



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

NOTICE is hereby given of a meeting of the City Council of the City of Murphy, Collin County, State of Texas, to be held on September 6, 2011 at Murphy City Hall for the purpose of considering the following items. The City Council of the City of Murphy, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

Bret Baldwin
Mayor

John Daugherty
Mayor Pro Tem

Colleen Halbert
Deputy Mayor Pro Tem

Dennis Richmond
Councilmember

Scott Bradley
Councilmember

Bernard Grant
Councilmember

Dave Brandon
Councilmember

James Fisher
City Manager

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

ROLL CALL & CERTIFICATION OF A QUORUM

PROCLAMATIONS & PRESENTATIONS

- Proclamation for Emergency Preparedness Month
- Presentation of Certificates to the Community Emergency Response Team (CERT)
- Maize Days Update
- Proclamation recognizing Murphy resident Jennifer Madu

CONSENT AGENDA

- A. Approval of the Minutes from the Special Meeting of August 30, 2011.

PUBLIC COMMENTS

PUBLIC HEARINGS

1. Hold a public hearing and consider and/or act upon approval of an ordinance approving the application of ALLEN AND LOUCKS VENTURE, L.P. requesting approval of a SUP (Specific Use Permit) for a Drive-In Window for a restaurant on property zoned PD (Planned Development) District for Retail Uses on property located on 121 East FM 544, east of North Murphy Road. (ZF2001-03)
2. Hold a public hearing and consider and/or act upon approval of an ordinance amending Chapter 28, Development Standards, of the Code of Ordinances.
3. Hold a public hearing on the proposed fiscal year 2011-2012 City of Murphy budget.
4. Hold a public hearing on the proposed tax rate of \$0.5725 per \$100 valuation.

INDIVIDUAL CONSIDERATION

5. Consider and/or act upon the proposed FY12 Annual Budget, proposed tax rate, and the proposed Capital.

6. Consider and/or act upon a request by residents of The Ranch subdivision to amend Ordinance No. 03-10-590, Planned Development for The Gables and The Ranch, specifically regarding accessory buildings.
7. Consider and/or act on the application of Todd Spencer requesting approval of a Construction Plat as a Final Plat, being part of the Daniel Herring Survey, Abstract No. 402, containing 12.22 acres of land, being located on 425 Moonlight Drive, east of South Murphy Road.
8. Consider and/or act upon approval of an ordinance amending the Murphy Code of Ordinances Chapter 30, Article II (Smoking) Section 21, Definitions; Section 23, Smoking prohibited in certain public areas; Section 27, where smoking is not prohibited, adding a new section, Section 28, to provide for air circulation and ventilation; providing for a penalty not to exceed five hundred dollars (\$500) for each offense; providing severability, repealer, and savings clauses; and providing an effective date.

DISCUSSION ITEMS

9. Discussion regarding the use and purchase electronic devices for City Council in support of paperless agenda packets.
10. Discussion and update on 4A and 4B Boards budget approval for City Council submittal.

CITY MANAGER/STAFF REPORTS

- September 20 – Chamber Lunch
- September 20 – Adoption of Budget & Tax Rate
- September 24 – Maize Days

EXECUTIVE SESSION

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

- §551.074 Personnel Matters – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Municipal Judge.
- §551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving *Michael Cantrell v. City of Murphy, et al.*, Cause No. 6:09-cv-225.
- §551.071 Consultation with City Attorney regarding pending or contemplated litigation regarding Patrick Greene claim.
- §551.072. Deliberation regarding real property; to deliberate the purchase, exchange, lease, or value of real property.

RECONVENE INTO REGULAR SESSION

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

- §551.074 Personnel Matters – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Municipal Judge.
- §551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving *Michael Cantrell v. City of Murphy, et al.*, Cause No. 6:09-cv-225.
- §551.071 Consultation with City Attorney regarding pending or contemplated litigation regarding Patrick Greene claim.
- §551.072. Deliberation regarding real property; to deliberate the purchase, exchange, lease, or value of real property.

ADJOURNMENT

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, TX 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on September 2, 2011 by 5:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.

Aimee Nemer, TRMC, MMC
City Secretary

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

Proclamation

City of Murphy, Texas

PREPARING MURPHY MONTH

WHEREAS, "National Preparedness Month" creates an important opportunity for every resident of Murphy to prepare their homes, businesses, and communities for any type of emergency from natural and manmade; and

WHEREAS, investing in the preparedness of ourselves, our families, businesses, and community can reduce fatalities and economic devastation in our community and in our nation; and

WHEREAS, this year marks the 10th anniversary of the 9/11 terrorists attacks. As we remember these tragic events and observe National Preparedness Month, the citizens of Murphy are urged to take a few simple steps to create a disaster plan, to stay informed, and to make citizen preparedness and personal responsibility a priority in our community.

NOW, THEREFORE, I, Bret Baldwin, Mayor of the City of Murphy, do hereby proclaim September 2011, as

PREPARING MURPHY MONTH

and I encourage all citizens and businesses to visit the KnowWhat2Do.com website, and to develop their own emergency preparedness plan, and work together toward creating a more prepared society.

Bret M. Baldwin, Mayor
City of Murphy

Proclamation

City of Murphy, Texas

**Jennifer Madu Day
September 7, 2011**

WHEREAS, sixteen year-old Murphy resident Jennifer Madu recently won the gold medal in the 100m event at the International Association of Athletic Federation (IAAF) World Youth Championships; and

WHEREAS, Ms. Madu ran the 100m in 11.57 seconds and received second place in the relay event as well as competing in the triple jump; and

WHEREAS, this event was held in Lille, France, where forty athletes represented the USA, including four from the Dallas area; one being Ms. Madu from Murphy; and

WHEREAS, Ms. Madu attends Plano East Senior High and is the daughter of Joe and Priscilla Madu, who have lived in Murphy for seven years; and

WHEREAS, the City of Murphy joins together in congratulating Ms. Madu on this accomplishment and wishes her the best of luck as she competes in the 2012 IAAF World Junior Championships that will be held in Barcelona, Spain.

NOW, THEREFORE, I, Bret Baldwin, Mayor of the City of Murphy, Texas, do hereby proclaim September 7, 2011, as:

“Jennifer Madu Day”

in Murphy, Texas. Proclaimed this 6th day of September, 2011.

*Bret M. Baldwin, Mayor
City of Murphy*

DRAFT

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

**August 30, 2011
6:00 P.M.**

CALL TO ORDER

Mayor Pro Tem Daugherty called the meeting to order at 6:01 p.m.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Pro Tem Daugherty gave the invocation and led the Pledge of Allegiance.

ROLL CALL & CERTIFICATION OF A QUORUM

Secretary Nemer certified a quorum with the following:

Council Present

Mayor Pro Tem John Daugherty
Deputy Mayor Pro Tem Colleen Halbert
Councilmember Dennis Richmond
Councilmember Scott Bradley
Councilmember Bernard Grant
Councilmember Dave Brandon

Mayor Baldwin arrived at 6:11 p.m. at which time he conducted the meeting.

PUBLIC COMMENTS

No public comments were submitted.

CONSENT AGENDA

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

A. Approval of the Minutes from the Special Meeting of August 9, 2011 and the Regular Meeting of August 16, 2011.

Council Action

Councilmember Halbert moved to approve Item A on the Consent Agenda as presented. Councilmember Bradley seconded the motion. A vote was taken and passed, 6-0 with Mayor Baldwin absent during this item.

PUBLIC HEARINGS

1. Hold a public hearing on the proposed fiscal year 2011-2012 City of Murphy budget.

Council Action

Mayor Baldwin opened the Public Hearing at 6:12 p.m.

Public Comments

Mr. Keith Patton addressed Council stating he is an IT professional and expressed concerns with the proposed items related to IT for an organization of the City's size and the number of users. Mr. Patton

also expressed concern with purchases such as a treadmill for the Police Department. Mr. Patton stated that the capital budget is spending more than it is taking in and that the budget should be reduced and reflect what the current taxes are.

Mr. Earasmus Mensah addressed Council with concerns about a tax increase to residents during times when other entities are also increasing taxes and there have been no salary increases.

Council Action

With no further public comments submitted, Mayor Baldwin closed the Public Hearing at 6:17 p.m.

Council Discussion

After a review of the budget by City Manager Fisher, Councilmember Halbert clarified that the new 'cap' on the required payment to the North Texas Municipal Water District would remain the same, even with a reduction in water usage by the City.

Councilmember Halbert also requested an agenda item on September 6th to discuss the proposed FY2012 Capital expenditures.

Councilmember Brandon proposed to reduce the Reserve Fund transfer to \$225,000.00. He stated he would provide a list of items that can be reduced in order to achieve a reduced transfer.

Councilmember Bradley stated that the budget is conservative in revenues and expenditures. He stated that the City has absorbed more than has been passed on, referring to the \$16M Bonds approved by voters in 2008. Councilmember Bradley commented that it would require \$112,500.00 to buy down the tax rate \$.0075. Councilmember Daugherty concurred.

Councilmember Halbert stated that the first 15% of Reserves is savings. She also commented that the citizens voted for \$16M in Bond projects which have included several parks, roads, and a community center, all of which have been completed or are currently under construction. Ms. Halbert stated that the proposed tax increase is much less than it was projected to be due to the Bonds, stating that it amounts to \$18.00 per year for most residents.

Councilmember Halbert requested for Council to consider the items in the Capital list as to whether the request is appropriate for the City or appropriate for the proposed budget and prioritize items that may be considered in the future.

Mayor Baldwin stated that he would like to keep Reserves at a comfortable level, but not keep taxpayers money in a fund just to build reserves. Mayor Baldwin also stated he would like to explore all possibilities to eliminate a tax rate increase including taking funds out of savings to buy down the tax rate.

Councilmember Richmond commented that he hopes Council does not get stuck on one or two items in the budget.

Councilmember Halbert stated that she does not want to unravel the entire budget after Council spent weeks working on the budget.

Councilmember Brandon stated he mentioned his reservations about the transfer from the Reserve Fund at each meeting.

Council Action

After no further discussion, Mayor Baldwin read the following statement for the record, "The vote on the proposed fiscal year 2011-2012 budget will take place on Tuesday, September 20, 2011 at 6:00 p.m. in the City Council Chambers at Murphy City Hall, 206 North Murphy Road, Murphy, Texas."

2. Hold a public hearing on the proposed tax rate of \$0.5725 per \$100 valuation.

Council Action

Mayor Baldwin opened the Public Hearing at 6:51 p.m.

Public Comments

Mr. Keith Patton addressed Council with concerns about the proposed tax increase. He stated that not only are taxes increasing, but his evaluation has increased. Mr. Patton also mentioned that Murphy residents will now be charged \$50 per library card to use the City of Plano public library system. He requested that Council do anything they can to reduce taxes.

Council Action

With no further public comments submitted, Mayor Baldwin closed the Public Hearing at 6:54 p.m. and read the following statement for the record, "The vote on the proposed tax rate will take place on Tuesday, September 20, 2011 at 6:00 p.m. in the City Council Chambers at Murphy City Hall, 206 North Murphy Road, Murphy, Texas."

Council Discussion

Councilmember Halbert clarified that the tax bill residents receive from Collin County includes taxes from Collin County, the Collin County Community College District, either Plano or Wylie Independent School District, and the City of Murphy.

INDIVIDUAL CONSIDERATION

3. Consider and/or act upon approval of an ordinance ordering a Special Election in the City of Murphy, Texas, to be held on November 8, 2011, for the purpose of submitting to the qualified voters, for adoption or rejection of a proposed proposition to terminate the Murphy Economic Development Corporation (Type A) and the abolition of its sales tax for the promotion and development of new and expanded business enterprises at the rate of one-half of one percent, and concurrently, authorize the creation of the City of Murphy Municipal Development District with the imposition of a sales and use tax at the rate of one-half of one percent for the purpose of financing development projects beneficial to the district.

Council Discussion

Councilmember Bradley clarified what the Murphy Economic Development Board does and how it was established and how it is funded. He also explained the proposed Municipal Development District (MDD) and the flexibility in funding projects that would benefit the City.

There was Council discussion regarding existing agreements and funding commitments as well as how the MDD board would function and be determined.

Councilmember Brandon stated he was hesitant to rush into this and would rather wait until next November.

Councilmember Grant commented that Council should let the voters determine this issue.

Andy Messer, City Attorney, explained that the Council appoints the board and the board establishes their bylaws.

Public Comments

Mr. Keith Patton addressed Council expressing concerns on calling the election for November. He stated that there seem to be a lot of unknowns and questions regarding establishing an MDD.

Council Action

Councilmember Halbert moved to approve an ordinance ordering a Special Election in the City of Murphy, Texas, to be held on November 8, 2011, for the purpose of submitting to the qualified voters, for adoption or rejection of a proposed proposition to terminate the Murphy Economic Development Corporation (Type A) and the abolition of its sales tax for the promotion and development of new and expanded business enterprises at the rate of one-half of one percent, and concurrently, authorize the creation of the City of Murphy Municipal Development District with the imposition of a sales and use tax at the rate of one-half of one percent for the purpose of financing development projects beneficial to the district. Councilmember Daugherty seconded the motion. A vote was taken and passed, 6-1 with Councilmember Brandon voting in opposition.

CITY MANAGER/STAFF REPORTS

City Manager Fisher reported on the following:

- **September 5 – City offices closed in observance of Labor Day**
- **September 6 – Regular City Council Meeting; 2nd Public Hearing on Budget/Tax**
- **September 20 – Chamber Lunch**
- **September 20 – Adoption of Budget & Tax Rate**
- **September 24 – Maize Days**

Additionally, Mr. Fisher reported that the Texas Department of Transportation has informed the City that they will be closing down portions of FM 544 on September 9th to repair the railroad tracks. Councilmember Halbert requested that City staff oversee the repairs to ensure they are done properly this time.

EXECUTIVE SESSION

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

§551.071 Consultation with City Attorney to seek legal advice regarding pending or contemplated litigation regarding Patrick Greene claim.

Council Action

Mayor Baldwin convened into Executive Session at 7:40 p.m.

RECONVENE INTO REGULAR SESSION

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

DRAFT

§551.071 Consultation with City Attorney to seek legal advice regarding pending or contemplated litigation regarding Patrick Greene claim.

Council Action

Mayor Baldwin reconvened into Regular Session at 8:27 p.m. There was no action as a result of the Executive Session.

ADJOURNMENT

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

APPROVED BY:

Bret M. Baldwin, Mayor

ATTEST:

Aimee Nemer, City Secretary

Issue

Hold a public hearing and consider and/or act upon an ordinance approving the application of ALLEN AND LOUCKS VENTURE, L.P. requesting approval of a SUP (Specific Use Permit) for a Drive-In Window for a restaurant on property zoned PD (Planned Development) District for Retail Uses on property located on 121 East FM 544, east of North Murphy Road. (ZF2001-03)

Background

On November 4, 2006, the City Council adopted Ordinance No. 06-11-707 creating a Planned Development District for Retail Uses with conditions. The Planned Development District was subsequently amended on October 20, 2008 (Ordinance No. 08-10-766) to allow restaurants with drive-thru windows by the approval of a SUP (Specific Use Permit) only. The applicant is proposing to develop an Einstein Bagels restaurant on the subject property. The current Planned Development District allows a restaurant with a drive-thru window only with the approval of a SUP (Specific Use Permit). Therefore, the applicant is requesting approval of a SUP (Specific Use Permit) to allow a restaurant with a drive-thru window.

Prior to this submittal, staff requested the applicant enhance the site development to include a courtyard/patio between the proposed retail spaces. The proposed courtyard is shown on the draft site plan which will be going to Planning & Zoning in September and City Council in October.

Considerations

On August 22, 2011, the Planning & Zoning Commission held a public hearing to consider the application requesting approval of an SUP for a Drive-In window for Einstein's Bros in Murphy Marketplace. There were no comments at the public hearing. Planning & Zoning Commission unanimously approved the SUP request.

Staff Recommendation

Motion to approve the SUP (Specific Use Permit) as submitted.

Attachments

- 1) Proposed Ordinance
- 2) Exhibit A – Legal Description
- 3) Exhibit B – Specific Use Permit Conditions
- 4) Location Map
- 5) Draft Site Plan
- 6) Draft Landscape Plan
- 7) Draft Exterior Elevations

Kristen Roberts, Econ & Comm Development
Submitted By

James Fisher, City Manager
City Manager Approval

ORDINANCE NO. __-__-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE AND MAP, CHAPTER 86 OF THE CITY OF MURPHY CODE OF ORDINANCES BY APPROVING A SPECIFIC USE PERMIT FOR A RESTAURANT (DRIVE-IN) ON PROPERTY ZONED PLANNED DEVELOPMENT DISTRICT FOR RETAIL USES ON APPROXIMATELY 1.39 ACRES OUT OF THE JAMES MAXWELL SURVEY, ABSTRACT NO. 582, LOCATED IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE FOR ALL PURPOSES, APPROVING SPECIFIC USE PERMIT STANDARDS HERETO AS EXHIBIT "B"; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A PENALTY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

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

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

Section 1. That the Comprehensive Zoning Ordinance and Map of the City of Murphy, Texas, be, and the same are hereby, amended so as to approve a Specific Use Permit for a Restaurant (Drive-In), applicable only to Einstein Bros, on property zoned PD (Planned Development) District for Retail Uses for the property described as 1.39 acres, more or less, in the James Maxwell Survey, Abstract No. 582, in the City of Murphy, Collin County, Texas, and more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes.

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

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

Section 4. If any word, section, article, phrase, paragraph, sentence, clause or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect, for any reason, the validity of the remaining portions of the Comprehensive Zoning Ordinance, Chapter 86 of the City of Murphy Code of Ordinances, and the remaining portions shall remain in full force and effect.

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

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

PASSED, APPROVED AND ADOPTED this the 6th day of September 2011.

Bret M. Baldwin, Mayor
City of Murphy

ATTEST:

Aimee Nemer, City Secretary
City of Murphy

EXHIBIT A

Legal Description

STATE OF TEXAS
COUNTY OF COLLIN

BEING all that tract of land in the City of Murphy, Collin County, Texas out of the James W. Maxwell Survey, A-582, and being all of that called 22.762 acres described in a deed to MSW Murphy Road, LLC, a Texas Limited Liability Company, recorded in Volume 4391, Page 3105 of the Deed Records of Collin County, Texas and being Lots 1, 2 and 44, Block A of the Murphy Town Center Addition, an Addition to the City of Murphy, Texas as recorded in Volume P, Page 44 of the Plat Records of Collin County, Texas and being all of that called 25.419 acres described in a deed to TYF Partnership, recorded in County Clerks Number 2000-0105494 of said Deed Records and being further described as follows

BEGINNING at a 1/2 inch steel rod found in the South R.O.W. line of Dallas Area Rapid Transit Authority R.O.W. as recorded in Volume 3424, Page 126 of said Deed Records, said point being the northeast corner of this tract and the northwest corner of the TYF Partnership Tract as recorded in County Clerk's file # 2000-0105494 of said Deed Records;

THENCE North 01 degrees 47 minutes 20 seconds East (Bearing basis), 50.06 feet along the east line of said TYF tract, to a 1/2" steel rod set for corner in the south line of said Dallas Area Rapid Transit Authority right-of-way;

THENCE South 83 degrees 58 minutes 36 seconds East, 1275.41 feet along said south line to a 1/2" steel set for corner at the northwest corner of that called 13.8031 acre tract described in a deed to Chia Yu Chen as recorded in Volume 2777, Page 672 of said Deed Records;

THENCE South 00 degrees 50 minutes 24 seconds East, 817.20 feet along the east line of said 13.8031 acre tract to a 1/2" steel set for corner on the north line of FM 544, a variable width right-of-way;

THENCE North 89 degrees 44 minutes 58 seconds West, 534.15 feet along said north line, to a TxDOT aluminum disk found for corner;

THENCE North 89 degrees 42 minutes 57 seconds West, 623.01 feet continuing along said north line, to a TxDOT aluminum disk found for corner at the beginning of a non-tangent curve to the left;

THENCE northwesterly, 4.66 feet, along said curve to the left having a radius of 9488.99 feet and a central angle of 0 degrees 01 minutes 41 seconds (chord bears North 88 degrees 36 minutes 57 seconds West, 4.66 feet) to a 1/2 inch steel rod set in said north line and at the southeast corner of that certain tract described in a deed to the North Texas Municipal Water District, (NTMWD) recorded in Volume 617, Page 255 of said Deed Records;

THENCE North 00 degrees 20 minutes 17 seconds East, 200.03 feet along the east line of said NTMWD tract, to a 1/2" steel rod set at the northeast corner of said NTMWD tract;

THENCE North 89 degrees 44 minutes 46 seconds West, 142.98 feet, along the north line of said NTMWD tract

THENCE South 01 degrees 47 minutes 20 seconds West, 198.62 feet along the West line of said TYF tract to a 5/8 inch steel rod found for corner and being on the North R.O.W. line of F.M. Highway 544 (variable width R.O.W.), said corner also being the beginning of a non-tangent curve to the right;

THENCE Northwesterly, 443.54 feet along said curve to the right having a radius of 9,489.00 feet, and a central angle of 02 degrees 40 minutes 42 seconds, (chord bears North 87 degrees 28 minutes 16 seconds West, 443.54 feet) to a TxDOT aluminum cap found for corner;

THENCE South 03 degrees 52 minutes 40 seconds West, 1.56 feet, continuing along said north R.O.W. line, to a 1/2 inch steel rod set for corner;

THENCE North 86 degrees 09 minutes 43 seconds West, 34.46 feet continuing along said north R.O.W. line, to a 1/2 inch steel rod found for corner at the southwest corner of Lot 3, Block A of said Murphy Town Center Addition and the Bank of America tract as recorded in Volume 5462, Page 2608 of said Deed Records;

THENCE North 01 degrees 47 minutes 20 seconds East, 233.32 feet along the west line of said Lot 3, to a 1/2 inch steel rod found for corner;

THENCE North 88 degrees 12 minutes 40 seconds West, 204.67 feet along the north line of said Lot 3, to a 1/2 inch steel rod found for corner;

THENCE South 01 degrees 47 minutes 20 seconds West, 226.00 feet along the west line of said Lot 3, to an "X" cut set for corner on said north R.O.W. line;

THENCE North 86 degrees 09 minutes 43 seconds West, 197.74 feet along said North R.O.W. line to a 1/2 inch steel rod found for a corner, said corner also being the beginning of a tangent curve to the right;

THENCE Northwesterly, 64.57 feet along said curve to the right having a radius of 9,614.00 feet and a central angle of 00 degrees 23 minutes 05 seconds (chord bears North 88 degrees 15 minutes 24 seconds West, 64.57), continuing along said north R.O.W. line, to a 5/8 inch steel rod found for corner;

THENCE North 83 degrees 07 minutes 19 seconds West, 16.55 feet, continuing along said north R.O.W. line to a 1/2 inch steel rod found at the southeast corner of the GTE tract as recorded in Volume 1441, Page 866 of said Deed Records;

THENCE North 02 degrees 14 minutes 54 seconds East, 189.22 feet along the east line of said GTE Tract, to a 1 inch steel rod found for corner;

THENCE North 89 degrees 12 minutes 07 seconds West, 147.88 feet, along the north line of said GTE Tract, to a 1/2 inch steel rod found for corner;

THENCE South 02 degrees 14 minutes 54 seconds West, 129.75 feet, along a west line of said GTE Tract to a 1/2 inch steel rod found for corner;

THENCE South 89 degrees 12 minutes 07 seconds East, 128.00 feet along the south line of said GTE Tract, to a 1/2 inch steel rod found for corner;

THENCE South 02 degrees 14 minutes 54 seconds West, 57.33 feet along a west line of said GTE Tract, to a 1/2 inch steel rod found for corner on said north R.O.W. line;

THENCE North 83 degrees 07 minutes 19 seconds West, 63.90 feet along said north R.O.W. line, to a ½ inch steel rod found for corner, said corner also being the beginning of a non-tangent curve to the right;

THENCE Northwesterly, 102.66 feet along said curve to the right having a radius of 9,624.00 feet and a central angle of 00 degrees 36 minutes 40 seconds (chord bears North 89 degrees 58 minutes 40 seconds West, 102.66 feet), continuing along said north R.O.W. line to a 1/2 inch steel rod found for corner;

THENCE North 44 degrees 30 minutes 05 seconds West, 28.16 feet to a ½ inch steel rod found for a corner, said corner also being the beginning of a non-tangent curve to the right and on the East R.O.W. line of Murphy Road (F.M. Highway 2551, a variable width R.O.W.);

THENCE Northeasterly, 235.97 feet along said curve to the right having a radius of 8315.00 feet and a central angle of 01 degrees 37 minutes 34 seconds (chord bears North 01 degrees 34 minutes 49 seconds East, 235.97 feet), along said east R.O.W. line to a ½ inch steel rod found at the southwest corner of the Ralph Dean Vail Tract as recorded in C.C. no. 92-0041249 of said Deed Records;

THENCE South 89 degrees 36 minutes 31 seconds East, 61.08 feet along the south line of said Vail Tract, to a 4 inch steel pipe found for corner;

THENCE North 02 degrees 24 minutes 40 seconds East, 157.42 feet along the east line of said Vail Tract to a 5/8 inch steel rod found for corner;

THENCE North 89 degrees 18 minutes 38 seconds West, 60.45 feet along the north line of said Vail Tract, to a ½ inch steel rod found for corner on said east R.O.W. line;

THENCE North 03 degrees 15 minutes 51 seconds East, 181.83 feet along said east R.O.W. line to a ½ inch steel rod found for corner;

THENCE North 02 degrees 30 minutes 13 seconds East, 157.23 feet continuing along said east R.O.W. line to a ½ inch steel rod found for corner;

THENCE South 84 degrees 58 minutes 05 seconds East, 57.13 feet to a ½ inch steel rod found for corner;

THENCE North 02 degrees 55 minutes 00 seconds East, 150.09 feet to a ½ inch steel rod found for corner;

THENCE North 84 degrees 00 minutes 00 seconds West, 58.94 feet to a ½ inch steel rod found for corner;

THENCE North 02 degrees 17 minutes 00 seconds East, 50.13 feet to a ½ inch steel rod set for corner;

THENCE South 84 degrees 00 minutes 00 seconds East, 1,160.59 feet along said South R.O.W. of the Dallas Area Rapid Transit Authority, to the POINT OF BEGINNING and containing 48.182 acres of land, more or less.

