

MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
SEPTEMBER 2, 2014 AT 6:00 P.M.
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094



Eric Barna
Mayor

Scott Bradley
Mayor Pro Tem

Owais Siddiqui
Deputy Mayor Pro Tem

Ben St. Clair
Councilmember

Betty Spraggins
Councilmember

Sarah Fincanon
Councilmember

Rob Thomas
Councilmember

James Fisher
City Manager

NOTICE is hereby given of a meeting of the City Council of the City of Murphy, Collin County, State of Texas, to be held on September 2, 2014 at Murphy City Hall for the purpose of considering the following items. The City Council of the City of Murphy, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. CALL TO ORDER

2. INVOCATION & PLEDGE OF ALLEGIANCE

3. ROLL CALL & CERTIFICATION OF A QUORUM

4. PUBLIC COMMENTS

5. PRESENTATION ITEMS

- A. Presentation of Proclamation for Asian Pacific American Heritage Month.
- B. Presentation of Proclamation for National Payroll Week.
- C. Presentation of Proclamation for Baby Safety Month.

6. CONSENT AGENDA

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

- A. Consider and/or act upon meeting minutes:
 - 1. August 19, 2014 Regular City Council Meeting
 - 2. August 26, 2014 Special City Council Meeting
- B. Consider and take action, if any, on proposed ordinances amending the Water Conservation Plan and the Water Resource & Emergency Management Plan.
- C. Consider and take action, if any, on approval of a Resolution adopting the Interlocal Agreement with Collin County for Child Abuse Investigation Services, Law Enforcement Services.
- D. Consider and take action, if any, on a Resolution authorizing the renewal of the Interlocal Cooperation Agreement between the City of Murphy and Collin County for the maintenance and improvements of County roads; and providing for an immediate effective date.
- E. Consider and/or act upon approval of Resolution designating investment officers of the City and approving the investment policies for the investment of municipal funds.

7. INDIVIDUAL CONSIDERATION

- A. Hold a public hearing on the proposed 2014 Tax Rate of \$0.5500 per \$100 valuation.
- B. Hold a public hearing on the proposed FY 2014-2015 Budget.
- C. Consider and/or act on award of bid for Timbers Nature Preserve Park and Trail project.
- D. Consider and take action, if any, on casting ballot for the election of Places 1-4 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool.
- E. Consider and take action, if any, on the Settlement and Release Agreement between Oncor Electric Delivery Company LLC and the City of Murphy regarding Street Lights.
- F. Consider and take action, if any, on a Resolution requesting removal of FM 2551 from the Texas Highway System.
- G. Consider and/or act on the application of McBirney 544 Joint Venture requesting approval of a site plan, landscape plan, building elevations, and construction plat for The Learning Experience on property zoned PD 09-12-823.

8. CITY MANAGER/STAFF REPORTS

- North Murphy Road Construction Update
- Animal Shelter Construction Update

9. EXECUTIVE SESSION

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

- A. §551.071. Consultation with City Attorney regarding pending or contemplated litigation involving Kevin Johnson and QA Automotive LLC.
- B. §551.072. Deliberation regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
- C. §551.074. Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Secretary.

10. RECONVENE INTO REGULAR SESSION

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

- A. §551.071. Consultation with City Attorney regarding pending or contemplated litigation involving Kevin Johnson and QA Automotive LLC.
- B. § 551.072. Deliberation regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
- C. §551.074. Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Secretary.
- D. Take Action on any Executive Session Item.

11. ADJOURNMENT

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on August 29, 2014 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.

Terri Johnson
Interim City Secretary

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

Notice of Possible Quorum: There may be a quorum of the 4B Community Development Corporation, the Animal Shelter Advisory Committee, the Board of Adjustment, the Building and Fire Code Appeals Board, the Ethics Review Commission the Murphy Municipal Development District Board, the Park and Recreation Board and/or the Planning and Zoning Commission may be present at the meeting, but they will not deliberate on any city business.

Proclamation

City of Murphy, Texas

**Asian Pacific American Heritage Month
May 2014**

WHEREAS, the United States has been strengthened and enhanced by citizens who maintain and honor cultural values and customs brought from other lands; Americans of Asian and Pacific Islander ancestry have long been part of that tradition, by enriching the fabric of our society with their unique talents and abilities; and

WHEREAS, over ten million Asian and Pacific Islanders, from over twenty-five different ethnic groups that encompass diverse backgrounds, histories, languages and cultures now call the United States their home; these Asian Pacific Americans attempt to give expression to cultural, linguistic, and ethnic diversity while recognizing common experiences in American history; and

WHEREAS, to honor the accomplishments and contributions of Asian Pacific Americans to our Nation, in 1992 Congress approved Public Law 102-450, designating the month of May as “Asian Pacific American Heritage Month”.

NOW, THEREFORE, I, Eric Barna, Mayor of the City of Murphy, Texas, do hereby proclaim the month of May 2014 as

“Asian Pacific American Heritage Month”

in Murphy, Texas. Proclaimed this 2nd day of September, 2014.

*Eric Barna, Mayor
City of Murphy*

Proclamation

City of Murphy, Texas

Whereas the American Payroll Association and its 23,000 members have launched a nationwide public awareness campaign that pays tribute to the more than 156 million people who work in the United States and the payroll professionals who support the American system by paying wages, reporting worker earnings and withholding federal employment taxes; and

Whereas payroll professionals in Murphy, Texas play a key role in maintaining the economic health of Murphy, carrying out such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement, and carrying out tax withholding, reporting and depositing; and

Whereas payroll departments collectively spend more than \$15 billion annually complying with myriad federal and state wage and tax laws; and Whereas payroll professionals play an increasingly important role ensuring the economic security of American families by helping to identify noncustodial parents and making sure they comply with their child support mandates; and

Whereas payroll professionals have become increasingly proactive in educating both the business community and the public at large about the payroll tax withholding systems; and

Whereas payroll professionals meet regularly with federal and state tax officials to discuss both improving compliance with government procedures and how compliance can be achieved at less cost to both government and businesses; and

Whereas the week in which Labor Day falls has been proclaimed **National Payroll Week**, I hereby give additional support to the efforts of the people who work in Murphy, Texas and of the payroll profession by proclaiming the first full week of September Payroll Week in Murphy, Texas. Proclaimed this 2nd day of September, 2014.

*Eric Barna, Mayor
City of Murphy*

Proclamation

City of Murphy, Texas

Whereas, our children represent our greatest hope for the future and Murphy, Texas remains steadfast in its commitment to the safety and security of our children, families and communities; and

Whereas, of paramount concern to all citizens are the problems of child abuse, neglect and maltreatment, which endanger vulnerable young lives and cause long-lasting damage to a child's physical, emotional and cognitive well-being; and

Whereas, the prevention of child abuse, neglect and maltreatment requires strong partnerships and cooperation among individual citizens, organizations, law enforcement and government agencies at the community, state and federal levels; and

Whereas, a leading cause of abuse-related death among children is head trauma, including a fully preventable form of abusive behavior known as Shaken Baby Syndrome, which occurs when a caregiver loses control and forcefully shakes a baby or young child, possibly resulting in a loss of vision, brain damage, paralysis, seizures, or death; and

Whereas, there are education and prevention programs that address all categories of child abuse, and people in communities across Texas are encouraged to support such efforts that promote a safe and nurturing environment for children and families; and

Whereas, Murphy, Texas does not tolerate acts of violence against children and continuously strives to enact tougher laws to protect children from abuse, neglect and maltreatment; all citizens are reminded of the many forms of abuse that occur in our society, with greatest concern for the threat of harm to our precious children;

Now, Therefore, I, Eric Barna, Mayor of Murphy, Texas, do hereby proclaim September as **BABY SAFETY MONTH** in Murphy, Texas. Proclaimed this 2nd day of September, 2014.

*Eric Barna, Mayor
City of Murphy*

**CITY COUNCIL MINUTES
AUGUST 19, 2014 REGULAR CITY COUNCIL MEETING**

1. CALL TO ORDER

Mayor Pro Tem Scott Bradley called the meeting to order at 6:00 pm.

2. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Pro Tem Bradley gave the invocation and led the Pledge of Allegiance to the United States flag.

3. ROLL CALL & CERTIFICATION OF A QUORUM

Terri Johnson, Interim City Secretary, certified a quorum with the following Councilmembers present:

Mayor Eric Barna (*arrived at 6:11 PM*)
 Mayor Pro Tem Scott Bradley
 Deputy Mayor Pro Tem Owais Siddiqui
 Councilmember Betty Nichols Spraggins
 Councilmember Sarah Fincanon (*arrived at 6:10 PM*)
 Councilmember Rob Thomas

Councilmembers absent: Councilmember Ben St. Clair

4. PUBLIC COMMENTS:

There were no public comments.

5. PRESENTATION ITEMS:**A. Presentation of MDA funds collected by Murphy Firefighters.**

Fire Chief Mark Lee introduced Ms. Jenny Allison, Fund Raising Coordinator for the Dallas MDA. Mrs. Kati Bukolt and her children Avery and Hudson were also in attendance. Ms. Allison explained to those present that the monies raised by the Fill-the-Boot Campaign would assist families such as the Bukolt family whose four-year old daughter, Avery, has muscular dystrophy. Mrs. Bukolt expressed her appreciation.

The Murphy Firefighters presented a check in the amount of \$3,161 to Dallas MDA from their Fill-the-Boot campaign.

B. Presentation of financial report and investment report as of July 31, 2014.

Finance Director Linda Truitt presented the July 31st financial report and investment report to the City Council.

Ms. Truitt stated that there was no change in the interest rate of \$0.10. She reported that the current budget year was 83% completed. Ninety-two percent of the revenues had been collected with general fund expenditures being at 73.25%.

She also reviewed the utility fund and stated that water revenues continued to be under budget but the utility fund expenditures were on track.

Ms. Truitt answered questions from the City Councilmembers.

6. CONSENT AGENDA

Mayor Barna arrived at the meeting and read the following statement:

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

- A. Consider and/or act upon meeting minutes for August 5, 2014 Regular City Council Meeting.
- B. Consider and/or act upon the issuance of a special permit to allow a fireworks display during the Murphy Maize Days celebration on September 27, 2014.

COUNCIL ACTION (6.A. - 6.B.):

APPROVED

Mayor Pro Tem Bradley moved to accept the consent agenda. Deputy Mayor Pro Tem Owais Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

7. INDIVIDUAL CONSIDERATION

- A. Hold a public hearing on the proposed 2014 Tax Rate of \$0.5500 per \$100 valuation.

City Manager James Fisher reviewed the proposed tax rate of \$0.5500 per \$100 valuation. He stated that the average home value in Murphy was \$283,422 and the estimated tax on a home with this value would be \$1,558.82.

The proposed operation & maintenance tax rate is \$.3363 and the proposed debt service tax rate is \$.2137, making a total of \$0.5500.

Mayor Barna opened the public hearing at 6:13 PM and no one spoke on this item.

The Mayor closed the public hearing at 6:14 PM.

The Mayor announced that the City Council would vote on the proposed tax rate at their regular meeting scheduled for Tuesday, September 16, 2014 at 6:00 PM in the Council Chambers at Murphy City Hall, 206 N. Murphy Road, Murphy, Texas.

COUNCIL ACTION (7.A.):

NON-ACTION ITEM

No action was taken on this item.

- B. Hold a public hearing on the proposed FY 2014-2015 Budget.

The City Manager reported that the proposed budget reflected estimated revenues in the General Fund to be \$12.3 million. The General Fund expenditures, including capital items, were estimated to be \$13.3 million.

Mayor Barna opened the public hearing at 6:15 PM.

MURPHY CITY COUNCIL MINUTES
August 19, 2014

William Stansfield, 131 Hillcrest Drive, addressed the Council with questions he had about personnel costs and his concern about spending monies from the reserve fund. He stated that he would like to see management discussion of the proposed expenditures.

Mayor Barna thanked Mr. Stansfield for his comments and closed the public hearing at 6:17 PM.

The Mayor announced that the City Council would vote on the proposed budget for fiscal year 2014-2015 at their regular meeting scheduled for Tuesday, September 16, 2014 at 6:00 PM in the Council Chambers at Murphy City Hall, 206 N. Murphy Road, Murphy, Texas.

COUNCIL ACTION (7.B.):

No action was taken on this item.

NON-ACTION ITEM

- C. Consider and take action, if any, on the Safe Routes to School bid.

City Manager Fisher explained that TxDOT is funding the Safe Routes to Schools (SRTS) sidewalk and enhanced crosswalks along the North Murphy Road widening project – connecting Murphy Middle School, McMillen High School, Central Park, PSA, and surrounding neighborhoods. The grant will also help with a new sidewalk in the Rolling Ridge subdivision. Murphy will have sidewalks on both sides of North Murphy Road from FM 544 to Parker city limits.

Mr. Fisher explained that there would not be sidewalks on the west side across from the schools because the space was too narrow.

The City's engineer, Freese and Nichols, prepared the necessary documents for construction and bid purposes and the projected construction cost was \$885,795. Seven contractors downloaded plans but only two contractors submitted bids. The low bidder was 3i Construction, LLC with the bid of \$633,000.

Questions from City Councilmembers were answered by Mr. Fisher.

COUNCIL ACTION (ITEM 7.C.):

APPROVED

Mayor Pro Tem Bradley moved to award the bid for the Safe Routes to Schools project to 3i Construction, LLC in the amount of \$633,000 and to authorize the City Manager to execute the necessary documents. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

- D. Consider and take action, if any, on a proposed Interlocal Agreement between the City of Murphy, Texas and Texoma Area Paratransit System, Inc. (TAPS) for demand-response transit services.

City Manager Fisher reported to the City Council that this item was back on the agenda for clarification from TAPS regarding the cost to the City of Murphy.

Mr. Cory Young, Director of Grants and Planning for TAPS was present and answered questions from the City Council. Mr. Zak Kerfai, Director of Risk Management for TAPS was also present.

Mr. Young explained that the annual cost of the agreement averaged out to approximately \$8-9 per trip.

COUNCIL ACTION (ITEM 7.D.):

APPROVED

Mayor Pro Tem Bradley moved to authorize the City Manager to negotiate an Interlocal Agreement with TAPS for demand-response transit service. The motion was seconded by Deputy Mayor Pro Tem Siddiqui. For: Unanimous. The motion carried by a vote of 6 to 0.

8. CITY MANAGER/STAFF REPORTS

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

North Murphy Road Construction Update

Animal Shelter Construction Update

Water Conservation

Chamber Business Seminar

Texas State Representative Jodie Laubenberg will hold a Town Hall Meeting – September 11, 2014, 7:30-8:30 PM, Murphy City Hall Council Chambers to discuss water issues important to our community.

9. EXECUTIVE SESSION

The City Council convened into closed Executive Session at 6:32 pm pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. § 551.074. Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Secretary.
- B. § 551.087. Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- C. § 551.072. Deliberation regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

10. RECONVENE INTO REGULAR SESSION

The City Council reconvened into open session at 8:01 pm pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. § 551.074. Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Secretary.
- B. § 551.087. Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental

body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

- C. § 551.072. Deliberation regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
- D. Take Action on any Executive Session Item.

No action was taken.

E. ADJOURNMENT

With no further business, the meeting was adjourned at 8:03 pm.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Terri Johnson, Interim City Secretary

CITY COUNCIL MINUTES
AUGUST 26, 2014 SPECIAL CITY COUNCIL MEETING

1. CALL TO ORDER

Mayor Barna called the meeting to order at 6:00 pm.

2. ROLL CALL & CERTIFICATION OF A QUORUM

Interim City Secretary Terri Johnson certified a quorum with the following Councilmembers present:

Mayor Eric Barna
Mayor Pro Tem Scott Bradley
Deputy Mayor Pro Tem Owais Siddiqui
Councilmember Ben St. Clair
Councilmember Betty Nichols Spraggins
Councilmember Sarah Fincanon
Councilmember Rob Thomas

Councilmembers absent: None.

3. EXECUTIVE SESSION

The City Council convened into closed Executive Session at 6:01 pm pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. §551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Secretary.

4. RECONVENE INTO REGULAR SESSION

The City Council reconvened into open session at 7:47 pm pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. §551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Secretary.
- B. Take Action on any Executive Session Item.

Mayor announced that no action had been taken in Executive Session.

COUNCIL ACTION (ITEM 4.A.-4.B.):

APPROVED

Mayor Pro Tem Scott Bradley moved to authorize the Mayor to negotiate an employment agreement with a City Secretary candidate. The motion was seconded by Deputy Mayor Pro Tem Owais Siddiqui. For: Unanimous. The motion carried with a vote of 7 to 0.

5. ADJOURNMENT

With no further business, the meeting was adjourned at 7:48 pm.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Terri Johnson, Interim City Secretary

City Council Meeting
September 2, 2014

Issue

Consider and take action, if any, on proposed ordinances amending the Water Conservation Plan and the Water Resource & Emergency Management Plan.

Background

These Ordinances reflect previous Council action.

Attachments

Ordinance adopting Water Conservation Plan

Ordinance adopting Water Resource and Emergency Management Plan

ORDINANCE NO. 14-09-XXX

ADOPTION OF WATER CONSERVATION PLAN

AN ORDINANCE ADOPTING A WATER CONSERVATION PLAN FOR THE CITY OF MURPHY TO PROMOT RESPONSIBLE USE OF WATER AND TO PROVIDE FOR PENALTIES AND/OR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE WATER CONSERVATION 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 purposes at all times; and

WHEREAS, the Water Code and the regulations of the Texas Commission on Environment Quality, (the “Commission”) require that the City adopt a Water Conservation Plan; and

WHEREAS, the City has determined an urgent need in the best interest of the public to adopt a Water Conservation 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 Water Conservation 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 Water Conservation Plan (the “Plan”), attached hereto as Addendum A, as if recited verbatim herein with the exception of an amended definition of REGULATED IRRIGATION PROPERTY. Section 2.12 of the Plan shall read: REGULATED IRRIGATION PROPERTY means any property that uses 1 million gallons of water or more for irrigation purposes in a single calendar year (...”or is greater than 1 acre in size” is removed from definition). 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 description caption of this ordinance as an alternative method of publication provided by law.

Section 7. Ordinance No. 11-06-886, adopted on June 21, 2011 is hereby repealed.

Passed by the City Council on this the 2nd day of September, 2014.

Eric Barna, Mayor
City of Murphy, Texas

ATTEST:

Terri Johnson, Interim City Secretary

ADDENDUM A
(Water Conservation Plan)

WATER CONSERVATION PLAN CITY OF MURPHY

APRIL 2014



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- Texas Administrative Code Title 30, Part 1, Chapter 288, Subchapter A, Rule §288.1 – Definitions (Page B-1)
 - Texas Administrative Code Title 30, Part 1, Chapter 288, Subchapter A, Rule §288.2 – Water Conservation Plans for Municipal Uses by Public Water Suppliers (Page B-4)
- APPENDIX C TCEQ Water Utility Profile**
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1. INTRODUCTION AND OBJECTIVES

Water supply has always been a key issue in the development of Texas. In recent years, the increasing population and economic development of North Central Texas have led to growing demands for water supplies. At the same time, local and less expensive sources of water supply are largely already developed. Additional supplies to meet future demands will be expensive and difficult to secure. Severe drought conditions in recent years have highlighted the importance of efficient use of our existing supplies to make them last as long as possible. This will delay the need for new supplies, minimize the environmental impacts associated with developing new supplies, and delay the high cost of additional water supply development.

Recognizing the need for efficient use of existing water supplies, the Texas Commission on Environmental Quality (TCEQ) has developed guidelines and requirements governing the development of water conservation and drought contingency plans for wholesale water suppliers². The TCEQ guidelines and requirements for wholesale suppliers are included in Appendix B. The North Texas Municipal Water District (NTMWD) has developed this model water conservation plan pursuant to TCEQ guidelines and requirements. The best management practices established by the Water Conservation Implementation Task Force³ were also considered in the development of the water conservation measures.

This model water conservation plan includes measures that are intended to result in ongoing, long-term water savings. This plan replaces the previous plans dated August 2004, April 2006 and March 2008⁴.

The objectives of this water conservation plan are as follows:

- To reduce water consumption from the levels that would prevail without conservation efforts.
- To reduce the loss and waste of water.
- To improve efficiency in the use of water.
- Encourage efficient outdoor water use.
- To document the level of recycling and reuse in the water supply.

- To extend the life of current water supplies by reducing the rate of growth in demand.

In order to adopt this plan, the City of Murphy will need to do the following:

- Complete the water utility profile (provided in Appendix C).
- Complete the annual water conservation implementation report (in Appendix H).
- Set five-year and ten-year goals for per capita water use.
- Adopt ordinance(s) or regulation(s) approving the model plan.

The water utility profile, goals, and ordinance(s) or regulations should be provided to NTMWD in draft form for review and comments. Final adopted versions should also be provided to NTMWD, as well as TCEQ. This model plan includes all of the elements required by TCEQ. Some elements of this model plan go beyond TCEQ requirements. Any water supplier wishing to adjust elements of the plan should coordinate with NTMWD.

¹ Superscripted numbers match references listed in Appendix A.

2. DEFINITIONS

1. **ATHLETIC FIELD** means a public sports competition field, the essential feature of which is turf grass, used primarily for organized sports practice, competition or exhibition events for schools, professional sports, or sanctioned league play.
2. **COOL SEASON GRASSES** are varieties of turf grass that grow best in cool climates primarily in northern and central regions of the U.S. Cool season grasses include perennial and annual rye grass, Kentucky blue grass and fescues.
3. **CUSTOMERS** include those entities to whom NTMWD provides water on a customer basis that are not members of NTMWD.
4. **EVAPOTRANSPIRATION** abbreviated as ET represents the amount of water lost from plant material to evaporation and transpiration. The amount of ET can be estimated based on the temperature, wind, and relative humidity.
5. **ET/SMART CONTROLLERS** are irrigation controllers that adjust their schedule and run times based on weather (ET) data. These controllers are designed to replace the amount of water lost to evapotranspiration.
6. **EXECUTIVE DIRECTOR** means the Executive Director of the North Texas Municipal Water District and includes a person the Director has designated to administer or perform any task, duty, function, role, or action related to this plan or on behalf of the Executive Director.
7. **INSTITUTIONAL USE** means the use of water by an establishment dedicated to public service, such as a school, university, church, hospital, nursing home, prison or government facility. All facilities dedicated to public service are considered institutional regardless of ownership.
8. **MEMBER CITIES** include the cities of Allen, Farmersville, Forney, Frisco, Garland, McKinney, Mesquite, Plano, Princeton, Richardson, Rockwall, Royce City, and Wylie, Texas.
9. **MULTI-FAMILY PROPERTY** means a property containing five or more dwelling units.

10. MUNICIPAL USE means the use of potable water provided by a public water supplier as well as the use of treated wastewater effluent for residential, commercial, industrial, agricultural, institutional, and wholesale uses.
11. RECLAIMED WATER means reclaimed municipal wastewater that has been treated to a quality that meets or exceeds the minimum standards of the 30 Texas Administrative Code, Chapter 210 and is used for lawn irrigation, industry, or other non-potable purposes.
12. REGULATED IRRIGATION PROPERTY means any property that uses 1 million gallons of water or more for irrigation purposes in a single calendar year.
13. RESIDENTIAL GALLONS PER CAPITA PER DAY (Residential GPCD) the total gallons sold for residential use by a public water supplier divided by the residential population served and then divided by the number of days in the year.
14. TOTAL GALLONS PER CAPITA PER DAY (Total GPCD) The total amount of water diverted and/or pumped for potable use divided by the total permanent population divided by the days of the year. Diversion volumes of reuse as defined in TAC 288.1 shall be credited against total diversion volumes for the purposes of calculating GPCD for targets and goals.
15. WATER CONSERVATION PLAN means this water conservation plan approved and adopted by the NTMWD Board of Directors in 2014.

3. REGULATORY BASIS FOR WATER CONSERVATION PLAN

3.1 TCEQ Rules Governing Conservation Plans

The TCEQ rules governing development of water conservation plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 of the Texas Administrative Code, which is included in Appendix B. For the purpose of these rules, a water conservation plan is defined as “A strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water².” The elements in the TCEQ water conservation rules covered in this conservation plan are listed below.

Minimum Conservation Plan Requirements

The minimum requirements in the Texas Administrative Code for Water Conservation Plans for Public Water Suppliers are covered in this report as follows:

- 288.2(a)(1)(A) – Utility Profile – Section 4 and Appendix C
- 288.2(a)(1)(B) – Specification of Goals – Section 5
- 288.2(a)(1)(C) – Specific, Quantified Goals – Section 5
- 288.2(a)(1)(D) – Accurate Metering – Section 6.1.1
- 288.2(a)(1)(E) – Universal Metering – Section 6.1.2
- 288.2(a)(1)(F) – Determination and Control of Water Loss – Section 6.1.3
- 288.2(a)(1)(G) – Public Education and Information Program – Section 6.2
- 288.2(a)(1)(H) – Non-Promotional Water Rate Structure – Section 7.1
- 288.2(a)(1)(I) – Reservoir System Operation Plan – Section 6.3
- 288.2(a)(1)(J) – Means of Implementation and Enforcement – Section 8
- 288.2(a)(1)(K) – Coordination with Regional Water Planning Group – Section 6.4 and Appendix F
- 288.2(c) – Review and Update of Plan – Section 9

Conservation Additional Requirements (Population over 5,000)

- The Texas Administrative Code includes additional requirements for water conservation plans for drinking water supplies serving a population over 5,000
- 288.2(a)(2)(A) – Leak Detection, Repair, and Water Loss Accounting – Sections 6.1.4
- 288.2(a)(2)(B) – Record Management System – Section 6.1.5
- 288.2(a)(2)(C) – Requirement for Water Conservation Plans by Wholesale Customers – Section 6.6

Additional Conservation Strategies

The TCEQ requires that a water conservation implementation report be completed and submitted on an annual basis. The template for this report is included in Appendix H.

In addition to the TCEQ required water conservation strategies, the NTMWD also requires the following strategy to be included in the Member City and Customer plans:

- 288.2(a)(3)(F) – Considerations for Landscape Water Management Regulations – Section 7.5 and Appendix E

TCEQ rules also include optional, but not required, conservation may be adopted by suppliers. The NTMWD recommends that the following strategies be included in the Member City and Customer water conservation plans:

- 288.2(a)(3)(A) – Conservation Oriented Water Rates – Section 7.1
- 288.2(a)(3)(B) – Ordinances, Plumbing Codes or Rules on Water-Conserving Fixtures – Section 7.2
- 288.2(a)(3)(C) – Replacement or Retrofit of Water-Conserving Plumbing Fixtures – Section 7.6
- 288.2(a)(3)(D) – Reuse and Recycling of Wastewater – Section 7.3
- 288.2(a)(3)(F) – Considerations for Landscape Water Management Regulations – Section 7.4, 7.5 and Appendix E
- 288.2(a)(3)(G) – Monitoring Method – Section 7.7
- 288.2(a)(3)(H) – Additional Conservation Ordinance Provisions – Section 7.6

3.2 Guidance and Methodology for Reporting on Water Conservation and Water Use

In addition to TCEQ rules regarding water conservation, this plan also incorporates elements of the Guidance and Methodology for Reporting on Water Conservation and Water Use developed by TWDB and TCEQ, in consultation with the Water Conservation Advisory Council (the “Guidance”). The Guidance was developed in response to a charge by the 82nd Texas Legislature to develop water use and calculation methodology and guidance for preparation of water use reports and water conservation plans in accordance with TCEQ rules.

4. WATER UTILITY PROFILE

Appendix C to this water conservation plan is a water utility profile based on the format recommended by the TCEQ. In adopting this model water conservation plan, the City of Murphy will provide a water utility profile to NTMWD for review and comment. A final water utility profile will be provided to NTMWD.

5. SPECIFICATION OF WATER CONSERVATION GOALS

TCEQ rules require the adoption of specific water conservation goals for a water conservation plan. As part of plan adoption, the City of Murphy must develop 5-year and 10-year goals for per capita municipal use. These goals should be submitted to NTMWD. The goals for this water conservation plan include the following:

- Maintain the total and residential per capita water use below the specified amount in gallons per capita per day in a dry year, as shown in the completed Table 5-1.
- Maintain the water loss percentage in the system below 12 percent annually in 2013 and subsequent years, as discussed in Section 6.1.3. (The 12 percent goal for water loss is recommended but is not required. Systems with long distances between customers may adopt a higher percent water loss goal.)
- Implement and maintain a program of universal metering and meter replacement and repair, as discussed in Section 6.1.2.
- Increase efficient water usage through a water conservation ordinance, order or resolution as discussed in Section 7.5 and Appendix E. (This ordinance is required by the NTMWD.)
- Decrease waste in lawn irrigation by implementation and enforcement of landscape water management regulations, as discussed in Section 7.6. (These landscape water management regulations are recommended but are not required.)
- Raise public awareness of water conservation and encourage responsible public behavior by a public education and information program, as discussed in Section 6.2.
- Develop a system specific strategy to conserve water during peak demands, thereby reducing the peak use.

Table 5-1 Five-Year and Ten-Year Per Capita Water Use Goals (gpcd)

Description	Current Average (gpcd)	5-Year Goal (gpcd)	10-Year Goal (gpcd)
Current 5-Year Average Total Per Capita Use with Credit for Reuse	195.6	230	225
Current 5-Year Average Residential Per Capita Use	176	211	206
Water Loss (GPCD) ¹	23.8	<20.1	<20.1
Water Loss (Percentage) ²	14.12%	<12%	<12%
Expected Reduction due to Low-Flow Plumbing Fixtures		3	3
Projected Reduction Due to Elements in this Plan			
Water Conservation Goals (with credit for reuse)			

1. Water Loss GPCD = (Total Water Loss ÷ Permanent Population) ÷ 365

2. Water Loss Percentage = (Total Water Loss ÷ Total Gallons in System) x 100; or (Water Loss GPCD ÷ Total GPCD) x 100

6. BASIC WATER CONSERVATION STRATEGIES

6.1 Metering, Water Use Records, Control of Water Loss, and Leak Detection and Repair

One of the key elements of water conservation is tracking water use and controlling losses through illegal diversions and leaks. It is important to carefully meter water use, detect and repair leaks in the distribution system and provide regular monitoring of real losses.

6.1.1 Accurate Metering of Treated Water Deliveries from NTMWD

Water deliveries from NTMWD are metered by NTMWD using meters with accuracy of $\pm 2\%$. These meters are calibrated on an annual basis by NTMWD to maintain the required accuracy.

6.1.2 Metering of Customer and Public Uses and Meter Testing, Repair, and Replacement

The provision of water to all customers, including public and governmental users, shall be metered. In many cases, the City of Murphy already meter retail and wholesale water users.

The City of Murphy tests and replaces their customer meters on a regular basis. All customer meters should be replaced on a minimum of a 15-year cycle.

6.1.3 Determination and Control of Water Loss

Total water loss is the difference between water delivered to the City of Murphy from NTMWD and metered water sales to customers plus authorized for use but not sold. (Authorized for use but not sold would include use for fire fighting, releases for flushing of lines, uses associated with new construction, etc.) Total water loss includes three categories:

- Apparent Losses – including inaccuracies in customer meters. (Customer meters tend to run more slowly as they age and under-report actual use.) Losses due to illegal connections and theft. (Ordinance No. 09-08-809) addresses unlawful use of water.) Accounts which are being used but have not yet been added to the billing system.

- Real Losses – includes physical losses from the system or mains, reported breaks and leaks, storage overflow.
- Unidentified Water Losses – (System Input - Total Authorized - Apparent Losses - Real Losses)

Measures to control water loss should be part of the routine operations of the City of Murphy. Maintenance crews and personnel should look for and report evidence of leaks in the water distribution system. A leak detection and repair program is described in Section 6.1.4 below. Meter readers should watch for and report signs of illegal connections, so they can be quickly addressed.

Total water loss should be calculated in accordance with the provisions of Appendix H. With the measures described in this plan, City Of Murphy should maintain water loss percentage below 12 percent in 2013 and subsequent years. If total water loss exceeds this goal, the Member City or Customer should implement a more intensive audit to determine the source(s) of and reduce the water loss. The annual conservation report described below is the primary tool that should be used to monitor water loss.

6.1.4 Leak Detection and Repair

As described above, city crews and personnel should look for and report evidence of leaks in the water distribution system. Areas of the water distribution system in which numerous leaks and line breaks occur should be targeted for replacement as funds are available.

6.1.5 Record Management System

As required by TAC Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2(a)(2)(B), a record management system should allow for the separation of water sales and uses into residential, commercial, public/institutional, and industrial categories. This information should be included in an annual water conservation report, as described in Section 7.7 below. Those entities whose record management systems do not currently comply with this requirement should move to implement such a system within the next five years.

6.2 Continuing Public Education and Information Campaign

The continuing public education and information campaign on water conservation includes the following elements:

- Utilize the “Water IQ: Know Your Water” and other public education materials produced by the NTMWD.
- Insert water conservation information with water bills. Inserts will include material developed by the City of Murphy staff and material obtained from the TWDB, the TCEQ, and other sources.
- Encourage local media coverage of water conservation issues and the importance of water conservation.
- Notify local organizations, schools, and civic groups that the City of Murphy staff and staff of the NTMWD are available to make presentations on the importance of water conservation and ways to save water.
- Promote the *Texas Smartscape* web site (www.txsmartscape.com) and provide water conservation brochures and other water conservation materials available to the public at City Hall and other public places.
- Make information on water conservation available on its website (if applicable) and include links to the “Water IQ: Know Your Water” website, *Texas Smartscape* website and to information on water conservation on the TWDB and TCEQ web sites and other resources.
- NTMWD is an EPA Water Sense Partner and participates in the EPA Water Sense sponsored “Fix a Leak Week.” NTMWD encourages all member cities and customers to become EPA Water Sense Partners.
- Utilize the Water My Yard website and encourage customers to sign-up to receive weekly watering advice.

6.3 NTMWD System Operation Plan

The City of Murphy purchases treated water from NTMWD. The City of Murphy does not have surface water supplies for which to implement a system operation plan. NTMWD operates multiple sources of water supply as a system. The operation of the reservoir system is intended to optimize the use of the District’s sources (within the constraints of existing water rights) while minimizing energy use cost for pumping, maintaining water quality, minimizing potential impacts on recreational users of the reservoirs and fish and wildlife.

6.4 Coordination with Regional Water Planning Group and NTMWD

Appendix F includes a letter sent to the Chair of the Region C and Region D water planning group with this model water conservation plan. The City of Murphy will send a copy of their draft ordinance(s) or regulation(s) implementing the plan and their water utility profile to NTMWD for review and comment. The adopted ordinance(s) or regulation(s) and the adopted water utility profile will be sent to the Chair of the appropriate Water Planning Group and to NTMWD.

6.5 Requirement for Water Conservation Plans by Wholesale Customers

Every contract for the wholesale sale of water by the City of Murphy that is entered into, renewed, or extended after the adoption of this water conservation plan will include a requirement that the wholesale customer and any wholesale customers of that wholesale customer develop and implement a water conservation plan meeting the requirements of Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 of the Texas Administrative Code. The requirement will also extend to each successive wholesale customer in the resale of the water.

7. ENHANCED WATER CONSERVATION STRATEGIES

7.1 Water Rate Structure

The City of Murphy has an increasing block rate water structure that is to encourage water conservation and discourage excessive use and waste of water. The water rate structure is in accordance with the adopted fee schedule. The adopted fee schedule can be located on the City's website.

7.2 Ordinances, Plumbing Codes, or Rules on Water-Conserving Fixtures

The state has required water-conserving fixtures in new construction and renovations since 1992. The state standards call for flows of no more than 2.5 gallons per minute (gpm) for faucets, 2.5 gpm for showerheads, and 1.6 gallons per flush for toilets. Similar standards are now required nationally under federal law. These state and federal standards assure that all new construction and renovations will use water-conserving fixtures. Rebate programs to encourage replacement of older fixtures with water conservation programs are discussed in Section 7.6.

7.3 Reuse and Recycling of Wastewater

The City of Murphy does not own and operate their wastewater treatment plants. The City's wastewater is treated by NTMWD. NTMWD currently has the largest wastewater reuse program in the state. NTMWD has water rights allowing reuse of up to 71,882 acre-feet per year of this treated wastewater through Lavon Lake for municipal purposes. In addition, NTMWD has also developed the East Fork Raw Water Supply Project which can divert up to 157,393 acre-feet per year based on treated wastewater discharges by the NTMWD. When fully developed, these two reuse projects will provide up to 44 percent of the NTMWD's currently permitted water supplies. NTMWD also provides treated effluent from its wastewater treatment plants available for direct reuse for landscape irrigation and industrial use.

7.4 Interactive Weather Stations / Water My Yard Program

NTMWD has developed the Water My Yard program to install weather stations throughout its service area to provide consumers with a weekly e-mail and information through the Water My Yard website in determining an adequate amount of supplemental water that is needed to maintain healthy grass in specific locations. This service represents the largest network of weather stations providing ET-based irrigation recommendations in the State of Texas, and provides the public advanced information regarding outdoor irrigation needs, thereby reducing water use. Through a series of selections on the type of irrigation system a consumer has, a weekly email is provided that will determine how long (in minutes) that an irrigation system needs to run based on the past seven days of weather. This recommendation provides the actual amount of supplemental water that is required for a healthy lawn based on research of the Texas A&M Agrilife Extension Service and proven technologies. This innovative program has been available to those within the NTMWD service area since May 2013.

7.5 Compulsory Landscape and Water Management Measures

The following landscape water management measures are required by the NTMWD for this plan. These measures represent minimum measures to be implemented and enforced in order to irrigate the landscape appropriately, and are to remain in effect on a permanent basis unless water resource management stages are declared.

1. Landscape Water Management Measures

- Limit landscape watering with sprinklers or irrigation systems at each service address to no more than two days per week (April 1 – October 31), with education that less than twice per week is usually adequate. Additional watering of landscape may be provided by hand-held hose with shutoff nozzle, use of dedicated irrigation drip zones, and/or soaker hose provided no runoff occurs.
- Limit landscape watering with sprinklers or irrigation systems at each service address to no more than one day per week beginning November 1 and ending March 31 of each year, with education that less than once per week is usually adequate.
- Prohibit lawn irrigation watering from 10 AM to 6 PM (April 1 – October 31).
- Prohibit the use of irrigation systems that water impervious surfaces. (Wind driven water drift will be taken into consideration.)
- Prohibit outdoor watering during precipitation or freeze events.
- Prohibition of use of poorly maintained sprinkler systems that waste water.
- Prohibit excess water runoff or other obvious waste.
- Require rain and freeze sensors and/or ET or Smart controllers on all new irrigation systems. Rain and freeze sensors and/or ET or Smart controllers must be maintained to function properly.
- Prohibit overseeding, sodding, sprigging, broadcasting or plugging with cool season grasses or watering cool season grasses, except for golf courses and athletic fields.
- Require that irrigation systems be inspected at the same time as initial backflow preventer inspection.
- Requirement that all new irrigation systems be in compliance with state design and installation regulations (TAC Title 30, Part 1, Chapter 344).

- Require the owner of a regulated irrigation property to obtain an evaluation of any permanently installed irrigation system on a periodic basis. The irrigation evaluation shall be conducted by an licensed irrigator in the state of Texas and be submitted to your local water provider (i.e., city, water supply corporation).

