

MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
MARCH 1, 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 March 1, 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

PRESENTATIONS

- Chamber of Commerce Update
- Presentation on RUOK Program – Chief Cox
- Fire Department Annual Report – Chief Lee

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 the Minutes from the February 15, 2011 Regular City Council Meeting.
- B. Consider and/or act upon approval of an Ordinance ordering a General Election to be held on May 14, 2011, for the purpose of electing the Mayor, Council Member Place 3, and Council Member Place 5 to a three (3) year term of office.
- C. Consider and/or act upon approval of a resolution authorizing a Joint General Election Contract with the Collin County Elections office for Election Services and a Joint Election Agreement with Plano Independent School District and Wylie Independent School District for the May 14, 2011 Election.
- D. Consider and/or act upon approval of an ordinance revising and updating the 2006 Murphy *Drought Contingency and Water Emergency Response Plan* as required by the State of Texas.
- E. Consider and/or act upon approval of resolution for Murphy to participate in the North Texas Regional Tree Planting Project.
- F. Consider and/or act on approval of an ordinance establishing a Tree Care Program.

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

INDIVIDUAL CONSIDERATION

1. Hold a public hearing and consider and/or act upon recommendations for improvements to Murphy Central Park and extension of the Maxwell Creek Trails grant project.
2. Consider and/or act upon approval of a resolution authorizing the City Manager to enter into an additional service 1 and 2 professional services contract with The HOK Planning Group of Dallas, for Liberty Ridge Park and Timbers Nature Preserve Park Project.
3. Consider and/or act upon approval of an ordinance amending Appendix A, Section 2.100 and Section 2.200 of the City of Murphy Code of Ordinances as it relates to building permit fees and building inspection fees.
4. Discussion on Performance Measures program for Fire and EMS, Customer Service, Economic Development, Code Enforcement and Information Technology.

CITY MANAGER/STAFF REPORTS

- Timbers Fence Agreement
- March 7-8 Collin County Legislative Days
- March 14 Filing Deadline
- March 15 Chamber Lunch
- March 31 Strategic Objectives Session
- April 28 Board, Commission, and Volunteers Appreciation Dinner
- May 3-4 MYGov Days

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.

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.

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 February 25, 2011 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.

Issue

Consider and/or act upon approval of an Ordinance ordering a General Election to be held on May 14, 2011, for the purpose of electing the Mayor, Council Member Place 3, and Council Member Place 5 to a three (3) year term of office.

Background

Pursuant to the City of Murphy Charter, Section 3.01, the City Council shall be composed of a Mayor and six Council Members elected under the place system, with there being Places 1, 2, 3, 4, 5 and 6. The Mayor and each Council Member shall be elected at large, and unless sooner removed under the provisions of this Charter, shall serve for a term of three (3) years, and until their successor has been elected and duly qualified.

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

Texas Election Law prescribes the uniform election date as the second Saturday in May which will be May 14, 2010.

Financial Considerations

The City Secretary's Office has budgeted \$50,000 for election expenses in the FY2011 Budget, which also included expenses for the November Charter Election. The Charter Election expenses totaled \$40,200. Pending Council approval of a joint contract with Collin County on this March 1 agenda, the City will contract with Collin County for the administration of a joint election with the Plano Independent School District (PISD) and the Wylie Independent School District (WISD), with costs being split equally. Costs unique to one entity will be billed solely to that entity. The total estimated cost to the City of Murphy to contract with Collin County is \$6130.29. This cost is based on an estimate only and is subject to change if any entity should cancel their election. Additional costs for the election include required publications of notices.

Board/Staff Recommendation

Staff recommends approval.

Attachments

- 1) Proposed Ordinance

Aimee Nemer, City Secretary
Submitted By

City Manager Approval

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON THE ELEVENTH OF MAY, 2011 FOR THE PURPOSE OF ELECTING A MAYOR AND COUNCIL MEMBERS PLACE 3 AND PLACE 5 TO A THREE (3) YEAR TERM OF OFFICE; PROVIDING FOR ELECTION OFFICERS; DESIGNATING THE PLACE AND MANNER OF HOLDING SAID ELECTION; DESIGNATING THE EARLY VOTING POLLING PLACE; DESIGNATING THE EARLY VOTING CLERK; PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the Texas Election Code establishes May 14, 2011, as the uniform election date for the City of Murphy general election; and

WHEREAS, the Section 3.01(2) of the Home-Rule Charter provides that a general municipal election for Mayor and Council Members Places 3 and 5 shall be elected at large on the May 14, 2011 uniform election date and that the Mayor and Council Members elected shall serve for three (3) year terms of office; and

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, and public notice of the time, place and purpose of said meeting was given as required by Section 551.043 of the Texas Government Code.

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

Section 1. Election Order; Election Date. That a General Election of the City of Murphy, prescribed by City of Murphy Home-Rule Charter shall be held between the hours of seven o'clock a.m. (7:00 a.m.) and seven o'clock p.m. (7:00 p.m.) on the 11th day of May, 2011.

Section 2. Purpose of Election. For the purpose of a General Election for Mayor and Council Member Places 3 and 5 with the elected Mayor and Council Members serving a three (3) year term of office. The candidate for each such office receiving a majority of all votes cast for the office shall be elected to serve such term.

Section 3. Candidate Filing Deadline. That candidates for City Council may file for one of the three (3) places February 12, 2011 through March 14, 2011 between the hours of 8 a.m. to 5 p.m., Monday through Friday. The deadline for a write-in candidate shall be 5:00 p.m. on March 21, 2011.

Section 4. Voting System. That voting on the date of the Election, and early voting therefore, shall be by the use of a lawfully approved voting system. The preparation of the voting

equipment to be used in connection with such voting system and the official ballots for the Election shall conform to the Texas Election Code, as amended, so as to permit the electors to vote for the Mayor and 2 City Council Members. Said ballots shall have printed therein such provisions, markings, and language as may be required by law and the Candidates shall be set forth on said ballots in substantially the following form and language:

GENERAL ELECTION
City of Murphy, Texas
May 14, 2011

OFFICIAL BALLOT

Mayor

Council Member, Place 3

Council Member, Place 5

Section 5. Election Precincts; Polling Places. That the City hereby designates the Election Day polling location for the voters in three (3) Collin County Election Precincts located wholly or partially within the City of Murphy (Precinct Numbers 25, 144, and 166). The Election Day polling place for Precinct Number 25 and 166 shall be the Murphy Municipal Complex, 206 North Murphy Road, Murphy, Texas 75094. The Election Day polling place for Precinct Number 144 shall be Miller Elementary School, 5651 Coventry Drive, Richardson, Texas 75082. The Election Day election officials shall be named by the Collin County Elections Administrator.

Section 6. Early Voting; Early Voting Polling Place. The election shall be conducted by Collin County pursuant to a contract for election services between the City of Murphy and Collin County, and Collin County election officials shall serve as officials for said election.

Collin County Election Administrator Sharon Rowe, Collin County Elections Administration Office, 2010 Redbud Blvd., Suite 102, McKinney, Texas 75069, is hereby appointed as the Early Voting Clerk, and the early voting locations by personal appearance for the election are attached as *Exhibit A*. Early voting shall take place during the following dates and times:

May 2 – May 4	8:00 a.m. – 5:00 p.m.;
May 5	8:00 a.m. – 7:00 p.m.;
May 6 – May 7	8:00 a.m. – 5:00 p.m.; and
May 9 and May 10,	7:00 a.m. – 7:00 p.m.

Section 7. Election Compliance. This election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas. In all City elections, the Mayor, City Secretary or City Council shall perform each act as is required to be performed, in

connection with the holding and consummation of such election, and to give effect to the intent of this Ordinance.

Section 8. Voting Qualification; Voting Materials. All registered, qualified voters of the City shall be permitted to vote at the election. In addition, the election materials enumerated in the Texas Election Code, as amended, shall be printed in English and Spanish for use at the polling places and for early voting for the Election.

Section 9. Compensation for Services. The Presiding Judge of the regular election shall be paid the sum of \$12.00 per hour for services provided in conducting the election. The Alternate Judge and each election clerk of the regular election shall be paid the sum of \$10.00 per hour for services provided in conducting the election. Additionally, the Presiding Judge shall be paid \$25.00 for the delivery of the election supplies and results after the polls close.

Section 10. Election Returns. The Collin County Election Administrator shall deliver election returns to the City Secretary. The ballot boxes will be retained by the Collin County Election Administrator and will be available for inspection by the City Council in compliance with the applicable laws of the State of Texas; and the ballots that are properly marked in conformance with the provisions of the Texas Election Code, as amended, for votes cast both during the period of early voting and on the day of the Election shall be counted in the manner required by law.

Section 11. Notice. The Mayor and City Secretary are hereby directed to give notice of the election by:

- (a) Publishing the notice of the election at least once, not more than thirty (30) days nor less than ten (10) days before the election in the official newspaper and the official City website;
- (b) A sample ballot shall be published, printed, and made available on the official City website and at City Hall as required by law;
- (c) Filing with the City Secretary, a copy of the notice of the election; and
- (d) Posting a copy of the notice on the bulletin board used for posting notices of the meetings of the City Council at least twenty-one (21) days before the Election.

The Mayor or City Secretary shall file with the City Secretary a copy of the Publisher's Affidavit, which complies with the Texas Election Code, as amended, that the notice was published, with the name of the newspaper and the dates of publication.

Section 12. Run-Off Election. If a run-off election becomes necessary, the Collin County Election Administrator's office will conduct the run-off election. In the event any candidate for any one of said offices fails to receive a majority of all votes cast for such office, a

run-off election is hereby ordered to be held on June 18, 2011, as provided for by the Charter of the City and the Texas Election Code.

Section 13. Severability Clause. If any word, section, article, phrase, paragraph, sentence, clause, or portion of this ordinance or application thereto to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity which remaining portions shall remain in full force and effect.

Section 14. Effective Date. This Ordinance shall take effect from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Murphy, Texas on this the 1st day of March 2011.

Bret M. Baldwin, Mayor
City of Murphy

ATTEST:

Aimee Nemer, City Secretary
City of Murphy

Exhibit A

MAY 14, 2011, JOINT GENERAL ELECTION

City of Murphy, Plano ISD & Wylie ISD*

Early Voting Locations and Hours

Polling Place		Address			City	
Collin County Election Office (Main Early Voting Location)		2010 Redbud Blvd., #102			McKinney	
Murphy Municipal Complex		206 N. Murphy Road			Murphy	
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>May 1</i>	<i>May 2</i>	<i>May 3</i>	<i>May 4</i>	<i>May 5</i>	<i>May 6</i>	<i>May 7</i>
	8am – 5pm	8am – 5pm	8am – 5pm	8am - 7pm	8am - 5pm	8am - 5pm
<i>May 8</i>	<i>May 9</i>	<i>May 10</i>	<i>May 11</i>	<i>May 12</i>	<i>May 13</i>	<i>May 14</i>
	7am – 7pm	7am – 7pm				7am – 7pm Election Day

* City and School District voters may vote at any of the additional Early Voting locations open under full contract services with the Collin County Elections Administration.

Issue

Consider and/or act upon approval of a resolution authorizing a Joint General Election Contract with the Collin County Elections office for Election Services and a Joint Election Agreement with Plano Independent School District and Wylie Independent School District for the May 14, 2011 Election.

Background

The City of Murphy has contracted with the Collin County Elections Administration office since 2003 and this has proven to be beneficial and a cost-savings for all entities. This practice is also a convenience to the voters for the City of Murphy.

The City will jointly contract with the Plano Independent School District (PISD) and the Wylie Independent School District (WISD). PISD and WISD have approved the Joint Election Agreement which is attached for reference.

Financial Considerations

By contracting with the Collin County Elections Administration office, the City will share equally with PISD and WISD in the shared expenses applicable to the early and Election Day polling location(s), election officials, supplies, ballots and all necessary expenses for the election upon receipt of satisfactory billing and invoices reflecting the total of such election. Expenses unique to one entity shall be billed solely to that entity. Collin County has provided a cost estimate of \$6130.29 for the City's share of the May 2011 Election expenses.

An entity canceling an election pursuant to Section 2.053 of the Texas Election Code will not be liable for costs incurred by the Elections Administrator in conducting the May 14, 2011, Joint General Election; they will be liable only for the contract preparation fee of \$75.00.

Other Considerations

Section 271.002 of the Texas Election Code authorizes the governing bodies of the political subdivisions to enter into an agreement to hold elections jointly in election precincts.

Section 31.093 of the Election Code provides that the County Elections Administrator is required to contract with cities and other political subdivisions to perform services for the political subdivision in the conduct of their elections when requested to do so.

Board/Staff Recommendation

Staff recommends approval.

Attachments

- 1) Resolution with Exhibit A - Joint General Election Contract with Exhibits A-D

Aimee Nemer, City Secretary

Submitted By

City Manager Approval

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, APPROVING A JOINT GENERAL ELECTION CONTRACT FOR ELECTION SERVICES AND A JOINT ELECTION AGREEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID CONTRACT AS AMENDED.

WHEREAS, The City of Murphy has been contracting with the Collin County Elections Administration since 2003; and

WHEREAS, The City of Murphy has determined that contracting with Collin County is beneficial to the City and to the voters; and

WHEREAS, This contract includes a Joint Election Agreement with the Plano Independent School District and the Wylie Independent School District; and

WHEREAS, The Joint General Election Contract for Election Services with Exhibits A - D is attached hereto as *Exhibit A*.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Murphy that the City approves the Joint General Election Contract for Election Services with Exhibits A – D and authorizes the City Manager to execute the contract as amended.

PASSED AND APPROVED by the City Council of the City of Murphy this 1st day of March, 2011.

APPROVED:

Bret M. Baldwin, Mayor

ATTEST:

Aimee Nemer, City Secretary

***Murphy Resolution No.
Exhibit A***

Exhibit A

Exhibit B

Exhibit C

Exhibit D

May 14, 2011
Joint General Election
Contract for Election Services
City of Murphy/Plano ISD/Wylie ISD

May 14, 2011 Joint General Election

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THE STATE OF TEXAS
COUNTY OF COLLIN
CITY OF MURPHY–
PLANO ISD & WYLIE ISD

§

CONTRACT FOR
ELECTION SERVICES

BY THE TERMS OF THIS CONTRACT made and entered into by and between the CITY OF MURPHY, hereinafter referred to as the "CITY," and the BOARD OF TRUSTEES OF THE PLANO INDEPENDENT SCHOOL DISTRICT, and the BOARD OF TRUSTEES OF THE WYLIE INDEPENDENT, hereinafter referred to as the "SCHOOL DISTRICTS," and SHARON ROWE, Elections Administrator of Collin County, Texas, hereinafter referred to as "Contracting Officer," pursuant to the authority in Subchapter D, Section 31.092, of Chapter 31, of the Texas Election Code, agree to the following particulars in regard to coordination, supervision and running of the City and School District's May 14, 2011 Joint General Election and a City Runoff Election, if necessary, on June 18, 2011. An additional cost estimate, early voting calendar, and Election Day polling place schedule will be prepared should a Runoff Election be necessary.

THIS AGREEMENT is entered into in consideration of the mutual covenants and promises hereinafter set out. IT IS AGREED AS FOLLOWS:

I. DUTIES AND SERVICES OF CONTRACTING OFFICER. The Contracting Officer shall be responsible for performing the following duties and shall furnish the following services and equipment:

A. The Contracting Officer shall arrange for appointment, notification (including writ of election), training and compensation of all presiding judges, alternate judges, the judge of the Central Counting Station and judge of the Early Voting Ballot Board.

a. The Contracting Officer shall be responsible for notification of each Election Day and Early Voting presiding judge and alternate judge of his or her appointment. The recommendations of the City and the School Districts will be the accepted guidelines for the number of clerks secured to work in each polling place. The presiding election judge of each polling place, however, will use his/her discretion to determine when additional

manpower is needed during peak voting hours. The Contracting Officer will determine the number of clerks to work in the Central Counting Station and the number of clerks to work on the Ballot Board. Election judges shall be secured by the Contracting Officer with the approval of the City and the School Districts.

b. Election judges shall attend the Contracting Officer's school of instruction (Elections Seminar) to be held Wednesday, May 11, 2011, at the Collin County 380 Courts Bldg., Central Jury Room, 1800 N. Graves St., McKinney, TX at 2:00 PM.

c. Election judges shall be responsible for picking up from and returning election supplies to the county election warehouse located at 2010 Redbud Blvd., Suite 102, McKinney. Compensation for this pickup and delivery of supplies will be \$25.00.

d. The Contracting Officer shall compensate each election judge and worker. Each judge shall receive \$12.00 per hour for services rendered. Each alternate judge and clerk shall receive \$10.00 per hour for services rendered. Overtime will be paid to each person working over 40 hours per week.

B. The Contracting Officer shall procure, prepare, and distribute voting machines, election kits and election supplies.

a. The Contracting Officer shall secure election kits which include the legal documentation required to hold an election and all supplies including locks, pens, magic markers, etc.

b. The Contracting Officer shall secure all tables, chairs, and legal documentation required to run the Central Counting Station.

c. The Contracting Officer shall provide all lists of registered voters required for use on Election Day and for the early voting period required by law. The Election Day list of registered voters shall be arranged in

alphabetical order by polling place, in lieu of alphabetic by each precinct in each polling place.

d. The Contracting Officer shall procure and arrange for the distribution of all election equipment and supplies required to hold an election.

1. Equipment includes the rental of voting machines, ADA compliance headphones and keypads (1 per site), transfer cases, voting signs and tote boxes.

