

MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
OCTOBER 21, 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 October 21, 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. Murphy Historical Society Proclamation
- B. Fire Prevention Week Proclamation
- C. Presentation of financial report and investment report as of September 30, 2014.

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. October 7, 2014 Regular City Council Meeting
 - 2. October 15, 2014 Special City Council Meeting

7. INDIVIDUAL CONSIDERATION

- A. Discussion on a proposed use for the property at South Maxwell Creek and FM 544 currently zoned SF-20.
- B. Discuss and consider report from the Ethics Review Commission and adoption of Ordinance No. 14-xx-xxx – amending Chapter 2, Article IX, Section 2-513 of the City of Murphy Code of Ordinances to provide for staggered term appointments for the Ethics Review Commission members and a new annual meeting time for the Ethics Review Commission.
- C. Discussion on amending Chapter 28, Article V, Sections 28-131, Minimum Exterior Construction Standards and Section 28-132, Construction Standards, of the Murphy Code of Ordinances.
- D. Continue consideration and/or act on the application of Wade and Michelle Wilson, requesting a variance to Section 28-132(2) of the Code of Ordinances/Development Standards, to allow less than the 'required 85 percent of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in

accordance with the city's building and fire codes' and accept cement board (hardiplank) on the exterior of a new home to be constructed on property located at 150 Skyline.

- E. Consider and take action relative to adopting the proposed budget for the expenditure of forfeited funds for the Murphy Police Department.
- F. Consider and/or act upon Resolution approving the 2014 tax roll with a total levy of \$9,760,606.21 as certified by Kenneth L. Maun, Tax Assessor Collector for Collin County.
- G. Consider and/or act upon an interview panel regarding the consideration of candidates for service on the Animal Shelter Advisory Committee, Board of Adjustment, Building and Fire Code Appeals Board, Community Development Board, Ethics Review Commission, Murphy Municipal Development District Board, Park and Recreation Board, and Planning and Zoning Commission.
- H. Consider and take action, if any, on the City of Murphy Code of Ordinances, Chapter 66 Streets and Sidewalks, Article V – Sidewalks.
- I. Discussion concerning the development of a Naming Policy for City of Murphy facilities, events, parks, amenities and/or buildings.

8. CITY MANAGER/STAFF REPORTS

- A. North Murphy Road Construction
- B. Howl-a-Ween Event/Animal Shelter Ribbon Cutting, October 25th
- C. Chamber Luncheon November 18th honoring Veterans, sponsored by the City of Murphy
- D. Christmas in the Park, December 4th
- E. Boards and Commissions Dinner, December 11th

9. EXECUTIVE SESSION

- A. § 551.072 Deliberation regarding real property to 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.
- B. §551.074. Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of employees.
 - a. City Manager
 - b. Police Officer

10. RECONVENTE 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. § 551.072 Deliberation regarding real property to 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.

- B. §551.074. Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of employees.
 - a. City Manager
 - b. Police Officer
- C. Take Action on any Executive Session Items.

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 October 17, 2014 by 4:30 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.



Susie Quinn, TRMC
City Secretary

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

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.

**CITY COUNCIL MINUTES
OCTOBER 7, 2014 REGULAR CITY COUNCIL MEETING**

1. CALL TO ORDER

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

2. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Eric Barna gave the invocation and led the Pledge of Allegiance to the United States flag.

3. ROLL CALL & CERTIFICATION OF A QUORUM

Susie Quinn, City Secretary, 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

4. PUBLIC COMMENTS

None during this time, all spoke during the Public Hearing times for various items.

5. PRESENTATION ITEMS

- A. Keep Texas Beautiful Governor's Community Achievement Award 3rd place; Gold Star Affiliate; Award of Excellence; and Educator/Law Enforcement Award.

The following awards were presented:

Officer Aaron McCarty – Ed Davis Litter Law Enforcement Award – 3rd Place
Celso Martinez – Media Award
Keep Murphy Beautiful – 2013 Gold Star Affiliate Award
Keep Murphy Beautiful – 2013 Governor's Community Achievement Award – 3rd place

Mayor Barna thanked staff for all the great work they did to make the 2014 Murphy Maize Days the best one to date.

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 for September 16, 2014 Regular City Council Meeting.

This item was approved on the Consent Agenda.

- B. Consider and take action, if any, on the December 2014 City Council meeting schedule.

Following Council discussion, the consensus was to meet on the first Tuesday in December and decide at the December 2nd meeting if the meeting scheduled to be held on the third Tuesday in

December will be necessary since it is so close to the Christmas Holidays. It was also requested that if the December meeting in 2015 is to be changed to meet on the second Tuesday in December that staff bring the request to Council for approval early in 2015.

No action was taken regarding this Consent Agenda item.

- C. Consider and take action, if any, on the 2015 City of Murphy Holiday schedule.

This item was approved on the Consent Agenda.

- D. Consider and/or act on an Alcohol Policy for the Murphy Community Center and Murphy Activity Center.

Council asked staff if the City of Murphy was the only applicant to request the exception to the Saturday serving of alcohol. The City Manager answered affirmative.

COUNCIL ACTION (6.D.):

APPROVED

Councilmember Rob Thomas moved to accept Item 6.D. as presented on the consent agenda. Councilmember Sarah Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

CONSENT AGENDA ITEMS ACTION

COUNCIL ACTION (6.A. and 6.C.):

APPROVED

Mayor Pro Tem Scott Bradley moved to accept the consent agenda for items 6.A. and 6.C as presented. Deputy Mayor Pro Tem Owais Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

7. INDIVIDUAL CONSIDERATION

- A. Consider and take action, if any, on the License Agreement with Oncor Electric Delivery Company LLC and the City of Murphy for a hike and bike trail as part of the Timbers Nature Preserve Park.

Staff explained that the License Agreement with Oncor Electric Delivery Company LLC and the City of Murphy for a hike and bike trail as part of the Timbers Nature Preserve Park had been signed in August of 2013 and therefore no further action is required.

No action was taken regarding this Agenda item.

- B. Consider and take action, if any, upon the approval of an Ordinance adopting the City of Murphy Boundary Map.

Staff explained the importance for the City to maintain an up-to-date City of Murphy Boundary Map. The City Engineer was complimented for his research efforts and the City Attorney for his legal expertise to bring this project before Council.

Council discussed the accuracy of the streets as represented on the map and whether or not this was the first boundary map to be approved. Staff responded and Mayor asked for a motion.

COUNCIL ACTION:**APPROVED**

Councilmember Ben St. Clair moved to approve the map and authorize the City Manager and/or the City Secretary to execute the necessary documents for filing. Deputy Mayor Pro Tem Owais Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. (Ordinance Number 14-10-986)

- C. Consider and/or act upon the approval of an Ordinance amending Section 9.100 of the Fee Schedule; irrigation rates.

Staff explained that these fees were overlooked when the other rates were approved.

Council asked if the rates presented were the same that were reflected in the rate study. Staff answered affirmative.

COUNCIL ACTION:**APPROVED**

Mayor Pro Tem Scott Bradley moved to approve the Ordinance amending Section 9.100 of the Fee Schedule; irrigation rates. Councilmember Sarah Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. (Ordinance Number 14-10-987)

- D. Consider and/or act upon all matters incident and related to approving and authorizing publication of notice of intention to issue certificates of obligation in an amount not to exceed \$3,000,000 for City water and sewer system improvements.

Staff explained that the payment for the issuance was included in the new water and sewer rates which will pay to construct the Maxwell Creek Parallel Trunk Sewer line. Staff also explained that the projects listed were discussed as Capital Items during the budget workshops.

Council discussed the other projects presented in the packet and confirmed with staff that each would have to be approved by Council before being funded.

COUNCIL ACTION:**APPROVED**

Mayor Pro Tem Scott Bradley moved to authorize publication of notice of intent to issue certificates of obligation in an amount not to exceed \$3,000,000 for City water and sewer system improvements. Deputy Mayor Pro Tem Owais Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. (Resolution Number 14-R-806)

- E. Hold a public hearing and consider and/or act on the application of Wade and Michelle Wilson, requesting a variance to Section 28-132(2) of the Code of Ordinances/Development Standards, to allow less than the *'required 85 percent of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in accordance with the city's building and fire codes'* and accept cement board (hardiplank) on the exterior of a new home to be constructed on property located at 150 Skyline.

Public Hearing opened at 6:21 pm.

John Daugherty spoke against
 Don Kiertscher spoke against
 Keith Patton spoke against
 Wade Wilson spoke in favor
 Robert Doyle spoke in favor
 Jeanette Miller spoke in favor
 Michael Abramski spoke in favor
 Teresa Doyle spoke in favor
 Charles Ijames spoke in favor
 Public Hearing closed at 6:29 pm.

Following a lengthy discussion by Council, the need to revisit the development plans was reached by consensus and the variance was not granted at this time.

COUNCIL ACTION:**APPROVED**

Councilmember Fincanon moved to table this item to October 21, 2014. Councilmember Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- F. Hold a public hearing and consider and/or act on the application of Champion Langford Venture requesting approval of a SUP (Specific Use Permit) to allow a drive-thru window for a Dunkin Donuts restaurant on property zoned PD (Planned Development) District No. 12-10-923 for Retail Uses on Lot 3, Block C, Murphy Marketplace East Addition (North Maxwell Creek and FM 544), applicant being Dunkin Donuts on behalf of the property owner Champion Langford Venture.

Staff explained the property would have two retail units, Dunkin Donuts and Nothing Bundt Cake. Because the SUP was denied by Planning and Zoning (vote was 4 to 2), a super majority vote will be required by Council to approve the SUP.

Public Hearing opened at 6:51 pm.

John Daugherty spoke in favor
 Keith Patton spoke against

Public Hearing closed at 6:54 pm.

Following the public hearing, Council discussed the pros and cons of approving the SUP (Specific Use Permit).

COUNCIL ACTION:**APPROVED**

Councilmember St. Clair moved to approve a SUP (Specific Use Permit) to allow a drive-thru window for a Dunkin Donuts restaurant on property zoned PD (Planned Development) District No. 12-10-923 for Retail Uses on Lot 3, Block C, Murphy Marketplace East Addition as presented. Councilmember Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- G. Hold a public hearing and consider and/or act on the application of the City of Murphy to zone the subdivision known as Windy Hill Farms – Phase 1 and generally located west of Heritage Parkway and north of FM 544 as a Planned Development (PD) District for SF-15 (Single Family 15 Residential) uses with a minimum lot size of 9,500 square feet, a minimum average lot width of 85 feet and a minimum front yard setback of 25 feet.

Deputy Mayor Pro Tem Siddiqui recused himself because he lives in Windy Hill Farms, Phase 1.

Staff explained the need for this process.

Public Hearing opened at 7:08 pm.

Kimberly Zech spoke in favor

Public Hearing closed at 7:09 pm.

COUNCIL ACTION:

APPROVED

Mayor Pro Tem Bradley moved to approve the application of the City of Murphy to zone the subdivision known as Windy Hill Farms – Phase 1 and generally located west of Heritage Parkway and north of FM 544 as a Planned Development (PD) District for SF-15 (Single Family 15 Residential) uses with a minimum lot size of 9,500 square feet, a minimum average lot width of 85 feet and a minimum front yard setback of 25 feet. Councilmember Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0. (Deputy Mayor Pro Tem Siddiqui recused himself for this item).

- H. Consider and/or take action, if any, on the City of Murphy Code of Ordinances, Chapter 66 Streets and Sidewalks, Article V – Sidewalks.

Staff explained the need for direction regarding this item. The city has currently repaired approximately \$100,000 worth of sidewalks and the owners have not been billed. Criteria would be established to determine if a sidewalk warrants replacement.

John Nichols addressed Council discussing the sidewalk issue in front of his house which is located in Maxwell Creek. He paid for his sidewalk replacement and is requesting 50% reimbursement for his sidewalk replacement.

Council discussed the pros and cons regarding the payment of sidewalks by the City at 100% replacement cost or to keep the 50%-50% split between the home owner and the City.

COUNCIL ACTION:

APPROVED

Mayor Pro Tem Bradley moved to change the Code of Ordinances, Chapter 66 Streets and Sidewalks, Article V – Sidewalks to move the responsibility for the funding of the sidewalk replacement from 50 – 50, city – resident to 100% city responsibility. Councilmember Fincanon seconded the motion. For: Mayor Barna, Mayor Pro Tem Bradley, Deputy Mayor Pro Tem Siddiqui, Councilmember St. Clair, and Councilmember Fincanon. Against: Councilmember Spraggins and Councilmember Thomas. The motion carried by a vote of 5 to 2.

- I. Discuss Emergency Management planning and training for the City of Murphy.

Chief Mark Lee explained to Council the need and the process for the Emergency Management. He explained to Council the recently held City of Murphy Hazard Mitigation Stakeholders meeting. He invited the City Councilmembers to attend the Senior Officials Workshop and Crisis Leadership on November 14, 2014 and the opportunity to attend NIMS anytime online.

No action was necessary regarding this Agenda item.

8. CITY MANAGER/STAFF REPORTS

- North Murphy Road Update – street sweeping timing is being addressed – paving to be complete by January 2015
- Fall Recycle Event –Open House at the Fire Department – very family oriented – Saturday, October 11, 2014
- Howl-a-ween Event – October 25th in connection with the Animal Shelter Open House

9. EXECUTIVE SESSION

The City Council convened into closed Executive 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. §551.071. CONSULTATION WITH ATTORNEY; on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act: to receive legal advice regarding planning and zoning issues regarding city development regulations, standards and conditions, and/or city zoning regulations and related issues.
- B. §551.072. DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING. A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
- C. §551.074. Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Manager.

10. RECONVENE INTO REGULAR SESSION

The City Council reconvened into open session at 8:25 pm with the Mayor's announcement that no action was taken in 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 ATTORNEY; on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act: to receive legal advice regarding planning and zoning issues regarding city development regulations, standards and conditions, and/or city zoning regulations and related issues.
- B. §551.072. DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING. A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real

property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

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

No action was taken regarding the Executive Session Items.