EXHIBIT B

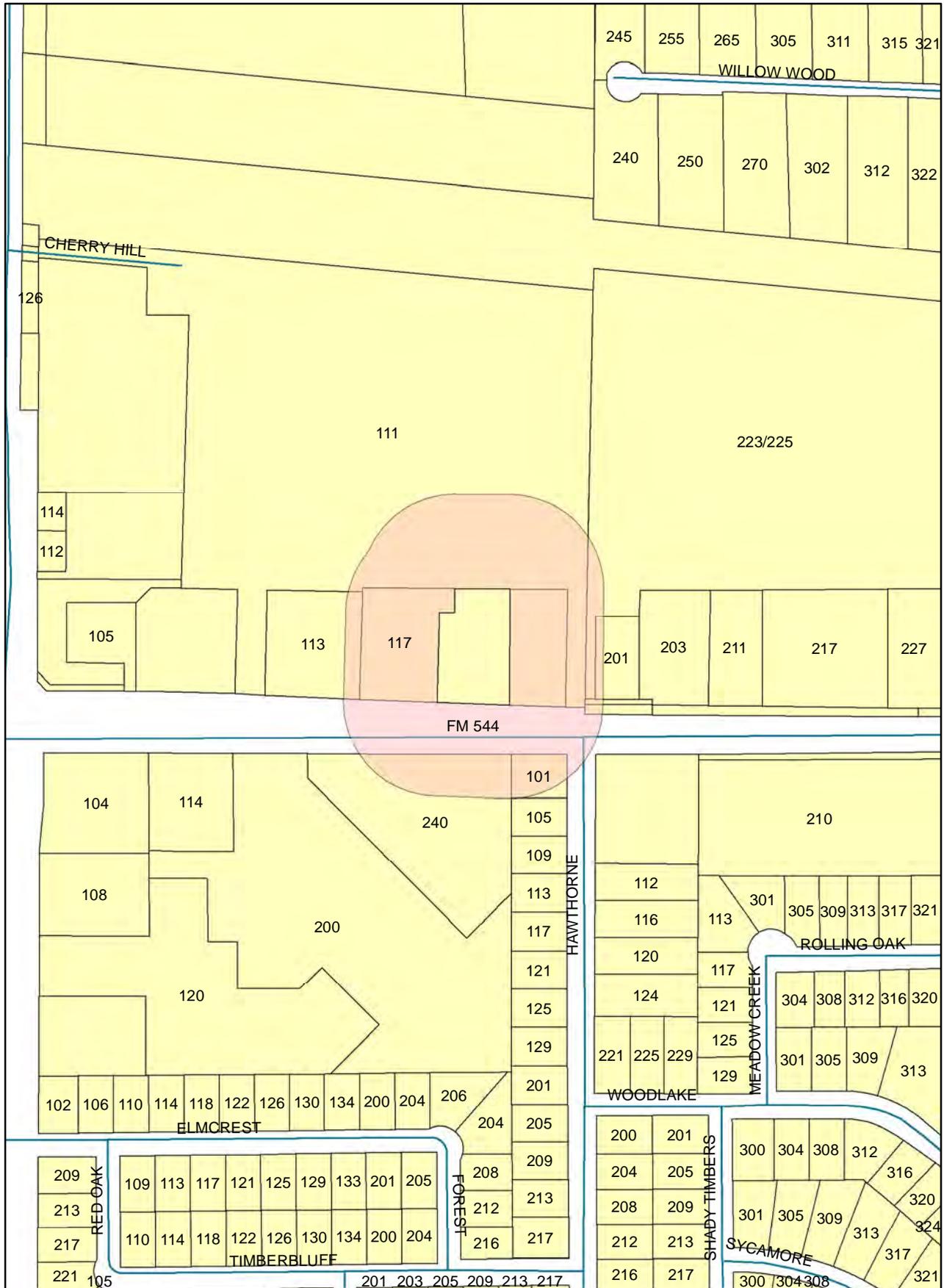
ZONING FILE NO. 2011-03

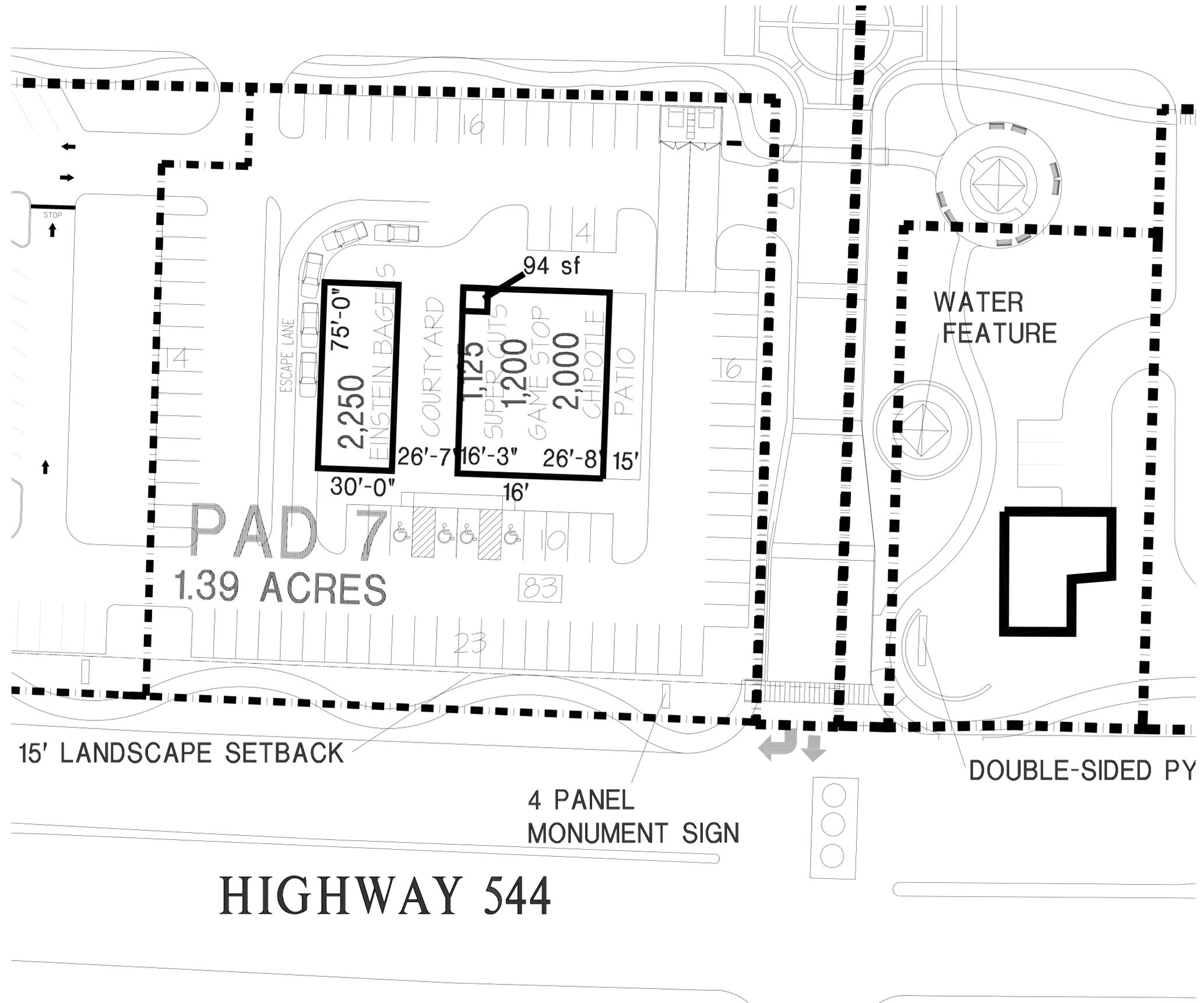
East FM 544, east of North Murphy Road (FM 2551)

SPECIFIC USE PERMIT FOR A RESTAURANT (DRIVE-IN)

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow a Restaurant (Drive-In) compatible with the surrounding area.
- II. **Statement of Effect:** This Specific Use Permit shall not affect any regulation found in the City of Murphy Code of Ordinances, Ordinance No. 06-12-708, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of PD (Planned Development) District No. 08-10-766 shall apply, except as otherwise specified in this ordinance.
- IV. **Development Plans:**
 - A. Applicability: This Specific Use Permit shall only apply to **Einstein Bros.**

BOA File 2011-01





O'BRIEN & ASSOCIATES, INC.
 ARCHITECTURE ■ INTERIORS ■ PLANNING
 5310 HARVEST HILL ROAD ■ SUITE 136 ■ DALLAS, TEXAS 75230 ■ (972) 788-1010 ■ FAX (972) 788-4828

MURPHY MARKETPLACE
 MURPHY, TEXAS
LANGFORD PROPERTY COMPANY

SP-137

SCALE: 1"=20'-0" ■ JOB#: 26001 ■ ISSUE DATE: 07/22/11
 APPROVED BY: _____ DATE: _____

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 FOR ANY PURPOSE, WITHOUT PRIOR WRITTEN CONSENT FROM O'BRIEN & ASSOCIATES, INC.

LANDSCAPE NOTES

- Contractor shall verify all existing and proposed site elements and notify Architect of any discrepancies. Survey data or existing conditions was supplied by owner.
- Contractor shall locate all existing underground utilities and notify Architect of any conflicts. Contractor shall exercise caution when working in the vicinity of underground utilities.
- Contractor is responsible for obtaining all required landscape and irrigation permits.
- Contractor to provide a minimum 2% slope away from all structures.
- All planting beds and lawn areas to be separated by steel edging. No steel to be installed adjacent to sidewalks or curbs.
- All landscape areas to be 100% irrigated with an underground automatic irrigation system and shall include rain and freeze sensors.
- All lawn areas to be Stair Sot Bermudagrass, unless otherwise noted on the drawings.

MAINTENANCE NOTES

- The Owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscape.
- All landscape shall be maintained in a neat and orderly manner at all times. This includes, but is not limited to, weeding, watering, fertilizing, and other such activities common to landscape maintenance.
- All landscape areas shall be kept free of trash, litter, weeds and other such material or plants not part of this plan.
- All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.
- All plant material which dies shall be replaced with plant material of equal or better value.
- Contractor shall provide separate bid proposal for one year's maintenance to begin after final acceptance.

HYDROMULCH NOTES

- All lawn areas to be Hydromulch Bermudagrass, unless noted otherwise on drawings.
- Contractor shall scarify, rip, loosen all areas to be hydromulched to a minimum depth of 4" prior to topsoil and hydromulch installation.
- Bermudagrass seed shall be extra hulled and treated lawn type and shall be placed on the site in its original unopened container, and shall meet Texas State Law requirements.
- Fiber: Shall be one hundred (100%) percent Wood Cellulose Fiber, delivered to the site in its original unopened container, "Dome" or equal.
- Fiber Bags: Shall be delivered to the site in its original unopened container, and shall be "Toro-Tec one", as manufactured by Growers, Inc. in equal.
- Hydromulch with Bermudagrass seed at a rate of two (2) pounds per one thousand (1000) square foot.
- Use a 4/8" batter board against all beds areas.
- If installation occurs between September 1 and April 1, all hydromulch areas to be Winter Ryegrass, at a rate of four (4) pounds per one thousand (1000) square feet. Contractor shall be required to re-hydromulch with Bermudagrass the following growing season.
- All lawn areas to be hydromulched, shall have one hundred (100%) percent coverage prior to final acceptance.
- Contractor shall maintain all lawn areas until final acceptance. This shall include but not be limited to: mowing, watering, weeding, cultivating, cleaning, and replacing dead or bare areas to keep plants in a vigorous, healthy condition.
- Contractor shall guarantee establishment of an acceptable turf area and shall provide replacement from local supply as necessary.

GENERAL LAWN NOTES

- Final grade areas to achieve final contours indicated on civil plans.
- Adjust contours to achieve positive drainage away from buildings. Provide uniform rounding at top and bottom of slopes and other breaks in grade. Correct irregularities and areas where water may stand.
- All lawn areas to be seeded solid seed shall be left in a minimum of 1" below final finish grade. Contractor to coordinate operations with onsite Construction Manager.
- Imported topsoil shall be natural, friable soil from the region, known as bottom and soil, free from lumps, clay, toxic substances, roots, debris, vegetation, stones, containing no salt and toxic to brown color.
- All lawn areas to be fine graded, irrigation trenches completely settled, and final grade approved by the Owner's Construction Manager or Architect prior to installation.
- All rocks 3/4" diameter and larger, dirt socks, sticks, concrete socks, etc. shall be removed prior to placing topsoil and any lawn installation.
- Contractor shall provide (2") two inches of imported topsoil on all areas to receive lawn.

SOLID SOD NOTES

- Final grade areas to achieve final contours indicated. Leave areas to receive topsoil 2" below final desired grade in planting areas and 1" below final grade in turf areas.
- Adjust contours to achieve positive drainage away from buildings. Provide uniform rounding at top and bottom of slopes and other breaks in grade. Correct irregularities and areas where water may stand.
- All lawn areas to be seeded solid seed shall be left in a minimum of 1" below final finish grade. Contractor to coordinate operations with onsite Construction Manager.
- Contractor to coordinate with on-site Construction Manager for availability of existing topsoil.
- Plant set by hand to cover indicated area completely. Loose edges of sod are touching. Top stress joints by hand with topsoil to fill voids.
- Roll grass areas to achieve a smooth, even surface, free from unnatural undulations.
- Water sod thoroughly as sod operation progresses.
- Contractor shall maintain all lawn areas until final acceptance. This shall include, but not be limited to: mowing, watering, weeding, cultivating, cleaning and replacing dead or bare areas to keep plants in a vigorous, healthy condition.
- Contractor shall guarantee establishment of an acceptable turf area and shall provide replacement from local supply if necessary.
- If installation occurs between September 1 and March 1, all sod areas to be winter ryegrass with Winter Ryegrass, at a rate of (4) pounds per one thousand (1000) square feet.

LANDSCAPE TABULATIONS

FROM BUREAU OF LANDSCAPE ARCHITECTURE (11) trees 2" cal. and 40 ornamentals, 2" cal. or 7" H, per 50 ft. of street frontage

PLANT LEGEND	QUANTITY	PLANT TYPE
SYMBOL	PLANT TYPE	
AJ	Asian Jasmine	
CM	Crape Myrtle Tree	
DM	Dwarf Myrtle Rose	
KNR	Knobby Rose	
LG	Live Oak	
LO	Live Oak	
RO	Red Oak	
SC	Seasonal Color	
ROTP	Red Oak Transplant	
CETP	Cedar Elm Transplant	
ERO	Existing Red Oak	
ECE	Existing Cedar Elm	
ELO	Existing Live Oak	
EMP	Existing Mexican Plum	
ERB	Existing Redbud	
ERD	Existing Red Oak	
EWI	Existing Wax Myrtle	
TPRO	Transplant Red Oak	
TPCE	Transplant Cedar Elm	
TPRO	Transplant Red Oak	

Indicates New Locations

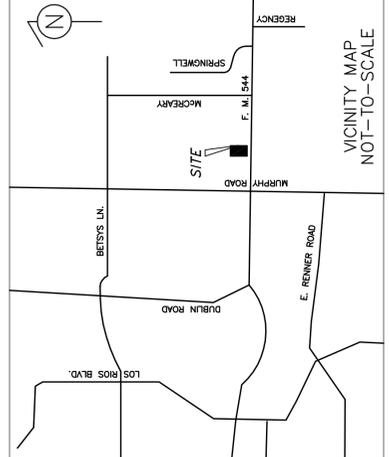
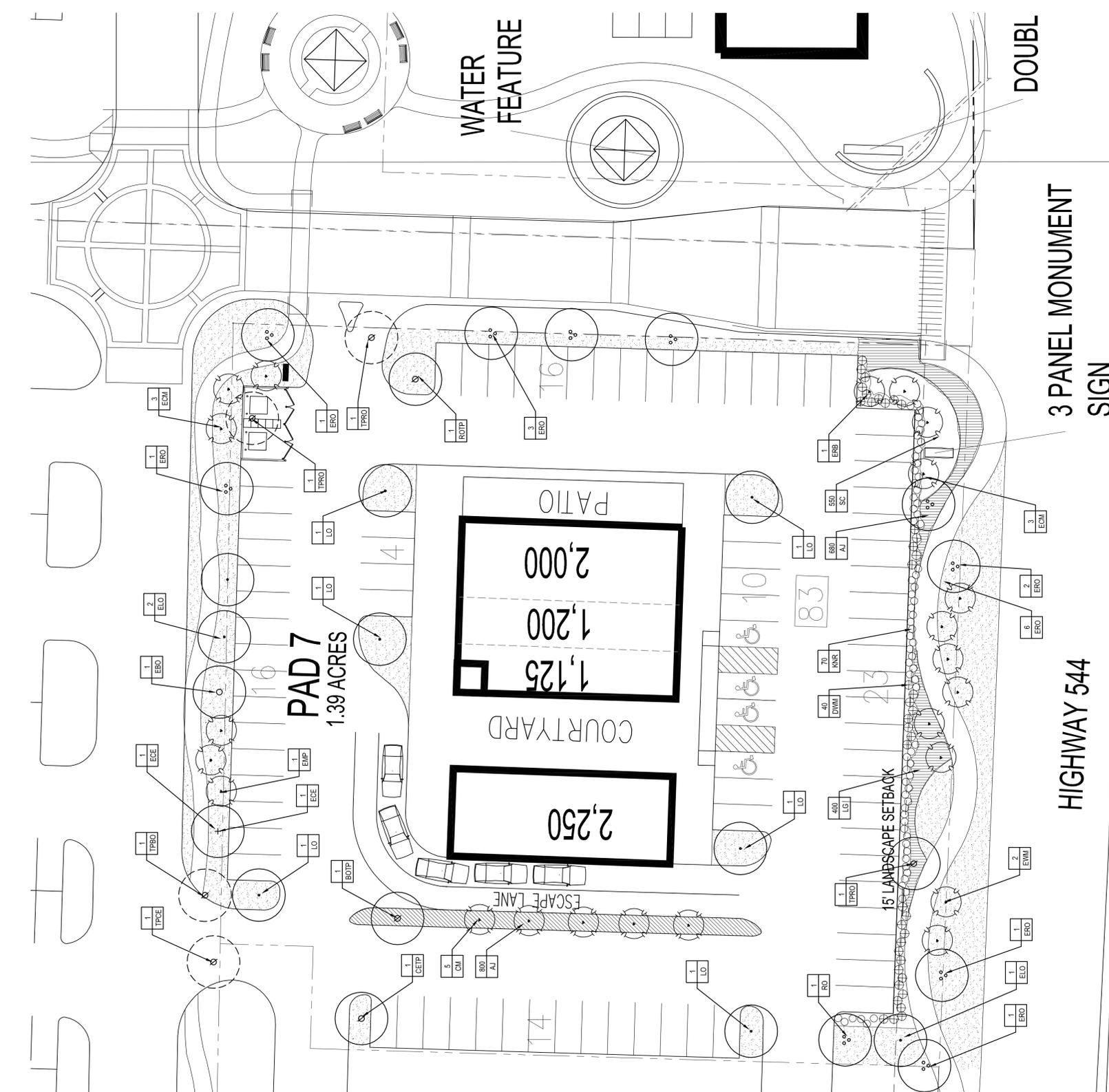
PLANT LIST

TREES	QTY.	TYPE	COMMON NAME	BOTANICAL NAME	REMARKS
6	CMR	Crape Myrtle Tree	Lagerstrœmia indica 'Red'		container grown, 3-5 cans, no cross caning
6	LO	Live Oak	Quercus agrifolia		container grown, 1 1/2" min. 2' spread min.
1	RO	Red Oak	Quercus shumardii		container grown, 1 1/2" min. 5' spread min.

SHRUBS	QTY.	TYPE	COMMON NAME	BOTANICAL NAME	REMARKS
40	DWM	Dwarf Wax Myrtle	Myrica pauciflora 'Doris Dwarf'		container, full plant, 36" oc.
70	KNR	Knobby Rose	Rosa sp. 'Double Knockout'		container, full plant

GRASSCOVERS	QTY.	TYPE	COMMON NAME	BOTANICAL NAME	REMARKS
1480	AJ	Asian Jasmine	Trachelospermum asiaticum		4" pots
400	LG	Giant Ligustrum	Ligustrum giganteum		container, full top of container, 12" oc.
550		Common Bermudagrass	Cynodon dactylon		refer to notes.
		Seasonal Color			4" pots

NOTE: Plant list is an aid to bidders only. Contractor shall verify all quantities on plan. All heights and spreads are minimums. All plant material shall meet or exceed remarks as indicated. All trees to have straight trunks and be meeting within varieties.



LANDSCAPE NOTES

- Contractor shall verify all existing and proposed site elements and notify Architect of any discrepancies. Survey data or existing conditions was supplied by owner.
- Contractor shall locate all existing underground utilities and notify Architect of any conflicts. Contractor shall exercise caution when working in the vicinity of underground utilities.
- Contractor is responsible for obtaining all required landscape and irrigation permits.
- Contractor to provide a minimum 2% slope away from all structures.
- All planting beds and lawn areas to be separated by steel edging. No steel to be installed adjacent to sidewalks or curbs.
- All landscape areas to be 100% irrigated with an underground automatic irrigation system and shall include rain and freeze sensors.
- All lawn areas to be Stair Sot Bermudagrass, unless otherwise noted on the drawings.

MAINTENANCE NOTES

- The Owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscape.
- All landscape shall be maintained in a neat and orderly manner at all times. This includes, but is not limited to, weeding, watering, fertilizing, and other such activities common to landscape maintenance.
- All landscape areas shall be kept free of trash, litter, weeds and other such material or plants not part of this plan.
- All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.
- All plant material which dies shall be replaced with plant material of equal or better value.
- Contractor shall provide separate bid proposal for one year's maintenance to begin after final acceptance.

