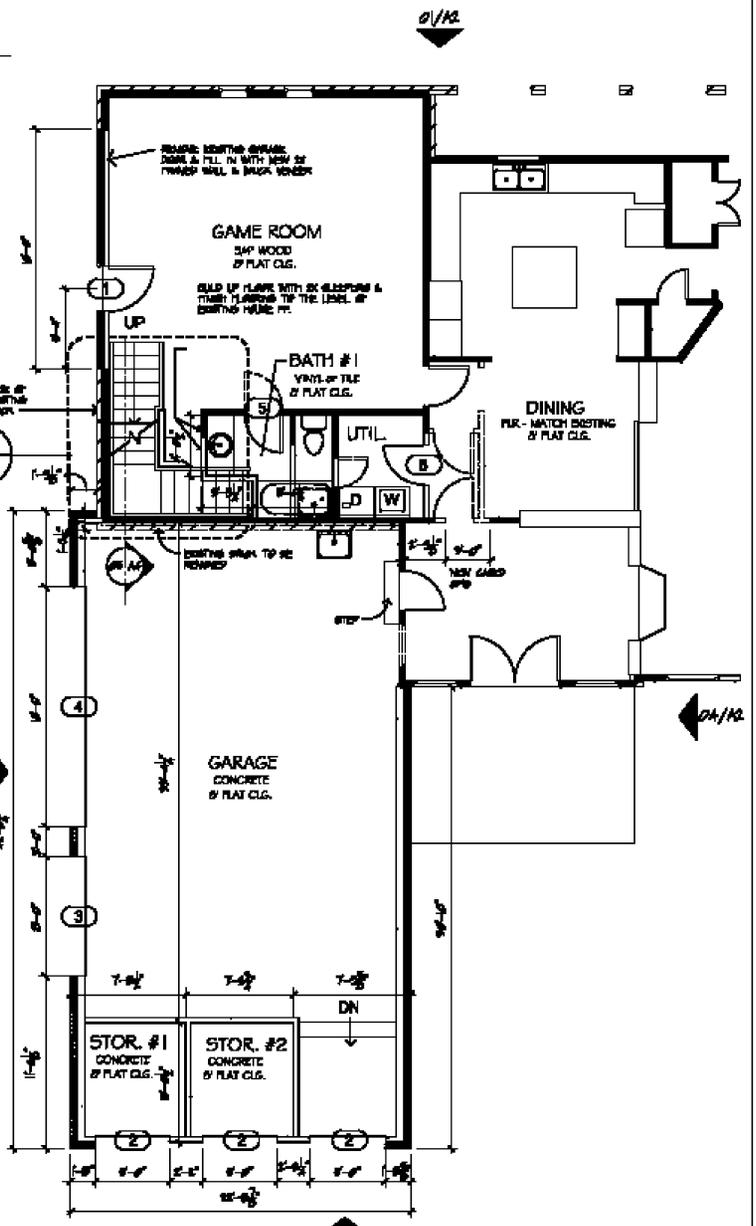
NOTES:  
 1. VERIFY WITH ARCHITECT BEFORE CONSTRUCTION - VERIFY ALL ALUM. AND FINISH OPTIONS PRIOR TO ORDERING AND INSTALLATION.  
 2. VERIFY WITH OWNER BEFORE LITE FACTORY PRIOR TO ORDERING.  
 3. WINDOWS TO BE REORDERED. ALUMINUM TRIM SHOULD MATCH EXISTING. ALL TILT WINDOWS WITH 611-2 HIGH PERFORMANCE GLASS ARE AS SELECTED BY OWNER.



**DIMENSION NOMENCLATURE**  
 DIMENSIONS ARE REFERENCED TO FACE OF STRUCTURE UNLESS OTHERWISE NOTED. DIMENSIONS TO FACE OF NEW INTERIOR WALLS. DIMENSIONS TO FACE OF NEW WALLS AT EXISTING EXTERIOR WALLS. DIMENSIONS TO CENTERLINE OF WINDOW AND EXT. DOORS.



**02 SECOND FLOOR PLAN**  
 1/8" = 1'-0"



**01 FIRST FLOOR PLAN**  
 1/8" = 1'-0"

FLOOR PLANS  
 DOOR & WINDOW SCHEDULES

REMODEL AND ADDITION  
 TO RESIDENCE OF  
 MATT & AMY NEHER

DAVID B. WAITE  
 ARCHITECT  
 1000 W. 10TH ST.  
 SUITE 100  
 DENVER, CO 80202

DATE: 01/12  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 1-0-12

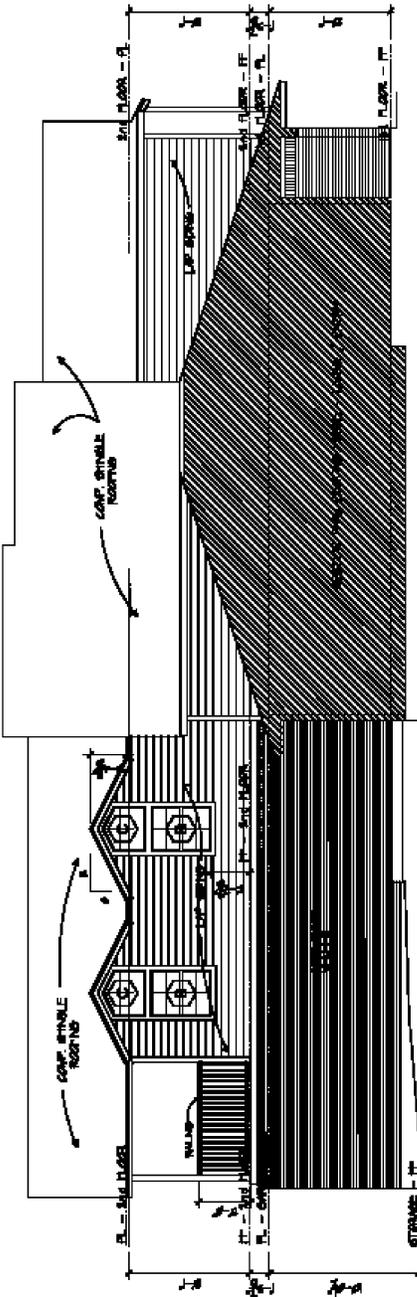
JOB NO. 01-001  
 SHEET 01-1 OF 01

**A1**  
 OF 1 SHEETS

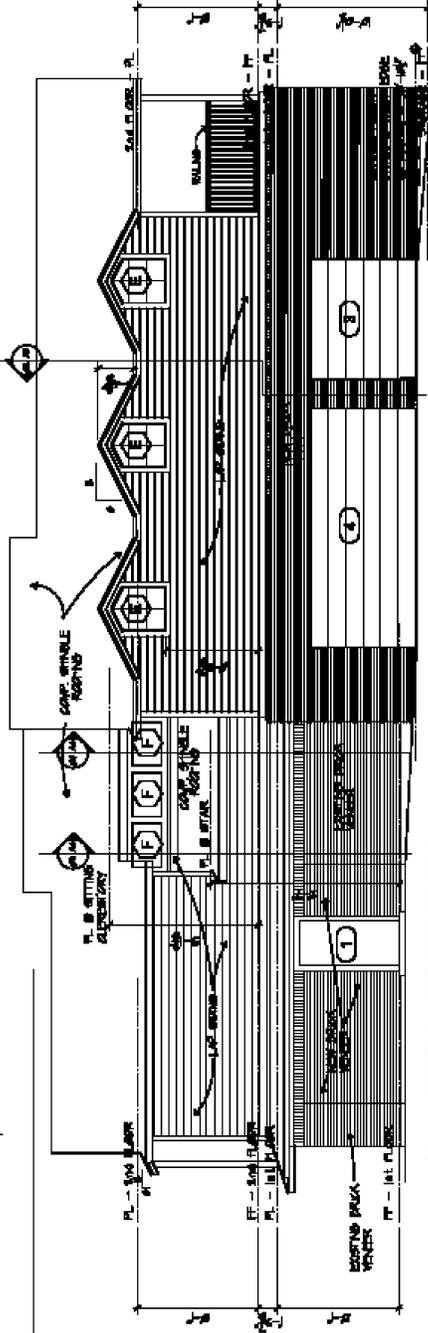


**MASONRY PERCENTAGE CALCULATIONS**

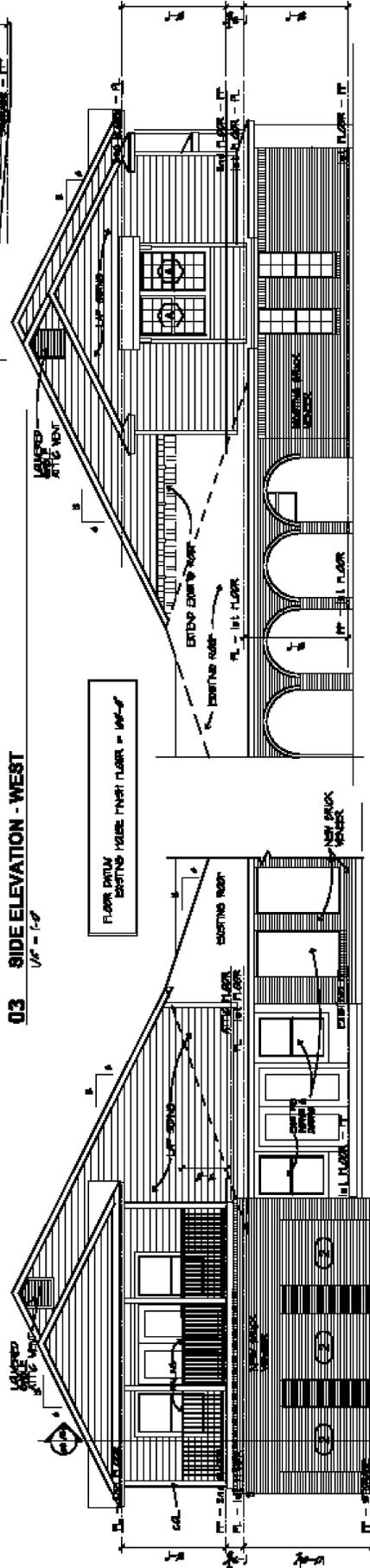
DESCRIPTION	QUANTITY	PERCENTAGE
NORTH	404.8 SF	40%
EAST	279.2 SF	28%
SOUTH	204.8 SF	20%
WEST	108.2 SF	11%
<b>TOTAL</b>	<b>1007.0 SF</b>	<b>100%</b>



**04 ELEVATION & SECTION - EAST**  
1/8" = 1'-0"



**03 SIDE ELEVATION - WEST**  
1/8" = 1'-0"





# Childress Engineering Services, Inc.

Structural Engineering & Consulting  
2505 N. Plano Road, Suite 1200  
Richardson, TX 75082

October 22, 2010

Neher Addition

178 Sunset Drive  
Murphy, Texas

Dear Sirs:

Per your request, we have reviewed the architectural plans for the above mentioned address. The purpose of the review was to advise the homeowner on what areas of the addition should remain siding since the homeowner was being asked to comply with the City of Murphy brick addendum for percentage of brick required for a residential structure that was not being followed on this project.

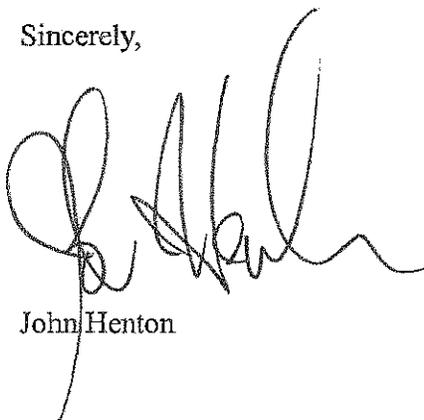
Childress Engineering has noted below areas of the home that would be structurally beneficial if left as siding verses brick:

- Front elevation second floor bedroom bay windows.
- Second and third gables of the front elevation.
- Gable end of second floor balcony on rear elevation.
- Second floor wall as you exit onto balcony of rear balcony.
- Rear elevation above first floor porch area.
- East elevation above existing structure (bedroom exterior wall and attic exterior wall).

In addition Childress Engineering has attached an elevation page that shows areas of concern.

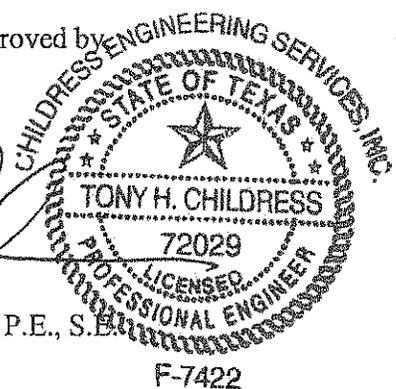
Please do not hesitate to call us if we can be of further assistance. We appreciate the opportunity to be of service.

Sincerely,



John Henton

Reviewed and Approved by



TONY H. CHILDRESS  
72029  
LICENSED PROFESSIONAL ENGINEER  
F-7422

Tony H. Childress, P.E., S.E.

**Issue**

Consider and/or act on the application of the **City of Murphy** requesting 1) an exception to Section 28-181 (b) of the City of Murphy Code of Ordinances to remove and relocate protected trees; 2) an exception to Section 28-156 (b) of the Code of Ordinances to relocate the requirement of landscape buffer trees along North Murphy Road and 3) an exception to Section 28-52 (b) of the Code of Ordinances to allow a fence in the front yard for the Murphy Community Center on property located at 205 North Murphy Road.

**Background**

The City is planning to remodel the Old Murphy School Building located at 205 North Murphy Road and use the building as a community center. As part of the planning process, the consultant team hired by the City has requested that the existing trees located in the front yard be relocated to other City property (as yet to be determined). Section 28-181 (b) of the Code of Ordinances state that prior to the removal of protected trees, permission must be granted. Therefore, the applicant is requesting permission to remove and relocate the existing trees in the front yard.

As part of the redevelopment of the site, Section 28-156 (b) of the Code of Ordinances requires that a 15 foot landscape buffer be designated along North Murphy Road. Within that buffer, one large shade tree and four (4) small ornamental trees are required for every 50 linear feet of frontage along North Murphy Road. Therefore, the applicant is requesting an exception to the prohibition of fencing in the front yard.

Also as a part of the redevelopment of the site, the consultant team recommended erecting a low height fence in the front yard. Section 28-52 (b) of the Code of Ordinances states that no fence shall be erected in the front yard, which is adjacent to a public street (in this case North Murphy Road). Therefore, the applicant is requesting an exception to the prohibition of fencing in the front yard. As proposed, the Community Center would comply with all other requirements of Chapter 28.

**Financial Considerations**

N/A

**Other Considerations**

1. The following existing trees are proposed to be removed from the front yard.
  - 14" Oak
  - 20" Spanish Red Oak
  - 12" Pine
  - 3" – 8" Oak (multi trunk)
  - 6" Bradford Pear
  - 8" Bradford Pear
  - 6" Bradford Pear
  - 6" Redbud

The trees proposed to be removed total 80 caliper inches. The consultant team has recommended that in order to enhance the view of the historic building façade, that the existing trees in the front yard be removed.

2. Based on the amount of frontage on North Murphy Road, 4 large shade trees and 16 small ornamental trees would be required to be planted in the landscape buffer. These trees are proposed to be relocated to the rear of the subject property and incorporated into the parking lot landscaping plan. The consultant team has recommended that again, in order to enhance the view of the historic building façade, that the required buffer trees be relocated to an area behind the building façade, leaving no large shade trees in the front yard.

3. The proposed front yard fence would serve as an area that would hold outdoor events. The proposed fence would serve as a safety barrier to children and North Murphy Road. The height of the fence is proposed to be 3 feet, constructed of ornamental iron with 40" brick columns. The proposed fence would be in keeping with fence design of the late 1930's.

4. The existing trees on the site, while they soften the landscape around the building, will serve to block a substantial portion of the building facade. The requirement of 4 additional large trees and 16 small ornamental trees in the landscape buffer would also serve to block a substantial view of the building. The proposed fence would enhance the aesthetic appearance of the property and serve as an outdoor gathering area.

#### **Staff Recommendation**

Therefore, staff recommends the following.

1. Approval of the request to remove existing trees in the front yard.
2. Approval of the request to relocate North Murphy Road landscape buffer trees to the rear parking lot landscape area.
3. Approval of the erection of a fence in the front yard.

#### **Board Recommendation**

At their December 13, 2010 meeting, the Planning and Zoning Commission, by a [3] to [1] vote; recommended to approve the request as recommended by staff.