11. ADJOURNMENT

With no further business, the meeting was adjourned at 8:27 pm.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Susie Quinn, City Secretary

CITY COUNCIL MINUTES
OCTOBER 15, 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

Susie Quinn, City Secretary, 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 Manager.

4. RECONVENE INTO REGULAR SESSION

The City Council reconvened into open session at 8:11 pm with the Mayor’s announcement that no action was taken in Executive Session, 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 Manager.
- B. Take Action on any Executive Session Item.
No action was taken.

5. ADJOURNMENT

COUNCIL ACTION (ITEM 5.):

APPROVED

Councilmember Spraggins made the motion to adjourn. The motion was seconded by Councilmember Fincanon. For: Unanimous. The motion carried by a vote of 7 to 0.

With no further business, the meeting was adjourned at 8:11 pm.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Susie Quinn, City Secretary

City Council
October 21, 2014

Issue

Discussion on proposed use for the property at South Maxwell Creek and FM544 currently zoned SF-20.

Staff Resource/Department

Kristen Roberts, Director of Community and Economic Development

Background

For approximately six years, staff has worked closely with the former and current property owners on numerous potential developments for this site that for various reasons did not come to fruition.

Staff had also worked directly with single family residential developers for this site for approximately eight months prior to a zoning change request brought to Planning & Zoning Commission and City Council in June/July of 2013. Both staff and the developer have worked at length to take into consideration various concerns of both residents and the Commission; including lot size, lot depth and street design.

The application was subsequently withdrawn from the applicant given the lack of support received by the Commission and Council including neighboring residents concerns.

Current Proposed Planned Development District (DRAFT)

Since last year, staff has been working closely with the new owner on possible uses for the property and site layout. The owner has been in discussion with staff on the draft site use as attached.

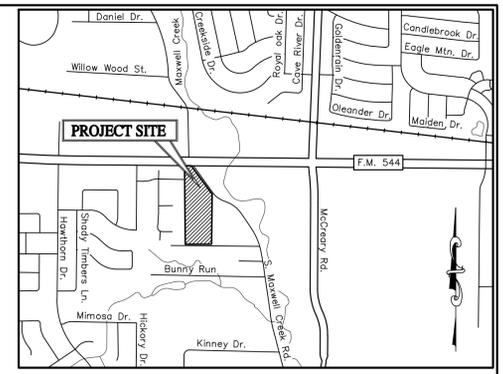
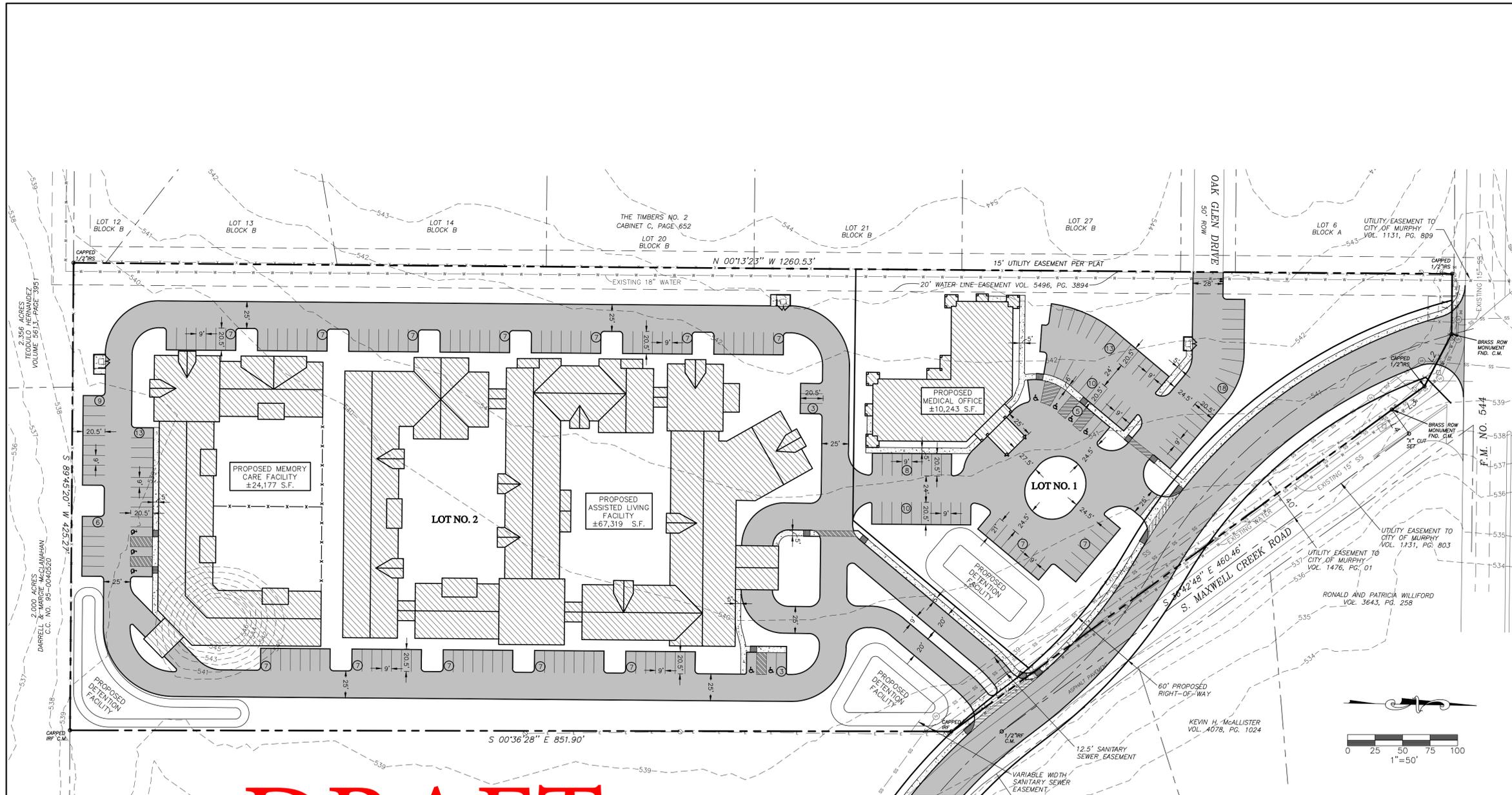
This is not a final layout and the property owner must still submit application for a rezoning of the property and creation of a Planned Development District as well as the subsequent site submittals.

Discussion

Staff requests Council discussion as the applicant prepares to submit a development application and zoning change request.

Attachments

Proposed and DRAFT Site Layout – including senior living and medical office



LOCATION MAP

NOT TO SCALE

DRAFT

**A
PRELIMINARY SITE PLAN
FOR**

**MAXWELL CREEK
MEDICAL OFFICE /
ASSISTED LIVING**

±10.7 ACRES
S. MAXWELL CREEK RD., MURPHY, COLLIN COUNTY, TEXAS.

EXISTING		PROPOSED	
	PROPERTY BOUNDARY		PROPOSED BUILDING
	ADJACENT PROPERTY BOUNDARY		PROPOSED CONCRETE PAVING
	EXISTING WATER LINE		PROPOSED ASPHALT PAVING
	EXISTING SANITARY SEWER		PROPOSED PARKING STRIPE
	EXISTING ELECTRIC LINE		PROPOSED LOT LINE
	EXISTING EASEMENT		PROPOSED ROAD CENTERLINE
	EXISTING CONTOURS		PROPOSED FENCE LINE
	EXISTING FENCE LINE		PROPOSED CONCRETE CURB
	IRON ROD FOUND		PROPOSED DUMPSTER
	EXISTING FIRE HYDRANT		PROPOSED HANDICAP SPACE
	EXISTING WATER VALVE		PROPOSED NUMBER OF PARKING SPACES
	EXISTING MANHOLE		
	EXISTING UTILITY POLE		
	EXISTING TELEPHONE PEDESTAL		
	EXISTING GUY WIRE		

4B&W	DEVELOPER
CONTACT: RYAN BETZ 5707 WILLOW LANE DALLAS, TX 78230	PHONE: (469) 682-2212 FAX: (972) 503-2212
VEI CONSULTING ENGINEERS	ENGINEER
CONTACT: KEVIN W. SPRAGGINS 507-D E. HIGHWAY ST. FREDERICKSBURG, TX 78624	(830) 997-4744 FAX: (830) 997-6967 Texas Registration # F-165
DATE: 10/14/2014	FILE NO: 14005 SHEET: SP (1 OF 1)

**City Council Meeting
October 21, 2014**

Issue

Discuss and consider report from the Ethics Review Commission and adoption of Ordinance No. 14-xx-xxx – amending Chapter 2, Article IX, Section 2-513 of the City of Murphy Code of Ordinances to provide for staggered term appointments for the Ethics Review Commission members and a new annual meeting time for the Ethics Review Commission.

Staff Resource/Department

City Manager, Ethics Review Commission, and City Attorney

Summary

Current Chapter 2, Article IX, Section 2-513(b)(4)(F) of the City of Murphy Code of Ordinances provides that the Ethics Review Commission may make recommendations to the City Council regarding revisions and changes to the comprehensive Ethics Ordinance codified at Chapter 2, Article IX of the City of Murphy Code of Ordinances.

In its annual meeting, the Commission recommended that the terms of its members be alternated so that three members serve a two-year term beginning in odd-numbered years, and two members serve a two-year term beginning in even-numbered years. The Commission also recommended that its annual meeting be moved from September to February.

Action Requested

Approve Ordinance No. 14-xx-xxx amending Chapter 2, Article IX, Section 2-513 of the City of Murphy Code of Ordinances to provide for staggered term appointments for the Ethics Review Commission members and a new annual meeting time for the Ethics Review Commission.

ORDINANCE No. 14-xx-xxx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AMENDING CHAPTER 2, ARTICLE IX, SECTION 2-513 OF THE CITY OF MURPHY CODE OF ORDINANCES; PROVIDING FOR NEW TERM APPOINTMENTS FOR THE ETHICS REVIEW COMMISSION; PROVIDING NEW ANNUAL MEETING TIME FOR THE ETHICS REVIEW COMMISSION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE/REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Murphy, Texas (the “City”), has adopted a comprehensive ethics ordinance that sets out the parameters relating to the conduct of public officials and employees in one easily accessible location; and

WHEREAS, the City Council believes that a position in government is a position of public trust that demands a high standard of behavior; and

WHEREAS, each employee and official of the City of Murphy should uphold the Constitution, laws, and regulations of the United States and the State of Texas and the Charter and ordinances of the City of Murphy; and

WHEREAS, the City of Murphy seeks to promote personal integrity, honesty, and ethical conduct in all activities undertaken by City Officials and employees through the adoption of this Ordinance; and

WHEREAS, the Ethics Review Commission has made recommendations to the City Council to increase the efficiency and efficacy of the Commission;

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

SECTION 1. FINDINGS INCORPORATED.

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

SECTION 2. AMENDMENT OF CHAPTER 2, ARTICLE IX, CODE OF ORDINANCES.

That Chapter 2, Article IX, Section 2-513 of the Code of Ordinances of the City of Murphy, Texas is hereby amended to read as follows:

“Section 2-513. Ethics Review Commission

- (a) There is hereby created an Ethics Review Commission (the “Commission”), an advisory commission having jurisdiction over ethics complaints as described in this Article involving City Officials. All ethics complaints against a City Employee who is not a City Official as defined in Section 2-501 must be filed in the manner prescribed in Chapter 7 of the City of Murphy Personnel Policies and Procedures Manual, as may be amended from time to time.
- (b) The Commission is to be composed of five (5) members each serving a two (2) year term. The City Council shall appoint each member (a “Commissioner”) to the Commission. If a vacancy occurs on the Commission, the City Council shall appoint a person to fill the unexpired term. Each Commissioner shall take an oath of office comparable to that taken by Council members. Commissioners shall serve without compensation, but shall be eligible to be reimbursed for actual expenses in accordance with the City’s reimbursement policy.
- (1) Terms of Commissioners. Beginning January 1, 2013, the Commission shall be comprised of five (5) members each serving a two (2) year term. Thereafter, all members’ terms shall be two (2) years alternated as follows: three Commission members shall be appointed two (2) years appointed to a term commencing in January of odd-numbered years, and two Commission members shall be appointed to a term commencing in January of even-numbered years. To implement the staggered terms, three Commission members shall be appointed to two (2) year terms commencing January 1, 2015, and two Commission members shall be appointed to a one (1) year term commencing January 1, 2015. Thereafter, all members’ terms shall be two (2) years alternated as outlined above. The Council may, at its discretion, extend the terms of the outgoing Commissioners for up to one hundred and eighty (180) days in order to resolve any pending complaints. The Commission members shall serve at the pleasure of the City Council and may be removed at the discretion of the City Council. Any Commissioner who misses three (3) consecutive meetings within a twelve (12) month time period or one-third (1/3) of all regular meetings shall be deemed to have automatically vacated his/her position on the Commission. Any Commissioner who applied for and received an excused absence from the Commission chairperson prior to the meeting(s) at issue shall not be considered absent for purposes of this Subsection. Any Commissioner who no longer resides within the corporate boundaries of the City is deemed to have automatically vacated his/her position on the Commission. A Commissioner appointed to serve on the Ethics Commission is not eligible to serve as an appointed official on another City board or commission, including, but not limited to, any development districts until the term has ended.
- (2) Commission Officers; quorum. From among its members, the Commission shall elect its officers, those being the Chairperson, Vice-Chairperson, and Secretary. Officers shall be elected for terms of one (1) year. The Chairperson shall preside over all meetings and may vote. If the Chairperson fails or refuses to act, the Vice-Chairperson shall perform the duties of the Chairperson. The Chairperson and Vice-Chairperson are absent, any Commissioner may be

appointed by the remaining members of the Commission to preside over the meeting. Three (3) or more Commissioners present at a meeting shall constitute a quorum, but no action of the Commission shall be of any force or effect unless it is adopted by the favorable votes of three (3) or more of its members.