2. Additional Water Management Measures

- Prohibit the use of potable water to fill or refill residential, amenity, and any other natural or manmade ponds. A pond is considered to be a still body of water with a surface area of 500 square feet or more.
- Non –commercial car washing can be done only when using a water hose with a shut-off nozzle.
- Hotels and motels shall offer a linen reuse water conservation option to customers.
- Restaurants, bars, and other commercial food or beverage establishments may not provide drinking water to customers unless a specific request is made by the customer for drinking water.

The City of Murphy is responsible for developing regulations, ordinances, policies, or procedures for enforcement of water conservation guidelines.

Appendix E is a summary of considerations for landscape water management regulations adopted as part of the development of this water conservation plan. These regulations are intended to minimize waste in landscape irrigation. Appendix E includes the required landscape water measures in this section.

7.6 Additional Water Conservation Measures (Not Required)

NTMWD also urges the City of Murphy to consider including the following additional water conservation measures from the NTMWD Model Water Conservation Plan in their plans: The City of Murphy is responsible for developing regulations, ordinances, policies, or procedures for enforcement of water conservation guidelines.

1. Landscape Water Management Regulations

- Requirement that all existing irrigation systems be retrofitted with rain and freeze sensors and/or ET or Smart controllers capable of multiple programming. Rain and freeze sensors and/or ET or Smart controllers must be maintained to function properly.

- Requirement that all new athletic fields be irrigated by a separate irrigation system from surrounding areas.
- Implementation of other measures to encourage off-peak water use.

2. Landscape Ordinance

- Landscape ordinances are developed by cities to guide developers in landscaping requirements for the city. A sample landscape ordinance is provided in Appendix I and is intended as a guideline for adopting a landscape ordinance to promote water efficient landscape design.
- Native, drought tolerant or adaptive plants should be encouraged.
- Drip irrigation systems should be promoted.
- ET/Smart controllers that only allow sprinkler systems to irrigate when necessary should be promoted.

3. Water Audits

- Water audits are useful in finding ways in which water can be used more efficiently at a specific location. NTMWD recommends that City of Murphy offer water audits to customers.

4. Rebates

- In addition to the conservation measures described above, the NTMWD also recommends the following water conservation incentive programs for consideration by Member Cities and Customers:
 - Low-flow toilet replacement and rebate programs,
 - Rebates for rain/freeze sensors and/or ET or Smart controllers,
 - Low-flow showerhead and sink aerators replacement programs or rebates,
 - Water efficient clothes washer rebates,
 - Pressure reducing valve installation programs or rebates,
 - Rain barrel rebates,
 - Pool covers,
 - On-demand hot water heater rebates, and/or
 - Other water conservation incentive programs.

7.7 Monitoring of Effectiveness and Efficiency - Annual Water Conservation Report

Appendix D is a form that should be used in the development of an annual water conservation report by the City of Murphy. This form should be completed by March 31 of the following year and used to monitor the effectiveness and efficiency of the water conservation program and to plan conservation-related activities for the next year. The form records the water use by category, per capita municipal use, and total water loss for the current year and compares them to historical values. As part of the development of Appendix D, the City of Murphy will complete the tracking tool by March 31 of the following year and submit them to NTMWD. The annual water conservation report should be sent to NTMWD, which will monitor NTMWD Member Cities' and Customers' water conservation trends.

7.8 Water Conservation Implementation Report

Appendix H includes the TCEQ-required water conservation implementation report. The report is due to the TCEQ by May 1 of every year. This report lists the various water conservation strategies that have been implemented, including the date the strategy was implemented. The report also calls for the five-year and ten-year per capita water use goals from the previous water conservation plan. The reporting

entity must answer whether or not these goals have been met and if not, why not. The amount of water saved is also requested.

8. IMPLEMENTATION AND ENFORCEMENT OF THE WATER CONSERVATION PLAN

Appendix G contains a draft ordinance which will be tailored to meet the City of Murphy's needs and be adopted by the City Council regarding the water conservation plan. The ordinance designates responsible officials to implement and enforce the water conservation plan. Appendix E, the considerations for landscape water management regulations, also includes information about enforcement.

9. REVIEW AND UPDATE OF WATER CONSERVATION PLAN

TCEQ requires that the water conservation plans be updated prior to May 1, 2014. The plans are required to be updated every five years thereafter. The plan will be updated as required and as appropriate based on new or updated information.

ORDINANCE NO. 14-09-XXX

ADOPTION OF WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN

AN ORDINANCE ADOPTING A WATER RESOURCE AND EMERGENCY MANAGEMENT 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 NON COMPLIANCE WITH THE PROVISIONS OF THE WATER RESOURCE AND EMERGENCY MANAGEMENT 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 Water Resource and Emergency Management Plan; and

WHEREAS, the City has determined an urgent need in the best interest of the public to adopt a Water Resource and Emergency Management 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 Water Resource and Emergency Management 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 Water Resource and Emergency Management 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. 11-10-897, adopted on October 18, 2011 is hereby repealed.

Passed by the City Council on this the 2nd day of September, 2014.

Eric Barna, Mayor
City of Murphy, Texas

ATTEST:

Terri Johnson, City Secretary

ADDENDUM A

(Water Resource and Emergency Management Plan)

**CITY OF MURPHY
WATER RESOURCE AND EMERGENCY
MANAGEMENT PLAN
NORTH TEXAS MUNICIPAL WATER DISTRICT**

APRIL 2014

FORWARD

This Model Water Resource and Emergency Management Plan (which is an update to the previous Drought Contingency and Water Emergency Response Plan) was prepared by Freese and Nichols for the North Texas Municipal Water District (NTMWD). It is intended to be used by NTMWD Member Cities and Customers as a guide as they develop their own Water Resource and Emergency Management Plans. This plan was prepared pursuant to Texas Commission on Environmental Quality rules. Some material is based on the existing drought contingency plans listed in Appendix A.

Questions regarding this Water Resource and Emergency Management plan should be addressed to the following:

Tom Gooch, P.E.
Freese and Nichols, Inc.
(817) 735-7300
tcg@freese.com

Jeremy Rice
Freese and Nichols, Inc.
(817) 735-7300
jjr@freese.com

Denise Hickey
North Texas Municipal
Water District
(972) 442-5405
dhickey@ntmwd.com

This Water Resource and Emergency Management plan is based on the Texas Administrative Code in effect on June 25, 2013.

**WATER RESOURCE AND EMERGENCY
MANAGEMENT PLAN
CITY OF MURPHY**

MAY 2014

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APPENDICES

APPENDIX A **List of References**

APPENDIX B **Texas Commission on Environmental Quality Rules on Drought Contingency Plans**

- Texas Administrative Code Title 30, Part 1, Chapter 288, Subchapter B, Rule §288.20 – Drought Contingency Plans for Municipal Uses by Public Water Suppliers

APPENDIX C **Letters to Region C and Region D Water Planning Groups**

APPENDIX D **Adoption of Water Resource and Emergency Management Plan**

- Municipal Ordinance Adopting Water Resource and Emergency Management Plan
- Municipal Utility District Order Adopting Water Resource and Emergency Management Plan
- Special Utility District Order Adopting Water Resource and Emergency Management Plan
- Water Supply Corporation Resolution Adopting Water Resource and Emergency Management Plan

1. INTRODUCTION AND OBJECTIVES

This document has been prepared as a Model Water Resource and Emergency Management Plan, intended to be available for use by North Texas Municipal Water District (NTMWD) Member Cities and Customers as they develop their own plans. This model plan addresses all of the current TCEQ requirements for a drought contingency plan¹. This model plan will replace the plans dated August 2004, April 2006 and March 2008. The March 2008 model plan shall continue to apply until such time that the drought contingency or water emergency response stage currently in effect under the March 2008 model plan terminates and a less restrictive stage is applicable. At such time, this model plan shall take effect, replacing the March 2008 model plan, and the appropriate water resource management stage as provided in this model plan shall be initiated.

The measures included in this Model Water Resource and Emergency Management 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 model Water Resource and Emergency Management 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 potable water to its Member Cities and Customers. This model plan was developed by NTMWD in consultation with its Member Cities and Customers. In order to adopt this model plan, each NTMWD Member City and Customer will need to adopt ordinance(s) or regulation(s) implementing the plan, including the determination of fines and enforcement procedures. The model plan calls for Member Cities and Customers to adopt water resource management stages initiated by NTMWD during a drought or water supply emergency. Member Cities and Customers may also adopt more stringent water resource management stages than NTMWD if conditions warrant.

The City of Murphy

Water Resource and Emergency Management Plan

In the absence of drought response measures, water demands tend to increase during a drought due to increased 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.

¹ Superscripted numbers match references listed in Appendix A.

2. DEFINITIONS

1. AQUATIC LIFE means a vertebrate organism dependent upon an aquatic environment to sustain its lifeⁱ.
2. ATHLETIC FIELD means a public sports competition field, the essential feature of which is turf grass, used primarily for organized sports practice, competition or exhibition events for schools, professional sports, or sanctioned league playⁱⁱ.
3. COMMERCIAL FACILITY business or industrial buildings and the associated landscaping, but does not include the fairways, greens, or tees of a golf courseⁱ.
4. COMMERCIAL VEHICLE WASH FACILITY means a permanently-located business that washes vehicles or other mobile equipment with water or water-based products, including but not limited to self-service car washes, full service car washes, roll-over/in-bay style car washes, and facilities managing vehicle fleets or vehicle inventoryⁱ.
5. COOL SEASON GRASSES are varieties of turf grass that grow best in cool climates primarily in northern and central regions of the U.S. Cool season grasses include perennial and annual rye grass, Kentucky blue grass and fescuesⁱⁱⁱ.
6. CUSTOMERS include those entities to whom NTMWD provides water on a customer basis that are not members of NTMWD.
7. DESIGNATED OUTDOOR WATER USE DAY means a day prescribed by rule on which a person is permitted to irrigate outdoorsⁱ.

ⁱ Definitions from City of Austin Water Conservation and Drought Contingency Ordinance adopted August 16, 2012.
http://www.austintexas.gov/sites/default/files/files/Water/Conservation/Planning_and_Policy/ProposedCodeRevision_DRAFT_with_watering_schedule-8-15-2012.pdf

ⁱⁱ Definition from City of San Antonio Water Conservation Ordinance adopted 2005.
http://saws.org/conservation/ordinance/docs/Ch34_Ordinance_2009.pdf

ⁱⁱⁱ Definition developed by Freese and Nichols, Inc.

8. DRIP IRRIGATION is a type of micro-irrigation system that operates at low pressure and delivers water in slow, small drips to individual plants or groups of plants through a network of plastic conduits and emitters; also called trickle irrigation.^{iv}.
9. DROUGHT, for the purposes of this report, means 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^v.
10. EVAPOTRANSPIRATION abbreviated as ET represents the amount of water lost from plant material to evaporation and transpiration. The amount of ET can be estimated based on the temperature, wind, and relative humidityⁱⁱⁱ.
11. ET/SMART CONTROLLERS are irrigation controllers that adjust their schedule and run times based on weather (ET) data. These controllers are designed to replace the amount of water lost to evapotranspirationⁱⁱⁱ.
12. EXECUTIVE DIRECTOR means the Executive Director of the North Texas Municipal Water District and includes a person the Director has designated to administer or perform any task, duty, function, role, or action related to this plan or on behalf of the Executive Directorⁱⁱⁱ.
13. FOUNDATION WATERING means an application of water to the soils directly abutting the foundation of a building structureⁱ.
14. MEMBER CITIES include the cities of Allen, Farmersville, Forney, Frisco, Garland, McKinney, Mesquite, Plano, Princeton, Richardson, Rockwall, Royce City, and Wylie, Texas.
15. NEW LANDSCAPE means vegetation: installed at the time of the construction of a residential or commercial facility; installed as part of a governmental entity's capital improvement project; installed to stabilize an area disturbed by constructionⁱ.

^{iv} Amy Vickers: Handbook of Water Use and Conservation, Amherst Massachusetts, June 2002

^v Freese and Nichols, Inc.: Water Conservation and Drought Contingency and Water Emergency Response Plan, prepared for North Texas Municipal Water District, Fort Worth, March 2008.

16. ORNAMENTAL FOUNTAIN means an artificially created structure (up to six feet in diameter) from which a jet, stream, valves and emission devices or flow of water emanates and is not typically utilized for the preservation of aquatic lifeⁱ.
17. PERMANANTLY INSTALLED IRRIGATION SYSTEM means a custom-made, site-specific system of delivering water generally for landscape irrigation via a system of pipes or other conduits installed below groundⁱ.
18. RAIN/FREEZE SENSOR means a device designed to stop the flow of water to an automatic irrigation system when rainfall or freeze event has been detectedⁱⁱ.
19. RECLAIMED WATER means reclaimed municipal wastewater that has been treated to a quality that meets or exceeds the minimum standards of the 30 Texas Administrative Code, Chapter 210 and is used for lawn irrigation, industry, or other non-potable purposesⁱ.
20. SOAKER HOSE means a perforated or permeable garden-type hose or pipe that is laid above ground that provides irrigation at a slow and constant rateⁱ.
21. SPRINKLER means an above-ground water distribution device that may be attached to a garden hoseⁱ.
22. SWIMMING POOL means any structure, basin, chamber, or tank including hot tubs, containing an artificial body of water for swimming, diving, or recreational bathing, and having a depth of two (2) feet or more at any pointⁱⁱ.
23. WATER RESOURCE MANAGEMENT PLAN means a strategy or combination of strategies for temporary supply management and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies required by Texas Administrative Code Title 30, Chapter 288, Subchapter B. This is sometimes called a drought contingency planⁱ

3. 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 4.1
- 288.20(a)(1)(B) – Provisions for Continuing Public Education and Information – Section 4.2
- 288.20(a)(1)(C) – Coordination with the Regional Water Planning Group – Section 4.6
- 288.20(a)(1)(D) – Criteria for Initiation and Termination of Water Resource Management Stages – Section 4.3
- 288.20(a)(1)(E) – Water Resource Management Stages – Section 4.3
- 288.20(a)(1)(F) – Specific, Quantified Targets for Water Use Reductions – Section 4.3
- 288.20(a)(1)(G) – Water Supply and Demand Management Measures for Each Stage – Section 4.3
- 288.20(a)(1)(H) – Procedures for Initiation and Termination of Water Resource Management Stages – Section 4.3
- 288.20(a)(1)(I) - Procedures for Granting Variances – Section 4.4
- 288.20(a)(1)(J) - Procedures for Enforcement of Mandatory Restrictions – Section 4.5
- 288.20(a)(3) – Consultation with Wholesale Supplier – Sections 1, 4.2, and 4.33.8
- 288.20(b) – Notification of Implementation of Mandatory Measures – Section 4.3

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- 288.20(c) – Review and Update of Plan – Section 4.7

4. WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN

4.1 PROVISIONS TO INFORM THE PUBLIC AND OPPORTUNITY FOR PUBLIC INPUT

City of Murphy will provide opportunity for public input in the development of this Water Resource and Emergency Management 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 (if available).
- Making the draft plan available on the City's web site (if available).
- Providing the draft plan to anyone requesting a copy.
- Holding a public meeting.

4.2 PROVISIONS FOR CONTINUING PUBLIC EDUCATION AND INFORMATION

City of Murphy will inform and educate the public about the Water Resource and Emergency Management 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 (if available).
- Including information about the Water Resource and Emergency Management Plan on the City's web site (if available).
- Notifying local organizations, schools, and civic groups that staff are available to make presentations on the Water Resource and Emergency Management Plan (usually in conjunction with presentations on water conservation programs).
- At any time that the Water Resource and Emergency Management Plan is activated or the Water Resource and Emergency Management Plan changes, City of Murphy will notify local media of the issues, the water resource management stage (if applicable), and the specific actions required of the public. The information will also be publicized on the City's web site (if available). Billing inserts will also be used as appropriate.

4.3 INITIATION AND TERMINATION OF WATER RESOURCE AND EMERGENCY MANAGEMENT STAGES

Initiation of a Water Resource Management Stage

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

- The public will be notified through local media and the City's web site (if available) as described in Section 4.2.
- Wholesale customers (if any) and 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 water resource management stage.
- If any mandatory provisions of the Water Resource and Emergency Management 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.
- Water Resource and Emergency Management Plan stages imposed by NTMWD action must be initiated by the City of Murphy.
- For other trigger conditions internal to City of Murphy, the City Manager or official designee may decide not to order the implementation of a water resource management 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 Water Resource Management Stage

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

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- The public will be notified through local media and the City's web site (if available) as described in Section 4.2.
- Wholesale customers (if any) and the NTMWD will be notified by e-mail with a follow-up letter or fax.
- If any mandatory provisions of the Water Resource and Emergency Management 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 water resource management 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 water resource management stage. The reason for this decision should be documented.

Water Resource and Emergency Management Plan 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 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 6 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.
 - Supply source is interrupted or unavailable due to invasive species.
 - 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.

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- 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

The goal for water use reduction under Stage 1 is a five percent (5%) reduction in the amount of water produced by NTMWD from the previous annual payment period prior to drought restrictions. **If circumstances warrant or if required by NTMWD, the City Manager, or official designee can set a goal for greater or lesser water use reduction.** The City Manager or official designee may order the implementation of any or all of the actions listed below, as deemed necessary to achieve a five percent reduction. 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 actions in the water conservation plan.
- Notify wholesale customers of actions being taken and request them to implement similar procedures.
- 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.
- All users are encouraged to reduce the frequency of draining and refilling swimming pools.
- **Requires Notification to TCEQ** – Limit landscape watering with sprinklers or irrigation systems at each service address to no more than two days per week on designated days

- between April 1 – October 31. Limit landscape watering with sprinklers or irrigation systems at each service address to once every week on designated days between November 1 – March 31. Exceptions are as follows:
- An exception is allowed for landscape associated with new construction that may be watered as necessary for 30 days from the installation of new landscape features.
 - An exemption is also allowed for registered and properly functioning ET/Smart irrigation systems and drip irrigation systems from the designated outdoor water use days limited to no more than two days per week. ET/Smart irrigation and drip irrigation systems are however subject to all other restrictions applicable under this stage.
 - An exception for additional watering of landscape may be provided by hand held hose with shutoff nozzle, use of dedicated irrigation drip zones, and/or soaker hose provided no runoff occurs.
 - Foundations, new landscaping, new plantings (first year) of shrubs, and trees (within a ten foot radius of its trunk) may be watered by a hand-held hose, a soaker hose, or a dedicated zone using a drip irrigation system provided no runoff occurs.
- **Requires Notification to TCEQ** - Initiate a rate surcharge for all water use over a certain level.
 - **Requires Notification to TCEQ** – Landscape watering of parks, golf courses and athletic fields using potable water are required to meet the same reduction goals and measures outlined in this stage. Exception for golf course greens and tee boxes which may be hand watered as needed.

Stage 2Initiation 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 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 2.)
 - The supply from Lake Texoma, the East Fork Raw Water Supply Project, or some other NTMWD source has become limited in availability within the next 3 months.
 - 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.

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- Supply source becomes contaminated.
- Supply source is interrupted or unavailable due to invasive species.
- 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.

Goals for Use Reduction and Actions Available under Stage 2

The goal for water use reduction under Stage 2 is a reduction of ten percent (10%) in the amount of water obtained from NTMWD from the previous annual payment period prior to drought restrictions. **If circumstances warrant or if required by NTMWD, the City Manager, or official designee can set a goal for greater or lesser water use reduction.** The City Manager or official designee may order the implementation of any or all of the actions listed below, as deemed necessary to achieve a ten percent reduction. 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.
- Notify wholesale customers of actions being taken and request them to implement similar procedures.
- Implement viable alternative water supply strategies.
- All users are encouraged to reduce the frequency of draining and refilling swimming pools.
- **Requires Notification to TCEQ** – Limit landscape watering with sprinklers or irrigation systems at each service address to once per week on designated days between April 1 – October 31. Limit landscape watering with sprinklers or irrigation systems at each service address to once every other week on designated days between November 1 – March 31. Exceptions are as follows:
 - New construction may be watered as necessary for 30 days from the date of the installation of new landscape features. .

- Foundations, new plantings (first year) of shrubs, and trees (within a ten foot radius of its trunk) may be watered for up to two hours on any day by a hand-held hose, a dedicated zone using a drip irrigation system and/or soaker hose provided no runoff occurs.
- Public athletic fields used for competition may be watered twice per week.
- Locations using alternative sources of water supply only for irrigation may irrigate without day of the week restrictions provided proper signage is employed. However, irrigation using alternative sources of supply is subject all other restrictions applicable to this stage. If the alternative supply source is a well, proper proof of well registration with the North Texas Groundwater Conservation District or Red River Ground Water Conservation District is required. Other sources of water supply may not include imported treated water.
- An exemption is allowed for registered and properly functioning ET/Smart irrigation systems and drip irrigation systems from the designated outdoor water use day limited to no more than one day per week. ET/Smart irrigation and drip irrigation systems are however subject to all other restrictions applicable under this stage.
- Hand watering with shutoff nozzle, drip lines, and soaker hoses is allowed before 10 am and after 6 pm provided no runoff occurs.
- **Requires Notification to TCEQ** – Prohibit hydro seeding, hydro mulching, and sprigging.
- **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** – If NTMWD has imposed a reduction in water available to City of Murphy, impose the same percent reduction on wholesale customers.
- **Requires Notification to TCEQ** – Landscape watering of parks and golf courses using potable water are required to meet the same reduction goals and measures outlined in this stage. Exception for golf course greens and tee boxes which may be hand watered as needed.

Stage 3Initiation 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 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.

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- 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 whatever amount is necessary in the amount of water obtained from NTMWD from the previous annual payment period prior to drought restrictions. **If circumstances warrant or if required by NTMWD, the City Manager, or official designee can set a goal for greater or lesser water use reduction.**

The City Manager or official designee may order the implementation of any or all of the actions listed below, as deemed necessary. Measures described as “requires notification to TCEQ” impose mandatory requirements on the City of Murphy. 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.
- Notify wholesale customers of actions being taken and request them to implement similar procedures.
- Implement viable alternative water supply strategies.
- **Requires Notification to TCEQ** – Initiate mandatory water use restrictions as follows:
 - Hosing and washing of paved areas, buildings, structures, windows or other surfaces is prohibited except by variance and performed by a professional service using high efficiency equipment.
 - Prohibit operation of ornamental fountains or ponds that use potable water except where supporting aquatic life or water quality.
- **Requires Notification to TCEQ** – Prohibit new sod, hydro seeding, hydro mulching, and sprigging.
- **Requires Notification to TCEQ** – Prohibit the use of potable water for the irrigation of new landscaping.
- **Requires Notification to TCEQ** – Prohibit all commercial and residential landscape watering, except that foundations and trees (within a ten foot radius of its trunk) may be watered for

two hours one day per week with a hand-held hose, a dedicated zone using a drip irrigation system and/or soaker hose provided no runoff occurs. ET/Smart irrigation systems and drip irrigation systems are not exempt from this requirement.

- **Requires Notification to TCEQ** – Prohibit washing of vehicles except at commercial vehicle wash facilities.
- **Requires Notification to TCEQ** – Landscape watering of parks, golf courses, and athletic fields with potable water is prohibited. Exception for golf course greens and tee boxes which may be hand watered as needed. Variances may be granted by the water provider under special circumstances.
- **Requires Notification to TCEQ** – Prohibit the filling, draining and refilling of existing swimming pools, wading pools, Jacuzzi and hot tubs except to maintain structural integrity, proper operation and maintenance or to alleviate a public safety risk. Existing pools may add water to replace losses from normal use and evaporation. Permitting of new swimming pools, wading pools, Jacuzzi and hot tubs is prohibited.
- **Requires Notification to TCEQ** – Prohibit the operation of interactive water features such as water sprays, dancing water jets, waterfalls, dumping buckets, shooting water cannons, or splash pads that are maintained for public recreation.
- **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** – If NTMWD has imposed a reduction in water available to City of Murphy, impose the same percent reduction on wholesale customers.
- **Requires Notification to TCEQ** - Initiate a rate surcharge for all water use over normal rates for all water use.

4.4 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 Water Resource and Emergency Management 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.

4.5 PROCEDURES FOR ENFORCING MANDATORY WATER USE RESTRICTIONS

Mandatory water use restrictions may be imposed in Stage 1, Stage 2 and Stage 3 Water Resource and Emergency Management Plan stages. The penalties associated with the mandatory water use restrictions will be determined by City Ordinance.

Appendix D contains potential ordinances, resolutions, and orders that may be adopted by the city council, board, or governing body approving the Water Resource and Emergency Management plan and water response plan, including enforcement of same.

4.6 COORDINATION WITH THE REGIONAL WATER PLANNING GROUP AND NTMWD

Appendix C includes a copy of a letter sent to the Chairs of the Region C Water Planning Group and the North East Texas Water Planning Group with this model Water Resource and Emergency Management plan.

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.

4.7 REVIEW AND UPDATE OF WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN

As required by TCEQ rules, the City of Murphy must review the Water Resource and Emergency Management plan every five 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, Rules 288.20 and 288.22, downloaded from
[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=288](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=288),
June 2013
2. Freese and Nichols, Inc.: Model Water Resource Management Plan for NTMWD Members Cities and Customers, prepared for the North Texas Municipal Water District, Fort Worth, October 2012.
3. Definitions from City of Austin Water Conservation and Drought Contingency Ordinance adopted August 16, 2012. http://www.austintexas.gov/sites/default/files/files/Water/Conservation/Planning_and_Policy/ProposedCodeRevision_DRAFT_with_watering_schedule-8-15-2012.pdf
4. Definition from City of San Antonio Water Conservation Ordinance adopted 2005.
http://saws.org/conservation/ordinance/docs/Ch34_Ordinance_2009.pdf
5. Definition developed by Freese and Nichols, Inc.
6. Freese and Nichols, Inc.: Water Conservation and Drought Contingency and Water Emergency Response Plan, prepared for North Texas Municipal Water District, Fort Worth, March 2008.
7. Texas Water Development Board, Texas Commission on Environmental Quality, Water Conservation Advisory Council. "Guidance and Methodology for Water Conservation Reporting.", December 2012.
8. Freese and Nichols, Inc., Alan Plummer and Associates, CP &Y Inc., Cooksey Communications, "2011 Region C Water Plan".

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

APPENDIX B

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES ON DROUGHT CONTINGENCY PLANS

<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 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 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

City of MurphyWater Resource and Emergency Management Plan

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

APPENDIX C

LETTERS TO REGION C AND REGION D WATER PLANNING GROUPS

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 Model Water Resource and Emergency Management Plan (which is an update to the previous Drought Contingency and Water Emergency Response Plan) for Member Cities and Customers 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 _____, 2013.

Sincerely,

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

City of Murphy

Water Resource and Emergency Management Plan

Date

Mr. Brett McCoy
Chair, Region D Water Planning Group
700 CR3347
Omaha, TX 75571

Dear Mr. McCoy:

Enclosed please find a copy of the recently updated Model Water Resource and Emergency Management Plan for Member Cities and Customers 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 _____, 2013.

Sincerely,

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

APPENDIX D
ADOPTION OF WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN

APPENDIX D

ADOPTION OF WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN

Municipal Ordinance

Adopting Water Resource and Emergency Management Plan

Ordinance No. _____

AN ORDINANCE ADOPTING A WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN FOR THE CITY OF _____ 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 WATER RESOURCE AND EMERGENCY MANAGEMENT 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 Water Resource and Emergency Management Plan; and

WHEREAS, the City has determined an urgent need in the best interest of the public to adopt a Water Resource and Emergency Management 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

City of Murphy

Water Resource and Emergency Management Plan

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

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

Section 1. The City Council hereby approves and adopts the NTMWD Model Water Resource and Emergency Management 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.

City of Murphy

Water Resource and Emergency Management Plan

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. {If Applicable} Ordinance No. _____, adopted on _____, is hereby repealed.

Passed by the City Council on this ___ day of _____, _____.

Mayor

Attest:

City Secretary

**City Council Meeting
September 2, 2014**

Issue

Consider and approve a resolution adopting the ILA with Collin County for Child Abuse Investigation Services, Law Enforcement Services: This will be a renewal of an existing ILA between the city of Murphy and the Collin County Sheriff's Office (CCSO) to provide law enforcement and investigative services to the City of Murphy related to crimes against children.

Staff Resource/Department

GM Cox, Police Chief

Background

In large part, this ILA provides support for the combined Child Advocacy Center (CAC) for Collin County and the many resources that this center provides to area law enforcement agencies.

The adoption of this ILA will provide for the services described in the agreement for a period of five (5) years, starting October 1, 2014 terminating, unless the council and Collin County chooses to continue with the services, in October 2019. The ILA has a 90 day notice for termination clause or if the city no longer has an operational police department (see Section 2.02).

The city has been participating with CCSO for many years for the described services. It is the opinion of the various staff members of the MPD that the services provided by CCSO and the CAC have been very satisfactory and beneficial to the citizens of Murphy.

Financial Considerations

The financial terms of the agreement is that the city will pay Collin County \$13,500 for the services provided in compliance with the terms and conditions of the ILA. This amount charged is higher than FY 2014, but the correct amount was budgeted for FY 2015.

Other Considerations

State law allows one city to enter into a relationship with another governmental entity perform various services either by memorandum of understanding (MOU) or inter-local agreement (ILA).

Board/Staff Recommendation

Staff recommends adoption of the ILA.

Attachments

- 1) ILA between Collin County and the City of Murphy

**INTERLOCAL AGREEMENT:
CHILD ABUSE, INVESTIGATION SERVICES, LAW ENFORCEMENT SERVICES**

THIS AGREEMENT is entered into on October 1, 2014, by and between the City of Murphy (the “City”) and the Collin County, a political subdivision of the State of Texas (the “County”).

Recitals

WHEREAS, County performs law enforcement functions within Collin County.

WHEREAS, the City desires to obtain certain law enforcement services from the County that the City is authorized to provide.

WHEREAS, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code authorizes units of local government to contact with one or more units of local government to perform government functions and services; and

NOW, THEREFORE, in consideration of the mutual promises and benefits contained herein, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged the Parties agree as follows:

**Article I
Definitions**

1.01 Law Enforcement Services

The term “Law Enforcement Services” means all services necessary for the County to provide the reporting, investigating and filing charges for special crimes.

1.02 Special Crimes

The term “Special Crimes” means criminal offenses, relating directly or indirectly, whereby the victim is less than 17 years of age and the crime is determined to be a State Jail Felony or above. Lower offenses may be worked with the approval of both parties.

**Article II
Term**

2.01 Term

The term of this Agreement shall commence on October 1, 2014, and shall continue in full force and effect for a period of five (5) years thru September 30, 2019.

2.02 Termination

Either party may terminate this Agreement by giving ninety (90) days written notice to the other party.

The parties agree that this Agreement will terminate immediately should the City not have an operating Police Force.

**Article III
Services and Service Fees**

3.01 Services

The County agrees to provide all law enforcement services relating to Special Crimes as described in Paragraph 1.02 of this Agreement. City shall pay for Sexual Assault Exams (Normally, these Fees are reimbursed to the City, by the State of Texas) if required in addition to the Fees annotated in section 5.01: Law Enforcement Service Charge. Additional unusual investigative fees, upon City approval in each case, may be charged if required for prosecution.

3.02 Manner of Providing Services

The Law Enforcement Services shall be provided by the County in the same manner and within the same response times as such services are provided by the County within its jurisdiction.

3.03 Use of Additional Personnel

The County may utilize the services of individuals whose duties and responsibilities are related to detection, investigation and/or prosecution of violations associated with offenses described in paragraph 1.02 of this Agreement.

Article IV Exclusivity of Service

The parties agree that the County may contract to perform services similar or identical to those specified in this Agreement for such additional governmental or public entities as the County, in its sole discretion, sees fit.

Article V Compensation

5.01 Law Enforcement Service Charge

The payment is based upon the population estimates of the City and that population is based on the most recently published figures obtained from the North Central Texas Council of Governments. Law Enforcement Fees may be adjusted within the Five (5) year period as needed, if deemed necessary due to population increase. On an annual basis, the City will pay \$13,500.00 to the County for providing the above mentioned services. The City will continue payment for any and all charges for services not described in this Agreement. County will invoice City each year for total amount due.

Article VI Notices

6.01 Unless otherwise specified, all communications provided for in this Agreement shall be in writing and shall be deemed delivered whether actually received or not forty-eight (48) hours after deposit in the United States mail, first class, registered or certified, return receipt requested, with proper postage prepaid or immediately when delivered in person.

6.02 All communications provided for in this Agreement shall be addressed as follows:

if to the County, Copy to:
County Purchasing Agent
Purchasing Department
2300 Bloomdale Road, Suite 3160
McKinney, TX 75071

if to the City, to:
Mayor, City of Murphy
142 N. Ohio
Murphy , TX 75009

Or, to such person at such other address as may from time to time be specified in a notice given as provided in this Section 9.

**Article VII
Miscellaneous**

7.01 Civil Liability

Any civil liability relating to the furnishing of services under this Agreement shall be the responsibility of the City. The parties agree that the County shall be acting as agent for the City in performing the services contemplated by this Agreement.

The City shall hold the County free and harmless from any obligation, costs, claims, judgments, attorneys’ fees, attachments, and other such liabilities arising from or growing out of the services rendered to the City pursuant to the terms of this Agreement or in any way connected with the rendering of said services, except when the same shall arise because of the willful misconduct or culpable negligence of the County, and the County is adjudged to be guilty of willful misconduct or culpable negligence by a court of competent jurisdiction.

7.02 Amendment

This Agreement shall not be amended or modified other than in a written agreement signed by the parties.

7.03 Controlling Law

This Agreement shall be deemed to be made under, governed by, and construed in accordance with, the laws of the State of Texas.

7.04 Captions

The headings to the various sections of this Agreement have been inserted for convenient reference only and shall not modify, define, limit, or expand the express provision of this Agreement.

7.05 Counterparts

This Agreement may be executed in counterparts, each of which, when taken separately, shall be deemed an original.

7.06 Exclusive Right to Enforce this Agreement

The County and the City have the exclusive right to bring suit to enforce this Agreement, and no other party may bring suit, as a third-party beneficiary or otherwise, to enforce this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

“COUNTY”
COLLIN COUNTY, TEXAS
By: _____
Title: County Judge
Date: _____

“CITY”
CITY OF MURPHY , TEXAS
By: _____
Title: _____
Date: _____

City Council Meeting
September 2, 2014

Issue

Consider and take action, if any, on a Resolution authorizing the renewal of the Interlocal Cooperation Agreement between the City of Murphy and Collin County for the maintenance and improvements of County roads; and providing for an immediate effective date.

Staff Resource/Department

City Secretary's Office

Summary

This Interlocal Agreement replaces one approved in 2010.

Action Requested

Approve Resolution authorizing the renewal of the Interlocal Cooperation Agreement with Collin County for the maintenance and improvements of County roads; and providing for an immediate effective date.

Attachments

Proposed Resolution
Proposed Interlocal Cooperation Agreement
2010 Agreement

RESOLUTION NO. 14-R-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AUTHORIZING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF MURPHY AND COLLIN COUNTY FOR THE MAINTENANCE AND IMPROVEMENTS OF COUNTY ROADS; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the City Council of the City of Murphy, Texas, finds and determines that it is in the best interest of the City of Murphy to enter into an agreement with Collin County for the Maintenance and improvements of County roads.

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

Section 1. That the foregoing recitals are hereby found to be true and correct findings of the City of Murphy, Texas, and are fully incorporated into the body of this resolution.

Section 2. That the City Council hereby approves the interlocal agreement between the City of Murphy and Collin County, which is attached hereto as *Exhibit A*.

Section 3. This resolution shall become effective from and after its passage.

DULY RESOLVED by the City Council of the City of Murphy, Texas, on this the 2nd day of September, 2014.

Eric Barna, Mayor
City of Murphy, Texas

ATTEST:

Terri Johnson, Interim City Secretary
City of Murphy, Texas

Exhibit A

(Interlocal Cooperation Agreement)

INTERLOCAL COOPERATION AGREEMENT

Whereas, the Interlocal Cooperation Act, Title 7, Chapter 791, Vernon's Texas Statutes and Codes Annotated (the "Act"), and the Constitution of the State of Texas, Article III, Section 64(b) (the "Constitution") specifically authorizes counties and other political subdivisions comprised or located within the county, to contract with one another for the performance of governmental functions and/or services required or authorized by the Constitution, or the laws of this State, under the terms and conditions prescribed in the Act: and

WHEREAS, the functions and/or services contemplated to be performed by Collin County, Texas, as set out herein, are governmental functions and/or services contemplated by the terms of the Act and are functions and/or services which each of the parties hereto have independent authority to pursue, notwithstanding this Agreement; and

WHEREAS, both the county and the political subdivision named herein are desirous of entering into this Interlocal Cooperation Agreement, as is evidenced by the resolutions or orders of their respective governing bodies approving this Agreement which are attached hereto and made a part hereof.

NOW, THEREFOR, THIS AGREEMENT is hereby made and entered into by and between Collin County, Texas a political subdivision of the State of Texas, and the City of Murphy, political subdivision of the State of Texas, which is wholly or partially located within Collin County, Texas. Consideration for this Agreement consists of the mutual covenants contained herein, as well as any monetary consideration, which may be stated herein. This agreement is as follows, to wit:

I.

As requested by the political subdivision named herein, Collin County, Texas, acting by and through its duly authorized agents and employees, agrees to provide said political subdivision with the following described governmental functions and/or services:

ROAD IMPROVEMENTS IN ACCORDANCE WITH COURT ORDER NO.
97-576-08-25 (COPY ATTACHED).

II.

As consideration for the above-described governmental functions and/or services, said political subdivision agrees to pay to Collin County, Texas, in accordance with the advance cost estimate submitted to them

for work they have requested in the amount and upon the following terms and conditions:

- 1) PAYMENT IN FULL UPON COMPLETION OF WORK AND RECEIPT OF BILL FOR SAME.
- 2) PAYMENT TO EQUAL REIMBURSEMENT IN FULL FOR LABOR, EQUIPMENT, AND MATERIAL EXPENDED BY COLLIN COUNTY.

III.

Each party hereto agrees to defend and indemnify the other from any claims, demands, costs or judgments arising out of any negligent act or omission of their respective employees or agents in the performance of the governmental functions and/or services under this Agreement, to the extent allowable by law.

IV.

This Agreement shall be effective October 1, 2014, or from the passage of enabling resolutions or orders by the governing bodies of the parties hereto and the execution hereof by each of the authorized representatives of the political subdivision who are parties hereto and shall remain in effect through September 30, 2018 unless terminated by either party upon giving thirty (30) days written notice to the other party of its intent to terminate the agreement.

Notwithstanding the foregoing, it is understood that each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party. In the event of a non-appropriation by the paying party, the performing party shall be relieved of its responsibilities hereunder as of the first day of the fiscal year of such non-appropriation. All payments must be in an amount that fairly compensates the performing party for the services or functions performed under this agreement.

COLLIN COUNTY, TEXAS

Date: _____

By: _____

Title: County Judge

CITY OF _____

Date: _____

By: _____

Title: _____

COURT ORDER NO. 97- 576 -08-25

THE STATE OF TEXAS

COUNTY POLICIES: ADOPTION OF REVISED
COUNTY ROAD POLICY/RESCIND PREVIOUSLY
APPROVED COURT ORDERS
COUNTY ROAD SUPERINTENDENT

COUNTY OF COLLIN

On August 25, 1997, the Commissioners' Court of Collin County, Texas, met in special session with the following members present and participating, to wit:

Ron Harris
Phyllis Cole
Jerry Hoagland
Joe Jaynes
Jack Hatchell

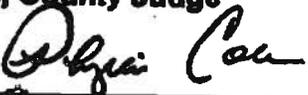
County Judge, Presiding
Commissioner, Precinct 1
Commissioner, Precinct 2
Commissioner, Precinct 3
Commissioner, Precinct 4

During such session the court considered a request from the County Road Superintendent for approval to rescind previously adopted court orders pertaining to County Road Policies, furthermore, adoption of a revised County Road Policy.

