



MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
AUGUST 6, 2013 AT 6:00 P.M.
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 August 6, 2013 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.

Eric Barna
Mayor

Owais Siddiqui
Mayor Pro Tem

Ben St. Clair
Deputy Mayor Pro Tem

Scott Bradley
Councilmember

Betty Spraggins
Councilmember

Bernard Grant
Councilmember

Rob Thomas
Councilmember

James Fisher
City Manager

1. CALL TO ORDER

2. INVOCATION & PLEDGE OF ALLEGIANCE

3. ROLL CALL & CERTIFICATION OF A QUORUM

4. PUBLIC COMMENTS

5. PRESENTATION ITEMS :

A. Presentation and announcement of winners for the July Parks and Recreation - Get Geocaching Challenge.

B. Presentation of the FY 2013-2014 Budget

6. CONSENT AGENDA

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

A. Consider and/or act upon the July 16, 2013 Regular Meeting Minutes.

B. Consider and/or act on the Final Plat Application for **Murphy Medical Center Addition** on property zoned PD (Planned Development) District No. 08-11-771 for Office Uses. This property is located at 615 W. FM 544.

7. INDIVIDUAL CONSIDERATION

A. Hold a public hearing and consider and/or act on the application of the Wendy's Corporation, to re-plat Lot 2 - Block A – Walmart Addition on property zoned PD (Planned Development) District No. 12-02-905. This property is located at the northwest corner of FM 544 and Murphy Road.

B. Hold a public hearing and consider and/or act on the application of the Walmart Real Estate Business Trust, to re-plat Lot 1 - Block A – Walmart Addition on property zoned PD (Planned Development) District No. 12-02-905. This property is located at the northwest corner of FM 544 and Murphy Road.

C. Consider and/or act on the application of **Masoud E. Najari and Jacquie Nguyen** requesting approval of a Site Plan, Landscape Plan and Building Elevations for Beacon Hill on property zoned NS (Neighborhood Services) located at the northwest corner of FM 544 and Heritage Parkway.

- D. Consider and/or act on the application of **Masoud E. Najari and Jacquie Nguyen** requesting approval of a Construction Plat for Beacon Hill on property zoned NS (Neighborhood Services) located at the northwest corner of FM 544 and Heritage Parkway.
- E. Consider and/or act upon Resolution approving the 2013 appraisal roll with a taxable value of \$1,614,305,560 as certified by Bo Daffin, Chief Appraiser of the Collin Central Appraisal District, and a protested taxable property value of \$24,392,305 under review by the Appraisal Review Board.
- F. Consider and/or act upon a resolution establishing two dates, August 20, 2013 and September 3, 2013, at 6 pm, to conduct a Public Hearing on the City of Murphy proposed tax rate of \$0.5700 per \$100 valuation and establishing two dates, August 20, 2013 and September 3, 2013 at 6 pm, for a Public Hearing on for the proposed 2013-2014 municipal budget.
- G. Discuss and take action, if any, on the proposed Animal Shelter Project, to include approving the Bid Spec Documents and Architectural/Building Plans and authorize staff to put the project out for bid.
- H. Consider and/or act upon Ethics Review Commission recommendations:
 - 1. A proposed resolution establishing the Rules and Procedures for the City of Murphy Ethics Commission
 - 2. A proposed ordinance amending Chapter 2, Article IX of the Code of Ordinances entitled Code of Ethics.
- I. Discuss and take action, if any, on implementing traffic calming measures, including the possible closure, of Moonlight Drive and/or Grant Road.

8. CITY MANAGER/STAFF REPORTS

North Murphy Road Construction Update
Murphy Central Park Construction Update
Maize Days – September 28, 2013

9. EXECUTIVE SESSION

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

- A. § 551.071 Consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings act regarding:
 - 1. Zoning and subdivision regulation issues involving the Ranch/Gables subdivisions;
 - 2. Traffic calming policies and measures; and,
 - 3. Personnel matters involving the City Manager.

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

10. RECONVENE INTO REGULAR SESSION

The City Council will reconvene into Open Session pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. § 551.071. Consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings act regarding:
 - 1. Zoning and subdivision regulation issues involving the Ranch/Gables subdivisions;
 - 2. Traffic calming policies and measures; and,
 - 3. Personnel matters involving the City Manager.
- B. § 551.087. Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- C. § 551.072. Deliberation regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

- D. §551.074 Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager or to hear a complaint or charge against the City Manager.
- E. Consider and or act upon any executive session items.

11. ADJOURNMENT

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on August 2, 2013 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.



Kristi Gilbert, TRMC, CMC, CPM
City Secretary

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

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

CITY COUNCIL MINUTES
JULY 16, 2013 REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER

Mayor Pro Tem Siddiqui called the work session to order at 6:00 p.m.

2. ROLL CALL & CERTIFICATION OF A QUORUM

City Secretary, Kristi Gilbert, certified a quorum with the following Councilmembers present:

Mayor Pro Tem Owais Siddiqui
 Deputy Mayor Pro Tem Ben St. Clair
 Councilmember Scott Bradley
 Councilmember Betty Nichols Spraggins
 Councilmember Bernard Grant
 Councilmember Rob Thomas

Councilmembers absent: Mayor Eric Barna

3. INVOCATION & PLEDGE OF ALLEGIANCE

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

4. PUBLIC COMMENTS – None

5. PRESENTATION ITEMS – None

6. CONSENT AGENDA

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

A. Consider and/or act upon meeting minutes:

1. July 1, 2013 Special Meeting Minutes;
2. July 2, 2013 Regular Meeting Minutes;
3. July 8, 2013 Special Meeting Minutes; and,
4. July 9, 2013 Special Meeting Minutes;

B. Consider and/or act upon the issuance of a special permit to allow a fireworks display during the Murphy Maize Days celebration on September 28, 2013.

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

APPROVED

Councilmember Grant moved to approve the consent agenda as presented. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

7. INDIVIDUAL CONSIDERATION

- A. Continue a public hearing and consider and/or act on the application of Dunkin Donuts, on behalf of the property owner, Champion Langford Partners, to re-plat Lot 3 - Block C – Murphy Marketplace East Addition on property zoned PD (Planned Development) District No. 12-10-923 Retail Uses. This property is located at the northwest corner of FM 544 and North Maxwell

Creek Road. **PLEASE NOTE: THE APPLICANT HAS REQUESTED THEIR APPLICATION FOR THIS CONSIDERATION ITEM BE CONTINUED TO THE AUGUST 6, 2013 MEETING.**

- B. Continue a public hearing and consider and/or act on the application of Dunkin Donuts, on behalf of the property owner, Champion Langford Partners, for an ordinance approving a Specific Use Permit for a drive thru on Lot 3 - Block C – Murphy Marketplace East Addition on property zoned PD (Planned Development) District No. 12-10-923 Retail Uses. This property is located at the northwest corner of FM 544 and North Maxwell Creek Road. **PLEASE NOTE: THE APPLICANT HAS REQUESTED THEIR APPLICATION FOR THIS CONSIDERATION ITEM BE CONTINUED TO THE AUGUST 6, 2013 MEETING.**
- C. Consider and/or act on the application of Dunkin Donuts, on behalf of the property owner, Champion Langford Partners, for approval of a site plan, including building elevations and landscape plan, on Lot 3 - Block C – Murphy Marketplace East Addition on property zoned PD (Planned Development) District No. 12-10-923 Retail Uses. This property is located at the northwest corner of FM 544 and North Maxwell Creek Road. **PLEASE NOTE: THE APPLICANT HAS REQUESTED THEIR APPLICATION FOR THIS CONSIDERATION ITEM BE CONTINUED TO THE AUGUST 6, 2013 MEETING.**

Mayor Pro Tem Siddiqui stated that the applicant for Items 7A, 7B and 7C had requested that their application be continued at the August 6, 2013 meeting.

COUNCIL ACTION (7.A., 7.B. and 7.C.):

CONTINUED

Councilmember Bradley moved to continue Items 7A, 7B and 7C until the August 6, 2013. Councilmember Nichols Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

- D. Hold a public hearing and consider and/or act on the application of Allen Tari requesting a variance to sign requirements as stated in the Code of Ordinances Section 28-22, Monument Signs-Business Districts, for a sign at the business known as Tari Car Lot, located at 729 W. FM 544.

Kristen Roberts stated that the Planning and Zoning Commission did not discuss the electronic sign as it is prohibited by ordinance and not subject to the request of a variance. Ms. Roberts stated that the Commission denied the variance to the sign height 6 to 0. Ms. Roberts stated that staff is recommending denial of the variance, however, to allow a 7' sign with a 6" masonry cap on the top of the sign.

Assistant City Attorney Brenda McDonald advised that any variance would require six affirmative votes since the Planning and Zoning Commission denied the request.

Aron Fryberg, Mr. Fryberg spoke on behalf of the applicant, Mr. Tari, and stated that the applicant had a hardship due to the fact that the base is two feet below the elevation of the parking lot and the cars he is selling blocks his signage.

Council held discussion with regard to the elevation of the sign, the masonry base that was constructed without benefit of a permit and the denied permit application.

Mayor Pro Tem Siddiqui opened the public hearing for public comment at 6:16 p.m.

No one signed in to speak in favor of or in opposition to the variance request.

Councilmember Thomas reminded Council that two residents living behind the property had submitted written notice of opposition to the variance.

Mayor Pro Tem Siddiqui closed the public hearing to public comment at 6:16 p.m.

COUNCIL ACTION (7.D.):

DENIED

Councilmember Bradley moved to deny the request for a 10' sign and approve a 7' sign with the addition of a 6" cap. Councilmember Nichols Spraggins seconded the motion. For: Bradley and Nichols Spraggins. Against: St. Clair, Siddiqui, Grant and Thomas. The motion failed 2 to 4.

Councilmember Grant moved to deny the application of Alan Tari requesting a variance to sign requirements as stated in the Code of Ordinances Section 28-22, Monument Signs-Business Districts, for a sign at the business known as Tari Car Lot, located at 729 W. FM 544 Councilmember Bradley second the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

- E. Consider and/or act on a proposed resolution authorizing the City Manager to execute a contract with Blue Cross Blue Shield for group medical insurance and Ameritas for group dental insurance with an effective date of September 1, 2013.

Councilmember Bradley recused himself due to conflict of interest and left the dias (affidavit attached to these minutes as Exhibit "A").

Human Resources Director Stacey Buckley presented the Council with the proposed group medical insurance policy effective September 1st. Ms. Buckley stated that there was a 19% increase from the current carrier, Blue Cross Blue Shield mainly due to the health care reforms. Staff and Brinson Benefits was able to negotiate a decrease. Ms. Buckley stated that the proposed plan changes would move from coinsurance rates of 80/20 to 70/30 with a 9% increase.

Council held discussions with regard to the effect on employees and proposed budget impact.

COUNCIL ACTION (7.E.):

APPROVED

Deputy Mayor Pro Tem St. Clair execute a contract with Blue Cross Blue Shield for group medical insurance and Ameritas for group dental insurance with an effective date of September 1, 2013. Councilmember Grant seconded the motion. For: Unanimous. Against: None. Abstained due to conflict of interest: Bradley The motion carried by a vote of 5-0-1. (*Assigned Resolution No. 13-R-773 and CLA No. 201307002*)

Councilmember Bradley assumed his seat on the dias.

- F. Consider and/or act upon an Interlocal Agreement between the City of Murphy and Plano Independent School District for the School Liaison and Campus Protection Programs beginning August 1, 2013 continuing through September 31, 2014.

Chief Cox provided the Council with a briefing on the Interlocal Agreement and presented a change that would provide that the school district be responsible for the actual cost of the officer which may vary according to salary tiers.

Ms. McDonald suggested that Section 3 of the contract be amended to read as follows:

Payments will be for 50% of the then present cost of the two (2) certified peace offers.

COUNCIL ACTION (7.F.):

APPROVED

Deputy Mayor Pro Tem St. Clair Interlocal Agreement between the City of Murphy and Plano Independent School District for the School Liaison and Campus Protection Programs beginning August 1, 2013 continuing through September 31, 2014 with amendments to Section 3 as stated by the City Attorney. Councilmember Bradley seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0. *(Assigned CLA No. 201307003)*

G. Consider and/or act upon Ethics Review Commission recommendations:

1. A proposed resolution establishing the Rules and Procedures for the City of Murphy Ethics Commission
2. A proposed ordinance amending Chapter 2, Article IX of the Code of Ordinances entitled Code of Ethics.

Councilmember Grant suggested that the Council hold discussions on Item 7.G., but postpone voting on the item until August 6th.

Assistant City Attorney Roxann Pais-Cotroneo presented the purpose of having a Code of Ethics and an Ethics Review Commission.

COUNCIL ACTION (7.G.):

CONTINUED

Councilmember Grant moved to table consideration of Item 7 G until the August 6, 2013 meeting. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

8. CITY MANAGER/STAFF REPORTS

Chief Cox provided the Council with an update on the following items:

North Murphy Road Construction Update
Murphy Central Park Construction Update

9. EXECUTIVE SESSION

The City Council convened into Executive Session at 7:07p.m. 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 on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings act regarding zoning and subdivision regulation issues involving the Ranch/ Gables subdivisions.

10. RECONVENE INTO REGULAR SESSION

The City Council reconvened into Open Session at 7:52 p.m. 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 on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: to receive legal advice regarding the Texas Open Meetings Act.

No action was taken as a result of the executive session.

Mayor Pro Tem Siddiqui stated that the City Attorney has been directed to pursue a resolution to the subject issue.

11. ADJOURNMENT

With no further business, the meeting was adjourned at 7:53 p.m.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Kristi Gilbert, City Secretary

City Council
August 6, 2013

Issue

Consider and/or act on the Final Plat Application for **Murphy Medical Center Addition** on property zoned PD (Planned Development) District No. 08-11-771 for Office Uses. This property is located 615 W. FM 544.

Background

On November 21, 2008, the City Council approved the Planned Development District and conditions, the site plan, tree mitigation plan, landscape plan and building elevations including details for the development of Lot 1.

Following completion of the project, final plat documents were not submitted for approval. During recent meetings with the property owner in discussion for upcoming development within Murphy Medical Addition, the need for the final plat submittal was realized and requested of the applicant.

Considerations

1. After staff review, final plat requirements have been met.
2. Once approved, the final plat can be filed with the County.
3. Submission of the plat mylars, filing fees and other materials necessary to file the plat at the county shall be submitted to the City within 30 calendar days of the final plat approval by the City Council.

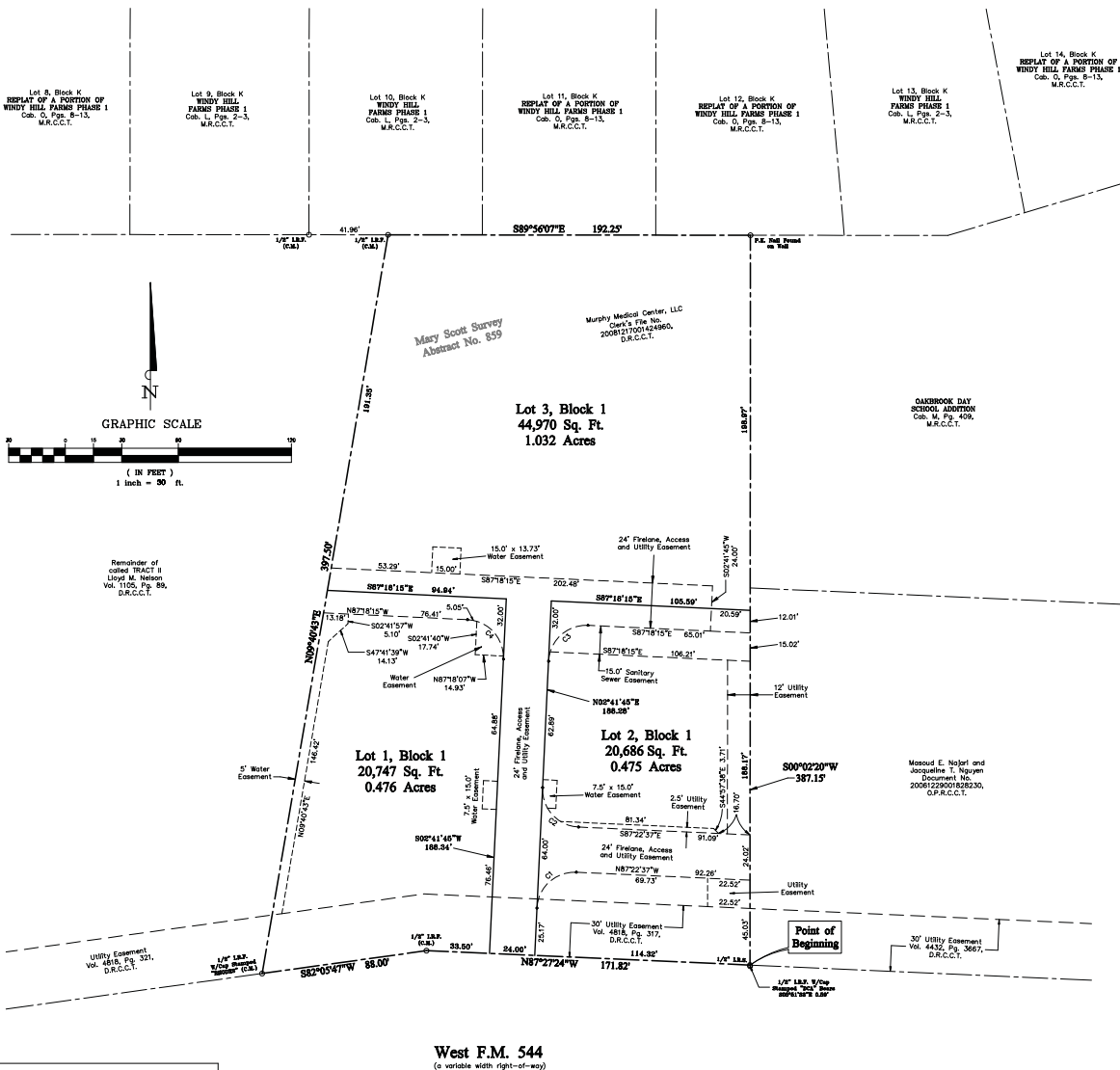
Staff Recommendation

Staff recommends approval of the final plat as submitted.

Attachments

Final Plat

Kristen Roberts, Director of Economic and Community Development
Submitted By



West F.M. 544
(a variable with right-to-way)

U.R.F. = Iron Rod Found
(C.M.) = Controlling Monument
I.R.S. = 1/2" Iron rod with yellow plastic cap stamped "RPLS 5686" set
M.R.C.C.T. = Map Records, Collin County, Texas
D.R.C.C.T. = Deed Records, Collin County, Texas
O.P.R.C.C.T. = Official Public Records, Collin County, Texas

No.	Radius	Arc Length	Chord	Bearing	Chord Length
C1	20.00'	31.39'	89°20'39"	S47°30'34"W	28.37'
C2	20.00'	31.44'	89°20'22"	S49°20'28"W	28.30'
C3	20.00'	31.42'	89°20'00"	S47°45'45"W	28.28'
C4	20.00'	31.42'	89°59'59"	N42°18'15"W	28.28'

1/4" L&A, Vol. 488, Pg. 301, D.R.C.C.T.
1/4" L&A, Vol. 4432, Pg. 3667, D.R.C.C.T.

Fire lanes:
The undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown herein, a hard surface in accordance with the City of Murphy's paving standards for the lanes, and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstructions, including but not limited to the parking of motor vehicles, trailers, boats or other impediments to the accessibility of the easements. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking or Standing". The local law enforcement agency(ies) is hereby authorized to enforce parking regulations within the fire lanes, and to close such fire lanes and utility easements to be maintained free and unobstructed at all times for fire department and emergency use.

Access easements:
The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of general public vehicular and pedestrian use and access, and for the department and emergency use in, along, upon and across said premises, with the right and privilege at all times of the City of Murphy, its agents, employees, workmen and representatives having ingress, egress, and egress in, along, upon and across said premises.

Access easements:
The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of general public vehicular and pedestrian use and access, and for the department and emergency use in, along, upon and across said premises, with the right and privilege at all times of the City of Murphy, its agents, employees, workmen and representatives having ingress, egress, and egress in, along, upon and across said premises.

SURVYOR'S CERTIFICATE
KNOW ALL MEN BY THESE PRESENTS:
THAT I, MICHAEL B. ARTHUR, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as "set" were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Murphy, Collin County, Texas.

Michael B. Arthur
Registered Professional Land Surveyor
Texas Registration No. 5686

STATE OF TEXAS
COUNTY OF COLLIN
BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared Michael B. Arthur, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he is his act and deed in the capacity therein stated and for the purposes therein expressed.

WITNESS MY HAND AND SEAL OF OFFICE on this, _____ day of _____, 2013.

NOTARY PUBLIC in and for the State of Texas

FINAL PLAT
Approved by the City of Murphy for filing at the office of the County Clerk of Collin County, Texas.

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

APPROVED BY:
City Council
City of Murphy, Texas

ATTEST:
Signature of Mayor
City Secretary

NOTARY PUBLIC in and for the State of Texas

OWNERS CERTIFICATE
STATE OF TEXAS
COUNTY OF COLLIN
WHEREAS, Murphy Medical Center, LLC is the owner of a tract of land situated in the Mary Scott Survey, Abstract No. 859, in the City of Murphy, Collin County, Texas and said tract of land contains 1.985 acre tract of land described by deed to Murphy Medical Center, LLC, as recorded under County Clerk's File No. 200812100144960, of the Deed Records of Collin County, Texas (D.R.C.C.T.), said tract being more particularly described as follows:
BEING a 1/2" Iron rod with a yellow plastic cap stamped "RPLS 5686" set (hereinafter referred to as 1/2" Iron rod set) in the northerly monumented line of West F.M. 544, said corner being the southwest corner of a tract of land described by deed to Masoud E. Nofari and Jacqueline T. Nguyen as recorded under Clerk's File No. 200812300182830, D.R.C.C.T., and also being the southeast corner of said 1.985 acre tract, from which a 1/2" Iron rod with a plastic cap stamped "DCA" found bears, South 05°13' East, a distance of 0.59';
THENCE along said northwesterly monumented line of West F.M. 544, the following courses and distances:
North 87°27'42" West, a distance of 171.82' to a 1/2" Iron rod found for an angle point;
South 82°05'47" West, a distance of 88.00' to a 1/2" Iron rod with a yellow plastic cap stamped "RHODES" found for the southwesterly corner of said 1.985 acre tract, some being the southwesterly corner of the remainder of a tract of land described by deed to Lloyd M. Nelson, as recorded in Volume 1105, Page 89, D.R.C.C.T.;
THENCE North 09°40'43" East, along the westerly line of said 1.985 tract, a distance of 387.50' to a 1/2" Iron rod found for corner in the easterly line of Lot 10, Block K of a REPLAY OF WINDY HILL FARMS PHASE I, on addition to the City of Murphy, Collin County, Texas according to the plat thereof recorded in Cabinet L, Page 2-3, of the Map Records of Collin County, Texas (M.R.C.C.T.);
THENCE South 89°54'07" East (Basis of Bearings), a distance of 192.25' to a p.h. nail found for corner in the easterly line of Lot 12, Block K of a REPLAY OF WINDY HILL FARMS PHASE I, on addition to the City of Murphy, Collin County, Texas according to the plat thereof recorded in Cabinet O, Pages 8-13, M.R.C.C.T.; and the northwesterly corner of OAKBROOK DAY SCHOOL, as recorded in Cabinet M, Page 409, M.R.C.C.T.;
THENCE South 00°02'20" West, along the easterly line of said 1.985 acre tract, a distance of 387.15' to the PLACE OF BEGINNING and containing 86,403 square feet or 1.984 acres of land, more or less.