(3) Meetings. The Commission shall have such meetings as may be necessary to fulfill its responsibilities. The Commission shall meet at least once a year. The date of the annual meeting shall be in ~~September-February~~ as set by the Commission. The Chairperson or any two (2) members of the Commission may call a meeting provided that reasonable notice is given to each Commissioner and written notice is posted in accordance with the provisions of the Texas Open Meetings Act. The Commission shall comply with the provisions of the Texas Open Meetings Act when conducting any meetings and/or hearings under this Article.

(4) Qualifications.

(A) Commissioners must be Qualified Voters who are residents of the City of Murphy.

(B) No Commissioner may be a City Official, a City Employee, an Appointed Board or Commission member or a Family Member of a City Official or City Employee.

(C) Commissioners shall maintain objectivity and be free of conflicts of interest in discharging their duties. Commissioners shall be independent in fact and appearance when hearing matters brought before the Commission. When a Commissioner has any reason to believe that he or she cannot be impartial, intellectually honest and free of conflicts of interest in discharging any of the duties of the Commission, such Commissioner shall disclose the facts and circumstances that create the conflict and shall not vote or otherwise participate in consideration of the matter.

(D) The Commission shall have the authority to review and investigate complaints filed in accordance with this Article and issue a written finding of the Commission's determination when appropriate.

(E) Service on the Commission does not preclude a member from filing a complaint with the Commission. The Commission member filing the complaint must recuse himself/herself from the Commission procedure.

(F) The Commission may make recommendations to the City Council regarding revisions and changes to this Ordinance.

(G) The Commission may seek any necessary assistance or resources from the City Council and City Manager regarding support needed to carry out the Commission's duties.

- (H) The Commission shall determine its rules and procedures which shall be submitted in writing and recommended for approval of the Council. The Commission shall establish, amend, and rescind its procedures and maintain proper records of its proceedings and its opinions, subject to City Council approval.
- (I) The Commission shall have the power to investigate, request, and gather evidence necessary to determine if a violation has occurred. The Commission must request access to employees through the City Manager prior to interviewing an employee as a possible witness in a complaint. The Commission shall have the power to enforce the provisions of this Ordinance, including recommending to the City Council the prosecution of alleged violators. Nothing in this Article shall be construed, however, to prevent complainants, including the City, from instituting direct legal action on their own behalf through the appropriate judicial authority.
- (J) The Commission shall receive from the City such administrative support as reasonably necessary to carry out the duties of the Commission and shall assist the Commission with maintenance of its records in compliance with the City's records retention schedule."

SECTION 4. Severability Clause.

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

SECTION 5. Cumulative/Repealer Clause.

This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Murphy, Texas, whether codified or uncodified, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict.

SECTION 6. Savings Clause.

All rights and remedies of the City of Murphy, Texas, are expressly saved as to any and all violations of the provisions of this ordinance or any other ordinance which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7. Effective Date.

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

DULY PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this the _____ day of _____, 2014.

Eric Barna, Mayor
City of Murphy

ATTEST:

Susie Quinn, City Secretary
City of Murphy

APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney

Issue

Discussion on amending Chapter 28, Article V, Sections 28-131, Minimum Exterior Construction Standards and Section 28-132, Construction Standards, of the Murphy Code of Ordinances.

Background

On October 7, 2014, after receiving a request for a variance to the 85% masonry requirement for all new homes, City Council requested staff present for discussion possible revisions to the sections of the City's ordinance specifying such requirements.

Considerations

Sections 28-131, Minimum Exterior Construction Standards

1. Current section *Definitions* reads as follows: *Masonry construction* shall include all construction of stone material, brick material, concrete masonry units, or concrete panel construction, which is composed of solid, cavity, faced, or veneered-wall construction. Synthetic masonry materials are prohibited.
2. It is recommended to replace this as follows: *Masonry construction* shall include all construction of stone material, brick material, concrete masonry units, or concrete panel construction, which is composed of solid, cavity, faced, or veneered-wall construction. Fiber precast concrete and other synthetic masonry materials are not considered masonry units. Synthetic masonry shall be considered to be any manufactured and/or adhered product not naturally occurring.
3. It is recommended to add to the section *The standards for masonry construction types are listed below:* (6) Fiber Cement Siding. A manufactured, fiber-reinforcing product made with an organic hydraulic or calcium silicate binder formed by chemical reaction and reinforced with organic or inorganic (non-asbestos) fibers, or both. Additives which enhance manufacturing or product performance are permitted. Fiber cement siding products have either smooth or textured faces and are intended for exterior wall and related applications.

Sec. 28-132. - Construction standards.

1. Current section (a) *Residential* reads as follows:
 - (a) *Residential*:
 - (1) All residential buildings and structures shall be of exterior fire resistant construction having at least 85 percent of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in accordance with the city's building and fire codes.
 - (2) All principal buildings and structures located in the SFA and MF districts shall be of exterior fire resistant construction having at least 85 percent of the total exterior walls, excluding doors and windows, constructed of brick, stone, brick veneer, stone veneer in accordance with the city's building and fire codes.
2. It is recommended to replace this as follows:
 - (a) *Residential*:
 - (1) All residential buildings and structures shall be of exterior fire resistant construction having at least 85 percent of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in accordance with the city's building and fire codes or 65% of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in accordance with the city's building and fire codes and a maximum of 35% fiber cement siding. Fiber cement siding shall contain vents running the full length of the installed soffit boards.
 - (2) All principal buildings and structures located in the SFA and MF districts shall be of exterior fire resistant construction having at least 85 percent of the total exterior walls, excluding doors and windows, constructed of brick, stone, brick veneer, stone veneer in accordance with the city's building and fire codes or 65% of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in accordance with the city's building and fire codes and a maximum of 35% fiber cement siding.

Additional Considerations

1. The proposed amendments were reviewed by Fire as well as the Building Official. They are compatible with the Fire and Building Codes.
2. Following City Council direction, staff will present the recommendations to Planning & Zoning and City Council for consideration and action.

City Council
October 21, 2014

Staff Recommendation

Staff recommends discussion and Council direction of the proposed amendments.

Attachments

Amendment recommendations

Sec. 28-131. - Minimum exterior construction standards.

Definitions. For the purpose of this section, the following definitions shall apply:

Masonry construction shall include all construction of stone material, brick material, concrete masonry units, or concrete panel construction, which is composed of solid, cavity, faced, or veneered-wall construction. Fiber precast concrete and other synthetic masonry materials are prohibited not considered masonry units. Synthetic masonry shall be considered to be any manufactured and/or adhered product not naturally occurring.

The standards for masonry construction types are listed below:

(1)

Stone material. Masonry construction using stone material may consist of granite, marble, limestone, slate, river rock, and other hard and durable naturally occurring all-weather stone. Cut stone and dimensioned stone techniques are acceptable. Synthetic stone is not acceptable. Stone veneer is acceptable with a minimum thickness of three and five-eighths inches.

(2)

Brick material. Brick material used for masonry construction shall be hard fired (kiln fired) clay or slate material which meets the latest version of ASTM standard C216, Standard Specification for Facing Brick (Solid Masonry Unit Made of Clay or Shale), and shall be Severe Weather (SW) grade, and Type FBA or FBS or better. Unfired or underfired clay, sand, or shale brick are not allowed. Brick veneer is acceptable with a minimum thickness of three inches.

(3)

Concrete masonry units. Concrete masonry units used for masonry construction shall meet the latest version of the following applicable specifications; ASTM C90, Standard Specification for Hollow Load Bearing Concrete Masonry Units; ASTM C145, Standard Specification for Solid Load Bearing Masonry Units; ASTM C129, Standard Specification for Hollow and Solid Nonload Bearing Units. Concrete masonry units shall have an indented, hammered, split face finish or other similar architectural finish as approved by the city council. Lightweight concrete block or cinderblock construction is not acceptable as an exterior finish. Colored concrete masonry units are prohibited.

(4)

Concrete panel construction. Concrete finish, precast panel, tilt wall, or cementitious composite reinforced panel construction shall be painted, fluted, or exposed aggregate. Smooth or untextured concrete finishes are not acceptable.

(5)

Glass and Metal Standards are as follows: Glass walls shall include glass curtain walls or glass block construction. Glass curtain wall shall be defined as an exterior wall which carries no structural loads, and which may consist of the combination of metal, glass, or other surfacing material supported in a metal framework.

(6) Fiber Cement Siding. A manufactured, fiber-reinforcing product made with an organic hydraulic or calcium silicate binder formed by chemical reaction and reinforced with organic or inorganic (non-asbestos) fibers, or both. Additives which enhance manufacturing or product performance are permitted. Fiber cement siding products have either smooth or textured faces and are intended for exterior wall and related applications.

(Ord. No. 09-05-797, § 2, 5-18-2009; Ord. No. 13-02-947, § 16, 2-19-2013)

☐ Sec. 28-132. - Construction standards.

Construction standards. The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new, altered or repaired construction occurring within the city.

(a)

Residential:

(1)

All residential buildings and structures shall be of exterior fire resistant construction having at least 85 percent of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in accordance with the city's building and fire codes ~~OR~~ **or 65% of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in accordance with the city's building and fire codes and a maximum of 35% fiber cement siding. Fiber cement siding shall contain vents running the full length of the installed soffit boards**

(2)

All principal buildings and structures located in the SFA and MF districts shall be of exterior fire resistant construction having at least 85 percent of the total exterior walls, excluding doors and windows, constructed of brick, stone, brick veneer, stone veneer in accordance with the city's

building and fire codes ~~or~~ **65% of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in accordance with the city's building and fire codes and a maximum of 35% fiber cement siding.**

.

(3)

Concrete or metal exterior construction is not permitted on any residential structure.

(4)

The concrete foundation of any building or structure may not be exposed more than two feet from the final grade.

(5)

Exemptions:

(a)

Barns or other accessory buildings in the agricultural (AG) zoning district and SF-E estate district, or located on property of five acres or more, provided that such barns are used solely for agricultural purposes as distinguished from commercial or industrial purposes, shall be exempt from provisions of this section.

(b)

Mobile homes otherwise lawfully existing under the provisions of this chapter shall also be excluded from provision of this section.

(c)

Historic structures (with a local, state or national designation/registry as an historic structure).

(d)

Accessory building in a single-family, duplex or single-family attached zoning district that has less than 500 square feet of floor area;

(e)

Accessory and maintenance buildings (any size) for a public golf course, a public or parochial school that has less than 500 square feet, or any city facility;

(f)

Temporary construction buildings and field offices (provided that such facilities are legally permitted by the city for a specific period of time, and provided that they are completely removed from the premises upon expiration of the permit or upon completion of construction, whichever occurs first); temporary sales offices shall be permitted with first model home, provided that sales office is completely removed from the premises upon expiration of the permit or upon completion of construction; and

(g)

Structures in existence on May 27, 2004, and any addition to those structures that does not exceed 25 percent of the heated and cooled square footage of the structure as measured on May 27, 2004.

(6)

Roof materials shall be composition (30-year), standing seam metal, terra-cotta tiles, concrete tiles or slate in muted colors. Wood shingle, shake, and metal roofing systems associated with agricultural or industrial buildings are prohibited. Only flat pan, standing seam metal roof materials are allowed with a factory finish of an approved color. Natural metal roofs are not allowed, whether galvanized or metal aluminum. Minimum roof pitch shall be at least 8:12, unless otherwise stated in the applicable zoning district or PD ordinance, and except for "Santa Fe" (with a flat roof and highly articulated parapet that conceals the roof and any roof-mounted equipment), "Texas ranch house" (with low pitched roofs, large eaves/overhangs, rambling design), or other uniquely styled home. Any proposed addition to an existing single-family structure shall have a minimum roof pitch of 4:12.

The exterior color of all residential structures must be muted, rustic earth tones. Bright colors like pinks, purples, and those classified as primary colors are expressly prohibited.

City Council
October 21, 2014

Issue

Continue consideration and/or act on the application of Wade and Michelle Wilson, requesting a variance to Section 28-132(2) of the Code of Ordinances/Development Standards, to allow less than the 'required 85 percent of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in accordance with the city's building and fire codes' and accept cement board (hardiplank) on the exterior of a new home to be constructed on property located at 150 Skyline.

Summary

An application was received by Mr. and Mrs. Wilson who are in the new home design process for 150 Skyline. They are requesting a variance to allow less than the required 85% exterior of brick, stone, brick veneer or stone veneer and are proposing the stone percentages as shown in the spreadsheet provided by their architect. They are proposing that in lieu of the remaining percentage to equal 85% or more, the Fiber cement Lap siding (ex: hardiplank) that will be used be allowed to make up that difference.

Considerations

1. There is an existing home at this address that will be torn down. The owners are constructing a new home on the site.
2. This property and the surrounding neighborhoods are zoned SF-E (Single Family Estate), a district specific to single-family residences on lot/tracts of not less than 40,000 square feet in size.
3. The Code of Ordinances, Section 28-133. Variance procedure. (also included as an attachment) states that:
(b) All recommendations of the planning and zoning commission under this article shall be forwarded to city council.