HYDROMULCH NOTES

- All lawn areas to be Hydromulch Bermudagrass, unless noted otherwise on drawings.
- Contractor shall scarify, rip, loosen all areas to be hydromulched to a minimum depth of 4" prior to topsoil and hydromulch installation.
- Bermudagrass seed shall be extra hulled and treated lawn type and shall be placed on the site in its original unopened container, and shall meet Texas State Law requirements.
- Fiber: Shall be one hundred (100%) percent Wood Cellulose Fiber, delivered to the site in its original unopened container, "Dome" or equal.
- Fiber Bags: Shall be delivered to the site in its original unopened container, and shall be "Toro-Tec one", as manufactured by Growers, Inc. in equal.
- Hydromulch with Bermudagrass seed at a rate of two (2) pounds per one thousand (1000) square foot.
- Use a 4/8" batter board against all beds areas.
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- All lawn areas to be hydromulched, shall have one hundred (100%) percent coverage prior to final acceptance.
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- Contractor shall guarantee establishment of an acceptable turf area and shall provide replacement from local supply as necessary.

O'BRIEN & ASSOCIATES, INC. ARCHITECTURE INTERIORS PLANNING

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SMF landscape architects, inc.
1750 N. Gable Street
Dallas, Texas 75202
Tel. 214.871.0083
Fax. 214.871.0083
Email. smf@smf.com

MURPHY MARKETPLACE LOT 7

MURPHY, TEXAS

LSP-01

SCALE: 1"=20'-0"

APPROVED BY: _____

ISSUE DATE: 07/22/11

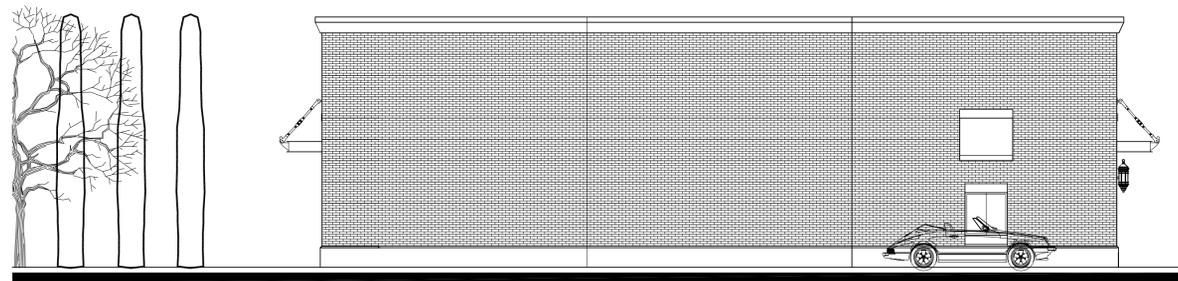
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26001

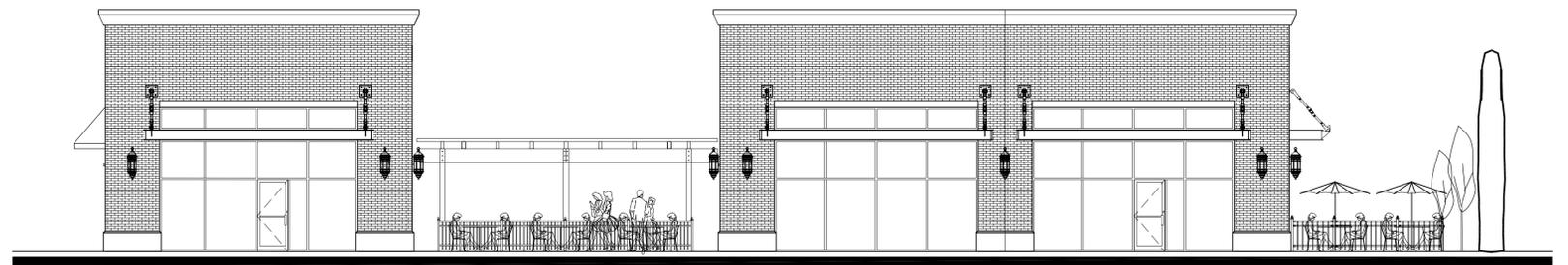
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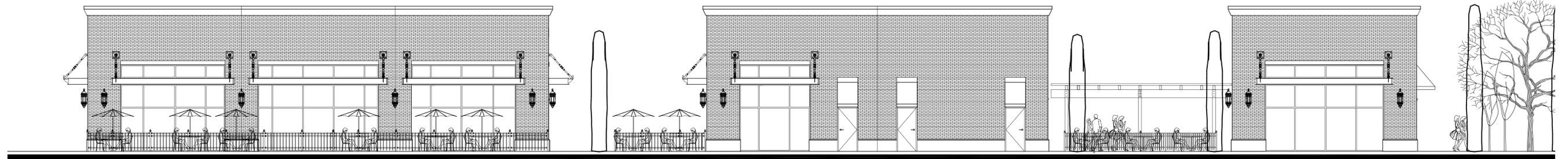




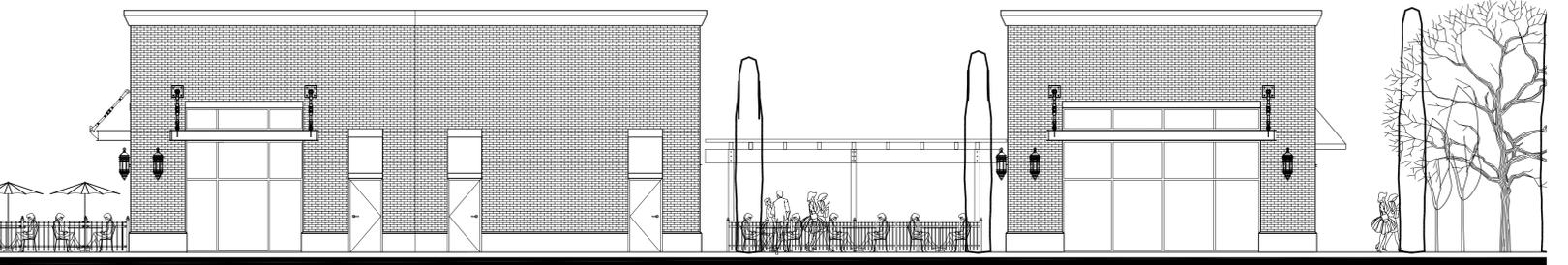
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION



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MURPHY MARKETPLACE
 MURPHY, TEXAS
LANGFORD PROPERTY COMPANY

LOT 7

SCALE: 1/16"=1'-0" ■ JOB#: 26001 ■ ISSUE DATE: 07/22/11
 APPROVED BY: _____ DATE: _____

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Issue

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

Background

On May 18, 2009, City Council adopted ordinance revising existing development standards that were previously located in the Comprehensive Zoning Ordinance and creating a new chapter (Chapter 28) in the Code of Ordinances. The following development standards were then moved to Chapter 28 of the Code of Ordinances:

- Sign Regulations
- Lighting Regulations
- Landscape/Tree Preservation Regulations
- Exterior Construction and Design Regulations
- Fence/Screening Regulations
- Performance Standards
- Noise Regulations
- Multi-Family Development Standards
- Hotel/Motel Standards (newly created at the time)
- Senior/Assisted Living Standards (newly created at the time)

On October 18, 2010, the City Council initially directed staff to review Chapter 28 with the main emphasis of potential change to sign regulations, fencing, walls and screening regulations and exterior construction standards.

On June 21, 2011, City Council reviewed new recommendations to Chapter 28 and offered feedback for staff and Planning & Zoning Commission consideration.

Board Recommendation

At the July 25, 2011 Planning & Zoning meeting, the Commission made suggested changes to the Development Standards. These changes were incorporated and included for approval at the August 22, 2011, Planning & Zoning meeting. At that meeting, following discussion and receiving no comments from the public, the Commission approved the recommendations with slight edits to the verbiage in the fence permitting section and vehicular sign definition.

Staff Recommendation

Staff recommends approval of an ordinance amending Chapter 28, Development Standards, of the Code of Ordinances.

Attachments

- 1) Proposed ordinance
- 2) Recommendations Comparison

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF MURPHY, TEXAS; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS DATE OF PUBLICATION.

WHEREAS, the City Council adopted an ordinance on May 18, 2009, revising existing development standards that were previously located in the Comprehensive Zoning Ordinance and creating a new chapter (Chapter 28) in the Code of Ordinances.

WHEREAS, the City Council the City Council initially directed staff on October 18, 2010, to review Chapter 28 with the main emphasis of potential change to sign regulations, fencing, walls and screening regulations and exterior construction standards.

WHEREAS, the City Council of the City of Murphy finds and determines that modification of Chapter 28 – Development Standards is in the best interests of the citizens of the City of Murphy.

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

Section 1. FINDINGS INCORPORATED

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

Section 2. That Section 28-2. Definitions of Chapter 28 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended, which shall now read as follows:

Section 28-2. Definitions

Sign, monument means any permanent low profile sign built on a monument base, solid from the ground up, which has no clear space for the full width of the sign between the bottom of the sign and the ground and is not an attached, portable or vehicular sign. Pole(s) or support(s) must be concealed.

Sign, pole means a permanent freestanding pole sign, utilizing either a monopole or dual pole design.

Sign, temporary means any sign that is used only temporarily and is not permanently mounted or affixed to any structure or to the ground.

Sign, vehicular means any sign on a vehicle moving along the ground or on any vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs which are being transported to a site of permanent erection, bumper stickers, magnetic signs not to exceed four square feet, any signs attached to or painted onto a personal vehicle which exceed four square feet, taxicab signs, or delivery vehicle signs so long as the vehicle is shielded from public view when stored or stopped and otherwise does not park at any one location longer than reasonably necessary to make a delivery or if the vehicle is primary transportation for a resident and the vehicle is parked in the driveway of the resident.

Sign, window means a sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign that faces a window exposed to public view and located within three (3) feet of the window is considered a window sign for the purpose of calculating the total area of all window signs.

Wind device means any flag, banner, pennant, streamer or similar device that moves freely in the wind. All wind devices are considered to be signs, and are regulated and classified as attached or detached by the same rules as other signs. Heavier-than-air inflatable must be firmly tethered to the ground and shall not exceed a maximum of 35 feet in height from the ground. Feather signs are considered wind device signs and shall not exceed 15 feet in height.

...

Section 3. That Section 28-6 of Chapter 28 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended, which shall now read as follows:

Section 28-6. Signs in rights-of-way prohibited.

Except as specifically authorized in this Chapter, no sign shall be erected or affixed within or project over any public right-of-way or across the public right-of-way line extended across a railroad right-of-way. This section shall not be construed so as to prohibit the carrying or displaying of signs by any person so long as such sign is not connected or affixed to the real property comprising the public right-of-way, its fixtures and appurtenances. Homeowners' Association and Crime Watch meeting and alert may have signs projecting over the public right-of-way. Both the person who erected or affixed the sign and the person or business who benefits from the placement of the sign shall be responsible for the illegally placed sign.

...

Section 4. That Section 28-7 of Chapter 28 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended, which shall now read as follows:

Section 28-7. Signs on public property.

Except as specifically authorized in this Chapter, no person shall attach any sign, paper, or other material or paint, stencil, or write any name, number or otherwise mark any sidewalk, curb, gutter, street, tree, utility pole, traffic sign, traffic light standard, public building, public fence, or public structure. This section shall not prohibit the posting of governmental signs or the painting

or attaching of street address numbers to curbs. Both the person who erected or affixed the sign and the person or business who benefits from the placement of the sign shall be responsible for the illegally placed sign.

...

Section 5. That Section 28-10 of Chapter 28 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended, which shall now read as follows:

Section 28-10. Political signs.

Political signs regarding an issue or candidate in an election may be erected on private property without limit as to number; provided, that such signs comply with other applicable requirements of this chapter, and provided further, that the owner or occupant of the property on which sign is displayed shall comply with the following regulations:

- (1) Political signs must comply with state law and are prohibited from:
 - a. Having a surface area greater than 36 square feet;
 - b. Being more than eight feet in height;
 - c. Being illuminated; or
 - d. Having moving elements.
 - e. Being located in center medians or within 15 feet of any stop sign / traffic light.
 - f. Being placed on private property without the permission of the property owner.
 - g. Being placed on City of Murphy owned property except:
 - 1) Along the south entrance of the Municipal Complex. Signs may be placed on the south side of this driveway beginning 10 days prior to early voting. The sign placement area shall be between the Customer Service Utility Payment Drive area and the right of way at Murphy Road.
 - 2) The total sign area of a candidate on City of Murphy owned property may not exceed 16 square feet.
 - 3) On Election Day, candidates and/or supporters may place campaign signs in the east lawn across from the City Hall south parking lot, as long as they are outside the mandated election boundary lines.
 - 4) All candidate signs must be removed within 2 days after the conclusion of the election.

(2) The City may remove any sign that is not in compliance with any of the above regulations.

(3) Political signs must comply with all laws and regulations regulating the placement, location, and site visibility triangle which relates to all signage.

...

Section 6. That Section 28-11 of Chapter 28 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended, which shall now be edited as follows:

Section 28-11.Special Purpose Signs

(C) Special purpose freestanding signs for the purpose of identifying the location of or direction to subdivisions or major home builder sites are allowed. Such signs shall be on-premise and shall not exceed thirty-two (32) square feet in area, nor extend more than ten (10) feet in height, or when located adjacent to a screening wall shall not extend more than fifteen (15) feet in height. A home builder with twenty-five (25) lots or more qualifies as a major home builder. One such sign may be allowed for subdivisions, major home builders, sites or developments of thirty (30) acres, or less. One additional sign shall be allowed for each additional thirty (30) acres. Permits for such signs may be granted for a maximum period of 12 month intervals, with such signs being removed upon ninety (90) percent completion of the project. No such sign shall be located closer than one hundred (100) feet to a residential dwelling not within the subdivision.

(E) Wind devices, heavier-than-air inflatable, and similar special purpose signs promoting a single-family subdivision or multi-family complex shall be allowed a maximum single use period not to exceed fifteen (15) days, with a minimum period between permits of ~~sixty (60)~~ thirty days (30) and a maximum number of three (3) permits per year for a given subdivision or complex.

(F) Wind devices, heavier-than-air inflatables, and similar special purpose signs promoting a retail or commercial establishment or center shall be allowed a maximum single use period not to exceed seven (7) days with a minimum period between permits of fifteen (15) days and a maximum number of three (3) permits per year for a given establishment or center.

(G) Signs that advertise sales, specials, grand openings, or other goods or services available within an establishment may be placed in windows using water soluble paint, appliques or other temporary and removable means provided that no such window sign may:

(1) Be located on the window surface in any manner that obscures more than twenty five percent (25%) of the visible window area available in the absence of any signs; and

(2) Remain in place more than 30 days in any six month period.

...

Section 7. That Section 28-14 of Chapter 28 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended, which shall now read as follows:

Section 28-14. Sale or lease signs.

A site may contain on-premise attached or freestanding signs for the purpose of advertising the sale or lease of the real property on which such sign is located, subject to the following provisions:

(A) Signs advertising the sale or lease of residential property shall not exceed eight (8) square feet in area nor five (5) feet in height. The number of such signs shall be limited to one (1) per lot or complex where such lot or complex abuts one (1) street; one (1) additional sign shall be allowed for each additional street.

(B) Signs advertising the sale or lease of a business property shall not exceed sixteen (16) square feet in area or eight (8) feet in height.

(C) Permits for such signs may be granted for a maximum period of twelve month intervals.

...

Section 8. That Section 28-16 of Chapter 28 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended, which shall now read as follows:

Section 28-16. Kiosk Signs

(A) Procedures for Installing a Kiosk Sign

(3) Once a services contract is approved by City Council, the Contractor shall submit a map, elevations, and any other documentation deemed necessary by city staff, showing the location and design of the proposed Kiosk Signs to the City Manager or his designee. Upon review of the map, elevations, and any other applicable documentation, the City Manager shall make a recommendation to City Council as to whether the location and design of the proposed Kiosk Signs should be approved, denied, or modified.

(B) Location of the Kiosk Signs. Although the City Council has the authority to determine where Kiosk Signs may be located, locations must at least meet the following criteria:

(1) The location of Kiosk Signs must not create traffic hazards. The obstruction of the visibility of motorists, pedestrians, or traffic control signs will constitute a type of traffic hazard. The City Manager or his designee shall review the location of each proposed Kiosk Sign. A Kiosk Sign shall not be installed if the City Manager or his designee determines that the location of the proposed sign would create a traffic hazard.

...

Section 9. That Section 28-22 of Chapter 28 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended, which shall now read as follows:

Section 28-22. Monument signs – Business Districts.

Monument signs are permitted in business zoning districts as follows:

(A) Number of monument signs:

(1) Only one monument sign of any type may be erected on any site's thoroughfare frontage, not to exceed two signs per site.

(a) Fast food and drive-through restaurants may have additional sign(s) not exceeding eight (8) feet in height nor fifty (50) square feet in area and, if monument, located no further than fifteen (15) feet from the building housing that activity.

(b) Signs not exceeding sixteen (16) square feet and not exceeding six (6) feet in height are allowed for an activity providing engine fuel sales which advertise prices of fuel on premises. No activity shall have more than one such sign per street front. In no case shall such sign be monument.

(B) Setback:

(1) Freestanding signs of a sign area of fifty (50) square feet or less may be located as near as five (5) feet to the public right-of-way.

(2) No part of a freestanding sign shall be closer than twenty-five (25) feet measured radially to another freestanding sign on an adjacent sign site, nor shall any part of a freestanding sign on the same site be closer than one hundred (100) feet radially to another freestanding sign on that same sign site.

(C) Size, Height and Building Materials:

(1) No freestanding sign shall exceed fifty (50) square feet in sign area or seven (7) feet in height except as herein provided.

(2) Freestanding signs may incorporate embellishments or cut-outs; provided, that they shall not exceed twenty (20) percent of the area of the sign face and that they shall not extend beyond the sign face a distance exceeding eighteen (18) inches as measured horizontally.

(3) Every monument sign shall be required to have a minimum one half foot (1/2') foot masonry base, measured from grade level to the bottom of the sign area. Every monument sign shall be required to have a minimum six (6") inch masonry border on each side of the sign area. A minimum six (6") inch masonry cap is allowed above the sign area, however, it is not required. If, the masonry cap

option is not chosen, the maximum height of the sign structure shall be limited to seven (7') feet. All monument signs will require engineer sealed drawings.

Building materials and colors utilized for construction of monument bases, side borders, caps, and sign frames shall be constructed of the same materials found on the main building on the lot, unless otherwise approved by the City Council.

If the proposed sign is to be constructed on a lot with an existing building which does not contain a masonry façade, the materials used for the monument base, side borders and cap, must be stone or brick.

(D) Off-Premise Signs. Off-premise signs are prohibited.

...

Section 10. That Section 28-27 of Chapter 28 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended, which shall now read as follows:

Section 28-27. Monument signs – Residential Districts.

Multi-family and nonresidential sites in residential zones may have monument signs subject to the following restrictions:

(1) Number of Signs: Each site may have a monument sign for each five hundred (500) feet of frontage along a street, other than an alley. In no case shall such site have more than two (2) monument signs.

(2) Setback, Sign Area and Height: A minimum setback of five (5) feet is required of all monument signs. A minimum setback of ten (10) feet from the public right-of-way is required for signs exceeding ten (10) square feet in sign area or fifteen (15) feet in height. A minimum setback of twenty (20) feet is required for all signs exceeding twenty (20) square feet in sign area or twenty (20) feet in height. No monument sign shall exceed fifty (50) square feet in sign area or twenty-five (25) feet in height.

(3) Every monument sign shall be required to have a minimum one half foot (1/2') foot masonry base, measured from grade level to the bottom of the sign area. Every monument sign shall be required to have a minimum six (6") inch masonry border on each side of the sign area. A minimum six (6") inch masonry cap is allowed above the sign area, however, it is not required. If, the masonry cap option is not chosen, the maximum height of the sign structure shall be limited to seven (7') feet. All monument signs will require engineer sealed drawings.

Building materials and colors utilized for construction of monument bases, side borders, caps, and sign frames shall be constructed of the same materials found on the main building on the lot, unless otherwise approved by the City Council.

If the proposed sign is to be constructed on a lot with an existing building which does not contain a masonry façade, the materials used for the monument base, side borders and cap, must be stone or brick.

...

Section 11. That Section 28-30 of Chapter 28 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended, which shall now read as follows:

Section 28-30. Permits, applications, fees.

(E) Plans and specifications. With each application for a permit, not less than two (2) sets of plans and specifications shall be submitted and all drawings, specifications and accompanying data shall bear the name and address of the designer. The structural design of monument signs in excess of seven (7) feet in height shall be prepared and designed by an engineer licensed by the State of Texas.

(H) Special Purpose / Builder Sign Renewal. If previously permitted sign has not been moved or altered in any way, a sign permit renewal request, photo or artwork of sign and appropriate fee payment are required.

(I) Suspension or revocation. The City Manager or his designee may, in writing, suspend or revoke a permit issued under provisions of this Code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any law or ordinance.

(J) Refunds. There shall be no refunds of sign permit fees paid under the terms of this Code, except for the following:

(1) When it is determined that a sign permit was issued due to an error, a full refund may be authorized by the City Manager or his designee.

...

Section 12. That Section 28-32.of Chapter 28 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended, which shall now read as follows:

Section 28-32. Existing signs.

(C) Illegal signs. Illegal signs shall be immediately removed upon written notice by the City.

...

Section 13. That Section 28-53 of Chapter 28 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended, which shall now read as follows:

Section 28-53. Fences in residential areas.

(E) Permit requirement. It shall be unlawful for any person to construct or rebuild a fence on any lot without having first obtained a fence permit from the permit department. All fences require a permit; however, if the construction is minor repair in nature (damaged, missing slats, blown over, or as determined by the City) all damaged, removed, blown down, or missing portions of such fence shall be replaced, stood up, or repaired with comparable materials of a comparable color to the remaining portion of such fence. Minor repairs must be performed within a reasonable amount of time as determined by the City or will be subject to Code Compliance notification and issuance of a citation and will require a permit. Adequate plans and specifications, as determined by the City, must accompany each application for a permit.

(1) *Inspection and maintenance.* When any fence is completed, it must be inspected. The permit department shall be notified upon completion of the fence. The building official (or his designee) will issue a card of acceptance if the fence complies with the provisions of this division, or it will be rejected. All fences constructed under the provisions of this division shall be maintained so as to comply with the requirements of this division at all times. Fences shall be maintained by the owner or person in charge of the property in as near as possible the condition of such fence when installed and accepted as provided herein, and will be subject to Code Compliance notification and issuance of a citation if not maintained in such condition. Fences shall be maintained as follows:

(F) Appeals.

(1) An appeal from a decision of the building official under the terms of this division shall be made to the Planning and Zoning Commission.

(R) Fence Transition. Where a privacy fence and a fence or wall that screens a thoroughfare or public street of different heights meet or connect, a stair step transition/effect shall be provided to match the height of the fence that is lower in height. Such transition must be in lengths of no less than eight feet for each one foot of change of elevation and as approved by the City.

(S) Fence Post Visibility - Where a privacy fence faces a public right of way, the fence must be built with the posts on the inside of the property and may not be facing the public right of way.

(T) Fence applications will not be accepted without prior written and confirmed approval from respective Homeowners Association, if applicable. Exceptions may be allowed In the case of emergency repair of fences when approved by the City Manager or his designee.

...

Section 14. That Section 28-76 of Chapter 28 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended, which shall now read as follows:

Section 28-76. Parking and Loading Area Lighting.

(G) If establishment is not open, non operating hours, lighting should be minimal; for security purposes and entries.

...

Section 15. That Section 28-77 of Chapter 28 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended, which shall now read as follows:

Section 28-77. Walkway Lighting.

(A) All outdoor pedestrian areas and uncovered walkways, separate from parking or buildings but essential to the nighttime operation of nonresidential uses within nonresidential districts, shall be continually illuminated between sunset and sunrise. The level of intensity of illumination, measured at the walkway surface, shall be a minimum average of 1 foot-candle, distributed at an average-to-minimum uniformity ratio of 5:1.

...

Section 16. That Section 28-80 of Chapter 28 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended, which shall now read as follows:

Section 28-80. Recreational Area Lighting.