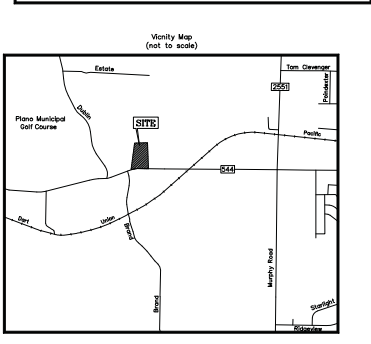
STATE OF TEXAS
COUNTY OF COLLIN
KNOW ALL MEN BY THESE PRESENTS:
THAT, Murphy Medical Center, LLC, acting herein by and through his duly authorized officer(s), does hereby adopt this plat designating the herein above described property as MURPHY MEDICAL CENTER ADDITION, on addition to the City of Murphy, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, rights-of-way, and other public improvements shown thereon. If the streets, rights-of-way, and other public improvements, the easements and public use areas, or shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements. If approved by the City Council of the City of Murphy in addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Murphy's use thereof. The City of Murphy and public utility entities shall have the right to remove and keep removal of parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Murphy and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, maintaining, raising matters, and adding to or removing all or parts of their respective systems without the necessity of any time procuring permission from anyone.

This plat approved subject to all plotting ordinances, rules, regulations and resolutions of the City of Murphy, Texas.

WITNESS MY HAND at _____, Texas, this _____ day of _____, 2013.

MURPHY MEDICAL CENTER, LLC

By: Deepika Minnal
Printed Name and Title



FINAL PLAT
MURPHY MEDICAL CENTER ADDITION
86,403 Sq. Ft. / 1.984 Acres of land in the Mary Scott Survey - Abstract No. 859 in the City of Murphy, Collin County, Texas

Owner:
Murphy Medical Center
615 West F.M. 544
Murphy, TX 75004
Attn: Deepika Minnal

Engineer:
Heimberger Associates, Inc.
1525 Bowman Road
Wylie, Texas 75098
972-442-7459

Surveyor:
North Texas Surveying, LLC
1515 South McDermott St., Suite 110
McAllen, Texas 78509
Ph. (409) 424-2074
Fax (409) 424-1991
www.northtexasurveying.com

Date: May, 2013
Revised: June 24, 2013
Revised: July 03, 2013

Scale: 1" = 30'

City Council
August 6, 2013

Issue

Hold a public hearing and consider and/or act on the application of the Wendy's Corporation, to re-plat Lot 2 - Block A – Walmart Addition on property zoned PD (Planned Development) District No. 12-02-905. This property is located at the northwest corner of FM 544 and Murphy Road.

Considerations

The purpose of this replat is to accommodate the change location of the driveway and associated fire lanes connecting Lots 1 and 2 of the Wal Mart addition.

Board Discussion/Action

On July 22, 2013, the Planning & Zoning Commission approved the replat as presented.

Staff Recommendation

Motion to approve the re-plat as submitted.

Attachments

Re-plat

Kristen Roberts, Director of Community and Economic Development
Submitted By

City Council
August 6, 2013

Issue

Hold a public hearing and consider and/or act on the application of the Walmart Real Estate Business Trust, to re-plat Lot 1 - Block A – Walmart Addition on property zoned PD (Planned Development) District No. 12-02-905. This property is located at the northwest corner of FM 544 and Murphy Road.

Considerations

The purpose of this replat is to accommodate the changed location of the driveway and associated fire lanes connecting Lots 1 and Lots 2 of this addition. This driveway location change is proposed by the Wendy's development on Lot 2.

Board Discussion/Action

On July 22, 2013, the Planning & Zoning Commission approved the replat as presented.

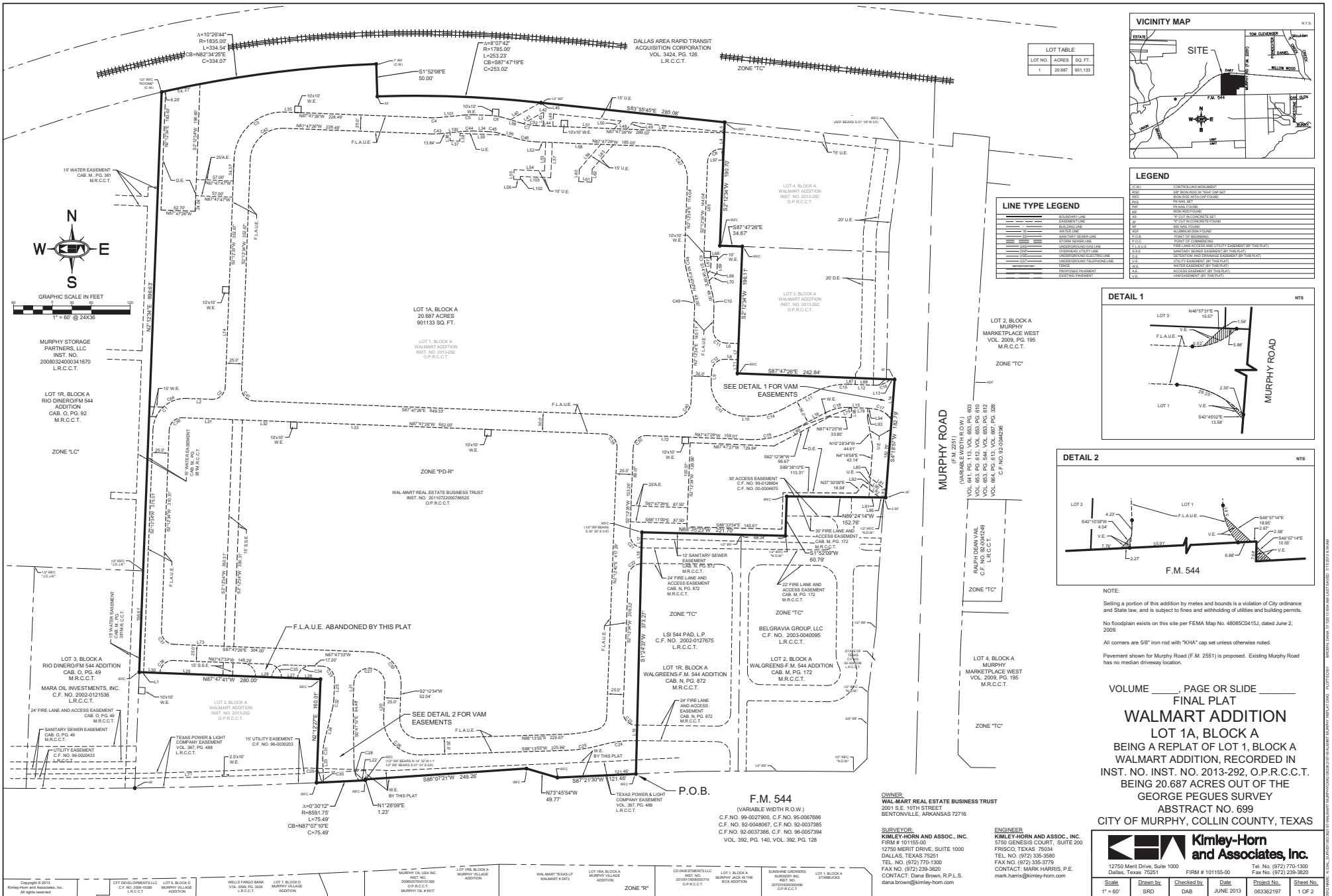
Staff Recommendation

Motion to approve the re-plat as submitted.

Attachments

Re-plat

Kristen Roberts, Director of Community and Economic Development
Submitted By



STATE OF TEXAS

COUNTY OF COLLIN

WHEREAS WAL-MART REAL ESTATE BUSINESS TRUST, is the owner of a tract of land situated in the George Peques Survey, Abstract No. 699, City of Murphy, Collin County, Texas and being all of a tract of land described in Special Warranty Deed to Wal-Mart Real Estate Business Trust, recorded in Instrument No. 20110722000766520, Official Public Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" iron rod with plastic cap stamped "KOH" found in the north right-of-way line of F.M. 544 (a variable width right-of-way), said point being the northeast corner of Lot 1R, Block A, Walgreens-F.M. 544 Addition, an addition to the City of Murphy, Texas, and being more particularly described as follows:

THENCE with said north right-of-way, the following courses and distances:

South 87°21'30" West, a distance of 121.46 feet to a 5/8" iron rod with plastic cap stamped "KOH" found for corner; North 73°45'54" West, a distance of 49.77 feet to a 5/8" iron rod with plastic cap stamped "KOH" found for corner; South 80°07'21" West, a distance of 249.26 feet to a point for corner;

South 1°20'59" West, a distance of 1.23 feet to a 5/8" iron rod with plastic cap stamped "KOH" found at the beginning of a non-tangent curve to the right having a central angle of 0°30'12", a radius of 8591.75 feet, a chord bearing and distance of South 87°07'10" West, 75.49 feet;

THENCE in a southeasterly direction, with said curve to the right, an arc distance of 75.49 feet to a 5/8" iron rod with plastic cap stamped "KOH" found at the end of said curve at the southeast corner of Lot 2, Block A;

THENCE departing said north right-of-way line and with the east line of said Lot 2, Block A, North 2°12'24" East, a distance of 160.01 feet to a 5/8" iron rod with plastic cap stamped "KOH" found for corner at the northeast corner of said Lot 2, Block A;

THENCE with the north line of said Lot 2, Block A, North 87°47'41" West, a distance of 280.00 feet to a 5/8" iron rod with plastic cap stamped "KOH" found for corner in the east line of Lot 3, Block A, Rio DinerioFM 544 Addition, an addition to the City of Murphy, Texas according to the plat recorded in Cabinet O, Page 49, Maps Records of Collin County, Texas and at the northwest corner of said Lot 3, Block A;

THENCE with the north line of said Lot 2, Block A, North 87°47'41" West, a distance of 280.00 feet to a 5/8" iron rod with plastic cap stamped "KOH" found for corner in the east line of Lot 3, Block A, Rio DinerioFM 544 Addition, an addition to the City of Murphy, Texas according to the plat recorded in Cabinet O, Page 49, Maps Records of Collin County, Texas, continuing with the east line of said Lot 1R, in all a total distance of 866.63 feet to a 1/2" iron rod with "ROOMIE" cap found for corner in the south line of a tract of land described in Deed to Dallas Area Rapid Transit Acquisition Corporation recorded in Volume 3424, Page 126, Land Records of Collin County, Texas at the northwest corner of said Lot 1, Block A, said point being the beginning of a non-tangent curve to the right having a central angle of 10° 26' 44", a radius of 1935.00 feet, a chord bearing and distance of North 82° 34' 25" East, 334.07 feet;

THENCE with the south line of said Dallas Area Rapid Transit Acquisition Corporation tract

In a northeasterly direction, with said curve to the right, an arc distance of 334.54 feet to a 1" iron rod found at the end of said curve;

South 1°52'08" East, a distance of 50.00 feet to a "X" cut in concrete found at the beginning of a non-tangent curve to the right having a central angle of 8°07'42", a radius of 1785.00 feet, a chord bearing and distance of South 87°47'19" East, 253.02 feet;

In a southeasterly direction, with said curve to the right, an arc distance of 253.23 feet to a 1/2" iron rod found at the end of said curve;

South 83°55'45" East, a distance of 285.08 feet to a 5/8" iron rod with plastic cap stamped "KOH" found for corner at the northwest corner of Lot 4, Block A;

THENCE departing said south line and with the common line of said Lot 1, Lot 3 and Lot 4, Block A, the following courses and distances:

South 87°47'28" East, a distance of 190.70 feet to a 5/8" iron rod with plastic cap stamped "KOH" found for corner; South 2°12'34" West, a distance of 196.11 feet to a 5/8" iron rod with plastic cap stamped "KOH" found for corner at the southwest corner of said Lot 3, Block A;

THENCE with the south line of said Lot 3, Block A, South 87°47'28" East, a distance of 242.84 feet to a "X" cut in concrete found for corner in the west right-of-way line of Murphy Road (a variable width right-of-way) at the easternmost northeast corner of said Lot 1, Block A;

THENCE with said west right-of-way line, South 4°18'57" West, a distance of 182.79 feet to a point for corner;

THENCE with an offset in said west right-of-way line, North 89° 24' 14" West, at a distance of 2.82 feet, passing a 1/2" iron rod with "N.D.M." cap found at the northeast corner of Lot 2, Block A, Walgreens-F.M. 544 Addition, an addition to the City of Murphy, Texas according to the plat recorded in Cabinet M, Page 172, Map Records of Collin County, Texas, continuing, departing said west right-of-way line and with the north line of said Lot 2, in all a total distance of 152.76 feet to a 5/8" iron rod with "KOH" cap found for corner; said point being the northernmost northwest corner of said Lot 2;

THENCE with the west line of said Lot 2, South 1° 52' 09" West, a distance of 60.79 feet to a 1/2" iron rod with "N.D.M." cap found for corner; said point being the interior corner of said Lot 2;

THENCE with a north line of said Lot 2, North 88° 35' 23" West, at a distance of 68.34 feet, passing a 1/2" iron rod found at the westernmost northwest corner of said Lot 2 and the northeast corner of Lot 1R, Block A, Walgreens-F.M. 544 Addition, an addition to the City of Murphy, Texas according to the plat recorded in Cabinet N, Page 872, Map Records of Collin County, Texas, continuing with the north line of said Lot 1R, Block A, in all a total distance of 221.70 feet to a 5/8" iron rod with "KOH" cap found for corner at the northwest corner of said Lot 1R, from said point, a 1/2" iron rod found bears South 35°20' East, a distance of 0.8 feet;

THENCE with the west line of said Lot 1R, South 1° 24' 37" West, at a distance of 370.00 feet, passing a 1/2" iron rod with "N.D.M." cap found, continuing in all a total distance of 373.27 feet to the **POINT OF BEGINNING** and containing 20.687 acres or 901.133 square feet of land.

The bearings system for this survey is based on a bearing of North 02° 12' 34" East, according to General Warranty Deed to Wal-Mart Real Estate Business Trust, recorded in Instrument No. 20110722000766520, Official Public Records of Collin County, Texas.

Approved by the City of Murphy for filing at the office of the County Clerk of Collin County, Texas.

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

Signature of Chairperson

Signature of Mayor

Date of Approval

City Secretary

Date of Recommendation

ATTEST:

City Secretary

Date

OWNER:
WAL-MART REAL ESTATE BUSINESS TRUST
2001 S.E. 10TH STREET
BENTONVILLE, ARKANSAS 72716

SURVEYOR:
KIMLEY-HORN AND ASSOC., INC.
FIRM # 101155-00
12750 MERIT DRIVE, SUITE 1000 DALLAS, TEXAS 75261
TEL. NO. (972) 770-1300
FAX NO. (972) 239-3820
CONTACT: MARK HARRIS, P.E.
mark.harris@kimley-horn.com

ENGINEER:
KIMLEY-HORN AND ASSOC., INC.
FIRM # 101155-00
12750 MERIT DRIVE, SUITE 1000 DALLAS, TEXAS 75261
TEL. NO. (972) 335-3580
FAX NO. (972) 335-3778
CONTACT: MARK HARRIS, P.E.
mark.harris@kimley-horn.com

VOLUME _____, PAGE OR SLIDE _____

FINAL PLAT
WALMART ADDITION
LOT 1A, BLOCK A
BEING A REPLAT OF LOT 1, BLOCK A
WALMART ADDITION, RECORDED IN
INST. NO. _____, L.R.C.C.T.
BEING 20.687 ACRES OUT OF THE
GEORGE PEGUES SURVEY
ABSTRACT NO. 699
CITY OF MURPHY, COLLIN COUNTY, TEXAS

		Kimley-Horn and Associates, Inc.	
12750 Merit Drive, Suite 1000 Dallas, Texas 75261	FIRM # 101155-00	Tel. No. (972) 770-1300 Fax No. (972) 239-3820	
Scale	SRD	Checked by	Date
N/A		DAB	JUNE 2013
		Projected No.	Sheet No.
		063362197	2 OF 2

LINE TABLE	LINE TABLE	LINE TABLE
NO. BEARING LENGTH	NO. BEARING LENGTH	NO. BEARING LENGTH
L1 N87°47'41" 6.79	L41 S89°59'51" 34.09	L88 N87°50'09" 4.19
L2 N87°47'41" 36.01	L42 N87°58'49" 2.61	L87 S87°47'39" 16.19
L3 N87°47'28" 26.09	L43 N87°14'00" 20.33	L86 S87°47'39" 26.09
L4 S82°13'24" 26.09	L44 S87°47'39" 15.02	L85 N87°12'34" 31.17
L5 S82°13'24" 16.49	L45 S87°47'39" 11.59	L84 N87°59'47" 16.49
L6 S87°47'39" 26.09	L46 N87°14'00" 19.31	L83 N87°16'09" 30.34
L7 S82°13'24" 36.09	L47 N87°47'39" 106.29	L82 N87°12'34" 16.89
L8 N87°47'39" 36.09	L48 N87°47'39" 19.21	L81 S87°47'39" 3.89
L9 S82°13'24" 16.89	L49 N87°51'39" 14.09	L80 N87°24'19" 8.49
L10 N87°47'39" 16.89	L50 N87°13'14" 16.87	L79 N87°12'34" 16.89
L11 N87°12'34" 87.67	L51 N87°47'39" 72.47	L78 N87°47'39" 4.09
L12 S87°47'39" 41.89	L52 S87°47'39" 14.09	L77 N73°04'19" 31.39
L13 S87°47'39" 6.79	L53 N87°14'00" 43.61	L76 S73°04'19" 30.41
L14 N87°47'39" 60.69	L54 S87°47'39" 47.09	L75 N87°59'47" 37.89
L15 N87°12'34" 16.49	L55 N87°12'34" 16.49	L74 N87°12'34" 16.49
L16 S87°12'34" 47.09	L56 N87°12'34" 16.89	L73 N87°12'34" 8.89
L17 N87°12'34" 37.17	L57 N87°28'14" 84.39	L72 N87°12'34" 30.09
L18 S87°47'39" 26.09	L58 N87°47'39" 79.09	L71 N87°12'34" 30.09
L19 S87°47'39" 26.09	L59 N87°12'34" 19.01	L70 N87°12'34" 26.09
L20 S87°47'39" 6.09	L60 S87°12'34" 26.09	L69 N87°12'34" 26.09
L21 N87°59'47" 36.89	L61 N87°12'34" 20.09	L68 N87°12'34" 20.09
L22 N87°12'34" 36.89	L62 N87°12'34" 21.77	L67 N87°12'34" 10.09
L23 S87°47'39" 76.39	L63 N87°12'34" 25.91	L66 N87°12'34" 10.09
L24 S87°47'39" 87.69	L64 N87°12'34" 16.82	L65 N87°12'34" 21.19
L25 N87°47'39" 26.09	L65 N87°12'34" 26.09	L64 N87°47'39" 86.09
L26 N87°47'39" 77.09	L66 N87°47'39" 77.09	L63 N87°12'34" 16.49
L27 N87°47'39" 26.09	L67 N87°47'39" 54.31	L62 N87°47'39" 26.09
L28 S87°47'39" 16.89	L68 N87°47'39" 26.09	L61 N87°47'39" 33.84
L29 S82°13'24" 16.89	L69 N87°47'39" 35.49	L60 N87°47'39" 35.49
L30 N87°47'39" 68.19	L70 N87°47'39" 11.14	

SURVEYOR'S CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS:

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

Dana Brown
Registered Professional Land Surveyor No. 5336
Kimley-Horn and Associates, Inc.
12750 MERIT DRIVE, SUITE 1000
DALLAS, TEXAS 75251

STATE OF TEXAS

COUNTY OF DALLAS

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared DANA BROWN, Registered Professional Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this _____ day of June, 2013.

Notary Public in and for the State of Texas

My Commission Expires On:



THIS DOCUMENT MAY NOT BE RECORDED FOR ANY PURPOSE

City Council
August 6, 2013

Issue

Consider and/or act on the application of **Masoud E. Najari and Jacquie Nguyen** requesting approval of a Site Plan, Landscape Plan and Building Elevations for Beacon Hill on property zoned NS (Neighborhood Services) located at the northwest corner of FM 544 and Heritage Parkway.

Background

The proposed Site Plan, Landscape Plan and Building Elevations were initially submitted on February 25, 2013. Prior to the submittal, the development staff team met with the Applicant on numerous occasions to discuss concerns with the site and requirements of development. This agenda item was considered at the July 22, 2013 Planning & Zoning Commission meeting.

Considerations

After reviewing the proposed Landscape Plan and Building Elevations, staff offers no objections. However, after reviewing the Site Plan, the items listed below are still of concern and are recommended to be taken into consideration.

1. **Parking**. Staff has additional concerns regarding a potential deficiency of off-street parking for future tenants. While initial parking requirements are based on the base zoning for the property, as tenant uses become known, parking requirements may be increased or decreased for a particular use. When no available off-street parking remains, it is possible that the owner may have space that cannot be occupied absent a shared parking agreement or the provision of additional off-street parking.
 - a. The applicant is aware of these concerns and that if adequate parking is not available, there may be lease space that cannot be occupied.
2. **Sanitary Sewer Easement** - The Applicant has declined to provide the requested sanitary sewer easement. The presence of the sanitary sewer line serving the property to north is a matter to be addressed by the two property owners. The Applicant's refusal to dedicate the easement will result in the City's inability to repair the line or other property damage to the Applicant's property. A point of information to the Applicant will be incorporated in the minutes of all public meetings in regards to this item. THE CITY OF MURPHY WILL HAVE NO RESPONSIBILITY TO MAINTAIN, REPAIR OR REPLACE THE PRIVATE SANITARY SEWER LINE WITHIN THE LIMITS OF THE APPLICANT'S PROPERTY. FURTHER, THE CITY OF MURPHY WILL NOT ENTER ONTO THE APPLICANT'S PROPERTY TO MAINTAIN, REPAIR OR REPLACE THE PRIVATE SANITARY SEWER LINE.

3. The Applicants have indicated their intention to submit a request to TXDOT for a median cut and left turn lane to serve the property at the existing driveway entrance.
 - o Murphy City staff has made it clear to the applicant that while TXDOT is the entity responsible for median cut and left turn lane approval, the City of Murphy will vigorously oppose this TXDOT submittal.
 - o Murphy City staff has determined that the appropriate location for a median break and left turn lane is further west to serve both this property and the property to the west.

Board Discussion/Action

On July 22, 2013, the Planning & Zoning Commission approved the site plan, landscape plan and elevations as presented and included in the motion staff's recommendations and verbiage regarding the sanitary sewer easement.