Thereupon, a motion was made, seconded and carried with a majority vote of the court to adopt a revised County Road Policy effective October 1, 1997, and rescind previously adopted court orders pertaining to same. Same is hereby approved in accordance with the attached documentation.



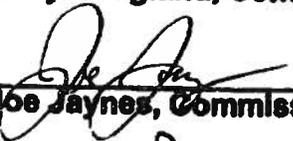
Ron Harris, County Judge



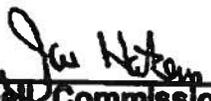
Phyllis Cole, Commissioner, Pct. 1



Jerry Hoagland, Commissioner, Pct. 2

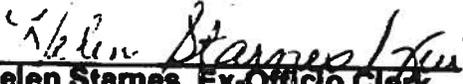


Joe Jaynes, Commissioner, Pct. 3



Jack Hatchell, Commissioner, Pct. 4

ATTEST:



Helen Stames, Ex-Officio Clerk
Commissioners' Court
Collin County, T E X A S

c:\cour\97\courtorders\roadpol



Commissioner Cole

COUNTY ROAD POLICIES

August 25, 1997

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**COUNTY ROAD
POLICIES
(GENERAL)**

COUNTY ROAD POLICIES (GENERAL)

Section I Maintenance of Public Roads

- A. All public roads located in unincorporated areas of Collin County which are determined by the Commissioners' Court to be county roads, will be maintained by the County. All others shall be considered private roads and will not be maintained by Collin County.**
- B. Roads or sections of roads which are bordered by a city or cities shall not be maintained by Collin County as follows:**
- (a) Any portion of a public road which has been annexed by a city or cities shall not be maintained at county expense.**
 - (b) Public roads or portions of public roads which are bordered by a city or cities on one side will be considered to lie in an incorporated area from the centerline of the public road to the city border. That portion which is considered to be in an incorporated area shall not be maintained at county expense.**
 - (c) Public roads or portions of public roads which are bordered by a city or cities on both sides will be considered to lie in an incorporated area and shall not be maintained by Collin County.**

Section II Upgrade of County Roads

- A. Commissioners' Court will consider upgrading a rock road to an asphalt road provided one of the following conditions are met:**
- (a) Roads with traffic counts of 150 cars per day or greater, which by the determination of Commissioners' Court, should be asphalted due to maintenance costs or other appropriate criteria when the adjacent property owners donate the right-of-way described in Section VI of this policy; or;**
 - (b) Roads not on the Collin County Thoroughfare Plan with traffic counts of 125 cars per day or greater, which when determined by the Director of Public Works (County Road Supt.) to have adequate width and drainage can be asphalted due to maintenance costs or other appropriate criteria without obtaining additional right-of-way; or;**
 - (c) Roads with traffic counts of 100 cars per day or greater can be asphalted when the adjacent property owners donate the right-of-way described in Section VI of this policy; or;**
 - (d) When the adjacent property owners donate the right-of-way described in Section VI of this policy and reimburse the County for the cost of materials required to upgrade the subject road to asphalt by current county standards.**

To be considered for asphalt, a road must tie into an existing asphalt road, unless the road in question is a "Dead End" road. A "Dead End" road which does not tie into an existing asphalt road can be upgraded, provided its entire length is asphalted. A cul-de-sac shall be required when a dead end road is upgraded.

Section II Continued

B. The Commissioners' Court will consider upgrading a dirt road to a rock road provided that the adjacent property owners:

- (a) Donate the right-of-way described in Section VI of this policy; and**
- (b) Reimburse the county for the cost of materials to upgrade the subject road to the appropriate depth and width of rock**

Section III Re-opening of County Roads

The Commissioners' Court will consider re-opening a county road which has not been maintained by the county in the last 10 years provided that the adjacent property owners:

- (a) Donate the right-of-way described in Section VI of this policy; and**
- (b) Reimburse the County for the total cost of improvements if the road is to be improved from its existing state**

Section IV Abandonment of County Roads

The Commissioners' Court, by unanimous vote, may abandon a county road upon following procedures required by Vernon's Civil Statute's and the Texas Transportation Code.

Section V Subdivisions

- A. To be considered for maintenance by Collin County, private roads in recorded subdivisions must be asphalt and meet current county standards in regards to width, drainage, culverts, base material type and thickness.**
- B. Private roads in subdivisions which were filed in the County Clerk's Office prior to May 18, 1981 will be accepted for maintenance by the county provided there is adequate right-of-way, the roads are asphalt and meet current county standards.**
- C. Private roads in subdivisions which were approved by Commissioners' Court and filed in the County Clerk's Office prior to October 23, 1995 will be accepted for maintenance provided such roads are asphalt and have been built and maintained to county standards.**
- D. Private roads in subdivisions which were filed in the County Clerk's Office after May 18, 1981 that were not approved by Commissioners' Court shall meet the following conditions prior to acceptance:**
 - (a) Road right-of-ways must be dedicated to the public and accepted by Commissioners' Court**
 - (b) Roads must be asphalt and meet current county standards as described in this policy**
- E. Private roads in recorded subdivisions which do not meet county standards can be considered for maintenance by the county provided the landowners donate additional right-of-way, when needed, and provide total funding to upgrade such roads to county standards.**

Section V Continued

- F. Private roads in unrecorded subdivisions will not be upgraded by Collin County under this policy. To be accepted for maintenance, the subdivision must be platted and the roads constructed, by a private contractor, in accordance with the Collin County Subdivision Regulations**

Section VI Right-of-Way

- A. Right-of -Way shall be in the following form:**

- (a) Right-of-Way which is donated may be in Deed or Easement form; or**
- (b) Right-of-Way which is purchased through negotiations or by eminent domain shall be in Deed form with an actual ownership (Title) transfer of the land.**

- B. Right-of-Way Width**

- (a) The right-of-way width for roads on the Collin County Thoroughfare Plan shall conform to Collin County design standards.**
- (b) The right-of-way width of roads to be upgraded which are not on the Collin County Thoroughfare Plan shall be a minimum of (60) sixty feet.**
- (c) When a road which is not on the Collin County Thoroughfare Plan is a candidate for upgrading, the requirements for right-of-way may be waived by Commissioners' Court provided the required pavement width and drainage are adequate within the existing right-of-way.**
- (d) Right-of-way widths may be waived by Commissioners' Court upon review of engineering information which indicates a different width is appropriate.**

Section VII Other Cost

The cost involved for surveying, to prepare Deeds or Easements, re-locate fences, utilities (if in a private easement beyond the existing prescriptive right-of-way), culverts or other existing improvements may be borne by the county if such cost does not exceed twenty-five percent (25%) of the total project cost. When property owners are required to incur total cost to upgrade a road, the above cost shall not be borne by the County.

Section VIII County Projects

All projects shall be brought to the attention of Commissioners' Court for consideration.

Section IX Extending the Length of a Road Project

A road project which has been approved by Commissioners' Court may be extended in length when approved by the Director of Public Works (County Road Superintendent), provided that all requirements outlined in this policy have been met.

Section X Signs

Regulatory and warning signs placed along county roads shall be in accordance with the Texas Manual on Uniform Traffic Control Devices.

Section XI Reimbursement by Property Owners

Upon Commissioners' Court approval of a road project which requires reimbursement from the adjacent property owners, the property owners involved must place the required amount of money in escrow in a Collin County bank and provide the required right-of-way prior to the commencement of the project.

Section XII Culverts

Drive culverts within county road right-of-ways shall be permitted and sized by the County. Only corrugated metal or high-density polyethylene culverts will be permitted. Culverts shall be a minimum of thirty (30) feet in length unless the driveway over the pipe is concrete. In which case, the culvert may be the width of the driveway. New drive culverts must be installed at the expense of the property owner. Existing culverts within county road right-of-ways will be replaced as needed by the County at county expense.

Section XIII Extenuating Circumstances

Any extenuating circumstances not covered under this policy shall be brought to the attention of Commissioners' Court for consideration

APPLICATION FOR ROAD UPGRADING

Requesters' Name: _____ Date: _____

Mailing Address: _____

Home Phone _____ Work Phone _____ Mobil/Pager _____

Type of upgrade requested: Dirt to Rock _____ Dirt to Asphalt _____ Rock to Asphalt _____ Private Road _____

County Road No./Name: _____ Subdivision Name: _____

Location/Extent of Road(s) to be upgraded: _____

FOR COUNTY USE

Is Road on Thoroughfare Plan? Yes _____ No _____ Right-of-Way Required: _____

Comments: _____

Utility Comments: _____

Culvert/Drainage Comments: _____

Fence Comments: _____

Initial Cost Estimate: Materials _____ Labor _____ Other _____ Total _____

Comments: _____

Prepared By: _____ Date: _____ Date Mailed: _____

GENERAL REQUIREMENTS FOR UPGRADING COUNTY ROADS

An application requesting a road upgrade must be submitted to the Public Works Department specifying the location and approximate length of road or section of road to be upgraded. If more than one person is involved, please designate a single contact.

An approximate cost estimate with right-of-way requirements will be prepared by the Public Works Department and sent to the requester.

To proceed with the upgrade, the Public Works Department must be notified in writing of the requester(s) willingness to pay for material costs and donate right-of-way, when applicable.

The request will be brought to the attention of Commissioners' Court for consideration.

The Public Works Department will notify the requester in writing of the Court's action. A firm cost estimate will be provided, if different than the original estimate.

Right-of-Way documents, when required, will be prepared by Collin County for signature. Money for material costs shall be placed in an escrow account by the requester(s). The project will be scheduled for construction after these items have been addressed.

UPGRADING / ACCEPTANCE OF PRIVATE ROADS IN RECORDED SUBDIVISIONS

Subdivision must be recorded and meet the requirements specified in Section V of the County Road policies.

All roads in the subdivision must be upgraded / accepted.

Minimum right-of-way width shall be sixty (60) feet as required by Section VI.B.(b) of the County Road Policies. When engineering information indicates that the existing right-of-way is not adequate, additional right-of-way will be required.

A request must be submitted to the Public Works Department specifying the name and location of the subdivision in question. Please designate a single contact person for the county regarding this project.

An approximate cost estimate will be prepared by the Public Works Department and sent to the requester.

To proceed, the Public Works Department must be notified in writing of the requester(s) willingness to pay for all costs involved with the upgrade.

The request will be brought to the attention of Commissioners' Court for approval.

The Public Works Department will notify the requester in writing of the Court's action. A firm cost estimate will be provided if different from the original estimate.

Money must be placed in an escrow account prior to the project being scheduled. If applicable, all fences, utilities or other improvements must be relocated prior to scheduling.

COSTS

Since material costs fluctuate, the written cost estimate we have provided you will be honored for the period indicated (typically 6 months).

The cost estimate for materials will be based on the type upgrade requested.

Dirty to Rock: A blend of (6" loose) crushed native white rock with (3" loose) flex base to improve traction and minimize dust.

Dirty to Asphalt: A blend of (4" compacted) crushed native whiterock with (6" compacted) flex base and two layers of asphalt surface treatment.

Rock to Asphalt: Two layers of asphalt surface treatment, any additional rock will be paid for by Collin County since it is an existing rock road.

Private Road in Recorded Subdivision: Since conditions vary, subdivisions will be evaluated on a case by case basis.

If you have any additional questions, please feel free to call the Public Works Department at Metro 424-1460 ext. 3700 or (972) 548-3700.

Mail or Fax Application To:

**Collin County Service Center
700A West Wilmeth Road
McKinney, Texas 75069
Fax Number (972) 548-3754**

**COUNTY ROAD
POLICY
(CITIES)**

COUNTY ROAD POLICY (CITIES)

Section I Maintenance/Improvements to Roads Within City Limits

- A. Each city in Collin County is responsible for maintaining the roads and bridges within their city limits.**
- B. Commissioners' Court desires that a consistent policy be continued concerning road work performed by the county within the corporate limits of cities as Collin County has limited funds, personnel and equipment available for these projects.**
- C. Commissioners' Court may consider making or participating in improvements to roads and bridges within the corporate limits of a city as follows:**
 - (a) General maintenance items to include rocking, grading, asphalt level up, sealcoating, oiling for dust control, installation of culverts, cleaning of drainage ditches, mowing or brushcutting and emergency repairs to bridges.**
 - (b) Major improvements such as the construction or reconstruction of roadways will only be considered if the road is on the Collin County Thoroughfare Plan.**
- D. A city must be entered into an Interlocal Cooperation Agreement with Collin County prior to work being performed by Collin County for that city.**
- E. All requests must be submitted to the Director of Public Works by April 1st of the year prior to the year improvements are desired to be made. Emergency requests will be evaluated by Commissioners' Court upon the merits presented by the requesting city.**
- F. Authorization for work in cities can only be given by Commissioners' Court.**

Section II Reimbursement for Work Performed by Collin County

- A. Costs for road and bridge repairs or improvements will be as follows:**
 - (a) Cost of materials used for the project or one-half of the total project (including labor and equipment), whichever is greater, if the road is on the Collin County Thoroughfare Plan.**
 - (b) Total cost, including materials, labor and equipment if the road is not on the Collin County Thoroughfare Plan.**

**COUNTY ROAD
POLICY
(OILING/DUST)**

COUNTY ROAD POLICIES (OILING/DUST CONTROL)

Section I Oiling of County Roads

County funds shall be expended to spray county roads for dust control as follows:

- a) **When a person has a chronic respiratory condition, substantiated by a physician, the county will oil up to 500 feet in front of their house. If the house is located at a road intersection, the roads will be oiled for up to 500 feet in both directions from the intersection. Priority will be given to elderly residents.**
 - b) **When the traffic count on a road reaches a minimum of 150 cars per day, oil will be applied on an interim basis until the road can be upgraded to asphalt. If the right-of-way required to upgrade a road is unobtainable, the road will no longer be oiled at county expense.**
 - c) **When county trucks are hauling materials to or from a project site damaging the road surface and creating a severe dust problem.**
 - d) **Other conditions as approved by action of the Commissioners Court.**
- B. **All other requests for oiling in unincorporated areas of the county would be at the requester's expense. Collin County shall be reimbursed for the cost of materials.**

Collin County Department
of Public Works
700 A West Wilmeth Road
McKinney, Texas 75069
(972) 548-3700
FAX No. (972) 548-3754

Application for dust control oiling due to chronic respiratory condition

RESIDENT

PATIENT

Name: _____

Name: _____

Physical Address: _____

Physical Address: _____

Mailing Address: _____

Mailing Address: _____

Phone: _____

Phone: _____

Date of Birth: _____

County Road No.: _____ Application is good for this calendar year only

1) Approximate distance residence is from county road, _____ feet

2) Number of years lived at this residence, _____ years

3) What side of road is residence located?

Circle one: North South East West

To be completed by physician.

_____ Allergy which interferes with breathing or is life threatening

_____ Interstitial _____ Pulmonary TB

_____ Pulmonary Fibrosis _____ Lung Abscess

_____ Hypoxemia _____ Asthma

_____ Sarcoidosis _____ Bronchiolitis

_____ Asbestosis _____ Dyspnea

_____ Emphysema _____ Cystic Fibrosis

Other chronic/life threatening respiratory conditions: _____

How long has patient had this condition: _____ Last episode: _____

Other comments: _____

Physician Name (Please print) _____

Physician signature/specialty _____

Date: _____ Phone No.: _____

APPLICATION SHOULD BE MAILED OR FAXED FROM THE DOCTOR

ASSESSMENT POLICY FOR SUBDIVISIONS

ASSESSMENT POLICY FOR SUBDIVISION ROADS

Section I Assessment to Upgrade Roads in Subdivisions

- A. Collin County may upgrade county roads as outlined in Senate Bill 314, Article 6702-3, on a first come basis or as specified by Commissioners' Court provided the initial funds are available or made available to the county. Only roads in recorded subdivisions will be considered for upgrade by assessment.**
- B. Commissioners' Court may consider upgrading a road or roads by assessment within subdivisions in un-incorporated areas of Collin County upon receipt of a written request from the Property Owner's Association or individual landowners agreeing to adhere to the following terms prior to construction:**
- (a) Donation of additional right-of-way, drainage or utility easements, when required.**
 - (b) If a road lies within an unrecorded subdivision, the addition must be approved by Commissioners' Court and a plat filed for record at the County Clerk's Office.**
 - (c) Payment for all utility relocations. These costs will not be included in the assessment.**
 - (d) Payment for all surveying platting, replatting and legal fees (to include title fees, assignment of liens, etc.). These costs will not be included in the assessment.**
 - (e) Payment for all project cost to include materials, equipment and labor. This includes all cost whether by in-house forces or contract.**
 - (f) Placement of 10% of the construction cost in an escrow account in a Collin County Bank.**
 - (g) Placement of 50% of the utility relocation cost in an escrow account in a Collin County Bank.**

Section II Assessment Procedures

- A. After the conditions in Section I have been met, the following procedures are required before the assessment can take place:**
- (a) Commissioners' Court must give notice of the proposed improvement and assessment and must hold a public hearing. The notice must be published at least twice in a newspaper of general circulation in the county and shall state that a public hearing will be held to consider whether or not the improvement and assessment will be ordered.**

Section II Continued

- (b) Within 10 days of the public hearing, Commissioners' Court shall send by certified mail, a ballot to each owner of real property showing the maximum amount of assessment for each property in the subdivision should a majority of the record owners of real property in the subdivision vote in favor of the proposition.**
- (c) If the vote passes, Commissioners' Court may provide the time, terms and conditions of payment and default to the assessment, except that no interest on the payment of the assessment shall be allowed.**
- (d) If the vote fails, Commissioners' Court may not order the improvement and assessment, and may not propose the order again until four years after the date the County Clerk declares the results of the vote to Commissioners' Court.**
- (e) An assessment shall be secured by a lien against the real property of the assessed property owner.**

Section III Appeals

An assessment may be appealed by filing a petition in the district court having jurisdiction in the county not later than the 15th day after the date that a property owner receives an assessment.

Section IV Liens

An assessment shall be secured by a lien against the real property of the assessed property owner. Liens on all property shall remain in place until such time that the entire assessed amount has been paid to Collin County. Property owners are separately, not jointly, liable for their assessed amounts.

Section V Acceptance

When all of the requirements set out in Section I and II of this policy have been met and if funds are available from Collin County the project will be accepted. If it will require an excessive amount of time to relocate the utilities and begin the actual upgrading of the road/roads the Commissioners' Court may direct that a minimum amount of maintenance be performed to assure the health and safety of the property owners.

Section VI Status of Roadway after Acceptance

A road improved under this article is a county road, and the county shall maintain the road in accordance with county road standards.

Section VII Reimbursement of Funds

- A. Prior to the actual road upgrading and upon completion of the utility relocation the balance of the utility relocation cost shall be paid to Collin County or the respective utility company. (This includes the 50% escrowed monies plus the remaining 50% balance of the relocation cost)**
- B. Upon completion of the upgrading, the 10% escrowed monies shall be reimbursed to Collin County.**
- C. The 90% balance of the project cost including construction and other related cost as noted in Section I of this policy shall be the total assessed amount and shall be collected by the county over an amortized period, not to exceed sixty months.**

COURT ORDER NO. 2010- 952 -11-15

THE STATE OF TEXAS

COUNTY OF COLLIN

Subject: Interlocal Cooperation Agreement, Road Improvements, City of Murphy – Public Works

On November 15, 2010, the Commissioners Court of Collin County, Texas, met in regular session with the following members present and participating, to wit:

Keith Self
Matt Shaheen
Jerry Hoagland
Joe Jaynes
Kathy Ward

County Judge, Presiding
Commissioner, Precinct 1
Commissioner, Precinct 2
Commissioner, Precinct 3
Commissioner, Precinct 4

During such session the court considered a request for approval of an Interlocal Cooperation Agreement with the City of Murphy.

Thereupon, a motion was made, seconded and carried with a majority vote of the court for approval of an Interlocal Cooperation Agreement with the City of Murphy for Road Improvements and further authorize the County Judge to finalize and execute the agreement, which will supersede the agreement previously approved by Court Order No. 2002-355-05-13. Same is hereby approved as per the attached documentation.

Keith Self, County Judge

Matt Shaheen, Commissioner, Pct. 1

Jerry Hoagland, Commissioner, Pct. 2

Joe Jaynes, Commissioner, Pct. 3

Kathy Ward, Commissioner, Pct. 4



ATTEST:

Stacy Kemp, Ex-Officio Clerk
Commissioners' Court
Collin County, TEXAS

RESOLUTION NO. 10-R-678

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MURPHY AND COLLIN COUNTY FOR THE MAINTENANCE AND IMPROVEMENTS OF COUNTY ROADS; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the City Council of the City of Murphy, Texas, finds and determines that it is in the best interest of the City of Murphy to enter into an agreement with Collin County for the Maintenance and improvements of County roads.

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

Section 1. That the foregoing recitals are hereby found to be true and correct findings of the City of Murphy, Texas, and are fully incorporated into the body of this resolution.

Section 2. That the City Council hereby approves the interlocal agreement between the City of Murphy and Collin County, which is attached hereto as *Exhibit A*.

Section 3. This resolution shall become effective from and after its passage.

DULY RESOLVED by the City Council of the City of Murphy, Texas, on this the 21st day of June, 2010.


Bret M. Baldwin, Mayor
City of Murphy

ATTEST:


Aimee Nemer, City Secretary
City of Murphy



Exhibit A
[Interlocal Agreement]

INTERLOCAL COOPERATION AGREEMENT

Whereas, the Interlocal Cooperation Act, Title 7, Chapter 791, Vernon's Texas Statutes and Codes Annotated (the "Act"), and the Constitution of the State of Texas, Article III, Section 64(b) (the "Constitution") specifically authorizes counties and other political subdivisions comprised or located within the county, to contract with one another for the performance of governmental functions and/or services required or authorized by the Constitution, or the laws of this State, under the terms and conditions prescribed in the Act: and

WHEREAS, the functions and/or services contemplated to be performed by Collin County, Texas, as set out herein, are governmental functions and/or services contemplated by the terms of the Act and are functions and/or services which each of the parties hereto have independent authority to pursue, notwithstanding this Agreement; and

WHEREAS, both the county and the political subdivision named herein are desirous of entering into this Interlocal Cooperation Agreement, as is evidenced by the resolutions or orders of their respective governing bodies approving this Agreement which are attached hereto and made a part hereof.

NOW, THEREFOR, THIS AGREEMENT is hereby made and entered into by and between Collin County, Texas a political subdivision of the State of Texas, and the City of Murphy, political subdivision of the State of Texas, which is wholly or partially located within Collin County, Texas. Consideration for this Agreement consists of the mutual covenants contained herein, as well as any monetary consideration, which may be stated herein. This agreement is as follows, to wit:

I.

As requested by the political subdivision named herein, Collin County, Texas, acting by and through its duly authorized agents and employees, agrees to provide said political subdivision with the following described governmental functions and/or services:

ROAD IMPROVEMENTS IN ACCORDANCE WITH COURT ORDER NO. 97-576-08-25 (COPY ATTACHED).

II.

As consideration for the above-described governmental functions and/or services, said political subdivision agrees to pay to Collin County, Texas, in accordance with the advance cost estimate submitted to them

for work they have requested in the amount and upon the following terms and conditions:

- 1) PAYMENT IN FULL UPON COMPLETION OF WORK AND RECEIPT OF BILL FOR SAME.
- 2) PAYMENT TO EQUAL REIMBURSEMENT IN FULL FOR LABOR, EQUIPMENT, AND MATERIAL EXPENDED BY COLLIN COUNTY.

III.

Each party hereto agrees to defend and indemnify the other from any claims, demands, costs or judgments arising out of any negligent act or omission of their respective employees or agents in the performance of the governmental functions and/or services under this Agreement, to the extent allowable by law.

IV.

This Agreement shall be effective from and after the passage of enabling resolutions or orders by the governing bodies of the parties hereto and the execution hereof by each of the authorized representatives of the political subdivision who are parties hereto and shall remain in effect for a period of four (4) years unless terminated by either party upon giving thirty (30) days written notice to the other party of its intent to terminate the agreement.

Notwithstanding the foregoing, it is understood that each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party. In the event of a non-appropriation by the paying party, the performing party shall be relieved of its responsibilities hereunder as of the first day of the fiscal year of such non-appropriation. All payments must be in an amount that fairly compensates the performing party for the services or functions performed under this agreement.

Date: 11/15/10

COLLIN COUNTY, TEXAS

By: [Signature]

Title: County Judge

CITY OF MURPHY

Date: June 30, 2010

By: [Signature]

Title: Mayor



COLLIN COUNTY

Office of the Purchasing Agent
2300 Bloomdale Road
Suite 3160
McKinney, Texas 75071
www.collincountytx.gov

June 7, 2010

City of Murphy
206 North Murphy Road
Murphy, TX 75094

Collin County is the process of updating the road improvement Inter-local Agreements with various entities within the county. Enclosed you will find the original agreement between Collin County and the City of Murphy approved in 2002, a copy of the "County Road Policy (1997)", and a new inter-local for your approval.

Please forward four (4) executed copies of the new agreement and your city's resolution to:

Collin County Purchasing
Attn: Matt Dobecka, CPPB
2300 Bloomdale Road, Ste 3160
McKinney, TX 75071

Once approved by the Collin County Commissioners' Court one (1) fully executed agreement will be returned to you.

Should you have any questions please give me at a call at 972-548-4103.

Regards,

Matthew F. Dobecka, CPPB
Matt Dobecka, CPPB
Contract Administrator

AI-32888
Commissioners Court
Date: 11/15/2010

2010-952-11-15

Item #: 4. e. 0.

Road Improvement Interlocal - Murphy

Submitted For:	Jon Kleinheksel	Submitted By:	Tammi Koch, Public Works
Department:	Public Works	Agenda Area:	Agreement
Request Type:	CONSENT		

Information

Department Action

Public Works requests Commissioners Court Consideration and approval to enter into an updated Interlocal Agreement with the City of Murphy for road improvements.

Purchasing Department Action

Commissioners' Court consideration and any action regarding approval of an Inter-local Agreement between Collin County and the City of Murphy for Road Improvements; further authorize the County Judge to execute same. Agreement will be in effect for four (4) years commencing on the date of approval.

This agreement will supersede the current agreement approved by court order No. 2002-355-05-13

Human Resources Action (Personnel Issues)

Budget Department Action

Auditor's Office Action

Commissioners Court

Sethem

Attachments

Link: [memo](#)

Link: [Murphy ILA](#)

Comes



COLLIN COUNTY

Public Works Department
700 A. Wilmeth Road
McKinney, Texas 75069
www.collincountytx.gov
972-548-3700 (Phone)
972-548-3754 (Fax)

Date: November 1, 2010
To: Judge Self and Commissioner's Court
From: Jon Kleinheksel, Director of Public Works ↙
Re: Updated Interlocal Cooperation Agreement
Road Improvements

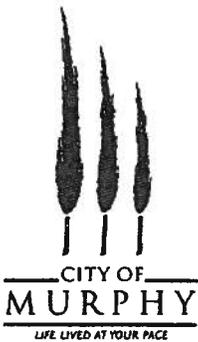
Public Works requests Commissioners Court consideration and approval to enter into an updated Interlocal Cooperation Agreement with the City of Murphy for road improvements.

The term of the Interlocal will be in effect for four (4) years commencing on the date of approval.

This agreement will supersede the current agreement approved by court order No. 2002-355-05-13.

Should you require additional information, please contact me and I will respond accordingly.

JK/tlk



July 6, 2010

Collin County Purchasing
Attn: Matt Dobecka, CPPB
2300 Bloomdale Road, Ste 3160
McKinney, Texas 75071

Re: ILA for the Maintenance of County Roads

Dear Mr. Dobecka:

Enclosed please find four executed copies of the new agreement. You will also find an executed original along with a copy of our Resolution. Please return the marked original ILA to us upon the Judge's signature.

Sincerely,

Joy Hart
Joy Hart
Executive Assistant

Enclosure

*Please return
to City Secretary
206 N. Murphy
Road, Murphy
75094*

RECEIVED
PURCHASING AGENT
10 JUL - 8 AM '10

INTERLOCAL COOPERATION AGREEMENT

Whereas, the Interlocal Cooperation Act, Title 7, Chapter 791, Vernon's Texas Statutes and Codes Annotated (the "Act"), and the Constitution of the State of Texas, Article III, Section 64(b) (the "Constitution") specifically authorizes counties and other political subdivisions comprised or located within the county, to contract with one another for the performance of governmental functions and/or services required or authorized by the Constitution, or the laws of this State, under the terms and conditions prescribed in the Act: and

WHEREAS, the functions and/or services contemplated to be performed by Collin County, Texas, as set out herein, are governmental functions and/or services contemplated by the terms of the Act and are functions and/or services which each of the parties hereto have independent authority to pursue, notwithstanding this Agreement; and

WHEREAS, both the county and the political subdivision named herein are desirous of entering into this Interlocal Cooperation Agreement, as is evidenced by the resolutions or orders of their respective governing bodies approving this Agreement which are attached hereto and made a part hereof.

NOW, THEREFOR, THIS AGREEMENT is hereby made and entered into by and between Collin County, Texas a political subdivision of the State of Texas, and the City of Murphy, political subdivision of the State of Texas, which is wholly or partially located within Collin County, Texas. Consideration for this Agreement consists of the mutual covenants contained herein, as well as any monetary consideration, which may be stated herein. This agreement is as follows, to wit:

I.

As requested by the political subdivision named herein, Collin County, Texas, acting by and through its duly authorized agents and employees, agrees to provide said political subdivision with the following described governmental functions and/or services:

ROAD IMPROVEMENTS IN ACCORDANCE WITH COURT ORDER NO.
97-576-08-25 (COPY ATTACHED).

II.

As consideration for the above-described governmental functions and/or services, said political subdivision agrees to pay to Collin County, Texas, in accordance with the advance cost estimate submitted to them

for work they have requested in the amount and upon the following terms and conditions:

- 1) PAYMENT IN FULL UPON COMPLETION OF WORK AND RECEIPT OF BILL FOR SAME.
- 2) PAYMENT TO EQUAL REIMBURSEMENT IN FULL FOR LABOR, EQUIPMENT, AND MATERIAL EXPENDED BY COLLIN COUNTY.

III.

Each party hereto agrees to defend and indemnify the other from any claims, demands, costs or judgments arising out of any negligent act or omission of their respective employees or agents in the performance of the governmental functions and/or services under this Agreement, to the extent allowable by law.

IV.

This Agreement shall be effective from and after the passage of enabling resolutions or orders by the governing bodies of the parties hereto and the execution hereof by each of the authorized representatives of the political subdivision who are parties hereto and shall remain in effect for a period of four (4) years unless terminated by either party upon giving thirty (30) days written notice to the other party of its intent to terminate the agreement.

Notwithstanding the foregoing, it is understood that each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party. In the event of a non-appropriation by the paying party, the performing party shall be relieved of its responsibilities hereunder as of the first day of the fiscal year of such non-appropriation. All payments must be in an amount that fairly compensates the performing party for the services or functions performed under this agreement.

COLLIN COUNTY, TEXAS

Date: _____

By: _____

Title: County Judge

CITY OF MURPHY

Date: June 30, 2010

By: [Signature]

Title: Mayor

City Council Meeting
September 2, 2014

Issue

Consider and/or act upon approval of Resolution designating investment officers of the City and approving the investment policies for the investment of municipal funds.

Staff Resource/Department

James Fisher – City Manager
Linda Truitt – Finance Director

Background/History

The current investment policy was adopted by Resolution on October 1, 2013. The investment policy should be reviewed and approved annually by City Council.

This policy determines the way financial investments are handled for the City and authorizes the City Manager, Director of Finance and Assistant Director of Finance as the designated investment officers. The City banking depository is required to adhere to those investment policies and repurchase agreement terms authorized in the policy.

The policy presented for Council approval is the same as the policy approved on October 1, 2013.

Investment officers are required to attend training on public funds investing at least every two years. The City Manager, Director of Finance, and Assistant Director of Finance have attended the required training.

Financial Considerations

N/A

Action Requested

Approve Resolution designating investment officers of the City and approving the investment policies for the investment of municipal funds.

Attachments

- 1) Resolution
- 2) Exhibit A – Investment Policy
- 3) Public Funds Investment Act

RESOLUTION NO. 14-09-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, DESIGNATING INVESTMENT OFFICERS OF THE CITY; APPROVING THE INVESTMENT POLICIES FOR THE INVESTMENT OF MUNICIPAL FUNDS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council recognizes the necessity of utilizing the public funds entrusted to it by the citizens of Murphy in the most advantageous manner so as to maximize the benefit of those funds for the citizens of Murphy, Texas; and

WHEREAS, the City Council recognizes the necessity of protecting the principal of those funds and ensure the ready accessibility of such funds; and

WHEREAS, section 2256.005(b) of the Texas Government Code, as amended, requires the City to adopt a written investment policy regarding the investment of City funds which emphasizes safety of principal and liquidity; addresses investment diversification, yield, maturity, and the quality and capability of investment management; and

WHEREAS, pursuant to section 2256.005(f) of the Texas Government Code, as amended, City Council may designate by ordinance or resolution, one or more City officers or City employees as investment officer who shall be responsible for the investment of the City's funds consistent with the City's investment policy and the laws of the State of Texas; and

WHEREAS, the City Council desires to adopt regulations governing the investment of the funds entrusted to it by the citizens of Murphy, Texas.

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

Section 1. That the foregoing recitals are hereby found to be true and correct findings of the City of Murphy, Texas, and are fully incorporated into the body of this resolution.

Section 2. That the City of Murphy does appoint the Finance Director as the primary Investment Officer and the City Manager and Assistant Finance Director as secondary Investment Officers. The designated Investment Officers will attend such training and at such times as is necessary to maintain the State standard of competency for an Investment Officer.

Section 3. That the City of Murphy does hereby adopt Texas Government Code, Chapter 2256, Public Funds Investment Act, in its entirety, as the rule and guide for the investment of such public funds as are entrusted to it and are deemed suitable for investment purposes. The Investment Policy attached hereto as *Exhibit A* ("Investment Policy of the City of Murphy, Texas"), and made a part hereof for all purposes is hereby adopted as the Investment Policy of the City of Murphy, Texas, as required by Chapter 2256 of the Texas Government Code.

Section 4. If any word, section, article, phrase, paragraph, sentence, clause, or portion of this resolution 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 5. This resolution shall become effective from and after its passage.

DULY RESOLVED by the City Council of the City of Murphy, Texas, on this the 2nd day of September, 2014.

Eric Barna, Mayor
City of Murphy

ATTEST:

Terri Johnson, Interim City Secretary
City of Murphy

APPROVED AS TO FORM AND LEGALITY:

Wm. Andrew Messer, City Attorney
City of Murphy

EXHIBIT A

**INVESTMENT POLICY
OF THE
CITY OF MURPHY, TEXAS**

I. POLICY STATEMENT

The purpose of this document is to set forth specific investment policy and strategy guidelines for the City of Murphy in order to achieve the goals of safety, liquidity, yield, and public trust for all investment activity. This policy serves to satisfy the statutory requirements of the Public Funds Investment Act, Chapter 2256 of the Texas Government Code, as amended.

The receipt of a market rate of return will be secondary to the requirements for safety and liquidity. It is the intent of the City to be in complete compliance with local law and the Texas Public Funds Investment Act (the “Act”). The earnings from investment will be used in a manner that best serves the interests of the City.

II. OBJECTIVES OF INVESTMENT POLICIES

The primary objectives of the City’s investment program in order of priority shall be preservation and safety of principal, liquidity, diversification and yield. Investments are to be chosen in a manner which promotes diversity by market sector, credit and maturity. All investments shall be designed and managed in a manner responsive to the public trust and consistent with State and Local law.

(a) SAFETY OF PRINCIPAL:

The foremost and primary objective of the City’s investment program is the preservation and safety of capital of the overall portfolio. Each investment transaction will seek first to ensure that capital losses are avoided, whether the loss occurs from the default of a security or from erosion of market value. The objectives will be to mitigate credit risk and interest rate risk. To control credit risk, investments should be limited to the safest types of securities. Financial institutions, broker/dealers and advisers who serve as intermediaries, shall be pre-qualified by the City. The credit ratings of investment pools and individual securities will be monitored to assure compliance with this policy and state law.

To control interest rate risk, the City will structure the investment portfolio so that securities mature to meet cash requirements for ongoing operations and will monitor marketable securities daily. Should an issuer experience a single step downgrade of its credit rating by a nationally recognized credit rating agency within 90 days of the position’s maturity, the Investment Officer may approve the holding of the security to maturity.

(b) LIQUIDITY:

The City’s investment portfolio will remain sufficiently liquid to enable the City to meet operating requirements that might be reasonably anticipated. Liquidity will be achieved by matching investment maturities with forecasted cash flow funding requirements, by investing in securities with active secondary markets and by diversification of maturities and call dates. Furthermore, since all possible cash demands

cannot be anticipated, the portfolio, or portions thereof may be placed in money market mutual funds or local government investment pools, which offer same day liquidity for short-term funds.

(c) DIVERSIFICATION:

Diversification of the portfolio will include diversification by maturity and market sector and will include the use of a number of broker/dealers for diversification and market coverage. Competitive bidding will be used on sale and purchase.

(c) YIELD:

The City's investment portfolio will be designed with the objective of regularly meeting or exceeding the average rate of return on three month U.S. Treasury Bills. The investment program will seek to augment returns above this threshold consistent with risk constraints identified herein, cash flow characteristics of the portfolio and prudent investment principles. Investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Marketable securities shall not be sold prior to maturity with the following exceptions:

- (1) A security with declining credit may be sold early to minimize loss of principal.
- (2) A security swap that would improve the quality, yield or target duration in the portfolio.
- (3) Liquidity needs of the portfolio require that the security be sold.
- (4) If market conditions present an opportunity for the City to benefit from the sale.

Funds held for future capital projects will be invested in such a way as to try to produce enough income to offset inflationary construction cost increases. However, such funds will never be unduly exposed to market price risks that would jeopardize the assets available to accomplish their stated objective, or be invested in a manner inconsistent with applicable federal and state regulations. Yields on debt proceeds that are not exempt from federal arbitrage regulations are limited to the arbitrage yield of the debt obligation. Investment officials will seek to preserve principal and maximize the yield of these funds in the same manner as all other city funds. However, it is understood that if the yield achieved by the city is higher than the arbitrage yield, positive arbitrage income will be averaged over a five year period and netted against any negative arbitrage Income and the net amount shall be rebated to the federal government as required by current federal regulations.

(d) PUBLIC TRUST:

All participants in the investment process will seek to act responsibly as

custodians of the public trust. Investment officials will avoid any transactions that might impair public confidence in the City's ability to govern effectively. The governing body recognizes that in a diversified portfolio, occasional measured losses due to market volatility are inevitable, and must be considered within the context of the overall portfolio's investment return, provided that adequate diversification has been implemented. The Investment Officer shall adhere to the City of Murphy Code of Conduct and City Charter.