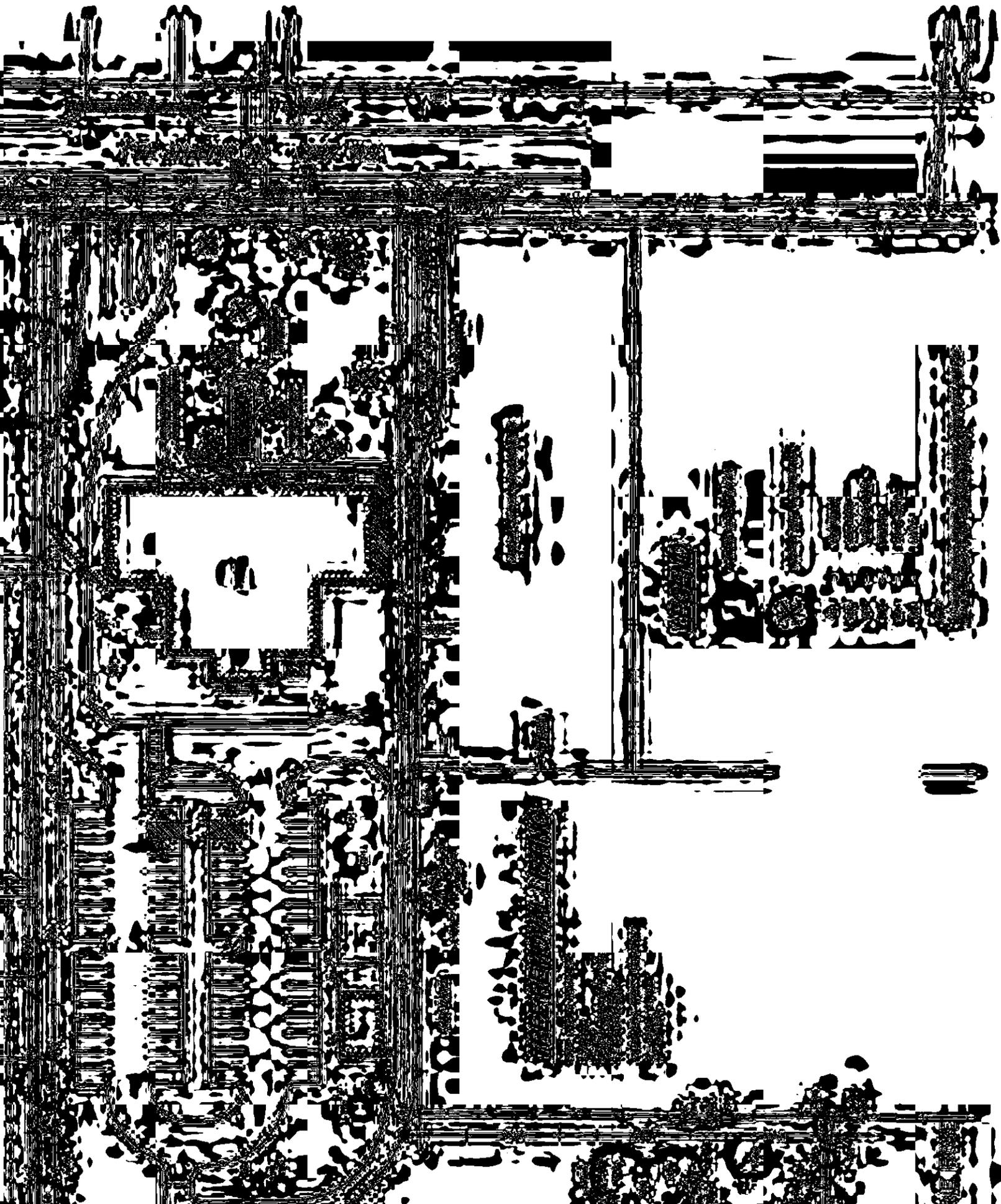
#### **Attachments**

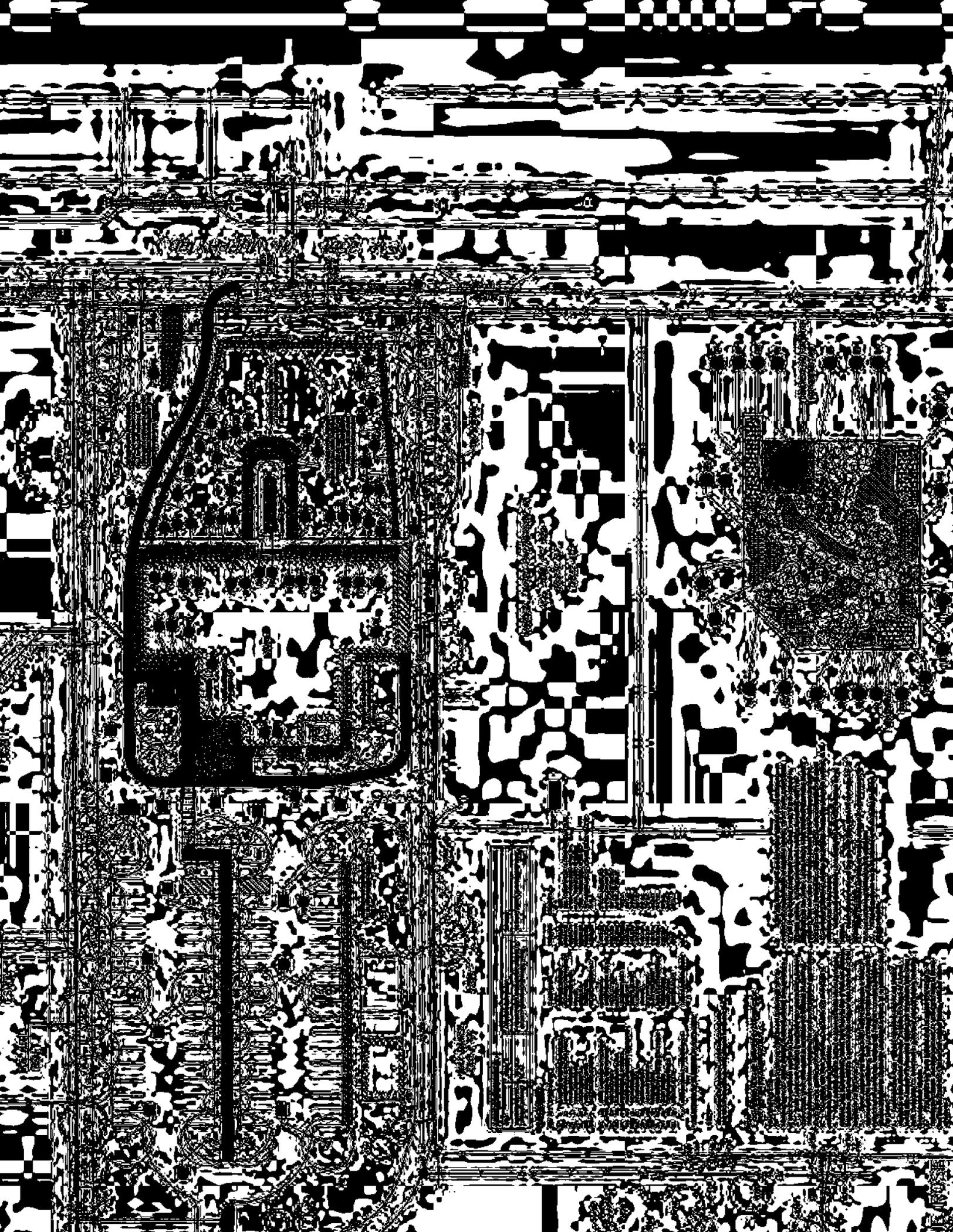
- 1) Existing Tree Survey
- 2) Landscape Plan
- 3) Ornamental Fence Plan
- 4) Proposed Plat
- 5) Consultant Team Letter

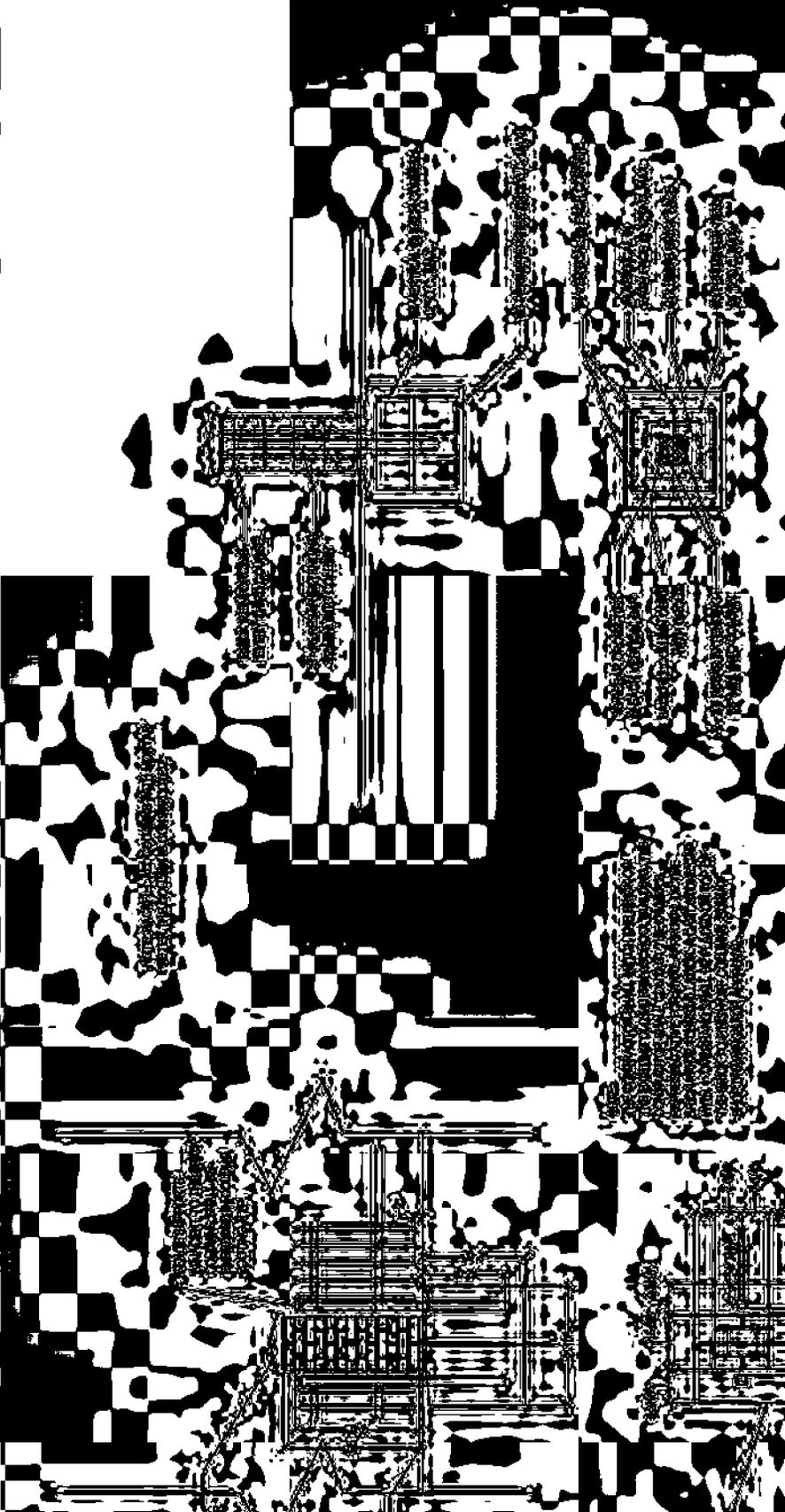
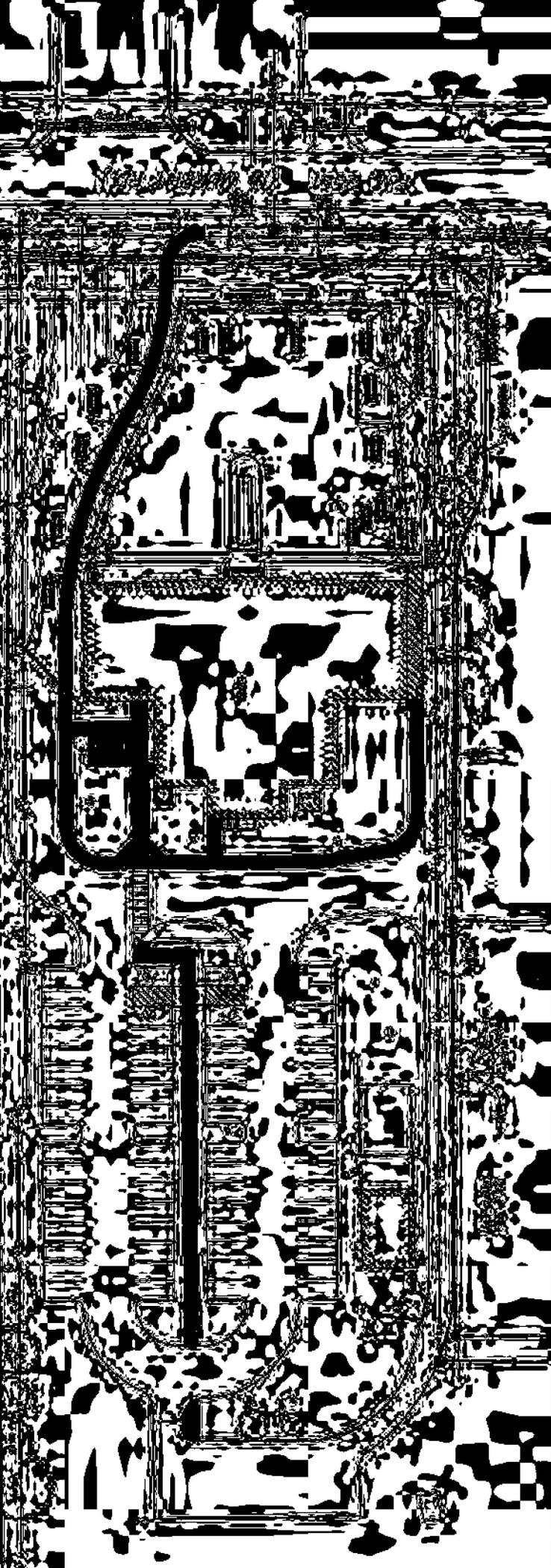
*Jeff Bickerstaff, Asst. City Manager*  
**Submitted By**

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**City Manager Approval**









December 8, 2010

Mr. Jeff Bickerstaff  
Asst. City Manager  
City of Murphy  
206 N. Murphy Road  
Murphy, Texas 75094

Dear Mr. Bickerstaff:

The following narrative will briefly explain the reason for our variance requests for the Murphy Community Center. In general, the requests are based on the historical significance of the Old Murphy School House / Murphy Community Center.

#### Request for Variance of Front Yard Street Trees

We are requesting the street trees required by your ordinance be relocated to another part of the site. The reason for this is as follows:

The Landscape Planting Plan concept was to enhance and open the view of the historic building façade. The planting of the required street trees would block this view from Murphy Road and pedestrians. It is not our intent or request to eliminate the street trees; we are simply relocating the trees to another location on-site.

#### Request for Variance for Font Yard Fence

As the consulting team was preparing concepts for the Murphy Community Center, the team proposed the concept of building a small steel tube with brick columns in the front yard of the Murphy Community Center. There were a couple of reasons for construction of the fence and they are as follows:

1. The City may hold events in the front yard area with children and the fence will act as a safety barrier.
2. The design of the fence is a low height steel tube with small brick columns. The design is intended to set a theme of the late 1930's and the concept was to enhance the overall design theme for the site and building.

Overall Site Tree Mitigation

All of the trees removed from the front yard area will be either transplanted or replaced within the City, on a per inch replacement with new planting.

I will be in attendance at the December 13, 2010 meeting to present these variance requests to the Planning and Zoning Commission for their consideration.

Sincerely,



Dennis Sims, ASLA  
Principal

**Issue**

Hold a public hearing and consider and/or act upon approval of an ordinance amending PD (Planned Development) District No. 09-12-825 for Retail and Office Uses on property located on East FM 544, west of McCreary Road. **(Zoning File 2010-10)**

**Owner(s):**

Murphy Equity Management, Ltd. (O'Reilly Automotive)

**Zoning History**

R (Retail) District – Adopted May 27, 2004, as part of the adoption of the Comprehensive Zoning Ordinance.

Ordinance No. 09-12-825 – Adopted December 7, 2009, which changed the zoning from R (Retail) District to PD (Planned Development) District for Retail and Office Uses with conditions.

**Background**

On December 7, 2009 the City Council adopted Ordinance No. 09-12-825, which changed the zoning on the subject property from R (Retail) District to PD (Planned Development) District for Retail and Office Uses with conditions. The applicant would like to construct an O'Reilly's Auto Parts store on the subject property. The Planned Development Conditions do not allow an auto supply store for new and rebuilt parts, the use classification of the proposed O'Reilly's Auto Parts store. The conditions also only allow one (1) pad site along FM 544. Based on the concept plan submitted by the applicant, two amendments to the Planned Development District are needed in order to allow the store to be constructed on the subject property. One amendment requested is to modify the use list to allow the proposed auto parts store as an allowed use. The second amendment requested is to modify the Planned Development conditions to allow more than one (1) lot adjacent to FM 544. If these amendments are approved, the applicant would be required to submit a site plan, landscape plan, building elevations and signage plan for review at a future date.

**Surrounding Land Use and Zoning**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>North</b>	Single Family	PD (Planned Development) District
<b>South</b>	Single Family	SF-20 (Single Family Residential)
<b>East</b>	Retail	R (Retail) District
<b>West</b>	Undeveloped	PD (Planned Development) District for Retail

**Comprehensive Plan**

The 2008 Comprehensive Plan recommends "General Retail" for the subject property. Areas appropriate for this land use type are intended to provide for a variety of retail trade and personal/business services. Generally, businesses within this use would include single-use buildings (of a variety of sizes) as well as multiple-use buildings.

One of the recommendations of the Comprehensive Plan is to ensure that zoning districts (or/amendments) are in agreement with the future land use plan. The proposed amendment

to allow an auto parts store on the subject property is consistent with the "General Retail" category. While the proposed auto parts store is consistent with the Comprehensive Plan, the Plan recommends quality building materials for non-residential construction. Specifically, the Plan recommends three basic building materials, two of which should be brick and stone. Consideration should be given to requiring three building materials for the proposed auto parts store.

#### **Transportation Strategy**

- **The Thoroughfare Plan** – The 2008 Thoroughfare Plan shows FM 544, a Type A Major Arterial adjacent to the site to the south.
- **Traffic Impact Analysis** – Based on the current zoning and the requested Planned Development amendments, staff determined that a Traffic Impact Analysis (TIA) was not required as the requested amendments will not drastically increase traffic.
- **Access** – Access to the development is provided from both FM 544 and McCreary Road (via an access easement).

#### **Existing Utilities**

- **Water** – There is an 8-inch water line along FM 544. No service will need to be extended into the site for this request.
- **Sanitary Sewer** – There is a 6-inch sanitary sewer line northwest and southeast of the subject property that connects to an 18 inch sanitary sewer line adjacent to McCreary Road. No service will need to be extended into the site for this request.
- **Schools** – The subject property lies within the Wylie Independent School District. This request will not impact area schools.

#### **Considerations**

1. The concept plan indicates that the proposed auto parts store would contain approximately 6,900 square feet, with 25 parking spaces provided. The concept plan is in general compliance with the Planned Development District. However, if approved, the applicant will be required to submit a detailed site plan, landscape plan, building elevations and signage plan at a later date for approval.

2. In addition to the applicant requesting to amend the Planned Development District to allow the proposed use and to allow more than one (1) lot along FM 544, staff recommends that the proposed use be tied to a Specific Use Permit. This restriction would allow zoning review of any additional requests to locate an auto parts store in this Planned Development District. The attached building elevations are preliminary and show a mixture of brick, stone and EIFS. If the proposed use is tied to a Specific Use Permit, types of building materials can be a condition of the Specific Use Permit.

3. The subject property is one that is located on the eastern edge of the City, a gateway from Wylie to the east on FM 544. The proposed auto parts store is a compatible use given the existing and surrounding zoning and land uses and its consistency with the Comprehensive

Plan. Specific Use Permit standards will only serve to enhance the development standards put in place with the approval of the existing Planned Development District.

**Staff Recommendation**

Staff recommends approval of proposed amendment that would allow an auto parts store contingent upon the use being allowed only with the approval of a Specific Use Permit and approval of the amendment that would allow more than one (1) lot along FM 544.

**Board Recommendation**

At their November 22, 2010 meeting, the Planning and Zoning Commission, by a [6] to [1] vote; recommended to approve the request as recommended by staff.

**Attachments**

- 1) Ordinance
- 2) Location Map
- 3) Aerial Map
- 4) Exhibit B – Specific Use Permit Conditions
- 5) Exhibit C-1 – Concept Plan
- 6) Exhibit C-2 – Site Plan
- 7) Planned Development District No. 09-12-825
- 8) Proposed Building Elevations
- 9) Public Hearing Reply Responses

*Jeff Bickerstaff, Asst. City Manager*

**Submitted By**

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**City Manager Approval**

**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 CHANGING THE ZONING CLASSIFICATION ON APPROXIMATELY 0.831 ACRES OUT OF THE JAMES MAXWELL SURVEY, ABSTRACT NO. 582, LOCATED IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE FOR ALL PURPOSES, AMENDING PD (PLANNED DEVELOPMENT) DISTRICT NO. 09-12-825 FOR RETAIL AND OFFICE USES WITH CONDITIONS; APPROVING A NEW CONCEPT PLAN AND AMENDING DEVELOPMENT CONDITIONS HERETO DESCRIBED 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 change the zoning classification by amending PD (Planned Development) District No. 09-12-825 for Retail and Office Uses with conditions for the property described as 0.831 acres, more or less, in the James Maxwell Survey, Abstract No. 582, in the City of Murphy, Collin County, Texas, and more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes.

**Section 2.** That the development standards for this Planned Development District are attached hereto as Exhibit "B", and the same are hereby approved for said Planned Development District as required by Section 86-603, 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 4th day of January 2011.