Staff Recommendation

Staff recommends approving the site plan, landscape plan and building elevations as proposed with the following staff considerations and information to the Applicant:

- Off-street parking deficiencies may limit the property owner's ability to lease space within the proposed development absent of a shared parking agreement or the provision of additional off-street parking.
- The City of Murphy will continue to oppose any TXDOT submittal for a median cut and left turn lane to serve only this property.
- In regards to the sanitary sewer easement: THE CITY OF MURPHY WILL HAVE NO RESPONSIBILITY TO MAINTAIN, REPAIR OR REPLACE THE PRIVATE SANITARY SEWER LINE WITHIN THE LIMITS OF THE APPLICANT'S PROPERTY. FURTHER, THE CITY OF MURPHY WILL NOT ENTER ONTO THE APPLICANT'S PROPERTY TO MAINTAIN, REPAIR OR REPLACE THE PRIVATE SANITARY SEWER LINE.

Attachments

Site Plan

Landscape Plan

Building Elevations

Kristen Roberts, Director of Economic and Community Development

Submitted By

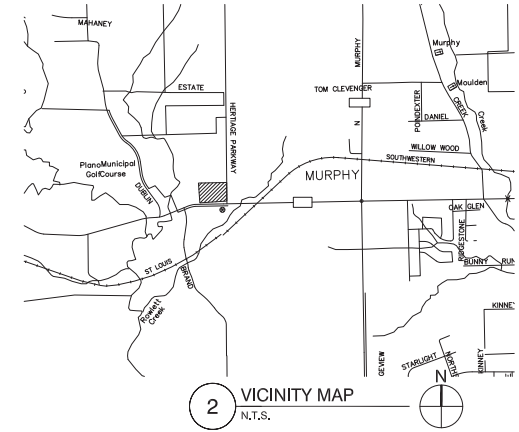
PARKING DATA TABLE

TENANT	BUILDING SQ. FT.	LOAD REQ.	PARKING REQUIRED	PARKING PROVIDED
MEDICAL OFFICE	2,600 SQ. FT.	1 PER 150	17	17 SPACES
MEDICAL OFFICE	1,600 SQ. FT.	1 PER 150	11	11 SPACES
RETAIL	2,856 SQ. FT.	1 PER 250	12	12 SPACES
RETAIL	1,546 SQ. FT.	1 PER 250	6	6 SPACES
RETAIL	1,543 SQ. FT.	1 PER 250	6	6 SPACES
RETAIL	1,543 SQ. FT.	1 PER 250	6	6 SPACES
RETAIL	1,543 SQ. FT.	1 PER 250	6	6 SPACES
RETAIL	1,650 SQ. FT.	1 PER 250	7	7 SPACES
RETAIL	1,650 SQ. FT.	1 PER 250	7	7 SPACES
RESTAURANT	3,466 SQ. FT.	1 PER 100	35	35 SPACES
TOTAL:	19,997 SQ. FT.		113	ADDITIONAL 19 SPACES TOTAL PROVIDED 132 SPACES

LOT SIZE 95,376 SQ. FT.
(2.19)

LEGEND

	GAS METER		FIRE HYDRANT		MONITORING WELL		SIGN
	RPR CONTROL VALVE		WATER METER		TRAFFIC SIGNAL POLE		LIGHT POLE
	TELEPHONE PEDESTAL		FUEL PORT		TRAFFIC SIGNAL BOX		TYPICAL FENCE
	POWER POLE		WATER VALVE		SWB MANHOLE		CONCRETE
	DOWN GULLY		TRANSFORMER PAD		GAS MANHOLE		BOLLARD
	S.S. MANHOLE		ELECTRIC METER		VAULT		COVERED AREA
	CLEAN OUT		STORM DRAIN MANHOLE		TREE		A/C PAD



2 VICINITY MAP
N.T.S.

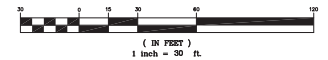
PROJECT DATA

TOTAL ACRES.....	2.19 ACRES
TOTAL BUILDING AREA.....	19,997 SQ. FT.
PARKING:	
PARKING PROVIDED.....	128 SPACES
H/C PARKING PROVIDED.....	4 SPACES
TOTAL PARKING PROVIDED.....	132 SPACES
BUILDING HEIGHT:	
HIGHEST PARAPET.....	30'-6"
LOWEST PARAPET.....	26'-2 3/4"
SCREENING WALL	
BUILDING MATERIAL.....	BRICK, STONE, E.I.F.S
SCREEN WALL HEIGHT.....	6'-0" ABOVE GRADE

LEGEND

	SIDEWALK
	CONCRETE

GRAPHIC SCALE



OWNER / APPLICANT:
MASOUD E. NAJARI
JACQUELINE T. NGUYEN
280 E. FM 544 STE. 100
MURPHY, TEXAS 75094
PHONE: 972.516.2928

ENGINEER:
VASQUEZ ENGINEERING L.L.C.
SUITE 216
GARLAND, TEXAS 75040
PHONE: 972.272.4610
CONTACT: BYRON T. WADEYE, P.E., CFM



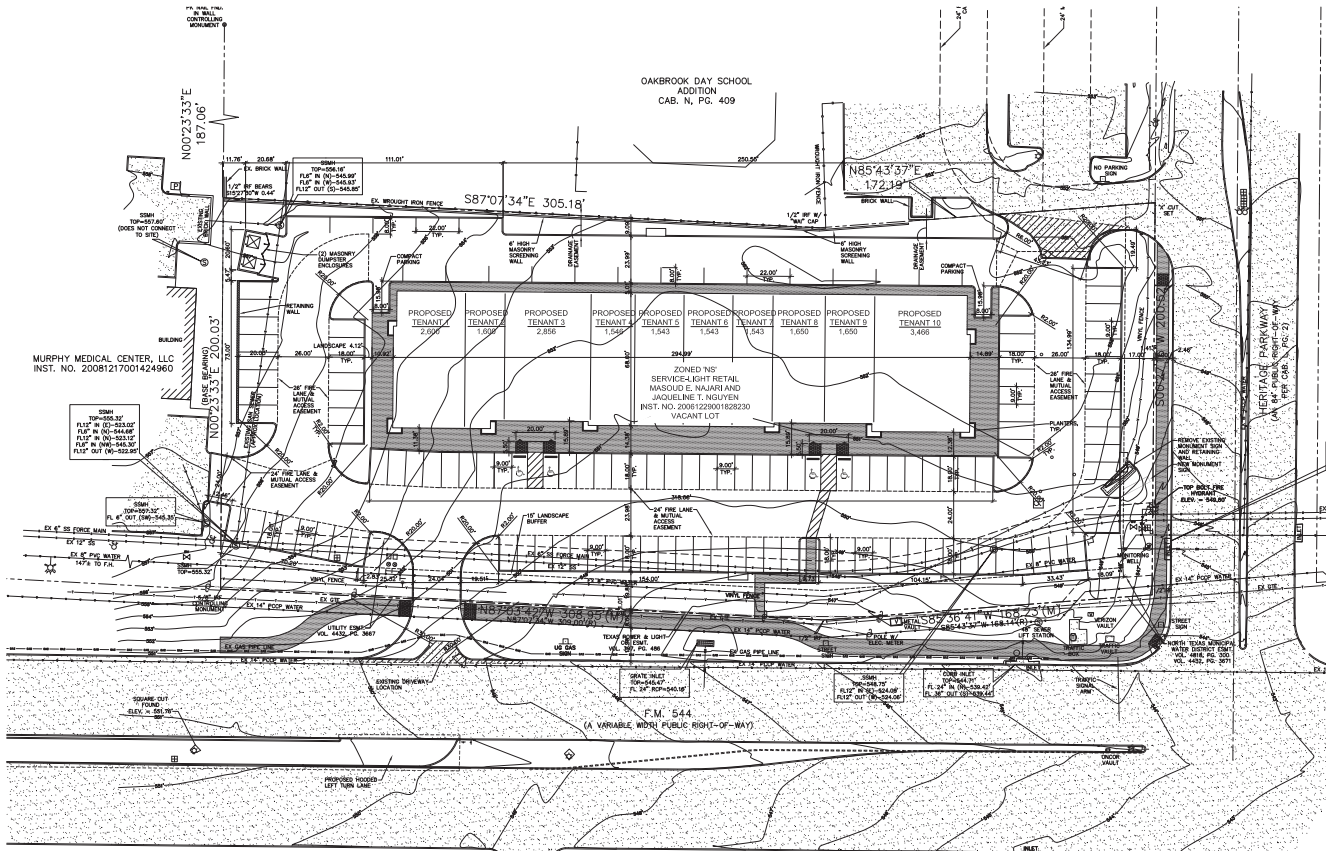
07/05/13

CROSS ARCHITECTS, PLLC.
1255 W. 15TH. ST.
SUITE #125
PLANO, TEXAS 75075
PH: 972.398.6644
FAX: 972.512.8666
bfory@crossarchitects.com

BEACON HILL DEVELOPMENT
CITY OF MURPHY PROJECT NUMBER: 12090
BLOCK 1, LOT 1
2.191 ACRES
PEISER & MANNIN SURVEYING, LLC

CITY OF MURPHY, COLLIN CO., TEXAS			
DRAWN	DATE	PROJECT NO.	SCALE
J.P.	22/JAN/13	12090	AS NOTED
REVISION			
DATE	DESCRIPTION	BY	CHK
29/APR/13	DRG. COMMENTS		
15/MAY/13	DRG. COMMENTS		
11/JUN/13	DRG. COMMENTS		

SP1.0
SITE PLAN
Copyright © 2012



1 SITE PLAN
1" = 30'

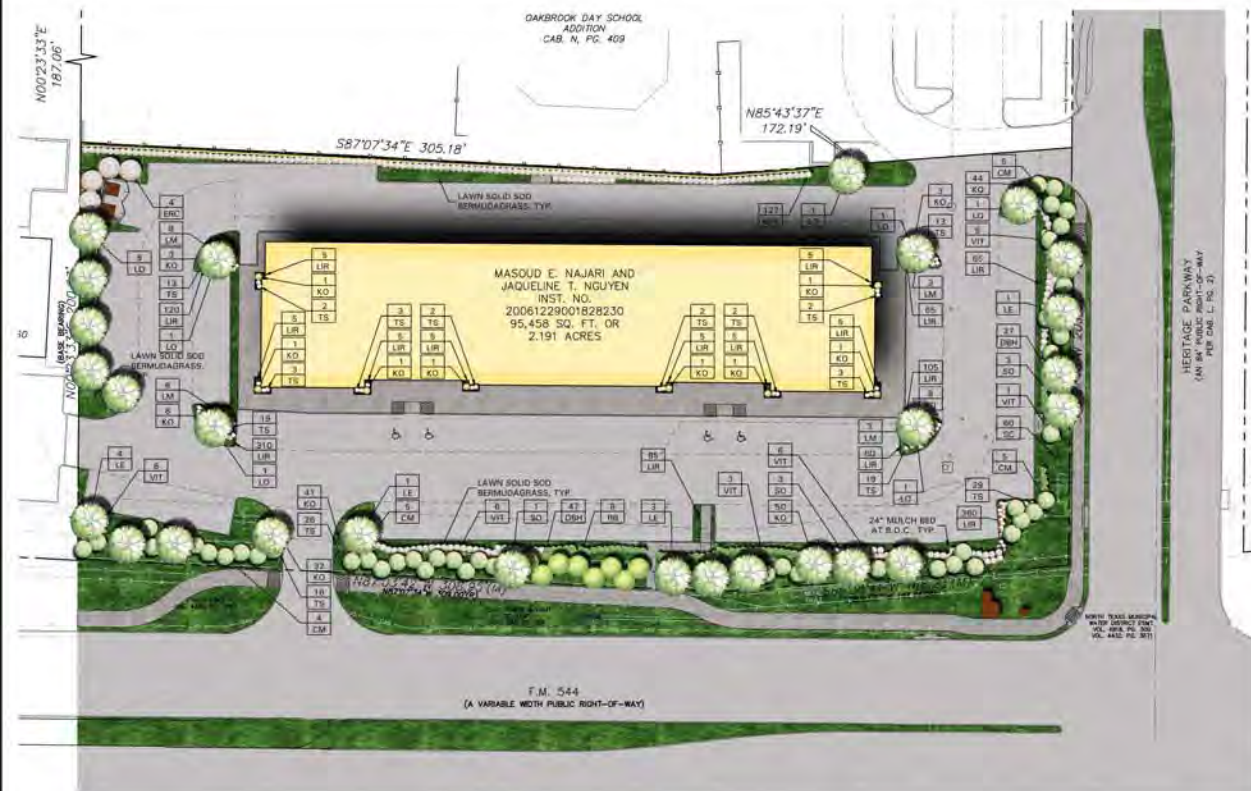


MASOUD E. NAJARI AND
JAQUELINE T. NGUYEN
INST. NO.
20061229001826230
95,458 SQ. FT. OR
2.191 ACRES

LANDSCAPE PLAN
MURPHY RETAIL CENTER
FM 544
MURPHY, TEXAS

Scale: 1"=30'-0"
Designed by: KAH
Drawn by: KAH
Checked by: KAH
05/22/13

SHEET
L1.01



GENERAL LAWN NOTES

1. CONTRACTOR SHALL VERIFY ALL EXISTING AND PROPOSED SITE ELEMENTS AND NOTIFY LANDSCAPE ARCHITECT OF ANY DISCREPANCIES. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF EXISTING CONDITIONS WAS SUPPLIED BY OTHERS.
2. CONTRACTOR SHALL LOCATE ALL EXISTING UNDERGROUND UTILITIES AND NOTIFY LANDSCAPE ARCHITECT OF ANY DISCREPANCIES. CONTRACTOR SHALL EXERCISE CAUTION WHEN WORKING IN THE VICINITY OF UNDERGROUND UTILITIES.
3. CONTRACTOR SHALL PROVIDE A MINIMUM 2% SLOPE AND ALL SINKS TO BE FILLED.
4. CONTRACTOR SHALL REGRADE AREAS TO ACHIEVE FINAL CONTOURS AS INDICATED. LEAVE AREAS TO RECEIVE TOPSOIL 3" BELOW FINAL FINISHED GRADE IN LAW AREAS & 1" BELOW FINAL FINISHED GRADE IN LAWN AREAS.
5. ALL PLANTING BEDS AND LAWN AREAS SHALL BE SEPARATED BY STEEL EDGING. NO STEEL EDGING TO BE INSTALLED IN DRIVEWAYS, SIDEWALKS, WALKS, OR CURBS. CUT STEEL EDGING AT 45 DEGREE ANGLE WHERE IT INTERSECTS WALKS AND CURBS.
6. TOP OF MULCH SHALL BE 1/2" MINIMUM BELOW THE TOP OF WALKS AND CURBS.
7. ALL LAWN AREAS SHALL BE SOLID SOLO BERMUDAGRASS, UNLESS OTHERWISE NOTED ON THE DRAWINGS.
8. ALL REQUIRED LANDSCAPE AREAS SHALL BE PROVIDED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM WITH RAIN AND FREEZE SENSORS AND EVAPOTRANSPIRATION (ET) WEATHER-BASED CONTROLLER. IRRIGATION SYSTEM SHALL BE DESIGNED BY A QUALIFIED PROFESSIONAL AND INSTALLED BY A LICENSED IRRIGATOR.
9. CONTRACTOR SHALL PROVIDE BID PROPOSAL LISTING UNIT PRICE FOR ALL MATERIALS PROVIDED.
10. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED LANDSCAPE AND IRRIGATION PERMITS.

1. CONTRACTOR SHALL COORDINATE OPERATIONS AND AVAILABILITY OF EXISTING TOWELS WITH ON-SITE SUPERVISOR FROM MAINTENANCE DEPARTMENT.
2. CONTRACTOR SHALL LEAVE LAWN AREAS 1" BELOW FINAL FINISHED GRADE PRIOR TO TISPOW INSTALLATION.
3. CONTRACTOR SHALL FINE GRADE AREAS TO ACHIEVE 1-2 HOURS AS INDICATED ON CIVIL PLANS, ADJUST CONTOURS TO ACHIEVE POSITIVE DRAINAGE AWAY FROM BUILDINGS. PROVIDE UNIFORM GRASS TOP TO BOTTOM OF LAWN AREAS. CORRECT OTHER BREAKS IN GRADE. CORRECT IRREGULARITIES IN GRADE TO ACHIEVE UNIFORM DRAINAGE.
4. ALL LAWN AREAS SHALL BE FINE GRADED, IRRIGATION TRENCHES COMPLETELY SETTLED AND FINISH GRADE APPROVED BY THE OWNER'S CONSTRUCTION MANAGER AND LANDSCAPE ARCHITECT PRIOR TO LAWN INSTALLATION.
5. CONTRACTOR SHALL REMOVE ALL ROCKS 3/4" DIAMETER AND LARGER, DIRT CLODS, STICKS, BRANCHES, TWIGS, LIMBS, OR TOE PLACING TOWELS AND LAWN INSTALLATION.
6. CONTRACTOR SHALL MAINTAIN ALL LAWN AREAS FREE OF ALL WEEDS ACCORDING TO THE SPECIFICATIONS. NOT BE LIMITED TO: MOWING, WATERING, WEEDING, CULTIVATING, CLEANING AND REPLACING DEAD OR BROWN GRASS TO KEEP PLANTS IN VIGOROUS, HEALTHY CONDITION.
7. CONTRACTOR SHALL GUARANTEE ESTABLISHMENT OF ACCEPTABLE TURF. CONTRACTOR SHALL PROVIDE 10% SEED GUARANTEE FROM LOCAL SUPPLY IF SEED IS NOT AVAILABLE FROM THE SUPPLIER.

SOLID SOD NOTES

1. PLANT SOD BY HAND TO COVER INDICATED AREAS COMPLETELY. ENSURE EDGES OF SOD ARE TOUCHING. TOP DRESS JOINTS BY HAND WITH TOPSOIL TO FILL VOIDS.
2. ROLL GRASS AREAS TO ACHIEVE A SMOOTH, EVEN SURFACE, FREE FROM UNNATURAL UNDULATIONS
3. WATER SOD THOROUGHLY AS SOD OPERATION PROGRESSES.
4. IF INSTALLATION OCCURS BETWEEN SEPTEMBER 1 AND MARCH 1, OVER-SEED BERMUDAGRASS SOD WITH WINTER RYEGRASS, AT A RATE OF FOUR LB. POUNDS PER ONE THOUSAND (10000) SQUARE FEET.

LANDSCAPE TABULATIONS

SITE LANDSCAPE

1. A minimum of twenty (20%) percent of the site shall be pervious, permanently landscaped area.

Total Site Area: 95,458 s.f.
Required
19,091 s.f. (20%)

STREET BUFFER

1. One large shade tree and four small ornamental trees shall be required per fifty (50) linear feet of street frontage.

FM 544 - 477 L.F.	
Required	Provided
(10) trees	(11) trees
(38) ornamental trees	(38) ornamental trees

HERITAGE PARKWAY - 200 L.F.

- | Required | Provided |
|-----------------------|-----------------------|
| (4) trees | (4) trees |
| (16) ornamental trees | (16) ornamental trees |

PARKING LOT LANDSCAPE

1. A minimum of one (1) shade tree planted for every ten (10) parking spaces.

PARKING SPACES - 116	
Required	Provided
(12) trees	(12) trees

PLANT LIST

SYMBOL	BOTANICAL NAME THREE	COMMON NAME	QTY.	SIZE	REMARKS
CM	<i>Azorella nana</i> ("Tussock")	Cape Myrtle ("Tussock")	19	3" x 3"	contains green, 2.5' trunk, no stress areas, 100 ft., 4' spread, mottling
TR	<i>Juniperus virginiana</i>	American Redcedar	4	8' x 6'	B&B or constant green, full to base, 3' spread
LS	<i>Lawsonia "Sour Orange"</i>	Lawsonia Elm	1	12' x 12'	contains green, 12' ft. spread, 4' spread min., mottling
LD	<i>Quercus virginiana</i>	Live Oak	11	3" x 3"	contains green, 12' ft. d., 4' spread min., 4' branching min., mottling
HR	<i>Cercis canadensis</i> ("Red")	Okla. Redbud	8	2" x 2"	contains green, 6' ft. d., 4' spread min.
GO	<i>Gliricidia elumoides</i>	Shrubland Red Oak	12	3" x 3"	contains green, 12' ft. d., 4' spread, 4' branching ft., mottling
SI	<i>Wittia agave cordata</i>	Yucca	22	2" x 2"	B&B or constant green, 8' ft. d., 4' spread, 3' trunk min.
SUBURBAN/GRANDCOWNS					
USH	<i>Ulmus americana</i> ("Burford")	Olive Burford Holly	14	36" ft.	contains full, 24" spread, 36" n.s.
AL	<i>Abutilon hybridum</i>	Double Knick Out House	78	5" x 5"	contains full, 20" spread, 36" n.s.
LIR	<i>Liriodendron tulipifera</i>	Liriodendron "Big Blue"	1210	4" pots	contains full esp of constant, 12" n.s.
UM	<i>Ulmus americana</i>	Ulmus "Misty"	40	5" x 5"	contains full, 36" n.s.
NIS	<i>Nyssa sylvatica</i>	Northern Red Bay	127	7" gal.	contains full to base, 36" ft., 36" n.s.
NS	<i>Nyssa sylvatica</i>	Northern Red Bay	10	4" pots	contains full, 12" n.s., 5' trunk by 10' spread
TR	<i>Thuja occidentalis</i>	Green Cedar	124	7" gal.	contains full, 20" spread, 24" n.s.

NOTE: ALL TREES SHALL HAVE STRAIGHT TRUNKS AND BE MATCHING WITHIN VARIETIES.
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.