Board Discussion/Action

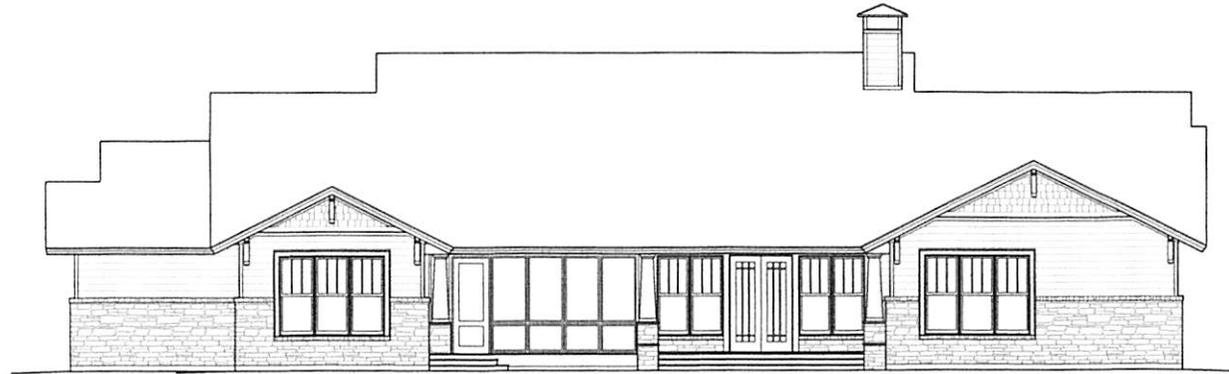
The Planning and Zoning Commission considered this item on September 22, 2014. The Commission approved the variance to allow less than the required 85% exterior of brick, stone, brick veneer or stone veneer. Motion to approve the requested variance passed 4-2 with Chairman Levy and Secretary Holcomb denying the requested variance.

Staff Recommendation

Staff recommends City Council consideration.

Attachments

Home elevations
Proposed Stone percentage calculations
Article V. Exterior Construction and Design
Location Map
Reply Forms



rear view (south)



west

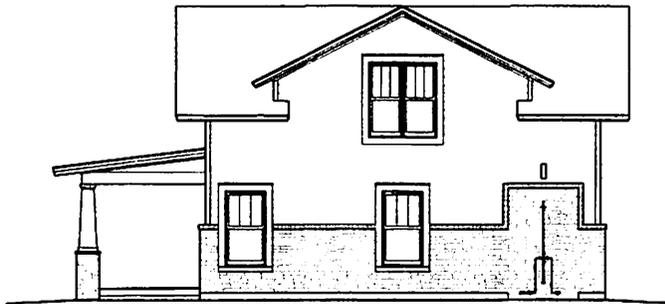
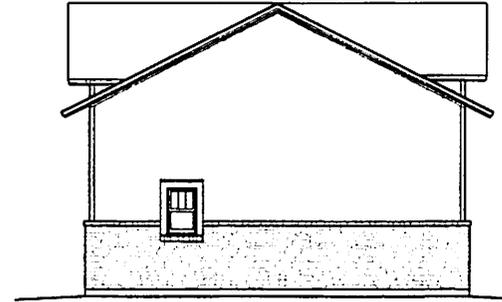
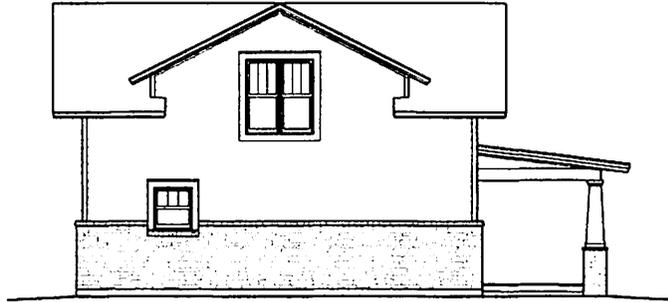


Street view (north)



east view

Proposed secondary structure



House: % coverage with stone

	Stone	No Stone	Gable	Total Area	% stone
N	132	273.18	72.00		
	214		24.03		
			23.22		
			86.26		
	<hr/> 346	273.18	205.51	619.18	55.88% to ceiling line
			w/gable	824.69	41.96% including gables
S	235.06	183.27	30.47		
	123.2	83.26	71.43		
	<hr/> 358.26	266.53	101.90	624.79	57.34% to ceiling line
			w/gable	726.69	49.30% including gables
E	412	258.3	243.00		
	<hr/> 412	258.3	243.00	670.3	61.47% to ceiling line
			w/gable	913.30	45.11% including gables
W	20.3	290.86	82.37		
	15.6		175.29		
	184.05				
	<hr/> 219.95	290.86	257.66	510.81	43.06% to ceiling line
			w/gable	768.47	28.62% including gables

Pool House: % coverage with stone

	Stone	No Stone	Total Area	% stone
N	132.34	265.18		
		-37.08		
	<hr/> 132.34	228.1	360.44	36.72%
S	137.86	293.63		
		-38.08		
	<hr/> 137.86	255.55	393.41	35.04%
E	45.22	182.54		
	16.26	12.4		
		1.3		
		-42.32		
	<hr/> 61.48	153.92	215.4	28.54%
W	131.23	312.88		
		0		
	<hr/> 131.23	312.88	444.11	29.55%

Murphy, Texas, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 28 - DEVELOPMENT STANDARDS >>
ARTICLE V. EXTERIOR CONSTRUCTION AND DESIGN >>

ARTICLE V. EXTERIOR CONSTRUCTION AND DESIGN

[Sec. 28-131. Minimum exterior construction standards.](#)

[Sec. 28-132. Construction standards.](#)

[Sec. 28-133. Variance procedure.](#)

[Secs. 28-134—28-150. Reserved.](#)

Sec. 28-131. Minimum exterior construction standards.

Definitions. For the purpose of this section, the following definitions shall apply:

Masonry construction shall include all construction of stone material, brick material, concrete masonry units, or concrete panel construction, which is composed of solid, cavity, faced, or veneered-wall construction. Synthetic masonry materials are prohibited.

The standards for masonry construction types are listed below:

- (1) *Stone material.* Masonry construction using stone material may consist of granite, marble, limestone, slate, river rock, and other hard and durable naturally occurring all-weather stone. Cut stone and dimensioned stone techniques are acceptable. Synthetic stone is not acceptable. Stone veneer is acceptable with a minimum thickness of three and five-eighths inches.
- (2) *Brick material.* Brick material used for masonry construction shall be hard fired (kiln fired) clay or slate material which meets the latest version of ASTM standard C216, Standard Specification for Facing Brick (Solid Masonry Unit Made of Clay or Shale), and shall be Severe Weather (SW) grade, and Type FBA or FBS or better. Unfired or underfired clay, sand, or shale brick are not allowed. Brick veneer is acceptable with a minimum thickness of three inches.
- (3) *Concrete masonry units.* Concrete masonry units used for masonry construction shall meet the latest version of the following applicable specifications; ASTM C90, Standard Specification for Hollow Load Bearing Concrete Masonry Units; ASTM C145, Standard Specification for Solid Load Bearing Masonry Units; ASTM C129, Standard Specification for Hollow and Solid Nonload Bearing Units. Concrete masonry units shall have an indented, hammered, split face finish or other similar architectural finish as approved by the city council. Lightweight concrete block or cinderblock construction is not acceptable as an exterior finish. Colored concrete masonry units are prohibited.
- (4) *Concrete panel construction.* Concrete finish, precast panel, tilt wall, or cementitious composite reinforced panel construction shall be painted, fluted, or exposed aggregate. Smooth or untextured concrete finishes are not acceptable.
- (5) *Glass and Metal Standards are as follows:* Glass walls shall include glass curtain walls or glass block construction. Glass curtain wall shall be defined as an exterior wall which carries no structural loads, and which may consist of the combination of metal, glass, or other surfacing material supported in a metal framework.

(Ord. No. 09-05-797, § 2, 5-18-2009; Ord. No. 13-02-947, § 16, 2-19-2013)

Sec. 28-132. Construction standards.

Construction standards. The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new, altered or repaired construction occurring within the city.

- (a) *Residential:*
 - (1) All residential buildings and structures shall be of exterior fire resistant construction having at least 85 percent of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in accordance with the city's building and fire codes.

Item 7.D.

- (2) All principal buildings and structures located in the SFA and MF districts shall be of exterior fire resistant construction having at least 85 percent of the total exterior walls, excluding doors and windows, constructed of brick, stone, brick veneer, stone veneer in accordance with the city's building and fire codes.
- (3) Concrete or metal exterior construction is not permitted on any residential structure.
- (4) The concrete foundation of any building or structure may not be exposed more than two feet from the final grade.
- (5) Exemptions:
 - (a) Barns or other accessory buildings in the agricultural (AG) zoning district and SF-E estate district, or located on property of five acres or more, provided that such barns are used solely for agricultural purposes as distinguished from commercial or industrial purposes, shall be exempt from provisions of this section.
 - (b) Mobile homes otherwise lawfully existing under the provisions of this chapter shall also be excluded from provision of this section.
 - (c) Historic structures (with a local, state or national designation/registry as an historic structure).
 - (d) Accessory building in a single-family, duplex or single-family attached zoning district that has less than 500 square feet of floor area;
 - (e) Accessory and maintenance buildings (any size) for a public golf course, a public or parochial school that has less than 500 square feet, or any city facility;
 - (f) Temporary construction buildings and field offices (provided that such facilities are legally permitted by the city for a specific period of time, and provided that they are completely removed from the premises upon expiration of the permit or upon completion of construction, whichever occurs first); temporary sales offices shall be permitted with first model home, provided that sales office is completely removed from the premises upon expiration of the permit or upon completion of construction; and
 - (g) Structures in existence on May 27, 2004, and any addition to those structures that does not exceed 25 percent of the heated and cooled square footage of the structure as measured on May 27, 2004.
- (6) Roof materials shall be composition (30-year), standing seam metal, terra-cotta tiles, concrete tiles or slate in muted colors. Wood shingle, shake, and metal roofing systems associated with agricultural or industrial buildings are prohibited. Only flat pan, standing seam metal roof materials are allowed with a factory finish of an approved color. Natural metal roofs are not allowed, whether galvanized or metal aluminum. Minimum roof pitch shall be at least 8:12, unless otherwise stated in the applicable zoning district or PD ordinance, and except for "Santa Fe" (with a flat roof and highly articulated parapet that conceals the roof and any roof-mounted equipment), "Texas ranch house" (with low pitched roofs, large eaves/overhangs, rambling design), or other uniquely styled home. Any proposed addition to an existing single-family structure shall have a minimum roof pitch of 4:12. The exterior color of all residential structures must be muted, rustic earth tones. Bright colors like pinks, purples, and those classified as primary colors are expressly prohibited.
- (b) *Nonresidential:*
 - (1) All nonresidential structures, including parking structures, shall be of exterior fire resistant construction having at least 90 percent of the total exterior walls above grade level, excluding doors and windows, and a minimum of 80 percent for any story above one, constructed of masonry in accordance with the city's building and fire codes. Strict adherence to this requirement shall not be such as to prevent architectural creativity.
 - (2) The following materials are permitted materials for exterior construction:
 - (a) Stone.
 - (b) Granite.
 - (c) Marble.
 - (d) Other stone (e.g. - limestone).
 - (e) Glass, permitted as 30 percent or less of the exterior wall.
 - (f) Brick.

Use of other exterior construction materials may be permitted by the city council at the time of site plan approval.
 - (3) The following materials for exterior construction shall not exceed 25 percent:

- (a) Painted wood.
 - (b) Concrete (including painted, pressed or stained concrete).
 - (c) Glass, when over 30 percent of the exterior wall.
 - (d) Synthetic materials.
- (4) The concrete foundation of any building or structure may not be exposed more than two feet from the final grade.
 - (5) Any roof materials that are visible from a public street shall be comprised of architectural/dimensional, composition shingle (30-year minimum), flat pan standing seam metal roofing (only with a factory baked-on muted color finish; no bright colors or natural-colored metal roofing allowed), or terra cotta or slate tile in muted colors. Minimum roof pitch of a gabled or otherwise pitched roof shall be at least 8:12, unless otherwise stated in the applicable zoning district or PD ordinance, and except for flat-roofed structures that shall have a highly articulated parapet with a minimum length of two feet and a maximum length of 100 feet that conceals the roof and any roof-mounted equipment.
 - (6) The exterior color of all nonresidential structures shall be muted, rustic earth tones. Bright colors like pinks, purples, and those classified as primary colors are expressly prohibited.
 - (7) Elevated water storage tanks and pump stations. All water storage facilities which serve the public shall be designed and painted to complement natural surroundings. All public water storage facilities shall be placed, to the extent possible, so as to have minimal negative impact on surrounding areas and shall be painted earth-tone, natural colors. The city council shall be authorized to approve alternate color selections if such color(s) are more acceptable with surrounding areas.
 - (8) Temporary construction buildings. Temporary buildings and temporary building material storage areas to be used for construction purposes may be permitted for a specific period of time in accordance with a permit issued by the building official and subject to periodic renewal by the inspector for cause shown. Upon completion or abandonment of construction or expiration of permit, such field offices or buildings and material storage areas shall be removed at the satisfaction of the building official.
- (c) *Procedure for determining alternative exterior materials:*
- (1) All written requests for alternative exterior building materials shall be noted and described on the site plan. If requested by the city, a sample(s) of the proposed exterior finish material(s) may be required to be submitted with the site plan.
 - (2) The city may approve an alternative exterior material if it is determined to be equivalent or better than the exterior materials cited in subsection (b)(2) above as part of the approval of the site plan.
 - (3) Consideration for exceptions to the above requirements shall be based only on the following:
 - (a) Architectural design and creativity.
 - (b) Compatibility with surrounding developed properties.
 - (4) The request shall be reviewed by the planning and zoning commission, and shall be approved or disapproved by the city council.
- (d) *Exterior building design standards:*
- (1) Purpose: To ensure the aesthetic value and visual appeal of nonresidential land uses and to ensure that structures relate harmoniously with the land and on a pedestrian, human scale. The architectural character of the built environment should complement the natural landscape and not dominate it. Vertical proportions which exaggerate building height shall be avoided. Building masses shall be broken up horizontally and vertically to provide relief in the facade. It is encouraged that every building reduce its perceived height and bulk by dividing the building into smaller components, and providing both Articulation and Variation on all building sides.
 - (2) Variation: Variation shall refer (for purposes of this section) to a combination of colors, textures, design features, and/or building materials. Variation shall include but not be limited to design features such as recessed windows, awnings, shutters, canopies, balconies, columns, arches and mullions, cornices, best courses, corbelling, molding, stringcourses, latticework or ornamentation with vegetation, decorative light fixtures, and other sculpturing of the facade with permitted materials.
 - (3) Variation shall be accomplished as follows:
 - (a) A minimum 33 percent of the front and any building side visible from a public roadway shall contain Variation. This percentage is reduced to 25 percent of the total square footage of the