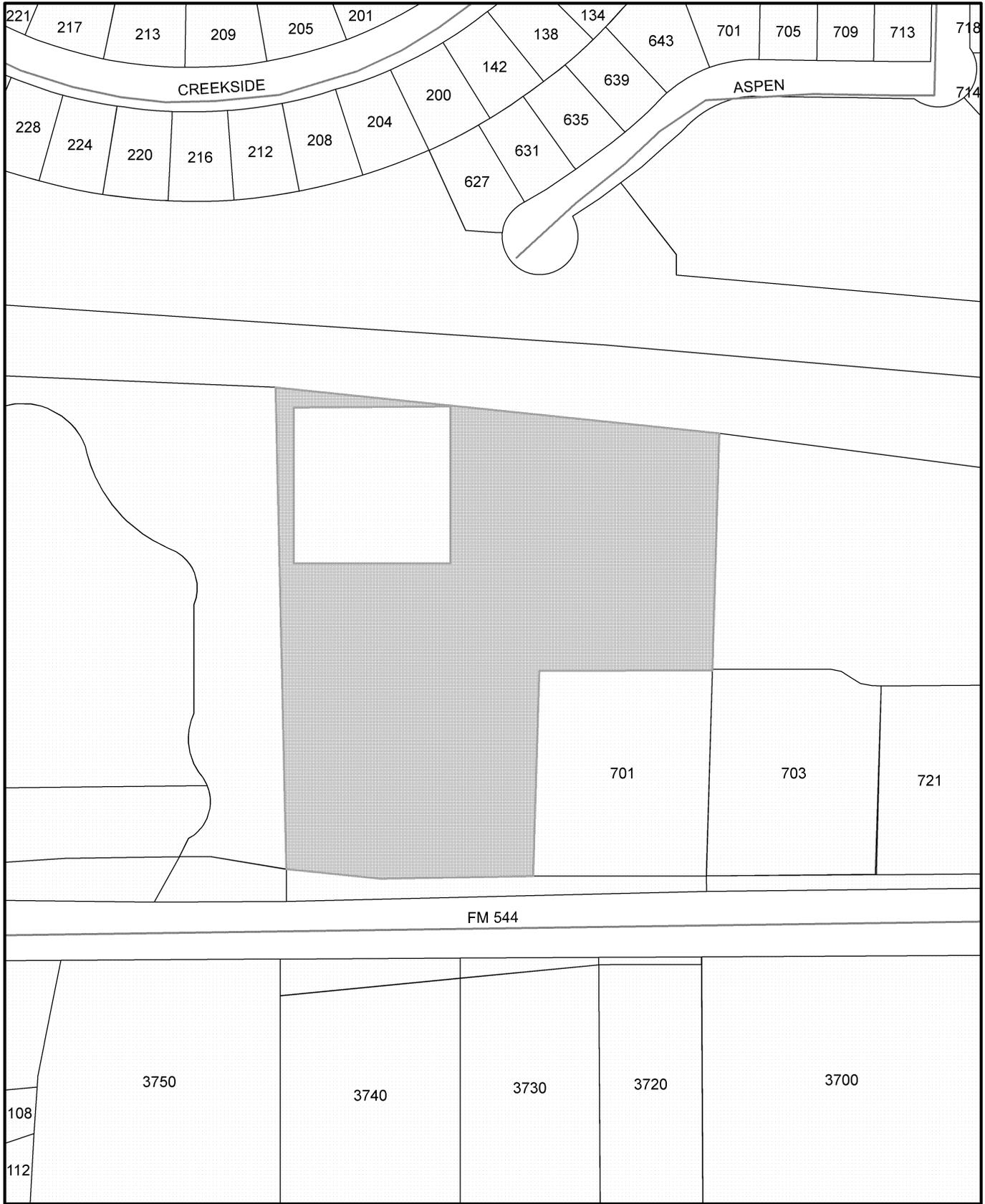
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Bret M. Baldwin, Mayor  
City of Murphy

ATTEST:

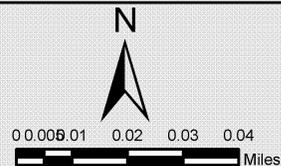
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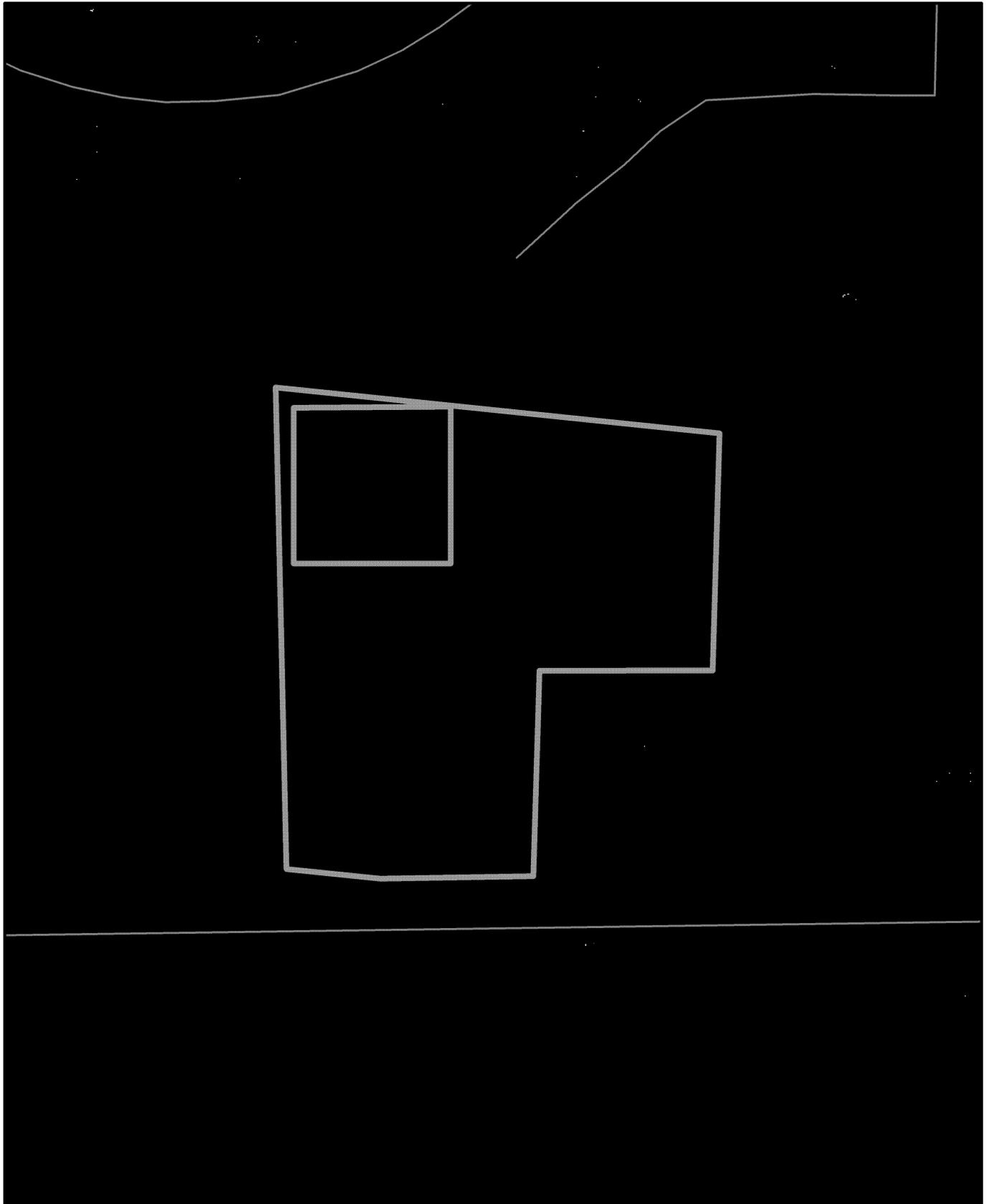
Aimee Nemer, City Secretary  
City of Murphy



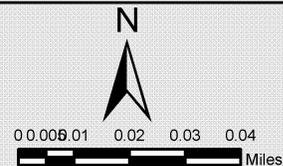
**Legend**  
 ■ Subject Property

# Zoning File 2010-10





# Zoning File 2010-10



FIELDNOTE DESCRIPTION FOR A 0.831 ACRE TRACT  
JAMES MAXWELL SURVEY, ABSTRACT NO. 582  
CITY OF MURPHY, COLLIN COUNTY, TEXAS

Fieldnotes to all that certain tract or parcel of land being 0.831 acre, more or less, located in the James Maxwell Survey, Abstract No. 582 in Collin County, Texas, being a portion of the called 6.6381 acre tract described in a Deed from Murphy/McCreary, LTD to Murphy Equity Management, LTD, dated August 19, 2008 and recorded in Document No. 20080826001032940 of the Real Property Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a PK nail found in the northerly right of way of FM Highway No. 544 (right of way width varies) and in the center of a concrete drive for the southwesterly corner of Lot 1, Block A, America's Country Store, as shown on the plat recorded Volume P, Page 144, Plat Records of Collin County, Texas, same being the most southerly southeast corner of the said 6.6381 acre tract;

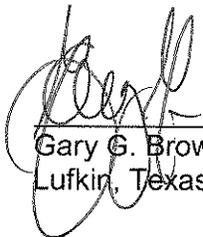
THENCE South 89° 57' 18" West 154.14 feet (basis of bearings) along the northerly right of way of FM Highway No. 544 to a 1/2-inch iron rod set for the southwesterly corner of the herein described 0.831 acre tract, from which a concrete right of way monument found bears South 89° 57' 18" West 35.79 feet;

THENCE North 01° 45' 26" East 235.00 feet to a 1/2-inch iron rod set for the northwesterly corner of the said 0.831 acre tract;

THENCE North 89° 57' 18" East 154.14 feet to an "x" cut in concrete in the westerly line of the said Lot 1, Block A, America's Country Store, for the northeasterly corner of the said 0.831 acre tract, from which an "x" cut in concrete found for the northwesterly corner of the said Lot 1, Block A, America's Country Store bears North 01° 45' 26" East 37.00 feet;

THENCE South 01° 45' 26" West 235.00 feet along the westerly line of the said Lot 1, Block A, America's Country Store to the PLACE OF BEGINNING, and containing 0.831 acre (36205 square feet), more or less, as shown on the accompanying plat of even date herewith.

GOODWIN-LASITER, INC.



Gary G. Brown, R.P.L.S. No. 4654  
Lufkin, Texas July 19, 2010



**EXHIBIT B**

**ZONING FILE NO. 2010-10**

**East FM 544, west of McCreary Road**

**SPECIFIC USE PERMIT FOR AN AUTO SUPPLY STORE FOR NEW AND REBUILT PARTS**

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow an auto supply store for new and rebuilt parts.
- 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. 09-12-825 shall apply, except as otherwise specified in this ordinance.
- IV. **Development Plans:**
  - A. Applicability: This Specific Use Permit shall only apply to **O'Reilly Auto Parts**.
  - B. Concept Plan: Development shall be in general conformance with the approved concept plan set forth in Exhibit C-1 and Exhibit C-2. However, in the event of conflict between the concept plan and the conditions or any other ordinance, the conditions and/or ordinance shall prevail.
  - C. Development Plans: Prior to the issuance of a building permit, a detailed site plan, landscape plan, building elevations and signage plan shall be submitted for review in compliance with Section 86-199 of the City of Murphy Code of Ordinances.

LOT 8  
1.411 AC

DAYCARE  
17,500 SF  
FFE=542±

38 PKG.  
SPACES

24' FIRELANE  
& UTIL.

(FUTURE)

6

14

7

8

7

24' FIRELANE, ACCESS  
& UTIL. ESMT.

24' FIRELANE, ACCESS  
& UTIL. ESMT.

24' FIRELANE, ACCESS & UTIL. ESMT.

12' FIRELANE, COMMON ACCESS  
& UTIL. ESMT.

MURPHY 300 J.V.  
CC# 93-0100086  
( LRCCT )  
ZONED PD

(EXISTING)

(EXISTING)

25' ACCESS & FIRELANE ESMT



20' BUILDING LINE

LIMITS OF CONSTRUCTION

APPROX. BUILDING HEIGHT=19'

CONCRETE

O'Reilly Auto Parts

71'-4" X 96'-4"  
SQ. FT. = 6,872

DEALER DOOR

EGRESS DOOR

20' BUILDING LINE

FIRE LANE STRIPING

20' BUILDING LINE

LIMITS OF CONSTRUCTION

ACCESS EASEMENT  
VOL. 5281, PG. 2754  
VOL. 5281, PG. 2876  
VOL. 5520, PG. 3756

GRASS

CITIBANK, N.A.  
CALLED 1.4355 ACRES  
DOC. NO. 2010020200010  
3950 REGENT BLVD  
IRVING, TX 75063

ZONED "R-RETAIL"  
VACANT

701 E FM 544

65.2'

GRASS

FIRELANE STRIPING

CONCRETE DRIVE/PARKING

FIRELANE STRIPING

CONCRETE SIDEWALK

EQUITY MANAGEMENT, LTD  
CALLED 6.6381 ACRES  
NO. 20080826001032940  
MUNICIPAL DR, SUITE 150  
RICHARDSON, TX 75080

ZONED "R-RETAIL"  
VACANT



40' BUILDING LINE

LIMITS OF CONSTRUCTION

15' EASEMENT  
CITY OF MURPHY  
VOL. 5125, PG. 1016

15' EASEMENT  
FARMERS ELECTRIC  
COOPERATIVE INC  
DOC. NO. 20070921001318600

(BASIS OF BEARINGS)

S 89°57' 18" W 35.79'

F.M. HIGHWAY 544

CONCRETE PAVEMENT  
SPEED LIMIT 45 MPH  
(R.O.W. WIDTH VARIES)

700' ± TO F.M. 544/  
MC CREARY ROAD INTERSECTION

GRASS ISLAND

CONCRETE ISLAND

322+00

323+00

324+00

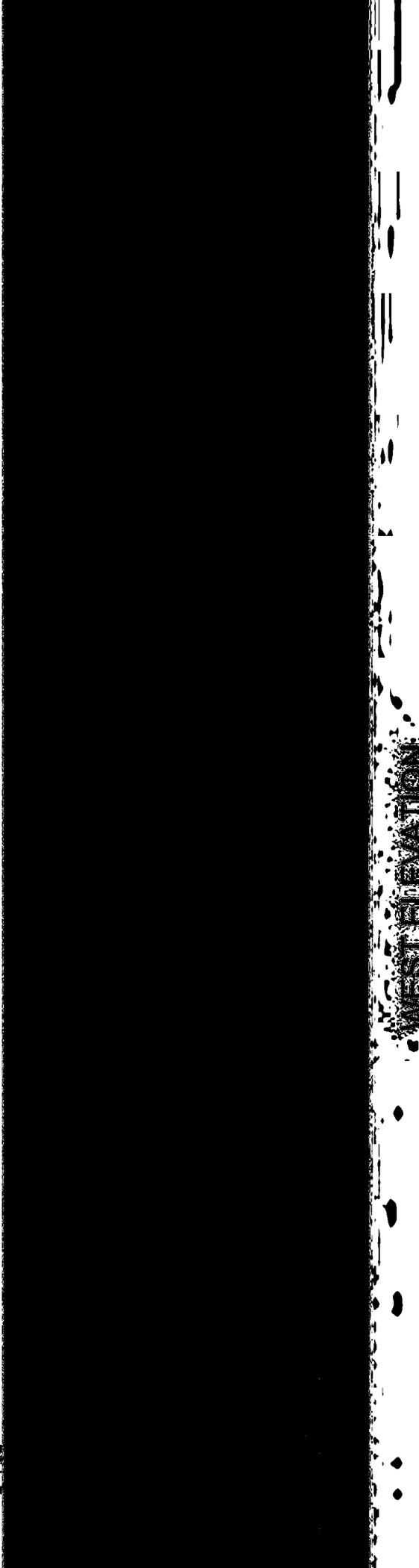
Orclly AUTO PARIS

REGENERATION

REGENERATION



NORHEAVEN



**ORDINANCE NO. 09-12-825**

**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 CHANGING THE ZONING CLASSIFICATION ON APPROXIMATELY 6.635 ACRES OUT OF THE JAMES MAXWELL SURVEY, ABSTRACT NO. 582, LOCATED IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE FOR ALL PURPOSES, FROM R (RETAIL) DISTRICT TO PD (PLANNED DEVELOPMENT) DISTRICT FOR RETAIL AND OFFICE USES WITH CONDITIONS HERETO DESCRIBED 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 change the zoning classification from R (Retail) District to PD (Planned Development) District for Retail and Office Uses with conditions for the property described as 6.635 acres, more or less, in the James Maxwell Survey, Abstract No. 582, in the City of Murphy, Collin County, Texas, and more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes.

**Section 2.** That the development standards for this Planned Development District are attached hereto as Exhibit "B", and the same are hereby approved for said Planned Development District as required by Section 86-603, 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 7th day of December 2009.

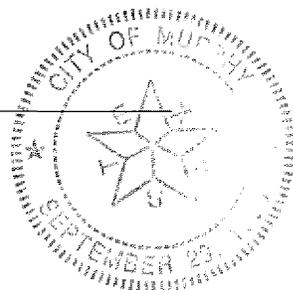


\_\_\_\_\_  
Bret M. Baldwin, Mayor  
City of Murphy

ATTEST:



\_\_\_\_\_  
Aimee Nemer, City Secretary  
City of Murphy



STATE OF TEXAS  
COUNTY OF COLLIN

WHEREAS, Murphy/McCreary, Ltd. is the owner of a tract of land situated in the James Maxwell Survey, Abstract No. 582 and being a portion of that tract of land described in a deed to Murphy/McCreary, Ltd. as recorded in County Clerks Doc. No. 20080826001032940 of the Deed Records of Collin County, Texas (DRCCT).

BEGINNING at an X-Cut found in the northerly right-of-way line of FM 544, said point also being the most southwesterly corner of Block A, Lot 1 of America's Country Store Addition, an addition to the City of Murphy as recorded in Cabinet F, Page 114.

THENCE along the northerly right-of-way line of said FM 544 as follows:

North 89 deg 35 min 26 sec West a distance of 192.64 feet to a point for corner from which a Brass Monument bears North 85 deg 03 min 55 sec East a distance of 2.55 feet;

North 80 deg 30 min 07 sec West a distance of 151.77 feet to a point for corner from which a 1/2 inch iron rod found bears South 45 deg 20 min 34 sec East a distance of 3.67 feet, said point being the most southwesterly corner of a tract of land described in a deed to Murphy Four Venture L.P. as recorded in County Clerks Doc. No. 20080815000996690 (DRCCT);

THENCE departing the northerly right-of-way line of said FM 544 along the easterly line of said Murphy Four Venture L.P. tract North 00 deg 32 min 51 sec East a distance of 615.15 feet to a 1/2 inch iron rod with a red plastic cap stamped "W.A.I." set for the most northwesterly corner of said Murphy Four Venture L.P. tract, said iron rod also being in the southerly right-of-way line of the Dart Area Rapid Transit (a 100' right-of-way);

THENCE along the southerly right-of-way line of the Dart Area Rapid Transit South 83 deg 30 min 03 sec East a distance of 592.67 feet to a 1/2 inch iron rod found for corner, said point being the most northwesterly corner of Lot 2A of the One-Plus-One Addition, an addition to the City of Murphy as recorded in Cabinet P, Page 113;

THENCE departing the southerly right-of-way line of the Dart Area Rapid Transit and along the westerly line of said Lot 2A South 02 deg 12 min 36 sec West a distance of 304.53 feet to an X-Cut Set for corner, said point being the most southwesterly corner of said Lot 2A, and the most northeasterly corner of said America's Country Store Addition;

THENCE departing the westerly line of said Lot 2A and along the northerly and westerly lines of said America's Country Store Addition as follows:

North 89 deg 35 min 26 sec West a distance of 230.18 feet to an X-Cut Found for corner;

South 02 deg 12 min 42 sec West a distance of 272.00 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 6.635 Acres of 289,021 Square Feet of land, more or less.

Bearings cited herein are based on an on the ground survey performed in the field using GPS measurements.

**ZONING FILE NO. 2009-13**  
**FM 544, west of McCreary Road**  
**PLANNED DEVELOPMENT CONDITIONS**

- I. **Statement of Intent:** The intent of this Planned Development District is to provide high quality retail and office development that is consistent with the Comprehensive Plan and that is beneficial and complementary to the City of Murphy in terms of visual identity.
- II. **Statement of Purpose:** The purpose of this Planned Development District is to ensure that any development that occurs within the area designated by this Planned Development encourage a mixed-use application including, but not limited to the following.
  - Restaurants;
  - Offices;
  - Medical Facilities;
  - Service Businesses
- III. **Statement of Effect:** This Planned Development shall not affect any regulation found in the City of Murphy Code of Ordinances, Ordinance No. 06-12-708, as amended, except as specifically provided herein.
- IV. **General Regulations:** All regulations of the R (Retail) District set forth in Chapter 86, Article III, Division 14 of the Code of Ordinances are included by reference and shall apply, except as otherwise specified by this ordinance.
- V. **Development Plans:**
  - A. Concept Plan: Development shall be in general conformance with the approved concept plan set forth in Exhibit C1 and C2; however, in the event of conflict between the concept plan and the conditions, the conditions shall prevail.
  - B. Conceptual Landscape Plan: Development shall be in general conformance with the approved conceptual landscape plan set forth in Exhibit D1 and D2; however, in the event of conflict between the landscape plan and the conditions, the conditions shall prevail.
  - C. Conceptual Exterior Elevation Plan: Development shall be in general conformance with the approved conceptual exterior elevations as set forth in Exhibit E; however, in the event of conflict between the exterior elevations and the conditions, the conditions shall prevail.
  - D. Conceptual Signage Plan: Development shall be in general conformance with the approved conceptual signage plan set forth in Exhibit F; however, in the event of conflict between the signage plan and the conditions, the conditions shall prevail.
  - E. Concept Plan, Conceptual Landscape Plan, Conceptual Exterior Elevation Plan, and Conceptual Signage Plan approval shall be for a period of one (1) year from the date of City Council action on the plan. If within that one-year period a site plan has been submitted for a portion of the development, then the Concept Plan shall be deemed to have no expiration date. Site plans shall be valid for a period of one year from the date of City Council action on the plan.

- F. Site Plan: Before development can begin, a site plan shall be submitted in accordance with the requirements set forth in Chapter 86, Article II, Division 7 of the City of Murphy Code of Ordinances. The site plan may be for all or any part of the land within the Planned Development District.