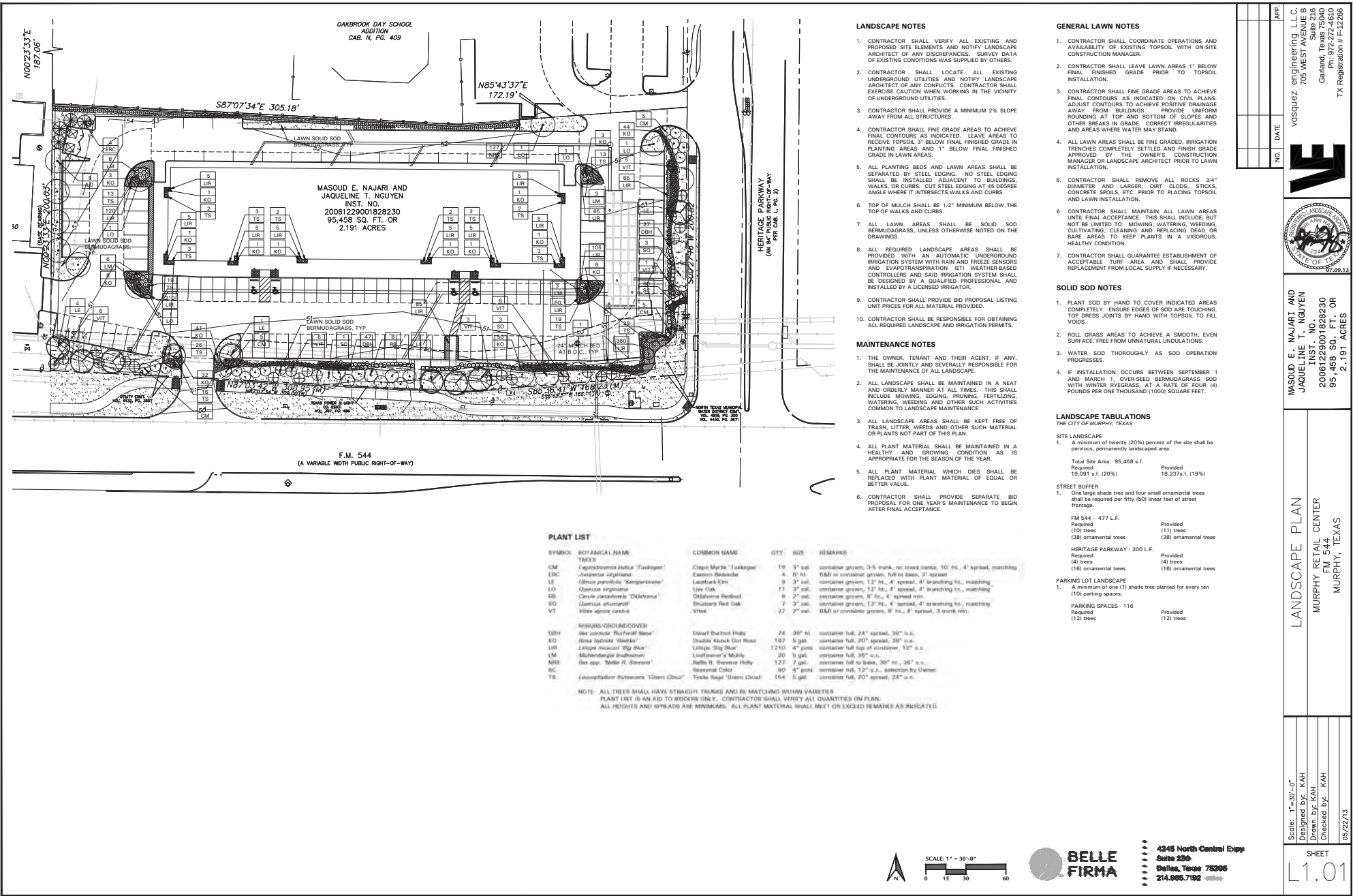


SCALE: 1" = 30'-0"



BELLE
FIRMA

- 4245 North Central Expy
- Suite 230
- Dallas, Texas 75205
- 214 865.7192



SECTION 32 9300 - LANDSCAPE

PART 1 - GENERAL

1.1 REFERENCED DOCUMENTS

- A. Refer to Landscape Plans, notes, details, bidding requirements, special provisions, and schedules for additional requirements.

1.2 DESCRIPTION OF WORK

- A. Work included: Furnish all supervision, labor, materials, services, equipment and appliances required to complete the work covered in conjunction with the landscaping covered in these specifications and landscaping plans, including:
- Planting (trees, shrubs and grasses)
 - Bed preparation and fertilization
 - Notification of sources
 - Water and maintenance until final acceptance
 - Guarantee

1.3 REFERENCE STANDARDS

- A. American Standard for Nursery Stock published by American Association of Nurserymen: 27 October 1980, Edition; by American National Standards Institute, Inc. (Z60.1) - plant material
- B. American Joint Committee on Horticultural Nomenclature: 1942 Edition of Standardized Plant Names
- C. Texas Association of Nurserymen, Grades and Standards
- D. Hortis Third, 1976 - Cornell University

1.4 NOTIFICATION OF SOURCES AND SUBMITTALS

- A. Samples: Provide representative quantities of sandy loam soil, mulch, bed mix material, gravel and crushed stones. Samples shall be approved by Owner's Authorized Representative before use on the project.

1.5 JOB CONDITIONS

- A. General Contractor to complete the following punch list: Prior to Landscape Contractor installing any portion of landscape installation, General Contractor shall have planting bed areas three (3") inches below final finish grade of sidewalks, drives and curbs as shown on the drawings. All lawn areas to receive solid sod shall be left one (1") inch below the final finish grade of sidewalks, drives and curbs. All construction debris shall be removed prior to Landscape Contractor beginning any work.
- B. Storage of materials and equipment at the job site will be at the risk of the Landscape Contractor. The Owner cannot be held responsible for theft or damage.

1.6 MAINTENANCE AND GUARANTEE

- A. Maintenance:
- The Landscape Contractor shall be held responsible for the maintenance of all work from the time of planting until final acceptance by the Owner. No trees, shrubs, groundcover or grass will be accepted unless they show healthy growth and satisfactory foliage conditions.
 - Maintenance shall include watering of trees and plants, cultivation, weeding, spraying, edging, pruning of trees, mowing of grass, cleaning up and all other work necessary of maintenance.
 - A written notice requesting final inspection and acceptance should be submitted to the Owner at least seven (7) days prior to completion. An on-site inspection by the Owner's Authorized Representative will be completed prior to written acceptance.
- B. Guarantee:

1. Trees, shrubs and groundcover shall be guaranteed for a twelve (12) month period after final acceptance. The Contractor shall replace all dead materials, as soon as weather permits and upon notification of the Owner. Plants, including trees, which have partially died to that stage, size, or symmetry have been damaged, shall be considered subject to replacement. In such cases, the opinion of the Owner shall be final.
- a. Plants used for replacement shall be of the same size and kind as those originally planted and shall be planted as originally specified. All work, including materials, labor and equipment used in replacement, shall carry a twelve (12) month guarantee. Any damage, including roots in lawn or lost areas, incurred as a result of making replacements shall be immediately repaired.

- b. At the direction of the Owner, plants may be replaced at the start of the next year's planting season. In such cases, dead plants shall be removed from the premises immediately.
- c. When plant replacements are made, plants, soil mix, fertilizer and mulch are to be utilized as originally specified and re-spectored for full compliance with the contract requirements. All replacements are to be included under "Work" of this section.

2. The Owner agrees that for the guarantee to be effective, he will water plants at least twice a week during dry periods and cultivate beds once a month after final acceptance.

3. The above guarantee shall not apply where plants die after acceptance because of injury from storms, hail, freeze, insects, diseases, injury by humans, machines or theft.

4. Acceptance for all landscape work shall be given after final inspection by the Owner provided the job is in a complete, undamaged condition and there is a stand of grass in all lawn areas. At that time, the Owner will assume maintenance on the accepted work.

- C. Repairs: Any necessary repairs under the Guarantee must be made within ten (10) days after receiving notice, weather permitting. In the event the Landscape Contractor does not make repairs accordingly, the Owner, without further notice to Contractor, may provide materials and men to make such repairs at the expense to the Landscape Contractor.

- D. Personnel: Employ only experienced personnel who are familiar with the required work. Provide full time supervision by a qualified foreman acceptable to Landscape Architect.

- E. Selection of Plant Material:
- Make contact with suppliers immediately upon obtaining notice of contract acceptance to select and book material. Develop a program of maintenance (pruning and fertilization) which will ensure the purchased materials will meet and/or exceed project specifications.

2. Substitutions: Do not make plant material substitutions. If the specified landscape material is not obtainable, submit proof of non-availability to Landscape Architect, together with proposal for use of equivalent material. At the time bids are submitted, the Contractor is assumed to have located the materials necessary to complete the job as specified.

3. Landscape Architect will provide a key identifying each tree location on site. Written verification will be required to document material selection, source and delivery schedules to site.

4. Measurements: Measure trees with branches and trunks or canes in their normal position. Do not prune to obtain required sizes. Take caliper measurements six inches above ground for trees up to and including 4" caliper size, and twelve inches above ground for larger sizes. Measure main body of all plant material of height and spread dimensions,

- do not measure from branch or root tip-to-tip.
5. Owner's Authorized Representative shall inspect all plant material with requirements for genus, species, cultivar, variety size and quality.

6. Owner's Authorized Representative retains the right to further inspect all plant material upon arrival to the site and during installation for size and condition of root balls and root systems, limbs, branching habit, insects, injuries and latent defects.

7. Owner's Authorized Representative may reject unsatisfactory or defective material at any time during the process of work. Remove rejected materials immediately from the site and replace with acceptable material at no additional cost to the Owner. Plants damaged in transit or at job site shall be rejected.

1.8 PRODUCT DELIVERY, STORAGE AND HANDLING

A. Preparation:

1. Balled and Burlapped (B&B) Plants: Dig and prepare shipping in a manner that will not damage roots, branches, shape and future development.

2. Container Grown Plants: Deliver plants in rigid container to hold ball shape and protect root mass.

B. Delivery:

1. Deliver packaged materials in sealed containers showing weight, analysis and name of manufacturer. Protect materials from deterioration during delivery and while stored on job site.

2. Deliver only plant materials that can be planted in one day mass adequate storage and watering facilities are available on job site.

3. Protect root balls by heeling in with sawdust or other approved moisture retaining material if not planted within 24 hours of delivery.

4. Protect plants during delivery to prevent damage to root balls or discoloration of leaves. Keep plants moist at all times. Cover all materials during delivery.

5. Notify Owner's Authorized Representative of delivery schedule 72 hours in advance job site.

6. Remove rejected plant material immediately from job site.

7. To avoid damage or stress, do not lift, move, adjust to plumb, or otherwise manipulate plants by trunk or stems.

PART 2 - PRODUCTS

2.1 PLANTS

- A. General: Well-formed No. 1 grade or better nursery grown stock. Listed plant heights are from tips of root balls to nominal tips of plants. Plant spread refers to nominal outer width of the plant, not to the outer leaf tips. Plants will be individually approved by the Owner's Authorized Representative and his decision as to their acceptability shall be final.

- B. Quantities: The drawings and specifications are complementary. Anything called for on one and not the other is as binding as if shown and called for on both. The plant schedule is an aid to bidders only. Confirm all quantities on plan.

- C. Quality and size: Plant materials shall conform to the size given on the plan, and shall be healthy, symmetrical, well-shaped, full branched and well rooted. The plants shall be free from injurious insects, diseases, injuries to the bark or roots, broken branches, objectionable disfigurements, insect eggs and larvae, and are to be of specimen quality.

- D. Approval: All plants which are found unsuitable in growth, or are in any unhealthy, badly shaped or undersized condition will be rejected by the Owner's Authorized Representative either before or after planting and shall be removed at the expense of the Landscape Contractor and replaced with acceptable plant as amendments WATER THOROUGHLY TO ELIMINATE AIR POCKETS.

- I. MULCH: DOUBLE SHREDDED HARDWOOD MULCH 2 INCH SETTLED THICKNESS, WITH 2" HT. WATERING RING; ENSURE THAT ROOT FLARE IS EXPOSED. BELOW GROUND STAKE SHOULD NOT BE VISIBLE.

- J. TREE STAKES: REMOVE TOP 1/8 BURLAP AND ANY OTHER FOREIGN OBJECT; CONTAINER GROWN STOCK TO BE INSPECTED FOR GIRDLING ROOTS.

- K. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN A COPY OF THE MANUFACTURER'S SPECIFICATIONS PRIOR TO INSTALLATION OF TREE STAKES. CONTRACTOR SHALL ADHERE TO MANUFACTURER'S INSTALLATION GUIDELINES, SPECIFICATIONS, AND OTHER REQUIREMENTS FOR TREE STAKE INSTALLATION.

- L. ROOT BALL: REMOVE TOP 1/8 BURLAP AND ANY OTHER FOREIGN OBJECT; CONTAINER GROWN STOCK TO BE INSPECTED FOR GIRDLING ROOTS.

- M. ROOT FLARE: ENSURE THAT ROOT FLARE IS EXPOSED. FREE FROM MULCH, AND AT LEAST TWO INCHES ABOVE GRADE. TREES SHALL BE REJECTED WHEN GIRDLING ROOTS ARE PRESENT & ROOT FLARE IS NOT APPARENT.

- N. ROOTBALL ANCHOR RING: REFER TO MANUFACTURER'S GUIDELINES FOR SIZING. PLACE ROOTBALL ANCHOR RING ON BASE OF ROOTBALL. TRUNK SHOULD BE IN THE CENTER OF THE RING.

- O. "U" BRACKET:

- P. 30" - 36" NAIL STAKE: INSTALL NAIL STAKE WITH HAMMER OR MALLET FIRMLY INTO UNDISTURBED GROUND. DRIVE NAIL STAKES FLUSH WITH "U" BRACKET ADJACENT TO ROOTBALL (DO NOT DISTURB ROOTBALL).

- specified at no additional cost to the Owner.

- E. Trees shall be healthy, full-branched, well-shaped, and shall meet the minimum trunk and diameter requirements of the plant schedule. Balls shall be firm, neat, slightly tapered and well wrapped in burlap. Any tree loose in the ball or with a broken root ball at time of planting will be rejected. Balls shall be ten (10") inches in diameter for each one (1") inch of trunk diameter, measured six (6") inches above ball. (Nomenclature confirms to standard nursery usage. For clarification, the term "multi-trunk" defines a plant having three (3) or more trunks of nearly equal diameter.)

- F. Pruning: All pruning of trees and shrubs, as directed by the Landscape Architect prior to final acceptance, shall be executed by the Landscape Contractor at no additional cost to the Owner.

2.2 SOIL PREPARATION MATERIALS

A. Sandy Loam:

1. Friable, fertile, dark, loamy soil, free of clay lumps, subsoil, stones and other extraneous material and reasonably free of weeds and foreign grasses. Loam containing Delagras or Nutgrass shall be rejected.

2. Physical properties to be as follows:
- Clay - between 7-22 percent
 - Silt - between 15-25 percent
 - Sand - less than 52 percent

3. Organic matter shall be 3% 10% of total dry weight.

4. If requested, Landscape Contractor shall provide a certified soil analysis conducted by an approved soil testing laboratory verifying that sandy loam meets the above requirements.

- B. Organic Material: Compost with a mixture of 80% vegetative matter and 20% animal waste. Ingredients should be a mix of course and fine textured material.

- C. Premixed Bedding Soil as supplied by Vital Earth Resources, Gladewater, Texas; Professional Bedding Soil as supplied by Living Earth Technology, Dallas, Texas or Acid Gro Municipal Mix as supplied by Soil Building Systems, Dallas, Texas or approved equivalent.

- D. Sharp Sand: Sharp sand must be free of seeds, soil particles and weeds.

- E. Mulch: Double Shredded Hardwood Mulch, partially decomposed, dark brown. Living Earth Technologies or approved equivalent.

- F. Organic Fertilizer: Fertilaid, Sustane, or Green Sense or equal as recommended for required applications. Fertilizer shall be delivered to the site in original unopened containers, each bearing the manufacturer's guaranteed statement of analysis.

- G. Commercial Fertilizer: 10-20-10 or similar analysis. Nitrogen source to be a minimum 50% slow release organic Nitrogen (SCU or UR) with a minimum 8% sulfur and 4% iron, plus micronutrients.

- H. Peat: Commercial sphagnum peat moss or partially decomposed shredded pine bark or other approved organic material.

2.3 MISCELLANEOUS MATERIALS

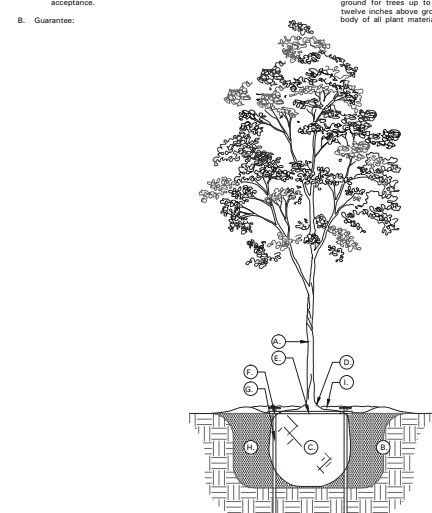
- A. Steel Edging: 3/16" x 4" x 16' - dark green, DURADEG® steel landscape edging manufactured by The J.D. Russell Company under its trade name DURADEG Heavy Duty Steel.

- B. Staking Material for Shade Trees: refer to details.

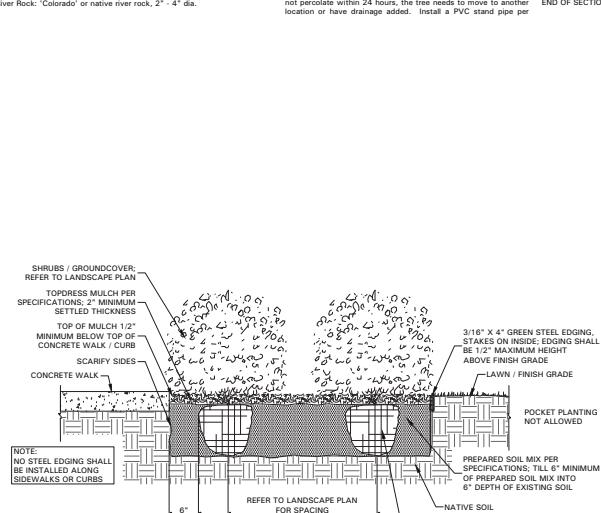
- C. Gravel: Washed native pea gravel, graded 1 inch to 1-1/2 inch.

- D. Filter Fabric: "Mirel Mircapac" by Mirel Construction Products available at Lone Star Products, Inc. (469) 522-0444 or approved equal.

- E. River Rock: "Colorado" or native river rock, 2" - 4" dia.



01 TREE PLANTING DETAIL
NOT TO SCALE



02 SHRUB / GROUNDCOVER DETAIL
NOT TO SCALE



END OF SECTION

APP.	NO.	DATE

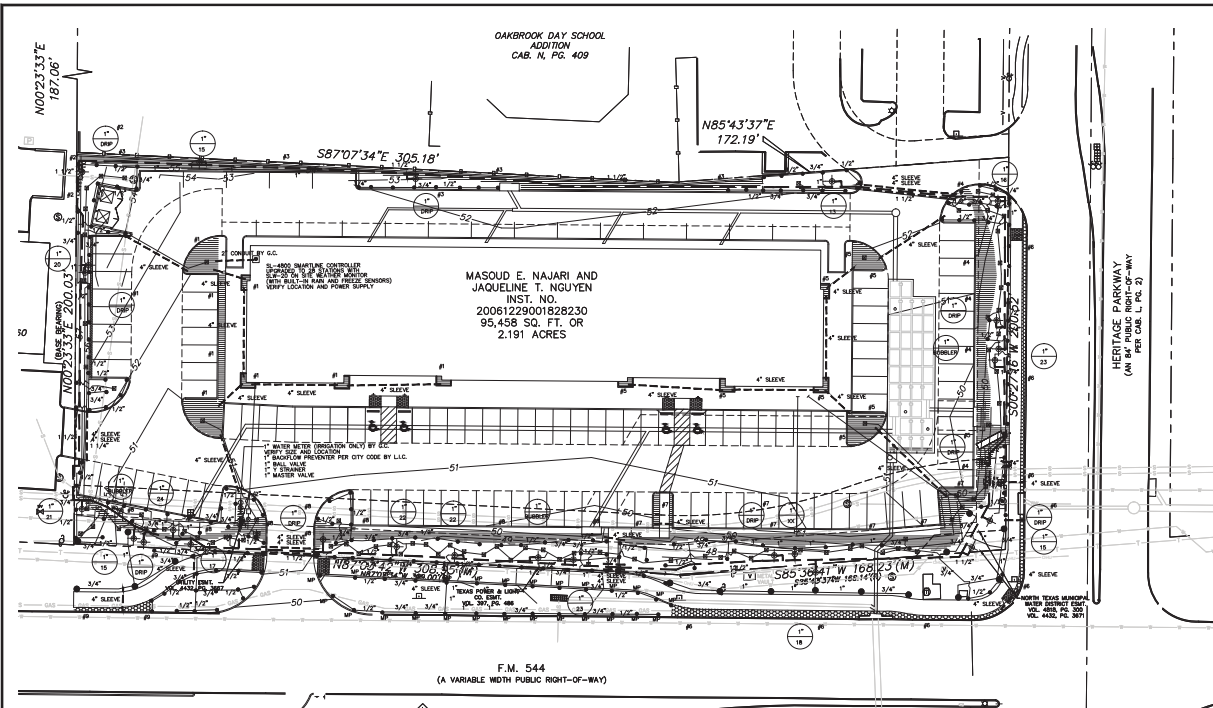


MASOUD E. NAJARI AND
JAQUELINE T. NGUYEN
INST. NO.
2006122900190128230
95-48 SO. FT. OR
2-191 ACRES

LANDSCAPE SPECIFICATIONS & DETAILS
MURPHY RETAIL CENTER
FM 544
MURPHY, TEXAS

Scale: NTS
Designed by: KAH
Drawn by: KAH
Checked by: KAH
05/22/13

SHEET
L1.02



SLEEVING NOTES

1. SLEEVES SHALL BE FURNISHED AND INSTALLED BY GENERAL CONTRACTOR.
2. SLEEVE MATERIAL SHALL BE SCHEDULE 40 PIPE, SIZE AS INDICATED ON PLAN.
3. CONTRACTOR SHALL LAY SLEEVES AND CONDUITS AT TWENTY-FOUR (24) INCHES BELOW FINISH GRADE OF THE TOP OF PAVEMENT.
4. CONTRACTOR SHALL EXTEND SLEEVES ONE (1) FOOT BEYOND EDGE OF ALL PAVEMENT.
5. CONTRACTOR SHALL CAP PIPE ENDS USING PVC CAPS.
6. CONTRACTOR SHALL FURNISH OWNER AND IRRIGATION CONTRACTOR WITH AN 'AS-BUILT' DRAWING SHOWING ALL SLEEVE LOCATIONS.

IRRIGATION NOTES

1. THE IRRIGATION CONTRACTOR SHALL COORDINATE INSTALLATION OF THE IRRIGATION SYSTEM WITH THE LANDSCAPE CONTRACTOR SO THAT ALL PLANT MATERIAL WILL BE WATERED IN ACCORDANCE WITH THE INTENT OF THE PLANS AND SPECIFICATIONS.
2. ALL SPRINKLER EQUIPMENT NUMBERS REFERENCE THE WEATHERMATIC EQUIPMENT CATALOG UNLESS OTHERWISE INDICATED.
3. TEN DAYS PRIOR TO START OF CONSTRUCTION, IRRIGATION CONTRACTOR SHALL VERIFY STATIC WATER PRESSURE. IF STATIC PRESSURE IS LESS THAN 65 P.S.I., NOTIFY THE LANDSCAPE ARCHITECT IMMEDIATELY. DO NOT WORK UNTIL NOTIFIED TO DO SO BY OWNER.
4. SLEEVES SHALL BE FURNISHED AND INSTALLED BY GENERAL CONTRACTOR. SLEEVE MATERIAL SHALL BE SCHEDULE 40, SIZE AS INDICATED ON PLAN. REFER TO SLEEVING NOTES.
5. ALL MAIN LINE AND LATERAL LINE PIPING IN PLANTING AND LAWN AREAS SHALL HAVE A MINIMUM OF 12 INCHES OF COVER. ALL PIPING UNDER PAVING SHALL HAVE A MINIMUM OF 18 INCHES OF COVER. CONTRACTOR TO VERIFY LOCAL FREEZE DEPTHS AND ADJUST DEPTH OF COVER ACCORDINGLY.
6. LAWN SPRAY HEADS SHALL BE WEATHERMATIC LX-4 INSTALLED PER DETAIL SHOWN.
7. ROTOR HEADS SHALL BE WEATHERMATIC TURBO INSTALLED PER DETAIL SHOWN. (WITH BUILT-IN CHECK VALVE)
8. NOZZLES SHALL BE WEATHERMATIC 1500 SERIES. IRRIGATION CONTRACTOR SHALL SELECT THE PROPER ARC AND RADIUS FOR EACH NOZZLE TO ENSURE 100% AND PROPER COVERAGE OF ALL LAWN AREAS AND PLANT MATERIAL. NO WATER SHALL SPRAY ON BUILDING.
9. ALL NOZZLES IN PARKING LOT ISLANDS AND PLANTING BEDS SHALL BE LOW ANGLE NOZZLES TO MINIMIZE OVER SPRAY ON PAVEMENT SURFACES.
10. ELECTRIC CONTROL VALVES SHALL BE WEATHERMATIC 1000 SERIES INSTALLED PER DETAIL SHOWN. SIZE OF VALVES AS SHOWN ON PLAN. VALVES SHALL BE INSTALLED IN VALVE BOXES LARGE ENOUGH TO PERMIT MANUAL OPERATION. REMOVAL OF SOLENOID AND / OR VALVE COVER WITHOUT ANY EARTH EXCAVATION.
11. QUICK COUPLING VALVES SHALL BE WEATHERMATIC QV75 INSTALLED PER DETAIL SHOWN. SWING JOINTS SHALL BE CONSTRUCTED USING 3/4" SCHEDULE 80 ELBOWS. CONTRACTOR SHALL SUPPLY OWNER WITH THREE (3) CH75 COUPLERS AND THREE (3) 10HSL SWIVEL HOSE ELBS AS PART OF THIS CONTRACT.
12. ALL 24 VOLT WIRING TO BE UP TO 14 GAUGE SINGLE CONDUCTOR. ALL WIRE SPICES ARE TO BE PERMANENT AND WATERPROOF.
13. AUTOMATIC CONTROLLER SHALL BE INSTALLED AT LOCATION SHOWN. POWER (120V) SHALL BE LOCATED IN A JUNCTION BOX WITHIN FIVE (5) FEET OF CONTROLLER. LOCATION BY OTHER TRADES. RAIN AND FREEZE SENSORS SHALL BE INSTALLED WITH EACH CONTROLLER.
14. THE DESIGN PRESSURE IS 65 PSI.
15. ELECTRICAL SPICES AT EACH VALVE AND CONTROLLER ONLY.
16. IRRIGATION IN TEXAS IS REGULATED BY: THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) MC-178 / PO BOX 13087 AUSTIN, TEXAS 78711-3087
17. TCEQ'S WEBSITE IS WWW.TCEQ.STATE.TX.US.