III. PRUDENT INVESTOR RULE

- (a) The standard of prudence to be applied by the investment officer shall be the "prudent investor" rule as provided in section 2256.006 of the Texas Government Code, as amended. This section states, "[i]nvestments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."
- (b) Investment officers acting in accordance with written procedures and exercising due diligence, shall not be held personally liable for a specific security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments. The City will perform a compliance audit of management controls on investments and adherence to investment policies annually. Pursuant to section 2256.006(b) of the Texas Government Code, as amended, in determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration: (1) the investment of all funds, or funds under the City's control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment; and (2) whether the investment decision was consistent with the written investment policy of the City of Murphy.
- (b) In accordance with section 2256.008 of the Texas Government Code, as amended, the Investment Officers shall attend ten (10) hours of investment training within twelve (12) months of assuming duties and ten (10) hours within every succeeding two (2) years. The investment training session shall be provided by an independent source approved by the Investment Review Committee. Training must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with the Act.

IV. INVESTMENT PORTFOLIO

The City of Murphy shall invest in such investments as are lawful as enumerated in Texas Government Code, Chapter 2256, Public Funds Investment Act, sections 2256.009 through 2256.016. The City reserves the right to further restrict the types of investments which can be made. No investment shall be made until it shall have a full and detailed explanation to the Council and approval given therefore by a majority vote of the Council then present. Assets

of the City of Murphy may be invested in the following instruments if deemed an authorized investment pursuant to the Public Funds Investment Act, Chapter 2256, Texas Government Code, and includes the following:

- (a) obligations of the United States of America, its agencies and instrumentalities, not to exceed two years to stated maturity, excluding mortgage-backed securities;
- (b) direct obligations of the State of Texas or its agencies and instrumentalities;
- (c) collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;
- (d) other obligations, the principal and interest of which are unconditional guaranteed or insured by, or backed by the full faith and credit of, the State of Texas or the United States or the respective agencies and instrumentalities;
- (e) obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent;
- (f) certificates of deposits issued by a state or national bank domiciled in the state or a savings and loan association domiciled in this state and is guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Insurance Fund or its successor secured by obligations that are described in A through E above, to include certificates of deposit purchased through the CDARS program with a Texas bank;
- (g) a fully collateralized signed master repurchase agreement provided the repurchase agreement approved by City Council: has a defined termination date; is secured by obligations described in A above; security's market value must be a minimum of 102% of the principal value of the repurchase agreement; requires the securities being purchased by the City to be pledged to the City, held in the City's name, and deposited at the time the investment is made with the City or with a third party selected and approved by the entity; and is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state; the safekeeping portion of the agreement shall define the City's rights to collateral in case of default, bankruptcy or closing and shall establish a perfected security interest in compliance with Federal and State regulations;
- (h) an authorized securities lending program;
- (i) an authorized banker's acceptance; financial institution serving as City depository will be required to sign a depository agreement with the City and the City's safekeeping agent;
- (j) commercial paper which has a stated maturity of 270 days or fewer from the date of its

issuance; is rated not less than A-1 or P-1 or an equivalent rating by at least: two (2) nationally recognized credit rating agencies; or one (1) nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state;

- (k) an authorized no-load money market mutual fund which is registered with and regulated by the Securities and Exchange Commission; provides the investing entity with a prospectus and other information required by the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.); has a dollar-weighted average stated maturity of 90 days or fewer; and includes in its investment objectives the maintenance of a stable net asset value of \$1 for each share;
- (l) guaranteed investment contract is an authorized investment for bond proceeds if the guaranteed investment contract: has a defined termination date; is secured by obligations described in A above, and is pledged to the City and deposited with the City or with a third party selected and approved by the City; and
- (m) an eligible investment pool if the City Council of the City of Murphy by ordinance, or resolution authorizes investment in the particular pool.

V. TERM OF INVESTMENTS

The maximum maturity of any individual security the City may invest in shall be five (5) years.

VI. MONITORING OF THE MARKET VALUE OF INVESTMENTS

The Investment Officer(s), with the help of City Council, as needed, shall determine the market value of each investment and of all collateral pledged to secure deposits of City funds at least quarterly and at a time as close as practicable to the closing of the reporting period for the investments. Such values shall be included on the investment report. The following methods shall be used:

- (a) Certificates of deposit shall be valued at their face value plus any accrued but unpaid interest;
- (b) Shares in money market mutual funds and investment pools shall be valued at par plus any accrued but unpaid interest;
- (c) Other investment securities with a remaining maturity of one year or less may be valued in any of the following ways:

- (1) the lower of two bids obtained from securities broker/dealers for such security;
 - (2) the average of the bid and asked prices for such investment security as published in *The Wall Street Journal* or *The New York Times*;
 - (3) the bid price published by any nationally recognized security pricing service; or
 - (4) the market value quoted by the seller of the security or the owner of such collateral.
- (d) Other investment securities with a remaining maturity of greater than one year shall be valued at the lower of two bids obtained from securities broker/dealers for such security, unless two bids are not available, in which case the securities may be valued in any manner provided in this section.

VII. MISCELLANEOUS PROVISIONS

For funds invested in a pooled fund group, the maximum dollar-weighted average maturity allowance is two (2) years. This average is subject to change as necessary to maintain the maximum rate of return. Any such change must be approved by a majority vote of the City Council then present prior to being made effective.

All transactions, excepting those for mutual funds or investment pool funds, shall be settled on a delivery versus payment basis.

GOVERNMENT CODE

TITLE 10. GENERAL GOVERNMENT

SUBTITLE F. STATE AND LOCAL CONTRACTS AND FUND MANAGEMENT

CHAPTER 2256. PUBLIC FUNDS INVESTMENT

SUBCHAPTER A. AUTHORIZED INVESTMENTS FOR GOVERNMENTAL ENTITIES

Sec. 2256.001. SHORT TITLE. This chapter may be cited as the Public Funds Investment Act.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.002. DEFINITIONS. In this chapter:

(1) "Bond proceeds" means the proceeds from the sale of bonds, notes, and other obligations issued by an entity, and reserves and funds maintained by an entity for debt service purposes.

(2) "Book value" means the original acquisition cost of an investment plus or minus the accrued amortization or accretion.

(3) "Funds" means public funds in the custody of a state agency or local government that:

(A) are not required by law to be deposited in the state treasury; and

(B) the investing entity has authority to invest.

(4) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(5) "Investing entity" and "entity" mean an entity subject to this chapter and described by Section 2256.003.

(6) "Investment pool" means an entity created under this code to invest public funds jointly on behalf of the entities that participate in the pool and whose investment objectives in order of priority are:

(A) preservation and safety of principal;

(B) liquidity; and

(C) yield.

(7) "Local government" means a municipality, a county, a school district, a district or authority created under Section 52(b)(1) or (2), Article III, or Section 59, Article XVI, Texas Constitution, a fresh water supply district, a hospital district, and any political subdivision,

authority, public corporation, body politic, or instrumentality of the State of Texas, and any nonprofit corporation acting on behalf of any of those entities.

(8) "Market value" means the current face or par value of an investment multiplied by the net selling price of the security as quoted by a recognized market pricing source quoted on the valuation date.

(9) "Pooled fund group" means an internally created fund of an investing entity in which one or more institutional accounts of the investing entity are invested.

(10) "Qualified representative" means a person who holds a position with a business organization, who is authorized to act on behalf of the business organization, and who is one of the following:

(A) for a business organization doing business that is regulated by or registered with a securities commission, a person who is registered under the rules of the National Association of Securities Dealers;

(B) for a state or federal bank, a savings bank, or a state or federal credit union, a member of the loan committee for the bank or branch of the bank or a person authorized by corporate resolution to act on behalf of and bind the banking institution;

(C) for an investment pool, the person authorized by the elected official or board with authority to administer the activities of the investment pool to sign the written instrument on behalf of the investment pool; or

(D) for an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or, if not subject to registration under that Act, registered with the State Securities Board, a person who is an officer or principal of the investment management firm.

(11) "School district" means a public school district.

(12) "Separately invested asset" means an account or fund of a state agency or local government that is not invested in a pooled fund group.

(13) "State agency" means an office, department, commission, board, or other agency that is part of any branch of state government, an institution of higher education, and any nonprofit corporation acting on behalf of any of those entities.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995;
Acts 1997, 75th Leg., ch. 1421, Sec. 1, eff. Sept. 1, 1997; Acts 1999,

76th Leg., ch. 1454, Sec. 1, eff. Sept. 1, 1999.

Sec. 2256.003. AUTHORITY TO INVEST FUNDS; ENTITIES SUBJECT TO THIS CHAPTER. (a) Each governing body of the following entities may purchase, sell, and invest its funds and funds under its control in investments authorized under this subchapter in compliance with investment policies approved by the governing body and according to the standard of care prescribed by Section 2256.006:

- (1) a local government;
- (2) a state agency;
- (3) a nonprofit corporation acting on behalf of a local government or a state agency; or
- (4) an investment pool acting on behalf of two or more local governments, state agencies, or a combination of those entities.

(b) In the exercise of its powers under Subsection (a), the governing body of an investing entity may contract with an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or with the State Securities Board to provide for the investment and management of its public funds or other funds under its control. A contract made under authority of this subsection may not be for a term longer than two years. A renewal or extension of the contract must be made by the governing body of the investing entity by order, ordinance, or resolution.

(c) This chapter does not prohibit an investing entity or investment officer from using the entity's employees or the services of a contractor of the entity to aid the investment officer in the execution of the officer's duties under this chapter.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995;
Acts 1999, 76th Leg., ch. 1454, Sec. 2, eff. Sept. 1, 1999.

Sec. 2256.004. APPLICABILITY. (a) This subchapter does not apply to:

- (1) a public retirement system as defined by Section 802.001;
- (2) state funds invested as authorized by Section 404.024;
- (3) an institution of higher education having total endowments of at least \$95 million in book value on May 1, 1995;
- (4) funds invested by the Veterans' Land Board as authorized by Chapter 161, 162, or 164, Natural Resources Code;

(5) registry funds deposited with the county or district clerk under Chapter 117, Local Government Code; or

(6) a deferred compensation plan that qualifies under either Section 401(k) or 457 of the Internal Revenue Code of 1986 (26 U.S.C. Section 1 et seq.), as amended.

(b) This subchapter does not apply to an investment donated to an investing entity for a particular purpose or under terms of use specified by the donor.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 505, Sec. 24, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1421, Sec. 2, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, Sec. 8.21, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1454, Sec. 3, eff. Sept. 1, 1999.

Sec. 2256.005. INVESTMENT POLICIES; INVESTMENT STRATEGIES; INVESTMENT OFFICER. (a) The governing body of an investing entity shall adopt by rule, order, ordinance, or resolution, as appropriate, a written investment policy regarding the investment of its funds and funds under its control.

(b) The investment policies must:

- (1) be written;
- (2) primarily emphasize safety of principal and liquidity;
- (3) address investment diversification, yield, and maturity and the quality and capability of investment management; and

(4) include:

(A) a list of the types of authorized investments in which the investing entity's funds may be invested;

(B) the maximum allowable stated maturity of any individual investment owned by the entity;

(C) for pooled fund groups, the maximum dollar-weighted average maturity allowed based on the stated maturity date for the portfolio;

(D) methods to monitor the market price of investments acquired with public funds;

(E) a requirement for settlement of all transactions, except investment pool funds and mutual funds, on a delivery versus payment basis; and

(F) procedures to monitor rating changes in investments acquired with public funds and the liquidation of such investments

consistent with the provisions of Section [2256.021](#).

(c) The investment policies may provide that bids for certificates of deposit be solicited:

- (1) orally;
- (2) in writing;
- (3) electronically; or
- (4) in any combination of those methods.

(d) As an integral part of an investment policy, the governing body shall adopt a separate written investment strategy for each of the funds or group of funds under its control. Each investment strategy must describe the investment objectives for the particular fund using the following priorities in order of importance:

- (1) understanding of the suitability of the investment to the financial requirements of the entity;
- (2) preservation and safety of principal;
- (3) liquidity;
- (4) marketability of the investment if the need arises to liquidate the investment before maturity;
- (5) diversification of the investment portfolio; and
- (6) yield.

(e) The governing body of an investing entity shall review its investment policy and investment strategies not less than annually. The governing body shall adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and investment strategies and that the written instrument so adopted shall record any changes made to either the investment policy or investment strategies.

(f) Each investing entity shall designate, by rule, order, ordinance, or resolution, as appropriate, one or more officers or employees of the state agency, local government, or investment pool as investment officer to be responsible for the investment of its funds consistent with the investment policy adopted by the entity. If the governing body of an investing entity has contracted with another investing entity to invest its funds, the investment officer of the other investing entity is considered to be the investment officer of the first investing entity for purposes of this chapter. Authority granted to a person to invest an entity's funds is effective until rescinded by the investing entity, until the expiration of the officer's term or the termination of the person's employment by the investing entity, or if an investment management firm, until the expiration of the contract with the

investing entity. In the administration of the duties of an investment officer, the person designated as investment officer shall exercise the judgment and care, under prevailing circumstances, that a prudent person would exercise in the management of the person's own affairs, but the governing body of the investing entity retains ultimate responsibility as fiduciaries of the assets of the entity. Unless authorized by law, a person may not deposit, withdraw, transfer, or manage in any other manner the funds of the investing entity.

(g) Subsection (f) does not apply to a state agency, local government, or investment pool for which an officer of the entity is assigned by law the function of investing its funds.

Text of subsec. (h) as amended by Acts 1997, 75th Leg., ch. 685, Sec. 1

(h) An officer or employee of a commission created under Chapter 391, Local Government Code, is ineligible to be an investment officer for the commission under Subsection (f) if the officer or employee is an investment officer designated under Subsection (f) for another local government.

Text of subsec. (h) as amended by Acts 1997, 75th Leg., ch. 1421, Sec. 3

(h) An officer or employee of a commission created under Chapter 391, Local Government Code, is ineligible to be designated as an investment officer under Subsection (f) for any investing entity other than for that commission.

(i) An investment officer of an entity who has a personal business relationship with a business organization offering to engage in an investment transaction with the entity shall file a statement disclosing that personal business interest. An investment officer who is related within the second degree by affinity or consanguinity, as determined under Chapter 573, to an individual seeking to sell an investment to the investment officer's entity shall file a statement disclosing that relationship. A statement required under this subsection must be filed with the Texas Ethics Commission and the governing body of the entity. For purposes of this subsection, an investment officer has a personal business relationship with a business organization if:

- (1) the investment officer owns 10 percent or more of the

voting stock or shares of the business organization or owns \$5,000 or more of the fair market value of the business organization;

(2) funds received by the investment officer from the business organization exceed 10 percent of the investment officer's gross income for the previous year; or

(3) the investment officer has acquired from the business organization during the previous year investments with a book value of \$2,500 or more for the personal account of the investment officer.

(j) The governing body of an investing entity may specify in its investment policy that any investment authorized by this chapter is not suitable.

(k) A written copy of the investment policy shall be presented to any person offering to engage in an investment transaction with an investing entity or to an investment management firm under contract with an investing entity to invest or manage the entity's investment portfolio. For purposes of this subsection, a business organization includes investment pools and an investment management firm under contract with an investing entity to invest or manage the entity's investment portfolio. Nothing in this subsection relieves the investing entity of the responsibility for monitoring the investments made by the investing entity to determine that they are in compliance with the investment policy. The qualified representative of the business organization offering to engage in an investment transaction with an investing entity shall execute a written instrument in a form acceptable to the investing entity and the business organization substantially to the effect that the business organization has:

(1) received and reviewed the investment policy of the entity; and

(2) acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the entity and the organization that are not authorized by the entity's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the entity's entire portfolio or requires an interpretation of subjective investment standards.

(l) The investment officer of an entity may not acquire or otherwise obtain any authorized investment described in the investment policy of the investing entity from a person who has not delivered to the entity the instrument required by Subsection (k).

(m) An investing entity other than a state agency, in conjunction

with its annual financial audit, shall perform a compliance audit of management controls on investments and adherence to the entity's established investment policies.

(n) Except as provided by Subsection (o), at least once every two years a state agency shall arrange for a compliance audit of management controls on investments and adherence to the agency's established investment policies. The compliance audit shall be performed by the agency's internal auditor or by a private auditor employed in the manner provided by Section [321.020](#). Not later than January 1 of each even-numbered year a state agency shall report the results of the most recent audit performed under this subsection to the state auditor. Subject to a risk assessment and to the legislative audit committee's approval of including a review by the state auditor in the audit plan under Section [321.013](#), the state auditor may review information provided under this section. If review by the state auditor is approved by the legislative audit committee, the state auditor may, based on its review, require a state agency to also report to the state auditor other information the state auditor determines necessary to assess compliance with laws and policies applicable to state agency investments. A report under this subsection shall be prepared in a manner the state auditor prescribes.

(o) The audit requirements of Subsection (n) do not apply to assets of a state agency that are invested by the comptroller under Section [404.024](#).

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 685, Sec. 1, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1421, Sec. 3, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 4, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 785, Sec. 41, eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. [2226](#)), Sec. 1, eff. June 17, 2011.

Sec. 2256.006. STANDARD OF CARE. (a) Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. Investment of funds shall be governed by the following

investment objectives, in order of priority:

- (1) preservation and safety of principal;
- (2) liquidity; and
- (3) yield.

(b) In determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

- (1) the investment of all funds, or funds under the entity's control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment; and
- (2) whether the investment decision was consistent with the written investment policy of the entity.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.007. INVESTMENT TRAINING; STATE AGENCY BOARD MEMBERS AND OFFICERS. (a) Each member of the governing board of a state agency and its investment officer shall attend at least one training session relating to the person's responsibilities under this chapter within six months after taking office or assuming duties.

(b) The Texas Higher Education Coordinating Board shall provide the training under this section.

(c) Training under this section must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with this chapter.

(d) An investment officer shall attend a training session not less than once each state fiscal biennium and may receive training from any independent source approved by the governing body of the state agency. The investment officer shall prepare a report on this subchapter and deliver the report to the governing body of the state agency not later than the 180th day after the last day of each regular session of the legislature.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 73, Sec. 1, eff. May 9, 1997; Acts 1997, 75th Leg., ch. 1421, Sec. 4, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 5, eff. Sept. 1, 1999.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 2, eff. June 17, 2011.

Sec. 2256.008. INVESTMENT TRAINING; LOCAL GOVERNMENTS. (a) Except as provided by Subsections (b) and (e), the treasurer, the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a local government shall:

(1) attend at least one training session from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government and containing at least 10 hours of instruction relating to the treasurer's or officer's responsibilities under this subchapter within 12 months after taking office or assuming duties; and

(2) except as provided by Subsections (b) and (e), attend an investment training session not less than once in a two-year period that begins on the first day of that local government's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than 10 hours of instruction relating to investment responsibilities under this subchapter from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government.

(b) An investing entity created under authority of Section 52(b), Article III, or Section 59, Article XVI, Texas Constitution, that has contracted with an investment management firm under Section 2256.003(b) and has fewer than five full-time employees or an investing entity that has contracted with another investing entity to invest the entity's funds may satisfy the training requirement provided by Subsection (a)(2) by having an officer of the governing body attend four hours of appropriate instruction in a two-year period that begins on the first day of that local government's fiscal year and consists of the two consecutive fiscal years after that date. The treasurer or chief financial officer of an investing entity created under authority of Section 52(b), Article III, or Section 59, Article XVI, Texas Constitution, and that has fewer than five full-time employees is not required to attend training required by this section unless the person is also the investment officer of the entity.

(c) Training under this section must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with this chapter.

(d) Not later than December 31 each year, each individual,

association, business, organization, governmental entity, or other person that provides training under this section shall report to the comptroller a list of the governmental entities for which the person provided required training under this section during that calendar year. An individual's reporting requirements under this subsection are satisfied by a report of the individual's employer or the sponsoring or organizing entity of a training program or seminar.

(e) This section does not apply to a district governed by Chapter 36 or 49, Water Code.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 5, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 6, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 69, Sec. 4, eff. May 14, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 3, eff. June 17, 2011.

Sec. 2256.009. AUTHORIZED INVESTMENTS: OBLIGATIONS OF, OR GUARANTEED BY GOVERNMENTAL ENTITIES. (a) Except as provided by Subsection (b), the following are authorized investments under this subchapter:

(1) obligations, including letters of credit, of the United States or its agencies and instrumentalities;

(2) direct obligations of this state or its agencies and instrumentalities;

(3) collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;

(4) other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States;

(5) obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent; and

(6) bonds issued, assumed, or guaranteed by the State of Israel.

(b) The following are not authorized investments under this section:

(1) obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal;

(2) obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;

(3) collateralized mortgage obligations that have a stated final maturity date of greater than 10 years; and

(4) collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 1454, Sec. 7, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 558, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 4, eff. June 17, 2011.

Sec. 2256.010. AUTHORIZED INVESTMENTS: CERTIFICATES OF DEPOSIT AND SHARE CERTIFICATES. (a) A certificate of deposit or share certificate is an authorized investment under this subchapter if the certificate is issued by a depository institution that has its main office or a branch office in this state and is:

(1) guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor;

(2) secured by obligations that are described by Section 2256.009(a), including mortgage backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates, but excluding those mortgage backed securities of the nature described by Section 2256.009(b); or

(3) secured in any other manner and amount provided by law for deposits of the investing entity.

(b) In addition to the authority to invest funds in certificates of deposit under Subsection (a), an investment in certificates of deposit made in accordance with the following conditions is an authorized

investment under this subchapter:

(1) the funds are invested by an investing entity through:

(A) a broker that has its main office or a branch office in this state and is selected from a list adopted by the investing entity as required by Section 2256.025; or

(B) a depository institution that has its main office or a branch office in this state and that is selected by the investing entity;

(2) the broker or the depository institution selected by the investing entity under Subdivision (1) arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the investing entity;

(3) the full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States; and

(4) the investing entity appoints the depository institution selected by the investing entity under Subdivision (1), an entity described by Section 2257.041(d), or a clearing broker-dealer registered with the Securities and Exchange Commission and operating pursuant to Securities and Exchange Commission Rule 15c3-3 (17 C.F.R. Section 240.15c3-3) as custodian for the investing entity with respect to the certificates of deposit issued for the account of the investing entity.

Amended by Acts 1995, 74th Leg., ch. 32, Sec. 1, eff. April 28, 1995; Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 6, eff. Sept. 1, 1997.

Amended by:

Acts 2005, 79th Leg., Ch. 128 (H.B. 256), Sec. 1, eff. September 1, 2005.

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 5, eff. June 17, 2011.

Sec. 2256.011. AUTHORIZED INVESTMENTS: REPURCHASE AGREEMENTS.

(a) A fully collateralized repurchase agreement is an authorized investment under this subchapter if the repurchase agreement:

(1) has a defined termination date;

(2) is secured by a combination of cash and obligations described by Section 2256.009(a)(1); and

(3) requires the securities being purchased by the entity or cash held by the entity to be pledged to the entity, held in the entity's

name, and deposited at the time the investment is made with the entity or with a third party selected and approved by the entity; and

(4) is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state.

(b) In this section, "repurchase agreement" means a simultaneous agreement to buy, hold for a specified time, and sell back at a future date obligations described by Section 2256.009(a)(1), at a market value at the time the funds are disbursed of not less than the principal amount of the funds disbursed. The term includes a direct security repurchase agreement and a reverse security repurchase agreement.

(c) Notwithstanding any other law, the term of any reverse security repurchase agreement may not exceed 90 days after the date the reverse security repurchase agreement is delivered.

(d) Money received by an entity under the terms of a reverse security repurchase agreement shall be used to acquire additional authorized investments, but the term of the authorized investments acquired must mature not later than the expiration date stated in the reverse security repurchase agreement.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 6, eff. June 17, 2011.

Sec. 2256.0115. AUTHORIZED INVESTMENTS: SECURITIES LENDING PROGRAM. (a) A securities lending program is an authorized investment under this subchapter if it meets the conditions provided by this section.

(b) To qualify as an authorized investment under this subchapter:

- (1) the value of securities loaned under the program must be not less than 100 percent collateralized, including accrued income;
- (2) a loan made under the program must allow for termination at any time;
- (3) a loan made under the program must be secured by:
 - (A) pledged securities described by Section 2256.009;
 - (B) pledged irrevocable letters of credit issued by a bank that is:

(i) organized and existing under the laws of the United States or any other state; and

(ii) continuously rated by at least one nationally

recognized investment rating firm at not less than A or its equivalent; or

(C) cash invested in accordance with Section:

- (i) 2256.009;
- (ii) 2256.013;
- (iii) 2256.014; or
- (iv) 2256.016;

(4) the terms of a loan made under the program must require that the securities being held as collateral be:

- (A) pledged to the investing entity;
- (B) held in the investing entity's name; and
- (C) deposited at the time the investment is made with the

entity or with a third party selected by or approved by the investing entity;

(5) a loan made under the program must be placed through:

(A) a primary government securities dealer, as defined by 5 C.F.R. Section 6801.102(f), as that regulation existed on September 1, 2003; or

(B) a financial institution doing business in this state;

and

(6) an agreement to lend securities that is executed under this section must have a term of one year or less.

Added by Acts 2003, 78th Leg., ch. 1227, Sec. 1, eff. Sept. 1, 2003.

Sec. 2256.012. AUTHORIZED INVESTMENTS: BANKER'S ACCEPTANCES. A bankers' acceptance is an authorized investment under this subchapter if the bankers' acceptance:

(1) has a stated maturity of 270 days or fewer from the date of its issuance;

(2) will be, in accordance with its terms, liquidated in full at maturity;

(3) is eligible for collateral for borrowing from a Federal Reserve Bank; and

(4) is accepted by a bank organized and existing under the laws of the United States or any state, if the short-term obligations of the bank, or of a bank holding company of which the bank is the largest subsidiary, are rated not less than A-1 or P-1 or an equivalent rating by at least one nationally recognized credit rating agency.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.013. AUTHORIZED INVESTMENTS: COMMERCIAL PAPER.

Commercial paper is an authorized investment under this subchapter if the commercial paper:

(1) has a stated maturity of 270 days or fewer from the date of its issuance; and

(2) is rated not less than A-1 or P-1 or an equivalent rating by at least:

(A) two nationally recognized credit rating agencies; or

(B) one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.014. AUTHORIZED INVESTMENTS: MUTUAL FUNDS. (a) A no-load money market mutual fund is an authorized investment under this subchapter if the mutual fund:

(1) is registered with and regulated by the Securities and Exchange Commission;

(2) provides the investing entity with a prospectus and other information required by the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.);

(3) has a dollar-weighted average stated maturity of 90 days or fewer; and

(4) includes in its investment objectives the maintenance of a stable net asset value of \$1 for each share.

(b) In addition to a no-load money market mutual fund permitted as an authorized investment in Subsection (a), a no-load mutual fund is an authorized investment under this subchapter if the mutual fund:

(1) is registered with the Securities and Exchange Commission;

(2) has an average weighted maturity of less than two years;

(3) is invested exclusively in obligations approved by this subchapter;

(4) is continuously rated as to investment quality by at least one nationally recognized investment rating firm of not less than AAA or its equivalent; and

(5) conforms to the requirements set forth in Sections

[2256.016](#)(b) and (c) relating to the eligibility of investment pools to receive and invest funds of investing entities.

(c) An entity is not authorized by this section to:

(1) invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds and reserves and other funds held for debt service, in mutual funds described in Subsection (b);

(2) invest any portion of bond proceeds, reserves and funds held for debt service, in mutual funds described in Subsection (b); or

(3) invest its funds or funds under its control, including bond proceeds and reserves and other funds held for debt service, in any one mutual fund described in Subsection (a) or (b) in an amount that exceeds 10 percent of the total assets of the mutual fund.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 7, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 8, eff. Sept. 1, 1999.

Sec. 2256.015. AUTHORIZED INVESTMENTS: GUARANTEED INVESTMENT CONTRACTS. (a) A guaranteed investment contract is an authorized investment for bond proceeds under this subchapter if the guaranteed investment contract:

(1) has a defined termination date;

(2) is secured by obligations described by Section [2256.009](#)(a)(1), excluding those obligations described by Section [2256.009](#)(b), in an amount at least equal to the amount of bond proceeds invested under the contract; and

(3) is pledged to the entity and deposited with the entity or with a third party selected and approved by the entity.

(b) Bond proceeds, other than bond proceeds representing reserves and funds maintained for debt service purposes, may not be invested under this subchapter in a guaranteed investment contract with a term of longer than five years from the date of issuance of the bonds.

(c) To be eligible as an authorized investment:

(1) the governing body of the entity must specifically authorize guaranteed investment contracts as an eligible investment in the order, ordinance, or resolution authorizing the issuance of bonds;

(2) the entity must receive bids from at least three separate providers with no material financial interest in the bonds from which proceeds were received;

(3) the entity must purchase the highest yielding guaranteed

investment contract for which a qualifying bid is received;

(4) the price of the guaranteed investment contract must take into account the reasonably expected drawdown schedule for the bond proceeds to be invested; and

(5) the provider must certify the administrative costs reasonably expected to be paid to third parties in connection with the guaranteed investment contract.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 8, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 9, 10, eff. Sept. 1, 1999.

Sec. 2256.016. AUTHORIZED INVESTMENTS: INVESTMENT POOLS. (a) An entity may invest its funds and funds under its control through an eligible investment pool if the governing body of the entity by rule, order, ordinance, or resolution, as appropriate, authorizes investment in the particular pool. An investment pool shall invest the funds it receives from entities in authorized investments permitted by this subchapter. An investment pool may invest its funds in money market mutual funds to the extent permitted by and consistent with this subchapter and the investment policies and objectives adopted by the investment pool.

(b) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must furnish to the investment officer or other authorized representative of the entity an offering circular or other similar disclosure instrument that contains, at a minimum, the following information:

(1) the types of investments in which money is allowed to be invested;

(2) the maximum average dollar-weighted maturity allowed, based on the stated maturity date, of the pool;

(3) the maximum stated maturity date any investment security within the portfolio has;

(4) the objectives of the pool;

(5) the size of the pool;

(6) the names of the members of the advisory board of the pool and the dates their terms expire;

(7) the custodian bank that will safekeep the pool's assets;

(8) whether the intent of the pool is to maintain a net asset value of one dollar and the risk of market price fluctuation;

(9) whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or guarantees, and a description of the secondary source of payment;

(10) the name and address of the independent auditor of the pool;

(11) the requirements to be satisfied for an entity to deposit funds in and withdraw funds from the pool and any deadlines or other operating policies required for the entity to invest funds in and withdraw funds from the pool; and

(12) the performance history of the pool, including yield, average dollar-weighted maturities, and expense ratios.

(c) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must furnish to the investment officer or other authorized representative of the entity:

(1) investment transaction confirmations; and

(2) a monthly report that contains, at a minimum, the following information:

(A) the types and percentage breakdown of securities in which the pool is invested;

(B) the current average dollar-weighted maturity, based on the stated maturity date, of the pool;

(C) the current percentage of the pool's portfolio in investments that have stated maturities of more than one year;

(D) the book value versus the market value of the pool's portfolio, using amortized cost valuation;

(E) the size of the pool;

(F) the number of participants in the pool;

(G) the custodian bank that is safekeeping the assets of the pool;

(H) a listing of daily transaction activity of the entity participating in the pool;

(I) the yield and expense ratio of the pool, including a statement regarding how yield is calculated;

(J) the portfolio managers of the pool; and

(K) any changes or addenda to the offering circular.

(d) An entity by contract may delegate to an investment pool the authority to hold legal title as custodian of investments purchased with its local funds.

(e) In this section, "yield" shall be calculated in accordance with

regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940, as promulgated from time to time by the federal Securities and Exchange Commission.

(f) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, a public funds investment pool created to function as a money market mutual fund must mark its portfolio to market daily, and, to the extent reasonably possible, stabilize at a \$1 net asset value. If the ratio of the market value of the portfolio divided by the book value of the portfolio is less than 0.995 or greater than 1.005, portfolio holdings shall be sold as necessary to maintain the ratio between 0.995 and 1.005. In addition to the requirements of its investment policy and any other forms of reporting, a public funds investment pool created to function as a money market mutual fund shall report yield to its investors in accordance with regulations of the federal Securities and Exchange Commission applicable to reporting by money market funds.

(g) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, a public funds investment pool must have an advisory board composed:

(1) equally of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for a public funds investment pool created under Chapter 791 and managed by a state agency; or

(2) of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for other investment pools.

(h) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.

(i) If the investment pool operates an Internet website, the information in a disclosure instrument or report described in Subsections (b), (c)(2), and (f) must be posted on the website.

(j) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must make available to the entity an annual audited financial statement of the investment pool in which the entity has funds invested.

(k) If an investment pool offers fee breakpoints based on fund balances invested, the investment pool in advertising investment rates must include either all levels of return based on the breakpoints provided

or state the lowest possible level of return based on the smallest level of funds invested.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995;
Acts 1997, 75th Leg., ch. 1421, Sec. 9, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 7, eff. June 17, 2011.

Sec. 2256.017. EXISTING INVESTMENTS. An entity is not required to liquidate investments that were authorized investments at the time of purchase.

Added by Acts 1995, 74th Leg., ch. 76, Sec. 5.46(a), eff. Sept. 1, 1995;
Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by
Acts 1997, 75th Leg., ch. 1421, Sec. 10, eff. Sept. 1, 1997.

Sec. 2256.019. RATING OF CERTAIN INVESTMENT POOLS. A public funds investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.
Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 11, eff. Sept. 1, 1997.
Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 8, eff. June 17, 2011.

Sec. 2256.020. AUTHORIZED INVESTMENTS: INSTITUTIONS OF HIGHER EDUCATION. In addition to the authorized investments permitted by this subchapter, an institution of higher education may purchase, sell, and invest its funds and funds under its control in the following:

(1) cash management and fixed income funds sponsored by organizations exempt from federal income taxation under Section 501(f), Internal Revenue Code of 1986 (26 U.S.C. Section 501(f));

(2) negotiable certificates of deposit issued by a bank that has a certificate of deposit rating of at least 1 or the equivalent by a nationally recognized credit rating agency or that is associated with a holding company having a commercial paper rating of at least A-1, P-1, or the equivalent by a nationally recognized credit rating agency; and

(3) corporate bonds, debentures, or similar debt obligations rated by a nationally recognized investment rating firm in one of the two highest long-term rating categories, without regard to gradations within those categories.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.0201. AUTHORIZED INVESTMENTS; MUNICIPAL UTILITY. (a) A municipality that owns a municipal electric utility that is engaged in the distribution and sale of electric energy or natural gas to the public may enter into a hedging contract and related security and insurance agreements in relation to fuel oil, natural gas, coal, nuclear fuel, and electric energy to protect against loss due to price fluctuations. A hedging transaction must comply with the regulations of the Commodity Futures Trading Commission and the Securities and Exchange Commission. If there is a conflict between the municipal charter of the municipality and this chapter, this chapter prevails.

(b) A payment by a municipally owned electric or gas utility under a hedging contract or related agreement in relation to fuel supplies or fuel reserves is a fuel expense, and the utility may credit any amounts it receives under the contract or agreement against fuel expenses.

(c) The governing body of a municipally owned electric or gas utility or the body vested with power to manage and operate the municipally owned electric or gas utility may set policy regarding hedging transactions.

(d) In this section, "hedging" means the buying and selling of fuel oil, natural gas, coal, nuclear fuel, and electric energy futures or options or similar contracts on those commodities and related transportation costs as a protection against loss due to price fluctuation.

Added by Acts 1999, 76th Leg., ch. 405, Sec. 48, eff. Sept. 1, 1999.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 7 (S.B. 495), Sec. 1, eff. April 13, 2007.

Sec. 2256.0202. AUTHORIZED INVESTMENTS: MUNICIPAL FUNDS FROM MANAGEMENT AND DEVELOPMENT OF MINERAL RIGHTS. (a) In addition to other investments authorized under this subchapter, a municipality may invest funds received by the municipality from a lease or contract for the management and development of land owned by the municipality and leased

for oil, gas, or other mineral development in any investment authorized to be made by a trustee under Subtitle B, Title 9, Property Code (Texas Trust Code).

(b) Funds invested by a municipality under this section shall be segregated and accounted for separately from other funds of the municipality.

Added by Acts 2009, 81st Leg., R.S., Ch. 1371 (S.B. 894), Sec. 1, eff. September 1, 2009.

Sec. 2256.0203. AUTHORIZED INVESTMENTS: PORTS AND NAVIGATION DISTRICTS. (a) In this section, "district" means a navigation district organized under Section 52, Article III, or Section 59, Article XVI, Texas Constitution.

(b) In addition to the authorized investments permitted by this subchapter, a port or district may purchase, sell, and invest its funds and funds under its control in negotiable certificates of deposit issued by a bank that has a certificate of deposit rating of at least 1 or the equivalent by a nationally recognized credit rating agency or that is associated with a holding company having a commercial paper rating of at least A-1, P-1, or the equivalent by a nationally recognized credit rating agency.

Added by Acts 2011, 82nd Leg., R.S., Ch. 804 (H.B. 2346), Sec. 1, eff. September 1, 2011.

Sec. 2256.0204. AUTHORIZED INVESTMENTS: INDEPENDENT SCHOOL DISTRICTS. (a) In this section, "corporate bond" means a senior secured debt obligation issued by a domestic business entity and rated not lower than "AA-" or the equivalent by a nationally recognized investment rating firm. The term does not include a debt obligation that:

(1) on conversion, would result in the holder becoming a stockholder or shareholder in the entity, or any affiliate or subsidiary of the entity, that issued the debt obligation; or

(2) is an unsecured debt obligation.

(b) This section applies only to an independent school district that qualifies as an issuer as defined by Section 1371.001.

(c) In addition to authorized investments permitted by this subchapter, an independent school district subject to this section may purchase, sell, and invest its funds and funds under its control in

corporate bonds that, at the time of purchase, are rated by a nationally recognized investment rating firm "AA-" or the equivalent and have a stated final maturity that is not later than the third anniversary of the date the corporate bonds were purchased.

(d) An independent school district subject to this section is not authorized by this section to:

(1) invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds, reserves, and other funds held for the payment of debt service, in corporate bonds; or

(2) invest more than 25 percent of the funds invested in corporate bonds in any one domestic business entity, including subsidiaries and affiliates of the entity.

(e) An independent school district subject to this section may purchase, sell, and invest its funds and funds under its control in corporate bonds if the governing body of the district:

(1) amends its investment policy to authorize corporate bonds as an eligible investment;

(2) adopts procedures to provide for:

(A) monitoring rating changes in corporate bonds acquired with public funds; and

(B) liquidating the investment in corporate bonds; and

(3) identifies the funds eligible to be invested in corporate bonds.

(f) The investment officer of an independent school district, acting on behalf of the district, shall sell corporate bonds in which the district has invested its funds not later than the seventh day after the date a nationally recognized investment rating firm:

(1) issues a release that places the corporate bonds or the domestic business entity that issued the corporate bonds on negative credit watch or the equivalent, if the corporate bonds are rated "AA-" or the equivalent at the time the release is issued; or

(2) changes the rating on the corporate bonds to a rating lower than "AA-" or the equivalent.

(g) Corporate bonds are not an eligible investment for a public funds investment pool.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1347 (S.B. 1543), Sec. 1, eff. June 17, 2011.

Sec. 2256.0205. AUTHORIZED INVESTMENTS; DECOMMISSIONING TRUST.

(a) In this section:

(1) "Decommissioning trust" means a trust created to provide the Nuclear Regulatory Commission assurance that funds will be available for decommissioning purposes as required under 10 C.F.R. Part 50 or other similar regulation.

(2) "Funds" includes any money held in a decommissioning trust regardless of whether the money is considered to be public funds under this subchapter.