**VI. Specific Regulations:**

- A. Permitted Uses. The following uses shall be permitted.
1. Amusement Services (Indoors)
  2. Amusement Service (Outdoors) (SUP)
  3. Antique Shop (household items; no outside storage)
  4. Art Dealer/Gallery
  5. Artist Studio
  6. Automobile Driving School (including Defensive Driving) (SUP)
  7. Automotive Repair (Major) (SUP)
  8. Automotive Repair (Minor)
  9. Bakery (Retail)
  10. Bank (SUP)
  11. Barber/Beauty Shop (non-college)
  12. Barber/Beauty Shop College (SUP)
  13. Bed and Breakfast Inn (SUP)
  14. Book Store
  15. Building Material Sales
  16. Cafeteria
  17. Child Day Care (Business)
  18. Church/Place of Worship
  19. Clinic (Medical)
  20. Computer Sales
  21. Confectionary Store (Retail)
  22. Convenience Store without Gasoline Sales
  23. Convenience Store with Gasoline Sales (SUP)
  24. Credit Unions (SUP)
  25. Department Store
  26. Dinner Theater
  27. Emergency Care Clinic
  28. Feed and Grain Store
  29. Financial Services (Advice/Invest)
  30. Food or Grocery Store
  31. Florist
  32. Full Service Car Wash (Detail Shop)
  33. Furniture Sales (Indoor)
  34. Hardware Store
  35. Hay, Grain and/or Feed Sales
  36. Health Club (Physical Fitness; Indoors Only; Less than 10,000 square feet)
  37. Health Club (Physical Fitness; Indoors Only) (SUP)
  38. Hospital (Acute Care/Chronic Care)
  39. Hotel/Motel, Full Service (SUP)
  40. Hotel/Motel, Limited Service (SUP)

**EXHIBIT B**

41. Home Improvement Center
42. Insurance Agency Offices
43. Laundry/Dry Cleaning (Drop Off/Pickup)
44. Locksmith
45. Major Appliance Sales (Indoor)
46. Martial Arts School
47. Motion Picture Studio, Commercial Film
48. Museum (Indoors Only)
49. Offices (Brokerage Services)
50. Offices (Health Services)
51. Offices (Legal Services)
52. Offices (Medical Office)
53. Offices (Professional)
54. Pet Shop/Supplies
55. Pharmacy (SUP)
56. Philanthropic Organization (SUP)
57. Photo Studio
58. Photocopying/Duplicating
59. Plant Nursery (Retail Sales/Outdoor Storage) (SUP)
60. Propane Sales (Retail) (SUP)
61. Quick Lube/Oil Change/Minor Inspection
62. Restaurant
63. Restaurant (Drive-In)
64. Retail Store (Misc.)
65. Security Monitoring Company (No Outside Storage)
66. School, K through 12 (Public)
67. Skating Rink (Ice) (SUP)
68. Studio for Radio or Television (without tower)
69. Tailor Shop
70. Theater (Non Motion Picture; Live Drama)
71. Tire Sales (No Open Storage)
72. Tool Rental (Indoor Storage Only)
73. Travel Agency
74. Vacuum Cleaner Sales and Repair
75. Video Rental/Sales

B. Area Regulations:

1. Minimum Size of Lot/Tract: There shall be no minimum lot/tract area required.
2. Minimum Lot/Tract Width: There shall be no minimum lot/tract width except for lots fronting FM 544, which shall be 120 feet.
3. Minimum Lot/Tract Depth: There shall be no minimum lot/tract depth required.
4. Lot Frontage: Only one (1) lot within the boundaries of this Planned Development District shall have frontage on FM 544.

C. Parking, Driveways & Sidewalks:

**EXHIBIT B**

1. Parking areas shall not be permitted within any landscape buffer strip.
2. Fire lanes, driveway, loading areas and access easements shall be paved in accordance with the minimum design standards of the City of Murphy codes and ordinances.
3. The number of required parking spaces shall be dependent upon the use and shall meet the requirements of the City of Murphy Code of Ordinances. No required parking space may be occupied by signs, cart corrals, merchandise, or display items at any time.
4. Sidewalks along FM 544 shall be a minimum of 8 feet in width.

D. Loading and Unloading

1. Truck loading berths and apron space shall not be located on the street side of any building, however, and exceptions can be addressed during site plan approval. In those instances where 3 or more sides of the building face dedicated streets, the loading berth shall be screened from view.
2. Truck loading berths and apron space shall not be located within any required setback or landscape buffer strip.

E. Minimum Exterior Construction Standards, Building Materials and Design – Exterior Construction and Design Requirements shall comply with Chapter 28 of the Code of Ordinances and shall be architecturally compatible and comply with the following.

1. All structures, including all building elevations, shall be constructed utilizing a unified design that is substantially consistent with or contains architectural design elements including but not limited to the following.
  - a. Canopies and awnings.
  - b. Outdoor patios.
  - c. Display windows/decorative windows.
  - d. Architectural details (such as decorative tile or brick work) integrated into the building façade.
  - e. Integrated planters or wing walls that incorporate landscape and/or sitting areas
  - f. Articulated cornice line.
  - g. Peaked roof form.
  - h. Accent materials (minimum 15% of exterior facade)
  - i. Other architectural features as approved with the site plan.
2. At least two masonry materials shall be used in addition to glass on any single building. The following masonry materials shall be allowed.
  - a. Brick

- b. Cast Stone
  - c. Decorative concrete tilt wall
  - d. EIFS and Stucco (limited to no more than 12% total)
  - e. Stone
  - f. Wrought Iron (for decorative overhangs)
3. Color schemes shall reflect a certain quality and expression consistent with the architectural character and design of the structure. Accent colors may be used to identify architectural features or highlight details. The use of primary or garish colors shall not be predominately used on the exterior facade of any structure.
  4. Stand fans, skylights, cooling towers, communication towers, satellite dishes, vents, and any other structures or equipment, whether located on the roof or elsewhere, shall be architecturally compatible or effectively shielded from view from any public or private dedicated street by an architecturally sound method.
  5. Each commercial building, complex of buildings, or separate commercial business enterprises shall have a trash bin on the premises adequate to handle the trash and waste items generated, manufactured, or acquired thereon by such commercial activities. The sorting, handling, moving, storing, removing and disposing of all waste materials must be housed or screened from view.
  6. Building roofs shall be so designed and constructed to prevent water ponding and to shed water in a reasonable amount of time. Built-up roofs and roof-top items which include equipment, piping, flashing, and other items shall be maintained for continuity of the roof appearance.
  7. Roof top equipment, piping, flashing, and other items on the roof shall be screened by a perimeter parapet wall so as not to be visible from roadways.
  8. In all cases, mechanical equipment on roofs and outcroppings should be clad by a like building material or painted with a color scheme similar to the principal structure walls or roof.
- F. Landscape Standards. Landscaping shall comply with Chapter 28 of the Code of Ordinances and except as provided below.
1. All landscaping shall use a unified design for the entire Tract. Landscaping shall be required on all developments within the Planned Development District and shall be complete prior to the issuance of any certificate of occupancy or final building inspection for the development. An automatic underground irrigation system shall be installed and maintained for all required landscaping and shall be in place and operable at time of planting.
  2. A landscape buffer shall be provided 15 feet in depth adjacent to the right-of-way of FM 544. No parking may be placed within any landscape

**EXHIBIT B**

buffer. Pedestrian easements may be located within a landscape buffer. The width of the sidewalk may be included in the calculation of the buffer depth.

3. A landscape buffer shall be provided for an average of 5 feet in depth adjacent to the KCS/DART Railroad right-of-way.

4. Parking Lots:

a. A minimum percentage of the parking area shall be landscaped according to the following requirements. Such landscaping shall be distributed within the parking area, occurring within medians, islands, or peninsulas. All such landscape areas shall be protected by concrete curbing or other acceptable devices which prohibit vehicular access to landscaped areas. Bumper overhang shall not be included as part of required landscaping. A permeable area no less than four (4) feet by four (4) feet shall be provided surrounding each tree located in a surface parking area.

1. A total of five (5) percent of the interior of the entire parking lot regardless of location, shall be landscaped. One large tree or three (3) ornamental trees from the Plant List, shall be provided for each twelve (12) parking spaces, and planted within the five (5) percent area. Trees shall be distributed so that bays of parking spaces shall not exceed eighteen (18) spaces in length.

5. Existing trees on site shall be able to be removed without mitigation if located with a building area footprint or fire lane or required parking space.

G. Screening. Screening shall comply with the standards set forth in Chapter 28 in the Code of Ordinances.

H. Site Lighting. Lighting shall comply with the standards set forth in Chapter 28 in the Code of Ordinances, except as provided below.

I. Signage and Graphics: Signage shall comply with the standards set forth in Exhibit F and Chapter 28 in the Code of Ordinances, except as provided below.

1. General

a. Single Tenant or Dual Tenant Monument signs - One (1) monument sign shall be allowed on each pad site and shall be limited to a maximum sign area of 40 square feet and a maximum structure area of 80 square feet. Should Lot 9 (as shown on the concept plan) develop as one lot, one sign will be permitted with one entity. Should Lot 9 develop as two lots, the two entities may share the available sign area of one sign.

b. Shopping Center sign – One (1) shopping center sign shall be permitted as shown on Exhibit F. The pylon sign shall be limited to a

maximum sign area of 150 square feet and a maximum structure area of 200 square feet.

2. Single Tenant Monument Signs

- a. Monument signs shall identify individual tenants or uses within a pad site. Monument signs shall be a maximum of seven (7) feet tall.
- b. All single tenant monument signs shall be double-sided, internally illuminated Plexiglas sign panels contained within a masonry structure. Single tenant monument signage may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit. Light fixtures should be screened from view in front of the sign.
- c. Monument signs shall be located at a setback distance of not less than eight (8) feet from the right-of-way line of any adjacent street and incorporated within the landscaping area or buffer.
- d. Construction of monument signs shall include a base of material compatible with the material used for buildings.

3. Shopping Center Signs

- a. Pylon signs shall be constructed at a height not to exceed twenty (20) feet.
- b. The base of a pylon sign shall be located at a setback distance of not less than eight (8) feet from the right-of-way line of any adjacent street and may be incorporated within the landscaping area or buffer.
- c. All pylon signs shall be double-sided, internally illuminated Plexiglas sign panels contained within a masonry structure. Pylon signs may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit. Light fixtures should be screened from view in front of the sign.
- d. Construction of pylon signs shall include a base of material compatible with the material used for buildings.

4. Attached Signage: Attached signage shall comply with Chapter 28 in the Code of Ordinances.

5. Temporary Marketing Signage

- a. Four (4) quality temporary marketing signs shall be permitted for the proposed development. These signs shall for a term of twelve (12) months from the date of installation.
- b. The maximum signage area will be 96 square feet. The maximum height shall be 8 feet.
- c. All other temporary signage not specifically referred to in the Signage Criteria package or in this section shall comply with the City of Murphy standards.

- d. Temporary signs are not required to be constructed of the material used for buildings.

**VII. Special Regulations:**

1. Utility/Power Lines: New utility distribution and service lines for individual business establishments, buildings, signs and for any other site development features shall be placed underground.
2. Cross-Access Requirement: A joint access (i.e. – ingress, egress) easement shall be required to minimize the number of driveway openings along FM 544. The location(s) of access easement(s) shall be shown on the site plan and shall comply with the Texas Department of Transportation (TxDOT) Access Management Standards.



CANTERRA OFFICE PARK - SITE DATA SUMMARY CHART										
ZONING ALL LOTS = PD RESERVE										
LOT No.	1	2	3	4	5	6	7	8	9	TOTAL
SITE AREA	25,898 sf 0.595 Ac.	21,044 sf 0.483 Ac.	20,977 sf 0.482 Ac.	24,201 sf 0.556 Ac.	12,802 sf 0.294 Ac.	19,460 sf 0.447 Ac.	21,994 sf 0.505 Ac.	61,454 sf 1.411 Ac.	61,262 sf 1.366 Ac.	227,678 sf 6.638 Ac.
USE	OFFICE	DAYCARE	REST.							
BLDG. AREA	5,400 sf	4,800 sf	17,500 sf	6,939 sf	41,139 sf					
COVERAGE	21%	23%	23%	20%	37%	25%	22%	28%	9%	18%
PKG. SPCS. REQ'D.	18	16	16	16	16	16	16	*	70	184
OFFICE	300 /sf		100 /sf							
PKG. SPCS. REQ'D.	36	32	32	32	32	32	32	*	70	298
MEDICAL OFFICE	150 /sf		100 /sf							
PKG. SPCS. PROV.	28	30	31	34	17	25	22	38	99	324
H.C. PKG. REQ'D.	1	1	1	1	1	1	1	0	4	11
H.C. PKG. PROV.	1	1	1	1	1	1	1	0	4	11

\* PARKING REQUIRED CALCULATED AS FOLLOWS:

One (1) space per ten (10) pupils (based upon maximum occupancy and/or licensing capacity), plus one (1) space per teacher, plus one (1) space for each bus or van stored on the property (and sized to accommodate the vehicle); also see stacking requirements in Subsection 38.4.D).

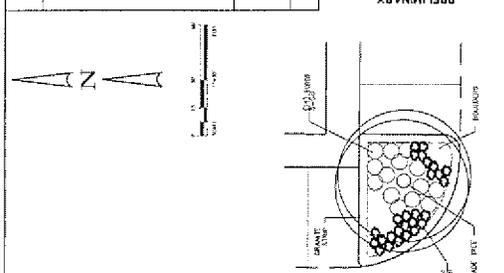
NOTES:

1. ALL WATER FITTINGS TO BE MEGA LUG.
2. ALL FITTINGS MADE IN THE U.S.A. ONLY.
3. ALL WATER METERS MUST BE 2"
4. PARKING LOT PAVEMENT SHALL BE 6"
5. ALL FIRE HYDRANTS TO BE MUELLER BRAND.
6. PRE-CON MEETING REQUIRED BEFORE CONSTRUCTION BEGINS.
7. VISIBILITY EASEMENTS ARE REQUIRED AT EACH DRIVEWAY.
8. A SUP WILL BE REQUIRED FOR THE DAYCARE WITHIN THE EXISTING ZONING.
9. BUILDING WALLS LOCATED LESS THAN 10 FEET FROM PROPERTY LINES WILL REQUIRE FIRE RESISTIVE CONSTRUCTION AND OPENING PROTECTION IN ACCORDANCE WITH 2006 INTERNATIONAL BUILDING CODE TABLES 602 AND 704.8.
10. SPRINKLER SYSTEMS ARE REQUIRED IN ALL BUILDINGS 6,000 S.F. OR MORE, AND MUST BE INSTALLED PER APPLICABLE NFPA STANDARDS.
11. FIRE DEPT. CONNECTION LOCATION MUST BE LOCATED WITHIN 100 FT. OF A FIRE HYDRANT, WHERE APPLICABLE.
12. FIRE LANES MUST BE INSTALLED AND STRIPED BEFORE VERTICAL CONSTRUCTION CAN BEGIN, AND FIRE LANES MUST BE MAINTAINED AT ALL TIMES (501.4)
13. FIRE DEPT. CONNECTIONS, WHERE APPLICABLE, MUST HAVE A KNOX® FIVE-INCH STORZ LOCKING CAP.
14. RISER ROOMS/FIRE EQUIP. ROOMS MUST BE CLEARLY MARKED (510.1) AND HAVE AN EXTERIOR DOOR OPENING TO THE RISER ROOM.

PRELIMINARY RELEASE FOR REVIEW PURPOSES ONLY ALL RIGHTS RESERVED ALL INFORMATION IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE	11/27/2009 DATE									
Winkelmann & Associates, Inc. 222 MARSHALL DRIVE, SUITE 150 MURPHY, TEXAS 75080 PHONE: 972-741-9888 FAX: 972-741-9889 WWW.WINKELMANN-AND-ASSOCIATES.COM										
EXHIBIT 'C-2' CONCEPT PLAN CANTERRA OFFICE PARK 6.638 ACRES MURPHY, TEXAS										
Sheet: 1 - of 47 Date: 11/27/09 For: J2101262483 Project No: J2101262483										
DWG NO. 11/27/09										

CANTERA OFFICE PARK  
 CONCEPT PLAN  
 EXHIBIT 'D-1'

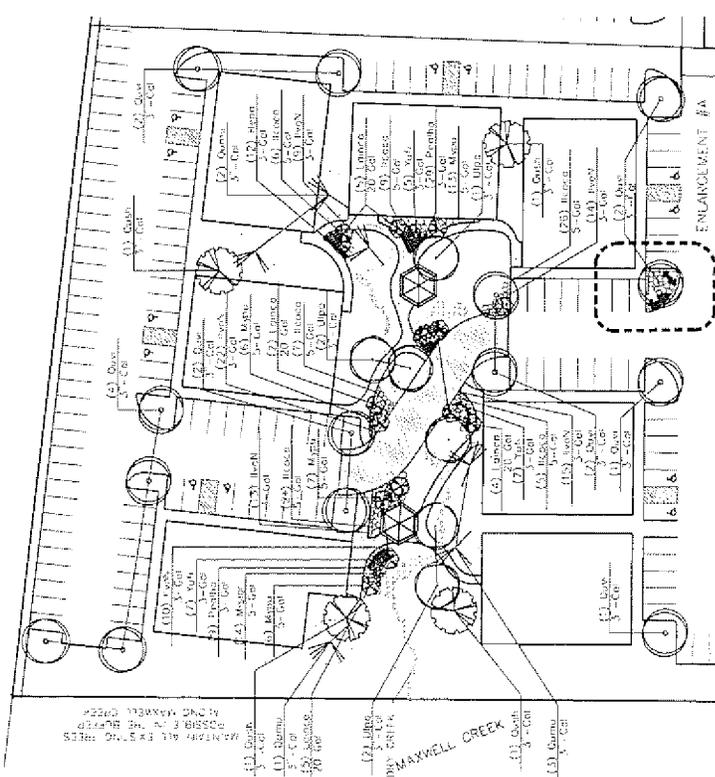
RETURNED TO THE DESIGNER FOR REVISIONS ONLY  
 THIS PLAN IS PRELIMINARY AND IS NOT TO BE USED FOR CONSTRUCTION OR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE DESIGNER.  
 Winkelmann & Associates, Inc.  
 222 WINDSOR DRIVE, SUITE 150  
 RICHARDSON, TEXAS 75080  
 972-321-8888



ENLARGEMENT #1  
 TYP. PARKING ISLAND

Quantity	Symbol	Scientific Name	Common Name	Color Name	Planting Size	Comments
4	(1)	Quercus phellos	Shoebud Oak	Green	3" - Cal	B & B
14	(2)	Quercus virginiana	Southern live oak	Dark	3" - Cal	B & B
10	(3)	Quercus muhlenbergii	Chinquapin Oak	Dark	3" - Cal	B & B
11	(4)	Ulmus crassifolia	Cedar elm	Light	3" - Cal	B & B
20	(5)	Ulmus floridus	Loblack elm	Light	3" - Cal	B & B
11	(6)	Malvaceae	Swampmallow	Light	8" - 10"	B - 10"
6	(7)	Palmetto	Swamp palmetto	Light	2" - Cal	B & B
17	(8)	Leptochloa spicata	Common Panicum	Light	2" - Cal	B & B
4	(9)	Spartina patens	Cattail	Light	20" Cal	3' x 3' x 3' min
83	(10)	Impatiens	White Impatiens	Light	2" - Cal	B & B
88	(11)	Impatiens	White Impatiens	Light	3" - Cal	24" OC
19	(12)	Miscanthus sinensis	Chinese reed	Light	3" - Cal	36" OC
17	(13)	Muhlenbergia floridana	Florida Muhlenbergia	Light	5" - Cal	36" OC
55	(14)	Panicum capillare	Common Panicum	Light	5" - Cal	24" OC
17	(15)	Impatiens	White Impatiens	Light	3" - Cal	36" OC
18	(16)	Muhlenbergia floridana	Florida Muhlenbergia	Light	5" - Cal	36" OC

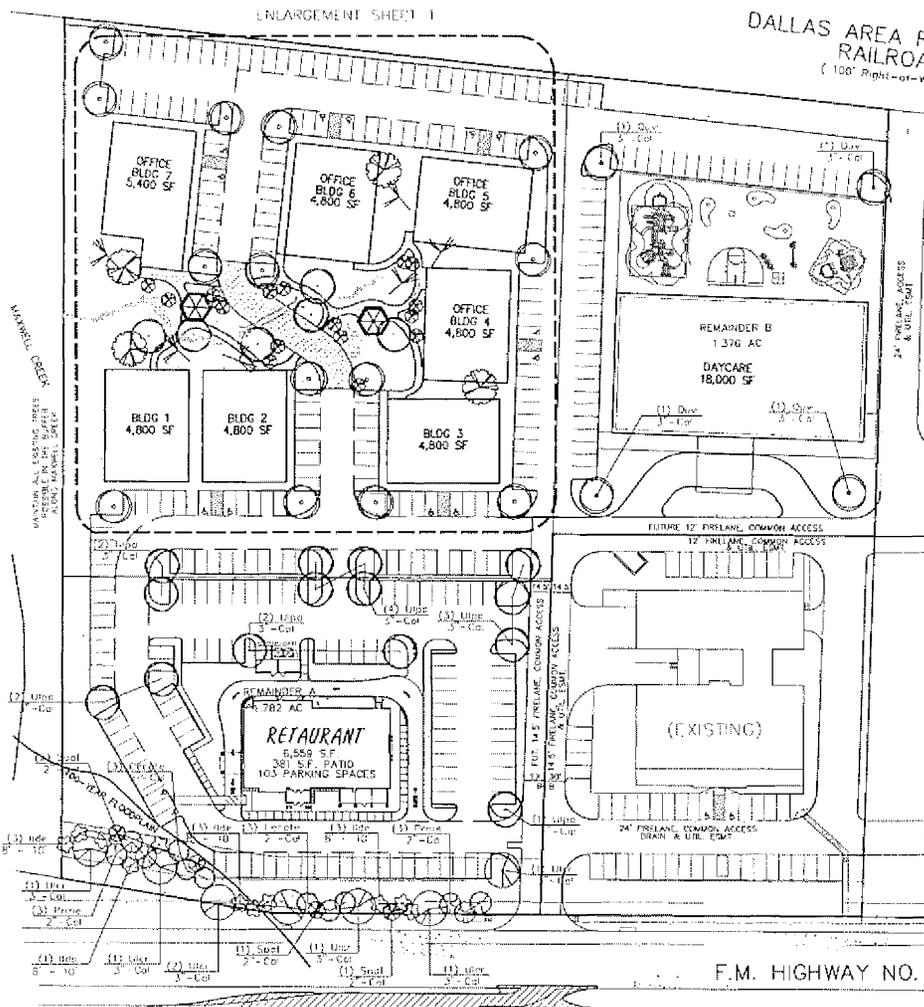
A PLANNED DEVELOPMENT WILL NEED TO BE  
 ESTABLISHED TO ALLOW FOR LOTS WITHOUT  
 STREET FRONTAGE.