IRRIGATION LEGEND

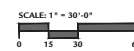
- WEATHERMATIC LX-4 POP-UP LAWN HEAD
- WEATHERMATIC TURBO ROTARY FC
- ⊗ WEATHERMATIC 106.5 BUBBLER (2 PER TREE, TYP.)
- ⊕ WEATHERMATIC 11000 SERIES ELECTRIC VALVE
- ⊙ WEATHERMATIC QV75 QUICK COUPLER
- ⊖ CONTROLLER, SIZE AS INDICATED
- ⊗ WATER METER, SIZE AS INDICATED WITH D.C.A., SIZE AS INDICATED
- PVC SCHEDULE 40 SLEEVING
- PVC CLASS 200 MAINLINE
- PVC CLASS 200 LATERAL LINE
- ⊙ VALVE SIZE 6PM
- ⊙ VALVE SIZE 6PM
- ⊙ NETAFIM TECHLINE FTLD6-1210 (18" LATERAL SPACING, 12" EMITTER SPACING) PVC LATERAL PIPING SIZED AS REQUIRED INSTALL ALL EQUIPMENT ACCORDING TO MANUFACTURERS SPECIFICATIONS
- ⊙ NETAFIM TECHLINE FTLD6-1210 (18" LATERAL SPACING, 12" EMITTER SPACING) PVC LATERAL PIPING SIZED AS REQUIRED INSTALL ALL EQUIPMENT ACCORDING TO MANUFACTURERS SPECIFICATIONS
- ⊙ NETAFIM DISC FILTER #DF100-080 NETAFIM PRESSURE REGULATOR #PRV15025 INSTALL ALL EQUIPMENT ACCORDING TO MANUFACTURERS SPECIFICATIONS

BUBBLER PIPING CHART

NUMBER OF BUBBLERS	SIZE OF PIPE
1 - 5	3/4"
6 - 10	1"
11 - 20	1 1/4"
21 - 30	1 1/2"
31 - 40	2"

SMARTLINE CERTIFIED DESIGN

1. THIS IRRIGATION DESIGN FEATURES SMARTLINE CONTROLLER AND WEATHER MONITOR TECHNOLOGY AND UTILIZES 1" BASED WATER CONSERVATION AUTO ADJUSTING SCHEDULING.
2. THE IRRIGATION CONTRACTOR MUST PROGRAM THE CONTROLLER BY SELECTING THE PROPER SPRINKLER TYPE, PLANT TYPE, SOIL TYPE, SLOPE AND SUN / SHADE EXPOSURE FOR EACH ZONE.
3. THE IRRIGATION CONTRACTOR MUST CONTACT THE IRRIGATION DESIGNER FOR APPROVAL OF CONTROLLER SETTINGS.
4. THE IRRIGATION DESIGNER IS JOHN WINGFIELD (972) 238-1498.
5. ALL EQUIPMENT MUST BE INSTALLED AS SPECIFIED. NO EQUIPMENT SUBSTITUTIONS WILL BE PERMITTED.



4345 North Central Exp
Suite 230
Dallas, Texas 75205
214.986.7192

APP: vosquez engineering, L.L.C.
705 WEST AVENUE B
Suite 216
Garland, Texas 75040
TX Registration # E-12266



MASOUD E. NAJARI AND
JAQUELINE T. NGUYEN
INST. NO.
20061229001828230
95,458 SQ. FT. OR
2.191 ACRES

IRRIGATION PLAN
MURPHY RETAIL CENTER
FM 544
MURPHY, TEXAS

Scale: 1"=30'-0"
Designed by: JW
Drawn by: JW
Checked by: JW
05/22/13

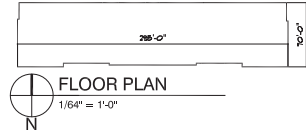
SHEET
L2.01



03 OVERALL NORTH ELEVATION
3/32" = 1'-0"



02 NORTH ELEVATION
1/8" = 1'-0"



01 NORTH ELEVATION
1/8" = 1'-0"

EXTERIOR FINISH LEGEND

BR-1	BRICK
MANUFACTURER: BLACKSON BRICK CO. VENDOR CONTACT: BART SHOUEN 24.889.8091	
TYPE: GYSESTONE	
SIZE: KING	
TEXTURE: VELOUR	
MORTAR: SOLUTION COLORS "45X"	
LOCATION: EXTERIOR WALLS OF BUILDING	
INSTALLATION NOTES: INSTALL PER MANUFACTURER SPECIFICATIONS	

BR-2	BRICK
MANUFACTURER: BLACKSON BRICK CO. VENDOR CONTACT: BART SHOUEN 24.889.8091	
TYPE: GYSESTONE	
SIZE: KING	
TEXTURE: VELOUR	
MORTAR: SOLUTION COLORS "45X"	
LOCATION: EXTERIOR WALLS OF BUILDING	
INSTALLATION NOTES: INSTALL PER MANUFACTURER SPECIFICATIONS	

BR-1	ROOF
MANUFACTURER: CLAY TILE MANUFACTURER VENDOR CONTACT:	
COLOR: DARK TERRA COTTA	
LOCATION: ROOF	
INSTALLATION NOTES: INSTALL PER MANUFACTURER SPECIFICATIONS	

ST-1	STONE
MANUFACTURER: DRYVIT VENDOR CONTACT: RECI WOODS 24.267.8800	
COLOR: IS APARELLO WHITE	
FINISH: SANDPAPER	
PATTERN: RANDOM	
TYPE: CHOPPED	
SIZE: (VARIES) 4", 6", 8", 10", 12"	
MORTAR: STANDARD SLUR MORTAR	
LOCATION: EXTERIOR WALLS	
INSTALLATION NOTES: INSTALL PER MANUFACTURER SPECIFICATIONS	

ST-1	STONE
MANUFACTURER: BLACKSTONE BRICK CO. VENDOR CONTACT: BART SHOUEN 24.889.8091	
DESCRIPTION: NATURAL STONE VENEER	
COLOR: BLENDED LIEBERS CARAMEL, BOK, LIEBERS	
FINISH: BOK	
TYPE: CHOPPED	
SIZE: (VARIES) 4", 6", 8", 10", 12"	
MORTAR: STANDARD SLUR MORTAR	
LOCATION: EXTERIOR WALLS	
INSTALLATION NOTES: INSTALL PER MANUFACTURER SPECIFICATIONS	

ST-2	CAST STONE
MANUFACTURER: DRYVIT VENDOR CONTACT: RECI WOODS 24.267.8800	
COLOR: 448 BAVARIAN WOOD	
FINISH: SANDPAPER	
LOCATION: EXTERIOR WALLS	
INSTALLATION NOTES: INSTALL PER MANUFACTURER SPECIFICATIONS	

ST-2	CAST STONE
MANUFACTURER: CAST STONE MANUFACTURER VENDOR CONTACT:	
DESCRIPTION: CAST STONE WATERTABLE	
COLOR: SLUR	
LOCATION: LOWER WATERTABLE	
INSTALLATION NOTES: INSTALL PER MANUFACTURER SPECIFICATIONS	

NORTH ELEVATION		
MATERIALS	AREA (SQ. FT.)	PERCENTAGE
CLAY GLAZING	3,431 SQ. FT.	36.9%
BRICK	1,387 SQ. FT.	15.0%
CURVED METAL AWNING	65 SQ. FT.	0.7%
NATURAL STONE VENEER	1,398 SQ. FT.	15.1%
STONE FRONT	3,337 SQ. FT.	36.3%
TOTAL	9,559 SQ. FT.	100%

GENERAL NOTES:
THIS FACADE PLAN IS FOR CONCEPTUAL PURPOSES ONLY. ALL BUILDING PLANS REQUIRE REVIEW AND APPROVAL OF THE BUILDING INSPECTION DEPARTMENT.
ALL TECHNICAL UNITS SHALL BE SCREENED FROM PUBLIC VIEW.
GIVEN PERMITTED, EXPOSED UTILITY BOXES AND CONDUITS SHALL BE PAINTED TO MATCH THE BUILDING.
ALL SIGNAGE AREAS AND LOCATIONS ARE SUBJECT TO APPROVAL BY THE BUILDING INSPECTION DEPARTMENT.
ROOF ACCESS SHALL BE PROVIDED INTERNALLY, UNLESS OTHERWISE PERMITTED BY THE BUILDING OFFICIAL.

OWNER / APPLICANT:
MASOUD E. NAJARI
JACQUELINE T. NGUYEN
280 E. FM 544 STE. 100
MURPHY, TEXAS 75094
PHONE: 972.516.2928

ENGINEER:
VASQUEZ ENGINEERING LLC
SUITE #125
PLANO, TEXAS 75075
PHONE: 972.398.6644
FAX: 972.312.8665
CONTACT: BYRON T. WADDEY, P.E., CFM



Cross ARCHITECTS

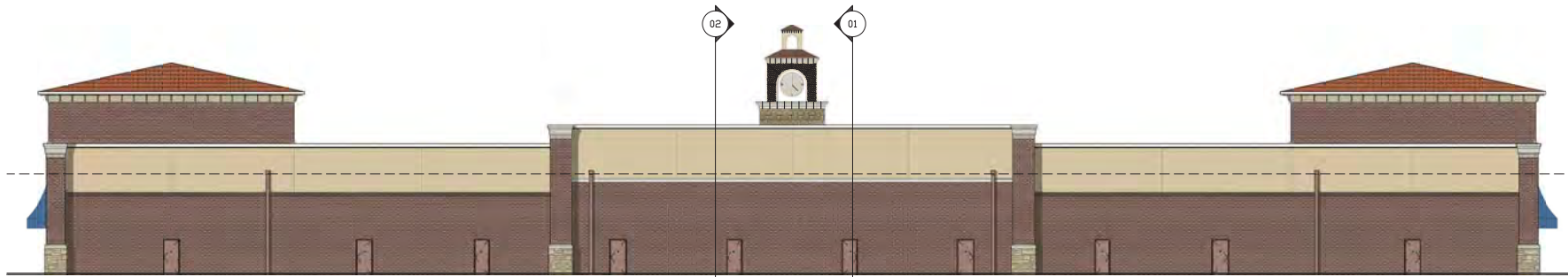
CROSS ARCHITECTS, PLLC
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PHONE: 972.398.6644
FAX: 972.312.8665
bforay@crossarchitects.com

BEACON HILL DEVELOPMENT

CITY OF MURPHY PROJECT NUMBER: 12090
BLOCK 1, LOT 1
2.191 ACRES
PEISER & MANN SURVEYING, LLC

CITY OF MURPHY, COLLIN CO., TEXAS			
DRAWN	DATE	PROJECT NO.	SCALE
J.P.	22/JAN/13	12090	AS NOTED
REVISION	DATE	DESCRIPTION	DRG. COMMENTS
29/APR/13			

FP-1
FACADE PLAN
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03 OVERALL SOUTH ELEVATION
3/32" = 1'-0"

EXTERIOR FINISH LEGEND

BR-1	BRICK
MANUFACTURER: BLACKSON BRICK CO. VENDOR CONTACT: BART BRIDGEN 2488880301	
TYP: COFFEE BLEND SIZE: KING TEXTURE: VELLOR MORTAR: SOLYON COLORS "484"	
LOCATION: EXTERIOR WALLS OF BUILDING INSTALLATION NOTES: INSTALL PER MANUFACTURER SPECIFICATIONS	

BR-2	BRICK	RP-1	ROOF
MANUFACTURER: BLACKSON BRICK CO. VENDOR CONTACT: BART BRIDGEN 2488880301		MANUFACTURER: CLAY TILE MANUFACTURER VENDOR CONTACT:	
TYP: GREY/STONE SIZE: KING TEXTURE: VELLOR MORTAR: SOLYON COLORS "484"		COLOR: DARK TERRA COTTA	
LOCATION: EXTERIOR WALLS OF BUILDING INSTALLATION NOTES: INSTALL PER MANUFACTURER SPECIFICATIONS		LOCATION: ROOF INSTALLATION NOTES: INSTALL PER MANUFACTURER SPECIFICATIONS	

B-1	EL.F.A.	ST-1	STONE
MANUFACTURER: DRYVIT VENDOR CONTACT: RICCI WOODS 242678800		MANUFACTURER: BLACKSTONE BRICK CO. VENDOR CONTACT: BART BRIDGEN 2488880301	
COLOR: 13 ARHARDEL WHITE FINISH: SANDTABLE		DESCRIPTION: NATURAL STONE VENEER COLORS/BLEND: LUDERS GARNET, SON, LUDERS BUFF SON	
LOCATION: EL.F.A. BANS AND CORNICE INSTALLATION NOTES: INSTALL PER MANUFACTURER SPECIFICATIONS		PATTERN: RANDOM TYPE: CHOPPED SIZE (VARIES): 4", 6", 8", 10", 12" MORTAR: STANDARD BUFF MORTAR	
		LOCATION: EXTERIOR WALLS INSTALLATION NOTES: INSTALL PER MANUFACTURER SPECIFICATIONS	

B-2	EL.F.A.	ST-2	CAST STONE
MANUFACTURER: DRYVIT VENDOR CONTACT: RICCI WOODS 242678800		MANUFACTURER: CAST STONE MANUFACTURER VENDOR CONTACT:	
COLOR: 448 BAVARIAN WOOD FINISH: SANDTABLE		DESCRIPTION: CAST STONE WATERTABLE COLOR: BUFF	
LOCATION: EL.F.A. FIELD COLOR INSTALLATION NOTES: INSTALL PER MANUFACTURER SPECIFICATIONS		LOCATION: LOWER WATERTABLE INSTALLATION NOTES: INSTALL PER MANUFACTURER SPECIFICATIONS	

SOUTH ELEVATION		
MATERIALS	AREA (SQ. FT.)	PERCENTAGE
EL.F.A. CLADDING	3768 SQ. FT.	4%
CORNICE AND BANDS	2 SQ. FT.	0.0%
BRICK	5054 SQ. FT.	55%
CAST STONE	2 SQ. FT.	0.0%
NATURAL STONE VENEER	12 SQ. FT.	0.1%
STONE FRONT	240 SQ. FT.	2.6%
TOTAL	8776 SQ. FT.	100%

OWNER / APPLICANT:
MASOUD E. NAJARI
JACQUELINE T. NGUYEN
280 E. FM 544 STE. 100
MURPHY, TEXAS 75094
PHONE: 972.516.2928

ENGINEER:
VASQUEZ ENGINEERING L.L.C.
705 WEST AVENUE B
SUITE #125
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PH: 972.398.6644
FAX: 972.312.8666
CONTACT: BYRON T. WADDEY, P.E., CFM



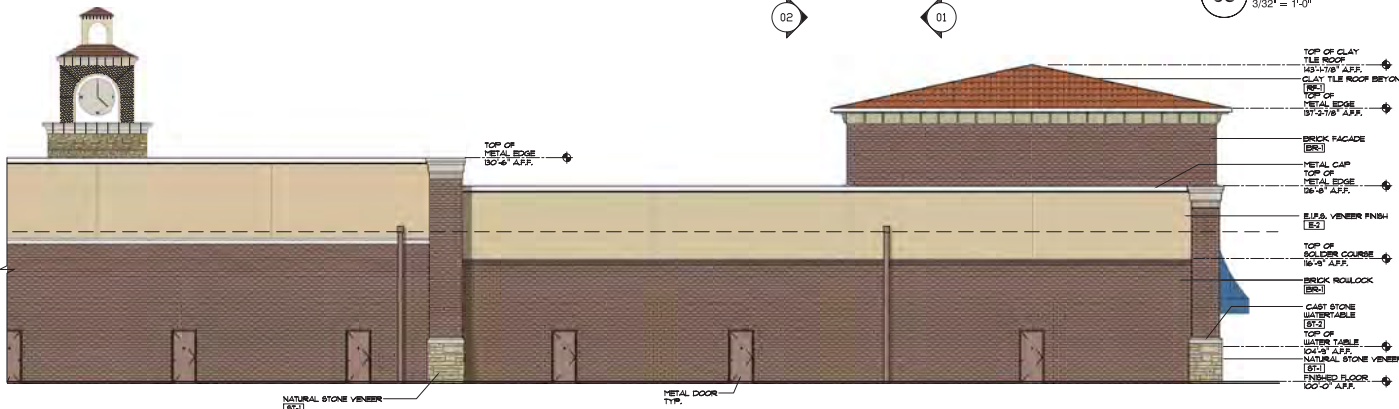
Cross ARCHITECTS

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FAX: 972.312.8666
bforry@crossarchitects.com

BEACON HILL DEVELOPMENT
CITY OF MURPHY PROJECT NUMBER: 12090
BLOCK 1, LOT 1
2.191 ACRES
PEISER & MANN SURVEYING, LLC

CITY OF MURPHY, COLLIN CO., TEXAS			
DRAWN	DATE	PROJECT NO.	SCALE
J.P.	22/JAN/13	12090	AS NOTED
REVISION	DATE	DESCRIPTION	SHEET NO.
29APR13		DRG. COMMENTS	

FP-2
FACADE PLAN
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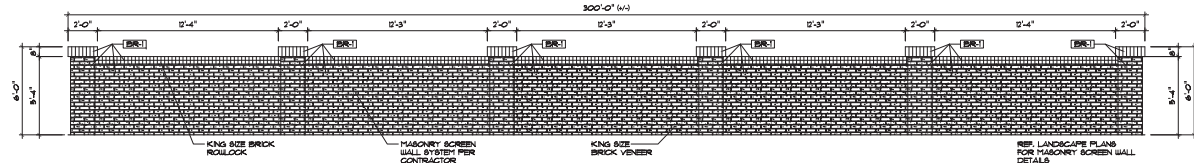
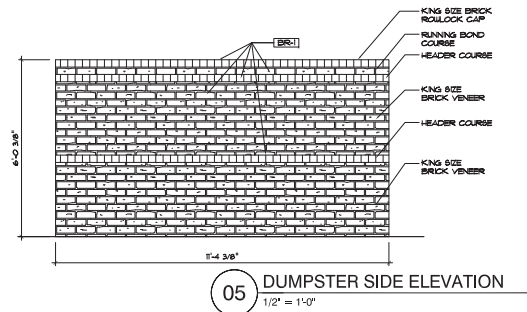


02 SOUTH ELEVATION
1/8" = 1'-0"



01 SOUTH ELEVATION
1/8" = 1'-0"





EXTERIOR FINISH LEGEND

BR-1	BRICK
MANUFACTURER: BLACKSON BRICK CO. VENDOR CONTACT: BART SNOUDEN 248.668.5061	
TYPE: COFFEE BLEND SIZE: KING TEXTURE: VELOUR MORTAR: SOLLOMON COLORS "48x"	
LOCATION: EXTERIOR WALLS OF BUILDING INSTALLATION NOTES: INSTALL PER MANUFACTURERS SPECIFICATIONS	

BR-2	BRICK	RF-1	ROOF
MANUFACTURER: BLACKSON BRICK CO. VENDOR CONTACT: BART SNOUDEN 248.668.5061		MANUFACTURER: CLAY TILE MANUFACTURER VENDOR CONTACT:	
TYPE: GREYSTONE SIZE: KING TEXTURE: VELOUR MORTAR: SOLLOMON COLORS "48x"		COLOR: DARK TERRA COTTA	
LOCATION: EXTERIOR WALLS OF BUILDING INSTALLATION NOTES: INSTALL PER MANUFACTURERS SPECIFICATIONS		LOCATION: ROOF INSTALLATION NOTES: INSTALL PER MANUFACTURERS SPECIFICATIONS	

B-1	EL.F.A.	ST-1	STONE
MANUFACTURER: DRYVIT VENDOR CONTACT: RECCI WOODS 242.367.8800		MANUFACTURER: BLACKSON BRICK CO. VENDOR CONTACT: BART SNOUDEN 248.668.5061	
COLOR: IS AMARILLO WHITE FINISH: SANDPBLESS		DESCRIPTION: NATURAL STONE VENEER COLOR BLEND: LUDERS CARAMEL, SON, LUDERS BUFF BOX	
LOCATION: EL.F.A. BANS AND CORNICE INSTALLATION NOTES: INSTALL PER MANUFACTURERS SPECIFICATIONS		PATTERN: RANDOM TYPE: CHIPPED SIZE (W/ARE): 4", 6", 8", 10", 12" MORTAR: STANDARD BUFF MORTAR	
		LOCATION: EXTERIOR WALLS INSTALLATION NOTES: INSTALL PER MANUFACTURERS SPECIFICATIONS	

B-2	EL.F.A.	ST-2	CAST STONE
MANUFACTURER: DRYVIT VENDOR CONTACT: RECCI WOODS 242.367.8800		MANUFACTURER: CAST STONE MANUFACTURER VENDOR CONTACT:	
COLOR: 448 BAYANIAN WOOD FINISH: SANDPBLESS		DESCRIPTION: CAST STONE WATERTABLE COLOR: BUFF	
LOCATION: EL.F.A. FIELD COLOR INSTALLATION NOTES: INSTALL PER MANUFACTURERS SPECIFICATIONS		LOCATION: LOWER WATERTABLE INSTALLATION NOTES: INSTALL PER MANUFACTURERS SPECIFICATIONS	

EAST 4 WEST ELEVATIONS		
MATERIALS	AREA (SQ. FT.)	PERCENTAGE
EL.F.A. GLAZING	867 SQ. FT.	39%
BRICK	420 SQ. FT.	18.3%
CAST STONE	24 SQ. FT.	0.9%
NATURAL STONE	847 SQ. FT.	37.3%
VENISER	595 SQ. FT.	26.3%
STONE FRONT	2471 SQ. FT.	100%

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OWNER / APPLICANT:
MASOUD E. NAJARI
JACQUELINE T. NGUYEN
280 E. FM 544 STE. 100
MURPHY, TEXAS 75094
PHONE: 972.512.2928

ENGINEER:
VASQUEZ ENGINEERING L.L.C.
705 WEST AVENUE, B
SUITE 216
GARLAND, TEXAS 75040
PHONE: 972.272.4610
CONTACT: BYRON T. WADEY, P.E., CFM



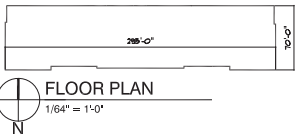
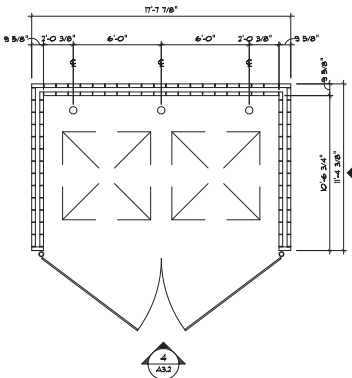
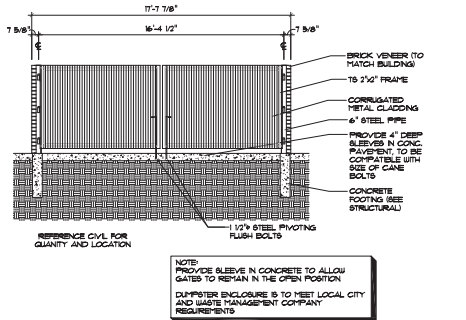
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bfory@crossarchitects.com

BEACON HILL DEVELOPMENT
CITY OF MURPHY PROJECT NUMBER: 12090
BLOCK 1, LOT 1
2.191 ACRES
PEISER & MANN SURVEYING, LLC

CITY OF MURPHY, COLLIN CO., TEXAS			
DRAWN	DATE	PROJECT NO.	SCALE
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REVISION	DATE	DESCRIPTION	SHEET NO.
29/APR/13		DRG. COMMENTS	

FP-3
FACADE PLAN
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BEACON HILLS CENTER





BEACON HILLS CENTER





BEACON HILLS CENTER



City Council
August 6, 2013

Issue

Consider and/or act on the application of **Masoud E. Najari and Jacquie Nguyen** requesting approval of a Construction Plat for Beacon Hill on property zoned NS (Neighborhood Services) located at the northwest corner of FM 544 and Heritage Parkway.