- face of each building side for any face not visible from a public roadway; and,
- (b) For the front of buildings and any side visible from a public roadway, a minimum of five changes in variation (five textures, five colors and materials) is required, excluding the roof, doors and gutters; the required number of variation or design features is reduced to three changes for all other building sides; and,
- (4) Articulation: Articulation shall be defined (for purposes of this section) as an interruption of the building wall plane with an offset, either a recess or projection of at least four feet, at an angle or arc of between 45 degrees and 135 degrees to the wall plane. Articulation shall include (and be used synonymously with) an offset, inset, relief, recess, setback, or projection.
- (5) Horizontal articulation shall be accomplished as follows:
- (a) Wall planes of 30 feet or less in length do not require an horizontal articulation (offsets); and
- (b) No wall plane shall extend more than 50 feet in length. Larger buildings shall be divided into modules, preferably not exceeding 30 feet, but permitted up to 50 feet in length, that are expressed three-dimensionally throughout the entire building (modifications to the facade only shall not meet this standard). The building modules should be expressed with at least one of the following:
- (1) A setback in wall planes a minimum of four feet;
- (2) A change in the primary facade material for the extent of the building module; or
- (3) A vertical architectural element such as a change in roof type or other vertical articulation described below.
- Alternating use of similar building modules shall not be permitted.
- (6) Vertical articulation, as defined above, shall be accomplished as follows:
- (a) By providing varying roof lines for each building mass through the use of pitched roofs with eaves, false pitch roofs with the appearance of true hips and gables from all public rights-of-way, flat roofs with projecting cornices, parapets and other variations in roof heights and angles (excluding mansard roofs); and
- (b) Except for pitched roof buildings, no less than 30 percent of the roofline distance for each building side shall have vertical articulation of at least two feet or ten percent of the average height of the wall plane, whichever is greater; however, no single run of roofline shall exceed 60 feet in length without a minimum two-foot transition in vertical roofline height; and,
- (c) Except for pitched roof buildings, by vertically articulating and emphasizing all principal building entrances by at least two feet or ten percent of the average height of the wall plane, whichever is greater; and,
- (7) Facade articulations or offsets shall be shown, along with calculations verifying that the building elevations meet the above requirements, on a building facade elevation plan for all sides, and shall be submitted for planning and zoning commission review and approval by the city council, along with the site plan.
- (8) All building sides shall have aesthetic detail including articulation and variation, with architectural elements that provide shadow lines and visual depth (unless substantially screened with landscaping, whereby the landscape screening in itself provides the aesthetic detailing), with proper maintenance program in place to provide upkeep of landscaping.
- (9) Street-level storefronts and building entrances shall be open and inviting to pedestrians. Buildings 10,000 square feet or greater shall have a street/parking-to-building zone of at least 20 feet to be used for sidewalks, including a minimum 15-foot landscaped buffer strip or pedestrian spaces including benches and other seating facilities.
- (10) A minimum exterior entryway offset/inset to help delineate a building's main entrance and add variety to the streetscape shall be provided for businesses based on their floor space as follows:
- (a) Less than 5,000 square feet shall have a minimum entryway area of 15 square feet.
- (b) 5,000 to 15,000 square feet shall have a minimum entryway area of 25 square feet.
- (c) 15,001 to 30,000 square feet shall have a minimum entryway area of 50 square feet.
- (d) Greater than 30,000 square feet shall have a minimum entryway area of 100 square feet.
- (11) Windows shall be offset by no less than four inches and/or have a perimeter accent border of at least four inches. No section of glass windows shall extend longer in width than 15 feet without a three-foot minimum break.
- (12) All rooftop mechanical equipment shall be shielded from public view. The parapet must be of equal

- height to the tallest equipment.
- (13) Building placement on slopes shall not only incorporate stepped massing, but shall also create footprint offsets to save vegetation and natural landforms. Topographical changes shall be reflected by vertical offsets in the massing of buildings wherever possible.
 - (14) Garage-style roll-up doors shall not face public roadways. When used, they must be screened from adjacent properties and public view, unless used for an outdoor patio or bar.
 - (15) Every outparcel building, liner building or other building set between the street right-of-way and a larger adjacent building shall include the architectural detailing set forth above on all sides on the building, including those that face internal parking areas.
 - (16) Irrigation systems must include rain and freeze sensors.
- (e) *Accessory buildings.*
- (1) In the agricultural (AG) zoning district: See subsection (a)(5)(a) of this section regarding exceptions.
 - (2) In a single-family, duplex or single-family attached zoning district: Accessory buildings that have over 500 square feet of floor area shall conform to the minimum exterior construction standards for the main building on the lot/tract, tract or site, and shall be compatible in exterior finishes and colors as the main building, unless located on property of one-half acre or more.
 - (3) In a multifamily or nonresidential zoning district: Accessory buildings (any size) shall conform to the minimum exterior construction standards for the main building on the lot/tract, tract or site, and shall be architecturally compatible in design and constructed of the same exterior finishes and colors as the main building.

(Ord. No. 09-05-797, § 2, 5-18-2009; Ord. No. 13-02-947, § 16, 2-19-2013)

Sec. 28-133. Variance procedure.

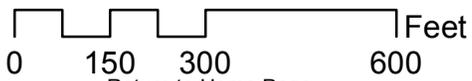
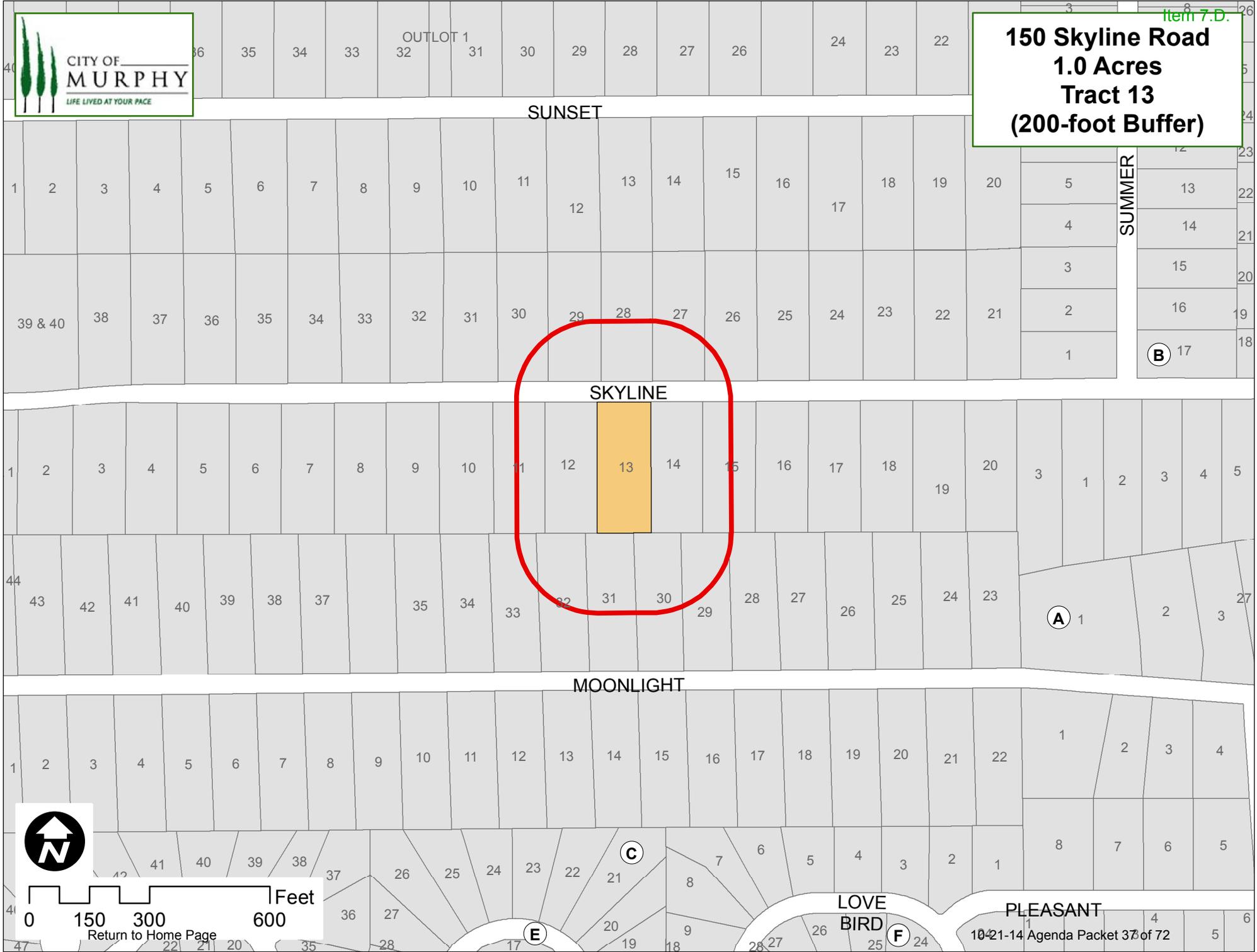
- (a) The planning and zoning commission shall hold a public hearing on any request for a variation or exception to the standards provided by this article. The planning and zoning commission may not recommend a variation or exception unless the planning and zoning commission determines that the variation or exception will not substantially alter the intent of the standards established by this article.
- (b) All recommendations of the planning and zoning commission under this article shall be forwarded to city council. When the planning and zoning commission denies a request for a variation or exception to the standards set forth in this article, a hearing before the city council shall be set only if a written appeal is filed by the applicant with the city manager or his/her designee within 15 days of the date of the denial.

(Ord. No. 09-05-797, § 2, 5-18-2009; Ord. No. 13-02-947, § 16, 2-19-2013)

Secs. 28-134—28-150. Reserved.



Item 7.D.
150 Skyline Road
1.0 Acres
Tract 13
(200-foot Buffer)



[Return to Home Page](#)

Reply Form

Planning & Zoning Commission /City Council
206 North Murphy Road
Murphy, Texas 75094



The application of Wade and Michelle Wilson is requesting a variance to Section 28-132(2) of the Code of Ordinances/Development Standards, to allow less than the 'required 85 percent of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in accordance with the city's building and fire codes' and accept cement board (hardiplank) on the exterior of a new home to be constructed on property located at 150 Skyline.

 ✓ I am **IN FAVOR** of allowing less than the 'required 85 percent of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in accordance with the city's building and fire codes' and accept cement board (hardiplank) on the exterior of a new home to be constructed on property located at 150 Skyline.

 I am **OPPOSED** to allowing less than the 'required 85 percent of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in accordance with the city's building and fire codes' and accept cement board (hardiplank) on the exterior of a new home to be constructed on property located at 150 Skyline.

In accordance with Texas Local Government Code §211.006, a public hearing will be held by the Planning and Zoning Commission on Monday, September 22, 2014 at 6:00 p.m. and by City Council on Tuesday, October 7, 2014 at 6:00 p.m. in the City Council Chambers at 206 N. Murphy Road, Murphy Texas.

Please provide your written comments below. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

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

Richard Pennington
Name (Please Print)

Richard Pennington
Signature

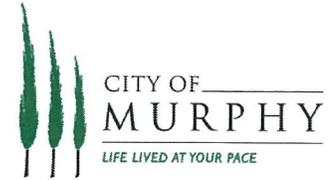
159 Skyline Dr.
Address

9-17-14
Date



Reply Form

Planning & Zoning Commission /City Council
206 North Murphy Road
Murphy, Texas 75094



The application of Wade and Michelle Wilson is requesting a variance to Section 28-132(2) of the Code of Ordinances/Development Standards, to allow less than the 'required 85 percent of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in accordance with the city's building and fire codes' and accept cement board (hardiplank) on the exterior of a new home to be constructed on property located at 150 Skyline.

I am **IN FAVOR** of allowing less than the 'required 85 percent of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in accordance with the city's building and fire codes' and accept cement board (hardiplank) on the exterior of a new home to be constructed on property located at 150 Skyline.

I am **OPPOSED** to allowing less than the 'required 85 percent of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in accordance with the city's building and fire codes' and accept cement board (hardiplank) on the exterior of a new home to be constructed on property located at 150 Skyline.

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Please provide your written comments below. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

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

Jeanette M. Miller
Name (Please Print)

Jeanette M. Miller
Signature

147 SKYLINE DRIVE
Address

9/20/14
Date

32 years -
PROPERTY VALUE

Reply Form

Planning & Zoning Commission /City Council
206 North Murphy Road
Murphy, Texas 75094



The application of Wade and Michelle Wilson is requesting a variance to Section 28-132(2) of the Code of Ordinances/Development Standards, to allow less than the 'required 85 percent of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in accordance with the city's building and fire codes' and accept cement board (hardiplank) on the exterior of a new home to be constructed on property located at 150 Skyline.

 ✓ I am **IN FAVOR** of allowing less than the 'required 85 percent of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in accordance with the city's building and fire codes' and accept cement board (hardiplank) on the exterior of a new home to be constructed on property located at 150 Skyline.

 I am **OPPOSED** to allowing less than the 'required 85 percent of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in accordance with the city's building and fire codes' and accept cement board (hardiplank) on the exterior of a new home to be constructed on property located at 150 Skyline.

In accordance with Texas Local Government Code §211.006, a public hearing will be held by the Planning and Zoning Commission on Monday, September 22, 2014 at 6:00 p.m. and by City Council on Tuesday, October 7, 2014 at 6:00 p.m. in the City Council Chambers at 206 N. Murphy Road, Murphy Texas.