**DFL Group, LLC**  
 10000 WEST LOOP SOUTH, SUITE 1000  
 HOUSTON, TEXAS 77042  
 281.410.0000  
 WWW.DFLGROUP.COM

ENLARGEMENT SHEET 1

DALLAS AREA R  
RAILROA  
(100' Right-of-Way)



A PLANNED DEVELOPMENT WILL NEED TO BE ESTABLISHED TO ALLOW FOR LOTS WITHOUT STREET FRONTAGE.

CITY OF MURPHY LANDSCAPE REQUIREMENTS

NO.	DESCRIPTION	REQUIREMENT	PROPOSED
1	MINIMUM LOT AREA TO BE LANDSCAPED	1000 SQ. FT.	1000 SQ. FT.
2	MINIMUM PERCENTAGE OF LOT AREA TO BE LANDSCAPED	10%	10%
3	MINIMUM NUMBER OF TREES PER LOT	10	10
4	MINIMUM NUMBER OF SHRUBS PER LOT	10	10
5	MINIMUM NUMBER OF PERENNIALS PER LOT	10	10
6	MINIMUM NUMBER OF ANNUALS PER LOT	10	10
7	MINIMUM NUMBER OF PALMS PER LOT	10	10
8	MINIMUM NUMBER OF BUSHES PER LOT	10	10
9	MINIMUM NUMBER OF VINES PER LOT	10	10
10	MINIMUM NUMBER OF TREES PER LOT	10	10
11	MINIMUM NUMBER OF SHRUBS PER LOT	10	10
12	MINIMUM NUMBER OF PERENNIALS PER LOT	10	10
13	MINIMUM NUMBER OF ANNUALS PER LOT	10	10
14	MINIMUM NUMBER OF PALMS PER LOT	10	10
15	MINIMUM NUMBER OF BUSHES PER LOT	10	10
16	MINIMUM NUMBER OF VINES PER LOT	10	10
17	MINIMUM NUMBER OF TREES PER LOT	10	10
18	MINIMUM NUMBER OF SHRUBS PER LOT	10	10
19	MINIMUM NUMBER OF PERENNIALS PER LOT	10	10
20	MINIMUM NUMBER OF ANNUALS PER LOT	10	10
21	MINIMUM NUMBER OF PALMS PER LOT	10	10
22	MINIMUM NUMBER OF BUSHES PER LOT	10	10
23	MINIMUM NUMBER OF VINES PER LOT	10	10
24	MINIMUM NUMBER OF TREES PER LOT	10	10
25	MINIMUM NUMBER OF SHRUBS PER LOT	10	10
26	MINIMUM NUMBER OF PERENNIALS PER LOT	10	10
27	MINIMUM NUMBER OF ANNUALS PER LOT	10	10
28	MINIMUM NUMBER OF PALMS PER LOT	10	10
29	MINIMUM NUMBER OF BUSHES PER LOT	10	10
30	MINIMUM NUMBER OF VINES PER LOT	10	10

- PLANTING NOTES:
1. PLANT SIZE, TYPE, AND CONDITION SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE.
  2. ALL PLANT MATERIAL TO BE NURSERY GROWN STOCK.
  3. CONTRACTOR RESPONSIBLE FOR MAINTENANCE OF ALL PLANT MATERIAL UNTIL PROJECT ACCEPTANCE.
  4. ALL CONTAINERS GROWN PLANTS TO HAVE FULL VIGOROUS ROOT SYSTEM COMPLETELY ENCOMPASSING CONTAINER.
  5. ALL PLANTS WELL BRANCHED AND FULLY BRANCHED ALL TREES WITH SPREAD 2/3 OF HEIGHT.
  6. CONTRACTOR TO PROVIDE OWNER WITH PREPARED MAINTENANCE SCHEDULE OF ALL PLANTS AND LAWNS.
  7. MAINTAIN/PROTECT VISIBILITY TRIANGLE WITH PLANT MATERIAL PER CITY STANDARDS AT ALL INTERSECTIONS TO CITY.
  8. PREP ENTIRE WIDTH OF ALL DEFINED PLANTING BEDS WITH MIX AS OBTAINED IN SPEC'S WHERE SHIMERS ARE LOCATED ALONG CURBS, SET SHIMMERS BACK FROM CURB 3 FT.
  9. SEE DETAIL SHEET FOLLOWING FOR PLANTING DETAILS.
  10. CONTRACTOR RESPONSIBLE FOR LOCATION OF ALL UTILITIES, INCLUDING BUT NOT LIMITED TO TELEPHONE, TELEGRAPH, ELECTRIC, GAS, WATER AND SEWER, AND DAMAGE TO UTILITIES TO BE REPAIRED BY CONTRACTOR AT NO COST TO OWNER.
  11. IF EXISTING TREES ARE CHAINED TO REMAIN, CONTRACTOR SHALL PRUNE AS DIRECTED BY OWNER'S REPRESENTATIVE. WORK TO INCLUDE REMOVAL OF ALL SUCKER GROWTH, DEAD AND DETAILED BRANCHES AND LIMBS, SNIPS, BRIMS AND OTHER HAZARDOUS GROWTH, AND ALL INTERFERING BRANCHES. MAKE ALL CUTS FLUSH TO REMAINING LEAVE, RETAIN NATURAL SHAPE OF PLANT. ALL WORK SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE.
  12. QUANTITIES ARE PROVIDED AS A COURTESY AND NOT INTENDED FOR BID PURPOSES. CONTRACTOR TO VERIFY PRIOR TO PRICING.
  13. INSTALL LEDGING BETWEEN LAWN AND PLANTING BEDS. REFER TO SPECIFICATIONS, FILE ALL COVERING SMOOTH.
  14. INSTALL CURBLET (OR EQUAL) PER MANUFACTURER'S INSTRUCTIONS ON ALL DRIVEWAYS/SHIMMERS BEDS WITH A SLOPE OF 4:1 OR GREATER.
  15. AT TIME OF PLAN PREPARATION, SEASONAL PLANT AVAILABILITY CANNOT BE DETERMINED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO SECURE AND RESERVE ALL BAB PLANTS WHEN AVAILABLE IN CASE ACTUAL INSTALLATION OCCURS DURING THE OFF-SEASON. PURCHASE AND HOLD BAB PLANTS FOR LATE SEASON INSTALLATION.
  16. SHOW ALL PARKING LOT ISLANDS AS SHOWN ON ENCLOSED DETAIL SHEET. (ISLANDS MAY NOT BE SHOWN ON GRADING PLAN.)



PRELIMINARY  
RECORDED  
MURPHY COUNTY, TEXAS  
PROFESSIONAL SURVEY NO. 382

**Winkelmann & Associates, Inc.**  
10000 W. LBJ Fwy., Suite 1000  
Dallas, Texas 75241  
Tel: 972-797-8888

EXHIBIT 'D-2'  
CONCEPT PLAN  
CANTERRA OFFICE PARK  
MURPHY TEXAS

Scale: 1" = 40'  
Date: 10/22/08  
Proj. No.: 08-010-0-019  
Project No.: 08101 (01/0)

**DFL Group, LLC**  
PLANNING • LANDSCAPE ARCHITECTURE  
10000 W. LBJ Fwy., Suite 1000  
Dallas, Texas 75241  
Tel: 972-797-8888

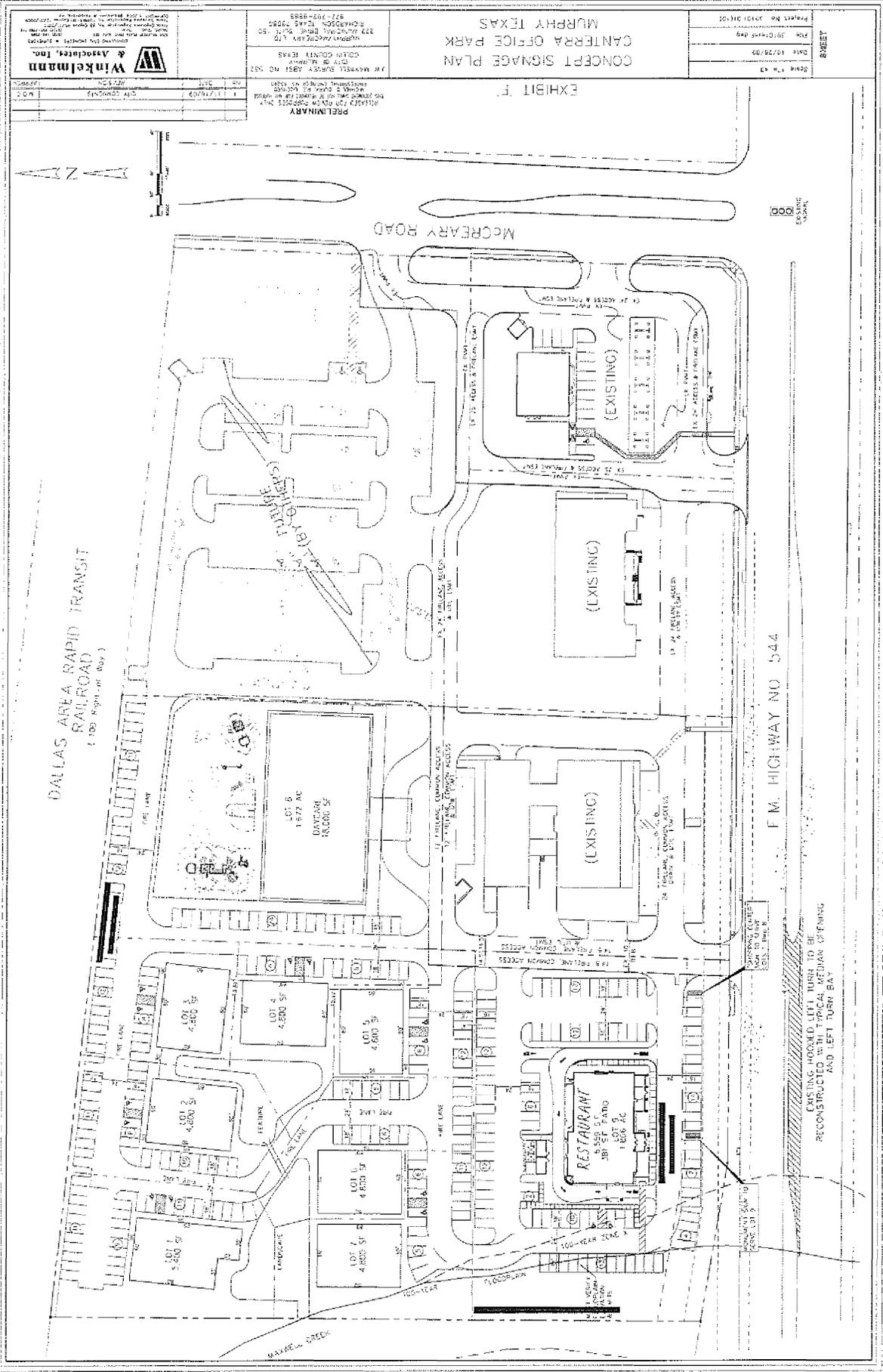
**CITY OF MURPHY**  
MURPHY COUNTY, TEXAS  
2200 W. LBJ Fwy., Suite 1000  
Murphy, Texas 75086  
Tel: 972-797-8888

8/2008

EXISTING HOODED LEFT TURN TO BE RECONSTRUCTED WITH TYPICAL MEDIAN OPENING AND LEFT TURN BAY

TEMPORARY IRRIGATION WILL BE REQUIRED TO ESTABLISH TURF IN ALL DISTURBED AREAS WITHOUT A PERMANENT IRRIGATION SYSTEM. HYDROMULCH & ESTABLISH TURF IN ALL DISTURBED AREAS AS IDENTIFIED ON GRADING AND EROSION CONTROL PLANS.





**Winkelmann & Associates, Inc.**  
 11111 West Loop South, Suite 1000  
 Dallas, Texas 75241  
 Phone: (214) 343-1111  
 Fax: (214) 343-1112  
 www.winkelmann.com

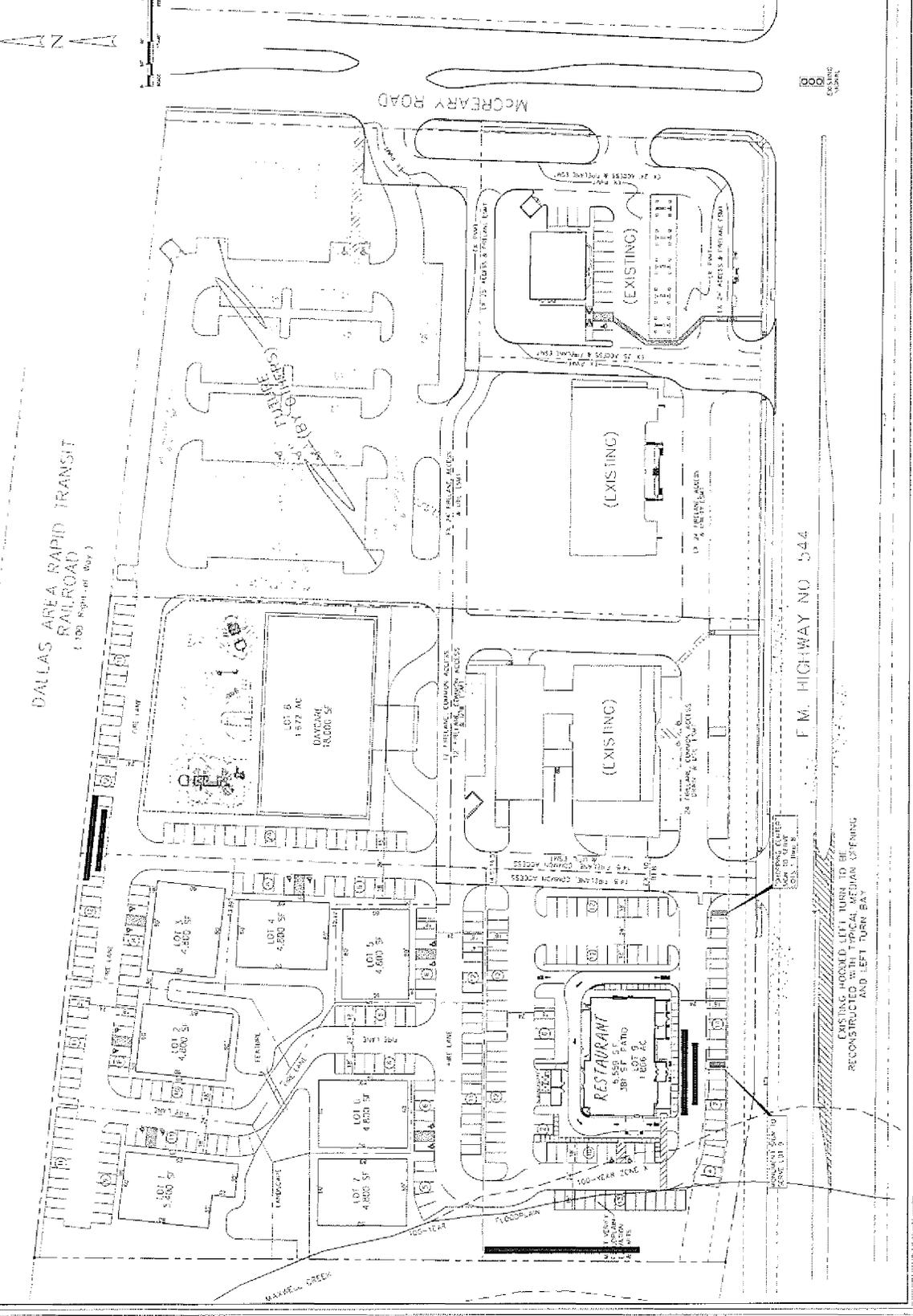
**CONCEPT SIGNAGE PLAN**  
**MURPHY TEXAS**  
**CANTERRA OFFICE PARK**  
**EXHIBIT F**

Project No.	200701001
Date	10/28/09
Scale	1" = 40'
Sheet	1 of 3

NO. 1	DATE	DESCRIPTION
1	11/17/09	ISSUED FOR REVIEW
2	12/01/09	ISSUED FOR PERMITS

**PRELIMINARY**  
 THIS PLAN IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE DESIGNER ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS PLAN.

CONSTRUCTION SHALL BE ACCORDING TO THE LATEST EDITION OF THE INTERNATIONAL BUILDING CODE (IBC) AND ALL APPLICABLE LOCAL ORDINANCES. THE DESIGNER ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS PLAN.



**Winkelmann & Associates, Inc.**  
 11111 West Loop South, Suite 1000  
 Dallas, Texas 75241  
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 Fax: (214) 343-1112  
 www.winkelmann.com

**CONCEPT SIGNAGE PLAN**  
**MURPHY TEXAS**  
**CANTERRA OFFICE PARK**  
**EXHIBIT F**

Project No.	200701001
Date	10/28/09
Scale	1" = 40'
Sheet	1 of 3

NO. 1	DATE	DESCRIPTION
1	11/17/09	ISSUED FOR REVIEW
2	12/01/09	ISSUED FOR PERMITS

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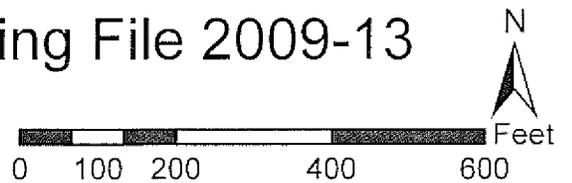
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**Legend**

 Subject Property

**Location Map - Zoning File 2009-13**



**Issue**

Consider and/or act upon the Construction Plat for **Rolling Ridge Estates, Phase 6** on property zoned PD (Planned Development) District No. 04-01-599 and No. 04-09-622 for Single Family Uses on property located at the northwest corner of West Betsy Lane and Oriole Drive.  
**Postponed from December 6, 2010**

**Owner(s):**

Shaddock Developers, Ltd.

**Zoning History**

Ordinance No. 04-01-599 – Adopted January 5, 2004, which changed the zoning from SF-1 (Single Family 1) District and SF-2 (Single Family 2) District to PD (Planned Development) District for Single Family Uses.

Ordinance No. 04-09-622 – Adopted September 20, 2004, which amended the Planned Development District tied to Ordinance No. 04-01-599 to allow porte-cochere type garages/entrances on unbuilt lots between 11,000 and 14,999 square feet.

**Background**

The proposed construction plat would allow for the development of the final phase of the subdivision known as Rolling Ridge Estates. For this development, the required minimum lot size is 9,000 square feet. The required minimum dwelling unit size is 2,250 square feet. The average lot size is proposed to be 13,607 square feet.

**Comprehensive Plan**

The 2008 Comprehensive Plan recommends “Low Density Residential” for the subject property. Low Density Residential is defined as single family detached homes on less than 40,000 square foot lots. This land use type primarily reflects the newer residential areas of Murphy, which are characterized by moderate-sized and smaller lots and which promote a more “suburban living” atmosphere. The proposed construction plat is consistent with the Comprehensive Plan.

**Transportation Strategy**

- **The Thoroughfare Plan** – The 2008 Thoroughfare Plan shows Oriole Drive, a Type D Minor Collector (Residential) on the eastern boundary of the site. A Type D roadway requires 60 feet of right-of-way. The plat indicates a 60 foot right-of-way. Oriole Drive has already been constructed.
- **Traffic Impact Analysis** –A Traffic Impact Analysis (TIA) is not required as the proposed subdivision will contain less than 100 lots.
- **Access** – Access to the development will be provided from Oriole Drive.

**Existing Utilities**

- **Water** – There is an 8 inch water line along Oriole Drive that will serve the subdivision. Water service will need to be extended to individual lots at the time of development.

- **Sanitary Sewer** – There is a 10 inch sanitary sewer line along the western edge of the subject property that will serve the subdivision. Sanitary sewer service will need to be extended to individual lots at the time of development.