(A) Lighting for recreational uses such as athletic courts and fields may employ fixtures mounted in excess of the heights described in this Chapter, subject to the approval of the City.

...

Section 17. That Article V, Section 28-131, Section 28-132, Section 28-133 of Chapter 28 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended, which shall now read as follows:

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 3 5/8 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 (3) 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.

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 eighty-five percent (85%) 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 eighty-five percent (85%) 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 (5) 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% 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 seventy-five percent (75%) of the total exterior walls above grade level, excluding doors and windows, 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 thirty percent (30%) 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 twenty-five percent (25%):

- (a) Painted wood
- (b) Concrete (including painted or stained concrete)
- (c) Glass, when over thirty percent (30%) 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 (2) 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 thirty-three (33) percent of the front and any building side visible from a public roadway shall contain Variation. This percentage is reduced to twenty-five (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 (5) changes in variation (5 textures, 5 colors and materials) is required, excluding the roof, doors and gutters; the required number of variation or design features is reduced to three (3) 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 (4) feet, at an angle or arc of between forty-five (45) degrees and one hundred thirty five (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 thirty (30) feet or less in length do not require an horizontal Articulation (offsets); and,

(b) No wall plane shall extend more than fifty (50) feet in length. Larger buildings shall be divided into modules, preferably not exceeding thirty (30) feet, but permitted up to fifty (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 (4) 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 thirty (30) percent of the roofline distance for each building side shall have vertical articulation of at least two (2) feet or ten (10) percent of the average height of the wall plane, whichever is greater; however, no single run of roofline shall exceed sixty (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 (2) feet or ten (10) 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 sq. ft. or greater shall have a street/parking-to-building zone of at least twenty (20) feet to be used for sidewalks, including a minimum fifteen-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 sq. ft. shall have a minimum entryway area of 15 sq. ft.
- (b) 5,000 to 15,000 sq. ft. shall have a minimum entryway area of 25 sq. ft.
- (c) 15,001 to 30,000 sq. ft. shall have a minimum entryway area of 50 sq. ft.
- (d) Greater than 30,000 sq. ft. shall have a minimum entryway area of 100 sq. ft.

(11) Windows shall be offset by no less than 4 inches and/or have a perimeter accent border of at least four (4) inches. No section of glass windows shall extend longer in width than fifteen (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.

Section 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.

...

Section 18. That Section 28-154 of Chapter 28 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended, which shall now read as follows:

Section 28-154. Landscape Plan.

(B) Landscaping plans shall be prepared by a person knowledgeable in plant material usage and landscape design (e.g., landscape architect, landscape contractor, landscape designer, etc.) and shall contain the following minimum information:

(7) Layout and description of irrigation, sprinkler, or water systems including location of water sources and rain and freeze sensors.

(12) The plan shall also be provided electronically and in color.

...

Section 19. That Section 28-156 of Chapter 28 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended, which shall now read as follows:

Section 28-156. Minimum Landscaping Requirements for Nonresidential and Multifamily Developments.

(B) A minimum 25-foot landscaped street buffer adjacent to the right-of-way of any arterial (Type "B" or larger) is required for the first 250 feet from the beginning (i.e., tangent) point of the street corner radius. Beyond the first 250 feet, the landscaped street buffer may either continue at the 25-foot width (developer's option), or it shall transition down to a required width of 15 feet along the remainder of the arterial frontage (minimum length of transition shall be 100 feet). A minimum 15-foot landscaped street buffer shall be required along any street frontage for any other nonresidential or multifamily development (including schools, churches, day care facilities, and other similar uses in a residential district). Corner lot/tracts fronting two arterials shall provide the appropriate required landscape buffer on both street frontages. Two large shade tree and four small ornamental trees shall be required per 50 linear feet (or portion thereof) of street buffer frontage. Trees should be grouped or clustered to facilitate site design and to provide an aesthetically pleasing, natural looking planting arrangement. The landscaped street buffer area may be included in the required landscape area percentage.

(C) Landscape areas within parking lot/tracts should generally be at least one parking space in size, with no landscape area less than 50 square feet in area. Landscape areas shall be no less than five feet wide, shall equal a total of at least 32 square feet per parking space, and shall be dispersed throughout the parking area (i.e., not confined to the perimeter). There shall be a landscaped area with at least one large shade tree within 60 feet of every parking space. There shall be a minimum of one large shade tree, a minimum of five inch caliper, planted within the parking area for every ten parking spaces for parking lot/tracts having more than 20 spaces. Within parking lot/tracts, landscape areas should be located to define parking areas and to assist in clarifying appropriate circulation patterns. Landscape islands shall be located at the terminus

of all parking rows and within bays of parking such that bays do not generally exceed 15 parking spaces in length, and all islands shall contain at least one tree (large or ornamental). All landscape areas shall be protected by a monolithic concrete curb or wheel stops, and shall remain free of trash, litter, and car bumper overhangs.

(D) Each lot/tract shall provide a minimum fifteen-foot-wide landscaped buffer strip around the sides and rear perimeters of the lot/tract, provided that each side or rear lot/tract line does not abut residentially zoned property, which requires a screening wall, per division 5 of this article. Within the five-foot perimeter buffer shall be provided a four-foot-tall screen comprised of hardy, evergreen shrubs, decorative walls with shrubs, or similar landscaping. If a side or rear lot/tract line abuts a residentially zoned property, and for nonresidential and institutional uses in residential zoning districts, then that portion of the perimeter buffer strip shall observe the required screening per division 5 of this article, shall be a minimum of ten feet in width, and shall be required to have one large shade tree, in lieu of the four-foot-high screen described above for every 30 linear feet for overstory screening/buffering for the adjacent residences.

...

Section 20. That Section 28-157 of Chapter 28 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended, which shall now read as follows:

Section 128-57. Minimum Landscaping Requirements for Single-Family and Two-Family Residential Developments.

(A) For all single-family and two-family developments, each residential lot/tract shall be required to have one large shade tree for each 50 feet, or portion thereof, of lot/tract width. Trees may be clustered or spaced linearly and need not be placed evenly at 50-foot intervals. The required trees shall be installed prior to issuance of a certificate of occupancy for the premises.

(B) The shade trees shall be a minimum of five -inch caliper. If the tree is located on a slope, measurement shall be from the highest side of the slope. The shade trees shall be selected from the current Texas A&M University Collin County Extension Agent's recommended tree list.

(C) The minimum height required for shade trees shall be seven feet.

(D) Shade trees in single-family developments are required to be maintained.

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

PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this the 6th day of September, 2011.

Bret M. Baldwin, Mayor
City of Murphy

ATTEST:

Aimee Nemer, City Secretary
City of Murphy

"ARTICLE I. SIGNS

Section	Current Ordinance	Recommendations
Section 28-2. Definitions	<i>Sign, freestanding</i>	It is recommended to keep this definition in addition to <i>Sign, Monument</i> .
	No current definition for <i>Sign, Monument</i>	It is recommended to add the definition: <i>Sign, monument</i> means any permanent low profile sign built on a monument base, solid from the ground up, which has no clear space for the full width of the sign between the bottom of the sign and the ground and is not an attached, portable or vehicular sign. Pole(s) or support(s) must be concealed.
	No current definition for <i>Sign, Pole</i>	It is recommended to add the definition: <i>Sign, pole</i> means a permanent freestanding pole sign, utilizing either a monopole or dual pole design.
	No current definition for <i>Sign, Temporary</i>	It is recommended to add the definition: <i>Sign, Temporary</i> as included in the new draft
	No current definition for <i>Sign, Window</i>	It is recommended to add the definition: <i>Sign, window</i> means a sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign that faces a window exposed to public view and located within three (3) feet of the window is considered a window sign for the purpose of calculating the total area of all window signs.
	<i>Wind device</i> means any flag, banner, pennant, streamer or similar device that moves freely in the wind. All wind devices are considered to be signs, and are regulated and classified as attached or detached by the same rules as other signs.	It is recommended to add the verbiage: Heavier-than-air inflatables must be firmly tethered to the ground and shall not exceed a maximum of 35 feet in height. Feather signs are considered wind device signs and shall not exceed 15 feet in height.
	<i>Sign, vehicular</i> means any sign on a vehicle moving along the ground or on any vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs which are being transported to a site of permanent erection.	It is recommended to add the verbiage: ...bumper stickers, magnetic signs not to exceed four square feet, any signs attached to or painted onto a personal vehicle which exceed four square feet, taxicab signs, delivery vehicle signs so long as the vehicle is shielded from public view when stored or stopped and otherwise does not park at any one location longer than reasonably necessary to make a delivery or if the vehicle is primary transportation for a resident and the vehicle is parked in the driveway of the resident
Section 28-6. Signs in Right-of-Way prohibited.	It is recommended to add verbiage to this section.	Both the person who erected or affixed the sign and the person or business who benefits from the placement of the sign shall be criminally responsible for the illegally placed sign.
Section 28-7. Signs on public property.	It is recommended to add verbiage to this section.	Both the person who erected or affixed the sign and the person or business who benefits from the placement of the sign shall be criminally responsible for the illegally placed sign.
Section 28-10. Political Signs	It is recommended to add additional bullets to subsection 1.	(1) Political signs must comply with state law and are prohibited from: a., b., c., d. - remain as is e. Being located in center medians or within 15 feet of any stop sign / traffic light. f. Being placed on private property without the permission of the property owner. g. Being placed on City of Murphy owned property except: 1) Along the south entrance of the Municipal Complex. Signs may be placed on the south side of this driveway beginning 10 days prior to early voting. The sign placement area shall be between the Customer Service Utility Payment Drive area and the right of way at Murphy Road. 2) The total sign area of a candidate on City of Murphy owned property may not exceed 16 square feet. 3) All candidate signs must be removed within 7 days after the conclusion of the election. h. The City may remove any sign that is not in compliance with any of the above.
Section 28-11. Special Purpose Signs	Section C:Permits for such signs may be granted for a maximum period of six month intervals, with such signs being removed upon ninety (90) percent completion of the project.	It is recommended to change the interval from six months to twelve months.

Section	Current Ordinance	Recommendations
	<p>(E) Wind devices, heavier-than-air inflatable, and similar special purpose signs promoting a single-family subdivision or multi-family complex shall be allowed a maximum single use period not to exceed sixty (60) days, with a minimum period between permits of sixty (60) days and a maximum number of three (3) permits per year for a given subdivision or complex.</p> <p>(F) Wind devices, heavier-than-air inflatables, and similar special purpose signs promoting a retail or commercial establishment or center shall be allowed a maximum single use period not to exceed sixty (60) days with a minimum period between permits of sixty (60) days and a maximum number of three (3) permits per year for a given establishment or center.</p> <p>(G) Signs that advertise sales, specials, grand openings, or other goods or services available within an establishment may be placed in windows using water soluble paint, appliques or other temporary and removable means provided that no such window sign may: (1) Be located on the window surface in any manner that obscures more than twenty five percent (25%) of the visible window area available in the absence of any signs; and (2) Remain in place more than 60 days in any six month period.</p>	<p>It is recommended to change the single use permit interval from sixty days to fifteen days with a minimum period between permits of thirty days.</p> <p>It is recommended to change the interval from sixty days to seven days with a minimum period between permits of fifteen days.</p> <p>It is recommended to change the interval noted in (2) from sixty days to thirty days.</p>
Section 28-14. Sale or lease signs.	It is recommended to add bullet (C) to this section.	A site may contain on-premise attached or freestanding signs for the purpose of advertising the sale or lease of the real property on which such sign is located, subject to the following provisions: (A), (B) remain as is. (C) Permits for such signs may be granted for a maximum period of twelve month intervals.
Section 28-16. Kiosk Signs.	It is recommended to edit staff contact verbiage.	It is recommended to edit staff contact verbiage in section (A) and (B).
Section 28-22. Freestanding signs - Business Districts.	<p>Current section is as follows: Freestanding signs are permitted in business zoning districts as follows: (A) Number of Freestanding Signs: (1) Only one freestanding sign of any type may be erected on any site, except that: (a) A site which has more than three hundred (300) feet along a single thoroughfare may have one (1) additional freestanding sign. (b) Freestanding signs shall be allowed on each thoroughfare frontage of a site. (c) No more than two (2) freestanding signs shall be allowed on each thoroughfare frontage of a site. (d) In no case shall a site possess more than four (4) freestanding signs. (e) Fast food and drive-through restaurants may have additional sign(s) not exceeding eight (8) feet in height nor fifty (50) square feet in area and, if freestanding, located no further than fifteen (15) feet from the building housing that activity. (f) Signs not exceeding sixteen (16) square feet and not exceeding six (6) feet in height are allowed for an activity providing engine fuel sales which advertise prices of fuel on premises. No activity shall have more than one such sign per street front. In no case shall such sign be freestanding.</p>	<p>It is recommended to change this section as follows: Section 28-22. Monument signs - Business Districts. Monument signs are permitted in business zoning districts as follows: (A) Number of Monument Signs: (1) Only one monument sign of any type may be erected on any site's thoroughfare frontage, not to exceed two monument signs per site. (a) Fast food and drive-through restaurants may have additional sign(s) not exceeding eight (8) feet in height nor fifty (50) square feet in area and, if monument, located no further than fifteen (15) feet from the building housing that activity. (b) Signs not exceeding sixteen (16) square feet and not exceeding six (6) feet in height are allowed for an activity providing engine fuel sales which advertise prices of fuel on premises. No activity shall have more than one such sign per street front. In no case shall such sign be monument.</p>
Section 28-22. Freestanding signs - Business Districts. (CONT...)	<p>Current Section is as follows: (C) Size and Height: (1) No freestanding sign shall exceed fifty (50) square feet in sign area or seven (7) feet in height except as herein provided. (2) Freestanding signs may incorporate embellishments or cut-outs; provided, that they shall not exceed twenty (20) percent of the area of the sign face and that they shall not extend beyond the sign face a distance exceeding eighteen (18) inches as measured horizontally.</p>	<p>It is recommended to change this section as follows: (C) Size, Height and Building Materials: <i>please see Chapter 28 draft, Section 29-22 for Size, Height and Building Materials recommendations.</i></p>
Section 28-27. Freestanding signs - Residential Districts.	Current Section is as follows: Section 28-27. Freestanding signs – Residential Districts.	It is recommended to change this section as follows: Section 28-27. Monument signs – Residential Districts. <i>please see Chapter 28 draft, Section 29-27 for Size, Height and Building Materials recommendations.</i>
Section 28-30. Permits, applications, fees.	It is recommended to add an additional subsection.	It is recommended to add a new subsection after (G) Expiration (H) Special Purpose / Builder Sign Renewal -if previously permitted sign has not been moved or altered in any way, a sign permit renewal request, photo or artwork of sign and appropriate fee payment are required.

Section	Current Ordinance	Recommendations
"ARTICLE II. FENCING, WALLS AND SCREENING"		
Section 28-53. Fences Residential Areas.	It is recommended to change verbiage of section (E) Permit requirement.	It is recommended to edit this section as follows: (E) Permit requirement. It shall be unlawful for any person to construct or rebuild a fence on any lot without having first obtained a fence permit from the permit department. All fences require a permit; however, if the construction is minor repair in nature (damaged, missing slats, blown over, or as determined by the City) all damaged, removed, blown down, or missing portions of such fence shall be replaced, stood up, or repaired with comparable materials of a comparable color to the remaining portion of such fence. Minor repairs must be performed within a reasonable amount of time as determined by the City or will be subject to Code Compliance notification and issuance of a citation and will require a permit. Adequate plans and specifications, as determined by the City, must accompany each application for a permit.
	It is recommended to add verbiage to section (E) Permit requirement. (1) Inspections and Maintenance	(1) Inspections and Maintenanceand will be subject to Code Compliance notification and issuance of a citation if not maintained in such condition.
	Current section is as follows: (F) Appeals. (1) An appeal from a decision of the building official under the terms of this division shall be made to the zoning board of adjustments.	(F) Appeals. (1) An appeal from a decision of the building official under the terms of this division shall be made to the Planning & Zoning Commission.
	Current section is as follows: (R) Fence Transition. Where a privacy fence and a fence or wall that screens a thoroughfare of different heights meet or connect, a gradual transition shall be provided to match the height of the fence that is smaller in height.	It is recommended to edit this section as follows: (R) Fence Transition. Where a privacy fence and a fence or wall that screens a thoroughfare or public street of different heights meet or connect, a stair step transition/effect shall be provided to match the height of the fence that is lower in height. Such transition must be in lengths of no less than eight feet for each one foot of change of elevation and as approved by the City.
	New subsection addition recommended	(S) Fence Post Visibility - Where a privacy fence faces a public right of way, the fence must be built with the posts on the inside of the property and may not be facing the public right of way.
	New subsection addition recommended	(T) Fence applications will not be accepted without prior written and confirmed approval from respective Homeowners Association, if applicable. Exceptions may be allowed in the case of emergency repair of fences when approved by the City Manager or his designee.

Section	Current Ordinance	Recommendations
"ARTICLE III. LIGHT AND GLARE"		
Section 28-76. Parking and Loading Area Lighting	New subsection addition recommended	(G) If establishment is not open, non operating hours, lighting should be minimal; for security purposes and entries.
Section 28-77. Walkway Lighting	It is recommended to change the minimum average of foot candles from 0.8 to 1 foot.	(A) All outdoor pedestrian areas and uncovered walkways, separate from parking or buildings but essential to the nighttime operation of nonresidential uses within nonresidential districts, shall be continually illuminated between sunset and sunrise. The level of intensity of illumination, measured at the walkway surface, shall be a minimum average of 1 foot candles, distributed at an average-to-minimum uniformity ratio of 5:1.
"ARTICLE V. EXTERIOR CONSTRUCTION AND DESIGN"		
Section 28-131 - Minimum Exterior Construction Standards	It is recommended that this entire section be rewritten.	Please see Section 28-131 Minimum Exterior Construction Standards recommendation. Also included in this section is the verbiage: (16) Irrigation systems must include rain and freeze sensors.
"ARTICLE VI. LANDSCAPE STANDARDS"		
Section 28-154 Landscape Plan	It is recommended to add verbiage to this section.	(7) Layout and description of irrigation, sprinkler, or water systems including location of water sources <i>and rain and freeze sensors</i> .
"ARTICLE VI. LANDSCAPE STANDARDS"		
Section 28-156 Minimum Landscaping Requirements for Nonresidential and Multifamily Developments	It is recommended that edits as noted in Section 28-156 of the Draft Chapter 28.	Please see Section 28-156 Minimum Landscaping Requirements for Nonresidential and Multifamily Developments

Issue

Hold a public hearing on the proposed fiscal year 2011-2012 City of Murphy budget.

Background

Pursuant to Texas Local Government Code 102.006 and City Charter Section 7.05, the City Council has set a date for the Public Hearing on the municipal budget to be Monday, August 30, 2011 at 6:00 PM and a second Public Hearing on Tuesday, September 6, 2011 at 6:00 PM. The date set must be at least 15 days after the date the proposed budget is filed with the City Secretary and before the date the City makes its tax levy. The proposed budget was filed with City Secretary on August 9, 2011.

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

The Public Hearing notice was published on August 20, 2011 in the Dallas Morning News.

Financial Considerations

See the fiscal year 2011-2012 budget provided to City Council on August 9th. The budget is also available on the City's website.

Staff Recommendation

N/A

Announce after Public Hearing:

“The vote on the proposed fiscal year 2011-2012 budget will take place on Tuesday, September 20, 2011 at 6:00 PM in the City Council Chambers at Murphy City Hall, 206 North Murphy Road, Murphy, Texas. “

Attachments

- 1) Notice of Public Hearing on Proposed Budget
- 2) Fiscal Year 2011-2012 Budget – previously provided and available online

Linda Truitt, Finance Director
Submitted By

James Fisher, City Manager
City Manager Approval

NOTICE OF PUBLIC HEARING
CITY OF MURPHY
PROPOSED OPERATING BUDGET FISCAL YEAR 2011-2012

The City of Murphy will conduct a Public Hearing on the Proposed Operating Budget for the fiscal year 2011-2012 on Monday, August 30, 2011 at 6:00 p.m. and on Tuesday, September 6, 2011 at 6:00 p.m. at the Murphy Municipal Complex, City Council Chambers, 206 North Murphy Road, Murphy, Texas 75094.

This budget will raise more total property taxes than last year's budget by \$268,998, or 3.24%, and of that amount \$158,268 is tax revenue to be raised from new property added to the roll this year.

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

Dated this 9th day of August, 2011.

Linda Truitt
Finance Director
City of Murphy, Texas

Issue

Hold a public hearing on the proposed tax rate of \$0.5725 per \$100 valuation.

Background

The City Council voted to propose a tax rate of \$0.5725 per \$100 valuation for the 2011 tax year, and increase of \$0.007449 for debt service. The proposed M&O rate is \$0.317493, an increase of \$0.000051 for a total tax rate increase of \$0.0075 per \$100 valuation.

Financial Considerations

The City is proposing a Maintenance and Operations (M&O) tax rate of \$0.317493 per \$100 valuation. The M&O tax rate funds a large portion of the City's operations, including Parks, Public Safety and Public Works. The second portion of the tax rate is for debt service, which provides funding for the current portion of the long-term debt. This year the debt service tax rate is set at \$0.255007 per \$100 valuation, an increase from last year's tax rate due to the 3rd and final issuance (\$4,800,000) of the \$16 million bonds approved by the voters in November, 2008.

Staff Recommendation

N/A

Announce after Public Hearing:

"The vote on the proposed tax rate will take place on Tuesday, September 20, 2011 at 6:00 PM in the City Council Chambers at Murphy City Hall, 206 North Murphy Road, Murphy, Texas."

Attachments

- 1) Notice of Public Hearing on Tax Increase

Linda Truitt, Finance Director
Submitted By

James Fisher, City Manager
City Manager Approval

Notice of Public Hearing on Tax Increase

The City of Murphy will hold two public hearings on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 1.74 percent (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax calculated under Chapter 26, Tax Code). Your individual taxes may increase at a greater or lesser rate, or even decrease, depending on the change in the taxable value of your property in relation to the change in taxable value of all other property and the tax rate that is adopted.

The first public hearing will be held on August 30, 2011 at 6:00 PM at City of Murphy Council Chambers, 206 N. Murphy Road, Murphy, Texas 75094.

The second public hearing will be held on September 6, 2011 at 6:00 PM at City of Murphy Council Chambers, 206 N. Murphy Road, Murphy, Texas 75094.

The members of the governing body voted on the proposal to consider the tax increase as follows:

FOR:	Bret Baldwin	Colleen Halbert
	Scott Bradley	Dave Brandon
	John Daugherty	Dennis Richmond
	Bernard Grant	
AGAINST:	None	
PRESENT and not voting:	None	
ABSENT:	None	

The average taxable value of a residence homestead in City of Murphy last year was \$251,493. Based on last year's tax rate of \$0.565000 per \$100 of taxable value, the amount of taxes imposed last year on the average home was \$1,420.94.

The average taxable value of a residence homestead in City of Murphy this year is \$254,373. If the governing body adopts the effective tax rate for this year of \$0.562726 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$1,431.42.

If the governing body adopts the proposed tax rate of \$0.572500 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$1,456.29.

Members of the public are encouraged to attend the hearings and express their views.

Issue

Consider and/or act upon the proposed FY12 Annual Budget, proposed tax rate, and the proposed Capital.

Background

City Council will consider adopting the FY12 Annual Budget on Tuesday, September 20th. The Council began reviewing and discussing the budget in March 2011 and continued with weekly meetings from June through most of the summer. The Council has had long discussions regarding many items in the budget and has reached a general consensus on most items. However, there are still some items that a few council members would like to discuss and this is the last opportunity prior to consideration of adoption on September 20th.