Background

The proposed Construction Plat was initially submitted on February 25, 2013. Prior to the submittal, the development staff team met with the Applicant on numerous occasions to discuss concerns with the site and requirements of development. This agenda item was considered at the July 22, 2013 Planning & Zoning Commission meeting.

Considerations

After reviewing the revisions to the Construction Plat and related documents (paving, grading, storm sewer, drainage, etc...) re-submitted by the Applicant on July 8, 2013, the items listed below are still outstanding and must be addressed by the Applicant.

1. Information regarding the detention pond clean out and scheduled has been provided to the staff but needs to be noted on the plans.
2. Label the 100 year WSEL in the underground detention.
3. Label the elevations of the storm pipes entering and exiting the underground storm sewer system, as well as the storm chambers themselves. It appears on the plans that an additional storm pipe was added into the junction box. Label all elevations, flows, capacities, etc...
4. Sanitary Sewer Easement - The Applicant has declined to provide the requested sanitary sewer easement. The presence of the sanitary sewer line serving the property to north is a matter to be addressed by the two property owners. The Applicant's refusal to dedicate the easement will result in the City's inability to repair the line or other property damage to the Applicant's property. A point of information to the Applicant will be incorporated in the minutes of all public meetings in regards to this item. THE CITY OF MURPHY WILL HAVE NO RESPONSIBILITY TO MAINTAIN, REPAIR OR REPLACE THE PRIVATE SANITARY SEWER LINE WITHIN THE LIMITS OF THE APPLICANT'S PROPERTY. FURTHER, THE CITY OF MURPHY WILL NOT ENTER ONTO THE APPLICANT'S PROPERTY TO MAINTAIN, REPAIR OR REPLACE THE PRIVATE SANITARY SEWER LINE.

Board Discussion/Action

On July 22, 2013, the Planning & Zoning Commission approved the construction plat as presented and included in the motion staff's recommendations and verbiage regarding the sanitary sewer easement.

Staff Recommendation

Staff recommends approving the construction plat and related construction plat documents as proposed with the following contingencies:

- Addressing consideration items 1, 2, and 3 as noted in this agenda item.
- The City of Murphy will continue to oppose any TXDOT submittal for a median cut and left turn lane to serve only this property.
- In regards to the sanitary sewer easement: THE CITY OF MURPHY WILL HAVE NO RESPONSIBILITY TO MAINTAIN, REPAIR OR REPLACE THE PRIVATE SANITARY SEWER LINE WITHIN THE LIMITS OF THE APPLICANT'S PROPERTY. FURTHER, THE CITY OF MURPHY WILL NOT ENTER ONTO THE APPLICANT'S PROPERTY TO MAINTAIN, REPAIR OR REPLACE THE PRIVATE SANITARY SEWER LINE.

Attachments

Construction Plat

Kristen Roberts, Director of Economic and Community Development
Submitted By

PAVING, GRADING & UTILITIES

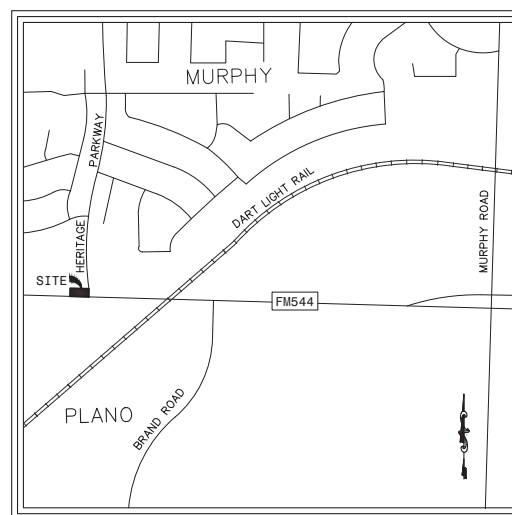
FOR

BEACON HILL DEVELOPMENT

2.191 ACRE TRACT

MASOUD E. NAJARI & JACQUELINE T. NGUYEN

MURPHY, TEXAS



LOCATION MAP
N.T.S.

SHEET INDEX

	COVER
	CONSTRUCTION PLAT
C1	PAVING & DIMENSION CONTROL PLAN
C2	GRADING PLAN
C3	EXISTING & PROPOSED DRAINAGE AREA MAP
C4.0	STORM SEWER PLAN
C4.1	STORM DETENTION PLAN
C4.2	STORM HYDRAULIC CALCULATIONS
C4.3	STORM DETENTION AND TXDOT CALCULATIONS
C4.4	STORM SEWER PROFILES
C4.5	DETENTION MANUFACTURERS SPECIFICATIONS
C5	UTILITY PLAN
C6	DETAILS & GENERAL NOTES
C7	EROSION CONTROL PLAN

SUBMITTALS

NO	DATE	COMMENTS
1	02/25/2013	FIRST CITY SUBMITTAL
2	04/29/2013	SECOND CITY SUBMITTAL
3	05/15/2013	THIRD CITY SUBMITTAL
4	06/11/2013	FOURTH CITY SUBMITTAL
5	06/24/2013	FIFTH CITY SUBMITTAL
6	07/05/2013	SIXTH CITY SUBMITTAL

ARCHITECT: MR. BRET FLORY, AIA
CROSS ARCHITECTS
1255 WEST 15TH STREET
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PLANO, TEXAS 75075
TEL: 972-398-6644

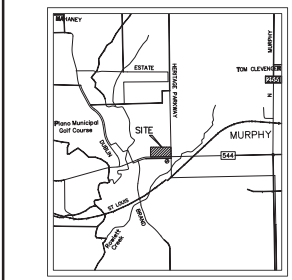
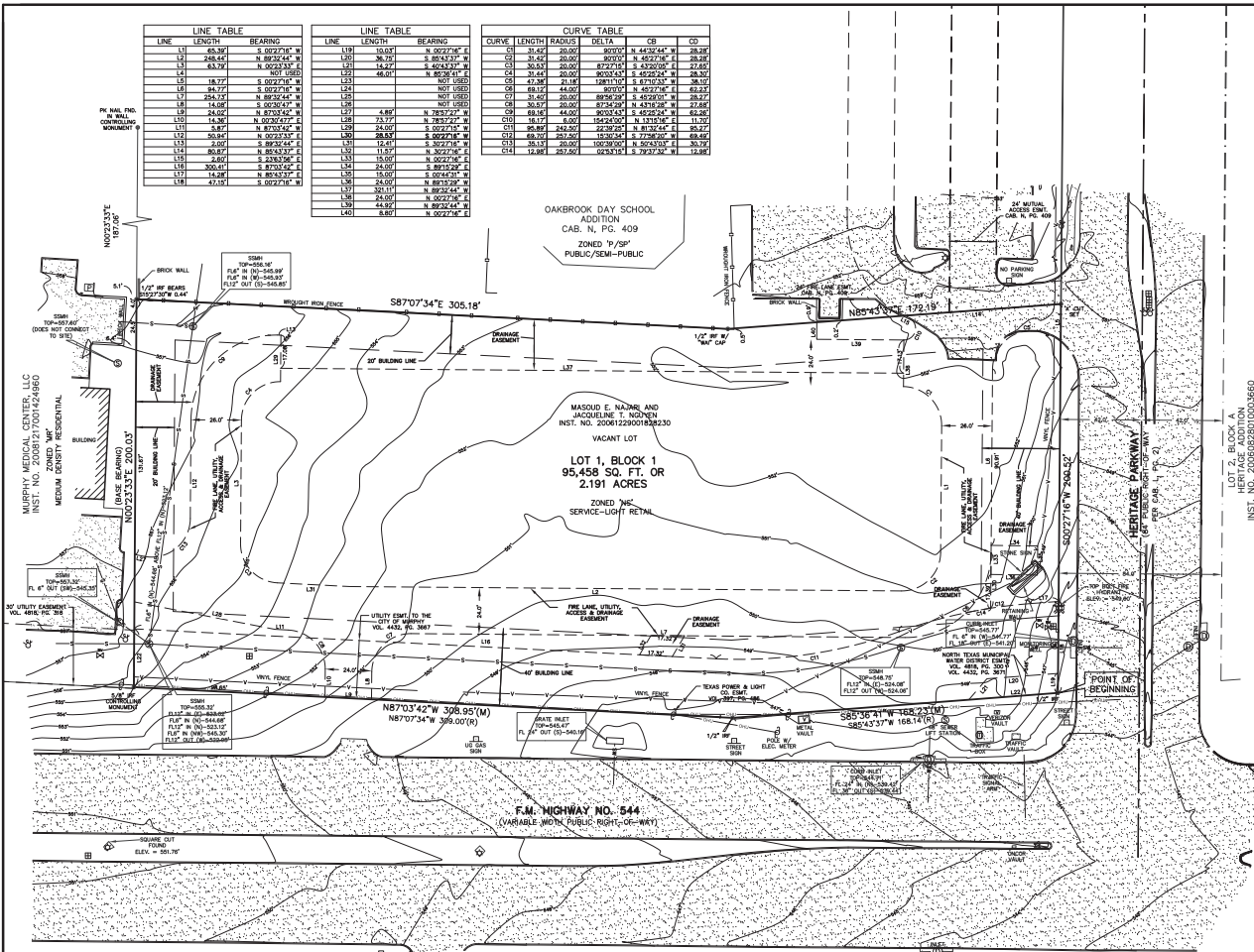
ENGINEER: BYRON T. WADDEY, P.E., CFM
VASQUEZ ENGINEERING, L.L.C.
705 W. AVENUE B
SUITE 316
GARLAND, TEXAS 75040
TEL: 972-272-4610
FIRM REG. NO. 12266

SURVEYOR: MR. TIM MANKIN, R.P.L.S.
PEISER & MANKIN SURVEYING, LLC
623 E. DALLAS ROAD
GRAPENWINE, TEXAS 76061
TEL: 817-481-1806

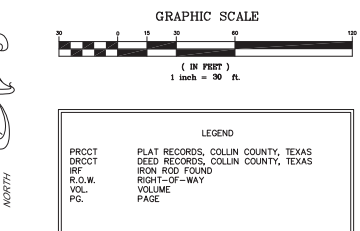
THIS DOCUMENT IS FOR
INTERM REVIEW AND IS
NOT INTENDED FOR
CONSTRUCTION, PERMITTING
OR BIDDING PURPOSES
BYRON T. WADDEY, P.E.
TEXAS NO. 94027
DATED 07/05/13
VASQUEZ ENGINEERING, L.L.C.
TX REG. F-12266

VASQUEZ ENGINEERING L.L.C.
705 WEST AVENUE B
Suite 216
Garland, Texas 75040
Ph: 972-272-4610
TX Registration # F-12266

567-01 BEACON HILL DEVELOPMENT, MURPHY, TX



VICINITY MAP
NOT TO SCALE



NOTES:

1. IRF - Iron Rod Found
2. IRS - Iron Rod Set w/ Peiser Surveying red plastic cap
3. Basis of Bearing - Based on the west line (North 00 deg. 23 min. 33 sec. East) of that certain tract of land to Masoud E. Najari and Jacqueline T. Nguyen, by Instrument No. 20061229001828230, Official Public Records, Collin County, Texas.
4. This is an above-ground survey. The underground utilities, if shown, are based on information provided by the various utility companies and these locations should be considered approximate. There may be additional underground utilities not shown on this drawing.
5. Deviations are based on the following:
 - City of Plano Geodetic Control Station 52, GPS Point No. 219, NAD83, Texas North Central Zone (4202) State Plane Coordinate Listing, a 3-1/4" Domed Aluminum Disk Stamped "CITY OF PLANO SURVEY MARKER, 1989 52", elevation NAVD 1988 529.48', located in the centerline median on the bridge along 14th Street approx. 305' southwest of Dublin Road.
 - City of Plano Geodetic Control Station 849, GPS Point No. 849, NAD83, Texas North Central Zone (4202) State Plane Coordinate Listing, a 3-1/4" Domed Aluminum Disk Stamped "CITY OF PLANO SURVEY MARKER, 849 2009 by G&M", elevation NAVD 1988 543.63', located in the south driveway of the "Pecan Hollow Golf Course" maintenance building.
6. NOTICE: A portion of this addition by metes and bounds is a violation of City ordinance and State law, and is subject to fines and withholding of utilities and building permits.
7. The purpose of this plat is to Plat a tract of land and to easements for development.

STATE OF TEXAS
COUNTY OF COLLIN §

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

WHEREAS Masoud E. Najari and Jacqueline T. Nguyen are the sole owners of that certain 2.191 acre tract of land situated in the Mary Scott Survey, Abstract No. 859, City of Murphy, Collin County, Texas, and being all that certain tract of land to Masoud E. Najari and Jacqueline T. Nguyen, by Instrument No. 20061229001828230, Official Public Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for the southeast corner of said Najari and Nguyen tract, some being the intersection of the north right-of-way line of F.M. 544 with the west right-of-way line of Heritage Parkway (on 84' right-of-way);

THENCE along the common line of said Najari and Nguyen tract and the north right-of-way line of said F.M. 544 as follows:

South 85 deg. 36 min. 41 sec. West, a distance of 168.23 feet to a 1/2 inch iron rod found for an angle point;

North 87 deg. 03 min. 42 sec. West, a distance of 308.95 feet to a 5/8 inch iron rod found for the southwest corner of said Najari and Nguyen tract, some being the southeast corner of that certain tract of land to Murphy Medical Center, LLC, by deed recorded in Instrument No. 2008127001424960, said Official Public Records;

THENCE North 00 deg. 23 min. 33 sec. East (basis of bearings), along the common line of said Najari and Nguyen tract, and said Murphy Medical Center tract, a distance of 200.03 feet to a point from which a 1/2 inch iron rod found bears South 15 deg. 27 min. 30 sec. West, 0.44 foot for the northwest corner of said Najari and Nguyen tract, some being the southwest corner of Oakbrook Day School Addition, an addition to the City of Murphy, Collin County, Texas, according to the plat thereof recorded in Cabinet N, Page 409, Plat Records, Collin County, Texas;

THENCE along the common line of said Najari and Nguyen tract, and said Oakbrook Day School Addition as follows:

South 87 deg. 07 min. 34 sec. East, a distance of 305.18 feet to a 1/2 inch iron rod found with "MUT cap" for an angle point;

North 85 deg. 43 min. 37 sec. East, a distance of 172.19 feet to a point for the northeast corner of said Najari and Nguyen tract, some being in the west right-of-way line of aforesaid Heritage Parkway;

THENCE South 00 deg. 27 min. 16 sec. West, along the common line of said Najari and Nguyen tract, and the west right-of-way line of said Heritage Parkway, a distance of 200.52 feet to the POINT OF BEGINNING and containing 95,458 square feet or 2.191 acres of computed land, more or less.

Fire Lines:

That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire line easements, as dedicated and shown hereon, a hard surface in accordance with the City of Murphy's paving standards for fire lanes and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstructions, including but not limited to the parking of motor vehicles, trailers, boats or other impediments to the accessibility of fire apparatus. The maintenance of paving on the fire line easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lines, stating "Fire Lane, No Parking or Standing." The local law enforcement agency(s) is hereby authorized to enforce parking regulations within the fire lanes, and to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for fire department and emergency use.

Access Easements:

The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of general public vehicular and pedestrian use and access, and for fire department and emergency use in, along upon and across said premises, with the right and privilege at all times of the City of Murphy, its agents, employees, workmen and representatives having ingress, egress, and regress in, along, upon and across said premises.

FLOOD CERTIFICATE

As determined by the FLOOD INSURANCE RATE MAPS for Collin County, the subject property does Not appear to lie within a Special Flood Hazard Area (100 Year Flood), Map date 06/02/09 Community Panel No. 4808C03581 subject lot is located in Zone "X".

If this site is not within an identified flood hazard area, this Flood Statement does not imply that the property and/or structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Flood Statement shall not create liability on the part of the Surveyor.

FINAL PLAT

Approved by the City of Murphy for filing at the office of the County Clerk of Collin County, Texas.

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

Signature of Chairperson Date of Recommendation

APPROVED BY: City Council City of Murphy, Texas

Signature of Mayor Date of Approval

ATTEST:

City Secretary Date

PROPERTY OWNER'S CERTIFICATE:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Masoud E. Najari and Jacqueline T. Nguyen, do hereby adopt this plat designating the herein above described property as **BEACON HILL DEVELOPMENT**, on addition to the City of Murphy, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, rights-of-way, and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City Council of the City of Murphy. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easements limit the use to particular utilities, add use by public utilities being subordinate to the public's and City of Murphy's use thereof. The City of Murphy and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Murphy and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all plotting ordinances, rules, regulations and resolutions of the City of Murphy, Texas

WITNESS, my hand, this ____ day of _____, 2013.

By: _____

Masoud E. Najari _____

Jacqueline T. Nguyen _____

STATE OF TEXAS*
COUNTY OF _____

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Masoud E. Najari, Owner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this ____ day of _____, 2013.

Notary Public in and for the State of Texas _____

STATE OF TEXAS*
COUNTY OF _____

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Jacqueline T. Nguyen, Owner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this ____ day of _____, 2013.

Notary Public in and for the State of Texas _____

KNOW ALL MEN BY THESE PRESENTS:

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

PRELIMINARY: NOT TO BE RELEASED

Registered Public Land Surveyor
Registration No. 4122

STATE OF TEXAS*
COUNTY OF TARRANT*

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Timothy R. Mapkin, Registered Public Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this ____ day of _____, 2013.

Notary Public in and for the State of Texas _____

My Commission Expires On: _____

DATE: 03/21/2013
REV: 03/26/2013
04/02/2013
06/10/2013
07/02/2013

SCALE: 1" = 30'
T.M.V.
CHECKED: J.B.

OWNER:
Masoud E. Najari and
Jacqueline T. Nguyen
6346 Shady Oaks drive
Frisco, Texas 75034-7235

PEISER & MANKIN SURVEYING, LLC

www.peisersurveying.com

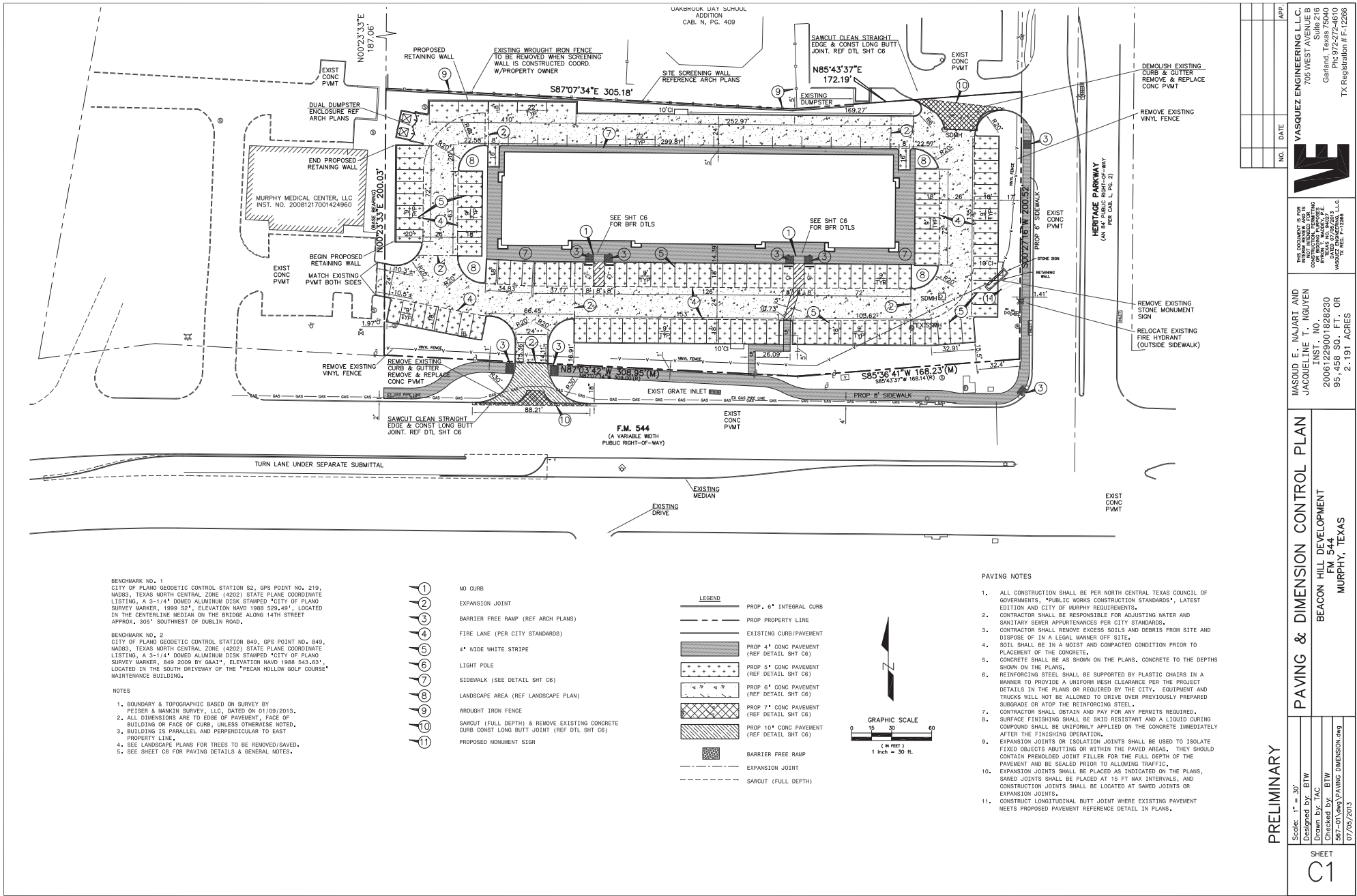
623 E. DALLAS ROAD
GRAPEVINE, TEXAS 76031
817-481-1806 (O)
817-481-1809 (F)
FAX NO 100999-00

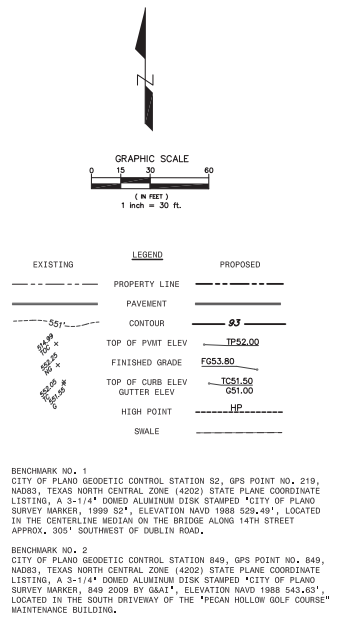
COMMERCIAL
BOUNDARIES
TOPOGRAPHY
MORTGAGE

Texas
Society of
Professional
Surveyors

Member Since 1977

8 6 13 Agenda Packet 34 of 143





- NOTES:**
1. BOUNDARY & TOPOGRAPHIC BASED ON SURVEY BY PEISER & MANKIN SURVEY, LLC DATED ON 01/09/2013.
 2. SEE SHEET C3 FOR DRAINAGE AREA MAP.
 3. SEE SHEET C4 FOR STORM SEWER PLAN.
 4. SEE SHEET C7 FOR EROSION CONTROL PLAN.