**Parkland**

Section 70-104(b)(1) of the City of Murphy Code of Ordinances requires that the proposed subdivision dedicate parkland at the ratio of one acre of parkland for every 100 residential units developed with a minimum of five (5) acres in size. The required parkland dedication for the proposed subdivision is 0.5 acres. However, the required parkland was dedicated with the approval of Planned Development Districts No. 04-01-599, therefore, there is no parkland dedication required with this subdivision.

**Public Education**

The subject property lies within the Plano Independent School District. The subdivision would be served by Hunt Elementary School, Murphy Middle School, McMillen High School and Plano East Senior High School. The Plano Independent School District has not indicated an immediate need for an additional school in this area.

**Considerations**

N/A

**Staff Recommendation**

The proposed construction plat complies with all applicable ordinances; therefore, staff recommends approval of the construction plat as submitted.

**Board Recommendation**

At their October 25, 2010 meeting, the Planning and Zoning Commission, by a [6] to [0] vote; recommended to approve the request as recommended by staff.

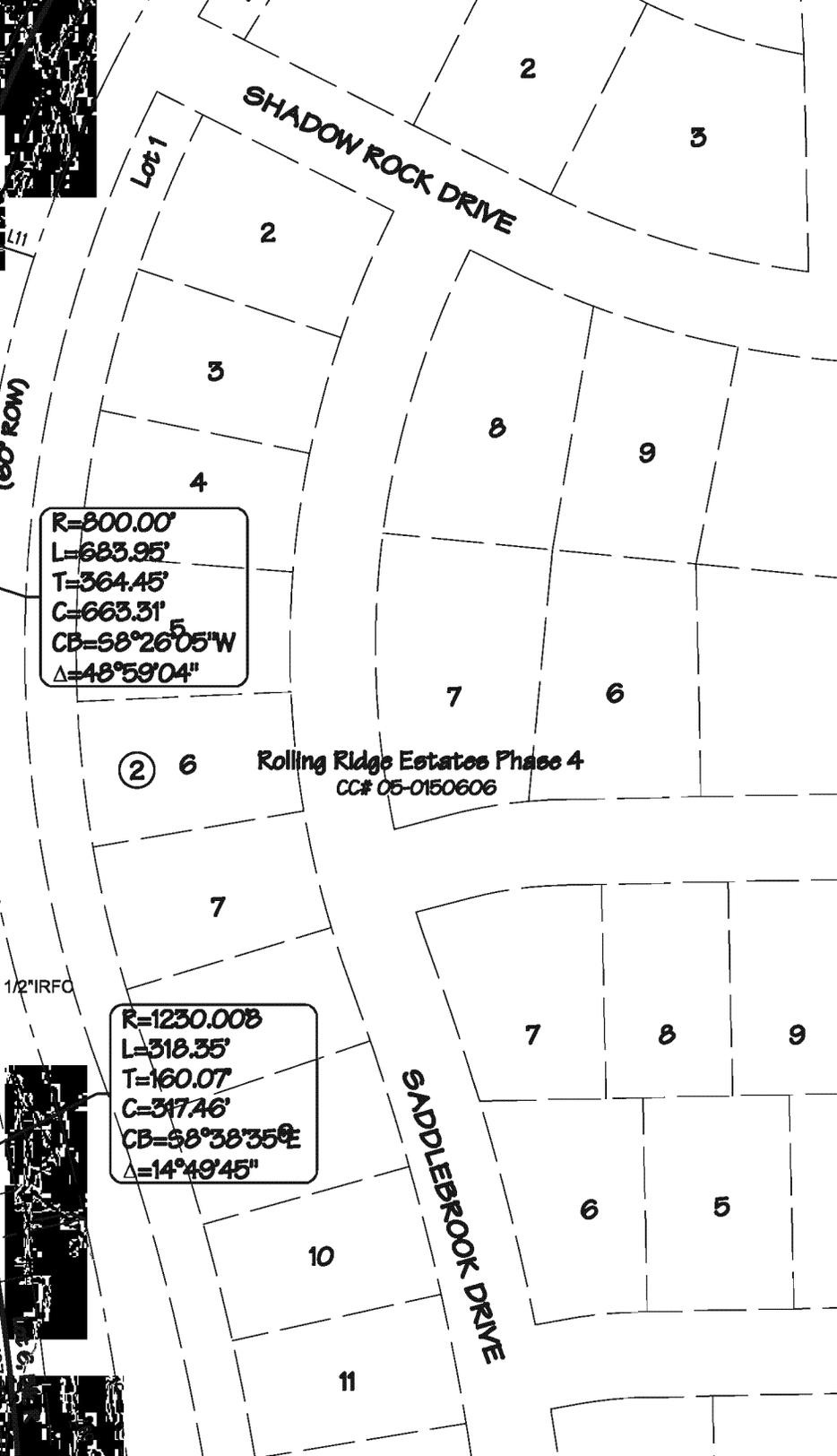
**Attachments**

- 1) Construction Plat

*Jeff Bickerstaff, Asst. City Manager*  
**Submitted By**

---

**City Manager Approval**



BL2	107.36'	N1° 24' 16"W
BL3	73.21'	S87° 54' 32"W
BL4	171.38'	S76° 38' 15"E
BL5	50.58'	S24° 24' 17"E
BL6	13.96'	S21° 19' 36"W
BL7	50.00'	S22° 41' 52"E
BL8	153.64'	S23° 12' 34"E
BL9	132.01'	N79° 25' 15"E
BL10	105.32'	S1° 13' 41"E
BL11	20.71'	S43° 46' 17"W
BL12	20.71'	S46° 16' 43"E
BL13	160.11'	S1° 13' 42"E

BC2	64.48'	665.00'
BC3	10.93'	1225.00'
BC4	78.54'	50.00'

Line #	Length	Direction
L1	35.99'	N1° 31' 55"W
L2	72.82'	N35° 40' 42"W
L3	108.51'	N30° 17' 54"W
L4	35.30'	S1° 24' 16"E
L5	14.46'	N50° 14' 38"E
L6	13.75'	S11° 53' 09"E
L7	13.75'	S81° 14' 25"W
L8	13.70'	N32° 20' 02"E
L9	13.68'	S54° 02' 46"E
L10	14.14'	S43° 28' 40"W

Curve #	Length	Radius
C1	477.20'	907.8'
C2	69.31'	1099.8'
C3	39.77'	50.00'
C4	181.72'	500.0'
C5	194.98'	950.0'
C6	189.14'	450.0'
C7	272.26'	650.0'
C8	144.91'	475.0'
C9	128.15'	173.0'

\_\_\_\_\_  
Peter H. Shaddock  
Chief Executive Officer

STATE OF TEXAS ~

COUNTY OF COLLIN ~

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this \_\_\_\_\_ day of \_\_\_\_\_, 2010, \_\_\_\_\_ personally appeared Peter H. Shaddock, Chief Executive Officer of Shaddock Development Company, as General Partner of Shaddock Developers, LTD., A Texas Limited Partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

\_\_\_\_\_  
Commission Expires On:

**SURVEYOR'S CERTIFICATE**

**SHOW ALL MEN BY THESE PRESENTS:**

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

\_\_\_\_\_  
Darren K. Brown, R.P.L.S. No. 5252



STATE OF TEXAS ~

COUNTY OF COLLIN ~

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this \_\_\_\_\_ day of \_\_\_\_\_, 2010, \_\_\_\_\_

**Issue**

Consider and/or act on a recommendation to officially name the Murphy Community Center, the Murphy Activity Center, and the Murphy Central Park.

**Background**

The City Council adopted a Park Naming Policy in November 2009. The Park and Recreation Board and City Council have discussed recommending a new name for City Park/Bunny Run. A new name for Bunny Run/City Park is still under consideration by the Park and Recreation Board.

The Board and City Council discussed officially naming the new Community Center, the newly acquired Fitness Center, and the central park to be located at the Municipal Complex. Since all three of these facilities will be regional attractions, the Board felt it was important to have “Murphy” in the name, otherwise people would be asking where it was located. On December 14, the Park and Recreation Board recommended the following:

<b>Old City Hall</b>	<b>Old Fitness Building</b>	<b>Municipal Complex Park Site</b>
<b><i>Murphy Community Center</i></b> Meeting rooms and gym should be named after historical people in the future.	<b><i>Murphy Activity Center</i></b> To be known locally as The MAC.	<b><i>Murphy Central Park</i></b>

**Financial Considerations**

N/A

**Staff Recommendation**

Council direction is requested.

Kim Lenoir, Community Services Manager

Submitted By

\_\_\_\_\_  
City Manager Approval

**Issue**

Consider and/or act upon approval of a resolution approving the City of Murphy Policies and Procedures, including the addition of Electronic Communications and Social Media policies.

**Background**

The City of Murphy's Employee Handbook 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. Each fall, staff will bring forth any handbook amendments that are legally necessary as well as any other changes that staff requests making.

**Staff Recommendation**

Staff recommends approval.

**Attachments**

- 1) Proposed Resolution
- 2) 12/17/10 City Manager Memo
- 3) Proposed Policies

*Stacy Buckley, HR Manager*  
**Submitted By**

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**City Manager Approval**



## MEMORANDUM

TO: Mayor Baldwin and City Council

FROM: James Fisher, City Manager

DATE: December 17, 2010

RE: Proposed Changes for Employee Handbook

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The items in blue are those that were discussed at the December 6th council meeting and edited according to council input. The items in red are those that were part of the original edits presented to council at that meeting.

### **3.00 Wage and Salary Administration**

~~**3.08.01 Fire and Police Work Schedules.** The police and fire chiefs, in consultation with the City Manager, set the work schedule annually for public safety personnel and notify them in writing of their work schedule assignments prior to the beginning of each applicable work period.~~

**3.08.01** Employees of the City's police department work in shifts. The City has established a 14-day work period for its patrol officers. Patrol officers will earn overtime compensation for all hours worked above 80 hours in a 14-day work period. Employees in the City's fire department work in 24-hour shifts. In accordance with the exception allowable under Section 207 (k) of the Fair Labor Standards Act (FLSA), the City has established a 21-day work period for its certified fire suppression personnel.

**3.08.02 Hours Worked.** "Hours worked" for purposes of calculating overtime for non-exempt police officers include all hours when an officer is on duty including time spent performing work outside the officer's normal shift if the work is required by the City; time spent testifying in court or in an administrative proceeding if the time is controlled or required by the City, attendance is intended to benefit the City, or attendance is a direct result of the police officer's duties; and time spent in training activities required by the City. "Hours worked" does not include travel time to and from

the officer's residence and work, meal time when the officer is on a tour of duty of 24 hours or less and is completely relieved of duties during the meal time, on-call time unless the City places special restrictions on the officer's time so that he or she cannot effectively use the on-call time for his or her own purposes, time spent working for another employer, time spent substituting for another employee by mutual agreement, or time spent in volunteer law enforcement activities performed for a different jurisdiction. Holiday and vacation time count as "hours worked" for purposes of calculating overtime for non-exempt certified police and fire suppression personnel.

### **3.09 NURSING MOTHERS BREAKS**

**3.09.01 Policy Statement.** ~~The City recognizes that employees may need a break from time to time throughout the day for various reasons. To this end, if authorized by the department and with approval from an immediate supervisor, employees may take up to two (2) 15 minute rest periods each workday. These breaks are considered a privilege and not a right or a requirement by law; therefore, these breaks may not interfere with the employee's work or the work of the department. These short breaks may be denied by the supervisor if these breaks cause interference or are abused by the employee. All employees who work eight (8) or more hours a day should take a one hour lunch break.~~

The Fair Labor Standards Act (FLSA) requires that nursing and adoptive mothers be provided a reasonable break time in order to express breast milk for her nursing child for up to one (1) year after the child's birth or adoption (as applicable) each time such an employee has a need to express the milk. The City will provide a private, secure location with a separate refrigerator in the employee's building for this purpose. The employee and her Supervisor will agree on the times for these breaks. The City may require medical certification to support the stated intent of this section of the policy.

In order to prepare such a designated space, the City requires advance notification (that an employee is requesting this break time) so that space can be designated and prepared within a facility. For the purposes of this policy, a written request directed to Human Resources will suffice. Human Resources will work with Facilities Maintenance and the Department Head to ensure that an adequate space is prepared and maintained for the duration of the period of time expressing is requested. Breaks taken for the purpose of expressing breast milk will run concurrently, not in addition to, other breaks taken throughout the day.

### **3.12 OVERTIME WORKED**

Non-exempt personnel may be required to work hours in excess of their official established hours when necessary as determined by departmental management. Specific extra work assignments shall be rotated and allocated as evenly as possible among employees qualified to do the work. Employees are expected to respond to a reasonable request to work extra hours and may be subject to disciplinary action for failing to stay or report for such hours. Non-exempt employees are discouraged from working at any time, other than scheduled working hours, including taking work home and using electronic devices for purposes of work when off duty, unless authorized by the employee's supervisor.

Overtime is defined as hours worked in excess of forty (40) hours per work week for all non-exempt employees, excluding non-exempt certified police and fire suppression personnel. Holiday and vacation time count as "hours worked" for purposes of calculating overtime only for non-exempt sworn fire and police personnel. "Hours worked" for purposes of calculating overtime does not include all other leave types. For purposes of calculating the number of hours worked in a week, the City workweek is from Saturday 12:00.00 a.m. to Friday 11:59:59 p.m. Non-exempt employees are compensated for overtime worked by being paid payment at the rate of one and one-half times the employee's regular hourly rate.

### **3.13 ON-CALL AND CALL-BACKS**

**3.13.01** The vital nature of certain City services requires that some employees be available in an "on-call" or "standby" status in the evenings and over holidays and weekends to ensure the continuity of those vital services. The time an employee is designated to be "on-call", he or she is free to pursue personal activities, but is prohibited from consuming alcohol, illegal drugs, or any other substance (legal or illegal) that may impair the employee's ability to perform his or her duties in a safe and capable manner. Employees who are on-call may be required to carry a departmental pager or cell phone and to respond immediately when notified to report to work. Response time should not exceed 30 minutes. The employee who is on-call is not restricted to a specific location provided he or she can meet the 30 minute response time.

## **4.00 EMPLOYEE LEAVES OF ABSENCE**

### **4.03 GENERAL POLICY-HOLIDAYS**

**4.03.01** The City provides paid holidays to introductory, regular full-time and regular part-time employees. All other employees are extended official holidays without pay. Holidays are days designated by the City when City offices are closed on what

otherwise would be regular business days. The City Manager shall submit a holiday schedule, not to exceed ten (10) days, to the City Council for approval by November 1 of each calendar year.

**4.03.02 Holidays Observed.** The following official holidays may be observed:

1. New Year's Day;
2. Martin Luther King Day;
3. Good Friday;
4. Memorial Day;
5. Independence Day;
6. Labor Day (all city employees except fire personnel);
7. Patriot's Day (fire only);<sup>1</sup>
8. Veteran's Day;
9. Thanksgiving Day;
10. Friday following Thanksgiving;
11. Christmas Eve;
12. Christmas Day;

Removed Personal Day as a holiday

**4.03.03 Scheduling of Holiday.** Holidays occurring on Saturday normally will be observed on the preceding Friday and holidays occurring on Sunday will normally be observed on the following Monday.

**4.03.04 Definition of Holiday Time.** A holiday is a period of 8 hours, paid at the employee's regular rate, except in the case of 24-hour Fire Department shift employees where the holiday is 12 hours. All regular full-time employees are paid for holidays based on their normal day's pay; regular part-time employees whose work schedule involves less than 32 hours per week are paid a proportionate amount, if the holiday would have been the part-time employee's regularly scheduled workday.

## **4.07 GENERAL POLICY-SICK LEAVE**

**4.07.01** The intent of sick leave is to prevent a loss of income to an employee who is absent due to an injury or illness which is not job-related. Should such an injury or illness occur to an employee, continued income should be insured through the use of sick leave. Sick leave may also be used for maternity and paternity reasons.

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<sup>1</sup> Revised January 30, 2010

- G. A supervisor shall be responsible to notify the Human Resources Department when an employee is absent due to illness for more than three (3) consecutive work days so the time may be evaluated for family and medical leave status (FMLA). If an employee is taking FMLA medical leave, the employee's accrued sick leave will be debited for the leave taken.
- N. Employees on Sick Leave, whether paid or unpaid, may not work a second job, including self-employment, or participate in volunteer work during the leave, even with written authorization from their Department Head to work a second job.

**4.07.03 Exhaustion of Sick Leave.** An employee who has exhausted accrued sick leave benefits may request to use accumulated vacation or other paid leave or may request leave of absence without pay. All regular full-time employees who qualify for leave under the Family Medical Leave Act are eligible to use donated leave time provided they have exhausted all available leave balances. All regular full-time employees who are eligible to accrue sick leave are eligible to donate sick leave to be used by another employee. Employees may not donate more than 10% or 40 hours of their leave balance per year, whichever amount is greater.

#### **4.08 BEREAVEMENT LEAVE**

Regular full-time employees who suffer the loss of an immediate family member (spouse, parents, step-parents, children, step-children, foster children, brothers, sisters, parents-in-law, brothers/sisters in-law, grandchildren, grandparents, sons/daughters-in-law, aunts and uncles) will be granted up to 24 hours of Bereavement Leave with pay per occurrence. This benefit may also be granted in the case of the loss of any other relative living in the household. Department Heads may require satisfactory documentation of eligibility for this benefit. Non-exempt fire suppression personnel work 24-hour shifts will be eligible for a total of 36 hours of bereavement.

#### **4.11 COMMUNITY SERVICE LEAVE** Remove leave

~~Regular full-time employees are encouraged to be involved in community and/or school activities. Employees may submit a request for up to eight (8) hours of community service per calendar year, up to twelve (12) hours of community service for fire suppression personnel.<sup>2</sup> Requests for this type of leave must go to the City Manager~~

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<sup>2</sup> Revised January 30, 2010

~~for approval. Community Service includes volunteering for non-profit and school activities.—~~ EFFECTIVE JANUARY 1

## **4.12 FAMILY AND MEDICAL LEAVE**

**4.12.01** Regular employees who have completed one (1) year of employment with the City and have worked at least 1,250 hours during the previous 12 months are entitled to receive twelve workweeks of family and medical leave (also called “FMLA Leave”) in a 12-month period for one or more of the reasons listed below:

1. Birth of a child of the employee in order to care for such child (leave must be taken within a twelve (12) month period after birth);
2. Upon the placement of a child with the employee for adoption or foster care (leave must be taken within a twelve (12) month period after placement);
3. To care for the employee’s spouse, child or parent who has a serious health condition; or
4. When the employee is unable to perform the essential functions of his or her position because of a serious health condition;
5. any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on “covered active duty;” **or** Twenty-six workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness who is the spouse, son, daughter, parent, or next of kin to the employee (military caregiver leave).

For the birth of a child as it applies to a male employee/father, it is presumed that the mother and child are dependents of the male employee/father and are in need of his care. ~~The male employee/father may be entitled to use earned paid Sick Leave for this purpose, concurrent with his unpaid FMLA leave.~~

A husband and wife who are eligible for FMLA leave and are both employed by the City of Murphy may be limited, by law, to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for any of the following reasons:

1. For the birth of a son or daughter or to care for the child after birth.
2. For the placement of a son or daughter for adoption or foster care, or to care for the child after placement.

3. To care for a parent with a serious health condition.

When the husband and wife both use a portion of the total 12-week entitlement for one of the purposes noted above, each spouse shall be entitled to the difference between the amount of time he or she has taken individually and 12 weeks of FMLA leave for a purpose other than those listed above.

#### **4.12.02 DEFINITIONS**

"FMLA Year" is defined as a twelve (12) month rolling period, measured from the first date FMLA began.

"Leave of Absence" for eligible employees is defined as an approved absence for up to 12 weeks of unpaid leave per FMLA year, under particular circumstances.

"Child" is defined as children 18 years or younger and includes a biological, adopted or foster child, stepchild or legal ward or a child of a person standing in loco parentis. Children 18 years of age or older are included only if they are incapable of self-care because of mental or physical disabilities. To define a mental or physical disability, refer to the Social Security Act Regulations.

"Spouse" is defined as husband or wife as defined or recognized by State law for purposes of marriage, or a common law spouse as recognized by the State of Texas.

"Parent" is defined as a biological parent of an employee, or an individual who stands, or stood in place of, a parent when the employee was a child.

"Serious Health Condition" is defined as an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of his/her job, or prevents the qualified member from participating in school or daily activities. Common colds, flu, earaches, headaches, other than migraines, etc. are not serious health conditions.

"Continuing Treatments" are those that may be met with a period of incapacity of more than three (3) consecutive calendar days combined with at least 2 visits to a health care provider, or 1 visit to a health care provider and a regimen of continuous treatments such as prescription medication or therapy, incapacity due to pregnancy or to a chronic condition.