(b) In addition to other investments authorized under this subchapter, a municipality that owns a municipal electric utility that is engaged in the distribution and sale of electric energy or natural gas to the public may invest funds held in a decommissioning trust in any investment authorized by Subtitle B, Title 9, Property Code.

Added by Acts 2005, 79th Leg., Ch. 121 (S.B. 1464), Sec. 1, eff. September 1, 2005.

Sec. 2256.021. EFFECT OF LOSS OF REQUIRED RATING. An investment that requires a minimum rating under this subchapter does not qualify as an authorized investment during the period the investment does not have the minimum rating. An entity shall take all prudent measures that are consistent with its investment policy to liquidate an investment that does not have the minimum rating.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.022. EXPANSION OF INVESTMENT AUTHORITY. Expansion of investment authority granted by this chapter shall require a risk assessment by the state auditor or performed at the direction of the state auditor, subject to the legislative audit committee's approval of including the review in the audit plan under Section 321.013.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 2003, 78th Leg., ch. 785, Sec. 42, eff. Sept. 1, 2003.

Sec. 2256.023. INTERNAL MANAGEMENT REPORTS. (a) Not less than quarterly, the investment officer shall prepare and submit to the governing body of the entity a written report of investment transactions for all funds covered by this chapter for the preceding reporting period.

(b) The report must:

(1) describe in detail the investment position of the entity on the date of the report;

(2) be prepared jointly by all investment officers of the entity;

(3) be signed by each investment officer of the entity;

(4) contain a summary statement of each pooled fund group that states the:

(A) beginning market value for the reporting period;

(B) ending market value for the period; and

(C) fully accrued interest for the reporting period;

(5) state the book value and market value of each separately invested asset at the end of the reporting period by the type of asset and fund type invested;

(6) state the maturity date of each separately invested asset that has a maturity date;

(7) state the account or fund or pooled group fund in the state agency or local government for which each individual investment was acquired; and

(8) state the compliance of the investment portfolio of the state agency or local government as it relates to:

(A) the investment strategy expressed in the agency's or local government's investment policy; and

(B) relevant provisions of this chapter.

(c) The report shall be presented not less than quarterly to the governing body and the chief executive officer of the entity within a reasonable time after the end of the period.

(d) If an entity invests in other than money market mutual funds, investment pools or accounts offered by its depository bank in the form of certificates of deposit, or money market accounts or similar accounts, the reports prepared by the investment officers under this section shall be formally reviewed at least annually by an independent auditor, and the result of the review shall be reported to the governing body by that auditor.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 12, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 9, eff. June 17, 2011.

Sec. 2256.024. SUBCHAPTER CUMULATIVE. (a) The authority granted by this subchapter is in addition to that granted by other law. Except as provided by Subsection (b), this subchapter does not:

- (1) prohibit an investment specifically authorized by other law; or
- (2) authorize an investment specifically prohibited by other law.

(b) Except with respect to those investing entities described in Subsection (c), a security described in Section 2256.009(b) is not an authorized investment for a state agency, a local government, or another investing entity, notwithstanding any other provision of this chapter or other law to the contrary.

(c) Mortgage pass-through certificates and individual mortgage loans that may constitute an investment described in Section 2256.009(b) are authorized investments with respect to the housing bond programs operated by:

- (1) the Texas Department of Housing and Community Affairs or a nonprofit corporation created to act on its behalf;
- (2) an entity created under Chapter 392, Local Government Code; or
- (3) an entity created under Chapter 394, Local Government Code.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.025. SELECTION OF AUTHORIZED BROKERS. The governing body of an entity subject to this subchapter or the designated investment committee of the entity shall, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with the entity.

Added by Acts 1997, 75th Leg., ch. 1421, Sec. 13, eff. Sept. 1, 1997.

Sec. 2256.026. STATUTORY COMPLIANCE. All investments made by entities must comply with this subchapter and all federal, state, and local statutes, rules, or regulations.

Added by Acts 1997, 75th Leg., ch. 1421, Sec. 13, eff. Sept. 1, 1997.

SUBCHAPTER B. MISCELLANEOUS PROVISIONS

Sec. 2256.051. ELECTRONIC FUNDS TRANSFER. Any local government may use electronic means to transfer or invest all funds collected or controlled by the local government.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.052. PRIVATE AUDITOR. Notwithstanding any other law, a state agency shall employ a private auditor if authorized by the legislative audit committee either on the committee's initiative or on request of the governing body of the agency.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.053. PAYMENT FOR SECURITIES PURCHASED BY STATE. The comptroller or the disbursing officer of an agency that has the power to invest assets directly may pay for authorized securities purchased from or through a member in good standing of the National Association of Securities Dealers or from or through a national or state bank on receiving an invoice from the seller of the securities showing that the securities have been purchased by the board or agency and that the amount to be paid for the securities is just, due, and unpaid. A purchase of securities may not be made at a price that exceeds the existing market value of the securities.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995;
Acts 1997, 75th Leg., ch. 1423, Sec. 8.67, eff. Sept. 1, 1997.

Sec. 2256.054. DELIVERY OF SECURITIES PURCHASED BY STATE. A security purchased under this chapter may be delivered to the comptroller, a bank, or the board or agency investing its funds. The delivery shall be made under normal and recognized practices in the securities and banking industries, including the book entry procedure of the Federal Reserve Bank.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995;
Acts 1997, 75th Leg., ch. 1423, Sec. 8.68, eff. Sept. 1, 1997.

Sec. 2256.055. DEPOSIT OF SECURITIES PURCHASED BY STATE. At the direction of the comptroller or the agency, a security purchased under this chapter may be deposited in trust with a bank or federal reserve bank or branch designated by the comptroller, whether in or outside the state.

The deposit shall be held in the entity's name as evidenced by a trust receipt of the bank with which the securities are deposited.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995;
Acts 1997, 75th Leg., ch. 1423, Sec. 8.69, eff. Sept. 1, 1997.

**City Council Meeting
September 2, 2014**

Issue

Hold a public hearing on the proposed tax rate of \$0.5500 per \$100 valuation for City Budget Year of October 1, 2014 through September 30, 2015.

Staff Resource/Department

James Fisher – City Manager
Linda Truitt – Finance Director

Background

Public Hearings on the 2014-2015 budgets are schedule for Tuesday, August 19, 2014 and Tuesday, September 2, 2014 at 6:00 PM in the Council Chambers at 206 North Murphy Road, Murphy, Texas.

The City Council voted to propose a tax rate of \$0.5500 per \$100 valuation for the 2014 tax year and the city's budget year of October 1, 2014 through September 30, 2015. The proposed Maintenance and Operations (M&O) rate is \$0.336270, a decrease of \$0.005251, and the debt service rate is \$0.213730, a decrease of \$0.014749 for a total tax rate of \$0.5500 per \$100 valuation, a two cent decrease from the FY 2014 tax rate.

This tax rate will raise more taxes for maintenance and operations than last year's tax rate.

The tax rate will effectively be raised by 5.55 percent and will raise taxes for maintenance and operations on a \$100,000 home by approximately \$-5.25.

Financial Considerations

The City is proposing a Maintenance and Operations (M&O) tax rate of \$0.336270 per \$100 valuation. The M&O tax rate funds a large portion of the City's operations, including Parks, Public Safety and Public Works. The second portion of the tax rate is for debt service, which provides funding for the current portion of the long-term debt. This year the debt service tax rate is set at \$0.213730, per \$100 valuation, a decrease from last year's tax rate.

Announce after Public Hearing:

The vote on the proposed tax rate will take place on Tuesday, September 16, 2014 at 6:00 PM in the City Council Chambers at Murphy City Hall, 206 North Murphy Road, Murphy, Texas.

Attachments

- 1) Notice of Public Hearing on Tax Increase

NOTICE OF 2014 TAX YEAR ^{Item 7.A} PROPOSED PROPERTY TAX RATE FOR CITY OF MURPHY

A tax rate of \$0.550000 per \$100 valuation has been proposed for adoption by the governing body of City of Murphy. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate.

PROPOSED TAX RATE	\$0.550000 per \$100
PRECEDING YEAR'S TAX RATE	\$0.570000 per \$100
EFFECTIVE TAX RATE	\$0.531741 per \$100
ROLLBACK TAX RATE	\$0.557794 per \$100

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for City of Murphy from the same properties in both the 2013 tax year and the 2014 tax year.

The rollback tax rate is the highest tax rate that City of Murphy may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

**YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE
CALCULATED AS FOLLOWS:**

$$\text{property tax amount} = (\text{rate}) \times (\text{taxable value of your property}) / 100$$

For assistance or detailed information about tax calculations, please contact:

Kenneth L. Maun
Tax Assessor-Collector
2300 Bloomdale Road, Suite 2366 McKinney, TX 75071
972-547-5020
kmaun@collincountytx.gov
<http://www.murphytx.org/>

You are urged to attend and express your views at the following public hearings on the proposed tax rate:

First Hearing: August 19, 2014 at 6:00 pm at City of Murphy, 206 North Murphy Road, Murphy, TX 75094.

Second Hearing: September 2, 2014 at 6:00 pm at City of Murphy, 206 North Murphy Road, Murphy, TX 75094.

City Council Meeting
September 2, 2014

Issue

Hold a public hearing on the proposed fiscal year 2014-2015 budget for the City of Murphy.

Staff Resource/Department

James Fisher – City Manager

Linda Truitt – Finance Director

Background

Public Hearings on the 2014-2015 budgets are schedule for Tuesday, August 19, 2014 and Tuesday, September 2, 2014 at 6:00 PM in the Council Chambers at 206 North Murphy Road, Murphy, Texas.

Pursuant to Texas Local Government Code 102.006 and City Charter Section 7.05, the City Council has set dates for the Public Hearing on the municipal budget to be Tuesday, August 19, 2014 at 6:00 PM and a second Public Hearing on Tuesday, September 2, 2014 at 6:00 PM. The date set must be at least 15 days after the date the proposed budget is filed with the City Secretary and before the date the City makes its tax levy. The proposed budget was filed with City Secretary on August 5, 2014. The proposed 2014-2015 budget is available for review on the city's website.

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

Financial Consideration

See the fiscal year 2014-2015 budgets provided to City Council on August 5th. The budget is also available on the City's website.

This budget will raise more total property taxes than last year's budget by \$547,752, or 5.86%, and of that amount \$252,218 is tax revenue to be raised from new property added to the roll this year.

Announce after Public Hearing:

The vote on the proposed fiscal year 2014-2015 budget will take place on Tuesday, September 16, 2014 at 6:00 PM in the City Council Chambers at Murphy City Hall, 206 North Murphy Road, Murphy, Texas.

Attachments

- 1) Notice of Public Hearing on Proposed Budget
- 2) Fiscal Year 2014-2015 Budget – previously provided and available online

Item 7.B.

NOTICE OF PUBLIC HEARING
CITY OF MURPHY
PROPOSED OPERATING BUDGET
FISCAL YEAR 2014-2015

The City of Murphy will conduct a Public Hearing on the Proposed Operating Budget for the fiscal year 2014-2015 on Tuesday, August 19, 2014 at 6:00 p.m. and on Tuesday, September 2, 2014 at 6:00 p.m. at the Murphy Municipal Complex, City Council Chambers, 206 North Murphy Road, Murphy, Texas 75094.

This budget will raise more total property taxes than last year's budget by \$547,752 or 5.86%, and of that amount \$252,218 is tax revenue to be raised from new property added to the tax roll this year.

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

Dated this 5th day of August, 2014.

Linda Truitt

Finance Director

City of Murphy, TX

**City Council Meeting
September 2, 2014**

Issue

Consider and/or act on award of bid for the Timbers Nature Preserve Park and Trail project.

Staff Resource/Department

James Fisher, City Manager
Linda Truitt, Finance Director
Steven Ventura, Assistant Finance Director
Wade Peterson, Contract Landscape Architect, Pacheco Koch

Summary

Project status:

Council consideration:	April 1
Advertise/Bid:	July 2014
Council approval:	September 2nd
Construction Start:	November 1st
Estimated Completion	July/August 2015

Background/History

On December 10, 2013 City Council received an overview of the Timbers Nature Preserve Park project. At that time no action was taken, staff was asked to provide costs, and bring back to Council January 7th.

At the January 7, 2014 meeting, Mr. Fisher reviewed the project costs and future maintenance costs with the Council and suggested staff bring the project back in three clear phases, prior to advertising for bids.

The Base Project consists of City Park Improvements which include new grading, new irrigated turf, 3 softball/baseball fields, 2 soccer fields and trees; Inter-City Trail – 10' concrete and 4' asphalt, low water crossing bridge, relocate the existing pedestrian bridge, benches and trail markers; and Drainage/Grading work to provide for all-site drainage, new grasses and trees and a stone edge at the pond.

Alternate # 1 consists of existing City Park demolition, add lights to Pavilion, stone clad pavilion columns, add stone grill and seat walls, ADA upgrades at playgrounds (4B has approved funding for a new playground), new drinking fountain, two picnic stations with tables, grill and trash receptacle and 20 angled parking spaces.

Alternate # 2 consists of soft surface trails, interpretive signage, trail head parking, picnic areas, and landscaped trail intersections.

Alternate # 3 consists of a 21' x 12' men's and women's restroom facility and a 30' x 54' large pavilion with 3 fixed tables, 5 movable tables, one grill, fire pit, lighting and outlets.

Alternate # 4 consists of a large pier, small pier, grading, trellis seating area and an outdoor classroom.

**City Council Meeting
September 2, 2014**

Financial Considerations

Summary of Costs:

Base Project:	\$ 1,635,000
Running Track Add:	\$ 100,000
City Park Upgrades:	\$ 80,000
Trail Signs Markers:	\$ 75,000
Fishing Amenities:	\$ 160,000
Pavilion / Restroom:	<u>\$ 350,000</u>
Estimated Construction Cost:	\$ 2,400,000

Soft Costs (Estimated)

Wetland Impact Fees	\$ 40,000
CA/Bid/Post Construction	
Survey Fees	\$ 60,000
Testing Fees	\$ 20,000

Funding for the Timbers Nature Preserve is as follows:

2008 Park Bond Funds	\$ 369,505.36
Collin County Grant	<u>\$ 500,000.00</u>
Total Available Funds	\$ 869,505.36

Expenditures and Encumbrances authorized by City Council from FY 2010 through July 31, 2014:

Engineering/Design/Permitting/Survey	\$ 340,360.50
Demolition of house	<u>\$ 58,084.32</u>
Total Expenditures and Encumbrances	\$ 398,444.82

Funds available	\$ 471,060.54*
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Action Requested

There is approximately \$500,000 of unallocated 2008 Park Bond Funds and approximately \$1,500,000 of unallocated 2008 Trail Bonds. If these funds are applied with the \$471,060.54*, there is approximately \$2,400,000 available for the Timbers Nature Preserve project. If the City Council were to consider only the base bid for this project, then the lowest responsible bidder is Fain Construction at \$1,977,000. However, if any alternates are selected with the base bid, then the lowest bidder becomes RoeschCo Construction.

Staff is recommending the City Council consider the base project bid, with Alternates # 1 and #2 (approximately \$ 2,174,952) to stay within the available dollars of \$2.4 million. If you add Alternate #3 the estimated project cost is now \$2,495,957 (approximately \$95,957 over the available dollars). Also, adding Alternate # 4 brings the total project cost to \$ 2,712,382 (approximately \$312,382 over the available dollars).

If the City chooses to utilize the \$2.4 million available dollars, it will completely use all dollars in the Parks Fund and Trails Fund from the 2008 Bond Election approved by the voters in November 2008. The Timbers Nature Preserve project has approximately \$ 1.5 million of trail and trail related work within the project scope, so I feel comfortable in using these funds. Also, the Timbers Nature Preserve Park trail in the Oncor

City Council Meeting
September 2, 2014

area will connect with the trail that the City of Plano is currently building. This trail connects into the City of Richardson's Breckenridge Park, which also connects into the City of Garland parks.

Award the bid to RoeschCo Construction as follows:

Base Bid	\$1,984,393.00
Alternate #1	\$ 52,331.00
Alternate #2	<u>\$ 138,228.00</u>
TOTAL	\$2,174,952.00

Consider Alternates # 3 and # 4 with a funding assistance request to the Murphy Municipal Development District and the Community Development District (approximately \$156,191 per entity).

Attachments

- Letter from Pacheco Koch concerning bid award
- Bid Tabulation Sheet
- Estimated Park Maintenance Cost Information
- Timbers Nature Preserve power point presentation from 4/1/14



August 26, 2014
PK No.: 3584-14.237

Mr. James Fisher
City Manager
CITY OF MURPHY
206 North Murphy Road
Murphy, Texas 75094

Mr. Fisher:

This letter is to recommend an action related to the Timber's Preserve Park bids that were received on 8-14-2014. There were four responsive bidders, all with good local reputations. It is my opinion that the City received a very good representative bid from the local pool of Dallas/Fort Worth parks and recreation contractors.

Bids ranged from \$2.71 Million to \$3.09 Million, a spread of 12%. The total spread is indicative of a well-defined project scope bid by competent contractors. The Architectural Estimate, completed by HOK in first quarter of 2014, estimated the construction at \$2.37 million. Comparison is as follows:

	Bid Amount:	Estimate:	Apparent Low Bid:
Base Bid:	\$1,984,393	\$1,391,000	Fain Construction***
Alt. #1	\$ 52,331	\$ 95,000	RoeschCo Construction
Alt. #2	\$ 138,228	\$ 331,000	RoeschCo Construction
Alt. #3	\$ 321,005	\$ 386,000	RoeschCo Construction
Alt. #4	\$ 216,425	\$ 167,000	RoeschCo Construction
	<u>\$2,712,382</u>	<u>\$2,370,000</u>	(13% variance)

***Fain was the low bidder on base bid services by approximately \$7,000. If any alternates are taken, RoeschCo becomes the low bidder.

Projects bid in the second half of 2014 have been typically running between 10-15% higher than estimate due primarily to the cost of concrete. As an example, concrete trail was being commonly bid for approximately \$4.25 per square foot. Recent pricing has been between \$5.50 and \$6.00 per square foot, accounting for the 10-15% variance.

Pacheco Koch is recommending that the City of Murphy select RoeschCo Construction by awarding the Base Bid and Alternates 1, 2, and 3, for a contract total of \$2,495,957, and hold a \$100,000 owners contingency. This recommendation is due to the fact that the first three alternates are significantly under the estimate, indicating that the contractor has likely calculated most of his overhead and profit into the base bid. By taking those alternates, the City is taking advantage of a lower-than-market cost that will be significantly higher if bid at another time. This would be allocating approximately \$2.6 million for the project.

Approximately \$1.5 million of the project is directly related to trail development.

Please feel free to contact me with any other questions or concerns.

Sincerely,

Wade C. Peterson, R.L.A.

WCP/dtn/3584-14.237_2014-08-26_LOT

BID TABULATION - 8/15/2014
TIMBERS PRESERVE

Bidder	Addenda	Bid Bond	Base Bid	Days	Alternate #1	Days	Alternate #2	Days	Alternate #3	Days	Alternate #4	Days	Total
Bidder: Landscapes Unlimited	X	X	\$ 2,070,510.00	270	\$ 110,000.00	0	\$ 170,000.00	0	\$ 400,000.00	0	\$ 275,000.00	0	\$ 3,025,510.00
Bidder: RoerschCo Construction	X	X	\$ 1,984,393.00	270	\$ 52,331.00	0	\$ 138,228.00	0	\$ 321,005.00	0	\$ 216,425.00	0	\$ 2,712,382.00
Bidder: Fain	X	X	\$ 1,977,000.00	270	\$ 79,000.00	0	\$ 177,000.00	0	\$ 378,000.00	20	\$ 216,900.00	10	\$ 2,847,900.00
Bidder: Dean Electric	X	X	\$ 2,297,383.00	270	\$ 59,565.00	10	\$ 208,653.00	10	\$ 356,589.00	10	\$ 166,527.00	20	\$ 3,088,817.00

Timbers Nature Preserve Man Hours

Park Inspections

Amenity	Acreage	Trash	Recycle				Water			Fishing		Total
	Trash P/U	Cans	Bins	Playgrounds	Basketball	Pavilion	Fountain	Restroom	Pond	Grill	Piers	
Current	15.5	9	1	2	1	1	1	0	1	4	1	-
Future	29.69	10	3	2	1	2	2	1	1	4	5	-
Current M/H per Week	5.17	3.00	0.33	3.00	0.50	0.83	0.17	0.00	0.50	2.00	0.25	15.75
Future M/H per Week	9.90	3.33	1.00	3.00	0.50	1.67	0.33	7.00	0.50	2.00	1.25	30.48
Current M/H per Year	268.67	156.00	17.33	156.00	26.00	43.33	6.67	0.00	16.00	104.00	13.00	807.00
Future M/H per Year	514.63	173.33	52.00	156.00	26.00	86.67	13.33	308.00	16.00	104.00	65.00	1514.96
M/H Increase per Year	245.96	17.33	34.67	0.00	0.00	43.33	6.67	308.00	0.00	0.00	52.00	707.96
Increase Costs	\$5,903	\$416	\$832	\$0	\$0	\$1,040	\$160	\$7,392	\$0	\$0	\$1,248	\$16,991.04
Salary Cost Future	\$12,351	\$4,160	\$1,248	\$3,744	\$624	\$2,080	\$320	\$7,392	\$384	\$2,496	\$1,560	\$36,359

- *Trash pickup is calculated at 10 minutes/acre twice per week*
- *Trash cans and recycle bins are calculated at 10 minutes/can twice per week*
- *Playground inspections is calculated at 45 minutes/playground twice per week*
- *Basketball court inspection is calculated at 15 minutes/court twice per week*
- *Pavilion inspection is calculated at 25 minutes/pavilion twice per week*
- *Water fountains are calculated at 5 minutes/fountain twice per week*
- *Restrooms are calculated at 60 minutes 7 times per week*
- *Pond maintenance is calculated at 30 minutes once per week*
- *Grills maintenance is calculated at 15 minutes/grill twice per week*
- *Fishing pier inspection is calculate at 15 minutes/pier once per week*

Timbers Nature Preserve Man Hours

Irrigation

	<i>Irrigated Acres</i>	<i>Irrigation Clocks</i>	<i>Zones</i>	<i>Rotors</i>	<i>Spray Heads</i>	<i>Bubblers</i>	<i>Routine Maintenance</i>	<i>Major Maintenance</i>	Totals
<i>Current</i>	9.52	1	28	192	123	202	4.67	1.40	-
<i>Future**</i>	14.57	2	42	288	184	280	7	2.1	-
<i>Current M/H per Week</i>	6.77	-	-	-	-	-	-	-	6.77
<i>Future M/H per Year</i>	9.1	-	-	-	-	-	-	-	9.1
<i>Current M/H per Year</i>	243.6	-	-	-	-	-	-	-	243.6
<i>Current M/H per Year</i>	327.6	-	-	-	-	-	-	-	327.6
<i>M/H Increase per Year</i>	84.00	-	-	-	-	-	-	-	84
<i>Increase Costs</i>	\$2,016.0	-	-	-	-	-	-	-	\$2,016
Salary Cost									
Future	\$7,862	-	-	-	-	-	-	-	\$7,862

Routine Maintenance is calculated at 10 minutes per irrigation zone per week for 36 weeks

Major Maintenance is calculated at 30 minutes per irrigation zone and occurs for one in every 10 zones for 36 weeks

Timbers Nature Preserve Man Hours

Turf & Grounds Maintenance

	Total Acres	Irrigated Acres	Non-Irrigated Acres	Edging Miles	Trimming Miles	Drainage Acres	Brush Hog	Bed Maint. (sq. ft.)	Total
Current	27.82	9.52	3.17	1.41	0.75	2.53	12.6	242.16	-
Future	29.69	14.57	15.12	5.27	2.51	1.35	0	1242.16	-
Cycles per Year	-	42	42	42	42	42	7	52	-
Current M/H per Week	-	7.14	2.38	2.47	0.56	1.90	6.30	0.81	21.55
Future M/H per Week	-	10.93	11.34	9.22	1.88	1.01	0.00	4.14	38.53
Current M/H per Year	-	299.88	99.86	103.64	23.63	79.70	44.10	41.97	692.76
Future M/H per Year	-	458.96	476.28	387.35	79.07	42.53	0.00	215.31	1659.5
M/H Increase per Year	-	159.08	376.43	283.71	55.44	-37.17	-44.10	173.33	966.71
Increase Costs	-	\$3,817.8	\$9,034.2	\$6,809.0	\$1,330.6	-\$892.1	-\$1,058	\$4,160.0	\$23,201
Salary Cost Future	-	\$11,015	\$11,431	\$9,296	\$1,898	\$1,021	\$0	\$5,167	\$39,827

Irrigated and Non-irrigated mowing is calculated at 45 minutes per acre once per week for 42 weeks

Edging is calculated at 1.75 hours per mile for 42 weeks (includes edging, weedeating, and blowing sidewalks and curbs)

Trimming is calculated at 45 minutes per mile for 42 weeks (includes trimming around all amenities, fences, and trees)

Drainage is calculated at 45 minutes per mile for 42 weeks (includes all flumes, drainage ditches, creeks, etc.)

Bed maintenance is calculated at 20 minutes/100 sq. ft. of bed for 52 weeks (takes in weeding, mulching, prepping, planting)

Timbers Nature Preserve Man Hours
Chemical Application & Turf Management

	<i>Irrigated Acres</i>	<i>Bed Area (sq. ft.)</i>	<i>Trees Maint.</i>	<i>Dimension/SpeedZone</i>	<i>Basagran/ Fusilade/ Sedgehammer</i>	<i>MSMA</i>	<i>Glyphosate (Turf)</i>	<i>Glyphosate (Tree Wells)</i>	<i>Fertilizing</i>	<i>Pre-Emergent</i>	<i>Aeration</i>	Total
<i>Current</i>	9.52	242.16	145	1.90	0.40	1.90	1.90	4.83	3.17	3.17	3.97	-
<i>Future</i>	14.57	1242.16	~400	2.91	2.07	2.91	2.91	13.33	4.86	4.86	6.07	-
<i>Cycles per Year</i>	-	-	-	2	3	2	1	3	4	2	6	-
<i>Current M/H per Year</i>	-	-	-	3.81	1.21	3.81	3.81	29.00	12.69	6.35	23.80	84.47
<i>Future M/H per Year</i>	-	-	-	5.83	6.21	5.83	5.83	80.00	19.43	9.71	36.43	169.26
<i>M/H Increase per Year</i>	-	-	-	2.02	5.00	2.02	2.02	51.00	6.73	3.37	12.63	84.79
<i>Increase Costs</i>	-	-	-	\$48.48	\$120.00	\$48.48	\$48.48	\$1,224.00	\$161.60	\$80.80	\$303.00	\$2,034.84
<i>Salary Cost per Year</i>	-	-	-	\$139.87	\$149.06	\$139.9	\$139.9	\$1,920.00	\$466.24	\$233.1	\$874.2	\$4,062.24

Dimension/SpeedZone application is calculated at 12 minutes per acre

MSMA application is calculated at 12 minutes per acre

Glyphosate (Turf) application is calculated at 12 minutes per acre

Glyphosate (Tree Wells) application is calculated at 2 minutes per tree

Fertilizing and Pre-emergent application are calculated at 20 minutes per acre

Aeration is calculated at 25 minutes per acre

Timbers Nature Preserve Man Hours

Cumulative Man Hours

	<i>Park Inspections</i>	<i>Irrigation Maintenance</i>	<i>Turf & Grounds</i>	<i>Chemical & Management</i>	Total
<i>Current M/H per Year</i>	807.00	243.6	692.76	84.47	1827.84
<i>Future M/H per Year</i>	1514.96	327.6	1659.48	169.26	3671.30
<i>M/H Increase per Year</i>	707.96	84.00	966.71	84.79	1843.46
<i>Increase Costs</i>	\$16,991	\$2,016	\$23,201	\$2,035	\$44,243
<i>Salary Cost per Year</i>	\$36,359	\$7,862	\$39,827	\$4,062	\$88,111

Available Man Hours - 1 F/T Employee

<i>Gross</i>	2080
<i>Vacation</i>	-80
<i>Sick</i>	-40
<i>Holiday</i>	-80
<i>Training</i>	-80
<i>Net</i>	1800

Timbers Nature Preserve Yearly Maintenance Cost

Cumulative Totals

	Man Hours	Chemical Cost	Supply Cost	Irrigation Supplies	Sprayer*	Misc. Supplies	Total
Yearly Cost	\$88,111	\$9,718	\$2,028.09	\$1,000.00	\$48,735.60	\$2,000.00	\$151,593

Irrigation supply costs should be minimal for the first two years, but will increase with age of the system

Sprayer is needed for Timbers and all other parks in order to improve efficiency

Benefits of new sprayer:

Increase capacity 300 gallons versus 70 gallons currently

Ability of sprayer to mix chemicals without having to put chemicals in tank

Allows for less chemical to be wasted due to changing chemicals for different applications

More advanced technology for chemical application precision - GPS, Speedometer, Mixing Ratios

Self-contained unit that does not have any other purpose

Currently using John Deere Gator with sprayer in the back - must be removed when not in use

****One time cost***

Timbers Nature Preserve Maintenance & Equipment

	Inspection Supplies				Mowing Supplies		
	<i>Trash Bags (boxes)</i>	<i>Big Belly Bags (boxes)</i>	<i>Pond Supplies (algae control)</i>	<i>Paint (Grills)</i>	<i>Diesel (gallons)</i>	<i>Blades (set of 3)</i>	Total
<i>Quantity per Cycle</i>	0.14	0.12	1	4	2.97	2	-
<i>Cost per Unit</i>	\$25.98	\$31.50	\$120.00	\$3.98	\$4.00	\$58.10	-
<i>Cycles per Year</i>	52	52	6	12	42	2	-
Total	\$189.13	\$196.56	\$720.00	\$191.04	\$498.96	\$232.40	\$2,028.09

Trash bags for regular trash cans and Big Belly Compactors and Recyclers come 50 per box and are changed on the average once per week

Pond supplies include Pond Dye, to tint the water in order to deter the growth of algae on the pond floor, and Copper Sulfate in order to eradicate any algae that was able to grow

Grills are to be painted once per month - each grill requires approximately one can of paint

Diesel consumption is calculated on a basis of 10 acres per 1 gallon of diesel @ a cost of \$4.00 per gallon

Blades should be changed twice per year and are calculated price per set of blades for two mowers

Currently we do not have the need for new mowers, but in the next 2-3 years we will need to begin replacing the existing mowers in our fleet.

Timbers Nature Preserve Chemical & Fertilizer Costs

Chemicals	Purpose	Application Rate	Total/Appl.	Appl./Yr.	Total/Yr.	Needed	Price/Qty.	Total
<i>SpeedZone</i>	Broadleaf Weed Control	1.5 oz/1000 sq. ft.	952 oz.	1	952 oz. (3) 2.5 gal. jugs		\$180.00	\$540.00
<i>Basagran</i>	Broadleaf Weed Control(Orn. Beds)	.75 oz/1000 sq. ft.	476 oz.	1	476 oz. (4) 1 gal. jugs		\$170.00	\$680.00
<i>Sedgehammer</i>	Nutsedge Control	1 oz./acre	0.23	2	0.46 (1/3) bottle		\$83.00	\$27.39
<i>Dimension</i>	Broadleaf and Grassy Weed Control	20 oz./acre	291.4 oz.	1	291.40 oz. (8) 5oz.X8 pkg.		\$137.00	\$1,096.00
<i>Top Choice</i>	Fire Ant Control	87 lb./acre	1267.59 lb.	1	1267.59 lb. (32) 40 lb. bags		\$127.00	\$4,064.00
<i>Specticle FLO</i>	Pre-Emergent	6 oz./acre	87.42 oz.	1	87.42 oz. (.7) 1 gal. jug		\$1,470.00	\$1,029.00
<i>Fusilade II</i>	Bermudagrass Control in Beds	.5 oz/1000 sq. ft.	2.5 oz.	2	5 oz. (.16) 1 qt. bottle		\$87.00	\$13.92
Fertilizer								
<i>25-0-0 Fertilizer</i>	Initial Turf Fertilization	2 bags/acre	(30) 50 lb. bags	1	30 bags		\$14.00	\$420.00
<i>16-3-4 Fertilizer</i>	Secondary Turf Fertilization	3 bags/acre	(44) 40 lb. bags	3	132 bags		\$14.00	\$1,848.00
Total								\$9,718.31



Timbers Preserve Park Status Update

April 1, 2014

Timbers Preserve Park:

Consider and/or Act Upon Timbers Nature Preserve Park and Trail Items:

- 1. Authorize staff to prepare bid documents and put the project out to bid;**
- 2. Authorize the expenditure of funds for construction administration and project management fees**



Timbers Preserve Park:

The Park Project will be bid as five individual components. They are:

Base Project	- City Park Improvements, Inter-City Trail, Drainage, Grading, Relocate Existing Bridge and Landscape	\$ 1,300,000
Add Alternate #1	- Existing City Park Demolition and Improvements	\$ 88,000
Add Alternate #2	- Soft Trails, Picnic Area, Signage and Landscape	\$ 309,000
Add Alternate #3	- New Pavilion and Restrooms	\$ 361,500
Add Alternate #4	- Fishing Piers	\$ 156,000



City Park, Inter City Trail, Landscape:

BASE PROJECT

CITY PARK:

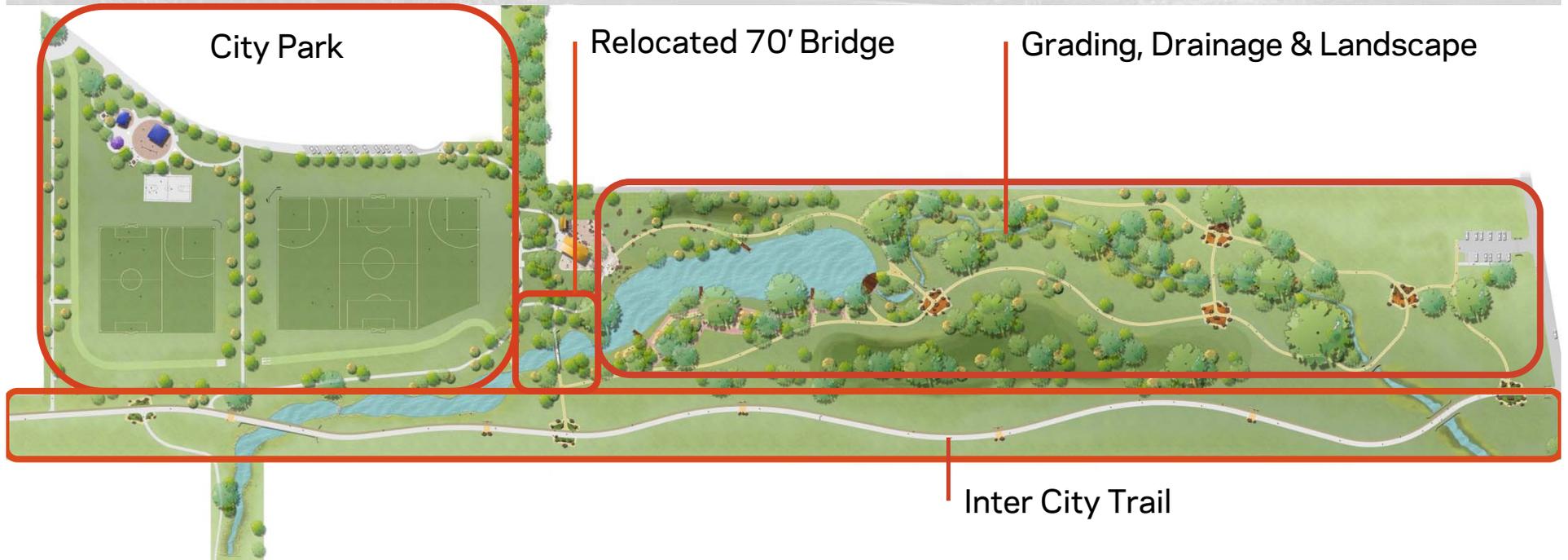
- (3) Softball/Baseball
- 2) Soccer
- New Grading
- New Irrigated Turf
- New Infields
- Trees

INTER CITY TRAIL

- 10' Concrete & 4' Asphalt
- Low Water Crossing
- Relocate Pedestrian Bridge
- Benches & Trail Markers
- 4,581 Linear Feet

GRADING & LANDSCAPE

- Site Graded
- All Site Drainage Installed
- Grasses & Trees Installed
- Stone Edge at Lake

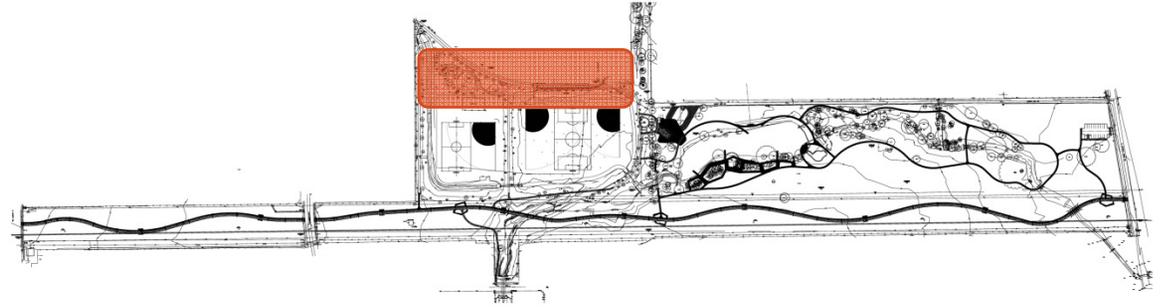


City Park:

ADD ALTERNATE #1

PAVILION AREA:

- Add Lights to Pavilion
- Stone Clad Pavilion Columns
- Add Stone Grill and Seat Walls
- ADA Upgrades at Playgrounds
- New Drinking Fountain
- (2) Picnic Stations w/ Table, Grill and Trash Receptacle
- 20 Angled Parking (Net 10)