2. Supplies include smart cards, sample ballots, early voting mail ballots, pens, tape, markers, etc.

C. The Contracting Officer, Sharon Rowe, shall be appointed the Early Voting Clerk by the City and the School Districts.

a. The Contracting Officer shall supervise and conduct Early Voting by mail and in person and shall secure personnel to serve as Early Voting Deputies.

b. Early Voting by personal appearance for the City and School District's May 8, 2010, Joint General Election shall be conducted during the time period and at the locations listed in Exhibit "A", attached and incorporated by reference into this contract.

c. All applications for an Early Voting mail ballot shall be received and processed by the Collin County Elections Administration Office, 2010 Redbud Blvd., Suite 102, McKinney, Texas 75069.

1. Application for mail ballots erroneously mailed to the City or School Districts shall immediately be faxed to the Contracting Officer for timely processing. The original application shall then be forwarded to the Contracting Officer for proper retention.

2. All Federal Post Card Applicants (FPCA) will be sent a mail ballot. No postage is required.

d. All Early Voting ballots (those cast by mail and those cast by personal appearance) shall be prepared for count by the Early Voting Ballot Board in accordance with Section 87.000 of the Texas Election Code. The presiding judge of this Board shall be appointed by the Contracting Officer.

D. The Contracting Officer shall arrange for the use of all Election Day polling places. The City and School Districts shall assume the responsibility of remitting the cost of all employee services required to provide access, provide security or provide custodial services for the polling locations. The Election Day polling locations are listed in Exhibit "B", attached and incorporated by reference into this contract.

E. The Contracting Officer shall be responsible for establishing and operating the Central Counting Station to receive and tabulate the voted ballots in accordance with Section 127.001 of the Election Code and of this agreement. Counting Station Manager and Central Count Judge shall be Sharon Rowe. The Tabulation Supervisor shall be Patty Seals.

a. The tabulation supervisor shall prepare, test and run the county's tabulation system in accordance with statutory requirements and county policies, under the auspices of the Contracting Officer.

b. The Public Logic and Accuracy Test of the electronic voting system shall be conducted.

c. Election night reports will be available to the City and School Districts at the Central Counting Station on election night. Provisional ballots will be tabulated after election night in accordance with law.

d. The Contracting Officer shall prepare the unofficial canvass report after all precincts have been counted, and will provide a copy of the unofficial canvass to the City and School Districts as soon as possible after all returns have been tallied.

- e. The Contracting Officer shall be appointed the custodian of the voted ballots and shall retain all election material for a period of 22 months.
 - 1. Pending no litigation and as prescribed by law, the voted ballots shall be shredded 22 months after the election.
 - 2. The City and School Districts can obtain the list of registered voters from the Elections Administration Office after this retention period. Pending no litigation and if the City or School Districts does not request the lists, the Contracting Officer shall destroy them.
- f. The Contracting Officer shall conduct a manual count as prescribed by Section 127.201 of the Texas Election Code and submit a written report to the City and School Districts in a timely manner. The Secretary of State may waive this requirement. If applicable, a written report shall be submitted to the Secretary of State as required by Section 127.201(E) of the aforementioned code.

F. The Contracting Officer is in compliance with HB 2524.

II. DUTIES AND SERVICES OF THE CITY AND SCHOOL DISTRICTS.

The City and School Districts shall assume the following responsibilities:

A. The City and School Districts shall prepare the election orders, resolutions, notices, justice department submissions, official canvass and other pertinent documents for adoption by the appropriate office or body. The City and School Districts assumes the responsibility of posting all notices and likewise promoting the schedules for Early Voting and Election Day.

B. The City and School Districts shall provide the Contracting Officer with an updated map and street index of their jurisdiction in an electronic or printed format as soon as possible but no later than Friday, March 25, 2011.

C. The City and School Districts shall procure and provide the Contracting Officer with the ballot layout and Spanish interpretation in an electronic format.

a. The City and School Districts shall deliver to the Contracting Officer as soon as possible, but no later than 9:00 AM Wednesday, March 16, 2011, the official wording for the City and School District's May 14, 2011, Joint General Election. Confirmation of declared write-in candidates shall be submitted to the Contracting Officer no later than Monday, March 21, 2011.

b. The City and School Districts shall approve the "blue line" ballot format prior to the final printing.

D. The City and School Districts shall post the publication of election notice by the proper methods with the proper media.

E. The City and School Districts shall prepare and submit to the U. S. Department of Justice under the Federal Voting Rights Act of 1965, any required submissions on voting changes.

F. The City and School Districts shall compensate the Contracting Officer for any additional verified cost incurred in the process of running this election or for a manual count this election may require, consistent with charges and hourly rates shown on Exhibit "C" for required services.

G. The City and School Districts shall pay the Contracting Officer 90% of the estimated cost to run the said election prior to Friday, April 8, 2011. The Contracting Officer shall place the funds in a "contract fund" as prescribed by Section 31.100 of the Texas Election Code. The Deposit should be delivered within the mandatory time frame to:

**Collin County Treasury
Attn: Pam Dugger
2300 Bloomdale Rd. #3138
McKinney, Texas 75071**

Made payable to: "Collin County Treasury" with the note "for election services" included with check documentation.

H. The City and School Districts shall pay the cost of conducting said election, less partial payment, including the 10% administrative fee, pursuant to the Texas Election Code, Section 31.100, within 30 days from the date of final billing.

III. COST OF SERVICES. See Exhibit "C"

IV. GENERAL PROVISIONS.

A. Nothing contained in this contract shall authorize or permit a change in the officer with whom or the place at which any document or record relating to the City and School District's May 14, 2011, Joint General Election is to be filed or the place at which any function is to be carried out, or any nontransferable functions specified under Section 31.096 of the Texas Election Code.

B. Upon request, the Contracting Officer will provide copies of all invoices and other charges received in the process of running said election for the City and School Districts.

C. If the City and/or School Districts cancel their election pursuant to Section 2.053 of the Texas Election Code, the Contracting Officer shall be paid a contract preparation fee of \$75. An entity canceling an election will not be liable for any further costs incurred by the Contracting Officer in conducting the May 14, 2011, Joint General Election. All actual shared cost incurred in the conduct of the election will be divided by the actual number of entities contracting with the Contracting Officer **and** holding a May 14, 2011, Joint General Election.

D. The Contracting Officer shall file copies of this contract with the County Judge and the County Auditor of Collin County, Texas.

WITNESS BY MY HAND THIS THE ____ DAY OF _____ 2011.

Sharon Rowe
Elections Administrator
Collin County, Texas

WITNESS BY MY HAND THIS THE ____ DAY OF _____ 2011.

By: _____
James Fisher, City Manager
City of Murphy

Attest: _____
Aimee Nemer, City Secretary
City of Murphy

WITNESS BY MY HAND THIS THE ____ DAY OF _____ 2011.

By: _____
Dr. Doug Otto, Superintendent
Plano Independent School District

Attest: _____
Lloyd "Skip" Jenkins
Plano Independent School District

WITNESS BY MY HAND THIS THE ____ DAY OF _____ 2011.

By: _____
Brian Miller, Assistant Superintendent
Wylie Independent School District

Attest: _____
Kathy Lipe, Administrative Assistant
Wylie Independent School District

MAY 14, 2011, JOINT GENERAL ELECTION

City of Murphy, Plano ISD & Wylie ISD*

Early Voting Locations and Hours

Polling Place		Address				City	
Collin County Election Office (Main Early Voting Location)		2010 Redbud Blvd., #102				McKinney	
Murphy Municipal Complex		206 N. Murphy Road				Murphy	
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	
<i>May 1</i>	<i>May 2</i>	<i>May 3</i>	<i>May 4</i>	<i>May 5</i>	<i>May 6</i>	<i>May 7</i>	
	8am – 5pm	8am – 5pm	8am – 5pm	8am - 7pm	8am - 5pm	8am - 5pm	
<i>May 8</i>	<i>May 9</i>	<i>May 10</i>	<i>May 11</i>	<i>May 12</i>	<i>May 13</i>	<i>May 14</i>	
	7am – 7pm	7am – 7pm				7am – 7pm Election Day	

* City and School District voters may vote at any of the additional Early Voting locations open under full contract services with the Collin County Elections Administration.

Exhibit "B"

**MAY 14, 2011
JOINT GENERAL ELECTION**

Election Day Polling Locations – City of Murphy, PISD & WISD

Precincts	Location	Address	City
94, 125, 144	Miller Elementary School	5651 Coventry Drive	Richardson
25, 159, 165, 166, 175	Murphy Municipal Complex	206 N. Murphy Road	Murphy

ESTIMATED COSTS FOR THE CITY OF MURPHY

May 14, 2011

Exhibit "C"

SUPPLY COST

Number of Early Voting Locations 1
 Number of Election Day Locations 2

		Units	Cost Murphy/PISD	Units	Cost Murphy/WISD	Units	Cost Murphy/PISD/WISD
Sample Ballots	\$0.0690 each	750	\$51.75	500	\$34.50	0	\$0.00
Early Voting Mail Ballots	\$1.20 each	50	\$60.00	10	\$12.00	0	\$0.00
Precinct Ballot Setup	\$10.00 each	1	\$10.00	1	\$10.00	0	\$0.00
Precinct Ballots	\$0.1670 each	500	\$83.50	500	\$83.50	0	\$0.00
Early voting and election day kits	\$25.00 each	1	\$25.00	0	\$0.00	2	\$50.00
Central Counting kit and supplies	\$50.00 each	0	\$0.00	0	\$0.00	1	\$50.00
County Precinct Maps	\$12.00 each	1	\$12.00	0	\$0.00	2	\$24.00
Printer Labels	\$15.13 each	1	\$15.13	0	\$0.00	2	\$30.26
Total			\$257.38		\$140.00		\$154.26
Number of Entities Sharing Costs			<u>2</u>		<u>2</u>		<u>3</u>
SubTotal			\$128.69		\$70.00		\$51.42
Grand Total	\$250.11						

EQUIPMENT RENTAL COST

Number of Early Voting Locations 1
 Number of Election Day Locations 2

		Units	Cost Murphy/PISD	Units	Cost Murphy/WISD	Units	Cost Murphy/PISD/WISD
Voting Machines	\$150.00 each	4	\$600.00	0	\$0.00	13	\$1,950.00
Machine Drayage/L&A/Gas	\$40.74 each	4	\$162.96	0	\$0.00	14	\$570.36
Transfer Cases	\$5.00 each	1	\$5.00	0	\$0.00	2	\$10.00
Metal Signs	\$1.00 each	2	\$2.00	0	\$0.00	4	\$4.00
Wood Signs	\$2.00 each	1	\$2.00	0	\$0.00	2	\$4.00
Large Early Voting Signs	\$5.00 each	0	\$0.00	0	\$0.00	1	\$5.00
Early Voting Cabinet	\$50.00 each	0	\$0.00	0	\$0.00	1	\$50.00
Tote Box	\$1.00 each	1	\$1.00	0	\$0.00	2	\$2.00
Early Voting Computer	\$300.00 each	0	\$0.00	0	\$0.00	1	\$300.00
Total			\$772.96		\$0.00		\$2,895.36
Number of Entities Sharing Costs			<u>2</u>		<u>2</u>		<u>3</u>
SubTotal			\$386.48		\$0.00		\$965.12
Grand Total	\$1,351.60						

JOINT ELECTION AGREEMENT

between

The City Council of the City of Murphy (the City), the Board of Trustees of the Plano Independent School District (PISD), and the Board of Trustees of the Wylie Independent School District (WISD) known as the Schools,

BY THE TERMS OF THIS AGREEMENT, the City, and the Schools do hereby agree, pursuant to the provisions of the Texas Election Code, to hold a joint election for the General Election should it be called, of the City and the General Elections of the Schools to be held on Saturday, May 14, 2011. The entities have contracted with the Collin County Elections Administrator (Election Administrator) to perform various duties and responsibilities on their behalf.

The three entities shall share equally in shared expenses applicable for the early voting location at Murphy Municipal Complex. All three entities shall share equally in Election Day polling location expenses for Murphy Municipal Complex and Miller Elementary. Expenses include polling location costs, election officials, supplies, ballots and any other and all necessary expenses for the election upon receipt of satisfactory billing and invoices reflecting the total of such election. Expenses unique to one entity shall be billed solely to that entity.

Tabulation and centralized costs shall be shared equally between the number of entities holding an election on May 14, 2011. An entity canceling an election pursuant to Section 2.053 of the Texas Election Code will not be liable for costs incurred by the Elections Administrator in conducting the May 14, 2011, Joint General Elections; however, they will be liable for the contract preparation fee of \$75.00.

APPROVED BY THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS in its meeting held the _____ day of _____, 2011, and executed by its authorized representative.

By: _____
James Fisher, City Manager

Attest: _____
Aimee Nemer, City Secretary

APPROVED BY THE TRUSTEES OF THE PLANO INDEPENDENT SCHOOL DISTRICT in its meeting held the 15th day of February, 2011, and executed by its authorized representative.

By: 
Dr. Doug Otto, Superintendent

Attest: 
Lloyd "Skip" Jenkins, President

APPROVED BY THE TRUSTEES OF THE WYLIE INDEPENDENT SCHOOL DISTRICT in its meeting held the 21st day of February, 2011, and executed by its authorized representative.

By: 
Brian Miller, Assistant Superintendent

Attest: 
Kathy Lipe, Administrative Asst.

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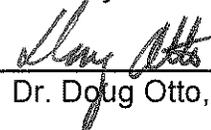
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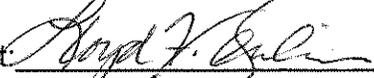
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By: _____
James Fisher, City Manager

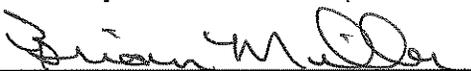
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By: _____
James Fisher, City Manager

Attest: _____
Aimee Nemer, City Secretary

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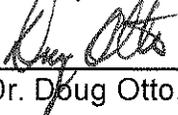
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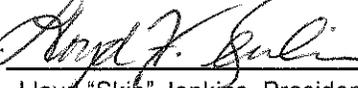
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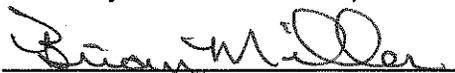
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Attest: 
Kathy Lipe, Administrative Asst.

Issue

Consider and/or act upon approval of an ordinance revising and updating the 2006 Murphy *Drought Contingency and Water Emergency Response Plan* as required by the State of Texas.

Background

The City Council adopted a drought contingency ordinance in 2000 and 2006 based on the North Texas Municipal Water District (NTMWD) model *Drought Contingency and Water Emergency Response Plan* and Ordinance. NTMWD has distributed a new model plan for its customers to utilize and adopt that meets all the state and federal law mandates.

The Plan contains requirements that must be implemented within five (5) stages of a drought or water emergency response and termination process including:

- List of elements to determine calling an emergency or contingency
- Notifications requirements to the public, media, and state agencies
- Various levels of reduction in water use

Staff Recommendation

Staff recommends approval.

Attachment

- 1) 2011 *Drought Contingency and Water Emergency Response Plan* and Ordinance
- 2) Ordinance No. 06-08-703 (2006 Ordinance)

Kim Lenoir, Community Services Manager
Submitted By

City Manager Approval

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

1. INTRODUCTION AND OBJECTIVES

This plan addresses all of the current TCEQ requirements for a drought contingency plan. This plan replaces the plan/ordinances dated August 2000 and August 2006.

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

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

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

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

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

2. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES

The TCEQ rules governing development of drought contingency plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 of the Texas Administrative Code, a current copy of which is included in Appendix B. For the purpose of these rules, a drought contingency plan is defined as “a strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies.”¹

Minimum Requirements

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

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

3. DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN

3.1 Provisions to Inform the Public and Opportunity for Public Input

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

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

3.2 Provisions for Continuing Public Education and Information

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

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

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

3.3 Initiation and Termination of Drought or Water Emergency Response Stages

Initiation of a Drought or Water Emergency Response Stage

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

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

- The NTMWD will be notified by e-mail with a follow-up letter or fax that provides details of the reasons for initiation of the drought/water emergency response stage.
- If any mandatory provisions of the drought contingency and water emergency response plan are activated, City of Murphy will notify the Executive Director of the TCEQ and the Executive Director of the NTMWD within 5 business days.

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

Termination of a Drought or Water Emergency Response Stage

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

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

The City Manager or official designee may decide not to order the termination of a drought or water emergency response stage even though the conditions for termination of the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the drought stage. The reason for this decision should be documented.

Drought Contingency and Water Emergency Response Stages and Measures

Stage 1

Initiation and Termination Conditions for Stage 1

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

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

Goal for Use Reduction and Actions Available under Stage 1

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

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

Stage 2

Initiation and Termination Conditions for Stage 2

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

- NTMWD’s supply source becomes contaminated.
- NTMWD’s water supply system is unable to deliver water due to the failure or damage of major water system components.
- City’s water demand exceeds 95 percent of the amount that can be delivered to customers for three consecutive days.
- City’s water demand for all or part of the delivery system equals delivery capacity because delivery capacity is inadequate.
- Supply source becomes contaminated.
- City’s water supply system is unable to deliver water due to the failure or damage of major water system components.
- City’s individual plan may be implemented if other criteria dictate.

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

Goal for Use Reduction and Actions Available under Stage 2

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

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

- **Requires Notification to TCEQ** – Prohibit planting of cool season grasses (such as rye grass or other similar grasses) that intensify cool season water requirements.