"Needed to Care for" provides physical and/or psychological care. The employee does not need to be the only individual or family member available to provide care, nor is the employee required to provide actual care (e.g., someone else is providing in-patient or home care) as long as the employee is providing at least psychological comfort and reassurance.

“Health Care Provider/Physician” includes doctors of medicine or osteopathy who are authorized by the State in which they practice, or any other person determined by the Family Medical Leave Act to be capable of providing health care services.

“Medical Certification” is defined as certification from a health care provider to support the claim for leave to care for a seriously ill child, spouse or parent, or for an employee’s serious health condition.

“Key Employee” is defined as a salaried employee who is among the highest paid 10 percent of all City employees. If reinstatement of a key employee at the conclusion of the leave period would result in substantial and grievous economic injury to the City, reinstatement to the key employee can be denied.

#### **4.12.03 STATUS OF SERVICE AND BENEFITS**

No loss of service with the City will occur as a result of a Leave of Absence. No benefit credits, including TMRS contributions, will accrue during an unpaid status of the leave. Employees on unpaid leave will be notified by Human Resources of contribution options with TMRS. It is the employee’s responsibility to initiate arrangements with TMRS for contribution payments.

1. During a Leave of Absence, employee health benefits will continue. Therefore the employee must continue to pay any share of his/her employee-paid health benefits premium.
2. Employees are responsible for repayment of any benefit costs paid by the City if they do not return to work, unless failure to return to work was for a verifiable reason beyond the employee’s control.

#### **4.12.04 INTERMITTENT OR REDUCED LEAVE**

1. Leave may be taken on an intermittent or reduced leave schedule if necessary for approved reasons under this policy. The employee must attempt to schedule the leave so as not to disrupt the City’s operations.
2. Employees will be required to provide documentation from the health care provider certifying a medical necessity for intermittent leave, and the time and length of the leave requested. The City may require the employee to transfer temporarily to an alternative position (equivalent in pay and benefits) which accommodates recurring periods of absence or to a part-time schedule provided the position has the equivalent rate of pay and benefits.

#### **4.12.05 FMLA-MILITARY CAREGIVER LEAVE**

1. **Military Caregiver Leave** (also known as Covered Servicemember Leave): Under the first of these new military family leave entitlements, eligible employees who are family members of covered servicemembers will be able to take up to 26 workweeks of leave in a “single 12-month period” to care for a covered servicemember with a serious illness or injury incurred in the line of duty on active duty. The definition of “serious injury or illness” also includes an injury or illness that existed before the beginning of the service member’s active duty that was aggravated by service in the line of duty on active duty.<sup>3</sup> Based on a recommendation of the President’s Commission on Wounded Warriors (the Dole-Shalala Commission), this 26 workweek entitlement is a special provision that extends FMLA job-protected leave beyond the normal 12 weeks of FMLA leave. This provision also extends FMLA protection to additional family members (i.e., next of kin) beyond those who may take FMLA leave for other qualifying reasons.
  
2. **Qualifying Exigency Leave**: Any qualifying exigency arising due to the spouse, son, daughter or parent of the employee being on active duty (or having been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation. *An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member is entitled to a total of 26 workweeks of leave during a 12-month period to care for the service member. The leave described in this paragraph shall only be available during one single 12-month period.* Qualifying exigency refers to a number of broad categories for which employees can use FMLA leave: (1) Short-notice deployment; (2) Military events and related activities; (3) Childcare and school activities; (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; and (8) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.

## **4.13 MILITARY LEAVE**

**4.13.01** Employees will be paid for Military absences up to a maximum of 15 work days per fiscal year. Part-time or shift employees **may** be transitioned to a 40 hour workweek during Military absences to cover the vacated position. This leave may be used when an employee is engaged in National Guard or U.S. Armed Forces reserve training or duty ordered or approved by proper Military authority. The paid leave days may be consecutive, or scattered throughout the year. Military leave in excess of 15 days may be charged to vacation leave or leave without pay at the discretion of the employee.

**4.13.02** Any regular full- or part-time employee who leaves his or her position either voluntarily or involuntarily for the purpose of entering any branch of the United

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<sup>3</sup> Revised January 30, 2010

States armed forces for extended active duty shall be placed in military active duty status and administratively separated from City employment.

#### **4.14 WORKERS COMPENSATION INSURANCE/INJURY LEAVE**

##### **4.14.05 Eligibility for Salary Continuation.**

1. An employee who is unable to work for any period of time, either at his or her regular job or at any alternative duty position, because of an injury that occurred while performing official job duties or conducting official City business, is eligible to receive workers' compensation benefits equal to approximately 70% of his salary. It is the City's policy to make up the remainder of the employee's regular pay for at least a portion of the time off, provided certain conditions are met. This benefit is paid starting from the date of injury and is available to both full- and part-time employees. Any employee receiving salary continuation is not allowed to engage in any other part-time or secondary jobs outside of the City.

#### **5.00 EMPLOYEE BENEFITS**

##### **5.05 LONGEVITY**

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.<sup>4</sup>

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.

#### **6.00 EMPLOYEE RESPONSIBILITIES**

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<sup>4</sup> Revised January 30, 2010

**6.11 E-MAIL AND INTERNET USE/SOCIAL NETWORKING POLICY** Will be replaced by the Electronic Communications Policy and the Social Media Policy

~~In accepting the installation of software to access e-mail and/or the Internet on his or her work computer, the employee agrees to conform to the following guidelines regarding e-mail and/or Internet access.~~

- ~~A. The employee acknowledges that e-mail and/or Internet access is being provided to assist in gaining access to information related to the execution of the employee's job duties, and agrees to restrict Internet activities to sites pertaining thereto; therefore, excessive personal use of the Internet is prohibited.~~
- ~~B. The employee agrees not to use e-mail and/or Internet access to generate or receive correspondence or materials that would be construed as fraudulent, illegal, harassing, obscene, indecent, profane or intimidating.~~
- ~~C. The employee agrees not to augment Web browser software with externally generated programs or add-ons.~~
- ~~D. In the course of accessing and utilizing materials found on the Internet, the employee agrees to comply with any copyright or licensing laws pertaining thereto.~~
- ~~E. The employee agrees not to download from the Internet, and/or circulate among other City staff, any programs or accessories not specifically authorized for use by the City Manager.~~
- ~~F. The employee recognizes that the information on City e-mail and/or Internet usage is a matter of public record and that no user has any expectation of privacy regarding e-mail messages sent to or received by the employee, the degree of the employee's Internet usage, or the specific sites visited by the employee.~~
- ~~G. The employee acknowledges that failure to comply with the above criteria may result in the removal of Internet software and any other disciplinary measures deemed appropriate by the City Manager, up to and including termination.~~
- ~~H. Use of a City provided email address for primary personal gain is prohibited.~~

~~While the City of Murphy encourages its employees to enjoy and make good use of their off-duty time, certain activities on the part of employees may become a problem if they have the effect of impairing the work of any employee; harassing, demeaning, or creating a hostile working environment for any employee; disrupting the smooth and orderly flow of work within the City; or harming the goodwill and reputation.~~

~~In the area of social media, employees may use such media in any way they choose as long as such use does not produce the adverse consequences noted above.~~

For this reason, the following guidelines apply in their use of social media, both on and off-duty:

- A. If an employee publishes any personal information about themselves, another employee of the City of Murphy, or a customer in any public medium (print, broadcast, digital, or online) that:
1. Has the potential or effect of involving the employee, their co-workers, or the City of Murphy in any kind of dispute or conflict with other employees or third parties;
  2. Interferes with the work of any employee;
  3. Creates a harassing, demeaning, hostile working environment for any employee;
  4. Disrupts the smooth and orderly flow of work within the office, or the delivery of services to the company's clients or customers;
  5. Harms the goodwill and reputation of the City of Murphy among its customers or in the community at large;
  6. Tends to place in doubt the reliability, trustworthiness, or sound judgment of the person who is the subject of the information;

Then the employee(s) responsible for such problems will be subject to counseling and/or disciplinary action, up to and potentially including termination of employment, depending upon the circumstances.

- B. No employee of the City of Murphy may use city equipment or facilities for furtherance of non-work-related activities or relationships without the express advance permission of the appropriate Department Head.
- C. Be respectful to the City of Murphy, co-workers and customers and be mindful of your physical safety when posting information about yourself or others on any forum.
- D. Social media activities should never interfere with work commitments.<sup>5</sup>

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<sup>5</sup> Revised January 30, 2010

**ADDENDUM F  
CITY OF MURPHY  
TRAVEL POLICY**

**3.0 REIMBURSEABLE EXPENSES**

**3.01 Transportation**

The employee will be expected to select the mode of transportation which will be most economical to the City considering cost and time consumed.

1. **Air Travel** – The cost of public transportation is allowed at the lowest refundable rate plus applicable taxes. Airline ticket copies must be submitted as itemized receipts for this expense.
2. **Private Automobile** – An authorized person traveling by private vehicle shall be reimbursed at the rate per mile equal to the current mileage rate as authorized by the IRS based on the shortest route between the points which shall be determined as follows:
  - a. Mileage within and outside of the State of Texas will be computed from the latest official IRS Guide. Please see the Finance office for this information.
  - b. When two or more persons travel in a single private vehicle, only one shall receive a transportation reimbursement. This provision shall not preclude each traveler from receiving compensation for other allowable expenses. When two or more persons are required to make the same trip every effort shall be made to utilize one vehicle unless the lowest cost of transportation is air travel.
  - c. Reimbursement for mileage will not be made for an amount in excess of the cost of the lowest refundable round trip airfare, without prior approval by the City Manager.
  - d. Travel within the City must be documented in order to be considered for reimbursement.
  - e. City employees who receive a car allowance are eligible for mileage reimbursement subject to the following conditions:

- i. Reimbursable travel is outside a 20-mile radius of the City of Murphy.
- ii. The employee shall be given the option of using a City-owned vehicle or the employee may use their own private vehicle and receive reimbursement based on the latest IRS Guideline for Standard Mileage Rates.

#### **4.0 EXPENSES NOT APPROVED FOR REIMBURSEMENT**

1. Alcoholic beverages will not be reimbursed under any circumstance.
2. The expense of any City employee not specifically traveling on City business will not be reimbursed.
3. When business trips or conferences are not attended due to the decision of the employee, related fees and fares paid by the City for individuals shall be reimbursed to the City.
4. Charges related to changes of airline tickets and hotel reservations will be paid by the individual unless the change is required due to unforeseeable and urgent business purposes. The City Manager must approve all changes.<sup>6</sup>

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<sup>6</sup> Revised January 30, 2010

**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 MARCH 1, 2011.**

**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 January 2010 with an effective date of January 30, 2010.

**WHEREAS**, on December 6, 2010, 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 March 1, 2011 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” which also includes revisions to the Cell Phone Policy and Travel Policy in addition to a new Electronic Communications Policy and Social Media Policy establishing a systematic distribution of said Manual to all employees of the City of Murphy.

**DULY RESOLVED** by the City Council of the City of Murphy, Collin County, Texas, on this the 4<sup>st</sup> day of January 2011.

\_\_\_\_\_  
Bret M. Baldwin, Mayor  
City of Murphy

ATTEST:

\_\_\_\_\_  
Aimee Nemer, City Secretary  
City of Murphy



January 2011

Dear Employee:

Information technology offers increased opportunities for communication and collaboration. It has changed the way we strive to provide a high-level of service to the citizens of Murphy. While technology helps the city function, it also requires responsible use from every user.

The attached City of Murphy Electronic Communications Policy outlines guidelines for responsible use of Information Technology based on the following underlying principles:

- Information technology is provided to support the essential mission of the City of Murphy
- Your use of technology is governed by city policies and ordinances, as well as state and federal laws
- You are expected to use technology with courtesy, respect, and integrity
- Information Technology infrastructure is provided for each city facility, requiring thousands of dollars to maintain, and all users are expected to use it conscientiously

Your actions using Information Technology can affect people not only in Murphy, but all around the world. You must use these technologies responsibly and with respect.



# Electronic Communications Policy

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## **Section 1.00 – Purpose**

The purpose of this policy is to provide users with an understanding of the acceptable conduct that shall be followed when using technology provided by the City of Murphy.

## **Section 2.00 – References**

- Health Insurance Portability and Accountability Act (HIPAA)
- Texas Public Information Act
- City of Murphy Record Retention Policy
- City of Murphy Employee Handbook

## **Section 3.00 – Definitions**

### ***3.01 – Information Technology Staff***

Any employee of the City of Murphy's Information Technology Department.

### ***3.02 – Information Technology***

Refers to all city owned desktop and laptop computers, mobile computers, servers, and other electronic devices (including, but not limited to, printers, scanners, digital storage devices, smart phones, cellular telephones, digital cameras, and personal digital assistants) that are attached to and using City of Murphy resources, including its networks, and the applications they support; such as software, electronic mail, and access to the Internet.

### ***3.03 – User***

Any individual who has been issued a domain user name and password which may include, but not limited to, a City of Murphy employee, vendor, or volunteer.

### ***3.04 – Non-user***

Any individual who is not classified in ***Section 3.03 – User***; for example: friends and/or family members of a user.

### ***3.05 – Electronic Mail Communication (includes E-mail, Instant Messaging, and other general electronic communication)***

Refers to all electronic communication that is sent, received, downloaded, or stored when using the City of Murphy Information Technology System, regardless of method of entry



or retrieval. Access to personal Internet e-mail systems, such as accounts with Yahoo, Hotmail, etc., are subject to provisions stated in *Section 4.02 – Internet Usage*.

### ***3.06 – Virtual Private Network (VPN)***

A virtual private network (VPN) is a network that uses a public telecommunication infrastructure, such as the Internet, to provide authorized users access to Information Technology from remote locations.

## **Section 4.00 – Policies**

### ***4.01 – Electronic Mail Communication***

Use of electronic mail communication is permitted for city business-related purposes only. Users must remember that e-mail messages are not a form of private communication. All messages that are created, received, and/or stored using Information Technology are considered the property of the City of Murphy and are subject to the Texas Public Information Act (formerly the Texas Open Records Act), the City of Murphy Record Retention Policy, and must be in compliance with the Health Insurance Portability and Accountability Act (HIPAA). All e-mails should be maintained according to the city's record retention policy and follow all set record retention series as managed by the City Secretary's office.

Prohibited conduct or inappropriate use of electronic mail communication may include, but is not limited to:

- a) Engaging in illegal, fraudulent, or malicious activity.
- b) Creating, storing, maintaining, or sending jokes, racism, political views, personal opinions, chain letters, or sexually-oriented material. Messages must not include any offensive, abusive, harassing, threatening, or obscene material.
- c) Using electronic mail communication for any commercial promotional purpose, including personal messages offering to buy or sell goods or services.
- d) Subscribing to non-city business-related mass communication subscriptions, personal mailing list servers, discussion threads, and newsgroups.
- e) Utilizing communication resources for charitable endeavors not specifically sanctioned by the city.



f) Conducting political campaigns or other related activity.

E-mail signatures shall not suggest or contain any personal views, statements, quotes, or images. E-mail signatures are designed to identify the staff member and provide city contact information. E-mail signatures may contain information related to city business or events including images, mission statements, or advertisement for special city sponsored events.

The city maintains an “All Employee” e-mail distribution list that allows for staff to send an e-mail to every user’s mailbox. The “All Employee” e-mail distribution list should only be utilized for official city business and with the approval of a department head. Information The Information Technology Department will manage this list, through email security settings, to only allow certain users to send email to the “All Employee” email list as directed by the City Manager.

Recognizing that some information is intended for specific individuals and may not be appropriate for general distribution, users should exercise caution when forwarding messages. City of Murphy sensitive information must not be forwarded to any party outside the city e-mail distribution list without prior approval of a supervisor.

Each user’s mailbox has a storage capacity of two gigabytes. When a mailbox reaches this storage capacity, a message will be sent to the user instructing them to contact the Information Technology Department for assistance with message archiving procedures. All deleted e-mail messages are stored online for a period of thirty (30) days and all deleted messages older than thirty (30) days are automatically purged from online storage.

When an employee ceases employment with the City of Murphy, regardless of reason, the Human Resources Department will notify IT. Upon the last day of employment, each user’s network account and mailbox will be disabled for a period of one hundred and twenty (120) days. After one hundred and twenty (120) days, the user’s mailbox will be archived to the city’s standard, portable storage media and deleted from online storage.

#### ***4.02 – Internet Usage***

The City of Murphy internet use is intended primarily for city business-related purposes; however, limited incidental personal Internet use, during non-work periods, may be allowed if approved by the user’s department head and if it does not adversely affect the daily duties and responsibilities of the organization.



Streaming audio or video from the Internet for non-city business-related activities is prohibited. This activity includes, but is not limited to, listening to online radio stations and watching music videos and movie clips. Unwarranted Internet usage can cause the city's network system to become congested resulting in interruption of Internet access for users who may be conducting online city business.

If a user posts information to a city business-related newsgroup or to a blog type information sharing application, such as a federal, state, county, or city association or affiliation, a disclaimer must be included that specifies the information posted is not the responsibility or of the opinion of the City of Murphy.

The terms and conditions of this policy shall also apply to users accessing the Internet when using any device classified as Information Technology.

#### ***4.03 – Employee Owned Equipment***

The City of Murphy prohibits the use of employee-owned equipment being directly attached to Information Technology equipment. Examples of employee-owned equipment include, but are not limited to, the following:

Personal digital assistants (PDA), portable hard drives, laptops, desktops, digital cameras, wireless access points, video game systems, and/or MP3 players. Exceptions to this section are employee owned equipment which employee receives a reimbursement; such are mobile phone and mobile data devices utilized for business purposes. Personal USB flash drives and external hard drives are prohibited; however, users may check out portable storage devices from the Information Technology Department when needed. This section does not pertain to employees accessing Information Technology equipment, through the Internet, via secure access. Examples include, but are not limited to, secure Outlook Web Access e-mail and secure access to the city's website content management system.

#### ***4.04 – Non-user***

Non-users, as defined in ***Section 3.04 – Non-user***, are strictly prohibited from using any device classified as Information Technology.



#### ***4.05 – File Storage***

Users should refrain from storing personal files, such as documents, photographs, graphics, music, etc., on any device classified as Information Technology.

The Information Technology Department performs nightly tape backups of all network system files and documents; therefore, all city business-related documents must be stored on network drives. Files and documents stored on a user's desktop or local drive will not be backed up.

#### ***4.06 – Remote Access (VPN)***

The policies and procedures contained herein apply to authorized users of the City of Murphy's Virtual Private Network (VPN) Service. All other policies covering the use of Information Technology by authorized users (e.g.; the City of Murphy's Computer Use Policy) are still in effect when resources are accessed from remote locations as well as all regulations governing the protection of confidentiality and integrity of city information, such as the Texas Public Information Act, the City of Murphy Record Retention Policy, and the Health Insurance Portability and Accountability Act (HIPAA). Any remote linkage through the VPN Service is considered an extension of the city's network systems, and is subject to all security and appropriate use policies.

##### **4.06.A - Remote Access for Users (VPN)**

Users that require access to the city's network system from a remote location will be provided a unique VPN user name and password. All requests for remote access must be submitted to the Information Technology Manager for approval and only users with city issued laptops may apply. While accessing the city's network systems from a remote location all terms and conditions contained within this policy shall apply.

##### **4.07.B – Remote Access for Vendors (VPN)**

The Information Technology Department recognizes the need to provide secure remote access to its network systems to authorized vendors, and their associated business partners, with which specific contractual relationships have been established. Normally, such vendors need access only to a specific city network system(s) as required by the contractual relationship. Vendors must submit a completed VPN Authorization Form to the Information Technology Manager explaining the intended purpose for remote access, approximate usage and duration, as well as the full names of all vendor employees that will be accessing the city's network systems. At no time should any



vendor employee provide their VPN user name and/or password to anyone, not even family members. Vendors must notify the Information Technology Manager immediately upon termination of an employee who has been provided VPN privileges.

#### ***4.08 – Desktop Remote Access***

The Information Technology Department utilizes a variety of desktop sharing applications that provide remote access to a user's computer when assisting with reported issues. The Information Technology Department will attempt to contact the user before establishing a remote connection. If the user is unavailable, IT reserves the right to establish a remote connection to the user's computer in an attempt to resolve reported issues.

### **Section 5.00 – Passwords**

All user passwords must be constructed, implemented, and maintained according to the following standards and procedures governing password management.

- Passwords shall be a minimum length of eight (8) characters
- Passwords must include numeric character or Non-alphabetic character (i.e., !, \$, #)
- Passwords and the usernames shall not be the same
- Passwords shall be changed within a maximum of every ninety (90) days
- All systems shall prevent password reuse of the last ten (10) passwords

### **Section 6.00 – Monitoring, Reporting and Filtering Rights**

Internet usage and e-mail communications are monitored daily to ensure compliance with this policy and any applicable local, state, and federal laws or regulations related to the use and security of city information.