GRADING PLAN

1. ALL CONSTRUCTION SHALL BE PER NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS, "PUBLIC WORKS CONSTRUCTION STANDARDS", SECTION 101, AND CITY OF DALLAS SUPPLY REQUIREMENTS.
2. REFERENCE GENERAL NOTES ON THE PAVING PLAN FOR ADDITIONAL SPECIFICATIONS.
3. ALL CONSTRUCTION SHALL BE PER CITY STANDARDS FOR CONSTRUCTION.
4. AREAS TO RECEIVE PAVING SHALL BE STRIPPED TO A MINIMUM OF 6 INCHES TO REMOVE ALL VEGETATION, TOP SOIL AND DEBRIS IF PRESENT. EXCESS MATERIALS AND DEBRIS SHALL BE DISPOSED OF OFF SITE IN A LEGAL MANNER. TOP SOIL SHALL BE STOCKPILED FOR USE IN FINAL GRADING.
5. ALL PAVING SHALL ESTABLISH A MINIMUM OF 100 FEET TO RUNOFF RAINFALL THROUGH THE SITE. WATER MUST NOT BE ALLOWED TO POND IN TREE GRUB HOLES, THE SITE SHOULD BE GRADED SUCH THAT SURFACE WATER RUNS AWAY FROM THE WORK AREAS IS ESTABLISHED AND MAINTAINED AT ALL TIMES, WATER MUST NOT BE ALLOWED TO POND ON THE SURFACE DURING CONSTRUCTION.
6. THE CONTRACTOR SHALL PROVIDE FOR SEDIMENT AND EROSION CONTROL AS REQUIRED BY THE CITY THROUGHOUT THE CONSTRUCTION OF THE PROJECT. THE FILTER FABRIC NETS WILL BE PLACED AT THE TOE OF SLOPE OR IN THE DOWNLINE OF DITCHES AND ALSO PLACED AT THE TOE OF SLOPE. THE SEDIMENT CONTROL SHALL BE USED UNTIL LANDSCAPING IS COMPLETE AND EROSION CONTROL IS ESTABLISHED.
7. ALL AREAS THAT WILL RECEIVE FILL SHALL BE PROOF-ROLLED TO IDENTIFY WEAK ZONES, ALL WEAK ZONES MUST BE REMOVED AND REPLACED PRIOR TO FILL PLACEMENT.
8. ALL AREAS SHOULD BE PROOF-ROLLED TO IDENTIFY LOOSE LIFTS, LESS THAN 8 INCHES THICK, AND EACH LIFT COMPACTED TO A MINIMUM OF 95% OF THE MAXIMUM DRY DENSITY OR AS DIRECTED BY THE GEOTECHNICAL ENGINEER. FILL SHOULD BE PLACED AND COMPACTED AND APPROVED BY A QUALIFIED ENGINEERING TECHNICIAN, SUPERVISED BY A GEOTECHNICAL ENGINEER BEFORE ANOTHER LIFT IS ADDED.
9. TESTING IS REQUIRED, AND SHALL BE PERFORMED BY A LABORATORY APPROVED BY THE OWNER AND PAID FOR BY THE OWNER.
10. IT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE ALL UTILITIES AND ALL PUBLIC UTILITIES SHALL BE PROTECTED BY THIS PROJECT. ALL MANHOLES, CLEANOUTS, VALVE BOXES, FIRE HYDRANTS, ETC., MUST BE USED PROPER LINE AND GRADE BY THE CONTRACTOR PRIOR TO PAVING. ALL UTILITIES SHALL BE MAINTAINED TO PROPER LINE AND GRADE DURING THE CONSTRUCTION OF PAVING FOR THIS PROJECT.



GRAPHIC SCALE

0 25 50 100

(IN FEET)

1 inch = 50 ft.

LEGEND

_____ PROPERTY LINE

===== PAVEMENT CURB/GUTTER

--- 500.5 --- EXIST. CONTOUR

--- 1.3 --- PROP. CONTOUR

→ FLOW ARROW

HP HIGH POINT

===== SWALE

===== DRAINAGE DIVIDE

○ 1 ○ DRAINAGE AREA

0.50 ACRE

TOTAL AREA = 2.19 ACRES

DISTURBED AREA = 1.67 ACRES

NOTES

1. BOUNDARY & TOPOGRAPHIC BASED ON SURVEY BY PEISER & MANKIN SURVEY, LLC, DATED ON 01/09/2013.
2. SEE SHEET C7 FOR EROSION CONTROL PLAN.

BENCHMARK NO. 1
CITY OF PLANO GEODETIC CONTROL
STATION S2, GPS POINT NO. 219, NAD83,
TEXAS NORTH CENTRAL ZONE (4202) STATE
PLANE COORDINATE LISTING, A 3-1/4"
DOMED ALUMINUM DISK STAMPED "CITY OF
PLANO SURVEY MARKER, 1999 S2",
ELEVATION NAVD 1988 529.49', LOCATED
IN THE CENTERLINE MEDIAN ON THE
BRIDGE ALONG 14TH STREET APPROX. 305'
SOUTHWEST OF DUBLIN ROAD.

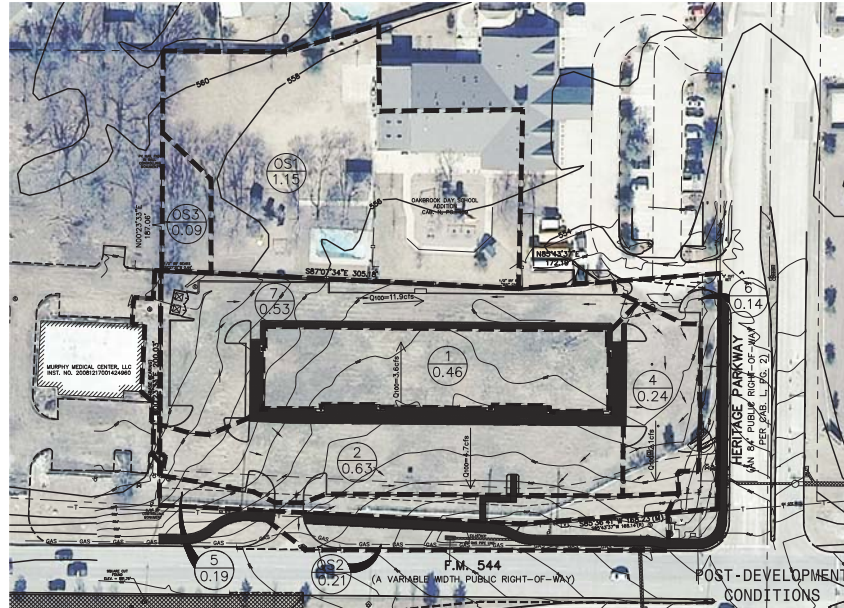
BENCHMARK NO. 2
CITY OF PLANO GEODETIC CONTROL
STATION 849, GPS POINT NO. 849, NAD83
TEXAS NORTH CENTRAL ZONE (4202) STATE
PLANE COORDINATE LISTING, A 3-1/4"
DOMED ALUMINUM DISK STAMPED "CITY OF
PLANO SURVEY MARKER, 849 2009 BY
G&AI", ELEVATION NAVD 1988 543.63',
LOCATED IN THE SOUTH DRIVEWAY OF THE
"PECAN HOLLOW GOLF COURSE"
MAINTENANCE BUILDING.

EXISTING DRAINAGE AREA MAP CALCULATIONS

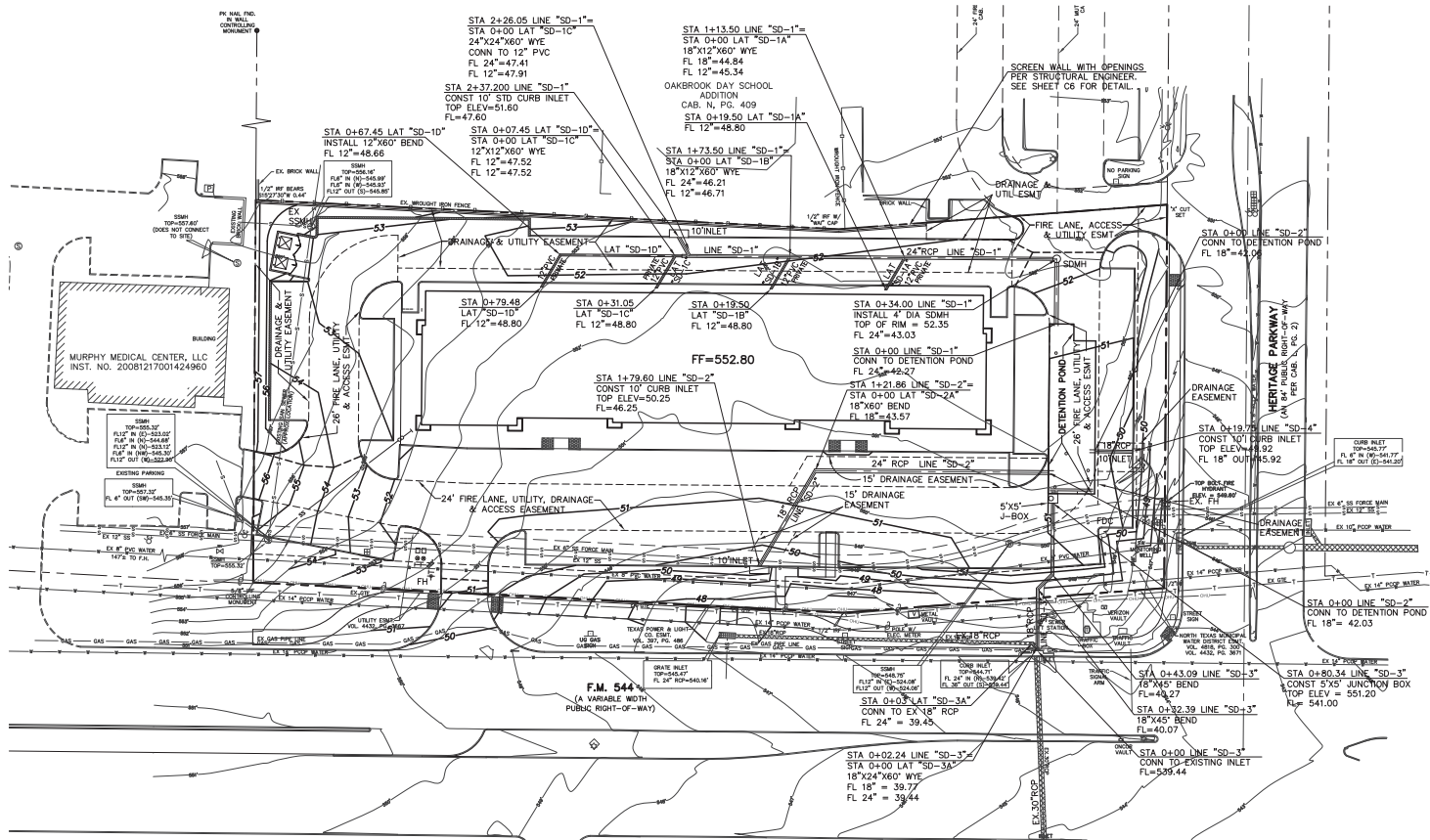
DATE	C	TC	I _{avg} (in/hr)	Q _{avg} (cfs)	COMMENTS
OS1	1.15	0.70	10	8.74	7.0 OAKBROOK DAY SCHOOL TO GRATE INLET
OS2	0.21	0.50	10	7.0	0.9 GRASS AREA TO GRATE INLET
OS3	0.09	0.70	10	8.74	0.6 GRASS AREA TO GRATE INLET
OS4	0.04	0.50	10	8.74	0.2 GRASS AREA TO GRATE INLET
OS5	0.01	0.50	10	8.74	0.1 GRASS AREA TO GRATE INLET
E1	1.88	0.50	10	8.74	EXISTING SITE TO GRATE INLET
E2	0.04	0.50	10	8.74	0.2 EXISTING SITE TO FM 544
E3	0.21	0.50	10	8.74	0.9 EXISTING SITE TO HERITAGE PARKWAY
E4	0.06	0.70	10	8.74	0.4 EXISTING SITE TO HERITAGE PARKWAY

PROPOSED DRAINAGE AREA MAP CALCULATIONS

DWF AREA (AC)	C (in)	I_{avg} (ft/hr)	Q_{avg} (cfs)	COMMENTS
OS1 1.15	0.70	10.74	7.0	KADROCK DYE SCHOOL TO 10' STD INLET
OS2 0.52	0.50	10.74	0.6	GRASS AREA TO GRATE INLET
OS3 0.09	0.70	10.74	0.6	GRASS AREA TO 10' STD INLET
OS4 0.03	0.50	10.74	0.1	GRASS AREA TO 10' STD INLET
OS5 0.04	0.50	10.74	0.1	PAVED DRIVE ACCESS
1 0.46	0.90	10.74	3.6	TO ROOF DRAINS TO 18" RCP
2 0.63	0.90	10.74	4.5	TO 10' STD INLET - 18" RCP
3				NOT USED
4 0.24	0.90	10.74	1.9	TO 10' STD INLET - 18" RCP
5 0.19	0.50	10.74	0.8	GRASS AREA TO FM 544
6 0.10	0.50	10.74	0.4	GRASS AREA TO FM 544
7 0.53	0.90	10.74	4.2	TO 10' STD INLET - 18" RCP



PROPOSED DRAINAGE AREA MAP



BENCHMARK NO. 1
CITY OF PLANO GEODETIC CONTROL STATION S2, GPS POINT NO. 219,
NAD83, TEXAS NORTH CENTRAL ZONE (4202) STATE PLANE COORDINATE
LISTING, A 3-1/4" DOMED ALUMINUM DISK STAMPED "CITY OF PLANO
SURVEY MARKER, 1999 S2", ELEVATION NAVD 1988 529.49', LOCATED
IN THE CENTERLINE MEDIAN ON THE BRIDGE ALONG 14TH STREET
APPROX. 305' SOUTHWEST OF DUBLIN ROAD.

BENCHMARK NO. 2
CITY OF PLANO GEODETIC CONTROL STATION 849, GPS POINT NO. 849,
NAD83, TEXAS NORTH CENTRAL ZONE (4202) STATE PLANE COORDINATE
LISTING, A 3-1/4" DOMED ALUMINUM DISK STAMPED 'CITY OF PLANO
SURVEY MARKER, 849 2009 BY GSAI', ELEVATION NAVD 1988 543.63',
LOCATED IN THE SOUTH DRIVEWAY OF THE 'PECAN HOLLOW GOLF COURSE'
MAINTENANCE BUILDING.

NOTES

1. BOUNDARY & TOPOGRAPHIC BASED ON SURVEY BY
PETSER & MANKIN SURVEY, LLC, DATED ON 01/09/2013.
2. ALL DIMENSIONS ARE TO EDGE OF PAVEMENT, FACE OF
BUILDING OR FACE OF CURB, UNLESS OTHERWISE NOTED.
3. BUILDING IS PARALLEL AND PERPENDICULAR TO NORTH
PROPERTY LINE.
4. SEE LANDSCAPE PLANS FOR TREES TO BE REMOVED/SAVED.
5. SEE SHEET C5 FOR UTILITY PLAN.

STORM SEWER NOTES:

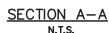
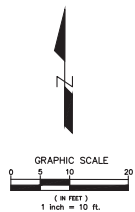
1. ALL CONSTRUCTION SHALL BE PER NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS, "PUBLIC WORKS CONSTRUCTION STANDARDS", LATEST EDITION AND CITY OF MURPHY REQUIREMENTS;
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY'S STANDARDS AND SPECIFICATIONS.
3. ALL STORM SEWER SHALL BE CLASS III RCP UNLESS OTHERWISE NOTED ON THE PLANS.
4. ALL TRENCHING SHALL BE IN ACCORDANCE WITH THE LATEST ASH STANDARD SPECIFICATIONS.
5. ALL CONCRETE PIPE JOINTS SHALL BE SEALED WITH RAHMCO OR EQUIVALENT.
6. CONTRACTOR SHALL VERIFY LOCATIONS AND ELEVATIONS PRIOR TO CONNECTING TO EXISTING STRUCTURES.
7. ALL THE CONNECTIONS AT STRUCTURES TO PROVIDE A WATERPROOF SEAL.
8. ADJUST ALL UTILITY APPEARANCES TO FINAL GRADE.
9. INLETS HAVE CAST-IN-PLACE OR PRECAST VERGERS WITH CITY PRIOR TO PROCEEDURE.
10. ALL PRIVATE STORM DRAIN TO BE MAINTAINED BY THE PROPERTY OWNER.





THE DETENTION AREA SHALL BE INSPECTED UPON INITIAL CONSTRUCTION BY OPENING THE PORT COVERS TO THE RISER PIPES LEADING TO THE SEDIMENT TRAPS AS SHOWN ON THE PLANS. THE BOTTOM OF THE TRAP SHOULD BE INSPECTED TO DETERMINE THE DEPTH OF SILT BELOW THE TOP RIM OF THE TRAP. IF THE SILT IS WITHIN 6" OF THE TOP RIM OF THE TRAP, IT SHOULD BE CLEANED BY REMOVING ANY SILT BY USE OF A VACUUM TRUCK OR EQUIPMENT THROUGH THE TRAP. THIS SHOULD BE DONE THE FIRST YEAR AFTER CONSTRUCTION. ONCE THE SYSTEM IS STABILIZED AND SEDIMENT DEPOSITION HAS SLOWED TO A SMALL AMOUNT, INSPECTIONS CAN BE MADE ANNUALLY. THE TRAPS SHOULD BE CLEANED EACH TIME THEY ARE FOUND TO BE WITHIN 6" OF THE TOP OF THE TRAP.