Please provide your written comments below. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

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

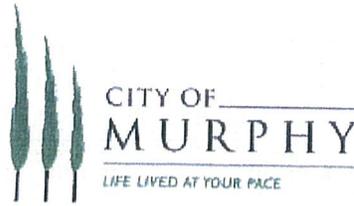
Greg Matocha
Name (Please Print)

Greg Matocha
Signature

151 Moonlight Dr
Address

9/22/14
Date

PROPERTY VALUE:



Public Comment Form

The public may address comments on any subject to the Council/Board during the Public Comment portion of the meeting. Please note that the Council/Board can receive your comments and information but may not be able to respond to you at this meeting. The Council/Board is prohibited by the Open Meetings Act to engage in a discussion of any item or issue that is not posted on the Agenda. Your request or comments will be duly noted and scheduled for a future agenda if necessary or referred to City Staff.

The Public Comment portion of the meeting will be opened and your name will be called if you have submitted this form to the City/Staff Secretary. If you have not submitted a form, please notify the Mayor/Chair that you would like to speak and submit your form promptly. Please state your name and address for the record and limit your comments to five minutes. The Council/Board expects any citizen to speak in a civil manner, with due respect for the decorum of the meeting, and with due respect for all persons attending.

- | | |
|---|--|
| <input type="checkbox"/> Animal Shelter Advisory Board | <input type="checkbox"/> City Council |
| <input type="checkbox"/> 4A (Economic Development Corporation) | <input type="checkbox"/> Parks & Recreation Board |
| <input type="checkbox"/> 4B (Community Development Corporation) | <input checked="" type="checkbox"/> Planning & Zoning Commission |
| <input type="checkbox"/> Building & Fire Codes Appeal Board | <input type="checkbox"/> Zoning Board of Adjustments |

Please submit this form and any handouts to the City/Staff Secretary prior to the meeting.

Name: Don Kiertscher

Address: 416 Skyline Drive Murphy

Representing an Organization? NO

Agenda Item No. 2 - Public Hearing (In Favor Opposed)

Comments: Please support and maintain the 85% masonry rule in Murphy - Don't set a precedent.

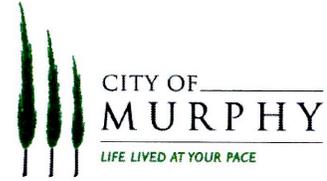
Up-scale Murphy, NOT Hardee-Plank-Village!

Don Kiertscher
Signature

9/22/14
Date

Reply Form

Planning & Zoning Commission /City Council
206 North Murphy Road
Murphy, Texas 75094



The application of Wade and Michelle Wilson is requesting a variance to Section 28-132(2) of the Code of Ordinances/Development Standards, to allow less than the 'required 85 percent of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in accordance with the city's building and fire codes' and accept cement board (hardiplank) on the exterior of a new home to be constructed on property located at 150 Skyline.

X I am **IN FAVOR** of allowing less than the 'required 85 percent of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in accordance with the city's building and fire codes' and accept cement board (hardiplank) on the exterior of a new home to be constructed on property located at 150 Skyline.

_____ I am **OPPOSED** to allowing less than the 'required 85 percent of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in accordance with the city's building and fire codes' and accept cement board (hardiplank) on the exterior of a new home to be constructed on property located at 150 Skyline.

In accordance with Texas Local Government Code §211.006, a public hearing will be held by the Planning and Zoning Commission on Monday, September 22, 2014 at 6:00 p.m. and by City Council on Tuesday, October 7, 2014 at 6:00 p.m. in the City Council Chambers at 206 N. Murphy Road, Murphy Texas.

Please provide your written comments below. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

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

Charles A. James
Name (Please Print)

[Signature]
Signature

142 Skyline Dr.
Address

9/18/14
Date

972-743-0444 P111

Issue

Consider and take action relative to adopting the proposed budget for the expenditure of forfeited funds for the Murphy Police Department.

Background

Over the years, through the utilization of Chapter 59 of the Code of Criminal Procedure, the MPD has accumulated funds in the “forfeiture fund,” which are funds that are NOT part of the usual budgetary process. These funds, according to state law, can be expended for certain items according to an approved budget that been submitted by the department and approved by Council. Nothing, however, requires the expenditure of these funds even if there is an approved budget for these funds. If, at the end of the budget year the funds are not expended, a budget amendment will be submitted.

However, cities must be careful not to supplant normal budgetary process and purposes with the utilization of these funds. In other words, the city should not expect these funds to be utilized to pay for items that would normally be part of the budget or at least not regularly budgeted for under the ordinary and customary budgetary process.

Financial Considerations

The current balance of the fund is \$19,716. The budget stipulates any purchases made with these funds will be under the budget code 2401, category of “minor tools & equipment,” which is a pretty broad category, but could include weapons, equipment for use in law enforcement or by law enforcement personnel to perform their assigned duties. The expenditure of these funds will have no impact on any other budgets approved by Council or funds associated with the general fund that supports the police department.

Other Considerations

State law in accordance with Chapter 59, Code of Criminal Procedure, allows local governments establish forfeiture funds. These funds are discretionary and may be utilized to support the general law enforcement mission.

Staff Recommendation

Staff recommends that council approve the proposed budget for the expenditure of forfeited funds in accordance with Chapter 59 of the Code of Criminal Procedure.

Attachments

Proposed Budget for Forfeiture Funds

**City Council Meeting
October 21, 2014**

Issue

Consider and/or act upon Resolution approving the 2014 tax roll with a total levy of \$9,760,606.21 as certified by Kenneth L. Maun, Tax Assessor Collector for Collin County.

Staff Resource/Department

Linda Truitt – Finance Director

Background/History

The 2014 appraisal roll was certified to the City by the Chief Appraiser of the Collin Central Appraisal District and approved by the City Council on August 5, 2014. The tax roll consists of the approved tax rate (\$0.5500) applied to the taxable appraisal values (\$1,774,655,435). This total levy includes funding for both maintenance and operations of the City and debt service.

The City contracts with the Collin County Tax Assessor Collector for assessment and collection of property taxes. The Tax Assessor Collector calculates the total tax levy and submits this to the City for approval by the governing body. Approval of the tax roll is required by Section 26.09 of the Texas Property Tax Code.

Financial Considerations

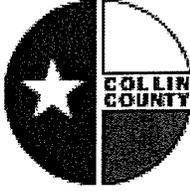
N/A

Action Requested

Approval of Resolution approving the 2014 tax roll and total tax levy as certified by Kenneth L. Maun, Tax Assessor Collector for Collin County.

Attachments

- 1) Resolution
- 2) Correspondence from Tax Assessor



KENNETH L. MAUN
TAX ASSESSOR COLLECTOR
COLLIN COUNTY
2300 Bloomdale Road, Suite 2366
P.O. Box 8006
McKinney, TX 75070-8006
(972) 547-5020
Fax: (214) 491-4808
Email: kmaun@collincountytexas.gov

October 1, 2014

Mayor Eric Barna
City of Murphy
206 North Murphy Road
Murphy, TX 75094

Dear Mayor Barna,

Attached is the 2014 Tax Roll Summary for City of Murphy.

Submission of the 2014 Tax Roll to your governing body for approval, in accordance with *Texas Property Tax Code*, Section 26.09, will constitute the 2014 Tax Roll for City of Murphy.

Please provide my office a copy of your ordinance approving the Tax Roll at your earliest convenience. While this is a formality in the Texas Property Tax Code, we do want to fulfill the requirements of the law and do appreciate your cooperation.

If you have any questions, please let me know.

Sincerely,

Kenneth L. Maun
Tax Assessor Collector

Enclosure

cc: Linda Truitt, Finance Director
Steven Ventura, Assistant Finance Director

2014 TAX ROLL SUMMARY

21 - MURPHY CITY

	Amount	Count
NUMBER OF ACCOUNTS		6,636
MARKET VALUES		
ROLLCODE: PERSONAL		
Land	\$0	
Personal	\$59,052,851	
ROLLCODE: REAL		
Agriculture	\$9,805,055	
Improvement	\$1,226,149,965	
Improvement Non-Home Site	\$96,781,949	
Land	\$368,325,760	
Land Ag Land	\$21,330	
Land Non-Home Site	\$105,685,586	
TOTAL MARKET VALUE	\$1,865,822,496	
DEFERRALS		
Ag	\$9,805,055	28
TOTAL DEFERRALS	\$9,805,055	
EXEMPTIONS		
Autos , XO , PPV	\$11,345,912	29
Cap Adjustment , XT	\$6,799,542	955
Disabled	\$3,012,500	62
Disabled Veteran	\$5,119,836	89
Miscellaneous , XV	\$26,550,998	146
Nominal Value	\$4,614	23
Over 65	\$28,505,229	583
Solar/Wind	\$23,375	1
TOTAL EXEMPTIONS	\$81,362,006	
GRAND TOTAL FOR DEFERRALS AND EXEMPTIONS	\$91,167,061	
TOTAL MARKET VALUE	\$1,865,822,496	
TAXABLE VALUE	\$1,774,655,435	
TAX RATE	0.55	
ROLLCODE: PERSONAL		
Levy	\$262,360.12	491
ROLLCODE: REAL		
Levy	\$9,498,246.09	6,145
TOTAL LEVY	\$9,760,606.21	
LEVY LOST DUE TO FROZEN	\$0.00	
OTHER LOST LEVY	\$0.00	
TOTAL LOST LEVY	\$0.00	

2014 TAX ROLL SUMMARY

Calculation Analysis

	Calc Levy	- Tax Amount	=	Diff.	Market Value	Exemption	Taxable Value
Frozen	0.00	0.00		0.00	0	0	0
DV100 (Excl. Frozen)	0.00	0.00		0.00	0	0	0
Prorated (Excl. Frozen)	0.00	0.00		0.00	0	0	0
Other	9,760,606.21	9,760,606.21		0.00	1,865,822,496	91,167,061	1,774,655,435
Total	9,760,606.21	9,760,606.21		0.00	1,865,822,496	91,167,061	1,774,655,435
DV100 (Incl. Frozen)	0.00	0.00		0.00	0	0	0
Prorated (Incl. Frozen)	0.00	0.00		0.00	0	0	0

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY,
TEXAS, CONCERNING THE APPROVAL OF THE 2014 TAX ROLL WITH A
TOTAL LEVY OF \$9,760,606.21**

WHEREAS The City of Murphy has a taxable levy in the amount of \$9,760,606.21 as certified by Kenneth L. Maun, Collin County Tax Assessor Collector, for the 2014 tax year,

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

SECTION 1. Section 26.09 of the Texas Property Tax Code requires submittal of the tax roll to the governing body for approval.

SECTION 2. The City Council approves the tax roll with a total levy in the amount of \$9,760,606.21 for 2014 tax year for the City of Murphy.

DULY RESOLVED by the City Council of the City of Murphy, Collin County, Texas on this 21st day of October, 2014.

APPROVED:

ERIC BARNA, Mayor

ATTEST:

SUSIE QUINN, City Secretary

Issue

Consider and/or act upon an interview panel regarding the consideration of candidates for service on the Animal Shelter Advisory Committee, Board of Adjustment, Building and Fire Code Appeals Board, Community Development Board, Ethics Review Commission, Murphy Municipal Development District Board, Park and Recreation Board, and Planning and Zoning Commission.

Staff Resource/Department

James Fisher, City Manager

Summary

The City's various Boards and Commissions have several members whose terms are expiring December 31, 2014. The City Council traditionally begins advertising for these service opportunities in October and interviews candidates in late November. The City Council appoints three members to serve as an interview panel and report its recommendations back to the City Council in December for consideration of appointment.

Action Requested

City Council considers appointing a Committee of three City Council members to interview candidates for the 2015 – 2016 Boards and Commission appointments.

Attachments

Board and Commission Application
Board and Commission Roster

City of Murphy Board & Commission Application 2014

Please select one: Item 7.G.
New Applicant Seeking Reappointment

Personal Information

Name: _____ Spouses Name: _____

Street Address: _____, Murphy, Texas 75094

Mailing Address (if different): _____ Home Phone: _____

Work Phone: _____ Other: _____ Email Address: _____

Best method to contact you: _____ Murphy Resident for _____ years. Registered Voter? Yes ___ No ___

Voter Registration No: _____ Last Election you voted: _____

Occupational Information

Occupation/Business: _____

Qualifications

Education: _____

Special knowledge or experience applicable to City Board or Commission function: _____

Please list any other community activities you are involved in: (civic/hobbies) _____

Please indicate briefly why you would like to be appointed to serve on a Board or Commission: _____

Have you previously or do you currently serve on any City boards? ___ Yes ___ No If yes, list boards and dates: _____

Have you attended any board or Council meetings? _____

Thank you for your interest in serving the City of Murphy. Please carefully consider your obligation before choosing which board you would like to serve. Please note that in addition to the regular scheduled board meetings, members may be required to attend training, work sessions, and joint meetings.

Please indicate below your first, second and third preference below utilizing the numbers 1, 2, and 3

____ 4B Community Development Board

____ Ethics Review Commission

____ Animal Shelter Advisory Board

____ Municipal Development District Board

____ Board of Adjustments

____ Parks and Recreation Board

____ Building & Fire Code Appeals Board

____ Planning and Zoning Commission

Would you be interested in serving on any Ad Hoc Committees or Citizen Advisory Panels that may arise throughout the year? ___ Yes ___ No

I am aware of the meeting dates and time of the Board/Commission I have applied and if appointed, I agree to serve on the Board/Commission which I have applied, or would consider an alternate appointment to a second or third service preference.

If selected as a board member, I understand that information on this application is subject to the Texas Public Information Act and may be disclosed to anyone requesting this information. I understand that the act does allow a board member of a governmental body to choose whether to allow public access to the information in the custody of the City that relates to the home address, home phone number, social security number, or that reveals whether the board member has family members. If selected as a board member of the City of Murphy, I choose to: () allow () not allow public access to my home address, home phone number, social security number, or whether I have family members.