Stage 3

Initiation and Termination Conditions for Stage 3

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

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

Goals for Use Reduction and Actions Available under Stage 3

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

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

- Continue or initiate any actions available under Stages 1 and 2.
- Implement viable alternative water supply strategies.
- **Requires Notification to TCEQ** – Initiate mandatory water use restrictions as follows:
 - Prohibit hosing of paved areas, buildings, or windows. (Pressure washing of impervious surfaces is allowed.)
 - Prohibit operation of all ornamental fountains or other amenity impoundments to the extent they use treated water.
 - Prohibit washing or rinsing of vehicles by hose except with a hose end cutoff nozzle.
 - Prohibit using water in such a manner as to allow runoff or other waste.
- **Requires Notification to TCEQ** – Limit landscape watering with sprinklers or irrigation systems at each service address to once every seven days. Exceptions are as follows:
 - Foundations, new landscaping, new plantings (first year) of shrubs, and trees may be watered for up to 2 hours on any day by a hand-held hose, a soaker hose, or a dedicated zone using a drip irrigation system.
 - Golf courses may water greens and tee boxes without restrictions.
 - Public athletic fields used for competition may be watered twice per week.
 - Locations using other sources of water supply for irrigation may irrigate without restrictions.
 - Registered and properly functioning ET/Smart irrigation systems and drip irrigation systems may irrigate without restrictions.
- **Requires Notification to TCEQ** – Limit landscape watering with sprinklers or irrigation systems between November 1 and March 31 to once every two weeks. An exception is allowed for landscape associated with new construction that may be watered as necessary for 30 days from the date of the certificate of occupancy, temporary certificate of occupancy, or certificate of completion.

- **Requires Notification to TCEQ** – Prohibit hydroseeding, hydromulching, and sprigging.
- **Requires Notification to TCEQ** – Existing swimming pools may not be drained and refilled (except to replace normal water loss).
- **Requires Notification to TCEQ** - Initiate a rate surcharge as requested by NTMWD.
- **Requires Notification to TCEQ** - Initiate a rate surcharge for all water use over a certain level.
- **Requires Notification to TCEQ** – Prohibit watering of golf courses using treated water, except as needed to keep greens and tee boxes alive.

Stage 4

Initiation and Termination Conditions for Stage 4

- The NTMWD has initiated Stage 4, which may be initiated due to one or more of the following:
 - The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 4.
 - Water demand is projected to approach or exceed the limit of the permitted supply.
 - The storage in Lavon Lake is less than 35 percent of the total conservation pool capacity.
 - NTMWD’s storage in Jim Chapman Lake is less than 35 percent of NTMWD’s total conservation pool capacity.
 - The Sabine River Authority has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a severe drought or emergency.
 - The supply from Lake Texoma, the East Fork Raw Water Supply Project, or some other NTMWD source has become severely limited in availability.
 - NTMWD water demand exceeds the amount that can be delivered to customers.
 - NTMWD water demand for all or part of the delivery system seriously exceeds delivery capacity because the delivery capacity is inadequate.
 - NTMWD’s supply source becomes contaminated.
 - NTMWD’s water supply system is unable to deliver water due to the failure or damage of major water system components.
- City’s water demand exceeds the amount that can be delivered to customers.
- City’s water demand for all or part of the delivery system seriously exceeds delivery capacity because the delivery capacity is inadequate.
- Supply source becomes contaminated.

- City's water supply system is unable to deliver water due to the failure or damage of major water system components.
- City's individual plan may be implemented if other criteria dictate.

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

Goals for Use Reduction and Actions Available under Stage 4

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

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

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

3.4 Procedures for Granting Variances to the Plan

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

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

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

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

3.5 Procedures for Enforcing Mandatory Water Use Restrictions

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

3.6 Coordination with the Regional Water Planning Group and NTMWD

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

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

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

APPENDIX A
LIST OF REFERENCES

Appendix A
List of References

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

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

- (3) City of Austin Water Conservation Division: "City of Austin Water Drought Contingency Plan, Developed to Meet Senate Bill 1 Regulatory Requirements," Austin, August 1999.
- (4) City of Austin Water Conservation Division: "City of Austin Water Conservation Plan, Developed to Meet Senate Bill 1 Regulatory Requirements," Austin, August 1999.
- (5) Upper Trinity Regional Water District: "Water Conservation Plan and Emergency Water Demand Management Plan," adopted by the Board of Directors, Lewisville, August 5, 1999.
- (6) Upper Trinity Regional Water District: "Water Conservation Plan and Emergency Water Demand Management Plan (2002 Amended)," adopted by the Board of Directors, Lewisville, February 2002.
- (7) *City of Dallas Water Utilities Department: "City of Dallas Water Management Plan," adopted by the City Council, Dallas, September 1999.
- (8) Updates to City of Dallas Water Management Plan found at <http://www.dallascityhall.com> in September 2003.
- (9) *City of Dallas Water Utilities Department: "City of Dallas Water Conservation Plan," adopted by the City Council, Dallas, September 1999.
- (10) *City of Fort Worth: "Water Conservation plan for the City of Fort Worth," Fort Worth, August 1999.
- (11) Updates to the City of Fort Worth water conservation plan found at <http://ci.fort-worth.tx.us> in September 2003.
- (12) *City of Fort Worth: "Emergency Water Management Plan for the City of Fort Worth," Fort Worth, August 19, 2003.

- (13) HDR Engineering, Inc.: “Water Conservation and Emergency Demand Management Plan,” prepared for the Tarrant Regional Water District, Austin, February 2000.
- (14) Freese and Nichols, Inc.: “Water Conservation and Drought Contingency Plan,” prepared for Brown County Water Improvement District No. 1, Fort Worth, August 1999.
- (15) Freese and Nichols, Inc.: “Water Conservation and Drought Contingency Plan,” prepared for the Sabine River Authority of Texas, Fort Worth, September 1994.
- (16) HDR Engineering, Inc.: “Water Conservation and Emergency Demand Management Plan,” prepared for the Tarrant Regional Water District, Austin, June 1998.
- (17) HDR Engineering, Inc.: “Water Conservation Plan for the City of Corpus Christi,” adopted by the City of Corpus Christi City Council, August 24, 1999.
- (18) City of Houston’s water conservation plan downloaded September 2003 from <http://www.cityofhouston.gov>
- (19) City of Houston: “Ordinance N. 2001-753, Amending Chapter 47 of the Code of Ordinances Relating to Water Emergencies,” Houston, August 2001.
- (20) City of Houston: “Ordinance No. 98-764, Relating to Water Conservation,” Houston, September 1998.
- (21) City of Houston: “Water Conservation Plan,” 1998.
- (22) City of Houston: “Water Emergency Response Plan,” Houston, July 15, 1998.
- (23) City of Lubbock: “Water Conservation Plan,” ordinance number 10177 adopted by the City Council in August 1999.
- (24) City of El Paso Water Conservation Ordinance downloaded August 14, 2003 from <http://www.epwu.org/ordinance.html>
- (25) San Antonio Water System: “Water Conservation and Reuse Plan,” San Antonio, November 1998 with June 2002 updates.
- (26) North Texas Municipal Water District: “District Policy No. 24 Water Conservation Plan Containing Drought Contingency Plan,” adopted August 1999.
- (27) GDS Associates, Inc.: “Water Conservation Study,” prepared for the Texas Water Development Board, Fort Worth, 2002.
- (28) A & N Technical Services, Inc.: “BMP Costs & Savings Study: A Guide to Data and Methods for Cost-Effectiveness Analysis of Urban Water Conservation Best Management Practices,” prepared for The California Urban Water Conservation Council, Santa Monica, California, July 2000.
- (29) *City of Dallas: “City of Dallas Ordinances, Chapter 49, Section 21.1,” Dallas, October 1, 2001.

APPENDIX B

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

APPENDIX B

Texas Commission on Environmental Quality Rules on Drought Contingency Plans

Texas Administrative Code

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

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

water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.

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

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

APPENDIX C

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

Sample letter to

Date

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

Dear Sir:

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

Sincerely,

James Fisher, City Manager
City of Murphy

Sample letter by NTMWD

Date

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

Dear Mr. Thompson:

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

Sincerely,

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

APPENDIX D

**ADOPTION OF DROUGHT CONTINGENCY
AND WATER EMERGENCY RESPONSE PLAN**

City of Murphy
Adopting Drought Contingency and Water Emergency Response Plan

Ordinance No. 11-xx-xxx

AN ORDINANCE ADOPTING A DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN FOR THE CITY OF MURPHY TO PROMOTE RESPONSIBLE USE OF WATER AND TO PROVIDE FOR PENALTIES AND/OR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN.

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

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

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

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

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

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

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

Section 1. The City Council hereby approves and adopts the NTMWD Model Drought Contingency and Water Emergency Response Plan (the “Plan”), attached hereto as Addendum A, as if recited verbatim herein. The City commits to implement the requirements and procedures set forth in the adopted Plan.

Section 2. Any customer, defined pursuant to 30 Tex. Admin. Code Chapter 291, failing to comply with the provisions of the Plan shall be subject to a fine of up to two thousand dollars (\$2,000.00) and/or discontinuance of water service by the City. Proof of a

culpable mental state is not required for a conviction of an offense under this section. Each day a customer fails to comply with the Plan is a separate violation. The City's authority to seek injunctive or other civil relief available under the law is not limited by this section.

Section 3. The City Council does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting adopting this Ordinance was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the posting thereof.

Section 4. Should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected.

Section 5. The City Manager or his designee is hereby directed to file a copy of the Plan and this Ordinance with the Commission in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

Section 6. The City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this ordinance as an alternative method of publication provided by law.

Section 7. Ordinance No. 06-08-703, adopted on August 7, 2006, is hereby repealed.

Passed by the City Council on this 1st day of March, 2011.

Bret Baldwin, Mayor

Attest:

Aimee Nemer, City Secretary

ORDINANCE NO. 06-08-703

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, REPEALING ORDINANCE NO. 06-07-699 IN ITS ENTIRETY, REGARDING DROUGHT CONTINGENCY PLANS AND REPLACING IT WITH A NEW “DROUGHT CONTINGENCY PLAN”; ESTABLISHING PROCEDURES AND CRITERIA FOR DECLARING A WATER EMERGENCY AND IMPLEMENTING AND TERMINATING DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES DURING DROUGHT RESPONSES STAGES; ESTABLISHING PENALTIES FOR VIOLATING THE RESTRICTIONS AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; PROVIDING FOR THE ADEQUATE WATERING OF LANDSCAPING AND NEW GRASS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 21, 2000, by Ordinance No. 00-08-492, the City Council of the City of Murphy adopted a Drought Contingency Plan to be implemented in the event of a water shortage, such Ordinance was codified as Section 53 of the City of Murphy Code of Ordinances; and

WHEREAS, in April 2004, the North Texas Municipal Water District (“NTMWD”) developed a model drought contingency plan in accordance with state law and has requested all customer cities to adopt this plan; and

WHEREAS, City Council approved a drought contingency plan by Ordinance No. 06-06-693 on June 5, 2006; and

WHEREAS, City Council approved an amended drought contingency plan by Ordinance No. 06-07-699 on July 3, 2006; 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, 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 53, Sections 53.01 to 53.07 of the Code of Ordinances of the City of Murphy, Texas, is hereby repealed in its entirety and is replaced with a new Chapter 53, Sections 53.01 to 53.11 of the Code of Ordinances of the City of Murphy, Texas, which shall read as follows:

“CHAPTER 53: DROUGHT CONTINGENCY PLAN

§ 53.01 Purpose and Scope.

(a) The North Texas Municipal Water District (NTMWD) supplies treated water to the City of Murphy, as well as other member cities and customers. A model drought contingency plan was developed by NTMWD in accordance with the regulations and requirements of the Texas Administration Code (“TAC”) and the Texas Commission on Environmental Quality (“TCEQ”) and consultation with its member cities. The NTMWD model plan calls for member cities and customers to adopt similar criteria and procedures for declaring a water emergency and implementing drought or emergency response stages as used by NTMWD. Member cities and customers may also adopt more stringent drought stages than NTMWD if conditions warrant. The following ordinance is written in accordance with TAC and the NTMWD’s model drought contingency plan.

(b) There is hereby established a City of Murphy Drought Contingency Plan (“Plan”). The purpose of this model drought contingency plan is as follows to provide procedures for:

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

§ 53.02 Exemption.

The governmental use of water for essential services such as police, fire and emergency services which are necessary to preserve or protect the health, safety and welfare of the citizens of Murphy are exempt from any and all restrictions or mandates set forth in the Plan.

§ 53.03 Definitions.

The following words, terms and phrases, when used in this Plan, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aesthetic water use means water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

City Manager means the City Manager of the City of Murphy or his authorized designee.

Conservation means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water or increase the recycling and reuse of water so that an adequate supply of water is conserved and made available for future or alternative uses.

Customer means any person, company or other entity connected to the City's water system and contracting with the City of Murphy to receive potable water service.

Domestic water use means water use for personal, household or sanitary purposes, such as drinking, bathing, heating, cooking, or sanitation, or for cleaning a residence, business, industry, or institution.

Even number address means street addresses, box numbers or rural postal route numbers ending in 0, 2, 4, 6, or 8 and includes locations without addresses.

General Emergency means a condition in which the existing or projected water supply available to the City is not anticipated to meet the normal water requirements of metered water users. This condition may be the result of factors including, but not limited to, natural emergency conditions (i.e. – drought, etc.) and/or failure of the City's or its supplier's water distribution systems.

Geographical Emergency means a condition in which the existing or projected water supply available to the City is not anticipated to meet the normal water requirements of a section or sections of the metered water users. This condition may be the result of factors including, but not limited to, natural emergency conditions (i.e. – drought, etc.) and/or failure of the City's or its supplier's water distribution systems.

Landscape means natural plant materials around buildings or on grounds (i.e. – trees, shrubbery, grasses and flowers).

Landscape Beds means plants and shrubs that are separated from turf.

Landscape irrigation use means water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of way and medians.

North Texas Municipal Water District or NTMWD refers to the North Texas Municipal Water District.

Odd numbered address means street addresses, box numbers or rural postal route numbers ending in 1, 3, 5, 7, or 9.

Plan refers to the City of Murphy Drought Contingency Plan.

Person means owner, occupant, or person in control of the premises or a person authorized by the owner, occupant or person in control of the premises.

Potable Water means any public water supply, which has been investigated and approved by the TCEQ as satisfactory for drinking, culinary and domestic purposes.

System means the City of Murphy water works system and shall include, but not be limited to, all reservoirs, storage tanks, elevated tanks, pipelines, pumps, hydrants, meters, valves, connections, engines and all other property and machinery used in connection with the City's water works system.

§ 53.04 Authority to Declare a Water Emergency.

Upon the occurrence of any one of the criteria listed below, the City Manager or his/her designee, is hereby authorized to declare a water emergency and to implement any of the drought response stages in accordance with the provisions of this Plan:

- (a) General or geographical emergency;
- (b) Water system failures/emergencies (i.e. – pressure zone deficiencies, chemical spills, broken, water mains, power outages, electrical failure, failure of storage tanks or other equipment, treatment plant breakdown, and/or water contamination);
- (c) Supply failure from North Texas Municipal Water District or initiation of any stage in its drought contingency plan;
- (d) An inability to recover approximately ninety percent (90%) in all storage facilities with a twenty-four (24) hour period;
- (e) Notification by the North Texas Municipal Water District of a significant decrease in reservoir levels resulting in NTMWD's inability, presently or in the immediate future, to recover resources sufficient to provide services necessary for public health, safety and welfare.

§ 53.05 Notification and Termination of Water Emergency.

(a) Notification of Water Emergency – The public will be notified of a water emergency through all of the following methods: press release to local media, publication in a newspaper in general circulation in the City of Murphy and publication on the City's website. Wholesale customers will be notified first by telephone call or electronic mail and then by letter that provides detailed information regarding the reason for the water emergency.

(b) Violations following Notification – No criminal citation for violating any of the water use restrictions set forth in Water Emergency or Drought Response Stages 2, 3, 4 or 5 will

be issued until the notice of a water emergency or notice of drought response stage has been published in at least one (1) issue of a newspaper in general circulation in the City of Murphy.

(c) Termination of Water Emergency – The water emergency shall remain in effect until the City Manager or his/her designee determines that the condition(s) that triggered the water emergency have been alleviated or no longer exist. The public and wholesale customers will be informed of the termination of the water emergency in the same manner as provided in subsection (a) above.

§ 53.06 Provisions for Continuing Public Education and Information.

The City will take steps to inform and educate the public about water emergencies and the drought contingency plan by the following means:

- (a) At any time the drought contingency plan is activated or the drought or emergency response stage changes, the City will notify the local media of the implementation, issues, the drought response stage and the specific actions required of the public;
- (b) The information will also be publicized on the City's website;
- (c) Billing inserts and other communication devices will also be used as appropriate;
- (d) A copy of the Plan will be available to the public at the City Secretary's office.

§ 53.07 Triggering Criteria for Initiation and Termination of Water Emergency or Drought Response Stages.

(a) The City Manager or his/her designee shall monitor water supply or demand conditions on a daily basis and will determine when conditions warrant the initiation or termination of any stage of the Plan. The City Manager or his/her designee shall endeavor to provide public notification of the initiation or termination of a drought response stage by means of publication of notices in a newspaper of general circulation in the City, the City's internet website, through customer mailings, and by posting signs in City buildings and City rights-of-way.

(b) Initiation and/or termination of Drought Response Stages become effective immediately upon the first publication of notice and shall remain in effect until the City Manager or his/her designee orders the termination of the Plan. The City Manager or his/her designee shall provide notice to the public of a termination or downgrade of the Plan in the same manner as provided for the initiation of the Plan.