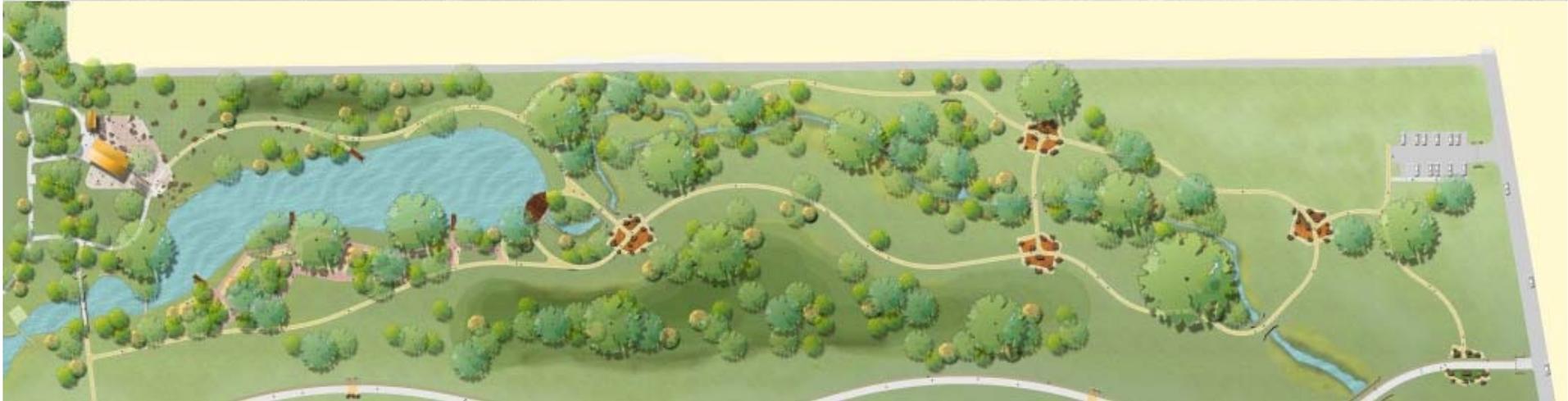
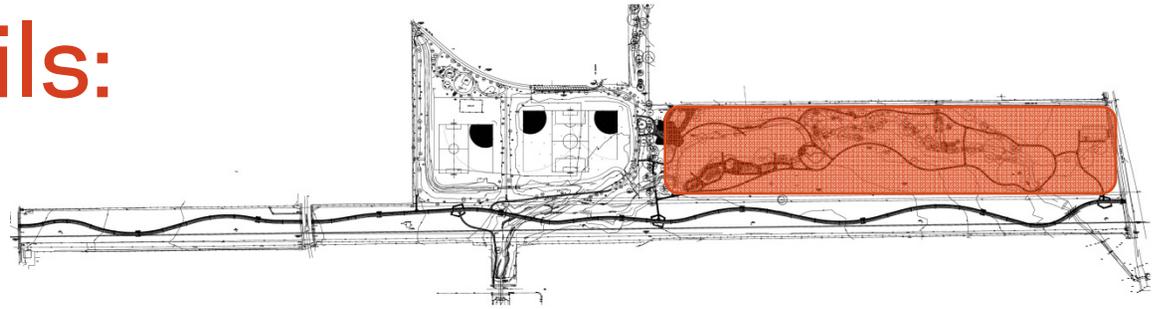


Secondary Trails:

ADD ALTERNATE #2

- Soft Surface Trails*
- Interpretive Signage
- Trail Head Parking
- Picnic Area
- Landscaped Trail Intersections

* Soft surface trails are stabilized limestone, not concrete



Pavilion Area:

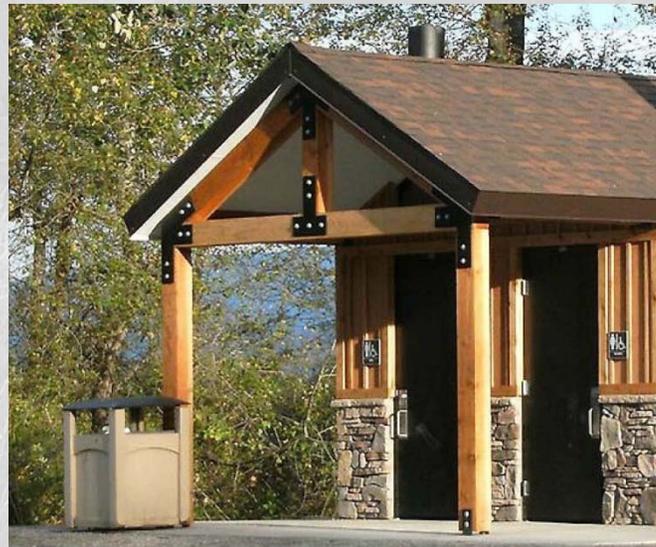
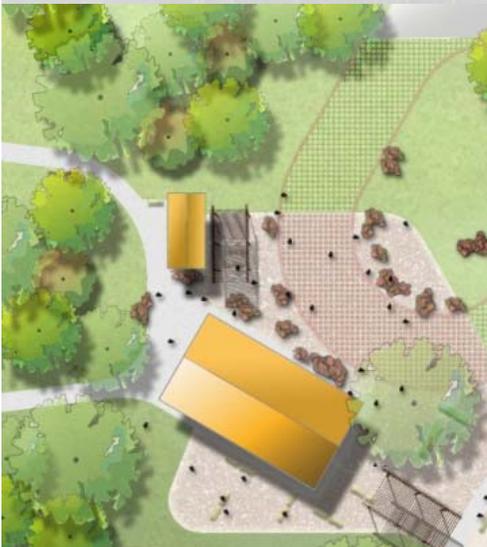
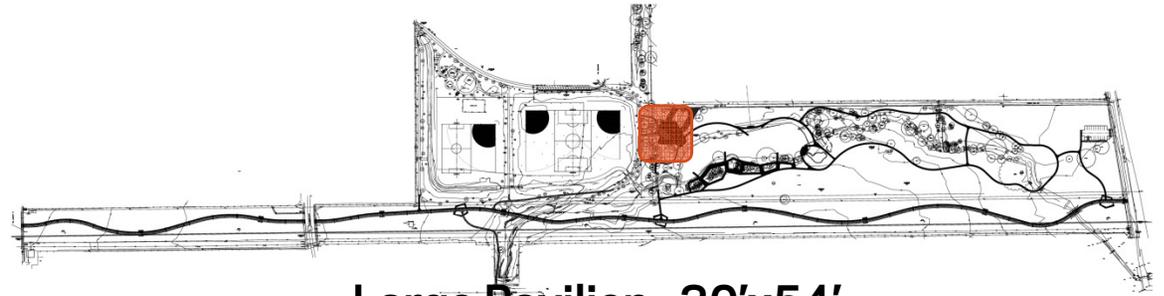
ADD ALTERNATE #3

Restrooms: 21'x12'

- Women's = (1) locking room
- Men's = (1) locking Room
- Steel Roof
- Wood & Stone Exterior
- Bronze & Forest Green Colors
- (materials and color match pavilion)

Large Pavilion: 30'x54'

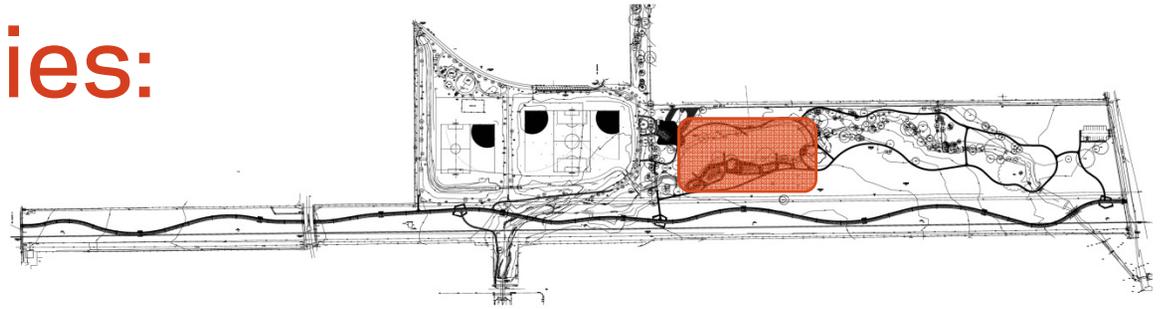
- (3) Fixed Tables
- Up to (5) Movable Tables
- (1) Built In Grill
- Fire Pit
- Lighting and Outlets
- Wood and Steel
- Bronze & Forest Green Colors



Fishing Amenities:

ADD ALTERNATE #4

- Large Pier
- Small Pier
- New Grading
- Trellis Seating Area
- 'Outdoor Classroom'



Project Costs:

Summary of Costs:

Base Project - City Park, Inter City Trail:	\$ 1,300,000
1. City Park Upgrades:	\$ 88,000
2. Soft Trails, Signs, Intersections, Picnic Area:	\$ 309,000
3. Pavilion / Restrooms:	\$ 361,000
4. Fishing Amenities:	\$ 156,000
Subtotal	\$ 2,214,000
Construction Contingency:	\$ 155,000

Total Estimated Cost **\$ 2,369,000**

Soft Costs (Estimated):

Wetland Impact Fees:	\$ 40,000
CA / Bid / Post Construction Survey Fees:	\$ 60,000
Testing Fees:	\$ 20,000

Proposed Schedule:

- 1. Council Consideration: April 01, 2014**
- 2. Advertise / Bid: By May 15, 2014**
- 3. Council Approval: By June 17, 2014**
- 4. Construction Start: By July 1, 2014**
- 5. Estimated Completion: April 2015**

Environmental / Permit Updates

US Fish and Wildlife Threatened and Endangered Species Clearance

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

US Army Corp of Engineering Submittal:

- Submitted in December 2011
- Anticipated "Decision Document" in April 2014

FEMA Flood Map Revisions and Approvals:

- Submitted May 2012
- Received Approval March 2013

**City Council Meeting
September 2, 2014**

Issue

Consider and take action, if any, on casting ballot for the election of Places 1-4 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool.

Staff Resource/Department

City Secretary's Office

Summary

The City of Murphy, as a member of the TML Intergovernmental Risk Pool, is entitled to vote for the Board of Trustee members. The officials listed have been nominated to serve a six-year term. There is only one place (Place 4) that has two candidates.

Action Requested

Council is requested to cast the City's ballot for the election of Places 1-4 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool.

Attachments

Official Ballot

OFFICIAL BALLOT

Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election

This is the official ballot for the election of Places 1 – 4 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool. Each Member of the Pool is entitled to vote for Board of Trustee members. Please record your organization's choices by placing an "X" in the square beside the candidate's name or writing in the name of an eligible person in the space provided. You can only vote for one candidate for each place.

The officials listed on this ballot have been nominated to serve a six-year term on the TML Intergovernmental Risk Pool (Workers' Compensation, Property and Liability) Board of Trustees.

Ballots must reach the office of David Reagan, Secretary of the Board, no later than September 30, 2014. Ballots received after September 30, 2014, cannot be counted. **The ballot must be properly signed and all pages of the ballot must be mailed to: Trustee Election, David Reagan, Secretary of the Board, P. O. Box 149194, Austin, Texas 78714-9194. If the ballot is not signed, it will not be counted.**

PLACE 1

- Robert T. Herrera** (Incumbent). City Manager, City of Cibolo (Region 7) since 2012. Mr. Herrera served as City Manager of Hondo, Texas from 2003 to 2012 and as City Manager of La Porte from 1986 to 2002. He has served other Texas cities, including management positions with the cities of San Marcos, Missouri City and Woodway. He has been a Board member of the TML Intergovernmental Risk Pool since 1993 and has served as Chair and Vice Chair of the Board.

WRITE IN CANDIDATE:**PLACE 2**

- John W. Fullen** (Incumbent). Commissioner, Henderson Housing Authority (Region 15) since 2011. Mr. Fullen served as Mayor of the City of Henderson from 2004 to 2012, and currently serves on the Henderson Main Street Board (2004–present), Henderson Civic Center Board (2003–present), and the Henderson ETMC Hospital Diabetes Board (2009–present). He has been a Board member of the TML Intergovernmental Risk Pool since 2010.

WRITE IN CANDIDATE:**PLACE 3**

- George Shackelford**. City Manager for Tomball (region 14) since 2010. He has served the past 30 years either as City Manager or Administrative Assistant for the cities of Canyon, Littlefield, Port Lavaca, Texarkana and Liberty. He has also served on the Texas City Management Association (TCMA) Board, numerous TCMA and regional committees, and as the TCMA representative to the TML Board. Mr. Shackelford is a 30-year member of the ICMA.

WRITE IN CANDIDATE:

PLACE 4

Peter Vargas (Incumbent). City Manager, City of Allen (Region 13) since 1999. Mr. Vargas received the 2010 Public Administrator of the Year Award from the North Texas American Society for Public Administration. He has been in public service since 1978. Mr. Vargas has been a Board member of the TML Intergovernmental Risk Pool since 2011 and is currently serving as Chair of its Underwriting Committee.

Rona Stringfellow. Assistant City Manager, City of Lancaster (Region 13), serving in Lancaster since 2004, initially as a Planner. Ms. Stringfellow also served as a Long Range Planner for the City of McKinney. She is a member of TCMA, ICMA, North Texas City Managers Association, Greater Dallas Planning Council, American Planning Association, American Institute of Certified Planners and National Forum for Black Public Administrators.

WRITE IN CANDIDATE:

Certificate

I certify that the vote cast above has been cast in accordance with the will of the majority of the governing body of the public entity named below.

Witness by hand, this _____ day of _____, 2014.

Signature of Authorized Official

Title

Printed Name of Authorized Official

Printed name of Political Entity

City Council Meeting
September 2, 2014

Issue

Consider and take action, if any, on the Settlement and Release Agreement between Oncor Electric Delivery Company LLC and the City of Murphy regarding Street lights.

Staff Resource/Department

James Fisher, City Manager

Summary

Oncor performed a street audit to determine the number of street lights that it services in the City of Murphy. The audit revealed approximately 245 street lights within the City are provided service from Oncor, the remainder of lights are serviced by Farmer's Electric Coop.

The purpose of the audit was to determine the number of lights to develop an estimate for the proposed agreement. The agreement seeks to resolve a billing issue due to inaccurate data with respect to the number, type and size of street lights that receive service from Oncor.

Financial Considerations

The Agreement proposes a settlement check in the amount of \$6,549.90.

Action Requested

Approve the Settlement and Release Agreement and authorize the City Manager to execute the necessary documents.

Attachments

- City of Murphy – Oncor Street light Audit Summary
- Settlement and Release Agreement



City of Murphy - Oncor Streetlight Audit Summary

Inventory Counts				
Pre-Survey Light Total	Lights Surveyed	Lights Correct	Total Errors	Post-Survey Light Total
245	245	236	9	240
	100.00%	96.33%	3.67%	(07/10/2014)

Oncor 2013 Findings - 100% Audit*				
Record Errors	Wattage	Removes	New Adds to Existing Premises	New Adds, Not in Billing System
9	2	7	0	1
100.00%	22.22%	77.78%	0.00%	

Settlement Calculations - Oncor 2014 Findings						
Adds - Lights in Field		Removes - Light not in Field		Net	Unit Settlement	Extended Amount
1	100-HP,A	3	100-HP,A	2	\$973.23	\$1,946.46
0	175-MV,A	4	175-MV,A	4	\$1,149.42	\$4,597.68
0	200-HP,A	0	200-HP,A	0	\$0.00	\$0.00
0	250-HP,A	0	250-HP,A	0	\$0.00	\$0.00
0	400-HP, A	0	400-HP, A	0	\$0.00	\$0.00
0	400-MV, A	0	400-MV, A	0	\$0.00	\$0.00
1		7		6		\$6,544.14

Wattage Correction Changes	\$5.76
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Total Settlement to be Paid by Oncor	\$6,549.90
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Oncor Audit Results - New Adds

Line #	Lat	Log	Location	Qty	Owner	Light Type	Description	Audit Time Stamp
New Lights Added, Not in Billing System								
1	32.98984	-96.6083	264 Love Bird Lane,	1	Oncor	100-HP	DECORATIVE STEEL POLE (ACORN)	5/7/2014 10:35:39
				1				

City of Murphy

Line #	GLN	Qty	Original Light Type	Action Taken	Correct Qty	Correct Light Type	Audit Time Stamp	Record Notes	Unit Settlement
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Lights Added to Existing Premises

		0			0				
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Line #	GLN	Qty	Original Light Type	Action Taken	Correct Qty	Correct Light Type	Audit Time Stamp	Record Notes	Unit Settlement
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Lights Removed

1	4036672-3687328	1	175-MV	MUR A^Remove	0	No Light	5/7/2014 10:45:09	Removed 175-mv	
2	4036683-3687920	1	175-MV	MUR A^Remove	0	No Light	5/7/2014 10:47:37	Removed 175-mv	
3	4036678-3688365	1	175-MV	MUR A^Remove	0	No Light	5/7/2014 10:48:59	Removed 175-mv	
4	4038987-3688579	1	175-MV	MUR A^Remove	0	No Light	5/7/2014 10:58:27	Removed 175-mv	
5	4036683-3686810	1	100-HP	MUR A^Remove	0	No Light	5/7/2014 10:44:09	Removed 100-hp	
6	4036677-3687188	1	100-HP	MUR A^Remove	0	No Light	5/7/2014 10:45:04	Removed 100-hp	
7	4036688-3688900	1	100-HP	MUR A^Remove	0	No Light	5/7/2014 10:51:32	Removed 100-hp	
		7			0				

Line #	GLN	Qty	Original Light Type	Action Taken	Correct Qty	Correct Light Type	Audit Time Stamp	Record Notes	Unit Settlement
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Wattage Change

1	4039754-3684982	1	175-MV	MUR A^Edit	1	100-HP	5/7/2014 10:02:43	Changed 175-mv to 100-hp	\$176.19
2	4036681-3689190	1	100-HP	MUR A^Edit	1	175-MV	5/7/2014 10:51:28	Changed 100-hp to 175-mv	(\$170.43)
		2			2				\$5.76

CITY OF MURPHY					
Pre-Audit Date 05/06/2014			Post-Audit Date 07/10/2014		
Account	City and Wattage Type	Count	Account	City and Wattage Type	Count
4399500	MURPHY, CITY OF (100,HO,A)	6	4399500	MURPHY, CITY OF (100,HO,A)	6
6000331	MURPHY, CITY OF (100,HP,A)	208	6000331	MURPHY, CITY OF (100,HP,A)	209
6580998	MURPHY, CITY OF (150,HP,A)	1	6580998	MURPHY, CITY OF (150,HP,A)	1
4399531	MURPHY, CITY OF (175,MV,A)	20	4399531	MURPHY, CITY OF (175,MV,A)	13
4399562	MURPHY, CITY OF (200,HP,A)	8	4399562	MURPHY, CITY OF (200,HP,A)	8
7465056	MURPHY, CITY OF (250,HP,A)	2	7465056	MURPHY, CITY OF (250,HP,A)	3
		245			240
					Variance (+ / -) Count
					0
					1
					0
					(7)
					0
					1

Settlement Amount	\$6,549.90
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SETTLEMENT AND RELEASE AGREEMENT

This Settlement and Release Agreement (the “Agreement”) is made and entered into as of July 16, 2014 (the “Effective Date”) by and between Oncor Electric Delivery Company LLC (“Oncor”) and the City of Murphy, Texas (the “City”).

WHEREAS, Oncor and the City agree that Oncor and its predecessors in interest have been billing – either directly to the City prior to the start of retail competition in January 2002 or to retail electric providers serving the City since the start of retail competition in January 2002 – for providing service to unmetered street lights (the “Street Lights”) for which the City is the end-use customer; and

WHEREAS, Oncor and the City agree that Oncor’s billings have, for an undetermined period of time, been inaccurate with respect to the number and/or type and/or size of Street Lights for which the City is the end-use customer; and

WHEREAS Oncor and the City recognize that the information is not readily available to determine the exact number, type and size of streetlights provided by Oncor during the past; and

WHEREAS the overbilling of street light numbers has resulted in City paying excess charges not only for transmission and distribution service, but also for energy; and

WHEREAS, Oncor and the City wish to avoid the expense of proceedings at either the Public Utility Commission of Texas or state district court; and

WHEREAS, Oncor wishes to avoid the expense Oncor would incur if it were required to cancel/rebill prior bills or invoices to the City or to the City’s retail electric provider(s).

NOW, THEREFORE, in order to fully and finally resolve all disputes and claims arising out of or related to the billings by Oncor, Oncor’s predecessors in interest, the City’s retail electric providers, and the affiliated companies of each, for electricity consumed by the Street Lights, and for the mutual covenants set forth in this Agreement, the adequacy and sufficiency of which is acknowledged, Oncor and the City agree as follows:

1. PAYMENT TO THE CITY

No later than 30 days after the latest signature date set below, Oncor will pay the City the sum of \$6,549.90.

2. RELEASE OF ONCOR AND ITS AFFILIATES, AND OF RETAIL ELECTRIC PROVIDERS WHO PROVIDED STREET LIGHT SERVICE TO THE CITY

The City, on behalf of itself and its successors and assigns and any and all persons, entities or municipalities claiming by, through or under them, hereby **RELEASES, DISCHARGES AND ACQUITS**, forever and for all purposes, Oncor, its predecessors in interest, and each of their respective agents, employees, officers, directors, shareholders, partners, insurers, attorneys, legal representatives, successors, and assigns, as well as all affiliated companies, including TXU Energy Company LLC and its subsidiaries, as well as all retail electric providers from whom the City has taken retail electric service, from and against any and all liability which they now have, have had, or may have, and all past, present and future actions, causes of action, claims, demands, damages, costs, expenses, compensation, losses, and fees of any kind or nature whatsoever, whether known or unknown, fixed or contingent, in law or in equity, whether asserted or unasserted, whether now existing or accruing in the future, arising out of or related to the calculation, reporting, billing or invoicing of charges to the City for electric service for Street Lights through July 10, 2014.

3. AGREEMENT AS TO ACCURACY OF CURRENT STREET LIGHT BILLING INFORMATION

City does not dispute and agrees not to dispute that the current Street Light billing information being used by Oncor for the City's Street Lights, including but not limited to the number, types and sizes of Street Lights, as detailed on Attachment A, is accurate.

4. WARRANTY AS TO AUTHORITY

Oncor and the City each warrant that the person executing this Agreement on their behalf has the authority to bind the entity for whom such person signs this Agreement.

5. MISCELLANEOUS PROVISIONS

A. The parties acknowledge and agree that the terms of this Agreement are all contractual and not mere recitals.

B. The parties acknowledge that they have read this Agreement in its entirety, understand its terms, and that this Agreement is entered into voluntarily, without duress, and with full knowledge of its legal significance.

C. This Agreement may not be modified in any manner, nor may any rights provided for herein be waived, except in an instrument in writing signed by each party.

D. This Agreement shall be construed in accordance with the laws of the State of Texas.

E. This Agreement, and any amendment hereto, may be executed in one or more counterparts. All of such counterparts shall constitute one and the same agreement. The parties expressly agree that any counterparts signed and delivered by electronic copy or facsimile shall be deemed original document and shall legally bind the parties to the same extent as originals.

IN WITNESS THEREOF, each party, by its duly authorized representative, has executed this Agreement as of the applicable date set forth below, and by such execution, giving the Agreement full force and effect as of the Effective Date.

ONCOR ELECTRIC DELIVERY COMPANY LLC

By: _____

Its: Vice President

STATE OF TEXAS §

COUNTY OF DALLAS §

This instrument was acknowledged before me on the ____ day of _____, 2014, by _____, of Oncor Electric Delivery Company LLC, on behalf of said entity.

Notary Public, State of Texas

THE CITY OF _____, TEXAS

By: _____

Its: _____

STATE OF TEXAS §

COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, 2014, by _____, on behalf of the City of _____, Texas.

Notary Public, State of Texas

ATTACHMENT A

CITY OF MURPHY STREET LIGHTING BILLING TABLE AS OF JULY 10, 2014

Account	Description		Count	Last Run	Wattage	Type	Schedule
4399500	MURPHY, CITY OF	(100,HO,A)	6	07/10/2014	100	HO	A
6000331	MURPHY, CITY OF	(100,HP,A)	209	07/10/2014	100	HP	A
6580998	MURPHY, CITY OF	(150,HP,A)	1	07/10/2014	150	HP	A
4399531	MURPHY, CITY OF	(175,MV,A)	13	07/10/2014	175	MV	A
4399562	MURPHY, CITY OF	(200,HP,A)	8	07/10/2014	200	HP	A
7465056	MURPHY, CITY OF	(250,HP,A)	3	07/10/2014	250	HP	A

City Council Meeting September 2, 2014

Issue

Consider and/or act upon approval of a Resolution requesting removal of FM 2551 from the Texas State Highway System.

Staff Resource/Department

James Fisher, City Manager

Summary

The City has been in discussions with the State since late last year about the possibility of taking this road off of the State system. The reason for this discussion is the City's desire to implement measures in the Safe Routes to School funding program on North Murphy Road that are not currently allowed on State roads. These measures include enhanced crosswalks with lights, midblock crossings, colored textured pavement at crosswalks and improved signage. The City has asked for these items so that North Murphy Road will be a friendlier road for pedestrians to cross when needed.

At the August 5, 2014 City Council meeting, the City Manager was directed to prepare a Resolution with a Memorandum of Understanding and bring back to City Council.

Background/History

North Murphy Road (FM 2551) is a two lane asphalt road that runs from FM 544 in Murphy north through Allen. The State is currently rebuilding and expanding this road from 2 lanes to six lanes from FM 544 to Parker Road. The new road will be 8" of reinforced concrete, on top of 10 inches of lime with a compacted subgrade. The continuous concrete will be stronger and will cause lesser of an issue than the concrete panels (what you see and feel) on FM 544.

Financial Considerations

TxDOT has provided an estimate of maintenance cost for a 30 year period of approximately \$380,185. The State will not be providing any funds to take the road off system because they are providing a new road to the City. Due to the construction of the road, there should be very little maintenance cost in the first 10 years other than signal maintenance and striping. The budgeted amount for signal maintenance for FY 15 is approximately \$24,000.

Also, the MOU provides for a mechanism to use State Category 6B funds in the replacement or repair of the bridge over Maxwell Creek on North Murphy Road. The 6B Funds are the State Off-System Bridge Funds. A bridge inspection and report is done approximately every 2 years by the State to address issues. Since this is a new bridge, it will be a while before any maintenance is needed.

Action Requested

Approve the Resolution requesting removal of FM 2551 from the Texas State Highway System.

Attachments

- Resolution
- Memorandum of Understanding between the City and TxDOT

RESOLUTION NO. 14-09-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, REQUESTING THE REMOVAL OF STATE HIGHWAY FM 2551 FROM THE TEXAS HIGHWAY SYSTEM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Murphy is increasing in population and urbanization; and,

WHEREAS, the City of Murphy desires to have local control for the operation and maintenance of State Highway FM 2551 from FM 544 north to the Murphy city limits, and,

WHEREAS, the City of Murphy desires to implement amenities within the Safe Routes To School project to enhance pedestrian safety and encourage pedestrian traffic along FM 2551 and,

WHEREAS, the Texas Department of Transportation has requested such roadway transfers through the announcement of the "Turnback Program;" and

WHEREAS, the Turnback Program provides a mechanism by which the local jurisdiction is provided some measure of consideration in return for assuming maintenance responsibility for such roads,

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

SECTION 1. The City Council supports removing from the State Highway System portion of State Highway FM 2551 within the Corporate Limits of the City of Murphy, including the transfer of the right-of-way to the City of Murphy under the following terms:

1. FM 2551 shall convert to local jurisdictional control as soon as feasible upon execution of a Memorandum of Understanding (attached as Exhibit A) between the City of Murphy and Texas Department of Transportation regarding the schedule and completion of the FM 2551 Widening Project, the Safe Routes to School Project, and the Green Ribbon Landscaping Project.

SECTION 2. This resolution shall become effective immediately from and after its passage.

APPROVED:

**ERIC BARNA, MAYOR
CITY OF MURPHY**

ATTEST:

**TERRI JOHNSON, INTERIM CITY SECRETARY
CITY OF MURPHY**

EXHIBIT A
(MEMORANDUM OF UNDERSTANDING)

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF MURPHY, TEXAS and TEXAS DEPARTMENT OF TRANSPORTATION
FOR
REMOVAL OF FM 2551 FROM THE TxDOT SYSTEM IN MURPHY, TEXAS

I. Purpose & Authority

The purpose of this Memorandum of Understanding (MOU) is to develop a cooperative partnership between the City of Murphy (City) and Texas Department of Transportation (TxDOT) in establishing an approach for the City of Murphy taking FM 2551 (Murphy Rd) from Murphy City Limits (near Maxwell Ck) to FM 544 Off-System.

This partnership will document the process for the removal of the system and facilitate the integration of regional transportation needs, local public and private development plans, economic development opportunities, redevelopment considerations, multimodal integration, safety improvements and a leveraging of limited public resources into a comprehensive project.

II. Project Background

In 2014, the Murphy City Council passed a resolution authorizing the City Manager to negotiate with TxDOT to take FM 2551 off-system. Also, in 2013 TxDOT began developing a new policy for local agencies to take State roadways Off-System. This process has recently been finalized.

FM 2551, through a cooperative effort between TxDOT and local entities is currently under reconstruction within the City. The scope of this project will reconstruct FM 2551 from a two-lane rural to a six-lane urban section. Concurrently in July 2014, the City has let a Safe Routes to School Project (SRTS), and additionally, TxDOT plans to program a Green Ribbon project once the reconstruction and SRTS projects are complete.

III. Process

TxDOT and the City agree that the following will occur:

- Properties along FM 2551 that develop or redevelop during this time frame will go through the City's development review process and will not be required to obtain a driveway permit from TxDOT.
- Construction of a Green Ribbon landscaping project upon completion of the TxDOT reconstruction project and the SRTS project.

- TxDOT agrees to utilize Category 6B funds to assist the City in the repair or replacement of the structure at such time that the bridge is identified as needing structural repairs or replacement.
- TxDOT Right-of-Way along the limits referenced above will be quitclaimed to the city upon final approval by the Texas Transportation Commission.
- Per TxDOT’s Turnback Program requirements, TxDOT will commit “in kind” resources for the following:
 - Construction of stamped concrete crosswalks in conjunction with the City’s SRTS project.

This MOU shall become effective to each party as such party executes the MOU.

City of Murphy

By: _____
James Fisher, City Manager
City of Murphy

Texas Department of Transportation

By: _____
William L. Hale, P.E.
District Engineer
TxDOT Dallas District

City Council
September 2, 2014

Issue

Consider and/or act on the application of McBirney 544 Joint Venture requesting approval of a site plan, landscape plan, building elevations and construction plat for The Learning Experience on property zoned PD 09-12-823.

Summary

The applicant submitted a site plan, building elevation plans, landscape plans, and construction plat for approval that would allow for development of The Learning Experience. The Learning Experience is a daycare facility for children six weeks to six years old, and is intended to provide high quality daycare facility for children, where children can learn while playing.

- The facility would be approximately 10,000 square feet with an additional area for the playground of approximately 5,100 square feet.
- The property is zoned PD 09-12-823.
- The proposed daycare facility is a permitted use as noted in the Planned Development District section VI. Specific Regulations, A. Permitted Uses, 17. Child Care Center, Kindergarten, or Pre-School.

Considerations

Site Plan

The proposed site plan has been reviewed by staff and meets the requirements as set forth by the Planned Development District and the Code of Ordinances including:

Parking – The parking ratio as specified in Section 86-706(17) of the City of Murphy Code of Ordinances is one space per ten pupils, plus one space per teacher, plus one space for each bus or van stored on the property. At this ratio, 40 parking spaces are required and 40 parking spaces are provided. This factors 19 spaces for 195 students and 20 spaces for 20 teachers and 1 space for a bus.

Setbacks – All building setbacks as detailed within the Planned Development District have been met on this site; including building setbacks from Brand and Village Roads (40' minimum), side property lines (10' minimum) and the abutting residential district (50' minimum).

Sidewalks – Sidewalks along Brand Road and Village Road shall be 6 feet in width. There is an existing 6 foot sidewalk along Brand Road adjacent to this development. The current sidewalk along Village Road is five feet wide and with this development will be widened to the required 6 feet and is shown on the site plan. This Planned Development District requirement has been met.

City Council
September 2, 2014

Height regulations - Maximum height regulations are as follows: three stories or 45 feet for the main building, except maximum height shall be 25 feet for any portion of a building that is located within 100 feet of a residential zoning district. This site plan shows a building height of 24'6" and is within the allowed height requirements.

Building Elevations

The proposed building elevation and materials meet requirements as set forth by the Planned Development District including:

- The use of at least two masonry materials in addition to glass is required and provided and the materials used are acceptable based on the City of Murphy Code of Ordinances exterior construction and design material standards and within the Planned Development District Ordinance.
- As stated above, the maximum height shall be 25 feet for any portion of a building that is located within 100 feet of a residential zoning district. This building elevation as presented shows a building height of 24'6" and is within the allowed height requirements.

Landscape Plan

The proposed landscape and materials used have met requirement standards including landscape setbacks as detailed within the Planned Development District.

The development is in general conformance with the approved Concept Plan for this Planned Development District. All additional comments and necessary revisions as required by Fire Department staff and development staff have been addressed as it relates to the site plan.

Construction Plat

The construction plat meets requirements (see notations below).

Board Discussion / Action

The Planning & Zoning Commission considered this item on August 25, 2014 with a vote of 6-1, Commissioner Hemphill in opposition. They approved this item as presented with the requirement by the Commission to change the fencing around the playground area from PVC White Fence to wrought iron. This revision was made by the applicant and is noted on the site plan.

City Council
September 2, 2014

Additional Considerations for Notation

After public improvements have been completed and accepted by the City of Murphy, a re-plat of a final plat will be submitted for approval to allow for two separate tracts on record; this property to be developed by way of this consideration item and the property to the west.

Copies of the SWPPP, NOI and trench safety plan shall be on file at the City prior to construction.

Staff Recommendation

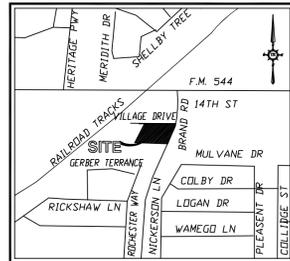
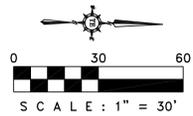
Staff recommends approval of the items as submitted with the considerations as noted in this agenda item.

Attachments

Site Plan
Building Elevations
Landscape Plan
Construction Plat
PD 09-12-783

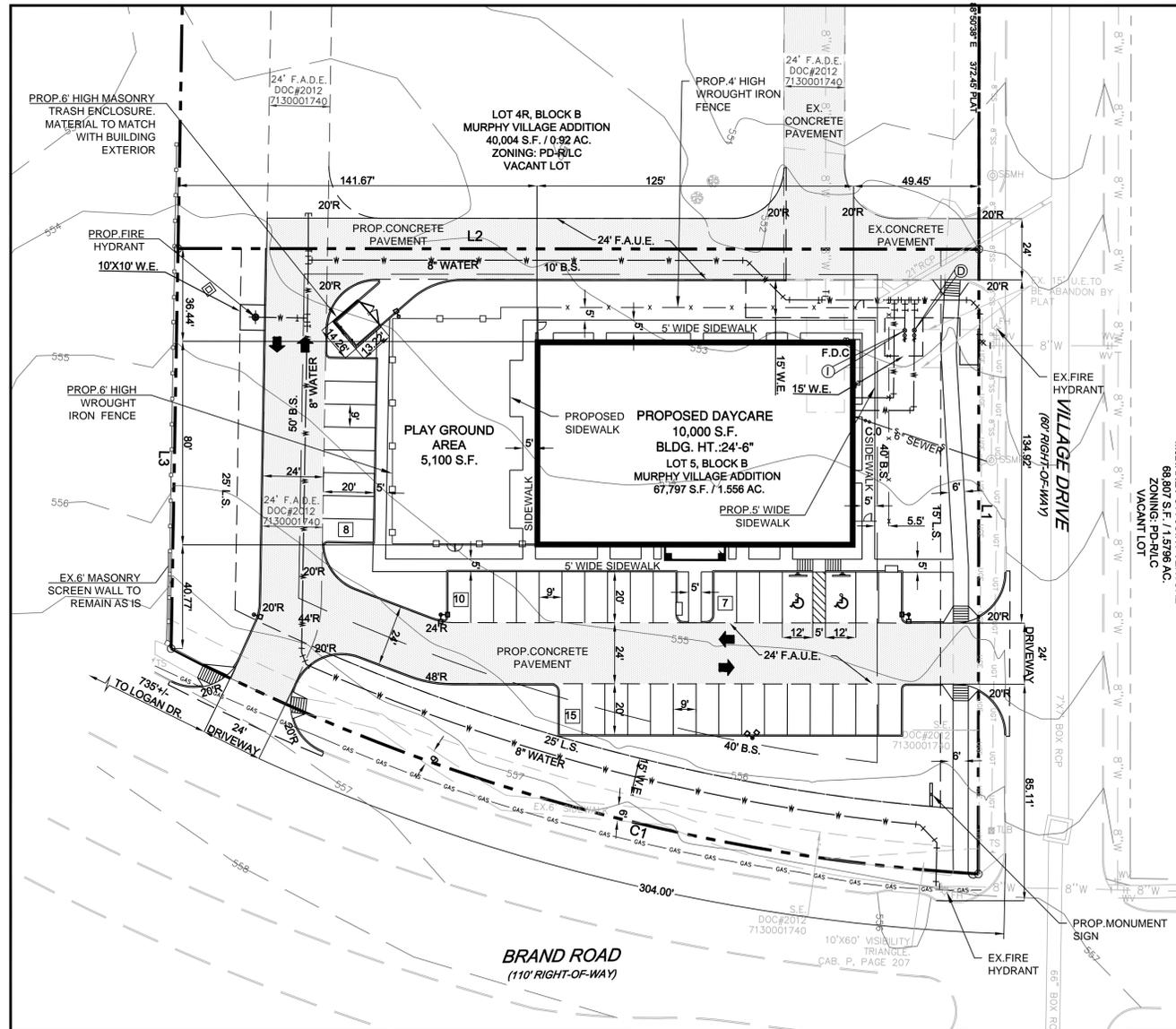
THE LEARNING EXPERIENCE SITE DEVELOPMENT PLANS

LOT 5, BLOCK "B", MURPHY VILLAGE ADDITION
CITY OF MURPHY
COLLIN COUNTY, TEXAS



LEGEND

EX. BOUNDARY	---
EX. CURB	---
EX. WATER MAIN	W
EX. SANITARY SEWER	8"SS 8"SS
EX. SEWER MANHOLE	SSMH
EX. CLEAN OUT	C.O.
EX. UNDER GROUND ELECTRIC	UGE UGE
EX. POWER POLE	PP
EX. STORM SEWER	SS
EX. FIRE HYDRANT	FH
EX. STORM INLET	SI
EX. FENCE	X
EX. WATER METER	WM
EX. TREE	T
EX. TELEPHONE	TLB
EX. TELEPHONE PEDESTAL	TP
EX. FIBER OPTIC RISER	FR
EX. GAS LINE	GAS
EX. CROSS GAS METER	GM
EX. TRAFFIC SIGNS	SIGN
EX. TRAFFIC SIGN POLE	TP
EX. UNDER GROUND TELEPHONE	UGT
EX. POWER POLE	PP
EX. GUY WIRE	GUY
BOUNDARY LINE	---
PROP. CURB	---
PROP. SAW-CUT	---
PROP. AREA LIGHT	AL
PROP. HANDICAP SIGN	H
PROP. HANDICAP LOGO	HL
PROP. CONCRETE WHEEL STOP	CS
PROP. MONUMENT/POLE SIGN	MS
PIPE BOLLARD	BP
PROP. WATER METER	WM
PROP. STORM INLET	SI
PROP. SEWER CLEAN OUT	C.O.
PROP. BACK FLOW PREVENTER	BFP
PROP. WATER LINE	W
PROP. SEWER LINE	S
PROP. FIRE HYDRANT	FH
PROP. FIRE HYDRANT	FH



GENERAL NOTES

- ALL CONSTRUCTION SHALL BE IN STRICT ACCORDANCE WITH THE STANDARDS OF THE CITY OF MURPHY.
- A PERMIT IS REQUIRED TO CUT A CITY STREET OR WORK WITHIN THE RIGHT-OF-WAY. THIS PERMIT IS ISSUED BY THE CITY OF MURPHY.
- THE LOCATION OF UNDERGROUND UTILITIES INDICATED ON THE PLANS IS TAKEN FROM PUBLIC RECORDS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO MAKE ARRANGEMENTS WITH THE OWNERS OF SUCH UNDERGROUND UTILITIES PRIOR TO WORKING IN THE AREA TO CONFIRM THEIR EXACT LOCATION AND TO DETERMINE WHETHER ANY ADDITIONAL UTILITIES OTHER THAN THOSE SHOWN ON THE PLANS MAY BE PRESENT. THE CONTRACTOR SHALL PRESERVE AND PROTECT ALL UNDERGROUND UTILITIES. IF EXISTING UNDERGROUND UTILITIES ARE DAMAGED, THE CONTRACTOR WILL BE RESPONSIBLE FOR THE COST OF REPAIRING THE UTILITY.
- WHERE EXISTING UTILITIES OR SERVICE LINES ARE CUT, BROKEN OR DAMAGED, THE CONTRACTOR SHALL REPLACE OR REPAIR THE UTILITIES OR SERVICE LINES WITH THE SAME TYPE OF ORIGINAL MATERIAL AND CONSTRUCTION, OR BETTER, UNLESS OTHERWISE SHOWN OR NOTED ON THE PLANS, AT HIS OWN COST AND EXPENSE. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER AT ONCE OF ANY CONFLICTS IN GRADES AND ALIGNMENT.
- ALL EXCAVATIONS, TRENCHING AND SHORING OPERATIONS SHALL COMPLY WITH THE REQUIREMENTS OF THE U. S. DEPARTMENT OF LABOR, OSHA, "CONST. SAFETY AND HEALTH REGULATIONS.", VOL. 29, SUBPART P, PG. 128 - 137, AND ANY AMENDMENTS THERETO.
- ADEQUATE MEASURES SHALL BE TAKEN TO PREVENT EROSION. IN THE EVENT THAT SIGNIFICANT EROSION OCCURS AS A RESULT OF CONSTRUCTION THE CONTRACTOR SHALL RESTORE THE ERODED AREA TO ORIGINAL CONDITION OR BETTER.
- THE CONTRACTOR SHALL RESTORE ALL AREAS DISTURBED BY CONSTRUCTION TO ORIGINAL CONDITION OR BETTER. RESTORED AREAS INCLUDE, BUT ARE NOT LIMITED TO TRENCH BACKFILL, SIDE SLOPES, FENCES, CULVERT PIPES, DRAINAGE DITCHES, DRIVEWAYS, PRIVATE YARDS AND ROADWAYS.
- ANY CHANGES NEEDED AFTER CONSTRUCTION PLANS HAVE BEEN RELEASED, SHALL BE APPROVED BY THE CITY ENGINEER. THESE CHANGES MUST BE RECEIVED IN WRITING FROM THE FROM THE DESIGN ENGINEER. THE CITY STAFF SHALL APPROVE ANY DEVIATIONS FROM STATE REGULATIONS.
- THE CONTRACTOR SHALL PROVIDE "RED LINED" MARKED PRINTS TO THE ENGINEER PRIOR TO FINAL INSPECTION INDICATING ALL CONSTRUCTION WHICH DEVIATED FROM THE PLANS OR WAS CONSTRUCTED IN ADDITION TO THAT INDICATED ON THE PLANS.