#### ***6.01 – Monitoring Rights***

The Information Technology Department has the right to monitor all activity conducted while using Information Technology. IT may monitor Internet and desktop application usage to diagnose and repair network performance issues and ensure user compliance to this policy.



### ***6.02 – Reporting Rights***

The Information Technology Department has the ability to provide reports on a user's computer activity while using Information Technology. IT collects detailed information on all desktop application and Internet usage and has the ability to provide reports on such usage by user name, computer, or department.

All requests for desktop application, email, or Internet usage reports will be submitted to the City Manager's office upon request of the Department Head.

### ***6.03 – Filtering Rights***

The Information Technology Department has the right to filter and/or block access to specific websites or categories of websites to enforce Internet usage rules, as defined in ***Section 4.02 – Internet Usage***, in an effort to reduce bandwidth usage and improve the city's overall network system performance.

## **Section 7.00 – Disciplinary Actions**

Any user who fails to comply or adhere to the City of Murphy Electronic Communications Policy may be subject to disciplinary action, as defined within the City of Murphy Employee Handbook, up to and including termination.

## **Section 8.00 – Requests for Public Disclosure of Electronic Records**

All requests for release of any data in electronic form, including hard-copy printout, shall be handled in conformance with federal, state, and local open records laws, policies, and procedures.

All requests for information, and the corresponding release of information, must be processed through the Office of the City Secretary.



I acknowledge receiving the City of Murphy Electronic Communications Policy and understand that any violations of the policy, as set forth in this document, are subject to disciplinary action up to and including termination.

User Signature: \_\_\_\_\_

Department: \_\_\_\_\_

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

**CITY OF MURPHY**  
**INTER-DEPARTMENTAL POLICY AND PROCEDURE**  
**POLICY NUMBER: XX XXX**  
**Effective Date: January 2011**

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**USES & APPROVAL OF SOCIAL MEDIA**

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**PURPOSE**

To address the changing way residents communicate and obtain information relating to the missions, programs, and goals of the City online, the City of Murphy may consider participating in social media formats to reach a broader audience where appropriate and when approved by the City Manager.

The City Manager has an overriding interest and expectation in establishing the official message of the City. Accordingly, this policy establishes guidelines for the use of social media.

**BACKGROUND**

Recently, many governmental entities at the federal, state, and local levels have begun to explore the use of social media sites as they increase in their popularity among the general public. Such sites include Facebook, YouTube, Twitter, and Flickr.

Recognizing that government use of social media is becoming more mainstream and even desired by the public, the City established a strategic management project in FY10 to evaluate the policy needs before establishing social media as an official additional communication tool. Accordingly, this policy outlines the appropriate uses of social media by the City and the approval processes for such use.

**DEFINITIONS**

***Blog:*** A contraction of the term “weblog;” a type of website with regular entries displayed in reverse-chronological order and featuring commentary on recent events and other materials, such as photographs or video.

***Facebook:*** A social networking site where users can develop a personal profile, add friends, communicate with peers by private message or public postings, and notify their followers of what they are currently doing via a “status update.” Additionally, users may follow entities and organizations in order to receive notifications when new information is available.

**Flickr:** An image and video sharing website where users upload personal photographs and videos to albums which may be shared with the public or restricted to specific individuals as determined by the user.

**Microblogging:** A form of blogging that allows users to make brief updates or publish multimedia such as photos or videos to the public or to specific individuals as determined by the user; entries typically consist of a single sentence, fragment, photograph, or video.

**Social Media:** A new set of Internet tools enabling users to participate in community experiences online and to connect with people of common interests to learn, play, work, organize, and socialize; networks may be open to the public or restricted to members as determined by the user.

**Twitter:** A social media and microblogging service enabling users to send and read short messages of 140 characters or less known as “tweets;” such messages are then displayed on the author’s profile page and delivered to the author’s subscribers who are known as “followers.”

**YouTube:** A video sharing website where users upload and share videos.

## **POLICY**

- A. All official City of Murphy presences on social media sites or services are considered an extension of the City’s information and communications networks.
- B. All City use of social media must be approved by the City Manager and be in compliance with this policy.
- C. It is the responsibility of the City Manager or his/her designee to act as the City’s official spokesperson, including acting as the City’s official web presence via social media.
- D. The City will maintain one official page per each approved social media outlet, which is to be created, maintained and monitored by the City Manager or his/her designee, all of which are to be regularly updated.
- E. Potential uses for social media include, but are not limited to:
  - a. Sharing published news releases from the City Manager’s Office, Police, and Fire Departments,
  - b. Publicizing Parks & Recreation programs sponsored by the City of Murphy,
  - c. Publicizing new services, holiday closings or other information normally only found on the City’s primary website, and
  - d. Issuing emergency alerts, road closures, or weather alerts affecting large numbers of citizens.

- F. The City Manager, Department Director, and Manager of Information Technology will review and approve requests to use social media sites as deemed appropriate.
- G. Use of social media must comply with applicable federal, state, and city ordinances, regulations, and policies, as well as proper business etiquette. This includes adherence to established laws and policies regarding copyright, records retention, release of public information, the First Amendment, privacy laws and information security policies established by the City of Murphy.
- H. Wherever possible, links to more information should direct users back to the City's official website for more information, forms, documents or online services necessary to conduct business with the City of Murphy.
- I. Employees using social media for business purposes or representing the City via the City's social media outlets must conduct themselves at all times as representatives of the City of Murphy.
- J. The City Manager or his/her designee will distribute all social media content and ensure each of the approved uses and sites adheres to the social media policy for appropriate use, message and branding consistent with the goals of the City of Murphy.
- K. Violation of these standards may result in the removal of pages from social media outlets. The City Manager or his/her designee retains the authority to remove information.
- L. The City of Murphy reserves the right to remove any messages or postings, including those that are obscene and / or in violation of the copyright, trademark right, or other intellectual property right of any third party.

## **PROCEDURES**

- A. Departments requesting to distribute information on the City's official social media pages via the City Manager's Office must fill out the attached "Social Media Business Case & Request" form detailing why it is necessary, the proposed social media solution, the time and resource requirements for such use, and what will deem its use successful.
- B. The Information Technology Department will review the request and make a recommendation to the City Manager if it is deemed appropriate and has sufficient capacity to create, maintain, and monitor.
- C. The City Manager will have final approval of all social media requests.

- D. If approved, the City Manager’s designee will be responsible for creating, maintaining and monitoring all social media platforms (one per each social media outlet as approved) and will act as the official spokesperson to ensure a unified City message.
- E. Communications will obtain department content with approval from the appropriate Department Director.
- F. The Information Technology Department will maintain a list of all approved uses and will provide a link to all social media pages on the official [www.murphytx.org](http://www.murphytx.org) website.
- G. Only City e-mail addresses or e-mails authorized in advance by the City Manager’s Office and Information Technology Department will be posted on the site or used to create the web site accounts. Use of generic email addresses, for example, [webmaster@murphytx.org](mailto:webmaster@murphytx.org), is appropriate to create social networking accounts.
- H. To the extent that design parameters of the host site allows, City of Murphy pages will conform to the following:
  - a. Be identified as a City of Murphy official site,
  - b. Contain appropriate staff contact information,
  - c. Contain the City logo,
  - d. Have a link to the appropriate page of the City’s website, and
  - e. Specify that all content, comments, and replies posted will be subject to Texas public information laws.
- I. City-generated content shall:
  - a. Respect copyright and fair use laws,
  - b. Contain the following legal disclaimer,
    - i. *“The City of Murphy is not responsible for the content nor endorses any site which has a link from this page. All content, comments and replies posted are subject to Texas public information laws; the City of Murphy reserves the right to remove any messages or postings.”*
  - c. Not use vulgar, offensive, threatening, or harassing language,
  - d. Not engage in political or religious advocacy or commentary,
  - e. Not support or oppose any ballot issue or candidate for office, and
  - f. Not promote or advertise any businesses or commercial enterprises, unless they are providing support to City services.

## **ACCOUNTABILITY**

The Information Technology Department and City Manager’s Office will be responsible for enforcing this policy.

**FORMS**

See attached “Social Media Business Case & Request” form.

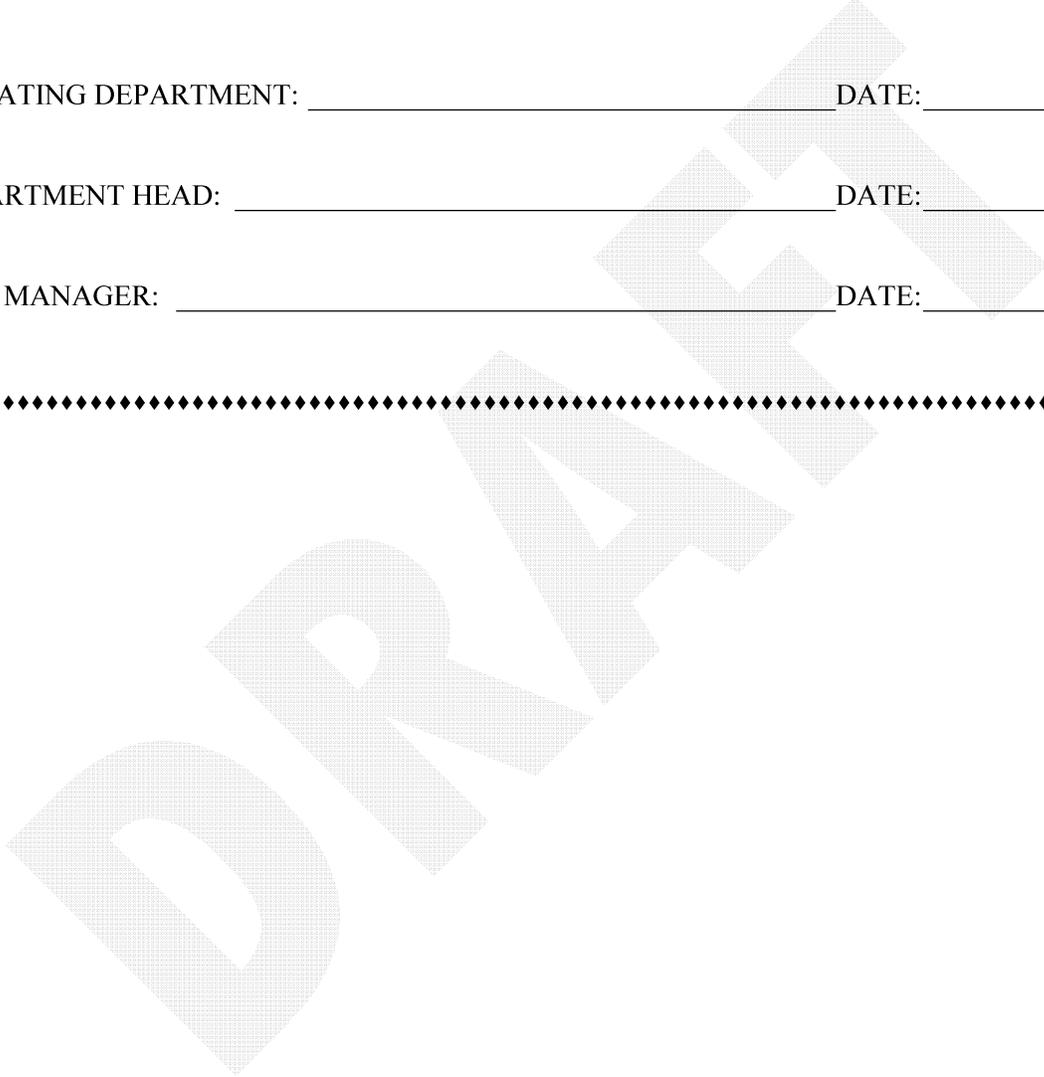
**SIGNATURES**



INITIATING DEPARTMENT: \_\_\_\_\_ DATE: \_\_\_\_\_

DEPARTMENT HEAD: \_\_\_\_\_ DATE: \_\_\_\_\_

CITY MANAGER: \_\_\_\_\_ DATE: \_\_\_\_\_





## Social Media Business Case & Request

**Brief statement of problem or business need:**

**Brief description of proposed social media solution (include which social media outlet is being requested):**

**Describe the resource and time requirements for the Information Technology Department to create, maintain and monitor to the social media tool to ensure it is updated appropriately:**

**Cost Estimate:**

**Benefits (improved productivity, timeliness of providing information, etc.):**

**What feedback methods are allowed for this social media tool, and how will they be managed?**

**What measures will be used to determine the success of this use of social media?**

**Names of approved departmental social media staff contributors:**

**Submittal Information:**

Submitted by: \_\_\_\_\_

Department: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

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

**Approvals:**

Department Head Approval: \_\_\_\_\_

Manager of Information Technology Approval: \_\_\_\_\_

City Manager Approval: \_\_\_\_\_



# Mobile Communications Device Allowance Policy

## 1.0 Purpose:

This policy addresses the initiation of an allowance for employees using their personally-owned mobile communications devices (MCD) for business purposes.

## 2.0 Overview:

Approved employees whose job duties require the frequent use of MCDs will be given a taxable monthly allowance to compensate for business use of an employee-owned MCD. All employees receiving an allowance will be paid through payroll and will be subject to withholdings such as FIT, FICA, TMRS, etc.

## 3.0 Definitions:

**Mobile communications device (MCD)** – any device that is capable of using the services provided by the public/private cellular networks. These devices range from a simple cell phone to devices with the capability to access the Internet (generally referred to as a Smart Phone).

**Conversation** – Communication exchange between two (2) or more individuals taking place in voice or data format.

## 4.0 Eligibility

Justification for an MCD allowance should include an explanation of how the device will be used in conducting City business as well as an estimate on the frequency of usage. Justification must be provided on the Mobile Communication Device Allowance Authorization Form and sent to the Information Technology Manager for processing. It should not be issued based solely on position or title. Eligibility must also fall under at least one (1) of the following categories:

- Public/Personal Safety – the employee requires immediate direct communication with local police, fire and/or emergency medical units or agencies in order to provide for the safety of citizens or employees.
- Accessibility – the employee requires immediate direct communication to conduct City business and there is typically no access to a conventional telephone, or computer, or it is deemed more cost effective than the employee seeking alternative methods of completing the task.
- Responsiveness – the employee requires immediate direct communication to conduct urgent City business to ensure responsiveness to operational and/or support functions.

Interns, contract employees, part-time employees, temporary employees, or consultants will not be eligible to receive MCD allowances unless extenuating circumstances require such an arrangement.

## 5.0 MCD Allowance

The MCD allowance is not intended to pay the full cost of the employee's monthly usage costs with their provider. It is intended to only cover the reasonable cost that the employee incurs while using the device/service as part of their job duties and responsibilities. The MCD Allowance guidelines are as follows:

- a. The employee is responsible for procuring and paying for all services and equipment.
- b. MCD allowances are based upon careful analysis of type of service required, employees' business usage trends, as well as cost comparisons of current market offerings.
- c. An additional allowance, provided initially and every two (2) years thereafter, will be provided for the activation and for the purchase/upgrade/replacement of devices or accessories.

- d. All MCD allowances are taxable income. The allowance does not constitute an increase to base pay and will not be included in the calculation of pay increases or retirement contributions. Taxes incurred as a result of the MCD allowance are the responsibility of the employee and will not be reimbursed to the employee.
- e. The employee must retain an active MCD service contract as long as the allowance is in place. The employee owns the device and may use the device for both personal and business purposes, as needed. Additional features or services may be added at the employee's own expense.

## **6.0 Employee Responsibilities**

- a. Employee must get supervisor's approval.
- b. Review and sign the Mobile Communication Device Allowance Authorization Form.
- c. Select a device and service provider whose service and coverage meets the requirements of the job responsibilities. If an employee is repeatedly unable to be contacted via their MCD due to problems with the selected mobile service provider, the City may request that the employee change providers.
- d. Provide supervisor with current contact information or address of the communication device within three (3) days of activation or the allowance maybe cancelled.
- e. Acknowledge that supervisors may periodically request that the employee provide a copy of the first page of the phone bill in order to verify that he/she has an active mobile communications device. Supervisors may also periodically request documentation of business use to determine the appropriateness of eligibility and level of the allowance amount.
- f. Assure availability for communication, be in possession of the MCD, and have it charged and turned on.
- g. Notify supervisor immediately of damaged, lost, or stolen MCDs and service cancellations. Employee must secure device/service replacement within three (3) days or a timeframe set by supervisor. Any associated costs for replacement will be the responsibility of the employee. Employees utilizing MCDs that store electronic files, data, e-mail messages or other potentially sensitive City data are required to notify the Information Technology Department immediately of the loss or theft. If possible, the Information Technology Department will take appropriate action to ensure the confidentiality of City data, including, but not limited to, remote deactivation of City-sponsored applications loaded on the missing device.
- h. Acknowledge responsibility for complying with any contracts the employee enters into with service providers, including payment of all charges incurred. In the event an employee ceases to be employed with the City or becomes ineligible for the allowance, the employee continues to be responsible for the contractual obligations of the service plan.
- i. Comply with various policies or laws (i.e.; City policies related to safety while using MCDs, state and municipal laws regarding the use of MCDs while driving, City's Electronic Communication Policy, etc.) currently in effect which pertain to MCDs. Employees whose MCDs are capable of accessing the City of Murphy's e-mail or other information system are reminded that these systems are intended for official City business only (i.e.; personal e-mails sent through City email system) .
- j. Acknowledge that MCD transmissions are not secure and employees should use discretion in relaying confidential City business-related information over a MCD. Conversations (i.e.; voice and data) over an MCD can be monitored legally or illegally.
- k. Acknowledge that MCD records may be subject to the Public Information / Open Records Act. Information generated on, processed by, or stored on an MCD used for City-related business, as well as all related billing records, is considered as public information and may be subject to requests made by members of the public including the Press. Examples of types of information requested may include, but are not limited to, phone calls, voicemails, e-mails, all types of messaging, photographs, Internet usage, and application usage. Information related to phone conversations typically obtained through

the Open Records Act include phone numbers called/received, length of calls, and date/time of calls, except in narrowly defined circumstances.

- l. Ensure that MCD's audible/vibrate notification settings are appropriate for current working environment and should not interfere with customers or other employees.
- m. Make the personal MCD phone number available for inclusion in the City's telephone and department directories as deemed appropriate by supervisor.
- n. Reimburse City for allowances received by employee for periods of inactive service exceeding seven (7) days. In some instances, a prorated amount may apply.
- o. Assure that MCDs used to access any City information system or which may contain any City data is locked and password protected when not in use.
- p. Do not drive or operate a vehicle while conducting City business with an MCD unless the mobile device is handsfree.

#### **7.0 Departmental Responsibilities**

- a. Once eligibility is established, the department director must submit a completed Mobile Communication Device Allowance Authorization Form to the Information Technology Manager for additional processing.
- b. The department director must periodically review the need for MCDs used by employees for business purposes.
- c. The department director has the option of revoking the allowance approval.
- d. If an employee is terminated, resigns, transfers, or for any reason is no longer eligible for a mobile communications device allowance, the supervisor will resubmit the Mobile Communication Device Allowance Authorization Form showing the service end date to terminate the allowance and will notify Finance Dept. immediately.
- e. Supervisors are responsible for ensuring that personal conversations on MCDs are kept to a minimum during official working hours.

#### **8.0 Information Technology Department Responsibilities**

- a. Information Technology Department will provide recommendation for contracted service providers and MCDs in the event that employees may desire that City-licensed applications be loaded onto their personal device. Contracted discounts may be available and may vary from vendor-to-vendor.
- b. When necessary, the Information Technology Department will load City-licensed or City-required applications onto employee-owned MCDs.
- c. The Information Technology Department will not provide any troubleshooting services for employees who elect to purchase devices other than those recommended by the IT staff. Limited support may be provided for employees purchasing recommended devices.
- d. Information Technology Department will not assume liability for any operating issues or data loss/corruption which may result from a City application/service or from troubleshooting employee-owned MCDs.
- e. The Finance Department will budget the monthly allowance and annual device allowance for all approved devices.
- f. During the budget process IT will assist Finance by providing any technical information that is needed to assist with calculating future allowances. Finance will calculate the annual amount of phone allowance expenses for each respective fund to transfer to each qualifying department.
- g. The Information Technology Department will review and approve all MCD email/network connectivity requests.
- h. Any MCD device that is utilized to conduct City business will be reviewed by the Information Technology Department to insure security.

#### **8.0 Wireless Internet Cards**

- a. The City equips each Public Safety Mobile Dispatch Computer with a wireless internet card in order to provide wireless network access to state and local emergency data such as Criminal Justice Information System , CAD, etc. The wireless internet cards are not for personal use and shall be administered by the Information Technology Department.
- b. Each member of the Information Technology Department is provided a wireless internet card in order to provide remote support when needed. The IT Department has an additional wireless internet card which can be checked out by employees when attending conferences, training, etc.

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