(c) Depending on the circumstances prevailing at the time of the Plan is put into effect, the City Manager or his/her designee may determine that a water shortage or other water supply emergency exists under one of the following stages:

(1) **Stage 1 - Mild Water Shortage Conditions.**

Requirements for Initiation - The City Manager or his/her designee may initiate voluntary water conservation efforts applicable to a Stage 1 water shortage when:

(A) The City's wholesale water provider, North Texas Municipal Water District (NTMWD), notifies the City Manager or his/her designee of delivery or source shortages, requests initiation of Stage 1 of the Plan, and the City Manager or his/her designee concurs;

(B) Total daily water demand equals eighty percent (80%) of the safe operating capacity of the City's water supply and delivery facilities; or

(C) The water system experiences continually falling treated water reservoir levels that do not refill above eighty percent (80%) overnight.

(D) The water level in Lake Lavon has fallen below elevation 484.0 msl (eight (8) feet below the top of conservation storage).

(E) The water level in Lake Chapman has fallen below elevation 432.0 msl (eight (8) feet below top of conservation storage).

(F) Water use is projected to approach the limit of the permitted supply.

(G) NTMWD has concern that Lake Texoma or some other NTMWD source may be limited in availability in the next six (6) months.

(H) NTMWD demand exceeds ninety percent (90%) of the amount that can be delivered to customers for seven consecutive days.

(I) Water demand for all or part of NTMWD's delivery system approaches delivery capacity because delivery capacity is inadequate.

(J) NTMWD's supply source becomes contaminated.

(K) NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components.

(L) The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of a Stage 1 drought.

(M) Supplier's demand exceeds ninety percent (90%) of the amount that can be delivered to customers for three (3) consecutive days.

(N) Supplier's water demand for all or part of the delivery system approaches delivery capacity because delivery capacity is inadequate.

(O) Supply source becomes contaminated.

(P) Supplier's water supply system is unable to deliver water due to the failure or damage of major water system components.

(Q) Supplier's individual plan may be implemented if other criteria dictate.

Requirements for Termination - Stage 1 may be rescinded when all of the above-listed triggering events have ceased to exist for a period of three (3) consecutive days and the City Manager or his/her designee authorizes the termination of Stage 1.

(2) **Stage 2 - Moderate Water Shortage Conditions.**

Requirements for Initiation - The City Manager or his/her designee may initiate restrictions on certain non-essential water uses applicable to a Stage 2 water shortage when:

(A) The City's wholesale water provider, NTMWD, notifies the City Manager or his/her designee of delivery or source shortages, requests initiation of Stage 2 of the Plan, and the City Manager or his/her designee concurs;

(B) The total daily water demand equals ninety percent (90%) of the safe operating capacity of the City's water supply and delivery facilities; or

(C) The water system experiences continually falling treated water reservoir levels that do not refill above sixty-five (65%) overnight.

(D) The water level in Lake Lavon has fallen below elevation 481.0 msl (eleven (11) feet below the top of conservation storage).

(E) The water level in Lake Chapman has fallen below elevation 430.0 msl (ten (10) feet below top of conservation storage).

(F) Water use is projected to approach the limit of the permitted supply.

(G) NTMWD has concern that Lake Texoma or some other NTMWD source may be limited in availability in the next three (3) months.

(H) NTMWD demand exceeds ninety-five percent (95%) of the amount that can be delivered to customers for five (5) consecutive days.

(I) NTMWD demand for all or part of the delivery system equals delivery capacity because delivery capacity is inadequate.

- (J) NTMWD's supply source becomes contaminated.
 - (K) NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
 - (L) The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of a Stage 2 drought.
 - (M) Supplier's demand exceeds ninety-five percent (95%) of the amount that can be delivered to customers for three (3) consecutive days.
 - (N) Supplier's demand for all or part of the delivery system equals delivery capacity because delivery capacity is inadequate.
 - (O) Supply source becomes contaminated.
 - (P) Supplier's water supply system is unable to deliver water due to the failure or damage of major water system components.
 - (Q) Supplier's individual plan may be implemented if other criteria dictate.
- Requirements of Termination - Stage 2 may be rescinded when all of the above-listed triggering events have ceased to exist for a period of three (3) consecutive days and the City Manager or his/her designee authorizes the termination of Stage 2. Upon termination of Stage 2, Stage 1 becomes operative until terminated by the City Manager or his/her designee.

(3) **Stage 3 - Severe Water Shortage Conditions.**

Requirements for Initiation - The City Manager or his/her designee may initiate restrictions on certain non-essential water uses applicable to a Stage 3 water shortage when:

- (A) The City's wholesale water provider, NTMWD, notifies the City Manager or his/her designee of delivery or source shortages, requests initiation of Stage 3 of the Plan, and the City Manager or his/her designee concurs;
- (B) The total daily water demand equals the safe operating capacity of the City's water supply and delivery facilities; or
- (C) Continually falling treated water reservoir levels that do not refill above fifty percent (50%) percent overnight are experienced.
- (D) The water level in Lake Lavon has fallen below elevation 478.0 msl (fourteen (14) feet below the top of conservation storage).

(E) The water level in Lake Chapman has fallen below elevation 426.0 msl (fourteen (14) feet below top of conservation storage).

(F) Water use is projected to approach or exceed the limit of the permitted supply.

(G) The supply from Lake Texoma or some other NTMWD source has become limited in availability.

(H) NTMWD demand exceeds ninety-eight percent (98%) of the amount that can be delivered to customers for three (3) consecutive days.

(I) NTMWD demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.

(J) NTMWD's supply source becomes contaminated.

(K) NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components.

(L) The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of a Stage 3 drought.

(M) Supplier's demand exceeds ninety-eight percent (98%) of the amount that can be delivered to customers for three (3) consecutive days.

(N) Supplier's demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.

(O) Supply source becomes contaminated.

(P) Supplier's water supply system is unable to deliver water due to the failure or damage of major water system components.

(Q) Supplier's individual plan may be implemented if other criteria dictate. Requirements of Termination - Stage 3 may be rescinded when all of the above-listed triggering events have ceased to exist for a period of three (3) consecutive days and the City Manager or his/her designee authorizes termination of Stage 3. Upon termination of Stage 3, Stage 2 becomes operative until terminated by the City Manager or his/her designee.

(4) **Stage 4 - Critical Water Shortage Conditions.**

Requirements for Initiation - The City Manager or his/her designee may initiate restrictions on certain non-essential water uses applicable to a Stage 4 water shortage when:

- (A) The City's wholesale water provider, NTMWD, notifies the City Manager or his/her designee of delivery or source shortages, requests initiation of Stage 4 of the Plan, and the City Manager or his/her designee concurs;
- (B) The total daily water demand exceeds the safe operating capacity of the City's water supply and delivery facilities; or
- (C) Continually falling treated water reservoir levels that do not refill above twenty percent (20%) overnight are experienced.
- (D) The water level in Lake Lavon has fallen below elevation 475.0 msl (seventeen (17) feet below the top of conservation storage).
- (E) The water level in Lake Chapman has fallen below elevation 423.0 msl (seventeen (17) feet below top of conservation storage).
- (F) Water use is projected to approach or exceed the limit of the permitted supply.
- (G) The supply from Lake Texoma or some other NTMWD source has become severely limited in availability.
- (H) NTMWD demand exceeds the amount that can be delivered to customers.
- (I) NTMWD demand for all or part of the delivery system seriously exceeds delivery capacity because the delivery capacity is inadequate.
- (J) NTMWD's supply source becomes contaminated.
- (K) NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
- (L) The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of a Stage 4 drought.
- (M) Supplier's demand exceeds the amount that can be delivered to customers.
- (N) Supplier's demand for all or part of the delivery system seriously exceeds delivery capacity because the delivery capacity is inadequate.

(O) Supply source becomes contaminated.

(P) Supplier's water supply system is unable to deliver water due to the failure or damage of major water system components.

(Q) Supplier's individual plan may be implemented if other criteria dictate. Requirements of Termination - Stage 4 may be rescinded when all of the above-listed triggering events have ceased to exist for a period of three (3) consecutive days and the City Manager or his/her designee authorizes termination of Stage 4. Upon termination of Stage 4, Stage 3 becomes operative until terminated by the City Manager or his/her designee.

(5) **Stage 5 - Emergency Water Shortage/Water Rationing Conditions.**

Requirements for Initiation - The City Manager or his/her designee may initiate restrictions on water uses applicable to a Stage 5 water shortage - including water rationing - when:

(A) The water system experiences catastrophically decreasing reservoir levels or delivery capacities; major water line breaks or pump or system failures occur; natural or man-made contamination of the water supply occurs or is suspected; or other conditions arise that constitute an unprecedented loss of capability to provide water service adequate for the public health, safety or welfare.

Requirements of Termination - Stage 5 may be rescinded when the condition or conditions that triggered a Stage 5 emergency water shortage have ceased to exist for a period of three (3) consecutive days and the City Manager or his/her designee authorizes termination of Stage 5. Upon termination of Stage 5, the City Manager or his/her designee may initiate another Stage to be effective until terminated by the City Manager or his/her designee.

§ 53.08 Goals for Use Reduction and Actions for Drought Response Stages.

(a) **Goal for Use Reduction and Actions Available Under Stage 1.** Stage 1, Mild, is intended to raise public awareness of potential drought problems. There is no goal for reduction of water use. The City Manager or his/her designee may order the implementation of any of the actions listed below, as deemed necessary:

- (1) Request voluntary reductions in water use by the public and by wholesale customers.
- (2) Increase public education efforts on ways to reduce water use.
- (3) Review the problems that caused the initiation of Stage 1.

- (4) Notify major water users and work with them to achieve voluntary water use reductions.
- (5) Intensify efforts on leak detection and repair.
- (6) Reduce non-essential city government water use. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.)
- (7) Reduce city government water use for landscape irrigation.
- (8) Ask the public to follow voluntary landscape watering schedules.
- (9) Notify wholesale customers of actions being taken and request implementation of similar procedures.

(b) **Goal for Use Reduction and Actions Available Under Stage 2.** The goal for water use reduction under Stage 2, Moderate, is a two percent (2%) reduction in the amount of water produced by NTMWD. The City Manager or his/her designee may order the implementation of any of the actions listed below, as deemed necessary:

- (1) Continue or initiate any actions available under Stage 1.
- (2) Initiate engineering studies to evaluate alternatives should conditions worsen.
- (3) Further accelerate public education efforts on ways to reduce water use.
- (4) Halt non-essential city government water use. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.)
- (5) Encourage the public to wait until the current drought or emergency situation has passed before establishing new landscaping.
- (6) Notify wholesale customers of actions being taken and request them to implement similar procedures.

(c) **Goal for Use Reduction and Actions Available Under Stage 3.** The goal for water use reduction under Stage 3, Severe, is a five percent (5%) reduction in the amount of water produced by NTMWD. The City Manager or his/her designee may order the implementation of any of the actions listed below, as deemed necessary:

- (1) Continue with water conservation actions or programs implemented under Stages 1 and 2.
- (2) Drastically reduce city government water use for landscape irrigation, except as need to prevent foundation damage and preserve new plantings.

- (3) Require city landscape irrigation to adhere to implemented landscape watering schedule.
- (4) Notify wholesale customers of actions being taken and require them to implement similar procedures.

(d) **Goal for Use Reduction and Actions Available Under Stage 4.** The goal for water use reduction under Stage 4, Critical, is a ten percent (10%) reduction in the amount of water produced by NTMWD. The City Manager or his/her designee may order the implementation of any of the actions listed below, as deemed necessary:

- (1) Continue with water conservation actions or programs implemented under Stages 1, 2 and 3.

(e) **Goal for Use Reduction and Actions Available Under Stage 5.** The goal for water use reduction under Stage 5, Water Emergency, is to reduce water production as necessary to conserve water for essential services related directly to the public health, safety and welfare of Murphy citizens. The City Manager or his/her designee may order the implementation of any of the actions listed below, as deemed necessary:

- (1) Continue with water conservation actions or programs implemented under Stages 1, 2, 3 and 4.

§ 53.09 **Drought Stage Responses.**

Based upon an analysis of water supply and demand conditions and in accordance with the triggering criteria set forth in above, the City Manager or his/her designee may implement the following responses as appropriate to the water shortage or water emergency being experienced:

(a) **Stage 1 - Mild Water Shortage Requirements.**

- (1) Customers will be requested to voluntarily limit the irrigation of landscaped areas.
- (2) Customers will also be requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

(b) **Stage 2 - Moderate Water Shortage Requirements.**

- (1) Irrigation of existing landscape areas with hose-end sprinklers or automatic irrigation systems shall be limited to **Sundays and Thursdays** for water customers with a street address ending in an **even number** (0, 2, 4, 6, or 8), and **Wednesdays and Saturdays** for water customers with a street address ending in an **odd number** (1, 3, 5, 7, or 9). Irrigation of landscape areas with hose-end sprinklers or automatic irrigation systems is prohibited from the hours of **10:00 a.m. to 6:00 p.m.** Irrigation of landscaped areas is permitted at anytime if it is

done by means of a hand-held hose, a faucet-filled bucket or watering can of five (5) gallons or less, or by drip irrigation.

- (2) Use of water to wash any vehicle, including without limitation a motor vehicle, motorcycle, boat, trailer, or airplane, is prohibited except on designated watering days. Vehicle washing, when permitted, must be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. It is an affirmative defense to prosecution under this subsection if the vehicle washing was done in the interest of public health such as the washing of garbage trucks and vehicles used to transport food and perishables.
- (3) The use of water to fill, refill, or add to any existing indoor or outdoor swimming pool, wading pool, hot tub or spa-type pool is permitted.
- (4) The operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except when necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (5) The use of water from hydrants except in fire fighting and related activities, or other activities necessary to maintain public health, safety, and welfare, is prohibited. The use of water from hydrants for construction purposes may be allowed under a variance from the City Manager or his/her designee.
- (6) All restaurants are prohibited from serving water to their patrons except on request of the patron.
- (7) The use of water to wash down sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surface areas is prohibited.
- (8) The use of water to wash down building or structures for purposes other than immediate fire protection is prohibited.
- (9) The use of water for dust control is prohibited.
- (10) The use of water for flushing gutters or permitting water to run or accumulate in any gutter or street is prohibited.
- (11) It is an offense to fail or refuse to repair a controllable leak within a reasonable period after having been given notice directing the repair of such leak(s).
- (12) Residents and businesses may water new planting of grass within the first thirty (30) days up to four (4) hours a day by any means. Watering is prohibited from 10:00 a.m. to 6:00 p.m.

(A) Prior to the first day of the thirty (30) day watering period, residents or businesses must provide the following information to the City:

- (i) Address;
- (ii) Company name;
- (iii) Superintendent name;
- (iv) Superintendent contact number;
- (v) First day of thirty (30) day watering period;
- (vi) Expiration date of thirty (30) day watering period; and
- (vii) Starting and ending time of watering period.

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

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

(13) The City may water its facilities any two days of the week within a continuous 12 hour window. Start time for each location may begin at 10:00 PM and continue uninterrupted for up to 10 hours as needed, completing the cycle no later than 10:00 AM the following morning.

(14) Common areas within subdivisions owned and maintained by a Homeowners Association (as defined and recognized by the State of Texas) may only be watered on Mondays and Fridays, except between the hours of 10:00 a.m. and 6:00 p.m.

(c) **Stage 3 - Severe Water Shortage Requirements.**

All of the requirements of Stage 2 remain in effect in Stage 3 and, in addition, the following requirements will apply:

(1) Irrigation of landscape areas with hose-end sprinklers or automatic irrigation systems shall be limited to the following schedule based on the last digit of the water customer's street address.

(A)	Monday	0,2
(B)	Tuesday	1,3
(C)	Wednesday	4,6
(D)	Thursday	5,7
(E)	Friday	8,9

Irrigation of landscape areas with hose-end sprinklers or automatic irrigation systems is prohibited from the hours of **10:00 a.m. to 6:00 p.m.** Irrigation of landscape areas with hose-end sprinklers or automatic irrigation systems shall be **prohibited on Saturdays and Sundays.** Irrigation of landscaped areas is permitted at anytime if it is done by means of a hand-held hose, a faucet-filled bucket or watering can of five (5) gallons or less, or by drip irrigation.

- (2) The City may water its facilities any day of the week within a continuous 12 hour window. Start time for each location may begin at 10:00 PM and continue uninterrupted for up to 10 hours as needed, completing the cycle no later than 10:00 AM the following morning.
- (3) Common areas within subdivisions owned and maintained by a Homeowners Association (as defined and recognized by the State of Texas) may only be watered on Sundays, except between the hours of 10:00 a.m. and 6:00 p.m.

(d) **Stage 4 - Critical Water Shortage Requirements.**

All of the requirements of Stages 2 and 3 remain in effect during Stage 4 and, in addition, the following requirements will apply:

- (1) The irrigation of landscaped areas is prohibited except on designated watering days, as stipulated in Stage 3, and only by means of hand-held hoses, hand-held buckets, or drip irrigation. The use of permanently installed automatic sprinkler systems is prohibited.
- (2) The use of water to wash any vehicle, including without limitation a motor vehicle, motorcycle, boat, trailer, or airplane, except on the immediate premises of a commercial car wash or commercial service station is prohibited. The use of water to wash any vehicle at a commercial car wash or commercial service station is permitted only between 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m. It is an affirmative defense to prosecution under this subsection if the vehicle washing was done in the interest of public health such as the washing of garbage trucks and vehicles used to transport food and perishables.
- (3) The use of water to fill, refill, or add water to any existing indoor or outdoor swimming pool, wading pool, hot tub or spa-type pool is prohibited, except on designated watering days, as stipulated in Stage 3.