UNDERGROUND FACILITY OWNER	TELEPHONE NUMBER
CITY OF MURPHY WATER DEPARTMENT	972-468-4024
AT&T	800-362-9689
DIGTASS (LINE LOCATES)	800-344-8377

NUMBER OF LOTS	1
EXISTING ZONING	PD-R/LC
PROPOSED ZONING	PD-R/LC
PROPOSED USE	DAY CARE
GROSS ACREAGE	1.556 ACRES OR 67,797 SQ.FT
PROPOSED BLDG. AREAS	10,000 SQ.FT.
PROPOSED BLDG. HEIGHT	24'-6"
REQUIRED PARKING SPACES	40
(1 SPACE PER 10 STUDENT + 1 SPACE PER TEACHER + 1 SPACE FOR BUS)	
PROVIDED PARKING SPACES	40
(19 SPACES FOR 195 STUDENT + 20 SPACES FOR 20 TEACHERS + 1 SPACE FOR BUS)	
PERCENTAGE OF SITE COVERAGE	14.75%
IMPERVIOUS COVERAGE	37,614 S.F. OR 55.48%
OPEN SPACE/LANDSCAPE AREA	30,183 S.F. OR 44.52%

OWNER McBIRNEY-544 JOINT VENTURE 6059 LEBANON ROAD SUITE 212 FRISCO, TEXAS 75034 CONTACT: MICHAEL HORN TEL: (214) 618-9900	SURVEYOR PSA ENGINEERING T.B.P.L.S. FIRM # 100433 17819 DEVENPORT ROAD DALLAS, TX 75252 CONTACT: PENN TEL: (972) 248-9681
ENGINEER TRIANGLE ENGINEERING LLC T.B.P.E. FIRM # 11525 1503 ASTORIA DRIVE ALLEN, TEXAS 75013 CONTACT: KARTAVYA PATEL,P.E. TEL: (214) 618-9900	ARCHITECT LIMA ARCHITECTS,LLC 4855 TECHNOLOGY WAY SUITE 700 BOCA RATON, FL 33431 CONTACT: OCTAVIO S.LIMA TEL: (954) 778-3250

LINE NO.	BEARING	DISTANCE
L1	N 88°50'38" E	245.48'
L2	N 01°09'22" W	316.12'
L3	S 89°47'18" W	157.24'

ID	TYPE	SIZE	NO.	SAN. SEW.
(D)	DOM.	2"	1	6"
(I)	IRR.	1"	N/A	N/A

CURVE NO.	CHORD BEARING	S 14°19'22" W
C1	CHORD DISTANCE	N 01°09'22" W
	DELTA	24°00'35"
	RADIUS	795.00'
	LENGTH	333.14'

UTILITY EASEMENT	U.E.
SANITARY SEWER EASEMENT	S.S.E.
DRAINAGE EASEMENT	D.E.
WATERLINE EASEMENT	W.E.
FIRE LANE, ACCESS & DRAINAGE ESMT.	F.A.D.E.
FIRE LANE, ACCESS & UTILITY ESMT.	F.A.U.E.
SIDEWALK EASEMENT	S.E.
CLEAN OUT	C.O.
GAS METER	GM
ELECTRICAL TRANSFORMER	ET
FIRE HYDRANT	FH
SANITARY SEWER MANHOLE	SSMH
STORM SEWER MANHOLE	STMMH
BUILDING SET BACK	B.S.
LANDSCAPE SETBACK	L.S.
FIRE DEPARTMENT CONNECTION	F.D.C.
TELEPHONE BOX	TLB
WATER VALVE	WV
TRAFFIC SIGN	TS

TRIANGLE ENGINEERING, LLC.
TX PE FIRM # 11525
1503 ASTORIA DRIVE, ALLEN, TX 75013
PHONE: 214-609-9271

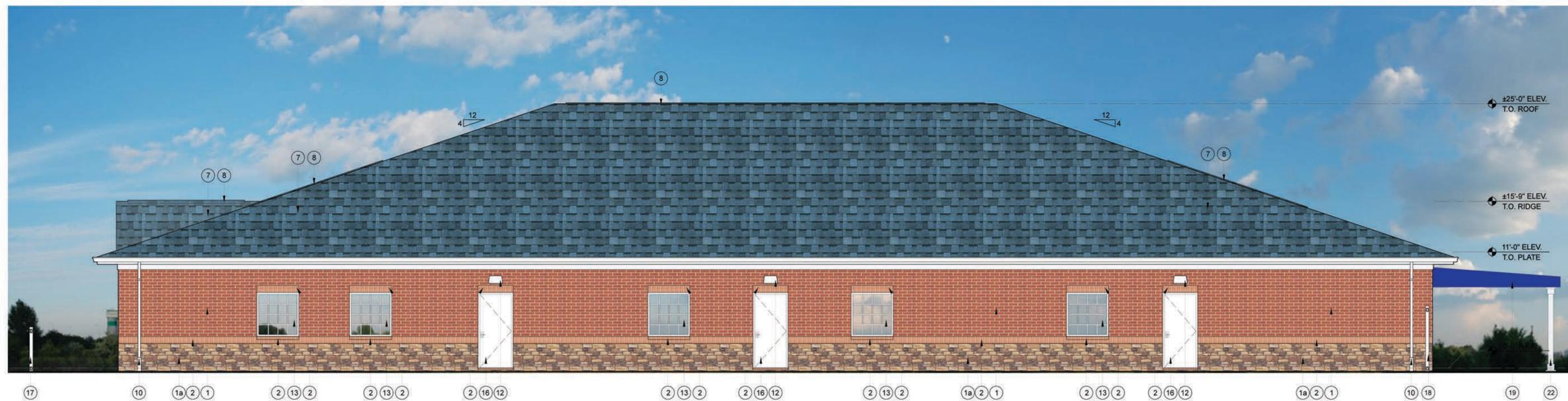
NO.	DATE	DESCRIPTION
1	05/18/2014	1ST CITY SUBMITTAL
2	07/11/2014	2ND CITY SUBMITTAL
3	08/11/2014	3RD CITY SUBMITTAL



THE LEARNING EXPERIENCE
SWC OF VILLAGE DRIVE &
BRAND ROAD,
CITY OF MURPHY, TEXAS

SITE PLAN	PROJECT No: 018-14	DATE: 06/18/2014	DRAWN BY: KP	CHECKED BY: KP
SHEET #	REVISION #			
3				

SITE PLAN
MURPHY VILLAGE ADDITION,
BLOCK B, LOT 5
1.556 ACRES OUT OF
JAMES MAXWELL SURVEY, ABSTRACT NO.580
CITY OF MURPHY, COLLIN COUNTY, TEXAS
DATE:07/24/2014



1 REAR ELEVATION (WEST)
 3/16"=1'-0"

ELEVATION MATERIALS		
MATERIAL	AREA	%
STUCCO	425	11.5%
BRICK	2,266	61.9%
STONE	970	26.6%
TOTAL	3,661	100 %



2 LEFT ELEVATION (SOUTH)
 3/16"=1'-0"

ELEVATION KEYNOTES														
NOTE	DESCRIPTION	COLOR FINISH / REMARKS	NOTE	DESCRIPTION	COLOR FINISH / REMARKS	NOTE	DESCRIPTION	COLOR FINISH / REMARKS	NOTE	DESCRIPTION	COLOR FINISH / REMARKS	NOTE	DESCRIPTION	COLOR FINISH / REMARKS
1	BRICK VENEER	COLOR: WIRE-CUT RED (4-212) STYLE: FACEBRICK PATTERN: RUNNING BOND MANUFAC: LAWRENCEVILLE BRICK Thickness: 3" min.	6	VINYL FASCIA	COLOR: WHITE MANUFAC: PLASTICLAD	12	EXTERIOR LIGHT FIXTURE	COLOR: WHITE NO. LAREDO SERIES MANUFAC: HUBBELL	18	6' HIGH PVC FENCE	REFER TO SHEET C-1			
1a	STONE VENEER	Thickness: 3 5/8" min.	7	ASPHALT SHINGLES	COLOR: BISCAYNE BLUE STYLE: GAF - TIMBERLINE HD- LIFETIME MANUFAC: GAF	13	FIXED ALUM. FRAME WINDOW	MANUFAC: SILVERLINE WINDOWS VINYL CLAD REFER TO SHEET A-12.2	19	FABRIC AWNING W/ALUM. FRAME	COLOR: BLUE MANUFAC: HUDSON AWNING & SIGN CO. SEE REQUIRED VENDOR			
2	BRICK VENEER (ACCENT)	COLOR: OXFORD ROSE (4-328) STYLE: FACEBRICK PATTERN: SOLDIER MANUFAC: LAWRENCEVILLE BRICK	8	RIDGE VENT		14	METAL FRAME DOORS	WITH GLASS WITH INTERNAL MINI-BLINDS WHERE NOTED REFER TO SHEET A-12.1	20	T.L.E. SIGNAGE (ILLUMINATED)	REFER TO SHEET C-2 SEE REQUIRED VENDOR			
3	STUCCO VENEER	COLOR: SANDSTONE BIEGE TEXTURE: SMOOTH MANUFACTURER: BENJAMIN MOORE	9	GUTTER	6" TYPE K ALUMINUM GUTTER WITH LEAF SCREEN	15	STOREFRONT ALUM. FRAME DOORS	MANUFAC: KAWNEER REFER TO SHEET A-12.1	21	T.L.E. SIGNAGE (ALPHABET BLOCKS)	REFER TO SHEET A-14.1 SEE REQUIRED VENDOR			
4	VINYL FREEZE BOARD	COLOR: WHITE SIZE: 6" MANUFAC: PLASTICLAD	10	DOWNSPOUT	CONNECT TO UNDERGROUND DRAINAGE	16	METAL FRAME DOORS	REFER TO SHEET A-12.1	22	COLUMN	8 1/2" COL. WRAPPED W/ SQUARE VINYL PVC TUBE NON-TAPERED ECONOMY PLAN TO MATCH FENCE. REFER TO SHEET C-1 SEE REQUIRED AWNING VENDOR			
5	N/A		11	DECORATIVE LOUVER W/FLAT TRIM	COLOR: WHITE PRODUCT: RLV24X4F 24" DIA. - 3-1/2" TRIM MANUFAC: PYPON	17	4' HIGH FENCE	REFER TO SHEET C-1	23	EXTERIOR WATER FOUNTAIN	REFER TO SPECS			

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SEAL

PRELIMINARY 06-17-14

REVISIONS

REVISIONS

JOB NO.:
 DATE: 07-10-14
 DRAWN BY: STAFF
 CHECKED BY: OSL
 APPROVED BY: OSL

BUILDING ELEVATIONS

SHEET NO.

A-5.2



1 FRONT ELEVATION (WEST)
3/16"=1'-0"

ELEVATION MATERIALS		
MATERIAL	AREA	%
STUCCO	425	11.5%
BRICK	2,266	61.9%
STONE	970	26.6%
TOTAL	3,661	100 %



2 RIGHT ELEVATION (SOUTH)
3/16"=1'-0"

ELEVATION KEYNOTES														
NOTE	DESCRIPTION	COLOR FINISH / REMARKS	NOTE	DESCRIPTION	COLOR FINISH / REMARKS	NOTE	DESCRIPTION	COLOR FINISH / REMARKS	NOTE	DESCRIPTION	COLOR FINISH / REMARKS	NOTE	DESCRIPTION	COLOR FINISH / REMARKS
1	BRICK VENEER	COLOR: WIRE-CUT RED (4-202) STYLE: FACEBRICK, PATTERN: RUNNING BOND MANUFAC: LAURENCEVILLE BRICK Thickness: 3 5/8" min.	6	VINYL FASCIA	COLOR: WHITE MANUFAC: PLASTICLAD	12	EXTERIOR LIGHT FIXTURE	COLOR: WHITE NO. LAREDO SERIES MANUFAC: HUBBELL	18	6" HIGH PVC FENCE	REFER TO SHEET C-1			
1a	STONE VENEER	Thickness: 3 5/8" min	7	ASPHALT SHINGLES	COLOR: BISCAYNE BLUE STYLE: GAF - TIMBERLINE HD- LIFETIME MANUFAC: GAF	13	FIXED ALUM. FRAME WINDOW	MANUFAC: SILVERLINE WINDOWS VINYL CLAD REFER TO SHEET A-12.2	19	FABRIC AWNING W/ ALUM. FRAME	COLOR: BLUE MANUFAC: HUDSON AWNING & SIGN CO. SEE REQUIRED VENDOR			
2	BRICK VENEER (ACCENT)	COLOR: OXFORD ROSE (4-326) STYLE: FACEBRICK, PATTERN: SOLDIER MANUFAC: LAURENCEVILLE BRICK	8	RIDGE VENT		14	METAL FRAME DOORS	WITH GLASS WITH INTERNAL MINI-BLINDS WHERE NOTED REFER TO SHEET A-12.1	20	T.L.E. SIGNAGE (ILLUMINATED)	REFER TO SHEET C-2 SEE REQUIRED VENDOR			
3	STUCCO VENEER	COLOR: SANDSTONE BIEGE TEXTURE: SMOOTH MANUFACTURER: BENJAMIN MOORE	9	GUTTER	6" TYPE K ALUMINUM GUTTER WITH LEAF SCREEN	15	STOREFRONT ALUM. FRAME DOORS	MANUFAC: KALNEER REFER TO SHEET A-12.1	21	T.L.E. SIGNAGE (ALPHABET BLOCKS)	REFER TO SHEET A-14.1 SEE REQUIRED VENDOR			
4	VINYL FREEZE BOARD	COLOR: WHITE SIZE: 6" MANUFAC: PLASTICLAD	10	DOWNSPOUT	CONNECT TO UNDERGROUND DRAINAGE	16	METAL FRAME DOORS	REFER TO SHEET A-12.1	22	COLUMN	6" T. COL. UNRAFFED W/ SQUARE VINYL PVC TUBE NON-TAPERED ELEGANT PLAIN TO MATCH FENCE. REFER TO SHEET C-1 SEE REQUIRED AWNING VENDOR.			
5	N/A		11	DECORATIVE LOUVER W/ FLAT TRIM	COLOR: WHITE PRODUCT: RL24X4F 24" DIA. - 3-1/2" TRIM MANUFAC: PYPON	17	4' HIGH FENCE	REFER TO SHEET C-1	23	EXTERIOR WATER FOUNTAIN	REFER TO SPECS			

LIMA ARCHITECTS
RAFFAELLE F. GRECO
LICENSE NO. 15661
4855 TECHNOLOGY WAY
SUITE 100
BOCA RATON, FL 33431
PHONE: 561-856-6400
FAX: 561-491-6800

PROPOSED DAYCARE:
THE LEARNING EXPERIENCE
SW CORNER OF VILLAGE DRIVE & BRAND ROAD
MURPHY, TEXAS

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SEAL

PRELIMINARY 06-17-14

REVISIONS

JOB NO.:
DATE: 07-10-14
DRAWN BY: STAFF
CHECKED BY: OSL
APPROVED BY: OSL

BUILDING ELEVATIONS

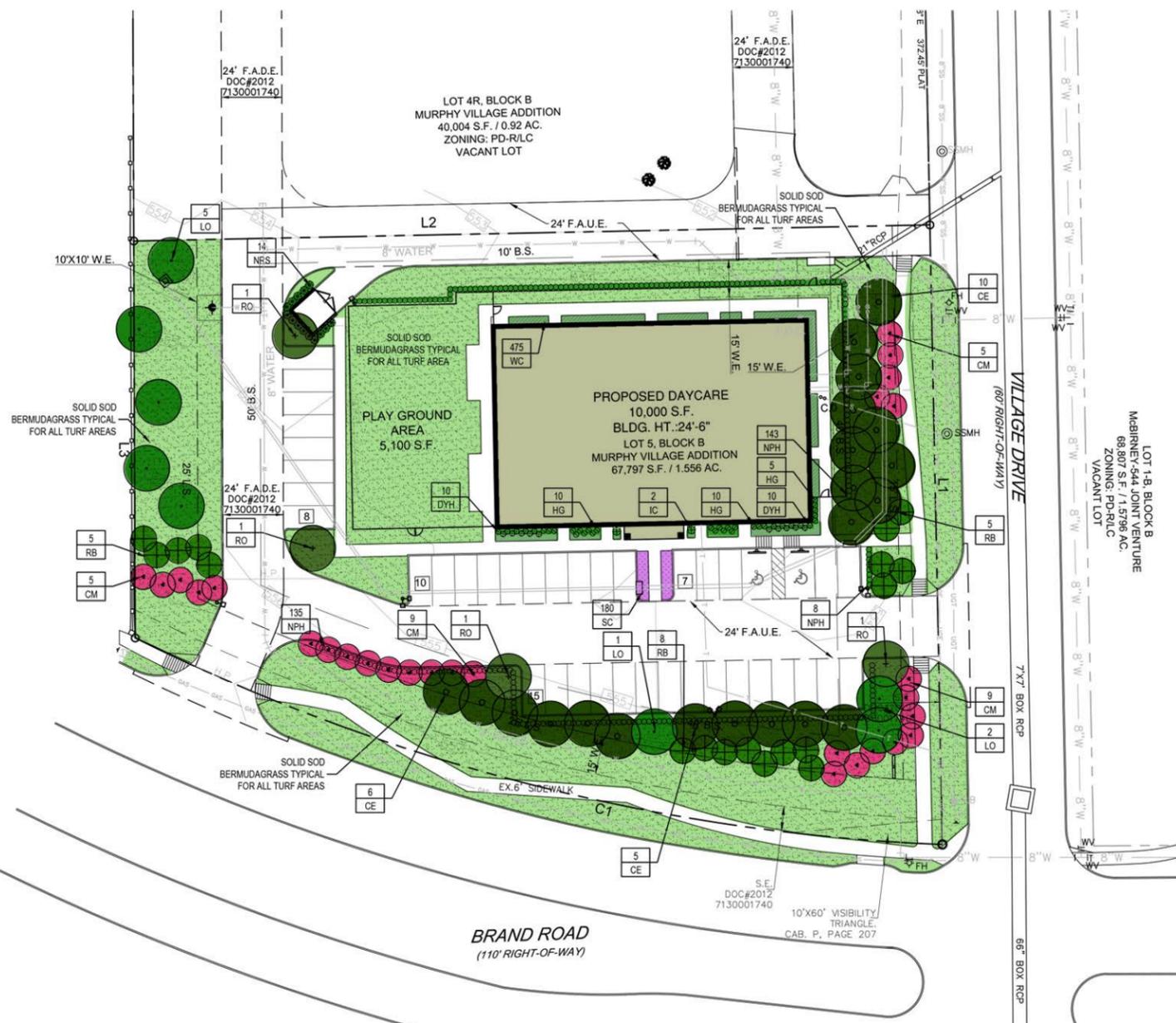
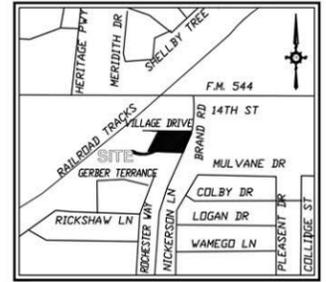
SHEET NO.

A-5.1

ELEVATION MATERIALS		
MATERIAL	AREA	%
STUCCO	425	11.5%
BRICK	2,266	61.9%
STONE	970	26.6%
TOTAL	3,661	100 %

THE LEARNING EXPERIENCE SITE DEVELOPMENT PLANS

LOT 5, BLOCK "B", MURPHY VILLAGE ADDITION
CITY OF MURPHY
COLLIN COUNTY, TEXAS



LINE NO.	BEARING	DISTANCE
L1	N 88°50'38" E	245.48'
L2	N 01°09'22" W	316.12'
L3	S 89°47'18" W	157.24'

CURVE NO.	CHORD BEARING	CHORD DISTANCE	DELTA	RADIUS	LENGTH
C1	S 14°19'22" W	N 01°09'22" W	24°00'58"	795.00'	333.14'

ID	TYPE	SIZE	NO.	SAN. SEW.
(D)	DOM.	2"	1	6"
(I)	IRR.	1"	N/A	N/A

LANDSCAPE TABULATIONS
LOT AREA (67,797 s.f.)
Requirements: 20% of lot to be landscape area
Required: 13,359 s.f. Provided: 26,972 s.f.

FRONT BUFFER LANDSCAPE:
Requirements: (2) large shade trees and (4) ornamentals, 2' cal. or 7' ht. per 50' ft. of street frontage
Village Dr. (245' ft.)
Required: (10) trees, 3" cal. (20) ornamental trees.
Provided: (10) new trees, 3" cal. (10) ornamental trees, 7' ht. (5) ornamental trees, 7' ht. along Brand Rd.

FRONT BUFFER SCREENING (SOUTH AND WEST):
Requirements: 24' ht. evergreen hedge, berm or wall
Provided:

SIDE BUFFER SCREENING (EAST):
Requirements: 24' ht. evergreen hedge, berm or wall
Provided:

RESIDENTIAL ADJACENTLY (NORTH 157' ft.):
Requirements: (1) large tree per 30' ft.
Required:
Provided:

INTERIOR PARKING LOT LANDSCAPE (100 spaces):
Requirement: (1) tree, 3" cal. 10 spaces. All parking spaces to be within 50' of a large tree
Required:
Provided:

TOTAL TREES REQUIRED:
(33) large trees
(47) ornamentals

TOTAL TREES PROVIDED:
(33) large trees
(47) ornamentals

PLANT LIST

QTY	TYPE	COMMON NAME	BOTANICAL NAME	SIZE	REMARKS
21	CE	Cedar Elm	<i>Ulmus crassifolia</i>	3 cal.	88B, 13' ht., 5' spread min., 5' clear trunk
28	CM	Crepe Myrtle	<i>Lagerstroemia indica</i>	7' ht.	container, 3-5 trunks, tree form, 4' spread
8	LO	Live Oak	<i>Quercus virginiana</i>	3" cal.	container grown, 13' ht., 5' spread min., 5' clear trunk
18	RB	Oklahoma Red Bud	<i>Cercis reniformis 'Oklahoma'</i>	7' ht.	container grown, 3' spread, full to base
4	RO	Red Oak	<i>Quercus shumardii</i>	3" cal.	container grown, 13' ht., 5' spread min., 5' clear trunk
SHRUBS					
QTY	TYPE	COMMON NAME	BOTANICAL NAME	SIZE	REMARKS
20	DYH	Dwarf Yaupon Holly	<i>Ilex vomitoria 'nana'</i>	3 gal.	container, full plant, 24" o.c.
25	HG	Hamel Grass	<i>Pennisetum alopecuroides 'Hamel'</i>	3 gal.	container full
2	IC	Italian Cypress	<i>Cupressus sempervirens</i>	5' ht.	container, staked to bamboo stake
286	NPH	Needlepoint Holly	<i>Ilex cornuta 'needlepoint'</i>	5 gal.	container, 24" ht., 20" spread, 24" o.c.
14	NRS	Nellie R. Stevens Holly	<i>Ilex sp. 'Nellie R. Stevens'</i>	4' ht.	container, full to base, 3' spread
GROUNDCOVERS					
QTY	TYPE	COMMON NAME	BOTANICAL NAME	SIZE	REMARKS
475	WC	Purple Wintercreeper	<i>Euonymus fortunei 'Coloratus'</i>	4" pots	container, (3) 12" runners min. 12" o.c.
180	SC	Seasonal Color Common Bermudagrass	<i>Cynodon dactylon</i>	4" pots	selection by owner, 12" o.c. solid sod, refer to notes

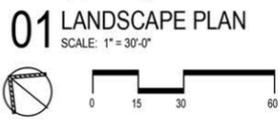
NOTE: Plant list is an aid to bidders only. Contractor shall verify all quantities on plan. All heights and spreads are minimums. All plant material shall meet or exceed remarks as indicated. All trees to have straight trunks and be matching within varieties.

- LANDSCAPE NOTES**
- Contractor shall verify all existing and proposed site elements and notify Architect of any discrepancies. Survey data of existing conditions was supplied by others.
 - Contractor shall locate all existing underground utilities and notify Architect of any conflicts. Contractor shall exercise caution when working in the vicinity of underground utilities.
 - Contractor is responsible for obtaining all required landscape and irrigation permits.
 - Contractor to provide a minimum 2% slope away from all structures.
 - All planting beds and lawn areas to be separated by steel edging. No steel to be installed adjacent to sidewalks or curbs.
 - All landscape areas to be 100% irrigated with an underground automatic irrigation system and shall include rain and freeze sensors.
 - All lawn areas to be Solid Sod Bermudagrass, unless otherwise noted on the drawings.
- MAINTENANCE NOTES**
- The Owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscape.
 - All landscape shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding and other such activities common to landscape maintenance.
 - All landscape areas shall be kept free of trash, litter, weeds and other such material or plants not part of this plan.
 - All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.
 - All plant material which dies shall be replaced with plant material of equal or better value.
 - Contractor shall provide separate bid proposal for one year's maintenance to begin after final acceptance.

- SOLID SOD NOTES**
- Fine grade areas to achieve final contours indicated. Leave areas to receive topsoil 3" below final desired grade in planting areas and 1" below final grade in turf areas.
 - Adjust contours to achieve positive drainage away from buildings. Provide uniform rounding at top and bottom of slopes and other breaks in grade. Correct irregularities and areas where water may stand.
 - All lawn areas to receive solid sod shall be left in a maximum of 1" below final finish grade. Contractor to coordinate operations with on-site Construction Manager.
 - Contractor to coordinate with on-site Construction Manager for availability of existing topsoil.
 - Plant sod by hand to cover indicated area completely. Insure edges of sod are touching. Top dress joints by hand with topsoil to fill voids.
 - Roll grass areas to achieve a smooth, even surface, free from unnatural undulations.
 - Water sod thoroughly as sod operation progresses.
 - Contractor shall maintain all lawn areas until final acceptance. This shall include, but not limited to: mowing, watering, weeding, cultivating, cleaning and replacing dead or bare areas to keep plants in a vigorous, healthy condition.
 - Contractor shall guarantee establishment of an acceptable turf area and shall provide replacement from local supply if necessary.
 - If installation occurs between September 1 and March 1, all sod areas to be over-seeded with Winter Rye grass, at a rate of (4) pounds per one thousand (1000) square feet.
- GENERAL LAWN NOTES**
- Fine grade areas to achieve final contours indicated on civil plans.
 - Adjust contours to achieve positive drainage away from buildings. Provide uniform rounding at top and bottom of slopes and other breaks in grade. Correct irregularities and areas where water may stand.
 - All lawn areas to receive solid sod shall be left in a maximum of 1" below final finish grade. Contractor to coordinate operations with on-site Construction Manager.
 - Imported topsoil shall be natural, friable soil from the region, known as bottom and soil, free from lumps, clay, toxic substances, roots, debris, vegetation, stones, containing no salt and black to brown in color.
 - All lawn areas to be fine graded, irrigation trenches completely settled, and finish grade approved by the Owner's Construction Manager or Architect prior to installation.
 - All rocks 3/4" diameter and larger, dirt clods, sticks, concrete spoils, etc. shall be removed prior to placing topsoil and any lawn installation.
 - Contractor shall provide (1") one inch of imported topsoil on all areas to receive lawn.

SITE DATA SUMMARY CHART	
NUMBER OF LOTS	1
EXISTING ZONING	PD-R/LC
PROPOSED ZONING	PD-R/LC
PROPOSED USE	DAY CARE
GROSS ACREAGE	1.56 ACRES OR 67,797 SQ.FT.
PROPOSED BLDG. AREAS	10,000 SQ.FT.
PROPOSED BLDG. HEIGHT	24'-6"
REQUIRED PARKING SPACES	40
(1 SPACE PER 10 STUDENT + 1 SPACE PER TEACHER + 1 SPACE FOR BUS)	
PROVIDED PARKING SPACES	40
(18 SPACES FOR 195 STUDENT + 19 SPACES FOR 20 TEACHERS + 1 SPACE FOR BUS)	
PERCENTAGE OF SITE COVERAGE	14.75%
IMPERVIOUS COVERAGE	34,558 S.F. OR 50.97%
OPEN SPACE/LANDSCAPE AREA	33,239 S.F. OR 49.03%

OWNER McBIRNEY-544 JOINT VENTURE 6059 LEBANON ROAD SUITE 212 FRISCO, TEXAS 75034 CONTACT: MICHAEL HORN TEL: (214) 618-9900	SURVEYOR PSA ENGINEERING 17819 DEVENPORT ROAD SUITE 215 DALLAS, TX 75252 CONTACT: PENN TEL: (972) 248-9681
ENGINEER TRIANGLE ENGINEERING LLC 1503 ASTORIA DRIVE ALLEN, TEXAS 75013 CONTACT: KARTIYAYA PATEL, P.E. TEL: (214) 618-9900	ARCHITECT LIMA ARCHITECTS, LLC 4855 TECHNOLOGY WAY SUITE 700 BOCA RATON, FL 33431 CONTACT: OCTAVIO S.LIMA TEL: (954) 778-3250



TRIANGLE ENGINEERING, LLC.
TX PE FIRM # 11525
1503 ASTORIA DRIVE, ALLEN, TX 75013
PHONE: 214-609-9271

NO.	DATE	DESCRIPTION
1	06/18/2014	1ST CITY SUBMITTAL
1	08/12/2014	2ND CITY SUBMITTAL



THE LEARNING EXPERIENCE
SWC OF VILLAGE DRIVE &
BRAND ROAD,
CITY OF MURPHY, TEXAS

LANDSCAPE PLAN	PROJECT NO:	DATE:	DRAWN BY:	CHECKED BY:
	018-14	06/18/2014	CT	CT
SHEET #	REVISION #			
L.1				

SITE PLAN OF MURPHY VILLAGE ADDITION, BLOCK B, LOT 5
BEING A REPLAT OF LOT 4, BLOCK B
A SUBDIVISION OF 2.475 ACRES OF MURPHY VILLAGE ADDITION
AN ADDITION TO THE CITY OF MURPHY, TEXAS
AS RECORDED IN VOL.2012 PAGE 258
OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS
SITUATED IN THE JAMES MAXWELL SURVEY, ABSTRACT NO.580
DATE: 06/18/2014

smr
landscape architects, inc.
1708 N. Collin Street
Dallas, Texas 75202
Tel: 214.871.0083
Fax: 214.871.0545
Email: smr@smr-la.com

PROPOSED DAYCARE:
THE LEARNING EXPERIENCE
SW CORNER OF VILLAGE DRIVE & BRAND ROAD
MURPHY, TEXAS

THESE DRAWINGS AND COPIES ARE THE COPYRIGHTED PROPERTY OF THE ARCHITECT. THEY MAY NOT BE USED FOR PROJECTS OTHER THAN THE DESIGNATED PROJECT WITHOUT THE SPECIFIC WRITTEN APPROVAL OF OCTAVIO S. LIMA, ARCHITECT

SEAL

PRELIMINARY 06-17-14

REVISIONS

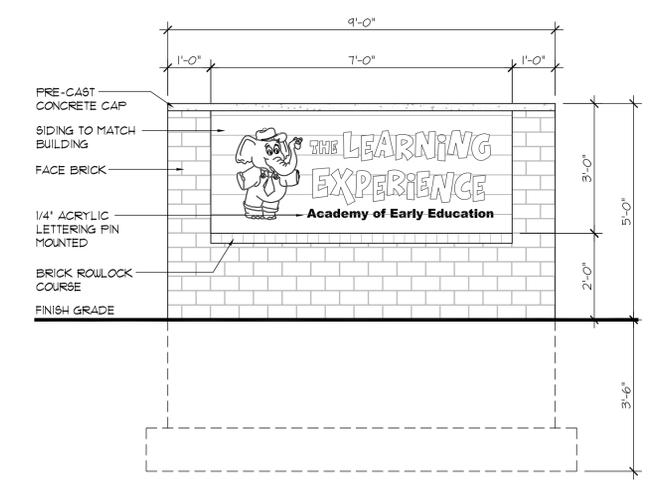
REVISIONS

JOB NO.:
DATE: 07-10-14
DRAWN BY: STAFF
CHECKED BY: OSL
APPROVED BY: OSL

TLE SIGNAGE DETAILS

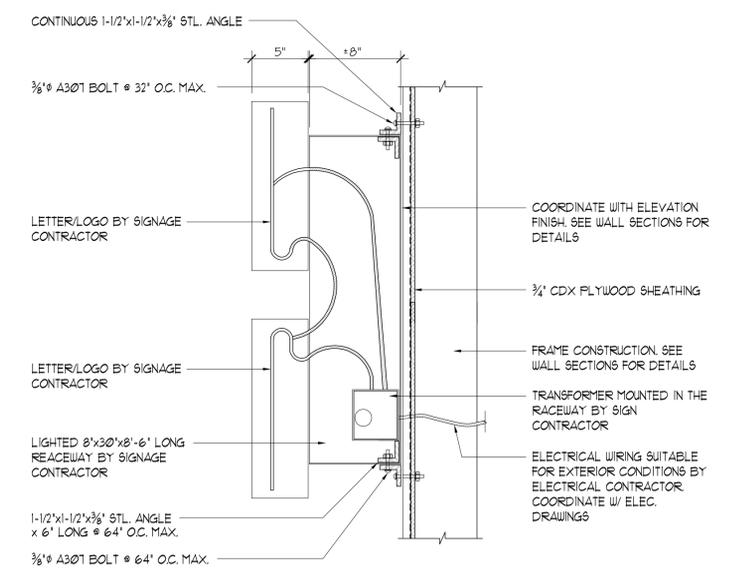
SHEET NO.