Signed

Date

**RETURN THE COMPLETED APPLICATION TO THE ADDRESS BELOW ATTENTION CITY SECRETARY
PLEASE DO NOT SUBMIT ADDITIONAL INFORMATION WITH YOUR APPLICATION**

City of Murphy Boards and Commissions

October 2014

Charter Provision: **Section 8.01(2)** Individuals who are qualified voters in the City may be appointed by the City Council to serve on one (1) or more boards, commissions or committees.

Board	Animal Shelter Advisory Committee
Established	Established by Ordinance No. 09-02-786 on February 16, 2009 – Codified as Section 14-15
Duties/Description	The Animal Shelter Advisory Committee shall discuss ideas that will help ensure that the animal shelter is in compliance with the state department of health rules pertaining to animal shelters and make recommendations, for the betterment of the community, concerning operations, policies, procedures, new programs, and the improvement of existing programs.
Composition/Terms	<p>The Animal Shelter Advisory Committee is a six person committee composed of one licensed veterinarian, one municipal official, one person whose duties include the daily operation of the animal shelter and is employed by the City as an Animal Control Officer, one representative from an animal welfare organization, and two resident citizens of Murphy.</p> <p>Committee members shall be appointed for two-year staggered terms. The City Council shall fill any and all vacancies on the committee excluding the Animal Control Officer. The City Council shall also appoint a chairperson for a one year term.</p>
Meeting Schedule	The Animal Shelter Advisory Committee shall meet at a minimum of three times per year as needed at Murphy City Hall. The committee held six meetings in the previous 12 months.
Available Seats	Two seats, one must be a representative of an animal welfare organization Term: January 1, 2014 - December 31, 2015
Contact	Kim Parker, T: 972-468-4235, E: kparker@murphytx.org
Board	Board of Adjustment
Established	Established by City Charter, Article IX, Section 9.05 (Referenced in Section 86-112 of the Code)
Duties/Description	The Board of Adjustment meets to consider applications for variances to zoning ordinance regulations, and makes decisions on appeals, special exceptions and requests for variances that are in the best interest of the general public.
Composition/Terms	The Board of Adjustment shall consist of seven regular members that are qualified City voters appointed to staggered two-year terms. Up to four additional alternate members may be appointed by City Council to serve in the absence of one or more of the regular board members. Six members constitute a quorum. No member shall serve on the board of adjustments for more than three completed consecutive terms, exclusive of any unexpired term to which the member may have been appointed to fill due to a vacancy on the board.
Meeting Schedule	The Board of Adjustment shall meet as needed at Murphy City Hall. Generally this board requires little time commitment. The last meeting to consider a variance was held in 2010.
Available Seats	Four seats; Three regular, one alternate Term: January 1, 2014 – December 31, 2015
Contact	David Gensler, T: 972-468-4064, E: dgensler@murphytx.org; Kristen Roberts, T: 972-468-4006, F: 972-468-4094, E: kroberts@murphytx.org

Board	Building and Fire Code Appeal Board
Established	Established by Ordinance No. 06-05-690 on May 1, 2006- Codified as Sections 18-21 to 18-33
Duties/Description	The Building and Fire Code Appeal Board hears appeals of orders, decisions or determinations made by the Building Official or Fire Official relative to the application and interpretation of various building and fire codes.
Composition/Terms	The Building and Fire Code Appeal Board shall consist of five members appointed by the City Council to staggered two-year terms. It is recommended that the Board consist of individuals from the following professions/disciplines and all members shall be qualified City voters: 1) Registered design professional with architectural experience or a builder or superintendent of building construction; 2) registered design professional with structural engineering experience or a builder or superintendent of building construction; 3) registered design professional with mechanical and plumbing engineering experience or a mechanical/plumbing contractor; 4) registered design professional with electrical engineering experience or an electrical contractor; and 5) registered design professional with fire protection engineering experience or a fire protection contractor or state Fire Commission certified fire personnel.
Meeting Schedule	The Building and Fire Code Appeal Board meets as needed at Murphy City Hall. The last board meeting was held in 2010.
Available Seats	Three seats; Term: January 1, 2014 – December 31, 2015
Contact	Perry Elliott, T: 972-468-4312, E: pelliott@murphytx.org; Mark Lee, T: 972-468-4303, F: 972-468-4322, E: mlee@murphytx.org
Board	Ethics Review Commission
Established	Established by Ordinance No. 10-11-863 on November 15, 2010
Duties/Description	The Ethics Review Commission seeks to uphold and enforce high ethical standards. The Commission serves as an advisory board to City Council, making appropriate recommendations concerning standard operating procedures and guidelines as described in the Code of Ethics (Ord. No. 10-11-863) involving City Officials and City Employees.
Composition/Terms	The Ethics Review Commission is to be composed of five members, each serving a two year term and appointed by the City Council. Commissioners must be qualified voters who are residents of the City. All member terms shall be two years.
Meeting Schedule	The Ethics Review Commission shall meet a minimum of once a year as needed. The date of the annual meeting shall be in September as set by the Commission at Murphy City Hall. Two meetings have been held in the previous 12 months.
Available Seats	One seat; Term: January 1, 2014 – December 31, 2015
Contact	Andy Messer, City Attorney
Board	Murphy Community Development Corporation
Established	Established by a Special Election held on May 3, 2003
Duties/Description	The Murphy Community Development Corporation makes recommendations and approves the allocation of funding for specific types of projects that promote community enhancements such as parks, related open space improvements, and community development that benefit and enhance the City.
Composition/Terms	The Murphy Community Development Corporation shall consist of seven residents of Collin County appointed by the City Council for a staggered two-year term. At least three members must not be employees, officers or members of the governing body of the City.
Meeting Schedule	The Murphy Community Development Corporation meets, as needed, on the 3 rd Monday of the month. Seven meetings have been held in the previous 12 months.
Available Seats	Three Seats; Term: January 1, 2014 – December 31, 2015
Contact	Kristen Roberts, T: 972-468-4006, F: 972-468-4094, E: kroberts@murphytx.org

Board	Murphy Municipal Development District Corporation
Established	Established by a Special Election held November 8, 2011
Duties/Description	This board has a wide area of jurisdiction, including Economic Development, Community and Development, Planning and Zoning and other related departments. The Municipal Development District acts as a separate political entity that reports to the City Council. It is through the Board's discretion that projects are planned and funded using a portion of the City's sales tax. This Board established a budget every year that must be approved by City council.
Composition/Terms	This board shall consist of five residents of the City or the City's extraterritorial jurisdiction (ETJ) appointed by the City Council for two-year staggered terms with no term limits.
Meeting Schedule	This board meets as needed in the City Council Chambers, Murphy City Hall. Seven meetings have been held in the previous 12 months.
Available Seats	Two Seats; Term: January 1, 2014 – December 31, 2015
Contact	James Fisher, T: 972-468-4007, F: 972-468-4008, E: jfisher@murphytx.org
Board	Parks and Recreation Board
Established	Established by Ordinance No. 07-12-744 on December 17, 2007 (Codified in Sec. 2-81)
Duties/Description	The Parks and Recreation Board shall act in an advisory capacity to City staff and City Council in all matters pertaining to parks and recreation services of the City. The members shall acquaint themselves, study, and review the parks and recreation services of the City. They shall advise the staff and City Council from time to time as to the present and future maintenance, operation, planning, acquisition, development, and use of policies for City park and recreation services.
Composition/Terms	The Parks and Recreation Board shall consist of seven qualified City voters appointed by the City Council for a staggered two-year term. Three members of the board to be selected on even-numbered years and four members of the board to be selected on odd-numbered years
Meeting Schedule	The Parks and Recreation Board shall meet on the second Monday of each month at 6:30 p.m. at Murphy City Hall. Nine meetings have been held in the previous 12 months.
Available Seats	Three Seats; Term: January 1, 2014 – December 31, 2015
Contact	
Board	Planning and Zoning Commission
Established	Established by City Charter, Article IX, Section 9.01 (Codified in Section 86-82)
Duties/Description	The Planning and Zoning Commission shall act as an advisory board to the City Council, making recommendations pertaining to planning and zoning as well as the Comprehensive Plan. The Commission is responsible for reviewing plats, site plans, landscape plans, and zoning requests and to make recommendations to City Council for their final approval.
Composition/Terms	The Planning and Zoning Commission shall consist of seven qualified City voters (must be resident and taxpayer) appointed by the City Council for a staggered two-year term.
Meeting Schedule	The Planning and Zoning Commission shall meet the fourth Monday of each month at 6:00 p.m. at Murphy City Hall. Twelve meetings have been held in the previous 12 months.
Available Seats	Three seats; One regular and two alternate seats Term: January 1, 2014 – December 31, 2015
Contact	Kristen Roberts, T: 972-468-4006, F: 972-468-4094, E: kroberts@murphytx.org

2014 Boards & Commissions - Effective 7/1/2014

4B COMMUNITY DEVELOPMENT CORPORATION Kristen Roberts, Staff Liaison 972/468-4006 kroberts@murphytx.org (meets 3rd Monday)		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Robbie Hazelbaker	2013-2014
2	Eugene Weinstein	2014-2015
3	Stephen Janiga	2014-2015
4	Jennifer Berthiaume	2013-2014
5	Marty Brenner	2013-2014
6	Shawn Balusek	2013-2014
7	Lequita Davenport	2014-2015

ANIMAL SHELTER ADVISORY COMMITTEE Kim Parker, Staff Liaison 972/468-4235 kparker@murphytx.org (meets minimum of 3x per year)		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Tammy Drake, ACO	
2	Kim Parker (City Official)	2013-2014
3	Lorraine Chalkley	2013-2014
4	Buddy Russell, Chair	2013-2014
5	Maggie Whitt	2014-2015
6	Beverly Mueller	2014-2015

BOARD OF ADJUSTMENT Kristen Roberts, Staff Liaison 972/468-4006 kroberts@murphytx.org (meets as needed)		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Scott Holden	2013-2014
2	Christine Johnson	2013-2014
3	Mahendra Parikh	2013-2014
4	Beverly Gaither	2014-2015
5	Clint Pingleton	2014-2015
6	Lindy Martin	2014-2015
7	Sharon Kindall	2014-2015
8	Kenneth Tatsch, Alternate	2014-2015
9	Ronald Hodges, Alternate	2014-2015
10	Taylor Packwood, Alternate	2014-2015
11	Vacant, Alternate	2013-2014

BUILDING AND FIRE CODE APPEALS BOARD		
Mark Lee, Staff Liaison 972/468-4303 mlee@murphytx.org		
(meets as needed)		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Christine Johnson	2014-2015
2	Donald Decker	2013-2014
3	Scott Marin	2013-2014
4	Greg Mersch	2014-2015
5	Mahendra Parikh	2014-2015

ETHICS REVIEW COMMISSION		
Andy Messer, City Attorney, Staff Liaison, 972-424-7200		
(meets as needed)		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Drew Swanfeldt	2013-2014
2	Andrew Chase	2013-2014
3	Thomas McDade	2013-2014
4	Donald Reilly	2013-2014
5	Barbara Harless	2013-2014

MURPHY MUNICIPAL DEVELOPMENT DISTRICT BOARD		
James Fisher, City Manager 972/468-4007 jfisher@murphytx.org		
(meets 1st Monday)		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	John Daugherty	2014-2015
2	Eric Lopez	2014-2015
3	Alain Dermarker	2013-2014
4	Alex Acuña	2014-2015
5	Jamie Nicholson	2013-2014

PARK & RECREATION BOARD (Tree Preservation Board)		
(meets 2nd Monday)		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Sherry Pace	2013-2014
2	Julia Baldwin	2013-2014
3	Mark Reed	2013-2014
4	Kelly Abdellatif	2014
5	Amy Lawrence	2014-2015
6	Katie Westhora	2014-2015
7	Kenneth Oltmann	2014-2015

PLANNING & ZONING COMMISSION Kristen Roberts, Staff Liaison 972/468-4006 kroberts@murphytx.org (meets 4th Monday)		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Steve Levy	2014-2015
2	Eric Hemphill	2013-2014
3	Mathew Thekkil	2013-2014
4	Ty Holcomb	2013-2014
5	John Johnson	2014-2015
6	Jon King	2013-2014
7	Camille Hooper	2014-2015
8	Lloyd Jones, Alternate	2014-2015
9	Greg Mersch, Alternate	2014-2015

**City Council Meeting
October 21, 2014**

Issue

Consider and take action, if any, on the City of Murphy Code of Ordinances, Chapter 66 Streets and Sidewalks, Article V – Sidewalks.

Staff Resource/Department

James Fisher, City Manager

Summary

The City Council discussed this at its meeting on October 7th. The City Council approved the changes to the Code of Ordinances to place 100% of the cost to repair, replace or reconstruct sidewalks within a residential zoned district as a responsibility of the City. The attached Ordinance reflects that change.

Attachment

Ordinance amending Code of Ordinances, Chapter 66, Article V Sidewalks

ORDINANCE No. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AMENDING CHAPTER 66, ARTICLE V SIDEWALKS, SECTION 66-82 OF THE CITY OF MURPHY CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE/REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Murphy, Texas (the “City”), have sidewalks that run throughout the community and provide a vital connection link to neighborhoods, parks, schools, the business community and adjoining cities; and

WHEREAS, the City Council believes that sidewalks enhance the quality of life and promote a pedestrian friendly community for residents and visitors; and

WHEREAS, the city staff shall inspect sidewalks and develop a strategy for repair, replacement and/or replacement; and

WHEREAS, the staff shall present its findings and recommendations for replacement, repair and/or reconstruction annually during the budget preparation workshops; and

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

SECTION 1. FINDINGS INCORPORATED.

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

SECTION 2. AMENDMENT OF CHAPTER 66, ARTICLE V, CODE OF ORDINANCES.

That Chapter 66, Article V, Section 66-82 of the Code of Ordinances of the City of Murphy, Texas is hereby amended to read as follows:

“Section 66-80. Maintenance of Sidewalks

- (a) All sidewalks located in residential zoned districts and located in the public right-of-way shall be the responsibility of the City of Murphy.
- (b) The City of Murphy shall be responsible for the repair, replacement or reconstruction of the sidewalk.