- (4) The use of potable water for construction purposes is prohibited except where necessary for public health or safety reasons.
- (5) Municipal water use necessary to maintain the public health, safety and welfare including, but not limited to, fire-fighting, fire prevention, maintenance of fire equipment (including fire hydrants) and water system maintenance is allowed.
- (6) The water rate surcharge for Stage 4 water usage shall be as follows:

<u>Gallons</u>	<u>Rate</u>
0 - 10,000	Regular Rate (\$1.95 per 1,000 gallons)
10,001 - 15,000	2 times the regular rate (\$3.90 per 1,000 gallons)
15,001 - 20,000	2.5 times the regular rate (\$4.87 per 1,000 gallons)
20,001 - 25,000	3 times the regular rate (\$5.85 per 1,000 gallons)
25,001 - 30,000	3.5 times the regular rate (\$6.82 per 1,000 gallons)
30,001 - 35,000	4 times the regular rate (\$7.80 per 1,000 gallons)
35,001 - 50,000	4.5 times the regular rate (\$8.77 per 1,000 gallons)
50,001 +	5 times the regular rate (\$9.75 per 1,000 gallons)

(e) **Stage 5 - Emergency Water Shortage/Water Rationing Requirements.**

All of the requirements of Stage 2, 3, and 4 remain in effect during Stage 5 and, in addition, the following requirements will apply:

- (1) The irrigation of landscaped areas is prohibited at all times by any means.
- (2) The use of water to wash any vehicle, including without limitation, a motor vehicle, motorcycle, boat, trailer, or airplane, including the premises of a commercial car wash or commercial service station, is prohibited at all times.

§ 53.10 Enforcement.

(a) No person shall knowingly or intentionally allow the use of water from the City for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of the Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the City Manager or his/her designee in accordance with provisions of the Plan.

(b) Any person who violates the Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of \$1.00 and not more than \$2,000. Each day that one or more of the provisions in the Plan is violated shall constitute a separate offense. If a person is convicted of three (3) or more distinct violations of the Plan, the City Manager or his/her designee shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$50, and any other costs incurred by

the City in discontinuing service. In addition, suitable assurance must be given to the City Manager or his/her designee that the same action shall not be repeated while the Plan is in effect. Compliance with this Plan may also be sought through injunctive relief in the district court.

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

(d) Any employee of the city, police officer, or other employee designated by the City Manager, may issue a citation to a person he/she reasonably believes to be in violation of this chapter. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than three (3) days nor more than five (5) days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over fourteen (14) years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of the Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

§ 53.11 Variances.

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

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

(b) A person requesting an exemption from the requirements of this article must file a petition for a variance with the City Manager or his/her designee within five (5) days after the

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

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

(c) Unless waived or modified in writing by the City Manager or his/her designee, a variance granted under this section shall include a timetable for compliance and shall contain a condition terminating the variance if the petitioner fails to meet a specified requirement of the variance.

(d) A variance expires when a particular Drought Response Stage is no longer in effect. No variance will be retroactive or otherwise justify any violation of this Plan that occurs prior to the issuance of the variance.”

Section 3. All wholesale water contracts entered into or renewed after adoption of this ordinance, including contract extensions, shall include a provision that requires all wholesale water customers of the City to comply with the provisions of this ordinance.

Section 4. This Plan shall be coordinated with the Region C Water Planning Group and with North Texas Municipal Water District, as required by TCEQ, to insure consistency with the appropriate approved regional water plan.

Section 5. SEVERABILITY CLAUSE

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

Section 6. PENALTY PROVISION

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 7. 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 7th day of August, 2006.



Bret M. Baldwin, Mayor
City of Murphy

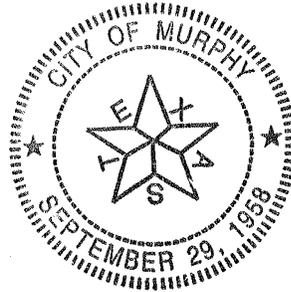
ATTEST:



Aimee Nemer, City Secretary
City of Murphy

APPROVED TO FORM AND LEGALITY:

Robert Brown, City Attorney



Issue

Consider and/or act upon approval of resolution for Murphy to participate in the North Texas Regional Tree Planting Project.

Background

February 15, Councilman Omar of Richardson gave the Council a presentation of the North Texas Regional Tree Planting Initiative and requested that Murphy consider participating.

The regional announcement is scheduled for mid-March.

In 2010, Murphy has planted 1,056 trees in the newly landscaped medians on Heritage Parkway, South Murphy Road, and Betsy Lane, and new trees were planted at Travis Farm Park, North Hill Park, and Aviary Park. Murphy invested \$395,000 in new trees and irrigation through the 2008 Bond funds for streetscape beautification and park development. In 2011, at least 300 trees will be planted on Betsy Lane (median at Oriole Drive), at the Murphy Community Center, and at the new park construction projects of Murphy Central Park, Liberty Ridge Park, and The Timbers Nature Preserve Park. The city also projects an additional 500 residential lots over the next 10 years or 1000 additional trees. If 25% of the citizens each planted 1 additional tree at their home or neighborhood common area and additional 4,250 trees would be planted. There is still 70 acres of commercial development that will plant another 100 trees. So it is reasonable to project that including this past year and the next 10 years Murphy residents and businesses and will plant 7,000 trees.

The City of Richardson's initiative called "Tree the Town" which kicked off in April 2010 is planting 50,000 trees over the next 10 years. The trees include: new trees planted by the City, replacement trees in parks and other area, trees planted by residents and/or corporations on their own property (register your tree program), & any trees that are a part of a residential or commercial landscape plan. Essentially any trees planted in our City are captured to get to the goal. If North Texas is able to achieve the 3M level, this becomes the largest initiative of its kind in the Country.

Staff attended the Richardson meeting in January. The City of Richardson website will be expanded to include all participating cities www.TreeTheTown.com. This program is also being coordinated with the Texas Trees Foundation www.TexasTrees.org. Homeowners and businesses will be encouraged to enter their newly planted trees in the tree registry system to help meet the goal of the largest regional tree planting in the United States. If Murphy started a tree farm and received grants for additional tree planting projects, even more trees would be planted.

Financial Considerations

The Park budget currently funds employees, contractors, and tree care of all trees in the city parks, public buildings, medians, and street trees in the right-a-ways. Tree City USA requires \$2

per citizen, a maximum of \$34,000 at build-out. The City currently spends that much on tree care alone, not including new tree plantings.

Staff Recommendation

Staff recommends approval.

Attachment

1) Resolution

Kim Lenoir, Community Services Manager
Submitted By

City Manager Approval

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY,
TEXAS, RESOLVING TO PARTICIPATE IN THE NORTH TEXAS
REGIONAL TREE PLANTING INITIATIVE.**

WHEREAS, the City of Murphy would like to join the neighboring communities to form the County's largest tree planting initiative of 3 million trees in 10 years, to be called the North Texas Regional Tree Planting Initiative.

WHEREAS, in 2010 the City of Murphy has planted 1,056 trees in the newly landscaped medians on Heritage Parkway, South Murphy Road, and Betsy Lane, and new trees were planted at Travis Farm Park, North Hill Park, and Aviary Park - investing \$395,000 in new trees and irrigation through the citizen approved 2008 Bond projects for streetscape beautification and park development.

WHEREAS, in 2011, at least 300 more trees will be planted on Betsy Lane (median at Oriole Drive), at the Murphy Community Center, and at the new park construction projects of Murphy Central Park, Liberty Ridge Park, and the Timbers Nature Preserve Park.

WHEREAS, the city also projects an additional 500 residential lots over the next 10 years or 1000 additional trees and if only 25% of the citizens each planted 1 additional tree at their home or neighborhood common area an additional 4,250 trees would be planted.

WHEREAS, there is approximately 70 acres of commercial property to be developed that will plant another 100 trees.

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

1. The City of Murphy, Texas participates and pledges to plant this past year and the next 10 years in the city limits of Murphy by the government, the residents and the businesses 7,000 trees on behalf of the North Texas Regional Tree Planting Initiative.

DULY RESOLVED by the City Council of the City of Murphy, Texas on this the 1st day of March, 2011.

Bret M. Baldwin, Mayor
City of Murphy

ATTEST:

Aimee Nemer, City Secretary
City of Murphy

Issue

Consider and/or act on approval of an ordinance establishing a Tree Care Program.

Background

On February 15, City Council directed staff to prepare an ordinance as required, for the City of Murphy to be considered as a Tree City USA certified community. The Tree City USA program is an Arbor Day Foundation program that provides direction, assistance, and national recognition to communities by supporting the framework for a sustainable urban forest. It is also supported by the Texas Forestry Service, Urban & Community Forestry Council and the US Forest Service. Through a citizen suggestion, the Park and Recreation Board reviewed and recommended at the September 21st meeting, that the City Council consider becoming a certified Tree City USA. To become a certified Tree City USA the following must be done:

- 1) **Designate a Tree Board or Department** – The attached ordinance designates the Park and Recreation Board as the Tree Board.

- 2) **Adopt a Tree Care Ordinance** - The tree ordinance establishments of a tree board and the Parks and Recreation Director the responsibility for writing and implementing an annual community forestry work plan. The work plan will provides clear guidance for planting, maintaining and removing trees from streets, parks and other public places.

- 3) **Develop a Community Forestry Program** – Murphy already maintains the community trees and expends the required support of the community forestry at an annual budget of at least \$2 per capita, or \$30,000. The Park Department does have a community forestry program and this budget amount is already spent on watering, park staff, contractors, fertilizer, and pruning of existing and new trees. As in Murphy's case, more than this amount is already being spent by the City on its trees. This standard has been met by focusing funding on the Park Maintenance Standards that were adopted by City Council in 2003. The tree inventory and annual work plan will address species diversity, planting needs, hazardous trees, insect and disease problems, and a pattern of regular care such as pruning and watering.

- 4) **Hold an Arbor Day Observance and Proclamation** – In April, Council will consider an Arbor Day celebration/proclamation of a simple tree planting event or an award ceremony that honors leading tree planters. For children, Arbor Day may be their only exposure to the green world or a springboard to discussions about the complex issue of environmental quality. The Texas Forest Service and other foundations will provide grants to fund tree planting programs.

Financial Considerations

The Park budget currently funds employees, contractors, and tree care of all trees in the city parks, public buildings, medians, and street trees in the right-a-ways. Tree City USA requires \$2 per citizen, a maximum of \$34,000 at build-out. The City currently spends that much on tree care alone, not including new tree plantings.

Staff Recommendation

Staff recommends approval.

Attachment

- 1) Tree Care Program Ordinance

Kim Lenoir, Community Services Manager
Submitted By

City Manager Approval

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF CITY OF MURPHY, TEXAS, AMENDING CHAPTER 50 BY ADDING SECTION 50-9, TREE CARE PROGRAM, OF THE CITY OF MURPHY CODE OF ORDINANCES; PROVIDING A SERVERABLITY CLAUSE; PROVIDING A PENALTY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Murphy, Texas, has determined that the protection of trees on public property within the City is not only aesthetically desirable but is essential to the present and future health, safety, and welfare of all citizens; thus, creating a Tree Care Program; and

WHEREAS, the City Council has further determined that it will be beneficial to designate the City Parks and Recreation Director with administrative responsibility for the Tree Care Program including the care, planting, pruning, and maintenance of trees on City property and City parks; and

WHEREAS, the City of Murphy Parks and Recreation Board will serve as the Tree Preservation Board to assist the Community Service Manager with monitoring the Tree Care Program for public trees in addition to continual advice on the Tree Management Plan for preservation and mitigation.

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

Section 1. The Code of Ordinances, City of Murphy, Texas, is hereby amended by adding Section 50-9 to Chapter 50, to read as follows:

Sec.50-9. Tree Care Program.

There is hereby created and established a Tree Care Program to provide full power and authority over the care of all trees, plants and shrubs located within public rights-of-ways, parks and public places and aids in the proper growth of a landscape program to enhance the beauty of the city.

(A) Care of Public Trees

1. The Community Services Manager and/or his designees shall have the responsibility, to plant, prune, maintain and remove trees, plants and shrubs within the public right-of-way of all streets, alleys, avenues, lanes, squares, parks, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.
2. Every owner of any tree or shrub overhanging any street or right of way, in accordance to the City Pruning Guidelines, shall prune the branches so that such branches shall not [severely] obstruct the light from any street

lamp or obstruct the view of any street intersection; will not obstruct the passage of pedestrians on sidewalks; will not obstruct vision of traffic signs; and will not obstruct the view of any street or alley intersection. If the property owner fails to do so, the Community Service Manager and/or his designee shall have the right to remove or prune any tree or shrub on private property which threatens the safety of those who may use a city street or city park. A fee shall be assessed for this service on an hourly basis. Fees will be based on the current hourly wages of city maintenance workers.

3. No person shall remove, destroy, or cause the removal or destruction of a tree on city property or in any city park without first having obtained written permission for such removal or destruction from the Community Service Manager.
4. It shall be unlawful for any person, firm or corporation to attach any cable, wire, rope sign or any object to any city tree, plant or shrub without written permission from the Community Services Manager.

(B) Tree Preservation Board

1. *Board membership.* The Tree Preservation Board shall consist of the members of the Parks and Recreation Board.
2. *Term of Office.* The board shall elect its own officers and each officer shall serve for a term of 2 years or until a successor is appointed.
3. *Meetings.* The board shall meet with a minimum of 6 times each year. All stated meetings shall be open to the public. The board chairman may schedule additional meetings as needed.
4. *Officers.* The board shall annually select one of the members to serve as chair, and may appoint a second member to serve as vice-chair, and may appoint a third member to serve as secretary.
5. *Duties.* The duties of the Tree Preservation Board shall include:
 - a. To Review the Tree Management Plan, Tree Preservation and Mitigation Guidelines, and the Tree Care Program as may be necessary.
 - b. To promote the protection of healthy trees and provide guidelines for the replacement and/or replanting of trees necessarily removed during construction, development, and redevelopment.
 - c. To uphold rules and regulation governing the protection and preservation of native or established trees with the City, which provide for purification of air and water, provide the shade, windbreaks and the cooling of air, provide for open space and more efficient drainage of land, thus reducing the effects on soil erosion.
 - d. To study, investigate, counsel and develop and/or update periodically a written plan for the care, preservation, pruning, planting, replanting, removal or disposal of public trees and shrubs on city property.

- e. To review and recommend specific beautification projects and public awareness programs to the Parks & Recreation Department, City Manager and/or City Council as may be appropriate.
- f. Coordinating and promoting Arbor Day activities.
- g. Submitting the annual application to renew the Tree City USA designation and
- h. Other duties that may be assigned by the City Council.”

Section 2. If any section, paragraph, clause or provision of this ordinance shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 3. All ordinances of the City of Murphy, Texas, in conflict with the provisions of this ordinance are hereby repealed.

Section 4. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the City of Murphy Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

Section 5. That any person, firm or corporation violating any of the provisions of this ordinance or the Code of Ordinances, as amended hereby, shall be deemed guilty of a misdemeanor and shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense.

Section 6. EFFECTIVE DATE

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

PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this the 1st day of March, 2011.

Bret M. Baldwin, Mayor
City of Murphy

ATTEST:

Aimee Nemer, City Secretary
City of Murphy

Issue

Hold a public hearing and consider and/or act upon recommendations for improvements to Murphy Central Park and extension of the Maxwell Creek Trails grant project.

Background

Dunkin Sims Stoffels (DSS) Landscape Architects began work on preparing the Texas Parks & Wildlife Department (TPWD) grant concept plan, budget, and master plan for this park in early 2009. Those plans have been reviewed and revised several times. DSS presented the concept plans prepared in 2009, to a Town Hall meeting on December 14, 2010. The Park and Recreation Board received public comments and directed DSS, to revise the plans. City Council held a public hearing February 8, and provided input into the park design and sent the plans back to Park Board to reconsider with their suggestions. At the February 21, 2011 special meeting, the Park and Recreation Board reviewed the revised plans, and recommended the following:

- Phase 1 with three (3) multi-use fields just north of the city complex
- Open space north of Tom Clevenger Road is to be irrigated and improved grass area
- Alternative 1 for the amphitheatre/ staging area is to be located at the city hall pond facing toward City Hall, if able to revise with TPWD grant
- Alternative 2 for the amphitheatre/staging area is to be located in the trees facing toward the Murphy Middle School
- The sprayground and restroom/concession and small playground will be located just north of the sport fields.
- The concrete hike and bike trails will loop around the open space of the park and an additional concrete trail will travel south from the tennis courts to connect.
- A large community build playground will be located in the treed area
- Three smaller parking lots were added and will be constructed as needed.

DSS will be present to discuss the new concept plan.

Financial Considerations

The attached budget includes the total cost of a built out park at \$4.2 million. In the blue columns are the Phase I grant items, second column additional Phase I project items desired, third column a grand total of Phase I items at an estimated cost of \$2.9 million. The green column are items to be requested from Collin County Park Bonds. The \$2.9 million expense includes revenue from the \$500,000 TPWD grant, \$1,000,000 from 2008 series 1 and 2 Bonds, \$500,000 from a possible Collin County grant, \$265,000 in-kind contribution of City-owned land to be dedicated to the park, \$125,000 from Safe Routes to School (SRTS) grant, and \$300,000 from series 3 bonds. If Collin County does not sell Park Bonds this year, then the \$500,000 for the buildings will need to be funded from the 2008 series 3 Bond Sale and/or 4B sales tax.