Considerations

At the August 30th Public Hearing, members of the City Council expressed a desire to discuss the proposed tax rate, possible amendments to the proposed budget and cutting some expenditures in the Capital Budget. The proposed tax rate is 0.5725 per \$100 valuation, which is the effective rate rounded up for simplicity. The City could adjust its revenue projections, transfer additional dollars from reserves, and/or cut more expenses if we desire to postpone a tax increase. We have added many services and improved several areas throughout the City that our community has asked for over the years. Council and staff have been good stewards of the public dollars and will continue to efficiently manage those dollars. Councilman Brandon stated that he may have some amendments to the proposed budget for the Council to consider and will try to get those out before the meeting. Finally, it has been requested that the proposed Capital Budget be reviewed again for potential cuts. City Council and staff have reviewed this list multiple times and have trimmed it considerably from where it started. In November, I would like to have a work session just on Capital Projects and items to develop a solid 5 year plan. We currently have a 5 year projection plan of proposed items, but I would like to really delve into the plan with Council and staff.

James Fisher, City Manager
Submitted By

James Fisher, City Manager
City Manager Approval

Issue

Consider and/or act upon a request by residents of The Ranch subdivision to amend Ordinance No. 03-10-590, Planned Development for The Gables and The Ranch, specifically regarding accessory buildings.

Background

Recently, City Council and staff have received numerous emails and requests to consider amending the Planned Development conditions for The Ranch subdivision regarding the masonry requirements for accessory buildings.

The current masonry requirements are defined in Ordinance No. 03-10-590, Exhibit B - Planned Development Requirements, Section V. Development Regulations, Subsection C. Minimum exterior construction standards.

Staff Recommendation

Council direction is requested. If Council desires to amend Ordinance No. 03-10-590, direction should be given to schedule a review of the ordinance and required public hearings through the Planning and Zoning Commission and City Council.

Attachments

- 1) Ordinance No. 03-10-590

James Fisher, City Manager
Submitted By

James Fisher, City Manager
City Manager Approval

ORDINANCE 03-10-590

AN ORDINANCE OF THE CITY OF MURPHY, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 12 BY CHANGING THE ZONING CLASSIFICATION ON APPROXIMATELY 286.5 ACRES OUT OF THE C.A. MCMILLAN SURVEY, ABSTRACT NO. 588, TRACTS 33, 49, 46, 34, AND 50, LOCATED IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE FOR ALL PURPOSES, FROM ITS PRESENT SINGLE FAMILY 1, SINGLE FAMILY 2, AND PLANNED DEVELOPMENT-RESIDENTIAL DISTRICT TO A PLANNED DEVELOPMENT SINGLE FAMILY RESIDENTIAL; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Zoning Commission of the City of Murphy, Texas, and the Governing Body of the City of Murphy, in compliance with state law with reference to the Zoning Ordinance Regulations and Zoning Map, have given requisite notices by publication and otherwise and, after holding due hearings and affording a full and fair hearing to all the property owners generally and to the persons situated in the affected area and in the vicinity thereof; and

WHEREAS, all legal requirements, conditions and prerequisites have been complied with prior to the case coming before the City Council for the City of Murphy; and

WHEREAS, the Governing Body of the City of Murphy, after determining that all legal requirements of notice and hearing have been met, is of the opinion that the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals and general welfare of the City and, accordingly, finds that it is in the public interest to amend the zoning ordinance and the changes should be made as set forth herein.

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

Section 1. That all of the above premises are hereby found to be true and correct legislative findings of the City and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. The Zoning Ordinance of the City of Murphy is hereby amended, insofar as the property described, by amending the Zoning Map and Plat of the City of Murphy to change the zoning classification of approximately 286.5 acres of land (as more particularly described on Exhibit “A” attached hereto and incorporated herein by reference) which is presently zoned Single Family 1, Single Family 2, and Planned Development, to be zoned Planned Development – Single Family Residential District.

Section 3. A copy of the Planned Development requirements, the Gables and Ranch Planned Development, is attached hereto marked Exhibit “B” and incorporated herein by reference for all purposes.

Section 4. The Land Plan for the affected property is attached hereto marked Exhibit “C” and incorporated herein by reference for all purposes.

Section 5. The City Secretary is hereby directed to correct the Zoning Map of the City of Murphy to reflect the changes in zoning herein.

Section 6. In all other respects, the said property shall be subject to all applicable regulations contained in the Zoning Ordinance of the City of Murphy.

Section 7. Penalty Clause. Any person, firm or corporation violating any of the provisions of this Ordinance shall be subject to the same penalties provided for in §10.99 of the Code of Ordinances of the City of Murphy.

Section 8. Severability Clause. If any section, part of a section or provision of any section of this Ordinance shall be held to be void, ineffective, or unconstitutional by a court of competent jurisdiction, the holding of such section, part of a section, or provision of any section to be void, ineffective or unconstitutional for any cause whatsoever shall in no way affect the validity of the remaining sections and provisions of the Ordinance which shall remain in full force and effect.

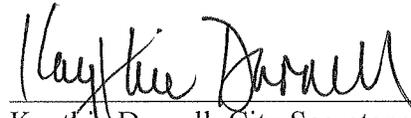
Section 9. Effective Date. This Ordinance shall become effective and be in full force and effect from and after the date of the passage in accordance with the provisions of State law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS on this the 20th day of October 2003.

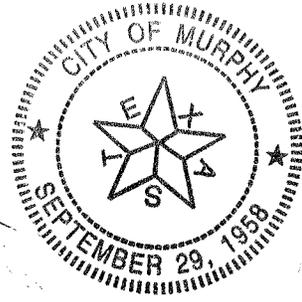


David Trudeau, Mayor
City of Murphy

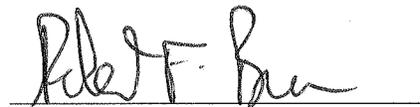
ATTEST:



Kaythe Darnell, City Secretary
City of Murphy



APPROVED AS TO FORM AND LEGALITY:



Robert Brown, City Attorney

EXHIBIT "A"

PROPERTY DESCRIPTION

STATE OF TEXAS
COUNTY OF COLLIN

BEING a tract of land situated in the C.A. McMillan Survey, Abstract No. 558, Collin County, Texas and being all of a tract of land as described in a deed to LUMBERMEN'S INVESTMENT CORPORATION as recorded in Volume 5012, Page 2550 Deed Records of Collin County, Texas (DRCCT) and all of a tract of land as described in a deed to LUMBERMEN'S INVESTMENT CORPORATION as recorded in Volume 4868, Page 5731 (DRCCT) and all of a tract of land as described in a deed to D.R. HORTON-TEXAS LTD. As recorded in Volume 4799, Page 2252 (DRCCT) and all of a tract of land as described in a deed to D.R. HORTON-TEXAS LTD. As recorded in Volume 4658, Page 1236 (DRCCT) and all of a tract of land as described in a deed to D.R. HORTON-TEXAS LTD. being Lot 1 thru 7, Block A, Lot 1 thru 7, Block B, Lot 1 thru 14, Block C, Lot 1 thru 4, Block D as recorded in Cabinet N, Page 761 Plat Records of Collin County (PRCCT) and being more particularly described as follows:

COMMENCING at a ½ inch iron rod set for the intersection of the centerline of McCreary Road and the centerline of McMillen Road, said iron rod being the most southeasterly corner of a tract of land as described in a deed to S.A.A.M. TRUST as recorded in Volume 4536, Page 2324(DRCCT);

THENCE along the centerline of McCreary Road as follows:

North 01°46'33" East a distance of 1090.14 feet to a 5/8 inch iron rod found for corner;

North 00°53'55" East a distance of 144.35 feet to a ½ inch iron rod set for the POINT OF BEGINNING;

THENCE departing the centerline of said McCreary Road North 89°06'05" West a distance of 471.62 feet to a point for corner;

THENCE South 00°54'47" East a distance of 386.40 feet to a point for corner in the centerline of BETSY LANE (a 110 foot right-of-way), said point being the beginning of a non-tangent curve to the right having a radius of 1500.00 feet, a chord bearing North 71°06'05" West and a chord distance of 304.96 feet;

THENCE along said non-tangent curve to the right thru a central angle of 11°40'08" for an arc length of 305.49 feet to a point for the beginning of a curve to the left having a radius of 1500.00 feet, a chord bearing North 77°35'34" West and a chord distance of 640.41 feet;

THENCE along said curve to the left thru a central angle of 24°39'06" for an arc length of 645.38 feet to a point for corner;

THENCE North 89°55'07" West a distance of 735.45 feet to a point for the beginning of a curve to the left having a radius of 1500.00 feet, a chord bearing South 81°12'35" West and a chord distance of 462.67 feet;

THENCE along said curve to the left thru a central angle of 17°44'36" for an arc length of 464.52 feet to a point for the beginning of a curve to the right having a radius of 1500.00 feet, a chord bearing South 73°31'20" West and a chord distance of 61.99 feet;

THENCE along said curve to the right thru a central angle of 2°22'05" for an arc length of 62.00 feet to a point for corner;

THENCE South 1°23'36" East a distance of 105.88 feet to a point for corner;

THENCE South 89°44'32" West a distance of 2119.05 feet to a point for corner;

Departing said BETSY LANE as follows:

North 9°14'33" West a distance of 230.88 feet to a point for corner;
North 84°53'17" West a distance of 313.23 feet to a point for corner;
South 87°40'55" West a distance of 105.12 feet to a point for corner;
South 81°05'37" West a distance of 92.02 feet to a point for corner;
North 1°14'33" East a distance of 804.11 feet to a point for corner;
North 78°31'34" East a distance of 215.75 feet to a point for corner;
North 45°33'40" East a distance of 152.59 feet to a point for corner;
North 4°56'55" East a distance of 270.75 feet to a point for corner;
North 87°36'41" West a distance of 29.97 feet to a point for corner;
North 35°47'08" East a distance of 129.99 feet to a point for corner;
North 17°30'41" East a distance of 35.18 feet to a point for corner;
North 0°32'56" East a distance of 98.76 feet to a point for corner;
North 29°24'50" West a distance of 45.19 feet to a point for corner;
South 89°57'37" East a distance of 187.20 feet to a point for corner;
North 0°22'06" West a distance of 463.24 feet to a point for corner;
North 1°23'04" West a distance of 435.89 feet to point for corner, said corner being in the centerline of McWHIRTER ROAD (a 60 foot right-of-way);

THENCE South 89°25'06" East a distance of 4759.83 feet to a point for corner;

THENCE South 0°58'23" West a distance of 1291.10 feet to a point for corner;

THENCE South 0°53'55" West a distance of 953.62 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 286.486 acres or 12,479,331 square feet of land more or less. The bearings contained herein are based upon the boundary line agreement as recorded in Volume 1673, Page 260 (DRCCT).

Subject Property

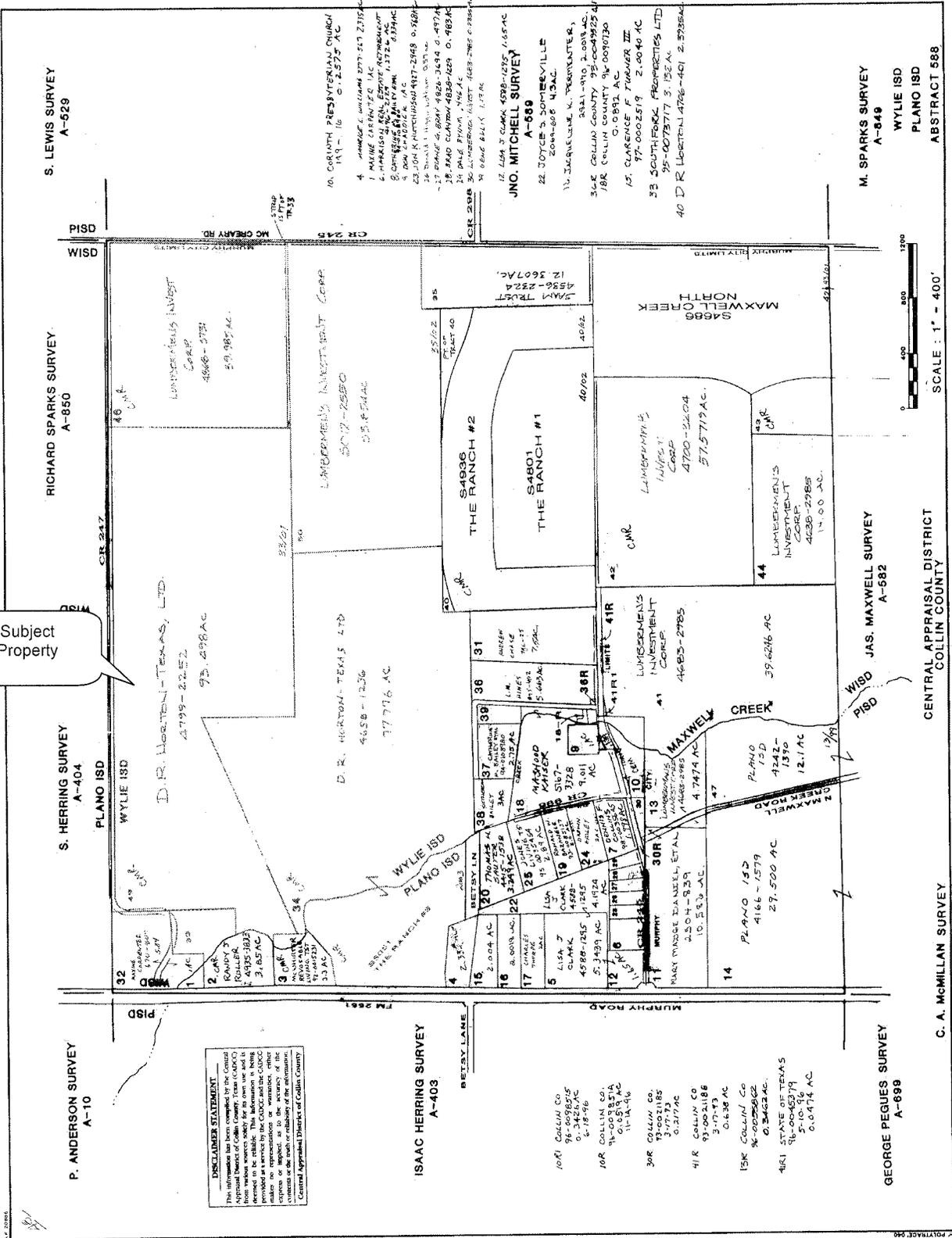


EXHIBIT "B"

PLANNED DEVELOPMENT REQUIREMENTS

Gables and Ranch
Murphy, Texas

- I. **Statement of Purpose:** The purpose of this Planned Development District is to establish a concept plan and specific conditions for the development of the properties known as the Gables and Ranch subdivisions. The intent of this planned development is to provide a quality residential subdivision with a variety of lot and dwelling sizes, and additional project amenities.
- II. **Statement of Effect:** This Planned Development District shall not affect any regulation found in the Comprehensive Zoning Ordinance, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Single-Family Residential Districts shall apply as set forth in Section 157.062 of the Murphy Zoning Code, as amended, except as otherwise specified herein.
- IV. **Development Plans:** Development shall be in accord with the concept plan and exhibits as attached. However, in the event of conflict between the concept plan and the written conditions, the written conditions shall control. The concept plan shall also serve as the land use plan.
- V. **Development Regulations:**
 - A. **Minimum Lot Criteria:** The lot designation shall be as indicated on the concept plan and the following minimums shall apply:
 1. **SF-9**
 - a. Minimum lot size: 9,000 square feet
 - b. Minimum lot width: 75 feet (at front yard setback build line)
 - c. Minimum lot depth: 120 feet
 - d. Except lots on cul-de-sac's and eyebrows may vary in width and depth as indicated on the concept plan contained herein, but in no event shall be less than 9,000 square feet in size.
 - e. Minimum front yard setback: 25 feet
 - f. Minimum side yard setback adjacent to a street: 15 feet
 - g. Minimum side yard setback not adjacent to a street: 7 feet
 - h. Minimum rear yard setback: 15 feet
 2. **SF-11**
 - a. Minimum lot size: 11,000 square feet

- b. Minimum lot width: 90 feet (at front yard setback build line)
- c. Minimum lot depth: 120 feet
- d. Except lots on cul-de-sac's and eyebrows may vary in width and depth as indicated on the concept plan contained herein, but in no event shall be less than 11,000 square feet in size.
- e. Minimum front yard setback: 25 feet
- f. Minimum side yard setback adjacent to a street: 15 feet
- g. Minimum side yard setback not adjacent to a street: 7 feet
- h. Minimum rear yard setback: 15 feet

B. **Minimum dwelling unit area:** The minimum dwelling unit area shall be 1,800 square feet of living area only, not to include eaves, porches, garages and breezeways.

C. **Minimum exterior construction standards:** The standards and criteria contained within this subsection are deemed minimum standards and shall apply to all building construction occurring within the Gables and Ranch PD.

Single-Family:

1. All single-family homes exterior shall be of fire-resistant construction, and shall have a minimum of 75% masonry (brick and stone) construction for the entire house, except for windows and doors. This masonry (brick and stone) requirement shall include accessory buildings and/or detached garages.
2. Any exterior façade of a new single-family home (regardless of location) that faces a public street shall be predominantly masonry (brick or stone), and no single façade shall be comprised of less than 75% masonry (brick or stone), construction. In addition, 10% of the single-family structures, up to a maximum of 69 single-family homes, shall include 20% stone and 80% brick on the front exterior facade. Areas of a home's façade that are devoted to windows, doors, covered porches or stoops, or chimneys, shall not be counted as "wall surface" when calculating the masonry (brick or stone) requirement provided that covered porches and stoops are at least four feet (4') deep and eight feet (8') wide (i.e., at least 64 square feet in area).
3. Concrete, concrete block, stucco, exterior plaster, trowel and textured

mortar washed surfaces or metal exterior construction shall not be permitted on any single-family residential structure, including accessory buildings and/or detached garages.

4. Roof materials for a single-family structure, including accessory buildings and detached garages shall be comprised of architectural/dimensional composition shingle (25-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 predominant roof pitch shall be at least 6:12, 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 (which may be granted a special exception to the roof pitch requirement by the Zoning Board of Adjustments).

D. Minimum Landscaping Standards

1. For any premises located in Ranch and Gables PD the premises shall have one (1) shade tree located within 15 feet of the front lot line for each fifty (50) feet of lot width or portion thereof, measured along the front lot line. Trees may be clustered or spaced linearly and need not be placed evenly at 50-foot intervals.
2. The required trees and landscaping shall be installed prior to issuance of a Certificate of Occupancy for the premises, and shall be maintained in a living and growing condition by the owner of the premises. All plant material shall be replaced with plant material as required in Section d.3.
3. The required trees shall be a minimum of three-inch (3”) caliper measured forty-eight inches (48”) above the ground. If the tree is located on a slope, measurement shall be from the highest side of the slope. The trees shall be selected from the current Texas A&M University Collin County Extension Agent’s list of recommended tree list.

E. Minimum height required:

Required trees: seven feet (7’-0”) in height.

F. Park Fees:

Payment of park fees will only be required on the number of lots that are over and above the existing concept plans for the Ranch and the Gables.

1. The payment of the park fees will be at the time of final platting with respect to the first lots platted by Lumbermen's Investment Corporation ("LIC") or D. R. Horton, Incorporated ("DRHI"), as applicable, and will commence with the initial phase of development.

2. These park fees shall be utilized for park improvements within the approximately 12.09-acre park as shown on the concept plan within this planned development.

3. If LIC and/or DRHI provide improvements to the City Public Park area, those costs will be credited toward satisfaction of the required park fees.

G. **Private Recreational Facility:** A private recreational facility will be constructed by LIC on the 1.14-acre tract as shown on the concept plan. Prior to the development of the private recreational facility, a detail plan and elevations shall be approved through the public hearing process. The Homeowners' Association will maintain this facility. This facility will provide parking per the City of Murphy Code. In addition to these spaces, an additional 10 to 15 spaces will be constructed by LIC as part of the above referenced park improvements. A common access easement will be provided by the City of Murphy for the benefit of LIC, its successors and assigns including the Homeowners' Association, its members and their guests, through the current city water tank site to the private recreational site.

H. **Screening:** The screening shall be as reflected on the concept plan and as listed below, except as allowed by the Planning and Zoning and City Council. Permanent signage shall be permitted at all major entry points. All screening shall be maintained by the Homeowners' Association except for the 6-foot high board-on-board wooden fence with a top rail along McWhirter Road, which shall be maintained by each owner on whose lot the fence is located. Lots abutting dedicated park land shall have fencing consisting of an 8-foot high board-on-board wooden fence with a top rail, which shall have no access points (openings) to the park and shall be maintained by each owner on whose lot the fence is located.

1. **McWhirter Road** –

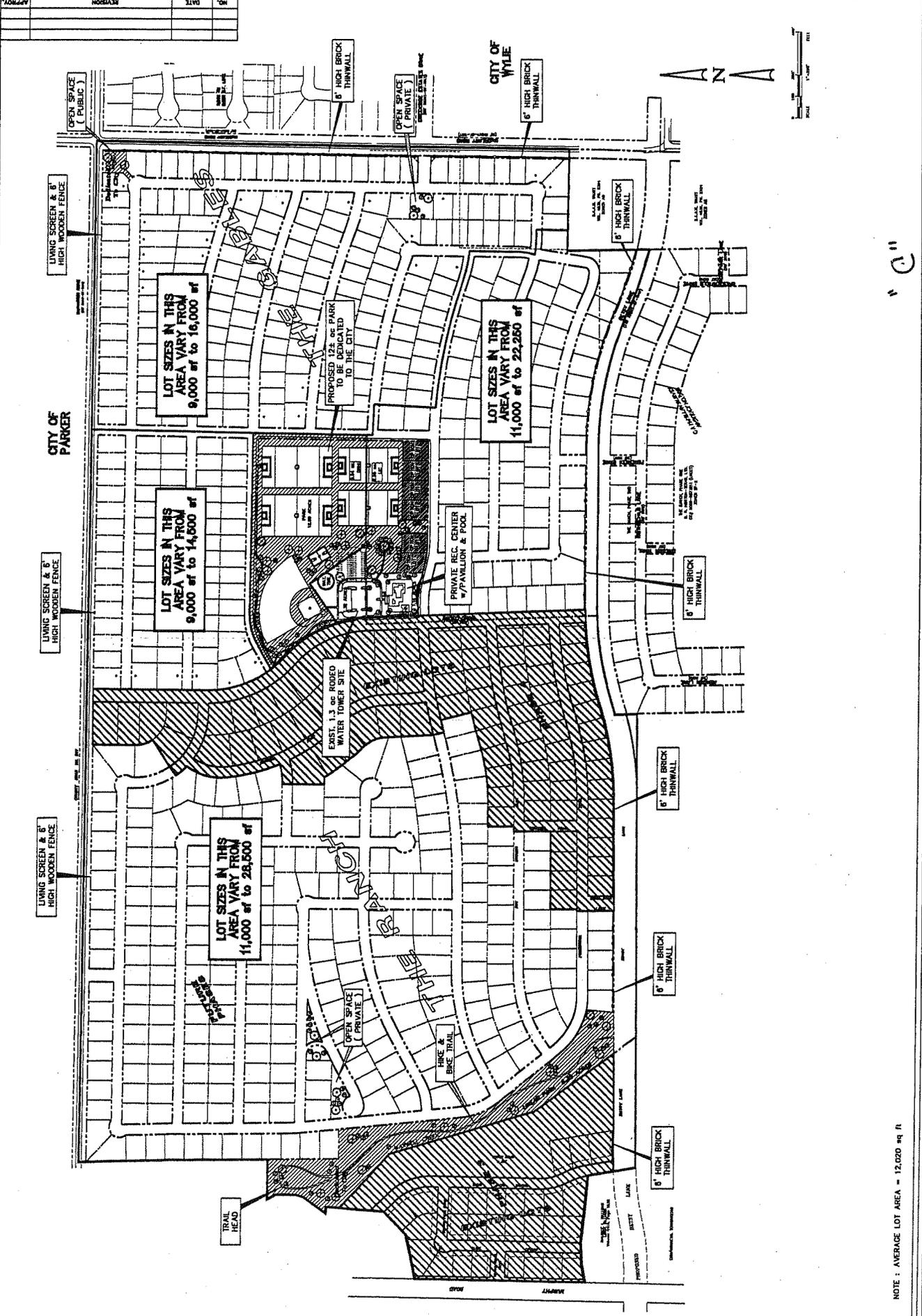
- i. A living screen shall be constructed as shown on the concept plan. The lots backing to McWhirter shall be deed restricted to require a 6-foot high board-on-board wooden fence with a top rail.