- (c) The decision to repair and/or replace a sidewalk shall be determined by the City utilizing the evaluation criteria listed in Exhibit A.
- (d) All sidewalks located in nonresidential zoned districts and located in the public right-of-way shall be the responsibility of the individual property owner.

SECTION 4. Severability Clause.

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

SECTION 5. Cumulative/Repealer Clause.

This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Murphy, Texas, whether codified or uncodified, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict.

SECTION 6. Savings Clause.

All rights and remedies of the City of Murphy, Texas, are expressly saved as to any and all violations of the provisions of this ordinance or any other ordinance which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7. Effective Date.

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

DULY PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this the _____ day of _____, 2014.

Eric Barna, Mayor
City of Murphy

ATTEST:

Susie Quinn, City Secretary
City of Murphy

APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney

EXHIBIT A

SIDEWALK REPLACEMENT CRITERIA

Criteria for sidewalk replacement will be as follows:

1. Sidewalk must be located within the City of Murphy street right-of-way or easement.
2. Sidewalk that has surface spalling with a depth of $\frac{1}{4}$ inch or greater and covers 50% or greater of the area to be replaced.
3. Sidewalk cross fall that is $1\frac{1}{2}$ inches or greater than the City's sidewalk specifications ($\frac{1}{4}$ "/Foot) found in the City's Standard Construction Details. ($2\frac{1}{2}$ " total on a 4' walk)
4. A sidewalk section that is missing pieces that creates a safety hazard, (not chips or cracks that are cosmetic in nature).
5. Sidewalk longitudinal sections that have a dip of $2\frac{3}{4}$ inches or greater.
6. Trip hazard, i.e., sidewalk sections that are adjoining and have a $\frac{1}{4}$ inch or greater difference in levelness.
7. Provide a 36-inch minimum clearance for obstructions located in sidewalks (ie. mailboxes, utility poles, fire hydrants).

**City Council Meeting
October 21, 2014**

Issue

Discussion concerning the development of a Naming Policy for City of Murphy facilities, events, parks, amenities and/or buildings.

Staff Resource/Department

James Fisher, City Manager

Summary

The City has been approached about a fund raising idea of Naming Rights for items at the Animal Shelter. The idea would allow an individual to adopt a kennel, dog run, lab, foyer, etc. for a certain time period and then have the opportunity to renew or allow another person to adopt. This is a very creative idea and I really appreciate the positive support, but I am concerned about the management of this program, especially time and financial wise.

I can see this idea spreading throughout the City and that is why I am bringing it before you.

Action Requested

I am requesting City Council discussion and direction on this idea. I have included a policy that was presented to the City of West University Place, near Houston. If the Council decides to move forward on this idea, this draft policy could serve as a template.

Attachments

Draft Naming Policy from West University Place, Texas

CITY OF WEST UNIVERSITY PLACE, TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, HEREBY ESTABLISHING A TWO-TIERED POLICY FOR TIER I THE PERMANENT NAMING AND RENAMING OF CITY FACILITIES AND CITY PARKS AND TIER II THE TEMPORARY NAMING AND RENAMING OF BUILDINGS, PARKS, POOLS, BALL FIELDS, EVENTS AND FACILITIES WITHIN BUILDINGS AND PARKS, INCLUDING BUT NOT RESTRICTED TO ROOMS, PLAYGROUND SYSTEMS, AQUATIC FEATURES AND OTHER SPECIFIC EQUIPMENT / ASSETS.

WHEREAS, the City Council wishes to adopt a written policy for naming and renaming City facilities and City parks for the City of West University Place; and

WHEREAS, it is the policy of this Council and the City of West University Place to establish a systematic, fair and consistent procedure for naming and renaming City facilities and City parks; and

WHEREAS, the City Council wishes to establish an orderly and consistent process for sponsorship of City facilities (mostly recreational facilities) by individuals, organizations and commercial enterprises.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS:

SECTION 1: The attached City of West University Place Policy for Naming and Renaming City Facilities and City Parks, attached hereto as Exhibit "A" and incorporated herein, is hereby approved and adopted.

SECTION 2: This Resolution shall take effect immediately upon its passage.

RESOLVED this the ? day of ?, 2014.

Bob Fry, Mayor
City of West University Place, Texas

ATTEST:

Thelma Lenz, City Secretary
City of West University Place, Texas

Exhibit “A”

DRAFT



Subject	Method of Approval	Date of Approval
Policy for Naming and Renaming City Facilities and City Parks	Resolution No.	

TIER I: PERMANENT NAMING AND RENAMING OF CITY FACILITIES AND CITY PARKS INCLUDING BUT NOT LIMITED TO BUILDINGS AND ROOMS WITHIN BUILDINGS OR OTHER MAJOR ASSETS

I. PURPOSE

The purpose of this Policy Statement is to codify a method for the systematic process of assigning honorary names to City Facilities and City Parks. Such honorariums may be assigned to recognize the substantial monetary or personal contributions of individuals, groups or corporations beneficial to the City, County, State or Country.

II. CRITERIA

A. GENERAL CRITERIA

The permanent naming or renaming of a City Facility or City Park should be based upon one or more of the following:

1. A significant monetary, grant, donation or bequest to the City toward the acquisition or development of any public facility;
2. A substantial community service that has had a major impact or benefit to a large sector of the City from an individual who:

- a. demonstrates dedication to civic service in ways that bring special credit to the City, or
 - b. provides extraordinary voluntary assistance to individuals, families, groups, or community services;
3. Naming honorariums should recognize individuals, families or groups of individuals and not commercial entities.
4. Naming a City Facility or a City Park after a living person is not recommended. However, there may be times when the community believes it to be the proper and necessary thing to do. In such event, the person should have made a major contribution to the City of West University Place in either deed or monetary contribution. Honoring a living individual shall be subject to the most careful examination.
- a. Some recommended criteria include but are not limited to:
 - i. A significant monetary contribution toward acquisition or development of a public facility;
 - a) When sixty percent (60%) or more of the value of the property is donated by the person with a minimum contribution of \$1 million; or
 - b) When sixty (60%) or more of the cost of development is donated by the person to the enhancement of the quality of life in the community with a minimum contribution of \$1 million.
 - ii. Outstanding accomplishments or contributions by an individual for the good of the community. The quality of the contribution should be considered along with the length of service by the individual.
 - b. Implicit to the naming process is the intent of granting permanent recognition. Therefore, the process shall be deliberate and, as much as possible, involve the evaluation criteria as follows:
 - i. Outstanding moral character;
 - ii. Demonstrated leadership abilities;
 - iii. Nature of the contributions complement and support the mission of the City of West University Place;
 - iv. Substantial contribution, whether consisting of volunteer service, the provision of land or monetary donation.
 - v. Initiative and/or involvement relating to a specific program or project of exceptional merit, which has extensively and directly benefited the public.
5. If the City Facility or City Park is to be named after an individual, it is recommended that it be after the person has been deceased for a minimum of five (5) years to insure the individual's contributions or accomplishments will stand the test of time and that the decision is made on a rational basis. Proposed names commemorating a deceased

person(s) shall be made in consultation with any living next of kin. The same guidelines for naming a City Facility or City Park after a living person shall be considered as when naming a City Facility or City Park in memory of a deceased person.

6. Honoring elected City officials, management, staff or appointed public officials who may be considered after the employment or period of public service has concluded for a minimum of five (5) years to insure the individual's contributions or accomplishments will stand the test of time and that the decision is made on a rational basis. The same guidelines for naming a City Facility or City Park after a living person shall be considered as when naming a City Facility or City Park after a former public official.

B. CITY FACILITIES

As a general policy, City Facilities shall be named in accordance with the general criteria outlined in Section II, subsection A, or as set out in subsections C or D.

C. CITY PARKS

1. Community and neighborhood level parks will be named after the street, neighborhood or other feature symbolic of where the park is located, or
2. City parks may also be named in accordance with the general criteria outlined in Section II, subsection A of this policy.
3. The suffix "Park" should be added to the name of the park.

III. RENAMING OF CITY FACILITIES OR CITY PARKS

Renaming of a City Facility or City Park is strongly discouraged. The primary reason is to not diminish the original justification for the name or discount the value of the prior contributors. If a City Facility or City Park is proposed to be renamed, it is recommended that only those City Facilities or City Parks named for their geographic location or other generic feature be considered for renaming.

Once a City Facility or City Park is named after an individual, the name of the public property should not be changed for the life of the asset unless there are compelling reasons presented for the change. Requests to change a name should be subject to the most rigorous examination, so as not to diminish the original justification for the name or discount the value of the prior contributors.

IV. PLAQUES, MARKERS, MEMORIALS

Public recognition of an assigned name may be included on site signage such as a permanent plaque, sign, or marker. All plaques, signs, or markers shall be consistent with and in compliance with the City of West University Place's current design standards and regulations.

V. CITY FACILITY AND CITY PARK LAND FEATURES

Areas, facilities, and accessories such as playgrounds, pavilions or sport fields within a park may be named differently than the principle asset using the above stated criteria or the provisions governing Tier II of this policy.

VI. PROCEDURES

A. SUBMISSIONS OF REQUESTS

Requests for the naming or the renaming of City Facilities and City Parks shall be submitted in writing to the City Manager on a form prescribed by the City. The person(s) submitting the request shall provide background information regarding the rationale behind the request, including biographical information if the proposal is to name the property for an individual. Any letters from appropriate organizations and individuals which provide evidence of substantial local support for the proposal shall be submitted at that time.

B. SUBMISSION TO THE CITY COUNCIL

All naming requests shall be submitted to the City Manager. The City Manager shall submit requests applicable to parks or facilities within parks to the Friends of West University Place Parks Fund Board and the West University Place Parks Board for their review and recommendation. Other requests may be submitted to other appropriate organizations for review and recommendation. After review has been completed, the City Manager shall submit the request to City Council with a Staff recommendation at a regularly scheduled City Council meeting. After receiving public input on the request, the City Council shall take action on the request.

C. RESCISSION OF A NAMING HONORIUM

A naming honorarium may be rescinded by City Council for any reason, especially upon reassessment of any qualifying criteria.

TIER II: TEMPORARY NAMING AND RENAMING (SPONSORSHIP) OF BUILDINGS, PARKS, POOLS, BALL FIELDS AND FACILITIES WITHIN BUILDINGS AND PARKS, INCLUDING BUT NOT LIMITED TO ROOMS, PLAYGROUND SYSTEMS, AQUATIC FEATURES AND OTHER SPECIFIC EQUIPMENT/ASSETS.

I. PURPOSE

The purpose of this Policy Statement is to codify a method for the systematic process of temporarily assigning honorary names to City Facilities, City Parks and events. Such honorariums may be assigned to recognize substantial monetary or personal contributions of individuals, groups or corporations beneficial to the City, County, State or Country. Such honorariums shall be for a defined period not to exceed 2 years or the useful life of minor sponsor-purchased assets such as pavers, benches, etc.

II. CRITERIA

A. GENERAL CRITERIA

The temporary naming of and renaming of rooms, fields, tennis courts, playground systems, aquatic features, events and other definable equipment/assets of a City Facility or City Park should be based upon the following:

1. A significant monetary grant, donation or bequest to the City or the Friends of West University Place Parks Fund, Inc. toward the temporary naming of a public facility qualified under this policy;
2. Assignment of names under this policy will usually be in recognition of groups, commercial enterprises and other benefactors. Naming or renaming a City Facility or a City Park after a living person even for a temporary period is strongly discouraged, but is permissible upon approval by City Council and with concurrence of the named entity / individual.
 - a. Some recommended criteria include, but are not limited to:
 - i. Buildings, Parks, Pools and Athletic Fields - \$100,000.00 per year.
 - ii. Rooms, playground systems, aquatic features and other specific equipment/assets - \$10,000.00 per year.
 - iii. Events – At least 60% of the cost of an event but not less than \$10,000.
 - iv. Miscellaneous equipment or amenity with a value of less than \$10,000 – 150% of the costs of the asset, including any assets listed in the WUP Parks and Recreation Department Sponsorship Catalog.

- b. Implicit in the naming process is the intent of temporary recognition. Therefore, the process shall be careful and deliberate and, as much as possible, involve the evaluation criteria as follows:
 - i. Outstanding moral character of the person or entity;
 - ii. Nature of the contributions complement and support the mission of the City of West University Place;

B. CITY FACILITIES

As a general policy, the temporary naming of City Facilities shall be named in accordance with the general criteria outlined in Section II, subsection A of this policy, with the recognition of commercial enterprises being permitted.

III. PLAQUES, MARKERS, MEMORIALS

Recognition of the name may include site signage such as a plaque, sign, or marker. All plaques, signs, or markers shall be in compliance with the City of West University Place's current design standards and regulations. By agreement, recognition of the naming may be included in electronic or printed material published by the City.

IV. PROCEDURES

A. SUBMISSIONS OF REQUESTS

All naming requests shall be submitted to the City Manager. The City Manager shall submit requests applicable to parks or facilities within parks to the Friends of West University Place Parks Fund Board and the West University Place Parks Board for their review and recommendation. Other requests may be submitted to appropriate organizations for review and recommendation.

B. APPROVAL OF REQUESTS

After review has been completed, for temporary naming requests associated with contributions with a value exceeding \$10,000 the City Manager shall submit the request to City Council with a Staff recommendation at a regularly scheduled City Council meeting and City Council shall act on the request. For all other requests, the City Manager may approve the request or may submit it to City Council for approval with a Staff recommendation at a regularly scheduled City Council meeting. The City Council shall take action on the request with or without receiving public input.

C. EXCLUSIVITY

Naming privileges offered to commercial enterprises shall only apply to specific assets or events and shall not be exclusive. The City reserves the right to offer additional naming privileges to other qualifying commercial enterprises, even competing enterprises.

D. RESCISSION OF A NAMING HONORARIUM

A naming honorarium may be rescinded by City Council for any reason, especially upon reassessment of any qualifying criteria.

DRAFT