Staff Recommendation

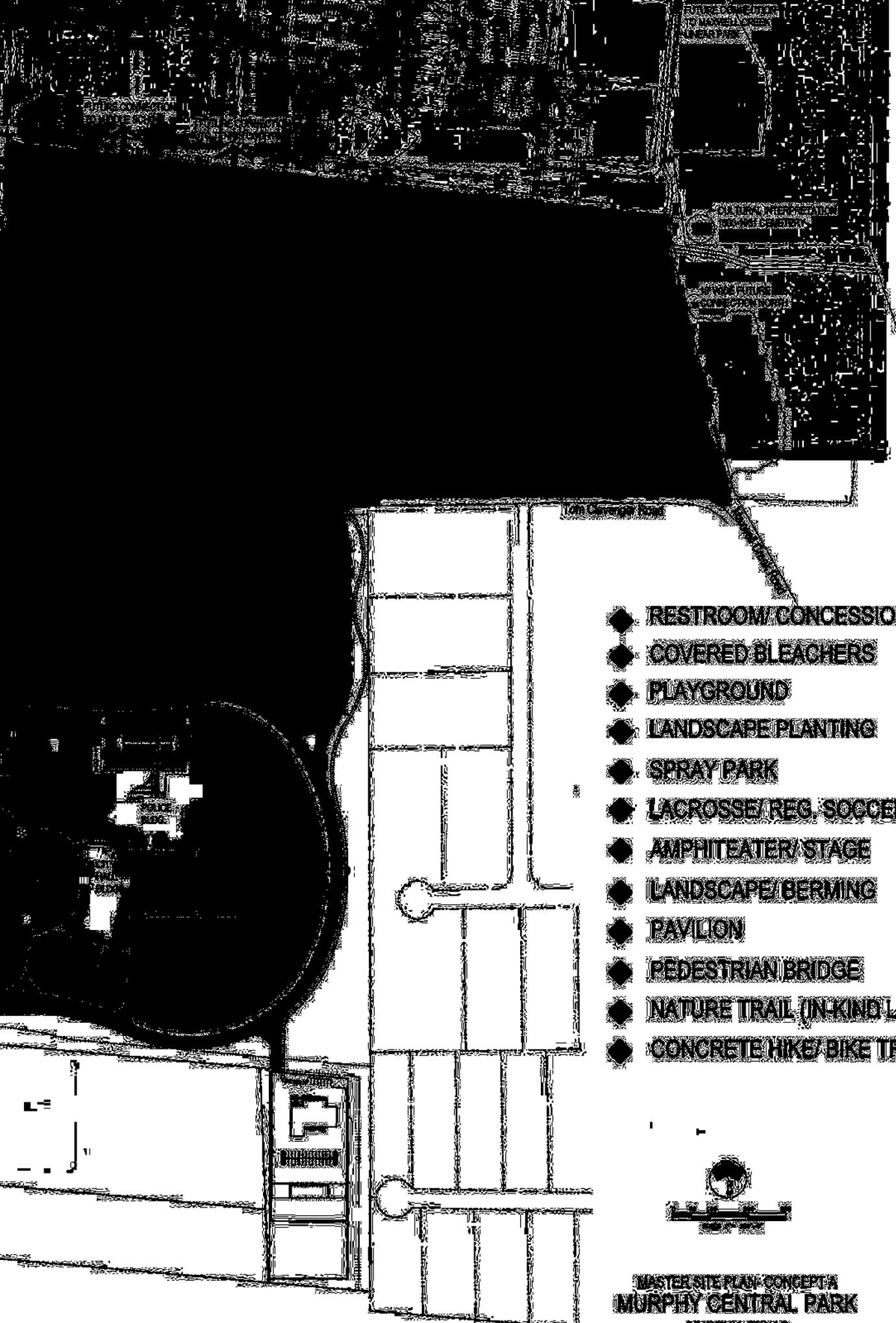
Murphy Central Park, is now in its second year of a three year TPWD grant contract. This park is also under the restriction of the PISD agreement to begin construction in 180 days. Staff recommends to proceed with construction plans to bid this phase I project early this summer.

Attachments

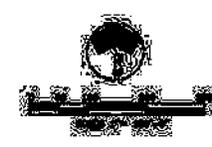
- 1) Concept plan – February 22, 2011
- 2) Budget – DSS 2-2-11

Kim Lenoir, Community Services Manager
Submitted By

City Manager Approval



- ◆ RESTROOM/ CONCESSION BLDG.
- ◆ COVERED BLEACHERS
- ◆ PLAYGROUND
- ◆ LANDSCAPE PLANTING
- ◆ SPRAY PARK
- ◆ LACROSSE/ REG. SOCCER FIELD
- ◆ AMPHITHEATER/ STAGE
- ◆ LANDSCAPE/ BERMING
- ◆ PAVILION
- ◆ PEDESTRIAN BRIDGE
- ◆ NATURE TRAIL (IN-KIND LABOR)
- ◆ CONCRETE HIKE/ BIKE TRAIL



**MASTER SITE PLAN - CONCEPT A
MURPHY CENTRAL PARK**

MURPHY, TEXAS
FEBRUARY 21, 2011

*40' WIDE TRAIL CORNER
*AS SHOWN ON GOOGLE

TPWD GRANT ELEMENTS								
QUANTITY	COST	TPWD GRANT ELEMENTS	COST	SUPPORT ELEMENTS	COST	PHASE I	COST	COLLIN COUNTY
2,700 L.F.	\$ 125,000.00	10' WIDE TRAIL TO N. MAXWELL CREEK	\$ 125,000.00			10' WIDE TRAIL TO N. MAXWELL CREEK	\$ 125,000.00	
800 L.F.	\$ 40,000.00	8' WIDE TRAIL TO MURPHY BUSINESS DISTRICT	\$ 40,000.00			8' WIDE TRAIL TO MURPHY BUSINESS DISTRICT	\$ 40,000.00	
4,576 L.F.	\$ 195,000.00							
1	\$ 120,000.00	70' BRIDGE SOUTHERN	\$ 120,000.00			70' BRIDGE SOUTHERN	\$ 120,000.00	
1	\$ 100,000.00							
1,500 L.F.	\$ 12,000.00	NATURE TRAILS (10')/ ENVIR. EDU. AREA	\$ 12,000.00			NATURE TRAILS (10')/ ENVIR. EDU. AREA	\$ 12,000.00	
1	\$ 4,000.00	ENVIRONMENTAL KIOSK	\$ 4,000.00			ENVIRONMENTAL KIOSK	\$ 4,000.00	
2	\$ 8,000.00	CULTURAL KIOSK	\$ 8,000.00			CULTURAL KIOSK	\$ 8,000.00	
53,454 SQ.FT.	\$ 227,180.00			PLAZA/ WALKS	\$ 227,180.00	PLAZA/ WALKS	\$ 227,180.00	
100 PARKING SPACES	\$ 300,000.00			PARKING LOT 1 & ENTRY DRIVE	\$ 300,000.00	PARKING LOT 1 & ENTRY DRIVE	\$ 300,000.00	
1	\$ 245,000.00	SPRAY GROUND	\$ 245,000.00			SPRAY GROUND	\$ 245,000.00	
1	\$ 200,000.00					AMPHITHEATER BUILDING	\$ 200,000.00	AMPHITHEATER
1	\$ 60,000.00	AMPHITHEATER STAGE	\$ 60,000.00			AMPHITHEATER STAGE	\$ 60,000.00	
2	\$ 250,000.00	LACROSSE/ SOCCER FIELDS (UN-LIGHTED)(2)	\$ 250,000.00			LACROSSE/ SOCCER FIELDS (UN-LIGHTED)(2)	\$ 250,000.00	
2	\$ 250,000.00							
1	\$ 150,000.00							
8	\$ 50,000.00			BLEACHERS W/ SHADE (4)	\$ 25,000.00	BLEACHERS W/ SHADE (4)	\$ 25,000.00	
7	\$ 7,000.00	BENCHES	\$ 7,000.00			BENCHES	\$ 7,000.00	
8	\$ 12,000.00	PICNIC TABLES	\$ 12,000.00			PICNIC TABLES	\$ 12,000.00	
4	\$ 120,000.00	SHELTER (25') - (1)	\$ 30,000.00			SHELTER (25') - (1)	\$ 30,000.00	
1	\$ 300,000.00					RESTROOM/CONCESSION	\$ 300,000.00	RESTROOM/CON
1	\$ 30,000.00							
1	\$ 90,000.00	PLAYGROUND (5-12)	\$ 90,000.00			PLAYGROUND (5-12)	\$ 90,000.00	
LUMP SUM	\$ 30,000.00	SITE LANDSCAPING	\$ 10,000.00			SITE LANDSCAPING	\$ 10,000.00	
100 LARGE/ 50 SMALL	\$ 80,000.00							
1	\$ 50,000.00							
1.8 ACRES	\$ 200,000.00							
	\$ 8,000.00			SITE PREPARATION	\$ 8,000.00	SITE PREPARATION	\$ 8,000.00	
	\$ 20,000.00			EROSION CONTROL	\$ 20,000.00	EROSION CONTROL	\$ 20,000.00	
	\$ 125,000.00			SITE GRADING	\$ 125,000.00	SITE GRADING	\$ 125,000.00	
23.5 ACRES	\$ 376,000.00			IRRIGATION (17.5 ACRES)	\$ 280,000.00	IRRIGATION (17.5 ACRES)	\$ 280,000.00	
2	\$ 30,000.00							
	\$ 1,000.00	TPWD ACKNOWLEDGEMENT SIGN	\$ 1,000.00			TPWD ACKNOWLEDGEMENT SIGN	\$ 1,000.00	
	\$ 265,000.00	LAND ACQUISITION	\$ 265,000.00			LAND ACQUISITION	\$ 265,000.00	
	\$ 204,009.00					CONSTRUCTION CONTINGENCY (5%)	\$ 138,209.00	
	\$ 1,224,422.00		\$ 1,224,422.00		\$ 1,224,422.00		\$ 1,224,422.00	

Issue

Consider and/or act upon approval of a resolution authorizing the City Manager to enter into an additional service 1 and 2 professional services contract with The HOK Planning Group of Dallas, for Liberty Ridge Park and Timbers Nature Preserve Park Project.

Background

On August 2, 2010, the City Council hired HOK to prepare conceptual designs for Timbers Nature Preserve Park (The Bunny Run/City Park/Trail) Project and Liberty Ridge Park Project. These parks were approved for improvements by the citizens in the November 2008 Bond election as part of the \$7.5 million for park improvements.

In December, City Council, Park and Recreation Board, and the Murphy Community Development Corporation held a joint meeting to review the final concepts. On February 15, the City Council determined to maximize the project cost for Liberty Ridge Park at \$750,000 and to construct a phase I project at the Timbers Nature Preserve Park not to exceed \$600,000, with the possibility of a \$500,000 grant (award to be announced August 2011), and the adjacent East-West Easement hike and bike trail from South Murphy Road to South Maxwell Creek Road which is designed to be 14 foot wide concrete trail adding \$600,000 to the project area.

Financial Considerations

To date the City has spent \$37,121 on Liberty Ridge Park and \$38,090 on Timbers Nature Preserve Park for surveying, schematic design, and bond issuance cost. The proposed contract is an additional \$296,745, including reimbursable expenses. This will include alterations to the schematic design to comply with the budget, 50% design plans for review, 100% design plans for construction, hydrologic analysis, hydraulic analysis, environmental permits, geotechnical engineer coordination, bidding phases, and construction administration. All the professional services fees are at 12% of construction cost. This is on the high end, but due to the complexity of the waterway issues, drainage, federal and state regulations, and permits, this fee is justified.

Staff Recommendation

Staff recommends approval.

Attachment

- 1) Resolution with Exhibit A - HOK Additional Services Contract 1 and 2

Kim Lenoir, Community Services Manager

Submitted by

City Manager Approval

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AUTHORIZING THE CITY MANAGER TO ADD TO THE EXISTING PROFESSIONAL SERVICES CONTRACT WITH HOK PLANNING GROUP, ADDITIONAL SERVICES NOT TO EXCEED \$296,745, TO DESIGN, PREPARE SPECIFICATIONS, PERMITS, BIDDING, AND CONSTRUCTION ADMINISTRATION FOR THE MURPHY LIBERTY RIDGE PARK AND THE TIMBERS NATURE PRESERVE PARK

WHEREAS, the City Council desires to develop the Murphy Liberty Ridge Park and the Timbers Nature Preserve Park Projects; and

WHEREAS, the City Council desires to proceed with construction documents for the Murphy Liberty Ridge Park and the Timbers Nature Preserve Park Projects; and

WHEREAS, the City of Murphy desires to add to the existing contract for professional services with the HOK Planning Group, firm of Dallas, Texas.

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

SECTION 1. That the City Council hereby authorizes James Fisher, City Manager, of the City of Murphy, Texas, attached hereto as *Exhibit A*, to execute the additional services to the contract not to exceed \$296,745.

DULY RESOLVED by the City Council of the City of Murphy, Collin County, Texas, on this the 1st day of March, 2011.

APPROVED:

Bret M. Baldwin, Mayor

ATTEST:

Aimee Nemer, City Secretary

Exhibit A



Additional Services

Project: Murphy Parks - Liberty Ridge and Timbers Nature Preserve Park
Client: City of Murphy, TX
Date Prepared: 2-21-2011
HOK Project No.: 10.02908.00
Additional Service No.: 1 and 2

Attention: Ms. Kim Lenoir, Community Services Manager
From: Wade Peterson, Project Manager, HOK
Regarding: Additional Services to Base Contract
Copies To: File

City of Murphy and HOK entered into an agreement dated August 3, 2010 (the "Agreement") for the provision of professional services in connection with Murphy Parks. Except as expressly modified in this document, each and every term of the Agreement shall remain unchanged and in full force and effect.

Description of Work:

See attached: Additional Services #1 (Liberty Ridge Park), and Additional Services #2 (Timbers Nature Preserve Park)

Reason for Change:

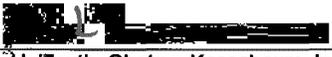
Project is proceeding to the next phase of design.

Anticipated Completion Date of this Additional Service:

August, 2011

Compensation & Method:

<input checked="" type="checkbox"/> Fixed Fee (Additional Services #1 & 2)	\$283,245.00*
*Unnecessary Environmental Fees will be Returned to the Client of up to \$8,000	
Reimbursable Expenses (not to exceed)	\$13,500.00

Issued by: 
 Hellmuth, Obata + Kassabaum, Inc.
 Printed Name: Mark L. Bowers
 Date: 2-21-2011

Client Approval: _____
 Printed Name: _____
 Date: _____



ADDITIONAL SERVICE #1
REVISION #1 – February 15, 2011
LIBERTY RIDGE PARK
EXHIBIT A – SCOPE OF SERVICES

Project Understanding

This proposal is for Design Development through Construction Administration services for Liberty Ridge Park. This proposal assumes a total project budget of between \$700,000, and assumes general conformance with the intent of the design shown on the approved schematic plan presented to the Murphy City Council on December 13, 2010. It is acknowledged that the City has already provided a topographical survey and sufficient data to perform a hydraulic analysis of the existing pond and how proposed improvements will impact it. After design, testing and geotechnical services are spent, approximately \$600,000 is anticipated to be available for construction.

BASIC SERVICES:

Task 1.0 – Schematic Alteration to Comply with New Budget

The HOK team will provide a modified schematic plan and cost estimate to reduce the total cost of the project according to the direction provided by the City Council. It is anticipated that the plans will be modified and provide the following:

1. Alteration to the proposed site plan reducing the overall budget to \$700,000, showing what elements can be built for that amount.
2. HOK will work with a contractor in this task to develop alternative methods to complete the work with fewer construction dollars.
3. A cost estimate showing how all anticipated project costs are in line with the current budget.

Task 2.0 – Design Development Services

The HOK team will provide a plan set (50% level of completion) that depicts the improvements approved in the Schematic Design phase of work that is already complete. It is anticipated that the plan set and services will include the following drawings:

1. Cover Sheet and Index of Drawings
2. Layout Plan – Horizontal location of all proposed elements with dimensions.
3. Grading and Drainage Plan – Mass grading to get cut/fill volumes.
4. Planting Plan – Location, type, size and species of proposed landscape planting materials.
5. Irrigation Plan – Location of point of connection, main line routing, and proposed irrigation methods (i.e. drip, spray, rotors).
6. Pavilion Plan, Section and Elevation with proposed material selections.
7. Sections – Longitudinal cross sections through the pond, terrace, playground and site to demonstrate relationship of proposed elements to the surrounding street.
8. Playground Plan – Layout of proposed equipment and finishes.

In addition to the plan set, HOK will attend one meeting with City Staff to present the plans and show proposed finishes and equipment samples. A construction cost estimate will be provided for City review and comment.

Task 3.0 – Construction Document Services

Following a review period by the City of the Design Development deliverables, HOK will receive comments from the City and incorporate them into the plan set during the Construction Document phase of work. The Construction Document Plan Set will include the following items:

1. Cover Sheet and Index of Drawings
2. General Note and Bid Quantities
3. Erosion Control Plan/SWPPP Documents

4. Demolition and Clearing Plan
5. Layout Plan
6. Grading and Drainage Plan
7. Planting and Furniture Plan
8. Irrigation Plan
9. Pond Aeration and De-silting Plan
10. Pavilion Plan, Sections, Structural Details Sheet
11. Playground Plan, Details and Equipment Schedule
12. Construction Detail Sheets

In addition to the plan set, HOK will attend one meeting with City Staff to review the plans with the City and coordinate the bidding documents. A construction cost estimate will be provided for City review with the contractor bid forms. HOK will provide technical specifications for the proposed improvements. It is anticipated that the City will prepare the front end (Section 1) bid forms and documents that will precede the technical specifications.