2. McCreary Road –
 - i. A 6-foot high brick thinwall will be constructed.
 3. Betsy Lane –
 - i. A 6-foot high brick thinwall will be constructed.
 4. Lots abutting dedicated park land-
 - i. The lots abutting dedicated parkland shall be deed restricted to require an 8-foot high board-on-board wooden fence with top rail.
- I. **Open Spaces:** Open spaces will be provided as shown on the concept plan and maintained by the party indicated.
- J. **Sidewalks/Trails:** In lieu of the city standard sidewalk normally required along McWhirter Road, and along McCreary Road north of Creekside Drive, a minimum 6-foot wide hike and bike trail will be constructed within the Maxwell Creek linear park from McMillen Drive to Betsy Lane then to the northern trailhead as shown on the Ranch and Gables concept plan. The City of Murphy shall provide right-of-way from McMillen Drive to Betsy Lane.
- K. **Dedications:** The areas will be dedicated as open space and/or Public Park as shown on the concept plan.
- L. **Homeowners' Association:** A Homeowners' Association duly incorporated in the State of Texas shall be incorporated and each lot/homeowner shall be a mandatory member. This association shall be established so as to ensure the proper maintenance of all common areas, either public or private, as desired, to be maintained by the association. The bylaws of this association shall establish a system of payment of dues, a system of enforcement of its rules and regulations; a clear and distinct definition of the responsibility of each member, and such other provisions as are reasonably deemed appropriate to secure a sound and stable association. The Bylaws shall be submitted to the Director of Planning for review and approval prior to construction.
- M. **Option to Purchase:** LIC shall grant to the City of Murphy an option (the "Option") to purchase the six (6) lots (the "Option Lots") as designated on the concept plan for an amount equal to the actual costs of acquisition and development fairly and reasonably allocable to the Option Lots as normally and customarily done by LIC in the ordinary course of its business. The Option must be exercised by the City of Murphy and the acquisition of the Option Lots actually closed and consummated on or

before two (2) years after the establishment of this Planned Development District or such Option shall automatically expire and be of no further force or effect. The form and substance of the written agreement granting the Option must be approved by the City Council and executed by LIC and the City of Murphy contemporaneously with the establishment of this Planned Development District.

EXHIBIT "C"

Drawing Dated "Received September 19, 2003
Concept Plan
Gables and Ranch



NOTE: AVERAGE LOT AREA = 12,020 sq ft.

Issue

Consider and/or act on the application of Todd Spencer requesting approval of a Construction Plat as a Final Plat, being part of the Daniel Herring Survey, Abstract No. 402, containing 12.22 acres of land, being located on 425 Moonlight Drive, east of South Murphy Road.

Background

On January 18, 2011 the City Council annexed the following described territory, being a 12.22 acre tract of land for annexation into the City of Murphy, in the Daniel Herring Survey, Abstract No. 402, Collin County, Texas.

Other Considerations

The City Engineer had comments on the original construction plat submittal. The applicant resubmitted addressing the items. On August 22, 2011, the Planning & Zoning Commission conditionally approved the construction plat as a final plat pending resolution of existing sanitary sewer line and related easement. In consideration of this pending resolution, this plat meets all platting requirements.

Staff Recommendation

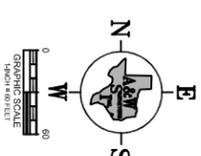
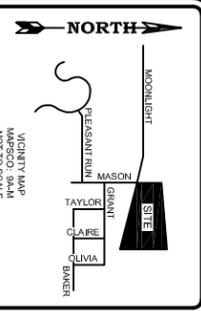
Staff recommends a motion to approve as submitted as a final plat pending resolution of existing sanitary sewer line and related easement as appropriate.

Attachments

- 1) Legal Description/Map Exhibit
- 2) Construction Plat

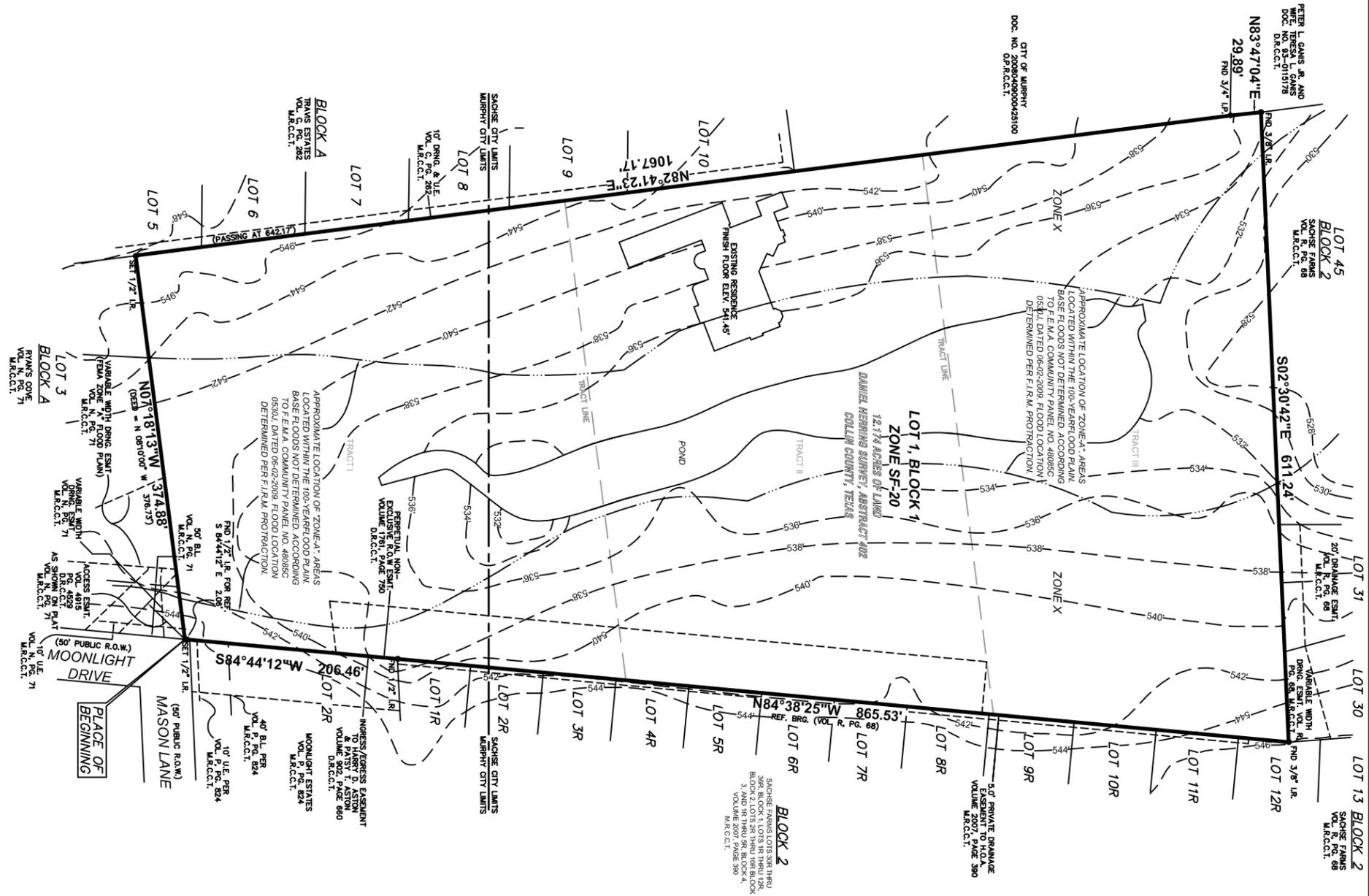
Kristen Roberts, Director of Econ/Comm Dev.
Submitted By

James Fisher, City Manager
City Manager Approval



SURVEYOR'S NOTES

- 1) ALL SET 1/2" IS FOR CORNER AS SHOWN. HEREON HAVE A YELLOW PLASTIC CAP STAMPED PER LS 5310.
- 2) THE PROPERTY TO BE PLATTED IS LEGALLY OWNED BY THE APPLICANT.
- 3) NOTICE: SELLING A PORTION OF THIS ADDITION BY DIMENSIONS AND BOUNDS IS A VIOLATION OF CITY ORDINANCE AND STATE LAW, AND IS SUBJECT TO PENALTIES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- 4) NO TREES REMOVAL SHALL OCCUR PRIOR TO APPROVAL OF THE CONSTRUCTION PLAN.



OWNERS CERTIFICATE

STATE OF TEXAS
COUNTY OF COLLIN

WHEREAS, TODD SPENCER AND WIFE, MARY C. SPENCER ARE THE SOLE OWNERS OF A 12.174 ACRE TRACT OF LAND LOCATED IN THE DANIEL HERRING SURVEY, ABSTRACT NO. 402, COLLIN COUNTY, TEXAS, BEING ALL OF THREE INSTRUMENT NO. 20100600000570210, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "RHS 3107" SET FOR CORNER IN THE NORTH LINE OF MOONLIGHT DRIVE, A 97' WIDE PUBLIC RIGHT-OF-WAY AT THE SOUTHWEST CORNER OF LOT 3, BLOCK A OF RECORDS IN VOLUME PAGE 11, MAP RECORDS, COLLIN COUNTY, TEXAS, FROM WHICH A 1/2" IRON ROD FOUND FOR REFERENCE BEARS SOUTH 89°44'12" EAST, A DISTANCE OF 2.06 FEET;

THENCE NORTH 01°18'13" WEST, ALONG THE EAST LINE OF SAID PAVES COME, A DISTANCE OF 374.88 FEET TO A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "RHS 3107" SET FOR CORNER IN THE SOUTH LINE OF THE SAID PAVES COME, A DISTANCE OF 374.88 FEET TO THE SOUTH LINE OF THE SAID PAVES COME, ACCORDING TO THE PLAT THEREOF;

THENCE NORTH 82°41'24" EAST, ALONG THE SOUTH LINE OF SAID PAVES COME, A DISTANCE OF 28.89 TO A 3/8" IRON ROD FOUND FOR CORNER AT THE MOST NORTHERLY NORTHWEST CORNER OF SAID PAVES COME, AN ADDITION TO RECORDS IN VOLUME PAGE 68, MAP RECORDS, COLLIN COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME PAGE 68, MAP RECORDS, COLLIN COUNTY, TEXAS;

THENCE SOUTH 02°29'27" EAST, A DISTANCE OF 411.97 TO A 3/8" IRON ROD FOUND IN THE NORTH LINE OF SAID PAVES COME, A DISTANCE OF 411.97 TO A 3/8" IRON ROD FOUND IN THE NORTH LINE OF SAID PAVES COME, AN ADDITION TO RECORDS IN VOLUME PAGE 64, MAP RECORDS, COLLIN COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME PAGE 64, MAP RECORDS, COLLIN COUNTY, TEXAS;

THENCE NORTH 84°44'12" WEST, ALONG THE NORTH LINE OF SAID MOONLIGHT DRIVE, A DISTANCE OF 206.46 TO THE PLACE OF BEGINNING AND CONTAINING 50,338 SQUARE FEET OR 12.174 ACRES OF LAND.

OWNERS DEDICATION

STATE OF TEXAS
COUNTY OF COLLIN

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

SURVEYOR'S CERTIFICATE

STATE OF TEXAS
COUNTY OF COLLIN

KNOW ALL MEN BY THESE PRESENTS:

THAT I, John S. Turner, do hereby certify that I prepared this plat from an actual survey and accurate survey of the land and that the corner monuments shown herein as "set" were properly placed under my personal supervision, were properly placed under my personal supervision in accordance with the Statute in Ordinance of the City of Murphy, Texas.

Witness my hand at Mesquite, Texas,
this _____ day of _____, 2011.

John S. Turner
Registered Professional Land Surveyor #5310

CERTIFICATE OF APPROVAL

STATE OF TEXAS
COUNTY OF COLLIN
CITY APPROVAL OF CONSTRUCTION PLAN

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

RECOMMENDED BY:
Planning and Zoning Commission
City of Murphy, Texas

Signature of Chairperson _____ Date of Recommendation _____
Signature of Mayor _____ City of Murphy, Texas
Signature of At-Large _____ Date of Approval _____
ATTEST: _____
City Secretary _____ Date _____

Authorized signature of owner _____
Marilyn C. Spencer, Owner

Todd Spencer, Owner _____

BEFORE ME, the undersigned, a Notary Public in and for the said County and State of this day personally appeared Todd Spencer, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE
this _____ day of _____, 2011.

GIVEN UNDER MY HAND AND SEAL OF OFFICE:
this _____ day of _____, 2011.

Notary Public in and for the State of Texas _____

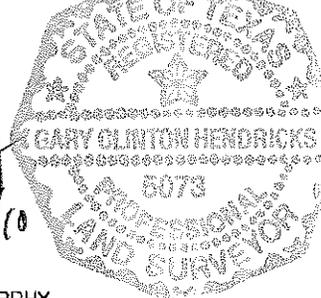
A & W SURVEYORS, INC.
P.O. BOX 87028, MESQUITE, TX 75187
PHONE: (972) 881-4975 FAX: (972) 881-4954
WWW.AWSURVEY.COM

PROPERTY ADDRESS: 425 MOONLIGHT DRIVE ~
CONTACT TODD C. SPENCER AND MARY C. SPENCER
~1119 W. MOONLIGHT DRIVE, SUITE 100, MESQUITE, TX 75189
TEL: (972) 881-4975 FAX: (972) 881-4954
CELL: (972) 881-4975
"A Professional Company Operating in Your Best Interest"

CONSTRUCTION PLAT
LOT 1, BLOCK 1
SPENCER ADDITION

AN ADDITION TO THE CITY OF MURPHY,
COLLIN COUNTY, TEXAS
DANIEL HERRING SURVEY, ABSTRACT 402

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared

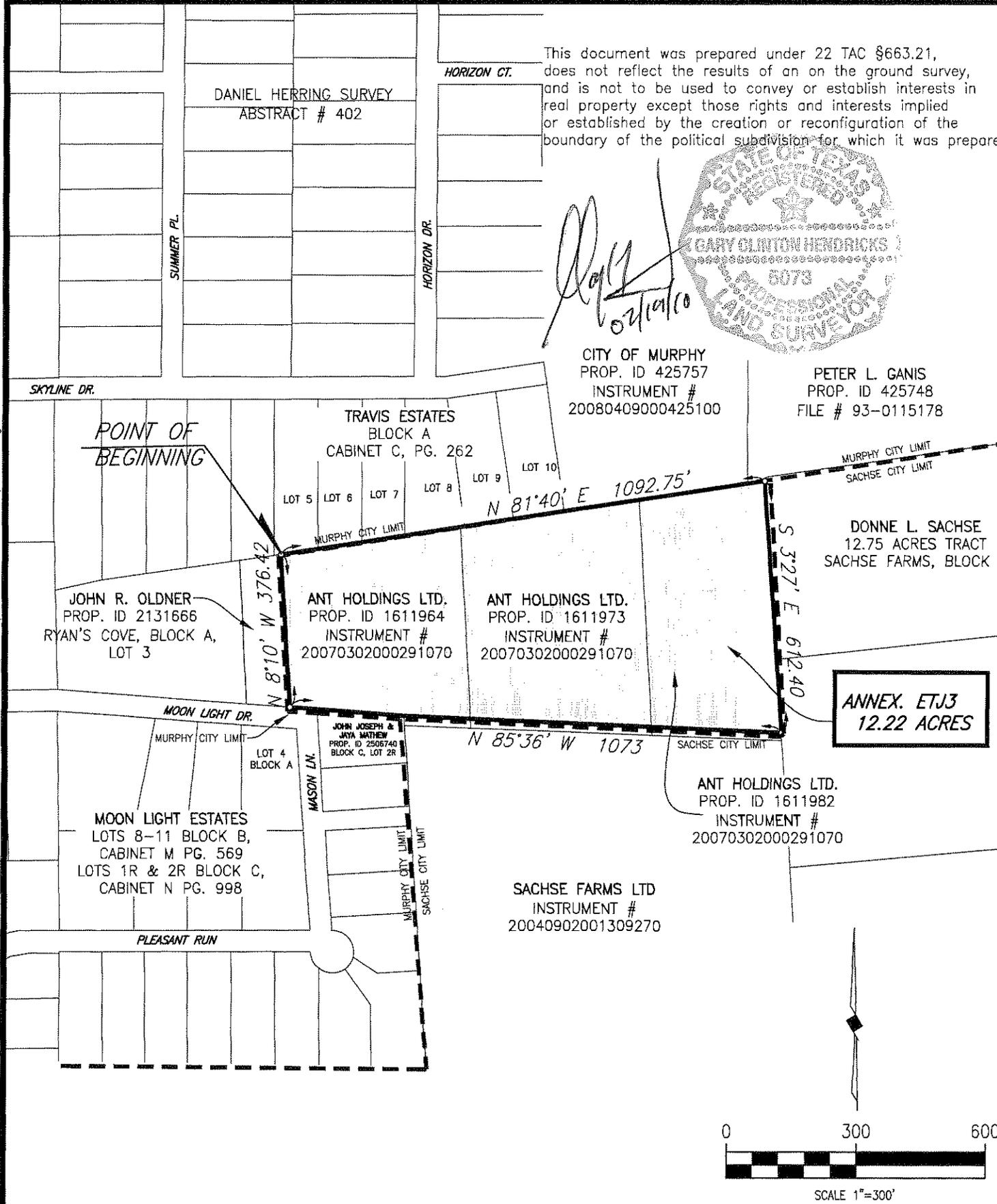


[Handwritten Signature]
02/16/10

CITY OF MURPHY
PROP. ID 425757
INSTRUMENT #
20080409000425100

PETER L. GANIS
PROP. ID 425748
FILE # 93-0115178

REVISED: 2/16/10 - SRI BENIKI H:\Projects\Murphy\4025-182 2010 Annexation Description\Annexation Plats\ETJ3.dwg



CITY OF MURPHY, TEXAS

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS TEXAS FIRM F526
11910 GREENVILLE AVE., SUITE 600
DALLAS, TEXAS 75243 214-361-7900

2010 ANNEXATIONS
ANNEXATION PLAT MAP-ETJ 3

Feb, 2010

EXHIBIT A

ATTACHED TO AND INCORPORATED BY REFERENCE
IN DEED OF TRUST, SECURITY AGREEMENT AND ASSIGNMENT OF RENTS
DATED JUNE 4, 2010
BETWEEN STERLING BANK, AS BENEFICIARY AND
TODD A. SPENCER AND MARY C. SPENCER, AS GRANTOR

PROPERTY DESCRIPTION

Tract I:

BEING ALL THAT CERTAIN LOT, TRACT OF PARCEL OF LAND LOCATED IN THE DANIEL HERRING SURVEY, ABSTRACT NO. 402, COLLIN COUNTY, TEXAS, BEING THAT SAME TRACT OF LAND DESCRIBED IN DEED TO JAMES TAYLOR CLARK AND WIFE, JANIS L. CLARK, RECORDED IN VOLUME 1761, PAGE 728, DEED RECORDS, COLLIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "RPLS 5310" SET AT THE NORTHWEST CORNER OF LOT 2R, BLOCK C, OF MOONLIGHT ESTATES, AN ADDITION TO THE CITY OF SACHSE, COLLIN COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME P, PAGE 284, MAP RECORDS, COLLIN COUNTY, TEXAS, SAME BEING THE SOUTHEAST CORNER OF LOT 3, BLOCK A, OF RYAN'S COVE, AN ADDITION TO THE CITY OF SACHSE, COLLIN COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME N, PAGE 71, MAP RECORDS, COLLIN COUNTY, TEXAS, FROM WHICH A 1/2" IRON ROD FOUND FOR REFERENCE BEARS SOUTH 89° 44' 12" EAST, A DISTANCE OF 2.06 FEET;

THENCE NORTH 07° 18' 13" WEST, A DISTANCE OF 374.88 FEET TO A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "RPLS 5310" SET IN THE SOUTH LINE OF LOT 5, BLOCK A, OF TRAVIS ESTATES, AN ADDITION TO THE CITY OF SACHSE, COLLIN COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME C, PAGE 262, MAP RECORDS, DALLAS COUNTY, TEXAS, AT THE NORTHEAST CORNER OF SAID LOT 3;

THENCE NORTH 82° 41' 23" EAST, ALONG THE SOUTH LINE OF BLOCK A, PASSING AT 64.18 FEET A 1/2" IRON ROD FOUND FOR REFERENCE, PASSING AGAIN AT A DISTANCE OF 165.32 FEET A 1/2" IRON ROD FOUND FOR REFERENCE IN THE SOUTH LINE OF SAID TRAVIS ESTATES, AND CONTINUING FOR A TOTAL DISTANCE OF 418.35 FEET TO A 3/8" IRON ROD FOUND AT THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO CHARLES P. CLARK AND WIFE, JEAN T. CLARK, RECORDED IN VOLUME 1761, PAGE 735, DEED RECORDS, COLLIN COUNTY, TEXAS, FROM WHICH A 1/2" IRON ROD FOUND FOR REFERENCE BEARS 82° 41' 23" WEST, A DISTANCE OF 12.10 FEET;

THENCE SOUTH 07° 14' 45" EAST, A DISTANCE OF 468.47 FEET TO A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "RPLS 5310" SET IN THE NORTH LINE OF LOT 4, BLOCK 2 OF SACHSE FARMS, AN ADDITION TO THE CITY OF SACHSE, COLLIN COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME R, PAGE 68, MAP RECORDS, COLLIN COUNTY, TEXAS, AT THE SOUTHWEST CORNER OF LAST MENTIONED CLARK TRACT, FROM WHICH A "HUB" FOUND FOR REFERENCE BEARS NORTH 84° 38' 25" WEST, A DISTANCE OF 9.50 FEET;

THENCE NORTH 84° 38' 25" WEST, A DISTANCE OF 221.76 FEET TO A 1/2" IRON ROD FOUND AT THE NORTH CORNER OF LOT 1, BLOCK 2, OF SAID SACHSE FARMS, SAME BEING THE NORTHEAST CORNER OF SAID LOT 2R;

THENCE NORTH 84° 44' 12" WEST, A DISTANCE OF 206.46 FEET TO THE PLACE OF BEGINNING AND CONTAINING 176,282 SQUARE FEET OR 4.047 ACRES OF LAND.

Tract II:

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LOCATED IN THE DANIEL HERRING SURVEY, ABSTRACT NO. 402, COLLIN COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND DESCRIBED IN DEED TO CHARLES P. CLARK AND WIFE, JEAN T. CLARK, RECORDED IN VOLUME 1761, PAGE 735, DEED RECORDS, COLLIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "RPLS 5310" SET IN THE NORTH LINE OF LOT 9, BLOCK 2, OF SACHSE FARMS, AN ADDITION TO THE CITY OF SACHSE, COLLIN COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME R, PAGE 68, MAP RECORDS, COLLIN COUNTY, TEXAS, AT THE SOUTHWEST

CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO C. PAUL CLARK, III AND WIFE, BRENDA B. CLARK, RECORDED IN VOLUME 1761, PAGE 750, DEED RECORDS, COLLIN COUNTY, TEXAS, FROM WHICH A "HUB" FOUND FOR REFERENCE BEARS NORTH 84° 38' 25" WEST, A DISTANCE OF 4.40 FEET;

THENCE NORTH 84° 38' 25" WEST, ALONG THE MOST WESTERLY NORTH LINE OF SAID SACHSE FARMS, A DISTANCE OF 357.05 FEET TO A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "RPLS 5310" SET IN THE NORTH LINE OF LOT 4, BLOCK 2, OF SAID SACHSE FARMS, AT THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO JAMES TAYLOR CLARK AND WIFE, JANIS L. CLARK, RECORDED IN VOLUME 1761, PAGE 728, DEED RECORDS, COLLIN COUNTY, TEXAS, FROM WHICH A "HUB" FOUND FOR REFERENCE BEARS NORTH 84° 38' 25" WEST, A DISTANCE OF 9.50 FEET;

THENCE NORTH 07° 14' 45" WEST, A DISTANCE OF 468.47 FEET TO A 3/8" IRON ROD FOUND IN THE SOUTH LINE OF LOT 9, BLOCK A, OF TRAVIS ESTATES, AN ADDITION TO THE CITY OF SACHSE, COLLIN COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME C, PAGE 262, MAP RECORDS, COLLIN COUNTY, TEXAS, AT THE NORTHEAST CORNER OF LAST MENTIONED CLARK TRACT, FROM WHICH A 1/2" IRON ROD FOUND FOR REFERENCE BEARS SOUTH 82° 41' 23" WEST, A DISTANCE OF 12.10 FEET;

THENCE NORTH 82° 41' 23" EAST, PASSING AT A DISTANCE OF 223.81 FEET THE SOUTHEAST CORNER OF LOT 10, BLOCK A, OF SAID TRAVIS ESTATES, SAME BEING THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO THE NORTH TEXAS MUNICIPAL WATER DISTRICT, RECORDED IN VOLUME 1044, PAGE 446, DEED RECORDS, COLLIN COUNTY, TEXAS, AND CONTINUING FOR A TOTAL DISTANCE OF 348.50 FEET TO A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "RPLS 5310" SET AT THE NORTHWEST CORNER OF SAID CLARK TRACT (VOLUME 1761, PAGE 750);

THENCE SOUTH 07° 14' 24" EAST, A DISTANCE OF 546.78 FEET TO THE PLACE OF BEGINNING AND CONTAINING 4.071 ACRES OF LAND.