C-2



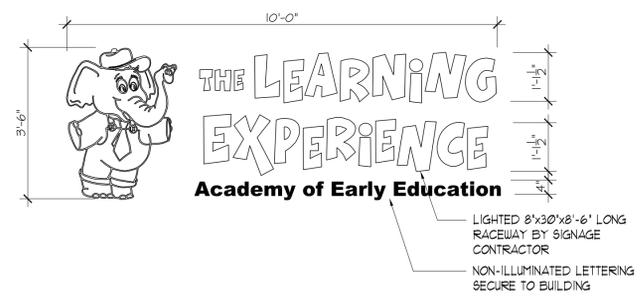
3 MONUMENT SIGNAGE ELEVATION

SCALE: 1/2" = 1'-0"



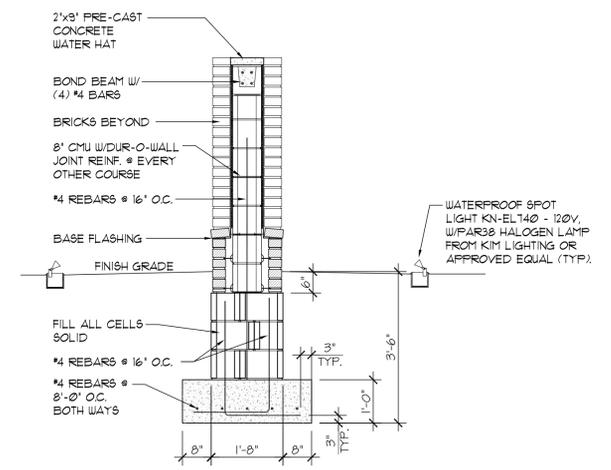
2 SIGNAGE MOUNTING DETAIL

SCALE: 1/2" = 1'-0"



1 SIGNAGE ELEVATION

SCALE: 1/2" = 1'-0"

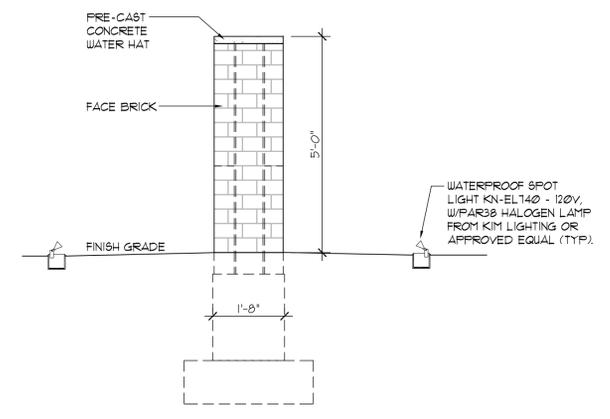


5 MONUMENT SIGNAGE SECTION

SCALE: 1/2" = 1'-0"

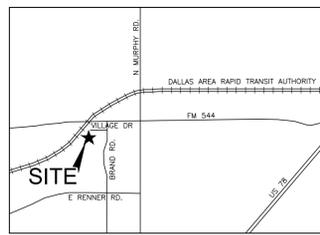
GENERAL NOTES:

1. CONTRACTOR SHALL VERIFY ALL FIELD CONDITIONS AND DIMENSIONS PRIOR TO PROCEEDING WITH THE WORK AND SHALL REPORT ANY AND ALL DISCREPANCIES TO THE OFFICE OF THE ARCHITECT.
2. SIGNAGE CONTRACTOR TO SUPPLY & INSTALL LIGHTED 'THE LEARNING EXPERIENCE' SIGN AS INDICATED ON DRAWINGS. SIGN SHALL BE PAN CHANNEL LETTERING, RACEWAY MOUNTED WITH 120V INTERNAL FLOURESCENT LIGHTING. PROVIDE WHITE 3/8\"/>

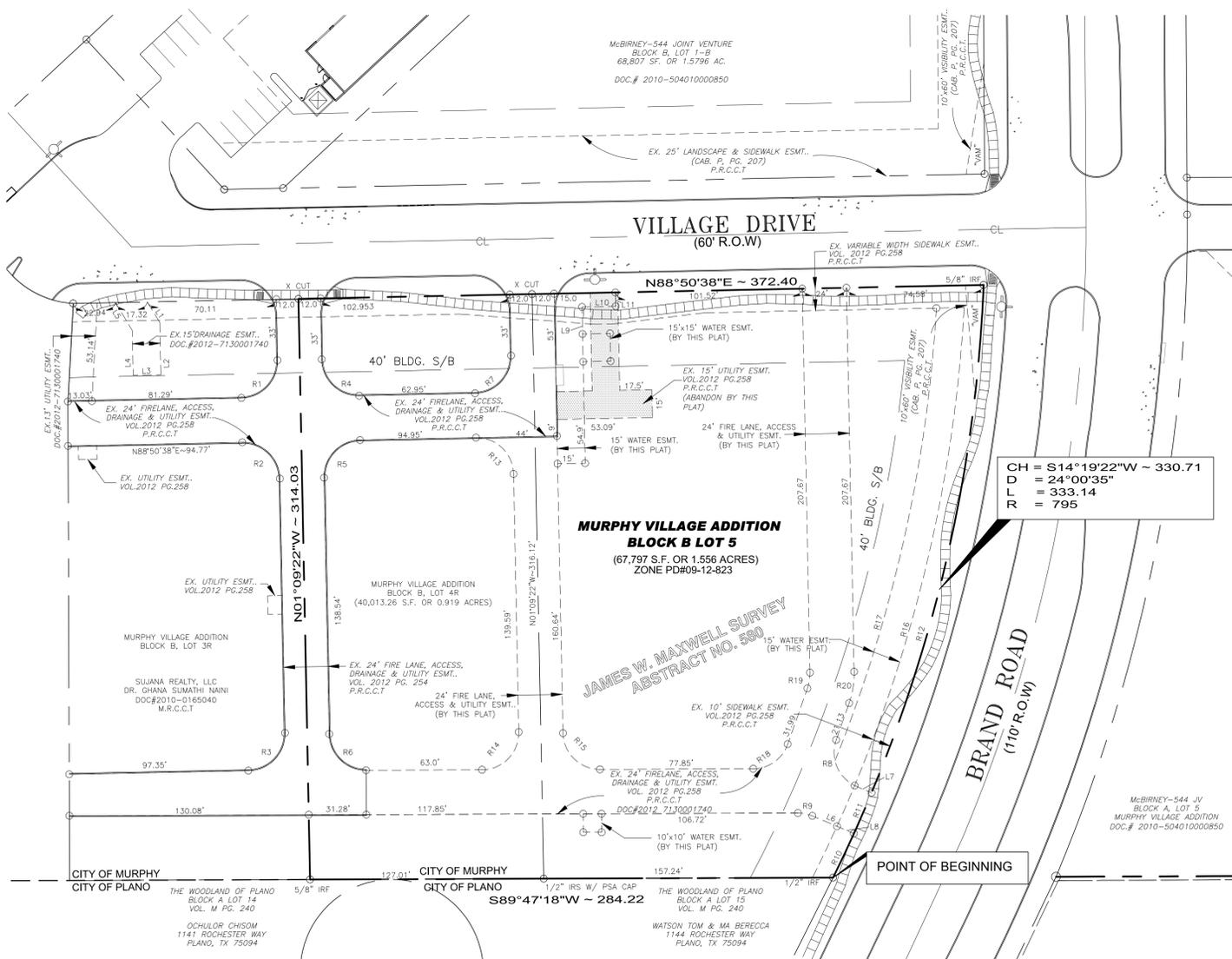


4 MONUMENT SIGNAGE ELEVATION

SCALE: 1" = 1'-0"



LOCATION MAP
NTS



PROPERTY OWNERS CERTIFICATION
McBirney-544 Joint Venture does own this property as described in Collin County Clerk file number 2003-0207485 except the portion owned by Sujani Realty, LLC, described in Collin County County Clerk number 2010-0165040

LEGEND
IRS. = IRON ROD SET
IRF. = IRON ROD FOUND
M.R.C.C.T = MAP RECORD OF COLLIN COUNTY, TEXAS
P.R.C.C.T = PLAT RECORD OF COLLIN COUNTY, TEXAS
ESMT. = EASEMENT

PREPARED BY:
ASA ENGINEERING
17819 DAVENPORT ROAD, SUITE 215
DALLAS, TEXAS 75252
(972) 248-9651 FAX (972) 248-9681
TX T.B.P.E. REGISTRATION # F-006974
T.B.P.L.S. FIRM REGISTRATIONS # 100433

CURVE TABLE						
CURVE	DELTA	RADIUS	T	L	CH	CHD
R1	90°00'00"	20.00	20.00	31.42	N43°50'38"E	28.28
R2	90°00'00"	20.00	20.00	31.42	N46°09'22"W	28.28
R3	90°56'40"	20.00	20.33	31.75	N44°18'58"E	28.52
R4	90°00'00"	20.00	20.00	31.42	S46°09'22"E	28.28
R5	90°00'00"	20.00	20.00	31.42	S43°50'38"W	28.28
R6	89°03'20"	20.00	19.67	31.09	S45°41'02"E	28.05
R7	90°00'02"	20.00	20.00	31.42	N43°50'37"E	28.28
R8	86°35'38"	20.00	18.85	30.23	S23°48'33"E	27.43
R9	23°06'20"	20.00	4.09	8.07	N78°39'32"W	8.01
R10	1°54'06"	795.00	13.20	26.39	N25°22'40"E	26.39
R11	1°43'48"	795.00	12.00	24.00	N23°33'43"E	24.00
R12	20°22'42"	795.00	142.89	282.76	N12°30'28"E	281.27
R13	90°00'00"	20.00	20.00	31.42	N46°09'20"W	28.28
R14	90°56'40"	20.00	20.33	30.23	N44°18'58"E	28.52
R15	89°03'19"	20.00	19.67	31.09	S45°41'01"E	28.05
R16	19°27'10"	785.00	134.56	266.52	S12°57'60"W	265.24
R17	19°21'48"	770.00	137.36	260.22	N13°00'27"E	259.00
R18	70°18'02"	20.00	14.08	24.54	N54°38'17"E	23.03
R19	20°38'38"	24.00	4.37	8.65	N09°09'57"E	8.60
R20	20°38'38"	48.00	8.74	17.30	S09°09'57"W	17.20

LINE TABLE		
LINE	LENGTH	BEARING
L1	13.04	N31°09'22"W
L2	28.21	N01°09'22"W
L3	15.00	N88°50'38"E
L4	24.19	S01°09'22"E
L5	17.68	S31°09'22"E
L6	14.44	S67°06'22"E
L7	8.89	N67°06'22"E
L8	10.00	S67°06'22"E

OWNER:
McBirney-544 JOINT VENTURE
ATTN: MICHAEL HORN
6059 LEBANON ROAD
SUITE 212
FRISCO, TX 75034
(214) 618-9900
LCD CAPITAL INVESTMENTS LLC
JASON CLANTON, MANAGING MEMBER
28 MORRIS LANE
TEXARKANA, TX 75503
(903) 223-8000

STATE OF TEXAS,
COUNTY OF COLLIN,

METES & BOUND DESCRIPTION

WHEREAS MCBIRNEY 544 JOINT VENTURE is the owners of 2.475 acres tract of land situated in the J. Maxwell Survey, Abstract No. 580, City of Murphy, Collin County, Texas, said the tract being Lot 4 Block B, MURPHY VILLAGE ADDITION recorded in VOL. 2012 PG. 258 Plat Recorded in Collin County, Texas and being more particularly decied by mete and bounds as follows;

BEGINNING at 1/2" Iron Rod Found at the Southeast corner of MURPHY VILLAGE ADDITION as described in document number 2003-0207485 of a Map, recorded at Collin County, Texas. Said the point also being on the west Right of Way line of Brand Road (110 ft ROW);

THENCE S89°47'18"W for a distance of 284.22 feet to 5/8" Iron Rod Found for a corner;
THENCE N01°09'22"W for a distance of 314.03 feet to an "X" Cut on the center of existing driveway for a corner, said a corner also being on the South Right of Way line of Village Drive (60 feet Right of Way);

THENCE N88°50'38"E along the South Right of Way of Village Drive for a distance of 372.40 feet to 5/8" Iron Rod Found for a corner, said a corner also being the Southwest corner of the intersection between Brand Road and Village Drive, said a point also being on a curve tangent;

THENCE along the curve to the right with a Chord Baring of S14°19'22"W and a Chord distance of 330.71 feet with a delta of 24°00'35", a curve radius of 795 feet and a curve length of 333.14 feet to **POINT OF BEGINNING** and containing 107,810 S.F. or 2.475 Acres of land more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Michael E. Horn and Jason Clanton acting herein by and through their duly authorized officers, does hereby adopt this plat designating the herein above described property as Lot 4R and 5 Block B of MURPHY VILLAGE Addition, an addition to the City of Murphy, Texas, and does hereby dedicate, in a fee simple, to the public use forever, the streets, rights-of-way and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City Council of the City of Murphy. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Murphy's use thereof. The City of Murphy and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Murphy and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Murphy, Texas.

WITNESS, my hand, this the ___ day of ___, 2014.

By: Michael E. Horn, Esq

WITNESS, my hand, this the ___ day of ___, 2014.

By: Jason Clanton

STATE OF TEXAS,
COUNTY OF COLLIN,

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, Owner, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given upon my hand and seal of office, this ___ day of ___, 2014.

Notary Public in and for the State of Texas

My Commission Expire on _____

STATE OF TEXAS,
COUNTY OF COLLIN,

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, Owner, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given upon my hand and seal of office, this ___ day of ___, 2014.

Notary Public in and for the State of Texas

My Commission Expire on _____

NOTES:

1. Basis of Bearings; Bearing are expressed as grid bearing (Texas Coordinate System of 1983, Zone 4202, NAD 83 Datum), as determined by GPS observations, resulting in a bearing of N 88°50'38"E, for the south right of way of Village Drive.

2. According to F.E.M.A flood insurance rate map, community panel no.48085C0415 J dated June 2,2009, this property does not appear to lie within a 100-year flood plain.

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

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

Pansak Sribhen
Registered Professional Land Surveyor No. 3576

STATE OF TEXAS
COUNTY OF COLLIN

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Pansak Sribhen, Registered Public Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given upon my hand and seal of office, this ___ day of ___, 2014.

Notary Public in and for the State of Texas

My Commission Expire on _____

NOTICE: Selling a portion of this addition by metes and bounds is a violation of city ordinance and State law, and is subject to fines and withholding of utilities and building permit.

Visibility, access and maintenance easements:
The area or areas shown on the plats as "VAM" (visibility, access and maintenance) easements are hereby given and granted to the city, its successors and assigns, as an easement to provide visibility, right of access for maintenance upon and across said VAM easement. The city shall have the right but not the obligation to maintain any and all landscaping within the VAM easement. Should the city exercise this maintenance right, then it shall be permitted to remove and dispose of any and all landscaping improvements, including without limitation, any trees, shrubs, flowers, ground cover and fixtures. The city may withdraw maintenance of the VAM easement at anytime. The ultimate maintenance responsibility for the VAM easement shall rest with the owners. No Building, fence, shrub, tree or other improvements or growths, which in any way may endanger or interfere with the visibility, shall be constructed in, on, over or across the VAM easement. The city shall also have the right but not obligation to add any landscape improvement to the VAM easement, to erect any traffic control devices or signs on the VAM easement and to remove any obstruction thereon. The city, its successors, or agents shall have the right and privilege at all time to enter upon the VAM easement or any part thereof for the purposes and with all rights and privileges set forth herein.

Fire lanes:
That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface in accordance with the City of Murphy's paving standards for fire lanes, and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats or other impediments to the accessibility of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking or Standing." The local law enforcement agency(s) is hereby authorized to enforce parking regulations within the fire lanes, and to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for fire department and emergency use.

Access easements:
The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of general public vehicular and pedestrian use and access, and for fire department and emergency use in, along, upon and across said premises, with the right and privilege at all times of the City of Murphy, its agents, employees, workmen and representatives having ingress, egress, and regress in, along, upon and across said premises.

CITY APPROVAL OF CONSTRUCTION PLAT

Approved for preparation on final plat following construction of all public improvements necessary for the subdivision shown on this plat.

RECOMMENDED BY: Planning and Zoning Commission
City of Murphy, Texas

Signature of Chairperson _____ Date of recommendation _____

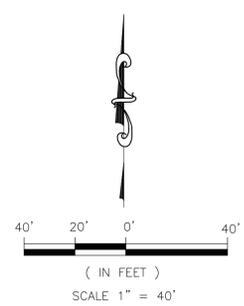
APPROVED BY: City Council
City of Murphy, Texas

Signature of Mayor _____ Date of Approval _____

ATTEST:

City Secretary _____ Date _____

CONSTRUCTION PLAT
BEING A REPLAT OF LOT 4 BLOCK B
TO BE LOT 4R AND 5, MURPHY VILLAGE ADDITION
A SUBDIVISION OF 2.475 ACRES
AN ADDITION TO THE CITY OF MURPHY, TEXAS
AS RECORDED IN VOL. 2012 PAGE 258
OF THE PLAT RECORDS IN COLLIN COUNTY, TEXAS
SITUATED IN THE
JAMES MAXWELL SURVEY, ABSTRACT NO. 580
AUGUST 11, 2014



ORDINANCE NO. 09-12-823

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE AND MAP, CHAPTER 86 OF THE CITY OF MURPHY CODE OF ORDINANCES BY CHANGING THE ZONING CLASSIFICATION ON APPROXIMATELY 25.33 ACRES OUT OF THE JAMES MAXWELL SURVEY, ABSTRACT NO. 580, LOCATED IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE FOR ALL PURPOSES, FROM PD (PLANNED DEVELOPMENT) DISTRICT FOR MIXED USE RETAIL, COMMERCIAL, AND OFFICE USES TO PD (PLANNED DEVELOPMENT) DISTRICT FOR RETAIL AND OFFICE USES WITH CONDITIONS HERETO DESCRIBED AS EXHIBIT "B"; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A PENALTY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

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

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

Section 1. That the Comprehensive Zoning Ordinance and Map of the City of Murphy, Texas, be, and the same are hereby, amended so as to change the zoning classification from PD (Planned Development) District for Mixed Use Retail, Commercial and Office Uses to PD (Planned Development) District for Retail and Office Uses with conditions for the property described as 25.33 acres, more or less, in the James Maxwell Survey, Abstract No. 580, in the City of Murphy, Collin County, Texas, and more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes.

Section 2. That the development standards for this Planned Development District are attached hereto as Exhibit “B”, and the same are hereby approved for said Planned Development District as required by Section 86-603, of the City of Murphy, Texas Code of Ordinances.

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

Section 4. If any word, section, article, phrase, paragraph, sentence, clause or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect, for any reason, the validity of the remaining portions of the Comprehensive Zoning Ordinance, Chapter 86 of the City of Murphy Code of Ordinances, and the remaining portions shall remain in full force and effect.

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

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

PASSED, APPROVED AND ADOPTED this the 7th day of December, 2009.

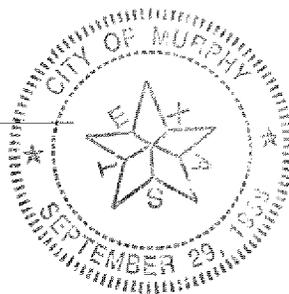


Bret M. Baldwin, Mayor
City of Murphy

ATTEST:



Aimee Nemer, City Secretary
City of Murphy



METES AND BOUNDS DESCRIPTION
for
LOT 2, BLOCK A
A 12.488 Acres Tract of Land
MURPHY VILLAGE ADDITION
James W. Maxwell Survey, Abstract No. 580
City of Murphy
Collin County, Texas

WHEREAS McBRINEY -544 JOINT VENTURE, is the owner of a tract situated in the James Maxwell Survey, Abstract No. 580, in the City of Murphy, Collin County, Texas, being Lot 2, Block A of MURPHY VILLAGE ADDITION an addition to the City of Murphy, Collin, County, Texas, according to the deed thereof recorded in volume 2644, page 123 of the Map Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a ½" iron rod found in the northwesterly corner of Lot 4R, Block D, MURPHY VILLAGE ADDITION an addition to the City of Murphy, Collin, County, Texas, according to the plat thereof recorded in Cabinet B, Slide 442 of the Map Records of Collin County, Texas, same being the northeasterly corner of beforementioned Lot 2, Block A;

THENCE South 00 degree 49 minute 20 second West, a distance of 632.85 feet to a ½ iron rod found for a corner;

THENCE North 89 degree 10 minute 40 second West, a distance of 998.50 feet to a ½ iron rod found for a corner;

THENCE continuing along the centerline of curve to the right having a central angle of 23 degree 16 minute 21 second, a radius of 905.00 feet, and a tangent of 186.37 feet, on a chord bearing and distance of North 12 degree 17 minute 47 second East 365.07 feet, along the East Right-of-way line of Brand Road, a distance of 367.60 feet to a ½" iron rod found for a corner;

THENCE North 00 degree 39 minute 36 second East, along East line of Brand Road, a distance of 20.00 feet to a ½" iron rod found for a corner;

THENCE South 89 degree 20 minute 24 second East, a distance of 200.00 feet to a ½" iron rod found for a corner;

THENCE North 00 degree 39 minute 36 second East, a distance of 255.00 feet to a ½" iron rod found for a corner;

THENCE South 89 degree 20 minute 24 second East, along F.M. Highway 544 Road, a distance of 184.62 feet to a ½" iron rod found for a corner;

THENCE South 89 degree 04 minute 12 second East, along Southerly line of F.M. Highway 544 Road, a distance of 542.04 feet to the POINT OF BEGINNING and containing 12.488 acres or 543,959 square feet of land more or less.

METES AND BOUNDS DESCRIPTION
for
Block "B"
A 9.046 Acers Tract of Land
MURPHY VILLAGE ADDITION
James W. Maxwell Survey, Abstract No. 580
City of Murphy
Collin County, Texas

WHEREAS McBRINEY -544 JOINT VENTURE, is the owner of a tract situated in the James Maxwell Survey, Abstract No. 580, in the City of Murphy, Collin County, Texas, being Lot 1-6, Block B of MURPHY VILLAGE ADDITION an addition to the City of Murphy, Collin County, Texas, according to the deed thereof recorded in volume 2003, page 207 of the Map Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at the ½" iron rod found at the corner of the southeast corner of this tract, and also being northeast of a Woodlands of Plano Tract also being in the south line of Brand Road 110 feet right-of-way (R.O.W);

THENCE North 89 degree 10 minute 40 second West with said city Limit line of Plano and Murphy, Texas as described in City of Plano Ordinance Number 73-4-1, recorded in Volume 861, Page 537, Deed Records of Collin County, Texas, for a distant of 903.88 feet to iron found for a corner;

THENCE along the curve to the left having a central angle of 02 degree 14 minute 28 second, a radius of 5,679.97 feet, and a tangent distant of 99.74 feet, a chord bearing of North 49 degree 14 minute 02 second East and a chord distance of 199.45 feet, for a curve length of 199.46 feet to ½" iron rod found for a corner of the said DART tract;

THENCE North 48 degree 14 minute 43 second East, along the northeast line of said DART tract, for a distant of 747.88 feet to ½" iron rod found for a corner;

THENCE South 89 degree 20 minute 24 second East, along the southeast line of F.M. 544 Road, for a distant of 294.32 feet to ½" iron rod found for a corner of the said Brand Road;

THENCE North 00 degree 39 minute 36 second West, along the southwest line of said Brand Road for a distant of 275.00 feet to ½" iron rod found for a corner;

THENCE along the curve to the right having a central angle of 00 degree 09 minute 53 second, a radius of 795.00 feet, and a tangent distant of 14.90 feet, a chord bearing of South 01 degree 45 minute 02 second W and a chord distance of 30.03 feet, for a curve length of 30.04 feet to ½" iron rod set for a corner;

THENCE along the curve to the right having a central angle of 24 degree 31 minute 46 second, a radius of 795.00 feet, and a tangent distant of 172.84 feet, a chord bearing of South 15 degree 05 minute 52 second West and a chord distance of 337.76 feet, for a curve length of 340.36 feet to the **POINTOF BEGINNING** and containing 394,037 or 9.046 acres;

METES AND BOUNDS DESCRIPTION
 for
 Block "C"
 A 3.799 Acres Tract of Land
MURPHY VILLAGE ADDITION
 James W. Maxwell Survey, Abstract No. 580
 City of Murphy
 Collin County, Texas

WHEREAS McBRINEY -544 JOINT VENTURE, is the owner of a tract situated in the James Maxwell Survey, Abstract No. 580, in the City of Murphy, Collin County, Texas, being Lot 1, Block C of MURPHY VILLAGE ADDITION an addition to the City of Murphy, Collin, County, Texas, according to the deed thereof recorded in volume 2644, page 123 of the Map Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a highway monument find for a corner at the intersection of the east line of a 100-foot right-of-way dedicated to Dallas Area Rapid Transit by deed recorded in Volume 3424, Page 126, Deed Records of Collin County, Texas with the south line of F.M. 544 (variable width right-of-way);

THENCE South 48 degree 14 minute 43 second West for a distance of 613.63 feet to a ½" iron found for a corner;

THENCE continuing along the centerline of curve to the right having a central angle of 2 degree 18 minute 41 second, a radius of 5,679.97 feet, and a tangent of 114.58 feet, on a chord bearing and distance of of South 49 degree 24 minute 03 second West 229.11 feet, along the East Right-of-way line of Brand Road, a distance of 229.13 feet to a ½" iron rod found for a corner;

THENCE North 03 degree 04 minute 40 second E for a distance of 545.45 feet to a ½" iron found for a corner;

THENCE North 88 degree 45 minute 22 second East, along Southerly line of F.M. Highway 544 Road, a distance of 602.59 feet to the **POINT OF BEGINNING** and containing 3.799 acres or 165,468 square feet of land more or less.

EXHIBIT B

ZONING FILE NO. 2009-10 FM 544 and Brand Road PLANNED DEVELOPMENT CONDITIONS

- I. **Statement of Intent:** The intent of this Planned Development District is to provide high quality mixed-use, primarily retail, development that is consistent with the Comprehensive Plan and that is beneficial and complementary to the City of Murphy in terms of visual identity.
- II. **Statement of Purpose:** The purpose of this Planned Development District is to ensure that any development that occurs within the area designated by this Planned Development encourage a mixed-use application including, but not limited to the following.
- Restaurants;
 - Upscale retail shops and boutiques;
 - Assisted Living;
 - Medical Facilities;
 - Service Businesses
- III. **Statement of Effect:** This Planned Development shall not affect any regulation found in the City of Murphy Code of Ordinances, Ordinance No. 06-12-708, as amended, except as specifically provided herein.
- IV. **General Regulations:** All regulations of the R (Retail) District set forth in Article III, Division 14 of the Code of Ordinances are included by reference and shall apply, except as otherwise specified by this ordinance.
- V. **Development Plans:**
- A. Concept Plan: Development shall be in general conformance with the approved concept plan set forth in Exhibit C; however, in the event of conflict between the concept plan and the conditions, the conditions shall prevail.
- B. Site Plan: A site plan shall be submitted in accordance with the requirements set forth in Article II, Division 5 of the City of Murphy Code of Ordinances. The site plan may be for all or any part of the land within the Planned Development District.
- VI. **Specific Regulations:**
- A. Permitted Uses. The following uses shall be permitted.
1. Amusement Services (Indoor) (SUP)
 2. Antique Shop (household items only)
 3. Art Dealer/Gallery
 4. Artist Studio
 5. Assisted Living
 - a. Senior Living (SUP)
 - b. Assisted Living (SUP)
 - c. Nursing Convalescent Home (SUP)
 6. Automobile Driving School (SUP)

EXHIBIT B

Planned Development District Conditions
 Zoning File 2009-10
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7. Automotive Repair (Major) (SUP)
8. Automotive Repair (Minor)
9. Bakery (Retail)
10. Bank/Credit Union (SUP) (allowed by right at the SE corner of FM 544 and Brand Road)
11. Barber/Beauty Shop
12. Barber/Beauty Shop College (SUP)
13. Bed and Breakfast Inn (SUP)
14. Book Store
15. Cafeteria
16. Car Wash (Full Service)
17. Child Care Center, Kindergarten or Pre-School
18. Church/Place of Worship
19. Clinic (Medical)
20. Computer Sales
21. Confectionary Store (Retail)
22. Convenience Store with Gasoline (SUP)
23. Department Store
24. Dinner Theater
25. Electronics - Retail
26. Financial Services (Advice/Invest)
27. Florist
28. Furniture Sales (Indoor)
29. Governmental Building (Municipal, State or Federal)
30. Grocery Store (SUP)
31. Hardware Store
32. Health Club (SUP)
33. Hospital (Acute Care)
34. Hospital (Chronic Care)
35. Full Service Hotel/Motel (SUP)
36. Limited Service Hotel/Motel (SUP)
37. Insurance Agency Offices
38. Landscape Nursery
39. Laundry/Dry Cleaning (Drop Off/Pickup Only)
40. Motion Picture Theater
41. Needlework Shop
42. Offices (as allowed in Office zoning districts)
43. Park and/or Playground (Public)
44. Pet Shop/Supplies
45. Pharmacy (SUP) (allowed by right at the SE corner of FM 544 and Brand Road)
46. Photo Studio
47. Photocopying/Duplicating
48. Real Estate Offices
49. Restaurant
50. Restaurant (Drive-In) (SUP)
51. Retail Store
52. Retail Store (Drive-In) (SUP)
53. School, K through 12 (Public)

EXHIBIT B

54. Shoe Repair
55. Skating Rink (Ice) (SUP)
56. Tailor Shop
57. Theater (Live Drama)
58. Theater (Movie)
59. Tire Dealership
60. Travel Agency
61. Veterinarian Hospital

B. Area and Yard Regulations:

1. Setbacks From Property Lines Adjacent To Streets:
 - a. Building Setbacks - No building of any kind and no part thereof shall be placed within the following setback lines:
 - i. Minimum 40 feet from FM 544, Brand Road and Village Drive.
 - ii. Minimum 15 feet from all other roadways/access roads.
 - b. Landscape Setbacks
 - i. Minimum 25 feet from FM 544 and Brand Road.
 - ii. Minimum 10 feet from all other roadways/access roads.
2. Setbacks From Property Lines Not Adjacent To Streets:
 - a. Building Setbacks – No building of any kind and no part thereof shall be placed within the following setback lines:
 - i. Minimum 10 feet from rear and side lines except where buildings on adjacent lots abut each other. In the case of abutting buildings, the building setback shall be 0 feet.
 - ii. Minimum 50 feet abutting residential districts for single story buildings not exceeding 45 feet in height. All pad sites along FM 544 shall have a maximum average height of 30 feet.
 - iii. Maximum 50 feet along the KCS/DART right-of-way along the west property line.
3. There is no maximum building size as long as fire standards and other site requirements, such as parking and landscaping, etc. are met.

C. Parking, Driveways & Sidewalks:

1. Parking areas shall not be permitted within any landscape buffer strip.
2. Fire lanes, driveway, loading areas and access easements shall be paved in accordance with the minimum design standards of the City of Murphy codes and ordinances.
3. The number of required parking spaces shall be dependent upon the use and shall meet the requirements of the City of Murphy Code of

EXHIBIT B

Ordinances. No required parking space may be occupied by signs, cart corrals, merchandise, or display items at any time.

4. Sidewalks along FM 544 shall be a minimum of 8 feet in width. Sidewalks along Brand Road and Village Drive shall be 6 feet in width.

D. Loading and Unloading

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

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

1. All structures, including all building elevations, shall be constructed utilizing a unified design that is substantially consistent with or contains architectural design elements including but not limited to the following.
 - a. Canopies and awnings.
 - b. Outdoor patios.
 - c. Display windows/decorative windows.
 - d. Architectural details (such as decorative tile or brick work) integrated into the building façade.
 - e. Integrated planters or wing walls that incorporate landscape and/or sitting areas
 - f. Articulated cornice line.
 - g. Peaked roof form.
 - h. Accent materials (minimum 15% of exterior facade)
 - i. Other architectural features as approved with the site plan.
2. At least two masonry materials shall be used in addition to glass on any single building. The following masonry materials shall be allowed.
 - a. Brick
 - b. Cast Stone
 - c. Decorative concrete tilt wall
 - d. EIFS and Stucco (limited to no more than 12% total)
 - e. Stone
 - f. Wrought Iron (for decorative overhangs)

EXHIBIT B

3. Color schemes shall reflect a certain quality and expression consistent with the architectural character and design of the structure. Accent colors may be used to identify architectural features or highlight details. The use of primary or garish colors shall not be predominately used on the exterior facade of any structure.
 4. Stand fans, skylights, cooling towers, communication towers, satellite dishes, vents, and any other structures or equipment, whether located on the roof or elsewhere, shall be architecturally compatible or effectively shielded from view from any public or private dedicated street by an architecturally sound method.
 5. Each commercial building, complex of buildings, or separate commercial business enterprises shall have a trash bin on the premises adequate to handle the trash and waste items generated, manufactured, or acquired thereon by such commercial activities. The sorting, handling, moving, storing, removing and disposing of all waste materials must be housed or screened from view.
 6. Building roofs shall be so designed and constructed to prevent water ponding and to shed water in a reasonable amount of time. Built-up roofs and roof-top items which include equipment, piping, flashing, and other items shall be maintained for continuity of the roof appearance.
 7. Roof top equipment, piping, flashing, and other items on the roof shall be screened by a perimeter parapet wall so as not to be visible from roadways.
 8. In all cases, mechanical equipment on roofs and outcroppings should be clad by a like building material or painted with a color scheme similar to the principal structure walls or roof.
- F. Landscape Standards. Landscaping shall be compatible and comply with the standards set forth in the Code of Ordinances, except as provided below.
1. All landscaping shall use a unified design for the entire Tract. Landscaping shall be required on all developments within the Planned Development District and shall be complete prior to the issuance of any certificate of occupancy or final building inspection for the development. An automatic underground irrigation system shall be installed and maintained for all required landscaping and shall be in place and operable at time of planting.
 2. A landscape buffer shall be provided 25 feet in depth adjacent to the right-of-way of FM 544, 25 in depth adjacent to Brand Road and ten (10) feet in depth adjacent to all other roads (includes public streets and private access drives) as measured from the back of curb of the public or private street to the back of curb of any site paving. No parking may be placed within any landscape buffer. Pedestrian easements may be located within a landscape buffer. The width of the sidewalk may be included in the calculation of the buffer depth for 25 foot buffers, but may not be included in the calculation of the buffer depth for ten (10) foot buffers.

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3. A landscape buffer shall be provided for an average of 15 25 feet in depth adjacent to the KCS/DART Railroad right-of-way.
 4. Parking Lots:
 - a. A minimum percentage of the parking area shall be landscaped according to the following requirements. Such landscaping shall be distributed within the parking area, occurring within medians, islands, or peninsulas. All such landscape areas shall be protected by concrete curbing or other acceptable devices which prohibit vehicular access to landscaped areas. Bumper overhang shall not be included as part of required landscaping. A permeable area no less than four (4) feet by four (4) feet shall be provided surrounding each tree located in a surface parking area.
 1. A total of five (5) percent of the interior of the entire parking lot regardless of location, shall be landscaped. One large tree or three (3) ornamental trees from the Plant List, shall be provided for each twelve (12) parking spaces, and planted within the five (5) percent area. Trees shall be distributed so that bays of parking spaces shall not exceed eighteen (18) spaces in length.
- G. Screening. Screening shall comply with the standards set forth in the Code of Ordinances, except as provided below.
1. All screening at the rear of the property will be a live screen where required. Plant materials shall conform to the standards of the approved plant list in Section 50 and the current edition of the "American Standard for Nursery Stock" (as amended), published by the American Association of Nurserymen. Bald Cypress trees are excluded from the approved list. The existing railroad berm will also serve as a natural screen between the nonresidential and residential districts.
 2. All truck docks/loading areas for anchor stores with a footprint greater than 100,000 square feet shall be screened from view through the use of 12-foot all masonry walls (which are the same colors and materials as main building). All other screening of the rear of the site shall be living screens (eight foot height and at least 75 percent capacity within four years of planting unless such areas are screened from public views by a building).
 3. Outside seasonal displays shall be permitted with the Planned Development District.
- H. Site Lighting. Lighting shall comply with the standards set forth in the Code of Ordinances, except as provided below.
1. Lighting should be provided for vehicular, pedestrian, signage, architectural and site features.
 2. Site lighting fixtures used along entrance driveways and parking areas shall be uniform and a consistent design within the development. Lighting standards for illuminating these areas shall be no taller than 40 feet high.

EXHIBIT B

However, the height of all light standards shall be subject to review of the lighting plan during the Site Plan review.

3. The pattern of light pooling from each fixture shall be carefully considered to provide smooth, even lighting of driveways and parking, while eliminating light intrusion into adjacent property outside of the planned development district. Parking areas shall have a minimum of 3-foot candles initial and a minimum average of 2-foot candle on a maintained basis. Light sources shall be metal halide, mercury vapor or of similar color. Yellow/orange source lights are prohibited from use. Incandescent source lighting should be considered for pedestrian areas and near buildings.
 4. Pedestrian walkways, courts, gardens and entrance areas shall be illuminated to enhance the pedestrian qualities of the development. Low level fixtures should complement the architectural design and focus on quality landscape lighting that will enhance the development.
 5. General illumination shall commence one half hour before sunset and last until the Building Site is closed for the evening. Parking structures and pedestrian walkways shall be illuminated during all hours of darkness and when poor weather conditions warrant.
- I. Signage and Graphics: Signage shall comply with the standards set forth in the Code of Ordinances, except as provided below.
1. General
 - a. Single Tenant Monument signs - One (1) monument sign shall be allowed on each pad site and shall be limited to a maximum sign area of 50 square feet and a maximum structure area of 80 square feet.
 - b. Multi Tenant Monument signs - One (1) multi tenant monument sign shall be allowed in Block C as shown on the concept plan and shall be limited to a maximum sign area of 100 square feet and a maximum structure area of 200 square feet.
 - c. Pylon signs – Two (2) pylon signs shall be permitted in Block A and one (1) pylon sign shall be permitted in Block B. Each pylon sign shall be limited to a maximum sign area of 350 square feet and a maximum structure area of 600 square feet.
 2. Single Tenant Monument Signs
 - a. Monument signs shall identify individual tenants or uses within a pad site. Monument signs shall be a maximum of seven (7) feet tall.
 - b. All single tenant monument signs shall be double-sided, internally illuminated Plexiglas sign panels contained within a masonry structure. Single tenant monument signage may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit. Light fixtures should be screened from view in front of the sign.

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- c. Monument signs shall be located at a setback distance of not less than eight (8) feet from the right-of-way line of any adjacent street and incorporated within the landscaping area or buffer.
 - d. Construction of monument signs shall include a base of material compatible with the material used for buildings.
3. Multi Tenant Monument Sign
- a. The multi tenant monument sign shall identify individual tenants or uses within the Planned Development District. The multi tenant monument sign shall be a maximum of ten (10) feet tall.
 - b. All multi tenant monument signs shall be double-sided, internally illuminated Plexiglas sign panels contained within a masonry structure. Multi tenant monument signage may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit. Light fixtures should be screened from view in front of the sign.
 - c. Monument signs shall be located at a setback distance of not less than eight (8) feet from the right-of-way line of any adjacent street and incorporated within the landscaping area or buffer.
 - d. Construction of monument signs shall include a base of material compatible with the material used for buildings.
4. Pylon Signs
- a. Pylon signs shall be constructed at a height not to exceed twenty-five (35) feet.
 - b. The base of a pylon sign shall be located at a setback distance of not less than eight (8) feet from the right-of-way line of any adjacent street and may be incorporated within the landscaping area or buffer.
 - c. All pylon signs shall be double-sided, internally illuminated Plexiglas sign panels contained within a masonry structure. Pylon signs may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit. Light fixtures should be screened from view in front of the sign.
 - d. Construction of pylon signs shall include a base of material compatible with the material used for buildings.
5. Temporary Marketing Signage
- a. Four (4) quality temporary marketing signs shall be permitted for the proposed development. These signs shall for a term of twelve (12) months from the date of installation.
 - b. The maximum signage area will be 96 square feet. The maximum height shall be 10 8 feet.

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- c. All other temporary signage not specifically referred to in the Signage Criteria package or in this section shall comply with the City of Murphy standards.
- d. Temporary signs are not required to be constructed of the material used for buildings.

J. Open Space

1. The proposed development should make a positive impact to the City by providing defined public spaces and activity centers so that varied activities are encouraged within these areas. This can be accomplished through the incorporation of open spaces that become public amenities and that provide interest within the Tract at the pedestrian level.
2. Outdoor Seating. Any establishment serving food for consumption on-premises is encouraged to provide an outdoor seating area and shall be approved with the site plan. The outdoor seating area may be included as a portion of the 5% open space requirement as stated in (b.) below.
3. An additional 5% of open space is required in addition to the landscape, setback, and parking lot island requirements. The additional 5% may be located adjacent to the required setbacks or landscaping at the ROW and property lines or in front or in some cases to the side of the structure. The additional open space percentage may not include the building footprint or vehicular parking lot. This area and associated amenities shall be approved on the site plan. At least one of the following amenities shall be located within the additional 5% open space area and count towards the required percentage.
 - a. Water feature, such as a fountain or detention pond with constant water level.
 - b. Plaza or courtyard with art sculpture piece.
 - c. Outdoor patio or gazebo with seating area.
 - d. Other areas for pedestrian congregation, as may be approved on the site plan.
4. Outside seasonal displays shall be permitted with the Planned Development District.

VII. **Special Regulations:**

1. Traffic Impact Analysis: A Traffic Impact Analysis (TIA) shall be performed prior to site plan approval for any portion of the subject property.
2. Utility/Power Lines: New utility distribution and service lines for individual business establishments, buildings, signs and for any other site development features shall be placed underground.
3. Pedestrian Streetscape: Pedestrian spaces throughout the Planned Development District shall be treated with amenities that are selected based upon their ability to unify the streetscape and shall be established on the overall

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concept plan for each Tract. These features shall include, but are not limited to, benches, trash receptacles, bicycle racks, lighting poles, etc.

4. Cross-Access Requirement: A joint access (i.e. – ingress, egress) easement shall be required to minimize the number of driveway openings along FM 544. The location(s) of access easement(s) shall be shown on the site plan and shall comply with the Texas Department of Transportation (TxDOT) Access Management Standards.
5. Building Placement/Orientation: Buildings shall be placed in a manner that is conducive to a pedestrian-oriented atmosphere, wherever possible. Any building within 200 feet of FM 544 shall either face such right-of-way or shall have a façade facing such right-of-way that is in keeping with the character of the building's main façade.

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