SPECIAL SERVICES:

Task 1.0 – Hydraulic Analysis

Pacheco Koch will provide a hydrologic analysis to determine the impacts of the proposed improvements on the flow, pond capacity and pond flood levels. The hydrologic analysis will include the following:

1. Hydrologic analysis of the existing watershed draining to the Liberty Ridge Pond based on as-built storm sewer plans and available 2-foot aerial contours.
2. Comparison of the existing and proposed pond configurations based on the 2-, 5-, 10-, 25-, 50- and 100-year flood events.
3. Narrative report documenting the results of the hydrologic analysis and impacts related to proposed pond modifications.

Task 2.0 – Environmental Clearance

ELM will provide the necessary documentation to clear the Liberty Ridge site for construction with the appropriate permits from the US Army Corp of Engineers, including the following:

1. Wetland delineation and report.
2. A jurisdictional request letter from the USACE.
3. Prepare and submit Section 404 Engineering Permit.

Task 3.0 – Geotechnical Coordination

It is anticipated that the City will contract with a Geotechnical Engineer to provide a report on subsurface soil conditions. HOK will coordinate with the Geotechnical Engineer by completing the following:

1. Preparing a request for services that outlines the types of proposed construction and the recommended boring locations.
2. Field staking the bores on the site for the Geotechnical Engineer.
3. Review the draft report and coordinate revisions necessary to the types of proposed construction.

Task 4.0 – Bid Phase Services

HOK will provide the following services during bidding for the City of Murphy:

1. Attend the pre-bid conference with potential bidders.
2. Respond to questions from prospective bidders.
3. Issue bid addenda as necessary.
4. Attend bid opening.
5. Prepare bid summary and recommendation of award.

Task 5.0 – Construction Administration Services

Following the award of a construction contract by the City, HOK will provide the following services during the construction of the project:

1. Attend the pre-construction conference.
2. Process submittals and shop drawings from the Contractor.
3. Visit the site periodically at key times during construction to review progress and general compliance with the intent of the plans and specifications. Approximately 5 visits are anticipated.
4. Respond to Requests for Information from the Contractor to clarify design intent or provide additional

- direction should field conditions require modifications to the documents.
5. Upon substantial completion by the Contractor, HOK will prepare a punch list of outstanding items that must be completed by the Contractor prior to project acceptance.
 6. HOK will visit the site once to verify the punch list has been completed.

Day to day visits, inspections and management of the contract between Contractor and City shall be the responsibility of the City of Murphy.

BASIC SERVICES FEE SUMMARY:

Task 1.0: Schematic Alteration	\$ 3,500.00
Task 2.0: Design Development	\$12,500.00
Task 3.0: Construction Documents	<u>\$19,000.00</u>

Basic Services Subtotal: \$35,000.00

SPECIAL SERVICES FEE SUMMARY:

Task 1.0: Hydraulic Analysis and Report	\$ 14,545.00
Task 2.0: Environmental Clearance	\$ 8,000.00 (We may not need this at all)
Task 3.0: Geotechnical Coordination	\$ 1,500.00
Task 4.0: Bid Phase Services	\$ 2,250.00
Task 5.0: Construction Administration Services	<u>\$ 15,000.00</u>

Special Services Subtotal: \$41,295.00

Total Lump Sum Professional Services Fees: \$76,295.00 or \$68,295.00 if environmental clearance proves unnecessary.

REIMBURSABLES ESTIMATE:

Reimbursable expenses are estimated at approximately 5% of contract value. HOK will invoice at cost expenses that shall not exceed \$3,750.00.

Respectfully Submitted,

Wade C. Peterson, ASLA
Senior Associate, Sr. Project Manager



ADDITIONAL SERVICE #2
February 21, 2011
TIMBERS NATURE PRESERVE PARK
EXHIBIT A – SCOPE OF SERVICES

Project Understanding

This proposal is to take the approved master plan for Timbers Nature Preserve Park and implement a \$1,000,000 Phase 1 Construction Project for park improvements, and in addition, \$600,000 budget for a 14' wide multi-city spine trail connection from South Murphy Road to Maxwell Creek Road. This proposal assumes the following will be designed with the \$1,600,000 project budget as the goal:

1. Improve the drainage on the ball fields at City Park.
2. Correct minor code/ADA issues at the City Park playground and gathering areas.
3. Extend box drain structures to fill drainage ditch near the pavilion at City Park.
4. Demolish the old house and slabs at Timbers Nature Preserve Park.
5. Add visual and pedestrian connections between City Park and Timbers Nature Preserve Park.
6. Add angled parking at City Park to accommodate more visitors to Timbers Nature Preserve Park pond area.
7. Include a feature at the pond, such as a pier or boardwalk.
8. 14' wide concrete trail with (2) bridges

BASIC SERVICES:

Task 1.0 – Phase 1 Schematic Design Services

Upon reception of a detailed topographical survey from the Client, the HOK team will provide a plan set in digital CADD format that depicts the improvements described above. It is anticipated that the plan set and services will include the following drawings:

1. Cover Sheet and Index of Drawings
2. Layout Plan – Horizontal location of all proposed elements with dimensions.
3. Vehicular Paving Plan – Horizontal layout and geometry of proposed angled parking.
4. Demolition/Clearing/Tree protection Plan – Location of demolition sites, tree removal, areas for clearing.
5. Planting Plan – Location, type, size and species of proposed landscape planting materials and seed mixes.
6. Grading and Drainage Plan – Location, sizes and types of drainage conduits/pipes/boxes with mass grading plan for first round cut/fill analysis.
7. Bridge Plans and Elevations.
8. Sections – Sections through and materials for deck/overlook areas, typical trail cross sections.

Upon submittal of the above plan set, HOK will attend a meeting with City Staff to present the plans and gather input to the building options and design intent of the sections. Following a comment period by the City Staff, the design team will incorporate comments into the plan set. A construction cost estimate will be provided for City review and comment, including a detailed phasing plan for future design detailing. HOK will also support the City by assisting with graphics, cost data, and other information needed for grant submittals.

Task 2.0 – Phase 1 Design Development Services

Upon reception of City comments and input, the HOK team will produce a Design Development Drawing Package that will build upon the level of detail the drawings begun in the Schematic Design Phase. In addition, the team will provide outline specifications and critical details, including preliminary submittal to Oncor and other utility owners within the trail corridor.

Task 3.0 – Phase 1 Construction Document Services

Upon reception of detailed Design Development comments from the Client, the HOK team will provide a plan set that depicts the improvements described above. It is anticipated that the plan set and services will include the following drawings:

1. Cover Sheet and Index of Drawings
2. Bid Items, Quantities and General Notes
3. Erosion Control Plans
4. Layout Plan – Horizontal control for all improvements.
5. Vehicular Paving Plan – Horizontal layout and geometry of proposed angled parking.
6. Demolition/Clearing/Tree protection Plan – Location of demolition sites, tree removal, areas for clearing.
7. Planting Plan – Location, type, size and species of proposed landscape planting materials and seed mixes.
8. Grading and Drainage Plan – Location, sizes and types of drainage conduits/pipes/boxes with final grading plan with cut/fill analysis for bid quantities.
9. Bridge Plans, Sections, Abutments and Elevations.
10. Sections and Details as needed to properly construct the proposed improvements.
11. Technical Specifications
12. Contractor Bid Forms
13. Final Cost Estimate

SPECIAL SERVICES:

Task 1.0 – Hydrologic Analysis

Pacheco Koch will provide a hydrologic analysis of the Bunny Run Watershed. The analysis will include a comparison of existing detention features and proposed park improvements. Recommendations will be made to ensure park improvements do not increase peak discharges downstream. The hydrologic analysis will include the following:

1. Hydrologic analysis of the Bunny Run Watershed based on as-built storm sewer plans and available 2-foot aerial contours.
2. Comparison of the existing and proposed park configurations based on the 2-, 5-, 10-, 25-, 50-, 100- and 500-year flood events.
3. Preliminary schematic pond outfall design.

Task 2.0 – Hydraulic Analysis

Pacheco Koch will prepare a hydraulic analysis of Bunny Run South Tributary (Zone AE floodplain) using publicly available hydraulic models with updated cross-section geometry and revised hydrology. The model will incorporate proposed park improvements such grade changes within the floodplain, bridges structures and dam modifications. The hydraulic analysis will include the following:

1. Calculation of the 2-, 5-, 10-, 25-, 50- 100- and 500-year water-surface elevations and velocities.
2. Analysis of proposed park improvements (includes 4 bridges and dam modifications)
3. Delineation of the existing and proposed 100-year and 500-year floodplains.
4. Proposed regulatory floodway analysis and delineation.

Task 3.0 – Letter of Map Revision (LOMR)

It is anticipated that increasing the Base Flood Elevations (BFE's) will not be a feasible option given the floodplain is located outside of the park boundary in several locations and acceptance from the affected land owners would be required. A Conditional Letter of Map Revision (CLOMR) is required when proposed improvements cause increases in the BFE's located within a Federal Emergency Management Agency (FEMA) designated Zone AE floodplain. Accordingly, Pacheco Koch will prepare a Letter of Map Revision (LOMR) for the Bunny Run Park improvements. The LOMR will be submitted to FEMA for approval after the improvements have been constructed and verified through a field survey. Typical approval time of a LOMR through FEMA ranges from six (6) to eight (8) months. *This task item does not include fees associated with FEMA application and its processing, including FEMA application fees, cost for required publication of notices or other application costs.* Pacheco Koch will provide the following:

1. Narrative report documenting the hydrologic and hydraulic analysis of Bunny Run South Tributary.
2. Technical documentation.
3. Delineation of the existing and proposed 100-year and 500-year floodplains.

4. Annotated FIRM.
5. Pond maintenance and operation manual (required by FEMA).
6. FEMA application forms.
7. Draft property owner notifications and public floodway notices.
8. Coordination with FEMA for approval.

Task 4.0 – Geotechnical Coordination

It is anticipated that the City will contract with a Geotechnical Engineer to provide a report on subsurface soil conditions. HOK will coordinate with the Geotechnical Engineer by completing the following:

1. Preparing a request for services that outlines the types of proposed construction and the recommended boring locations.
2. Field staking the bores on the site for the Geotechnical Engineer.
3. Review the draft report and coordinate revisions necessary to the types of proposed construction.

Task 5.0 – Bid Phase Services

HOK will provide the following services during bidding for the City of Murphy:

1. Attend the pre-bid conference with potential bidders.
2. Respond to questions from prospective bidders.
3. Issue bid addenda as necessary.
4. Attend bid opening.
5. Prepare bid summary and recommendation of award.

Task 6.0 –Construction Administration Services

Following the award of a construction contract by the City, HOK will provide the following services during the construction of the project:

1. Attend the pre-construction conference.
2. Process submittals and shop drawings from the Contractor.
3. Visit the site periodically at key times during construction to review progress and general compliance with the intent of the plans and specifications. Approximately 5 visits are anticipated.
4. Respond to Requests for Information from the Contractor to clarify design intent or provide additional direction should field conditions require modifications to the documents.
5. Upon substantial completion by the Contractor, HOK will prepare a punch list of outstanding items that must be completed by the Contractor prior to project acceptance.
6. HOK will visit the site once to verify the punch list has been completed.

Task 7.0 – Environmental Clearance

ELM will provide the necessary documentation to clear the Timbers Nature Preserve Park site for construction with the appropriate permits from the US Army Corp of Engineers, including the following:

1. Wetland delineation and report.
2. A jurisdictional request letter from the USACE.
3. Prepare and submit Section 404 Engineering Permit.

Day to day visits, inspections and management of the contract between Contractor and City shall be the responsibility of the City of Murphy.

BASIC SERVICES FEE SUMMARY:

Task 1.0: Schematic Design	\$ 25,400.00
Task 2.0: Design Development	\$ 36,800.00
Task 3.0: Construction Documents	\$ 55,800.00
Basic Services Subtotal:	\$118,000.00

SPECIAL SERVICES FEE SUMMARY:

Task 1.0: Hydrologic Analysis	\$15,350.00
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Task 2.0: Hydraulic Analysis	\$19,250.00
Task 3.0: Letter of Map Revision	\$15,350.00
Task 4.0: Geotechnical Coordination	\$ 2,000.00
Task 5.0: Bid Phase Services	\$ 4,000.00
Task 6.0: Construction Admin Services	\$23,000.00
Task 7.0: Environmental Clearance	\$10,000.00
Special Services Subtotal:	\$88,950.00

Total Phase 1 Design Services: \$206,950.00

REIMBURSABLES ESTIMATE:

Reimbursable expenses are estimated at approximately 5% of contract value. HOK will invoice at cost expenses that shall not exceed \$10,000.00.

Respectfully Submitted,

Wade C. Peterson, ASLA
Senior Associate, Sr. Project Manager

Issue

Consider and/or act upon approval of an ordinance amending Appendix A, Section 2.100 and Section 2.200 of the City of Murphy Code of Ordinances as it relates to building permit fees and building inspection fees.

Background

On September 15, 1988, the City Council adopted the City's first comprehensive fee schedule. Since that time, the City has established fees for a variety of services that the City provides. The last comprehensive update to the fee schedule was adopted by ordinance (Ordinance No. 09-10-817) on October 5, 2009. Section 2.100 of the Code of Ordinances states that all building permit fees shall be paid prior to the permit being issued. However, in practice, staff requires the entire permit fee (100%) with the initial building permit application. If a permit is withdrawn after submittal but prior to work commencing, 80 percent of the original fee is refunded. Requiring 100 percent of the building permit fee is frequently met with opposition from some applicants. In an effort to spread out the initial building permit fee, staff is proposing to require only 50 percent of the building permit fee at time of application and the remaining 50 percent due after the initial staff review. This proposal would also eliminate any refunds for a building permit application.

Section 2.200 of the Code of Ordinances states that re-inspection fees shall be charged for all failed inspections. A contractor is assessed a fee of \$75 for the first failed inspection \$100 for the second failed inspection and \$150 for the third and all subsequent failed inspections. This is not a common practice among area cities. Most cities do not charge for the first failed inspection (the exceptions being McKinney and Frisco) and have a flat fee for all subsequent failed inspections. A majority of failed first inspections involve minor infractions that can be corrected on the spot. Contractors have complained that total fees at the end of a job involving failed inspections can be misleading due to the number of minor infractions typically associated with failed first inspections. Therefore, staff is proposing to eliminate the fee for the first failed inspection and a flat fee for every subsequent failed inspection in the amount of \$75.

Financial Considerations

The proposed change will have no net effect on building permit revenue. Based on the number of fees assessed for failed first inspections in 2010, the City collected \$35,450. On average since 2005, the City has collected \$140,420 in revenue from failed first inspections.

Staff Recommendation

Motion to approve the proposed changes to Section 2.100 of the City of Murphy Code of Ordinances requiring 50 percent of the building permit fee at time of application and 50 percent of the building permit fee after the initial staff review and to approve the proposed changes to Section 2.200 of the City of Murphy Code of Ordinances eliminating the fee for the first failed inspection and establishing a fee of \$75 for each subsequent failed inspection.

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, AMENDING APPENDIX A, SECTION 2.100 AND SECTION 2.200, FEE SCHEDULE, OF THE CITY OF MURPHY CODE OF ORDINANCES; 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 amended the fee schedule on October 5, 2009; and

WHEREAS, the City Council of the City of Murphy finds and determines that modification of the fee schedule is in the best interests of the citizens of the City of Murphy.

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 Appendix A, Section 2.100 of the City of Murphy Code of Ordinances is hereby amended, which shall read as follows:

Section 2.100 Building/Construction Plan Review Fees

...

- Fifty (50) percent of the calculated building permit fee shall be paid at the time of application. The remaining fifty (50) percent shall be paid after the initial staff review. Impact Fees, Meter Fees, etc. shall be paid prior to issuance of the building permit.

...

Section 4. That Appendix A, Section 2.200 of the City of Murphy Code of Ordinances is hereby amended, which shall read as follows:

Section 2.200 Building, Construction and Trades Inspection Fees

...

Reinspection fees are charged as follows.

- 1) Reinspection fees – to be paid prior to requesting a reinspection
 - a. No charge for first failed inspection
 - b. \$75 for second and each additional failed inspection.

...

Section 5. 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 1st day of March, 2011.

Bret M. Baldwin, Mayor
City of Murphy

ATTEST:

Aimee Nemer, City Secretary
City of Murphy

Issue

Discussion on Performance Measures program for Fire and EMS, Customer Service, Economic Development, Code Enforcement and Information Technology.

Background

Performance Measures have been discussed by members of the City Council and the general public for several years. These measures are seen as tools to determine how the organization is performing and at what level. Last year, I asked the departments to submit Annual Reports to begin building a foundation to determine how Murphy is performing as an organization. It has been very interesting to review this information and see what changes can be made easily to address challenges identified in the report.

At the TML Annual Conference, a presentation was given by Dr. David Childs on creating a Texas Performance Network (TPN). This new organization will allow Texas cities to come together to share information on Performance Measurement and develop measurable criteria that is meaningful. The City of Murphy has agreed to participate and is in the early stages of this program.