Tract III:

BEING ALL THAT CERTAIN LOT, TRACT OF PARCEL OF LAND LOCATED IN THE DANIEL HERRING SURVEY, ABSTRACT NO. 402, COLLIN COUNTY, TEXAS, AND BEING THAT SAME TRACT OF LAND DESCRIBED IN DEED TO C. PAUL CLARK, III, AND WIFE BRENDA B. CLARK, RECORDED IN VOLUME 1761, PAGE 750, DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "RPLS 5310" SET IN THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN DEED TO NORTH TEXAS MUNICIPAL WATER DISTRICT, RECORDED IN VOLUME 1044, PAGE 446, DEED RECORDS, COLLIN COUNTY, TEXAS, AT THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO CHARLES P. CLARK AND WIFE, JEAN T. CLARK, RECORDED IN VOLUME 1761, PAGE 735, DEED RECORDS, COLLIN COUNTY, TEXAS;

THENCE NORTH 82° 41' 23" EAST, A DISTANCE OF 300.31 FEET TO A 3/4" IRON PIPE FOUND AT THE SOUTHEAST CORNER OF SAID NORTH TEXAS MUNICIPAL WATER DISTRICT TRACT, SAME BEING THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO PETER L. GANIS JR. AND WIFE, TERESA L. GANIS, RECORDED IN DOC. NO. 93-0115178, DEED RECORDS, COLLIN COUNTY, TEXAS;

THENCE NORTH 83° 47' 04" EAST ALONG THE SOUTH LINE OF SAID GANIS TRACT TO A 3/8" IRON ROD FOUND AT THE NORTHWEST CORNER OF LOT 45, BLOCK 2, OF SACHSE FARMS, AN ADDITION TO THE CITY OF SACHSE, COLLIN COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME R, PAGE 68, MAP RECORDS, COLLIN COUNTY, TEXAS;

THENCE SOUTH 02° 30' 42" EAST, PASSING AT A DISTANCE OF 402.05 FEET TO A 1/2" IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID LOT 45, OF SAID BLOCK, SAME BEING THE NORTHWEST CORNER OF LOT 31, OF SAID BLOCK, PASSING AGAIN AT A DISTANCE OF 524.43 FEET TO A 1/2" IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID LOT 31, SAME BEING THE NORTHWEST CORNER OF LOT 30, OF SAID BLOCK, AND CONTINUING FOR A TOTAL DISTANCE OF 611.24 FEET TO A 3/8" IRON ROD FOUND IN THE NORTH LINE OF LOT 12, OF SAID BLOCK SAME BEING THE SOUTHWEST CORNER OF SAID LOT 30;

THENCE NORTH 84° 38' 25" WEST ALONG THE NORTH LINE OF LOTS 12, 11, 10, 9 AND 8 OF SAID BLOCK, A DISTANCE OF 286.72 FEET TO A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "RPLS 5310" SET IN THE NORTH LINE OF LOT 9,

OF SAID BLOCK, SAME BEING THE SOUTHEAST CORNER OF SAID CLARK TRACT, FROM WHICH A "HUB" FOUND FOR REFERENCE BEARS NORTH 84°38'25" WEST, A DISTANCE OF 4.40 FEET;

THENCE NORTH 07° 14' 24" WEST, A DISTANCE OF 546.78 FEET TO THE PLACE OF BEGINNING AND CONTAINING 177,161 SQUARE FEET OR 4.067 ACRES OF LAND.

Issue

Consider and/or act upon approval of an Ordinance amending the Murphy Code of Ordinances Chapter 30, Article II (Smoking) Section 21, Definitions; Section 23, Smoking prohibited in certain public areas; Section 27, where smoking is not prohibited, adding a new section, Section 28, to provide for air circulation and ventilation; providing for a penalty not to exceed five hundred dollars (\$500) for each offense; providing severability, repealer, and savings clauses; and providing an effective date.

Background

At the August 16th City Council meeting, the City Council asked that this item be postponed to allow Council more time to review patios in the City and Councilmember Brandon's proposed amendments as noted in the excerpt below from the August 16, 2011 Minutes.

Council Action

There was no action on this item. Councilmember Brandon suggested three changes to the original ordinance as listed below.

Section 30.21 - Changes to definitions of enclosed area – means all space between a floor and ceiling which is enclosed on all sides by walls or windows (exclusive of doors or passage ways) which extend from the floor to the ceiling. Patio – means an improved and defined unenclosed outside area associated with a food service establishment or bar used for purposes of dining or entertainment, provided that walkways are not to be considered patios. Smoking would be prohibited on a patio within 15 feet from any door, operable window, or other opening to an indoor enclosed area.

Section 30.27 - Where Smoking is not Prohibited – keep line (7) and add line (8) Patios as defined above.

There was Council discussion on the practical application of the changes proposed by Councilmember Brandon, concerns with measurements and enforcement, and grandfathering current businesses. Council determined to review the practical applications and bring back within a month.

Staff Recommendation

Approval of the attached Ordinance.

Attachments

- 1) Proposed ordinance
- 2) Chart of smoking ordinances of various cities
- 3) Chapter 30, Article II (Smoking) of the Code of Ordinances

James Fisher, City Manager
Submitted By

James Fisher, City Manager
City Manager Approval

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MURPHY, TEXAS, AMENDING THE MURPHY CODE OF ORDINANCES CHAPTER 30, ARTICLE II (SMOKING), SECTION 21, DEFINITIONS; SECTION 23, SMOKING PROHIBITED IN CERTAIN PUBLIC AREAS; SECTION 27, WHERE SMOKING IS NOT PROHIBITED, ADDING A NEW SECTION, SECTION 28, TO PROVIDE FOR AIR CIRCULATION AND VENTILATION; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; PROVIDING SEVERABILITY, REPEALER, AND SAVINGS CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Murphy, Texas (“City Council”) previously adopted a Smoking Ordinance (“Smoking Ordinance”) on May 3, 1999; and

WHEREAS, the City Council desires to amend the Smoking Ordinance to include the definition of an “Enclosed area”, to specify that outdoor seating or patio areas are included in places “Where smoking is not prohibited”, and to provide for air circulation or ventilation between non-smoking areas and outdoor seating or patio smoking areas; and

WHEREAS, the City Council desires to assure a smoke free atmosphere in nonsmoking areas and prohibit or reduce the commingling of air between smoking and nonsmoking areas; and

WHEREAS, the City Council finds that it will be advantageous, beneficial and in the best interest of the citizens of Murphy to amend Chapter 30, Article II of the Murphy Code of Ordinances as set forth below.

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

Section 1. FINDINGS INCORPORATED

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

Section 2. DEFINITIONS

That Chapter 30 of the Code of Ordinances of the City of Murphy, Texas, Section 30-21 “Definitions” is hereby amended to add the following definitions to be inserted in alphabetical order:

Enclosed area means all space between a floor and ceiling that is enclosed on all sides by solid walls or windows, exclusive of doorways, that extend from the floor to the ceiling.

Section 3. SMOKING PROHIBITED IN CERTAIN PUBLIC AREAS

That Chapter 30 of the Code of Ordinances of the City of Murphy, Texas, Section 30-23(a) "Smoking prohibited in certain public areas" is hereby amended to read as follows:

(7) All areas in a Laundromat open to and available to use by the public; or

(8) Within all areas available to and customarily used by the general public in all businesses and nonprofit entities patronized by the public, including, but not limited to, commercial, financial, and professional offices including banks, hotels, and motels; ~~or~~

~~(9) Within ten linear feet of any entrance of any facility where smoking is prohibited.~~

Section 4. WHERE SMOKING IS NOT PROHIBITED

That Chapter 30 of the Code of Ordinances of the City of Murphy, Texas, Section 30-27 "Where smoking is not prohibited" is hereby amended to read as follows:

(4) Any area exterior to the building in which the establishment or facility is located, including any outdoor seating or patio areas, except as otherwise regulated in this article;

(5) Any enclosed rooms in an establishment or facility which are being used entirely for private parties, events or other social functions; or

(6) Enclosed areas of an employer that are not available to or customarily used by the general public; ~~or~~

~~(7) In the designated smoking areas of any food products, retail or service establishment serving the general public which has provided a designated smoking area equipped with a functional air purification system or functional separate ventilation system. Such systems shall have a negative pressure on the area designated for smoking to prevent air from a smoking area to be drawn across or into the nonsmoking area. All ventilation systems shall provide a total air exchange every 15 minutes and shall exhaust that air to the exterior of the building. A sign must be posted on the premises in a conspicuous place to advise the public that smoking is permitted in the designated smoking area. Designated smoking areas shall not include restrooms, service lines, public telephone areas, and other areas commonly used by all patrons, including access thereto (called "common areas") in new establishments making application for a building permit for new construction after the effective date of the ordinance from this article is derived. Establishments existing or with building permits pending on the effective date of the ordinance from which this article is derived shall comply with the common areas requirements to the extent structurally feasible as is reasonably determined by the proprietor of the establishment.~~

Section 5. AIR CIRCULATION AND VENTILATION

That Chapter 30 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended to add the following section, Section 30-28, to be read in its entirety as follows:

Section 30-28. Air Circulation and Ventilation.

(1) Any food product establishment or retail and service establishment currently existing or that has a building permit pending as of the effective date of this ordinance which has an openable door or window separating a non-smoking area from an outdoor seating or patio smoking area shall be equipped with oscillating fans that provide for sufficient air circulation to reduce the commingling of smoke-filled air into non-smoking areas.

(2) Any food product establishment or retail and service establishment making application for a building permit for construction after the effective date of this ordinance which has an openable door or window separating a non-smoking area from an outdoor seating or patio smoking area shall be equipped with a functional air purification system or functional separate ventilation system. Such ventilation system shall prevent air from a smoking area to be drawn across or into the non-smoking area, shall exhaust the air to the exterior of the building, and shall provide a total air exchange every 15 minutes.

Section 6. PENALTY CLAUSE

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

Section 7. SEVERABILITY CLAUSE

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

Section 8. REPEALER CLAUSE.

To the extent this ordinance conflicts with other ordinances of the City of Murphy, Texas, the conflicting provisions of the other ordinances are hereby repealed to the extent of such conflict; however, all other provisions of said ordinances not in conflict herewith shall remain in full force and effect.

Section 9. 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. An offense committed before the effective date of this ordinance is governed by prior law in effect when the offense was committed.

Section 10. EFFECTIVE DATE

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

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

Bret M. Baldwin, Mayor
City of Murphy

ATTEST:

Aimee Nemer, City Secretary
City of Murphy

APPROVED AS TO FORM:

Janet M. Spugnardi, Assistant City Attorney

Smoking Ordinances of Various Texas Cities

City	Allow smoking in outdoor patios?	Require Ventilation between smoking and non-smoking areas (not necessarily patios)?	Perimeter of non-smoking outside?	Require Posting of Signs on Outdoor Patio Areas?	Other restrictions?
Addison	Yes.	Yes, the non-smoking area must be ventilated, where feasible, and situated so that air from the smoking area is not drawn into or across the non-smoking area.	No.	No.	
Allen	Yes.	Yes, the non-smoking area must be ventilated with a separate ventilation system from the smoking area so that smoke from the smoking area is not drawn into, across, or mixed with non-smoking areas. The smoking area must have ventilation systems designed to filter tobacco particulate and odors to minimize the re-circulation of smoking byproducts.	No.	No. (Signs at main entrance that smoking is allowed in designated areas).	Non-smoking area must be separated from the designated smoking area by a wall with a minimum height of eight (8) feet, or a barrier system, that hinders or prevents the movement of smoke from the designated smoking area into a non-smoking area.
Austin	Yes.	No.	Yes, 15 feet from entrance or operable window of an enclosed area in which smoking is prohibited.	Possibly. Must post signs in conspicuous place where smoking is permitted under exceptions to ordinance (silent as to whether exception applies to outdoor patios).	
Dallas	Yes, only if it does not have a roof or other overhead covering, whether permanent or		Yes, 15 feet of any entrance to an indoor or enclosed area.	Yes. Must post signs at each entrance that no smoking allowed within 15 feet of entrance.	

Smoking Ordinances of Various Texas Cities

	temporary, and 40% or more of its perimeter closed in by walls or other covering, whether permanent or temporary.				
Frisco	Yes.	No.	Yes, 20 feet from any entrance.	No.	
Murphy	Yes.	Only for establishments making application for building permit, not for existing establishments.	No.	Yes. Must designate smoking and non-smoking areas and be posted in a conspicuous place.	
Plano	Yes.	No.	Yes, 25 feet from any door, operable window/vent or other opening .	No.	
Richardson	Yes, provided that the smoking area is at least 10 feet from the defined entry on to the patio and is not a walkway.	No.	Yes, 25 feet from any door, operable window/vent or other opening.	No.	
San Antonio	Yes.	No.	No.	Yes. Signs must state that smoking is allowed and provide warning of the negative health effects associated with secondhand smoke.	All outdoor seating areas designated as smoking shall provide a non-smoking area therein.

Issue

Discussion regarding the use and purchase of electronic devices for City Council in support of paperless agenda packets.

Background

The City has been discussing going paperless for over a year and now is targeting November 2011 as the effective date. Beginning with the November 1st agenda, the City Council will no longer receive hard copies of the City Council agenda packet. Staff has been using I pads for the past year and can see the advantage of using them for City Council packets. The I pads or other electronic device can be set up to hold maps, documents, policies and other vital information right at your fingertips. The challenge is that until you commit 100% to go paperless, you will always keep one foot in the hard real paper world. I am one of those and I am working real hard to leave the pen/paper world.

The idea of paperless has been around awhile and several government entities have been very successful in doing this. I am not proposing this change because of other cities. I am proposing this change because it allows us to be more efficient with our time, our documents and with our environmental resources.

Staff Recommendation

Council direction is requested in the potential purchase of electronic devices. The Ipad has been suggested, but I know that there are other options available. I would like to stay with the Ipad since the staff is using them and uniformity can be beneficial.

Attachments

- 1) Article from **Government Technology**, April 5, 2011 – *The Do's and Don'ts of Making a Paperless City Council*;
- 2) Article from **Texas Town & City**, February 2011 – *Boerne is One Tech-Smart City*;
- 3) Article from **Daily Press**, July 11, 2010 – *iPads eliminate paper, save money for localities*;
- 4) Article from **Public Management**, October 2006 – *Paperless Agendas 101*.

James Fisher, City Manager
Submitted By

James Fisher, City Manager
City Manager Approval

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The Do's and Don'ts of Making a Paperless City Council

April 5, 2011 Brian Heaton

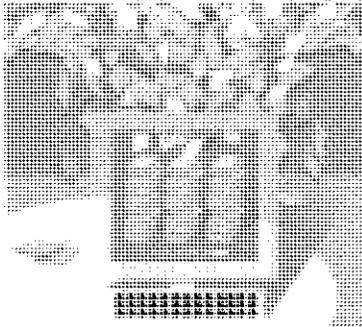


Illustration by Tom McKeith
Illustration by Tom McKeith

Sacramento, Calif., has joined the growing number of cities whose council agenda materials are completely electronic. How did the city do it? Officials shared a litany of useful tips on how to make the conversion, during a seminar Monday, April 4.

Chief among Sacramento's strategy, according to Assistant City Clerk Dawn Bullwinkel, who led the project, was to move beyond the thought of just digitizing a paper product. The clerk's office stepped back and took a close look at all work processes, identifying how they could be more efficient before moving forward.

"If you try to clone exactly what you do today, without shaking out the bugs, you won't be as successful," Bullwinkel said. "We stepped outside the norm and basically examined and re-engineered the way we do business. This didn't require expensive equipment or tools, but did require an open mind and a brave heart."

The presentation, called *The Journey to Digital Delivery and Greater Transparency*, was a preview of what will be shown by the city clerk's office at next month's International Institute of Municipal Clerks 2011 Annual Conference in Nashville, Tenn. The two-hour discussion covered best practices useful to other local government offices and agencies considering a digital approach.

Some of the key points included:

Digital delivery is not an IT initiative — own the process and partner with IT professionals.

Don't worry about 100 percent consensus, it'll never happen.

Have a clear vision and goals — why go digital?

Get buy-in from key stakeholders.

Start a pilot program — it'll turn into practice.

Provide a digital product that users can't live without.

Avoid feedback derailing.

Be available 24/7 for support.

Bullwinkel was adamant that 100 percent consensus about moving to digital delivery isn't likely to happen. So instead of waiting, she stressed the importance of pushing forward and avoiding being derailed by naysayers.

"The biggest challenge is change management," Bullwinkel explained. "If you want everything to be perfect you'll never get ahead. Listen to feedback, but don't get caught up in the negativity."

Benefits Spurred Change

The Sacramento City Council went all-digital with its meeting materials in January 2010, providing hard copies of documents only for the public. The council uses an "ePacket," which is a PDF containing all meeting documents. Council members retrieve the ePacket from a cloud-based service. In the meetings, the council uses a variety of tablet devices to read and annotate the materials, including the iPad.

"People need to understand that this isn't something we're doing to be hip on technology," said Councilmember Steve Cohn in a prerecorded video interview. "We're doing it to improve transparency, service and accessibility to the public."

Although the city clerk's office began moving toward digital documentation in 2005, it wasn't until the City Council expressed an interest in exploring digital delivery in 2009 that the transition began in earnest. But once staff had that opening, Bullwinkel said they ran with it.

Change didn't happen overnight, and it wasn't easy. Cohn explained that former city Councilmember Robbie Waters, who was also a former Sacramento County sheriff, had never really used a computer when digital delivery was suggested. But after seeing the cost savings and benefits to the public, he realized it was detrimental to the public to hold back. Waters tried it.

"It takes a lot of courage and is a big risk because you're bucking the mainstream," added Sacramento City Clerk Shirley Concolino. "We were old school in the city clerk's office, and it wasn't what our customers wanted."

Establish Rapport

Bullwinkel added that an emphasis on building relationships with the city's IT staff and a willingness to be accessible to council members helped the City Council overcome any hesitation about digital delivery of its agenda materials. She also focused on the necessity of empowering city council members, offering them an array of digital devices.

"When you retire your paper packets, don't tell [council members] they have to use an iPad," Bullwinkel cautioned. "Some people hate Apple, so you can say, 'Our tablet of choice is the iPad, but we also have [these other devices].' Hold a demo and start creating an environment where someone can choose."

It didn't hurt matters that the first device council members used was free. The assistant city clerk said

the clerk's office shifted its production fund that was being used for paper and distribution and bought each of the council members their first digital device, just to get the ball rolling.

Despite the success, Bullwinkel said the digital experience must be continually improved. She said weekly meetings are held just to see if there is something else the staff can do to provide a better product.

But one thing is for certain — she'd never go back to paper.

"If you can get through the mire, your life will be much easier," Bullwinkel added.



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other

By Pamela Bransford

Public Relations Coordinator, City of Boerne

The City of Boerne is a technologically savvy city when it comes to public safety, public utilities, and administrative operations. The city has been using state-of-the-art technology for a wide variety of municipal and utility operations for many years and continues adding new technology tools as they become available.

The Boerne City Council and senior staff members use iPads to download and review meeting agendas and background materials. The utilities billing and customer service departments promote online and electronic draft services for utility payments. IP (Internet Protocol) surveillance cameras are installed at park facilities and most city government buildings. The administration department electronically manages records according to state guidelines, and staff is continually seeking grants to obtain the latest and greatest technology tools for the Emergency Operations Center.

These are just a few examples of technology initiatives enabling the City of Boerne to operate more efficiently, which ultimately saves time and taxpayer money. Some of the more significant technology projects are constantly being evaluated and upgraded to maximize information management, communications, accuracy, and customer service. A handful of more than 20 major technology initiatives are featured below.

Advanced Metering Infrastructure and Automated Meter Reading

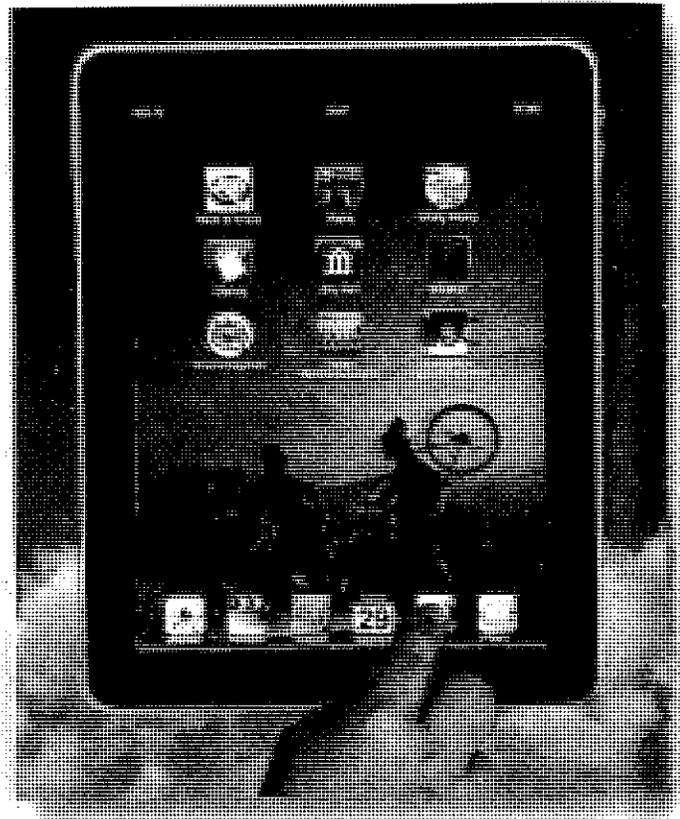
The City of Boerne is one of only a few Texas cities that actually owns and operates four utilities—electric,

natural gas, water, and wastewater—for nearly 11,000 residents. In 2007, the city began looking into an Advanced Metering Infrastructure (AMI), an Automated Meter Reading (AMR) system with a goal of remotely reading all the city's electric, water, and natural gas meters. The objectives were:

- To deploy a system that is technologically advanced and open to updates and additions of new AMI technologies as they become available;
- To find a system that would be easy to use by the city billing department and utility work crews, and with efficient installation procedures;
- To provide the city with information on power quality and power outages; and
- To provide as much useful data to utility customers as possible related to leak detection, resource conservation, consumption history, and savings opportunities.

In addition, the city desired to provide this utility technology upgrade at a reasonable cost. The city budgeted \$1.5 million for project implementation over a five-year period.

This new meter reading technology monitors a household's electricity, gas, and water usage and relays that



information to the Utility Billing Office. As we proceed with implementation, this information will be available on the city's Web site so utility consumers can monitor their energy use and conserve their resources.

In September 2008, after a lengthy review of several proposals from qualified providers, the city council approved a contract with Tantalus Systems Corporation and Badger Metering. Tantalus provides electric metering and foundation for the radio network to transmit data from the meters to a central data collection base. Badger provides the water and gas meters and transmitters to be integrated with the Tantalus infrastructure.

As recommended by other larger public utilities that have implemented AMI/AMR, the project began with a

pilot phase that included installation of approximately 350 electric, 300 water, and 90 natural gas meters in locations furthest from the central data collection point at city hall. This small sampling uncovered some issues that would have caused major setbacks if the AMI meters had been installed throughout the entire system.

City staff took extra time to ensure that the meter installations were completed correctly and systematically throughout the pilot areas. A few complications soon arose from the data reads. Data from the "water only" area was sporadic and incomplete, and natural gas reads were few in number. The data collectors turned out to be the culprits within the "water only" reads, and an output frequency glitch on the natural gas modules was preventing the data from reaching the collectors.

Once these issues were resolved, the system began providing reliable, useable billing data, and customers in the pilot areas began receiving bills generated from the AMI system reads. The billing piece of the project continues to be dependable as the city moves forward with meter

installations citywide. Project completion is slated for 2013.

In the short time since the pilot, the city has successfully assisted many customers with historical and time-of-use consumption data. The new system also provides the city with power outage information, along with power quality reporting in the areas being currently read.

Public Safety

The police car video system used by the Boerne Police Department is from L3 Mobilevision. It is a DVR mounted inside the patrol car that uses a flashcard storing 8-32 hours of high quality D1 video. The city's information technology department staff installed Wireless Access Points at the Police department for efficient video transfer.

At the end of each shift, the officers wirelessly transfer the videos to a secure server at headquarters. The video recorder, which is set to pre-record 30 seconds and post-record 30 seconds, is triggered by speed, or when the lights, siren, and/or microphone are activated. The server maintains records and keeps track of users,

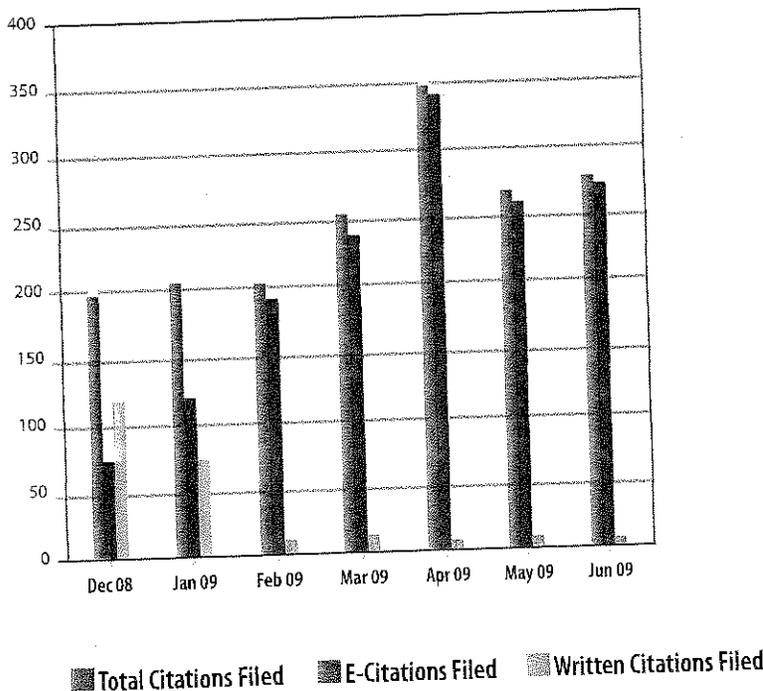
provides videos for court use, and can create a "video history" back to a specific date. In addition, the system includes a USB feature allowing officers to log into the system to label the videos by name and/or patrol car number.

"From an evidence viewpoint, the system we use is far superior to the old tape systems," noted Boerne Police Chief Gary Miller. "Because the video is always running, when an officer activates his red lights the recorder will go back 30 to 45 seconds and save the recorded data from that point on. So we have video of the violator running the stop sign or weaving down the road. Prosecutors love it, and I enjoy the moments when a person who received a citation sits in my office and views the video clearly showing them busting through the red light," Miller added. "A clerk produces a copy and sends it to the prosecutor with any criminal or traffic cases."

The in-car DVR is also IP addressable, so IT staff can connect to the camera from a secure location—such as the Emergency Operations Center—through a VPN (virtual private network) for a "live" view of an incident. This can be especially helpful during weather-related events such as floods or other emergencies, because multiple staff members can view the scene without needing to be physically at the location.

Another real time saver for the police and municipal court staff is the electronic ticket writer. This technology tool provides a more accurate citation, and defendants have a "print out" that is easier to read.

Since the city's police force began using the electronic ticket writers in 2008, municipal court staff time spent deciphering and entering handwritten citations has decreased by nearly 95 percent. Staff time saved from manual data entry used to process handwritten citations has resulted in significant efficiencies to better



manage other municipal court daily tasks, such as preparing citation files, assisting customers, processing court notices, mail, Internet/phone credit card payments, jail paperwork, faxes, docket preparation, and trial settings. Using this technology has delayed the need to hire additional court clerks to process citations.

Public Works SCADA (Supervisory Control and Data Acquisition)

Approximately four years ago, the Public Works Department began installing SCADA technology to allow for automated operation of the water distribution system. "As the city grows and uses more water, the three water sources used in Boerne require a higher level of control to respond to changing demand," said Public Works Director Michael Mann, P.E. Without automation, system adjustments would eventually require

additional full-time personnel to operate the system using three daily shifts. Using SCADA to integrate the water sources reduces the need for constant operator attention and helps keep after-hours monitoring requirements to a minimum. This advanced technology automatically isolates problems and improves staff response time when a problem is identified.

Public Library

Boerne's new public library will open this summer, and staff is taking advantage of technology upgrades to improve workflow and customer service, and to reduce costs.

RFID (Radio Frequency Identification) tags will be placed inside library materials, allowing multiple items to be checked in and out at the same time. Patrons benefit by having greater access to staff. Library staff will have more time to assist patrons with their information

needs, because time spent managing inventory is reduced.

Self-Check and PC and Print Management software tools give patrons the freedom to manage their library needs, improve library service, and save time and money overall. Ultimately, the city's human resources are used in a more efficient and cost-effective manner.

City Council

For years, staff spent nearly 400 hours per year organizing and copying agendas and supporting documentation for city council information binders, and physically delivering these to the six members twice monthly. New iPads were issued to the councilmembers six months ago, and so far the city has saved more than 200 employee hours and more than 75 reams of paper. The city councilmembers are notified by e-mail that the agenda and background materials are available to be downloaded onto their iPad at their own convenience. They also use these at the city council meetings for quick access to the information during staff presentations.

Boerne City Manager Ron Bowman is excited that technology solutions are improving the way we do business. "We want to take advantage of every opportunity to improve efficiency, enhance customer service, and save money," he says. Bowman credits all of the city's department heads, and especially the Information Technology team, for being proactive and seeking the most effective technology tools for everyday municipal and utility operations. "Our staff embraced technology many years ago and has never been reluctant to try new ways of doing business."

"As stewards of our community's tax dollars, we will continue finding ways to use technology in our daily operations, because our customers expect first-rate service," adds Bowman. ★



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iPads eliminate paper, save money for localities

Hampton, now Williamsburg toss out printed agendas for latest technology

By Dan Parsons, dparsons@dailypress.com | 247-7840

10:15 PM EDT, July 11, 2010

WILLIAMSBURG

— Perhaps unexpected from a town famous for its 18th century roots, Williamsburg this week joined other communities stepping confidently into the 21st century by forsaking paper city council agendas in favor of the latest technological communications tool – the Apple iPad.

"We move into the future," said newly installed Mayor Clyde Haulman after the unanimous vote on Thursday to purchase the tablet computers for council members.

City Council's decision to save money and go green by saving thousands of sheets of paper a month mirrors a move Hampton made. That city chose to go paperless and begin using iPads in May. Nearly every Peninsula locality has made some effort to reduce paper consumption, though only a few have bought tablet computers or e-readers for their elected officials.

But "with this new technology come new opportunities for abuse," said Megan Rhyne, executive director of the Virginia Coalition for Open Government. The iPad platform can support applications that could be used to communicate during meetings outside the public view, Rhyne worries.

"I really do understand the cost savings, and the practical reality that very few of these localities provide printed copies to the public anymore," Rhyne said. "But some of those applications could make it easy for instant messaging and other communication, basically a meeting within a meeting without the public knowing."

Those communications would be subject to a public records request under state Freedom of Information laws, though no procedure for their collection or declaration has been established, Rhyne said.

At the moment, localities seem transfixed by the potential cost savings of eliminating paper.

Williamsburg spends about \$2,000 a year on printing council packets for regular meetings and work sessions, according to City manager Jack Tuttle.

advertisement

The advertisement is a black and white promotional graphic for an iPad. At the top, it reads "iPad 3G 64GB". Below that, a large "81% OFF" is displayed. The price "\$164.32" is shown in a stylized font. To the right of the text is a small image of the iPad. At the bottom left, the "BigDeal.com" logo is visible, and at the bottom right, there is a "BUY NOW" button. The background of the ad has a halftone dot pattern.

Last year, the city printed 1,716 pages of agendas. Multiply that by 20 for copies used by council members and staff and the total grows to 34,320 sheets, or about 69 reams of paper. While cutting costs is a priority, printed agenda packets will remain available upon request at no charge, said city spokeswoman Kate Hoving.

An iPad costs about \$600. Buying them for five Williamsburg council members is a one-time cost of \$3,000, so the computers should pay for themselves in 18 months.

The Hampton City Council anticipates saving \$18,000 a year in printing costs, though council members have not yet used them in a regular meeting. Mayor Molly Joseph Ward has used her own iPad, however, "with great success."

"We used to get these huge agenda packets," Ward said. "I was able to navigate through my agenda materials with great ease and success. There are a number of different applications which allow you to take notes, highlight. It's great."

James City County still prints agendas for its seven supervisors, but has cut costs elsewhere. By publishing the annual progress report online, James City saves \$6,500 annually. The quarterly newsletter cost \$7,325 a year until it went digital this year.

York County has saved about \$13,400 per year by eliminating printed agendas for non-board members and printed minutes, county spokeswoman Christie Phillippsaid. York supervisors have used online agendas since 2005, which saves \$2,500 annually. Publishing the county's staff newsletter online rather than in print saves another \$4,000 a year, Phillips said.

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dailypress.com/news/virginia/dp-va--paperlessgovermme0712jul12,0,3773799.story

dailypress.com

Va cities use iPad to go paperless

By DAN PARSONS

The Daily Press

July 12, 2010

WILLIAMSBURG, Va.

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"We move into the future," said newly installed Mayor Clyde Haulman after the unanimous vote on Thursday to purchase the tablet computers for council members.

City Council's decision to save money and go green by saving thousands of sheets of paper a month mirrors a move Hampton made. That city chose to go paperless and begin using iPads in May. Nearly every Peninsula locality has made some effort to reduce paper consumption, though only a few have bought tablet computers or e-readers for their elected officials.

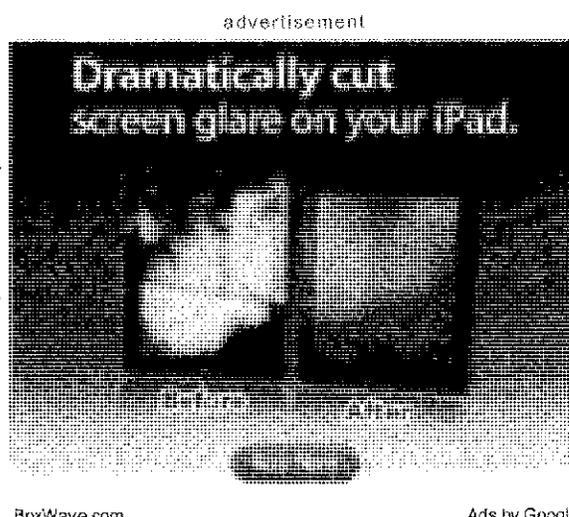
But "with this new technology come new opportunities for abuse," said Megan Rhyne, executive director of the Virginia Coalition for Open Government. The iPad platform can support applications that could be used to communicate during meetings outside the public view, Rhyne worries.

"I really do understand the cost savings, and the practical reality that very few of these localities provide printed copies to the public anymore," Rhyne said. "But some of those applications could make it easy for instant messaging and other communication, basically a meeting within a meeting without the public knowing."

Those communications would be subject to a public records request under state Freedom of Information laws, though no procedure for their collection or declaration has been established, Rhyne said.

At the moment, localities seem transfixed by the potential cost savings of eliminating paper.

Williamsburg spends about \$2,000 a year on printing council packets for regular meetings and work sessions, according to City manager Jack Tuttle.



Last year, the city printed 1,716 pages of agendas. Multiply that by 20 for copies used by council members and staff and the total grows to 34,320 sheets, or about 69 reams of paper. While cutting costs is a priority, printed agenda packets will remain available upon request at no charge, said city spokeswoman Kate Hoving.

An iPad costs about \$600. Buying them for five Williamsburg council members is a one-time cost of \$3,000, so the computers should pay for themselves in 18 months.

The Hampton City Council anticipates saving \$18,000 a year in printing costs, though council members have not yet used them in a regular meeting. Mayor Molly Joseph Ward has used her own iPad, however, "with great success."

"We used to get these huge agenda packets," Ward said. "I was able to navigate through my agenda materials with great ease and success. There are a number of different applications which allow you to take notes, highlight. It's great."

James City County still prints agendas for its seven supervisors, but has cut costs elsewhere. By publishing the annual progress report online, James City saves \$6,500 annually. The quarterly newsletter cost \$7,325 a year until it went digital this year.

York County has saved about \$13,400 per year by eliminating printed agendas for non-board members and printed minutes, county spokeswoman Christie Phillippsaid. York supervisors have used online agendas since 2005, which saves \$2,500 annually. Publishing the county's staff newsletter online rather than in print saves another \$4,000 a year, Phillips said.

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PAPERLESS AGENDAS 101

Paperless agendas are a hot topic in local government, and rightly so. The agenda process, in its traditional paper form, is tedious and inefficient. Every action—from compilation to distribution—has room for improvement.

Most agenda solutions concentrate on providing a consistent method for submitting agenda items, routing those items for approval, and, in the end, compiling and publishing the agenda and supporting material (attachments) to electronic media such as a Web site or a CD.

Some applications even provide drafting tools for attachments and minutes, audio and video modules, legislative voting tracking, hand-held electronic voting devices for council and commission members, and dedicated meeting interfaces for the public who attend the actual meetings.

Today's buzzwords—paperless agendas, agenda automation, and agenda management—all refer to solutions that are similar, although some solutions are more robust than others. Today's market offers three distinct types of solutions that can be tailored to every locality's budget and needs.

WHAT SOLUTIONS ARE AVAILABLE?

Fully customized solution. Many communities have developed their own in-house solutions. Some have developed fairly robust tools to manage the agenda process, but most local setups comprise only network drives, e-mail traffic with attachments, and internal manual processes that make use of basic office software tools. These localities can be considered innovators in the paperless-agenda world, but new software packages offer greater customization, tracking, and consistency.

Customizable solutions in today's market allow internal IT staff or a vendor to replicate current agenda layouts, item-submission-form layouts, minutes layouts, and the approval process currently in use by the local government. Localities tend to be particular about

their agendas and perhaps unwilling to change their processes to meet the requirements of a software package. Customizable solutions mold the software around existing processes. These solutions are the most costly, but they can provide what a community wants and needs.

Out-of-the-box solution. The term "out of the box" means the solution comes with configuration tools and can be installed and deployed quickly and easily. The customer is able to configure and modify the agenda program internally, when needed. These packages do not offer the flexibility of a total customized solution, but they usually satisfy the needs of most small and medium-sized localities.

Some of these solutions offer more robust configuration tools than others, but a community should be prepared to modify its agenda process to fit the out-of-the-box product. If a community chooses this route, it needs to analyze available products carefully and pick the one that comes closest to fitting current needs and processes.

Hosted solution. Hosted solutions—commonly called ASPs, which stands for application service providers—are becoming more popular in all aspects of technology. With a hosted solution, a local government leases or rents the software from a vendor for a yearly or a monthly fee. The vendor, in turn, maintains the software on servers and gives the local government secure access to the application. The locality benefits from low entry costs, no hardware requirements and costs, and continued availability of its scarce in-house technical resources.

Hosted agenda solutions offer only limited customization, but they provide standard configuration options that will

satisfy a large portion of small and medium-sized localities. The most attractive aspects of a hosted solution are the lower cost and the technology support provided by the vendor.

Regardless of solution, some considerations are universal:

- **Web-based setup.** All three types—not only the hosted solution—can be Web based. This means they can be set up on the intranet and no software is required to be installed on each PC throughout the local government, which allows for easy maintenance of the solution and upgrades. Because the agenda process touches every department in a community, a Web-based solution is the easiest to maintain and support. In addition, licensing tends to be cheaper. Licensing depends on the solution chosen, and it is something that should be a serious consideration. An unlimited license is preferable since everyone in the organization will be required to use the application to submit agenda items. Licensing models that limit the use of the solution based on users, viewers, and so forth will be frustrating, and it will be hard for the locality to determine how many licenses are needed up front, let alone having to purchase more licenses in the future when needed. Just because a solution is "Web-based /Thin Client Software" does not mean it comes with unlimited licensing. This is an important question to ask during the selection process.
- **Work flow and approval process.** The system needs to accommodate both defined work flows and push work flows. In a defined work flow, agenda items follow a predetermined path. A push work flow can handle ad hoc items and allows routing

PAPERLESS AGENDA SOLUTIONS

Solutions	Degree of customization	Cost
Fully customized	Totally customizable	\$\$\$
Out of the box	Limited to configuration tools	\$\$
Hosted (ASP)	Most limited	\$



(pushing) items for approval when no predetermined path exists.

- **User friendly.** To gain acceptance across every department, the solution must be understandable to all users. Bells and whistles are great, but they cannot be too complicated or difficult to learn. Mirror the current process as much as possible, and keep the presentation as simple as possible.

Vendor and product selection. The agenda market is a hot market, and many new players will enter and depart. Some vendors lack financial stability and will fail. Others will not be able to gain market share and will eventually leave the market or provide poor support. It is important that your community chooses a vendor it trusts—one who has a solid reputation in working with local governments.

As the market matures, only trustworthy vendors with good solutions will remain. Agenda management solutions—an exciting area that offers improved efficiency and time savings for local governments—will continue to evolve and improve over the next few years. The market will have reached maturity when three to five primary suppliers offer reasonably priced, stable products.

—Donny Barstow
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Issue

Discussion and update on 4A and 4B Boards budget approval for City Council submittal.

Background

City Council / 4A / 4B held a joint work session on August 9, 2011. For review and discussion, staff prepared a list of projects that were not currently funded in the FY 2012 Budget for City Council review and discussion. The projects have been discussed during the budget process or at City Council meetings but funding had not been available. All of the projects fell within the scope of either the Economic Development Corporation (4A) or Community Development Corporation (4B). 4A and 4B FY 2011-2012 budget direction and funding were discussed at length.

(4A)

Following the August 9, 2011 discussion and Council direction, at the August 23, 2011 MEDC (4A) Board meeting, staff presented the board with the proposed FY2011-2012 budget. Items approved include:

- One full time economic development coordinator (approximately \$45,000 salary)
 - o Business Retention, Support and Marketing programs
- \$3,000 for Computer/Hardware for one full time coordinator
- \$8,000 for Economic and Community Development office space remodel (first floor office space)

While staff does concur with the above board approvals and are planning accordingly, we do recommend that City Council additionally re-consider the repurposing the first floor of City Hall. This funding would include an additional \$155,000 expense to the 4A budget. It is a one-time cost (\$75,000 – BLDG/STRUCTURE IMPVTS and \$80,000 – COMPUTER HARDWARE) as ongoing maintenance costs of this repurposed space would be minimal.

The business/meeting center concept and repurposing of the first floor space received only partial MEDC board support.

This space repurposing will allow for:

1. Front line Economic and Community Development offices
 - a) Current and proposed development staff would be centralized and front line for streamlined accessibility.
 - b) Second Floor development staff currently works daily with first floor customer service, permitting, Building Inspections, Code Compliance, and plan review staff – front line offices for both create a more user friendly developer and permitting environment.
2. A business/meeting center to be programmed by the Economic and Community Development Office and work in tandem with local businesses, new businesses, home based businesses, potential businesses, Murphy Chamber of Commerce, etc...
 - a) Current and proposed EDC staff will finalize development on and implement various promotion and support programs focusing on our 120+ local businesses, including:

1. free online marketing and promotion for every Murphy business and hands on training classes for each business
 2. identification of home based businesses, identify and promote support/training opportunities
 3. Weekly site visits to identify/promote support/training opportunities
- b) EDC Staff will identify opportunities to partner with the Murphy Chamber of Commerce to grow participation of Murphy businesses.
1. Sponsor networking programs already in place that have outgrown current location and are in need of a larger facility.
 2. Partner in training opportunities available to Murphy businesses and/or potential Murphy businesses through Collin College SBDC and other educational sources (ICSC, TEDC, Retail Coach, etc..).
 3. Market and provide board and meeting space for businesses, Chamber of Commerce, City boards, etc..
3. Creation of a more user friendly permitting, building inspections and utility customer service area, which in turn allows businesses to get permits turned around faster and meet their deadlines.
- a) Redesigns the first floor space to allow for a more customer friendly environment.
1. Residents/contractors/developers entrance would become the main entrance currently used as the employee only entrance
 2. Utilizes the Community Room space allowing for a more user friendly Customer Service Center environment.
 3. The larger space allows staff from various areas to assist multiple customers simultaneously (Code Compliance, Permitting, Inspections and plan review, Utility Billing).

The Computer Hardware recommendation is an estimate received from the IT Department, not to exceed, based on the needs we expect from a technology standpoint in the new space. Having just priced out AV and security/technology for the Community Center, we were able to base this estimate on those numbers. This would include:

- Electrical wiring (conduit and wiring)
- Digital signage
- Video conferencing
- Telecom- Phones and conference bridges
- Audio/Visual- LCD/LED televisions, mounts, short-throw projectors, screens, VGA/HDMI/Audio/IPort wall mount inputs
- Physical Access Control System that would integrate into the City's existing security solution
- Copier
- Scanner(s)
- Computer management software (erases history and resets workstations to baseline configuration, comparable to libraries)
- Printer management software (manages and secures print jobs, comparable to libraries)

- Desktop computers
- Network, AV, Telecom cabling (conduit and cabling)
- Managed Wireless Access Point

(4B)

Following the August 9, 2011 discussion and Council direction as well as staff review of previous Parks Board requests, at the August 17, 2011, MCDC (4B) Board meeting, staff presented the board with the proposed FY2011-2012 budget. Items approved include:

\$40,000 - Purchase of a Christmas Tree

\$300,000 – Construction of an amphitheater in Central Park

\$25,000 – Outdoor Grant Match – Central Park (4B)

\$2,000 – City Revitalization Program (4B)

\$250,000 – Community Center F, F & E

\$115,000 – Parks Project including Park Board requests as discussed in Jan 2011:

 Pavillon/Bench Seating (Aviary and North Hill Parks)

 Landscaping (North Hill Park)

 Signature Item/Playground (North Hill Park)

 BBQ Grills (North Hill and Preserve Parks) – as approved 4/2011

 Secondary Trails / Volunteer Projects (4B)

Financial Considerations

Funding for the business/meeting center concept and repurposing of the first floor space is available in the 4A fund.

The City Attorney has confirmed that the proposed repurposing of space and creation of a business center qualifies as an authorized project for the MEDC (4A). The proposed project includes one or more authorized uses for 4A funds including: 1) for job training, 2) site improvements and/or related improvements necessary to promote or develop new or expanded business enterprises, and/or 3) for expenditures required or suitable for a career center.

Other Considerations

The 4A and 4B fund budgets are approved during the public hearings and within the overall City Council budget approval on September 20, 2011. If City Council were to consider the first floor space repurposing to allow for a business/meeting center, \$155,000 would be included in the 4A budget during that time.

Staff Recommendation

Discussion and inclusion of the expenditure for the first floor space repurposing which allows for a business/meeting center in the FY2011-2012 4A Budget.

Kristen Roberts, Econ & Comm Dev
Submitted By

James Fisher, City Manager
City Manager Approval