Financial Considerations

Annual cost for the program is \$2500.

Staff Recommendation

Continue with Annual Reports to develop real data with understanding to create a plan to implement greater effectiveness and efficiency.

Attachments

- 1) Correspondence from David Childs
- 2) Performance Measures Workshop Information
- 3) Worksheets

James Fisher, City Manager
Submitted By

City Manager Approval

November 4, 2010
From David Childs

Hello everyone!

Last week, I closed my presentation at the TML conference with an invitation for you to help me start a Performance Network for Texas cities. Quite frankly, I was hoping to receive response from about 5 of you. Instead, 41 cities expressed extreme interest! I was so stunned by this response, that I have spent the past week trying to digest it!

To coordinate an organization of 41 (and hopefully more) is significantly different from a group of 5 casually networking. So, I have spent some time this past week pondering some of the issues that I had not expected to have to conquer yet. Discussing those issues, and seeking your advice regarding them, will be the purpose of this communication. So, with that as background

.....

....allow me to call the first meeting of the Texas Performance Network to order ! (How exciting!)

I truly believe that this network will dramatically improve constituent services while also reducing budgetary stresses, and it is one of my goals that a committee of you present your impacts in a session at next year's TML conference!

Since this is YOUR network, I envision you being the drivers of it (empowerment!); my job will be to coordinate, encourage and prod YOUR vision for the Network. We can succeed (like all successful organizations) only if our communications are positive, honest and constructive; especially in these early days when we are working together to experiment and find the most effective approach for this new concept.

With those opening comments, I would like to raise a few initial topics for your input and advice:

1) MISSION: I propose that the Texas Performance Network's core mission statement be "Documenting Constantly Improving Performance". Let that one sink in a bit, consider it, then let me know if you like it or have alternative recommendations. Once I have your responses, if there are other proposals, I will send all of them to you and you can vote to select your favorite.

2) MEETINGS: Let me know how you envision meetings. Should we communicate totally by e-mail? Should we have quarterly conference calls? Should we physically meet for a day twice a year? Give me your preferences. Again, I will share the recommendations with everyone, and you can vote. And, of course, all of these decisions will not be writ in stone. We can make an initial decision now and change it in the future as we become more experienced and/or as circumstances change.

3) THE MEASURES: As I said at the Conference, I have gathered, consolidated and coordinated "Best Practices" measures from around the country into 21 functional areas. Those areas are:

1. Animal Control
2. Citizen Participation
3. Code Enforcement

4. Customer Service
5. Economic Development
6. Education
7. EMS
8. Facilities
9. Finance
10. Fire
11. Fleet
12. Housing
13. HR
14. IT
15. Libraries
16. Permits
17. Public Safety/Criminal Justice
18. Purchasing
19. Quality of Life (P & R)
20. Transportation
21. Utilities (Energy, Waste, Water)

My suggestion is that we "take one bite of the elephant" at a time, so as to enhance our opportunity for long-term success. What if each of you chooses the 4-6 (or so) functional areas that initially would be the most effective for you (Departments that need some 'inspiration'; Departments that would offer the easiest 'buy-in' and cooperation; Departments in which it would be the easiest to gather the necessary data; etc.) These factors will vary for each of you. So, let me know which 4-6 set of measures that you want to start with and I will send them to you. Also, once everyone has chosen their "starter kit", I will "Network" you together by the Functions. So, if 6 of you choose Animal Control, I will network you together so that you can begin to share and help each other improve. Does everyone accept this as a reasonable way to start?

4) TECHNOLOGY: For now, these measures are not available in a software format. Would you want to put them into one uniform software format? If so, what program format would you recommend as being the most universally accepted and the most user-friendly for loading and massaging the data? Share your expertise in this regard.

5) COMPENSATION: As I said at the top, I was stunned that the response to this idea has been so large and, therefore, my own time investment to make it succeed is going to have to increase exponentially so that I can coordinate communications, respond to your requests/needs, provide consultations/facilitations to you and your City staff as needed, maintain files, databases, etc. I am deeply committed to this project, however, unfortunately I am not independently comfortable, I live from month to month and my top priority must be to literally keep a roof over

my wife's head. I need income but I do not want for this project to fail because of that. Consequently, we must work together to find a way to make this work. Here is an initial proposal: I sign a Professional Services contract with your City to serve as your Performance Consultant. The fee structure would be:

City Population	Annual Fee
under 25,000	\$2,500
25,000-100,000	\$5,000
over 100,000	\$10,000

For this fee, you receive the latest Best Practices measures, a Network of like-minded dedicated public servants with whom you can communicate and creatively improve, my consultation/facilitation services to the City staff as an "expert" in performance/quality management, and a documentable proven record of dramatically improving a City's performance that will look very good on your resume! You would not necessarily have to pay me as of January 1, but could pay me after your monthly performance reports verify savings in excess of my fee (benefit-sharing). Also, as we document significant impacts, other cities will join the Network and my necessary expenses could be spread out over more entities. Let me know if you have other recommendations regarding this subject.

That is more than enough for now! I look forward to your responses on these subjects. Please respond within the next couple of weeks, then I will report back out your combined thoughts and recommendations.

This Network has enormous potential (25-40% impact on performance/budgets, as I documented in the presentation)! Cities are going to face unprecedented challenges for the next quarter century. We must innovate improved ways to succeed. The Texas Performance Network can become one innovative new approach for dedicated public servants to find each other, identify and share "best practices", document impacts, and help each other meet these challenges.

Together, I think we can turn the Texas Performance Network into a national model that can significantly assist Cities through the challenges of the near future.

David Childs, Ph.D.
fitforservice@verizon.net
www.fitforservice.org
214-450-4075

November 30, 2010

Hello everyone ! I hope that everybody had a great Thanksgiving !
Pretty soon many of us will be drawn into the hectic schedule of Christmas and New Years.
Before that happens, now would be a good time to have a Texas Performance Network update.

1) The Measures: Those of you who have not yet requested the measures that you want to implement in 2011 should let me know in the next couple of weeks which sets of measures that you want to implement so that I can send them to you, you can coordinate with the Auditor, IT, or whoever will help you gather the necessary data, and you can gather your base performance measures to start 2011 with so that as the year progresses you can monitor your improvement and progress. Again, the measurement categories are:

Animal Control	Housing
Citizen Participation	HR
Code Enforcement	IT
Customer Service	Libraries
Economic Development	Permits
Education	Public Safety/Criminal Justice
EMS	Purchasing
Facilities	Quality of Life (P & R)
Finance	Transportation
Fire	Utilities (Energy, Waste, Water)
Fleet	

- a) Let me know which set of measures that you want
- b) Let me know how I can help
- c) Once you have all requested the measures that you want, I will network together those of you that are measuring the same things, such as all of you that might be measuring Animal Control, so that you can compare data and ideas on how to improve.

2) Florida Benchmark Meeting: I had an excellent meeting with the Florida Benchmark Consortium, who, over the past 5-6 years have built an organization with 76 member cities, including 12 new members in 2010 ! So they must be doing a few things right ! They had 4 recommendations that I believe will be very helpful to us as we continue to grow and improve. 1) They have 2 conferences per year, but may drop back to 1 while increasing their use of "Go to Meeting"; 2) they have a relationship with a computer company that has significant experience in developing performance measurement software for the Florida Group as well as in England. The Florida Group has already contacted this company and asked them to get in touch with me about developing software for our measures. Hopefully, we can get our measures into software soon; 3) the Florida Group likes our Membership fee structure (\$2,500 for under 25,000 pop.; \$5,000 for 25,000-100,000; \$10,000 for over 100,000 pop.) . They stated that the North Carolina group (only 11 members) charges every city \$10,000, regardless of its size, and that the Florida Group charges every city \$1,250 which they say is not covering expenses. They really liked the amount that we are considering charging and especially liked that we had scaled the amount by population. They are seriously considering adopting our membership structure; 4) finally, they highly recommend trying to form a relationship with a university and operating as

an Institute within a university. They are an Institute within the School of Public Affairs at the University of Central Florida in Orlando. So, I am about to approach the Schools of Public Administration at the Universities of North Texas, Texas-Arlington, and Texas-Dallas to see if I can create interest on their part in taking us into the university as an Institute.

SO, for the next few weeks I will focus on:

- a) sending to you the measures that you request
- b) helping those of you who request my help
- c) working with the software company to create a software program for our measures
- d) talking to the universities about turning us into an Institute.

Let me know which measures that you want.

Let me know any questions and/or suggestions that you may have.

This next year is going to be very exciting !

Onward and upward.

David Childs, Ph.D.

fitforservice@verizon.net

214-450-4075

James Fisher

Subject: FW: Performance Measurement Workshops

From: James Fisher
Sent: Tuesday, December 14, 2010 1:06 PM
To: Leadership Team
Subject: Performance Measurement Workshops

Back to School: Performance Measurement Workshops

There is value in all-day workshops beyond tuning up one's performance measurement game. Workshops offer a rare opportunity for those in the human services business to rub elbows and compare notes.

BY: [JONATHAN WALTERS](#) | DECEMBER 14, 2010

JONATHAN WALTERS

Jonathan Walters is the Executive Editor of GOVERNING. He has been covering state and local public policy and administration for more than 30 years.

About 10 years ago, a friend of mine approached me about building some sort of performance measurement foundation under New York state's human services systems. Fresh off writing [Measuring Up!](#), a book on performance measurement in the public sector, I agreed, figuring it was a good opportunity to practice what I was preaching.

But initially, New York counties -- which administer human services with state oversight -- seemed intent on foot dragging; some even seemed to be edging toward head-long rebellion.

The reasons: Data being collected by the state in 2001 didn't always match up with county data, causing the potential for conflict. Counties were also worried that some information was just too time consuming to collect, and not worth the trouble. With 62 counties in New York, there was the legitimate concern that policymakers would start trying to compare the performance of counties, even though circumstances from county to county in the state can be vastly different.

So it wasn't really the data that county social services officials were afraid of, it was how it might be used and how it might be used against them. The fact was that numerous county social services officials back then understood full well the value of data, and were actually collecting and using it internally.

Fast forward to today and the performance measurement and data collection landscape in New York has done a 180. I can say this with confidence after attending an all-day seminar on integrating, interpreting and using data. Put on by the Cornell School of Labor and Industrial Relations and the state Office of Temporary and Disability Assistance, the school has been running these sessions for high-level county social services staff for the past three years. Three things are especially interesting about these classes:

- First, the high level of cooperation that exists today between state and county officials is impressive. The state now manages huge databases that monitor everything from current levels of heating assistance money, to the most prescribed drugs under Medicaid, to all manner of trends in caseload growth and movement.
- Second, the remarkable ability of the state to do mash-up reports across databases is helping counties do very detailed and sophisticated analyses of things that include who is availing themselves of what services in direct relation to how counties are being billed by providers.
- Probably most impressive, though, is the level of knowledge of performance measures -- and the various ways data can and should be used -- among the county officials who are now attending the workshops. The questions and the discussions around data are way beyond those of earlier classes.

In fact, those attending the data sessions now have a working knowledge of performance measurement that was simply unheard of 5 to 10 years ago. Those in class now routinely track caseload patterns and are running sophisticated reports on everything from emergency room visits by Medicaid patients to delinquent payments by deadbeat parents.

Just as impressive in all of this is the progress that New York state has made in collecting, analyzing and sharing data with counties. The Office of Temporary and Disability Services, the Office of Children and Family Services and the Department of Health all have staff dedicated to teaching the course and helping county officials access and run both routine and customized reports on everything from trends in food stamp use to which kids might be about to age out of foster care.

State officials are also now working with county social service commissioners to do regular updates of key "dashboard" indicators, while also starting to produce reports that can be broken out by a variety of geographical configurations, including ZIP code and school district.

There is value in these workshops beyond tuning up one's performance measurement game, however. They offer a rare opportunity for those in the human services business to hang out and compare notes.

If you're in a state that may be doing interesting and ambitious work around data and performance measurement, that's great. But I'd strongly encourage you to partner with some organization -- schools of public affairs and public policy are probably the most logical place to look -- and begin doing your own sessions on using data in human services to improve performance. They're not only a good way to tune up data analysis skills, but also a good exercise in trend-spotting and even morale building.

James Fisher, City Manager

City of Murphy

(972) 468-4007 direct

(214) 690-8576 mobile

Visit our Citizen Action Center at www.murphytx.org for questions or requests regarding city services

FIT FOR SERVICE ©
ANNUAL FITNESS CHECK-UP (CITIES): Fire and EMS

Organization

Name: _____

Date: _____

Population: _____

Fire:

	2 years ago	Last year	This year
1. # Seconds to answer call			
2. Average time from first ring to arrival			
3. # Calls per FTE			
4. % Total calls resulting in dispatch			
5. Average cost per dispatch			
6. Call monitoring quality of call %			
7. # Poor quality of service complaints/lawsuits			
8. % Fire code violations complied within 30 days			
9. % Fires in buildings that had passed inspection			
10. % Fire investigations resolved			
11. # Fires/1000 units			
12. # Attending fire prevention presentations			
13. % Total costs recovered			
14. Total cost/citizen			

[Fire and EMS, continued]

EMS:

	2 years ago	Last year	This year
1. # Seconds to answer call			
2. Average time from first ring to arrival			
3. #Calls/FTE			
4. % Total calls resulting in dispatch			
5. Average cost per dispatch			
6. Call monitoring quality of call %			
7. # Poor quality of service complaints/lawsuits			
8. Survival % of cardiac calls			
9. # Attending healthy lifestyle presentations			
10. % Total costs recovered			
11. Total cost/citizen			

FIT FOR SERVICE ©
ANNUAL FITNESS CHECK-UP (CITIES): Citizen Participation and Customer Service

Organization Name: _____ Date: _____ Population: _____

Citizen Participation:

	2 years ago	Last year	This year
1. 3 recently-implemented improvements that were recommended by citizens	1. 2. 3.	1. 2. 3.	1. 2. 3.
2. 3 current projects that were recommended by citizens	1. 2. 3.	1. 2. 3.	1. 2. 3.
3. Citizens consider 3 strengths of the City to be:	1. 2. 3.	1. 2. 3.	1. 2. 3.
4. Citizens believe 3 opportunities to improve would be:	1. 2. 3.	1. 2. 3.	1. 2. 3.
5. How citizens rank the City when compared to 4 other local, comparable Cities	1. 2. 3. 4. 5.	1. 2. 3. 4. 5.	1. 2. 3. 4. 5.

**[Citizen Participation and Customer Service, continued]
Customer Service:**

	2 years ago	Last year	This year
1. # Documented Customer Compliments			
2. # Documented Customer Complaints			
3. Quality of service rating % by government students/quality control customers			
4. % of 311 calls resolved in same call			
5. % of 311 calls resolved within 48 hours			
6. 311 call monitoring quality control rating %			
7. % E-requests resolved within 48 hours			
8. E-service monitoring quality control rating %			

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ANNUAL FITNESS CHECK-UP (CITIES): Economic Development/Code Enforcement/Permits

Organization

Name: _____ Date: _____ Population: _____

Economic Development:

	2 years ago	Last year	This year
1. # Days to process zoning permit			
2. # Days to process building permit			
3. # Days from initial request until business opens			
4. # Jobs			
5. # Restaurant meals			
6. # Hotel room occupancy nights			
7. Per capita income of residents			
8. Gross property value			
9. Average residential property value			
10. Average business property value			

[Economic Development/Code Enforcement/Permits, continued]

Code Enforcement:

	2 years ago	Last year	This year
1. Code Accounts/FTE			
2. Inspections/FTE			
3. Annual cost per account			
4. Complaints as % of total violations			
5. Average # days from complaint to inspection			
6. Average # days from inspection to compliance			
7. % Code violations voluntarily corrected			
8. Violations as % of total accounts			
9. % Total costs recovered			

Permits:

	2 years ago	Last year	This year
1. # Days from request to BEMP approval			
2. # Days from request to building plan approval			
3. Cost per BEMP inspection			
4. Cost per building plan review			
5. BEMP inspections /FTE			
6. Building plan reviews/FTE			

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ANNUAL FITNESS CHECK-UP (CITIES): Information Technology

Organization

Name: _____

Date: _____

Population: _____

	2 years ago	Last year	This year
1. % System availability			
2. # Web hits			
3. # E-transactions			
4. # E-comments/questions			
5. # E-mails			
6. % Help desk calls resolved in first call			
7. % Repairs resolved within 24 hours			
8. % Total repairs that are repeats			
9. Help desk monitoring quality of calls %			
10. % Total budget allocated to maintenance			
11. % Total budget allocated to operations			
12. % Total budget allocated to upgrades			

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ANNUAL FITNESS CHECK-UP (CITIES): Quality of Life

Organization

Name: _____

Date: _____

Population: _____

	2 years ago	Last year	This year
1. % Total population that are members of civic organizations			
2. % Total population that are members of sports leagues			
3. # Art event days (concerts, theatre, art exhibits, etc.)			
4. Average attendance at art events			
5. % Arts performance seats filled			
6. % Total arts work hours performed by volunteers			
7. % Total arts budget recovered by fees, tickets, donations, sales tax, etc.			
8. Cost for arts per citizen			
9. Parks acreage per citizen			
10. # Citizens using parks/trails/pools			
11. # Parks/recreation programs			
12. % Program slots filled			

[Quality of Life, continued]

13. % Total parks/rec/pool work hours performed by volunteers			
14. % Total parks/rec/ pool budget recovered by fees, tickets, donations, sales, tax, etc.			
15. Cost for parks/rec/pool per citizen			
16. # Days from arts/parks repair request until completed			