DETENTION VOLUME PROVIDED		
STORAGE VOLUME REQUIRED:		5282 CU FT
STORAGE PER CHAMBER:		
CHAMBER SIZE:	8.5 FT X 5 FT =	42.5 SQ FT
VOLUME AT EACH CHAMBER		
1" ROCK BELOW AS BASE + 40% VOID SPACE		17 CU FT
18" ABOVE CHAMBER X 40%		25.5 CU FT
ROCK OUTSIDE CHAMBER 8.5(28.83) = 120.41 CU FT		
LESS 75 CU FT IN CHAMBER = 45.41 CU FT		
45.41 CU FT X 40% VOID SPACE =		18.16 CU FT
VOLUME PER CHAMBER		75 CU FT
	VOL EACH CHMBR	135.66 CU FT
CHAMBERS PROVIDED	36	VOLUME 4883.8 CU FT
VOLUME IN PERMETER WALL		
75 FT SPACE BETWEEN UNITS		
1" THICK ROCK WALL AROUND PERMETER		
LONG WALLS		
(9 UNITS X 8.5 FT/UNIT) + (8 X 0.75 FT SPC) X 5.33' HGT X 2 WALLS) X 4		179.89 CU FT
SHORT WALLS		
(4 UNITS X 5.75 FT/UNIT) + (0.75 FT SPC) X 5.33' HGT X 2 WALLS) X 4		94.87 CU FT
SPACE BETWEEN UNITS		
(9 UNITS X 8.5 FT/UNIT) + (8 X 0.75 FT SPC) X 5.33' HGT X 3 SPC) X 4		395.75 CU FT
TOTAL VOLUME PROVIDED:		5580.3 CU FT
DEPTH OF WATER		
EXCESS WATER STORAGE PROVIDED		
5580.3 CU FT - 5282 CU FT		288.3 CU FT
DEPTH OF STONE AT 40% VOID OF WATER		
(288.3 CU FT / 2051.1 SQ FT (AREA OF DETENTION)) X 4		0.33 FT
DEPTH OF WATER		
5.33 FT - 0.33 FT EXCESS STORAGE		5.00 FT
WATER SURFACE ELEVATION		
INVERT OF DETENTION 541.00 + 5.00 FT		546.00 FT



DETENTION OUTLET W/ORIFICE
NTS

COMPUTATION SHEET																																						
HYDRAULIC COMPUTATIONS FOR PROPOSED STORM DRAINS																																						
Design Point ID	Upstream Location (Design Point)	Downstream Location	Distance	Drainage Area		Rainfall Intensity		Design Flow		Design Conduit		Friction Loss		Hydraulic Grade Line		Velocity		Minor Loss		Ground/HGL Elev		Comments																
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39
				Drainage Area acres	Total Drainage Area acres	Rough Coefficient "n"	Inlet Slope "CA"	Total "CA"	Design Flood years	Inlet Time min	Travel Time in Conduit min	Time of Concentration min	Rainfall Intensity "I"	Design Flood "Q"	Inlet Ephem "Q"	Pipe Discharge "Q"	No. of Conduits	Open Box Culvert	Pipe Diameter (Culvert Size)	Slope of Conduit	Pipe Discharge "Q"	Friction Slope (S)	Friction Loss	Upstream HGL Elevation	Downstream HGL Elevation	Design Point Elevation	Upstream Velocity (ft/s)	Downstream Velocity (ft/s)	Upstream Head (ft/200)	Downstream Head (ft/200)	Minor Loss Coefficient K	= K (V/2g)	Total Minor Loss	Upstream Ground Elev (Top of curb)	Elev Difference Ground-HGL	Upstream Pipe Flowing	Downstream Pipe Flowing	
LINE SD-1																																						
	237.20	237.20	0.00	1.80	1.80	0.76	1.36	1.36	100	10	0	10	8.74	11.9	0	11.9	1	-	24		11.9			548.05	547.68	548.05	3.79	4.36	0.22	0.30	1.25	0.28	0.37	551.60	3.55	547.60	STD 10" CURB INLET	
	237.20	226.05	11.15	0.23	2.03	0.90	0.21	1.57	100	10	0	10	8.74	1.8	0	13.7	1	-	24	48.1121	13.7	0.0037	0.04	547.68	547.47	547.64	4.36	4.65	0.30	0.34	0.60	0.18	0.18	551.60	3.96	547.60	90° BEND, 1/2" ROOF	
	226.05	113.95	112.05	0.12	2.15	0.90	0.10	1.07	100	10	0	10	8.74	0.9	0	14.6	1	-	24	0.0081	14.6	0.0042	0.47	547.47	546.82	547.00	4.65	4.94	0.34	0.38	0.60	0.20	0.18	551.60	4.40	547.60	548.91 1/2" ROOF DRAIN	
	113.95	34.00	79.95	0.12	2.26	0.90	0.10	1.78	100	10	0	10	8.74	0.9	0	15.5	1	-	24	0.0488	15.5	0.0047	0.37	546.82	546.15	546.44	4.94	4.94	0.38	0.38	0.25	0.09	0.28	552.35	5.91	546.91	543.03 12" ROOF DRAIN	
	34.00	0.00	34.00	0.00				1.78	100	10	0	10	8.74	0.0	0	15.5	1	-	24	0.0224	15.5	0.0047	0.16	546.15	546.00	546.00	4.94	0.00	0.38	0.00	1.00	0.38	0.00	552.00	6.00	543.03	542.27 MH TO DET POND	
LINE SD-2																																						
	179.60	121.86	57.74		0.54	0.90	0.49	0.49	100	10	0	10	8.74	4.2	0	4.2	1	-	18	0.0494	4.2	0.0016	0.09	546.33	546.24	546.44	2.40	2.40	0.09	0.09	1.25		0.11	551.50	5.06	546.25	543.57 STD 10" CURB INLET	
	121.86	0.00	121.86		0.54	0.90	0.49	0.49	100	10	0	10	8.74	4.2	0	4.2	1	-	18	0.0126	4.2	0.0016	0.20	546.20	546.00	546.24	2.40	0.00	0.09	0.00	0.43	0.04	0.00	551.10	4.86	543.57	542.03	
LINE SD-3																																						
	80.34	80.34	0.00	-	-	-	-	-	100	10	0	10	8.74	18.2	0	18.2	1	-	24		18.2			544.43	543.78	544.43	5.78	5.78	0.52	0.52	1.25	0.65	0.65	551.20	6.77	541.00		
	80.34	43.09	37.25	-	-	-	-	-	100	10	0	10	8.74	18.2	0	18.2	1	-	24	0.0196	18.2	0.0064	0.24	543.78	543.02	543.54	5.78	5.78	0.52	0.52	1.00	0.52	0.52	551.50	7.96	541.00	540.27 OUTLET STRUCTURE	
	43.09	32.39	10.70	-	-	-	-	-	100	10	0	10	8.74	18.2	0	18.2	1	-	24	0.0187	18.2	0.0064	0.07	543.02	542.62	542.95	5.78	5.78	0.52	0.52	0.35	0.18	0.34	549.00	6.05	540.27	540.07 45° BEND	
	32.39	2.24	30.15	-	-	-	-	-	100	10	0	10	8.74	18.2	0	18.2	1	-	24	0.0202	18.2	0.0064	0.19	542.62	541.96	542.42	5.78	6.45	0.52	0.65	0.35	0.18	0.46	545.00	2.50	540.07	539.46 45° BEND	
	2.24	0.00	2.24	-	-	-	-	-	100	10	0	10	8.74	20.3	0	20.3	1	-	24	0.0089	20.3	0.0080	0.02	541.96	541.94	541.94	6.45	0.00	0.65	0.00	0.50	0.32	0.00	544.71	2.77	539.46	539.44 CONN TO EXIST INLET	
LINE SD-4																																						
	19.75	0.00	19.75	0.00	0.25	0.90	0.23	0.23	100	10	0	10	8.74	2.0	0	2.0	1	-	18	0.1954	2.0	0.0004	0.01	546.34	546.33	546.81	1.11	4.94	0.02	0.38	1.25	0.02	0.47	549.92	3.11	545.92	542.06 STD 10" CURB INLET	

NO.	DATE	APP.
VASQUEZ ENGINEERING L.L.C. 705 WEST AVENUE B, Suite 216 Garland, Texas 75040 Phone: 972-262-1226 TX Registration # F-12268		
THIS DOCUMENT IS FOR THE PROJECT OF BEACON HILL DEVELOPMENT 95.448 SQ. FT. OR 2.191 ACRES MURPHY, TEXAS		
STORM HYDRAULIC CALCULATIONS		
DESIGNED BY: BTW DRAWN BY: TAC CHECKED BY: BTW 957-C:\eng\STORM SEWER PLAN.dwg 06/24/2013		
SCALE: AS SHOWN		
SHEET C4.2		

COMPUTATION SHEET																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
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Design Point ID	Upstream Location (Design Point)	Downstream Location	Distance	Drainage Area		Runoff Coefficient	Incremental "CA"	Total "CA"	Design Flood	Rainfall Intensity				Design Flow			Design Conduit			Friction Loss		Hydraulic Grade Line				Velocity				Minor Loss		Ground/HGL Elev.				Comments																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																					
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WEIGHTED 'C' CALCULATIONS					
	AREA	C PROPOSED	CA	C EXISTING	CA
	acres				
OS1	1.15	0.7	0.805	0.7	0.805
OS3	0.09	0.7	0.063	0.7	0.063
OS4	0.04	0.9	0.036	0.9	0.036
1	0.48	0.9	0.432	0.5	0.24
2	0.52	0.9	0.468	0.5	0.26
3	0.33	0.9	0.297	0.5	0.165
4	0.25	0.9	0.225	0.5	0.125
7	0.33	0.9	0.297	0.5	0.165
TOTALS	3.19		2.623		1.859
		WEIGHTED C	0.82	WEIGHTED C	0.58

100-YEAR STORM BASIN CALCULATION																																																																																																																																													
DETENTION CALCULATIONS																																																																																																																																													
Maximum Storage Volume is determined by deducting the volume of runoff released during the time of inflow from the total inflow for each duration.																																																																																																																																													
Inflow = Storm duration X Respective Peak Discharge X 60 seconds/minute																																																																																																																																													
Outflow = Half of the Respective Inflow Duration x Control Release Discharge X 60 seconds/minute.																																																																																																																																													
<table><tr><th colspan="2">Area, acres</th><th>3.19</th><th colspan="2">Area to Detention, acres</th><th>3.19</th></tr><tr><td colspan="2">Present Conditions</td><td></td><td colspan="2">Proposed Conditions</td><td></td></tr><tr><td>C</td><td>0.58</td><td></td><td>C</td><td>0.82</td><td></td></tr><tr><td>Tc</td><td>15.00</td><td></td><td>Tc</td><td>10.00</td><td></td></tr><tr><td>(100)</td><td>7.50</td><td></td><td>(100)</td><td>8.74</td><td></td></tr><tr><td>(240)</td><td>13.99</td><td></td><td>(240)</td><td>22.86</td><td></td></tr><tr><td>Allowable (qmax)</td><td>18.16</td><td></td><td>qmax</td><td>21.84</td><td></td></tr></table>					Area, acres		3.19	Area to Detention, acres		3.19	Present Conditions			Proposed Conditions			C	0.58		C	0.82		Tc	15.00		Tc	10.00		(100)	7.50		(100)	8.74		(240)	13.99		(240)	22.86		Allowable (qmax)	18.16		qmax	21.84		<table><tr><th>Time</th><th>Inflow</th><th>Outflow</th><th>Storage (cf)</th><th>Tc</th><th>Intensity</th></tr><tr><td>0</td><td>0.00</td><td>0.00</td><td>0</td><td>0</td><td>10.00</td></tr><tr><td>10</td><td>13717</td><td>13690</td><td>282</td><td>10</td><td>8.740</td></tr><tr><td>15</td><td>17704</td><td>13623</td><td>408</td><td>15</td><td>7.520</td></tr><tr><td>20</td><td>21347</td><td>13544</td><td>500</td><td>20</td><td>6.800</td></tr><tr><td>30</td><td>27914</td><td>12790</td><td>528</td><td>30</td><td>5.750</td></tr><tr><td>40</td><td>32902</td><td>12740</td><td>511</td><td>40</td><td>5.100</td></tr><tr><td>50</td><td>36798</td><td>12680</td><td>305</td><td>50</td><td>4.500</td></tr><tr><td>60</td><td>39701</td><td>12630</td><td>48</td><td>60</td><td>3.900</td></tr><tr><td>70</td><td>41952</td><td>43884</td><td>253</td><td>70</td><td>3.737</td></tr><tr><td>80</td><td>44580</td><td>49032</td><td>443</td><td>80</td><td>3.551</td></tr><tr><td>90</td><td>47662</td><td>54468</td><td>491</td><td>90</td><td>3.395</td></tr><tr><td>100</td><td>51261</td><td>59926</td><td>466</td><td>100</td><td>3.266</td></tr><tr><td>110</td><td>54330</td><td>65376</td><td>1046</td><td>110</td><td>3.159</td></tr><tr><td>120</td><td>48344</td><td>70824</td><td>-2148</td><td>120</td><td>2.420</td></tr></table>					Time	Inflow	Outflow	Storage (cf)	Tc	Intensity	0	0.00	0.00	0	0	10.00	10	13717	13690	282	10	8.740	15	17704	13623	408	15	7.520	20	21347	13544	500	20	6.800	30	27914	12790	528	30	5.750	40	32902	12740	511	40	5.100	50	36798	12680	305	50	4.500	60	39701	12630	48	60	3.900	70	41952	43884	253	70	3.737	80	44580	49032	443	80	3.551	90	47662	54468	491	90	3.395	100	51261	59926	466	100	3.266	110	54330	65376	1046	110	3.159	120	48344	70824	-2148	120	2.420
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NO. DATE APP. VASQUEZ ENGINEERING L.L.C. 705 WEST AVENUE B Suite 216 Garland, Texas 75040 Ph: 972.471.2208 TX Registration # F-1226

THIS DOCUMENT IS FOR THE PROJECT OF THE CITY OF BEACON HILL DEVELOPMENT 2006.1229001828230 95,458 SQ. FT. OR 2.191 ACRES MURPHY, TEXAS

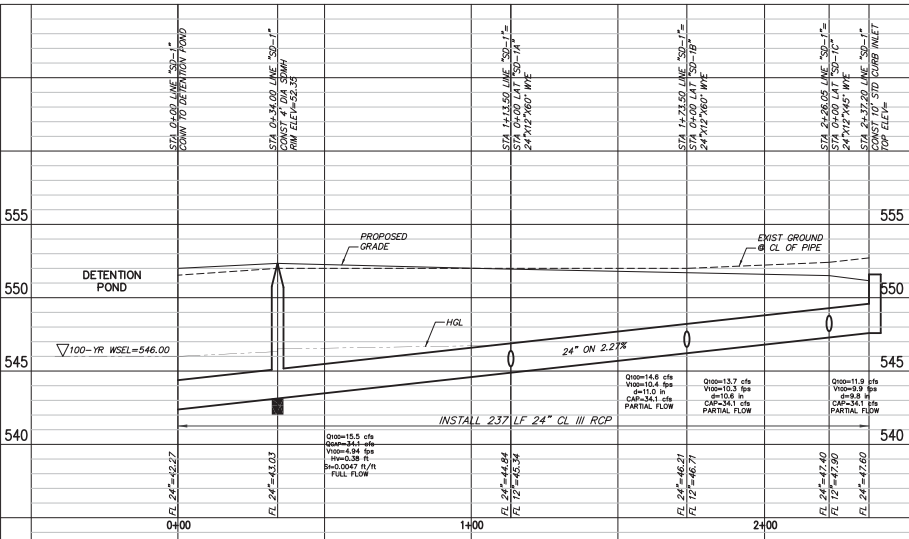
IMASOUD E. NAJARI AND JACQUELINE T. NGUYEN INST. NO. 20061229001828230 95,458 SQ. FT. OR 2.191 ACRES

STORM DETENTION AND TXDOT CALCULATIONS BEACON HILL DEVELOPMENT FM 544 MURPHY, TEXAS

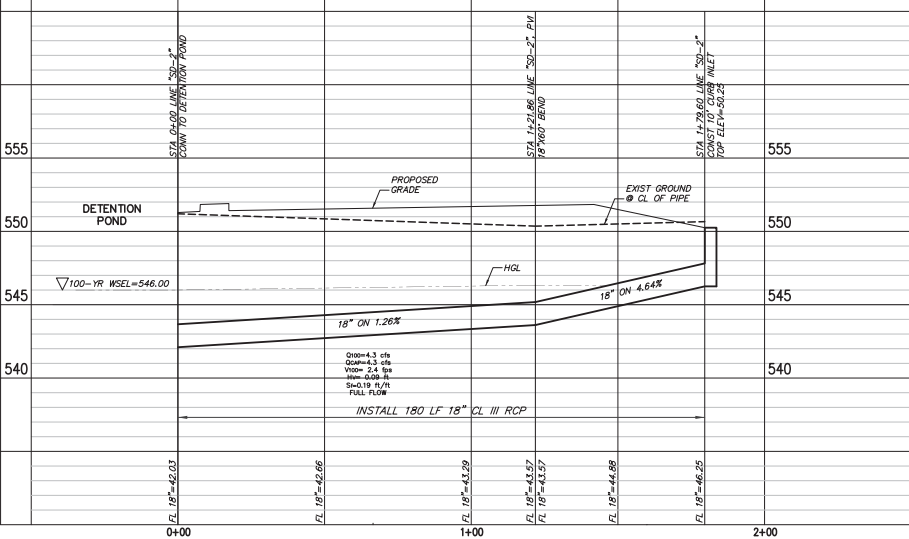
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SHEET C4.3

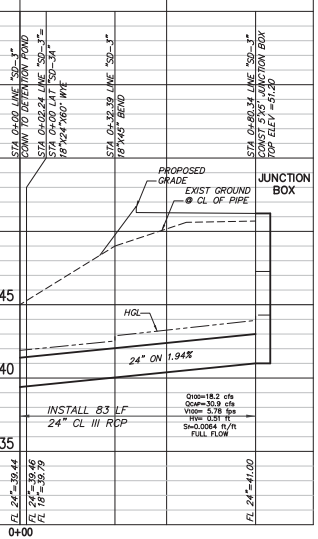
24" STORM PIPE LINE "SD-1"



18" STORM PIPE LINE "SD-2"



24" STORM PIPE LINE "SD-3"



APP.
NO. DATE

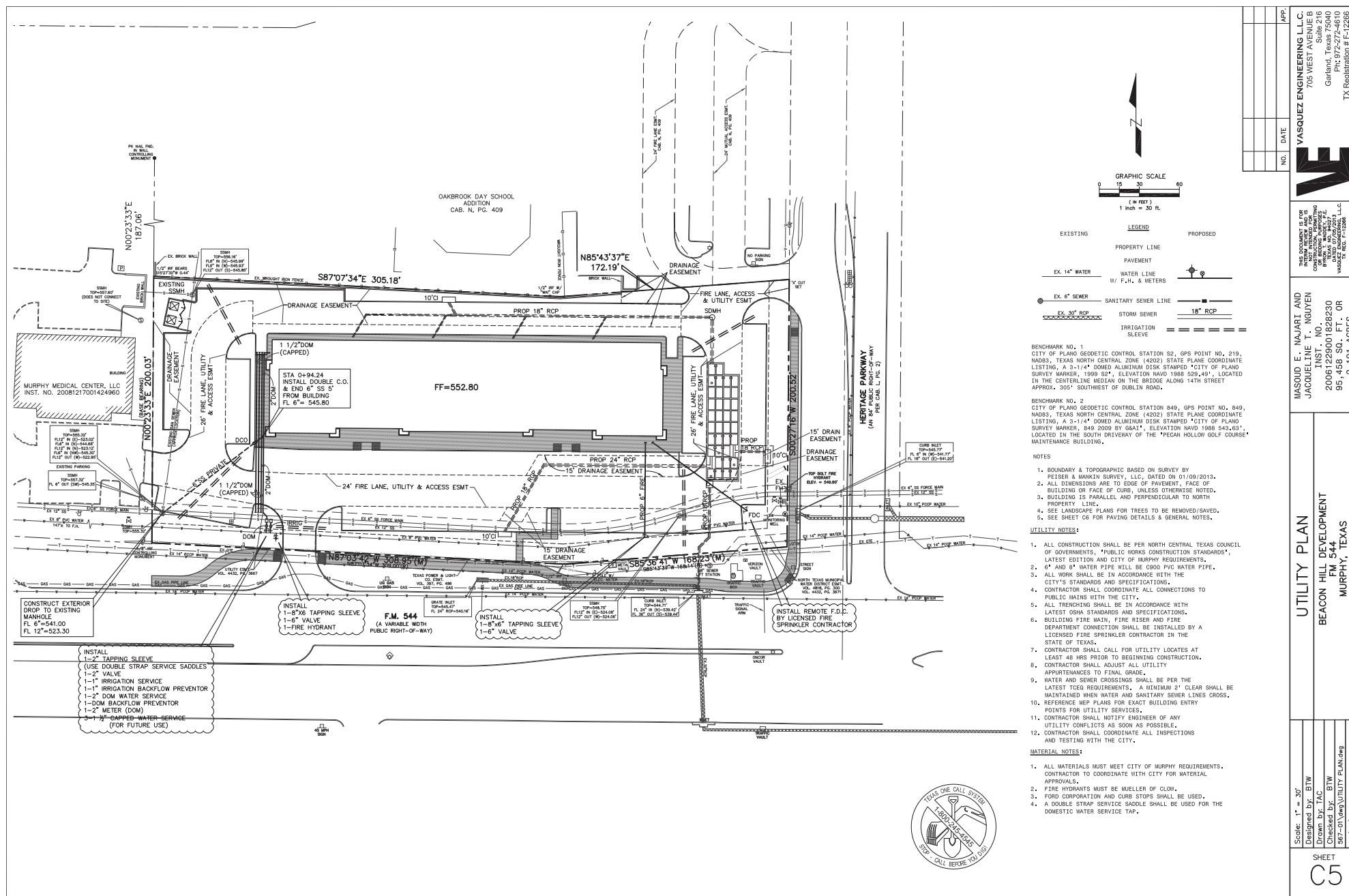
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TX Registration # 1-12268

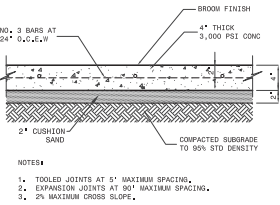
MASOUD E. NAJARI AND
JACQUELINE T. NGUYEN
INST. NO.
20061229001828230
95,458 SQ. FT. OR
2.191 ACRES

STORM SEWER PROFILES
BEACON HILL DEVELOPMENT
FM 544
MURPHY, TEXAS

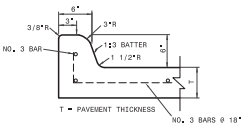
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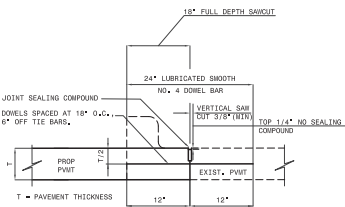




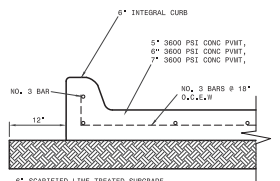
ON-SITE SIDEWALK DETAIL



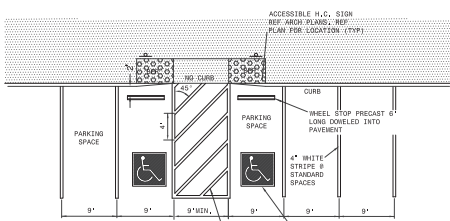
Integral Curb



LONGITUDINAL BUTT JOINT



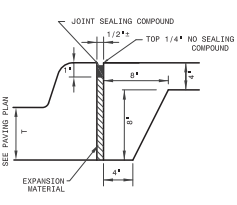
STANDARD PARKING STALL DETAIL



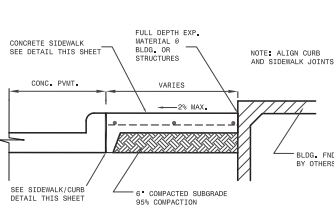
HANDICAP PARKING STALL DETAIL



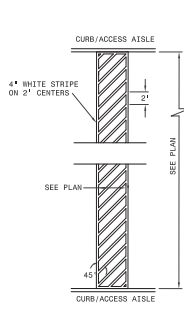
ON-SITE CONCRETE PAVMT SECTION



SIDEWALK/CURB DETAIL

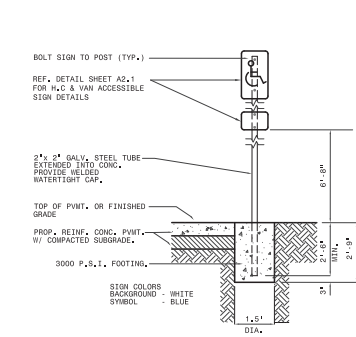


SIDEWALK ADJACENT TO CURB DETAIL

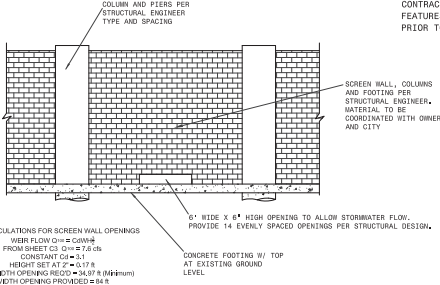


FIRE LANE STRIPING DETAIL

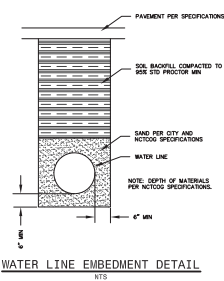
CROSSWALK STRIPING DETAIL



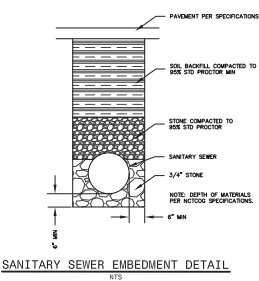
ACCESSIBLE SIGN DETAIL



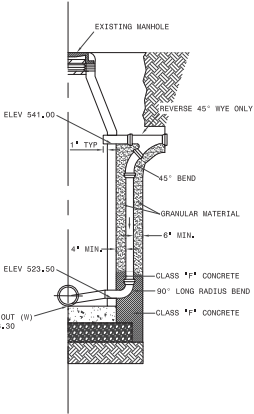
SCHEMATIC SCREENING WALL DETAIL



WATER LINE EMBEDMENT DETAIL



SANITARY SEWER EMBEDMENT DETAIL

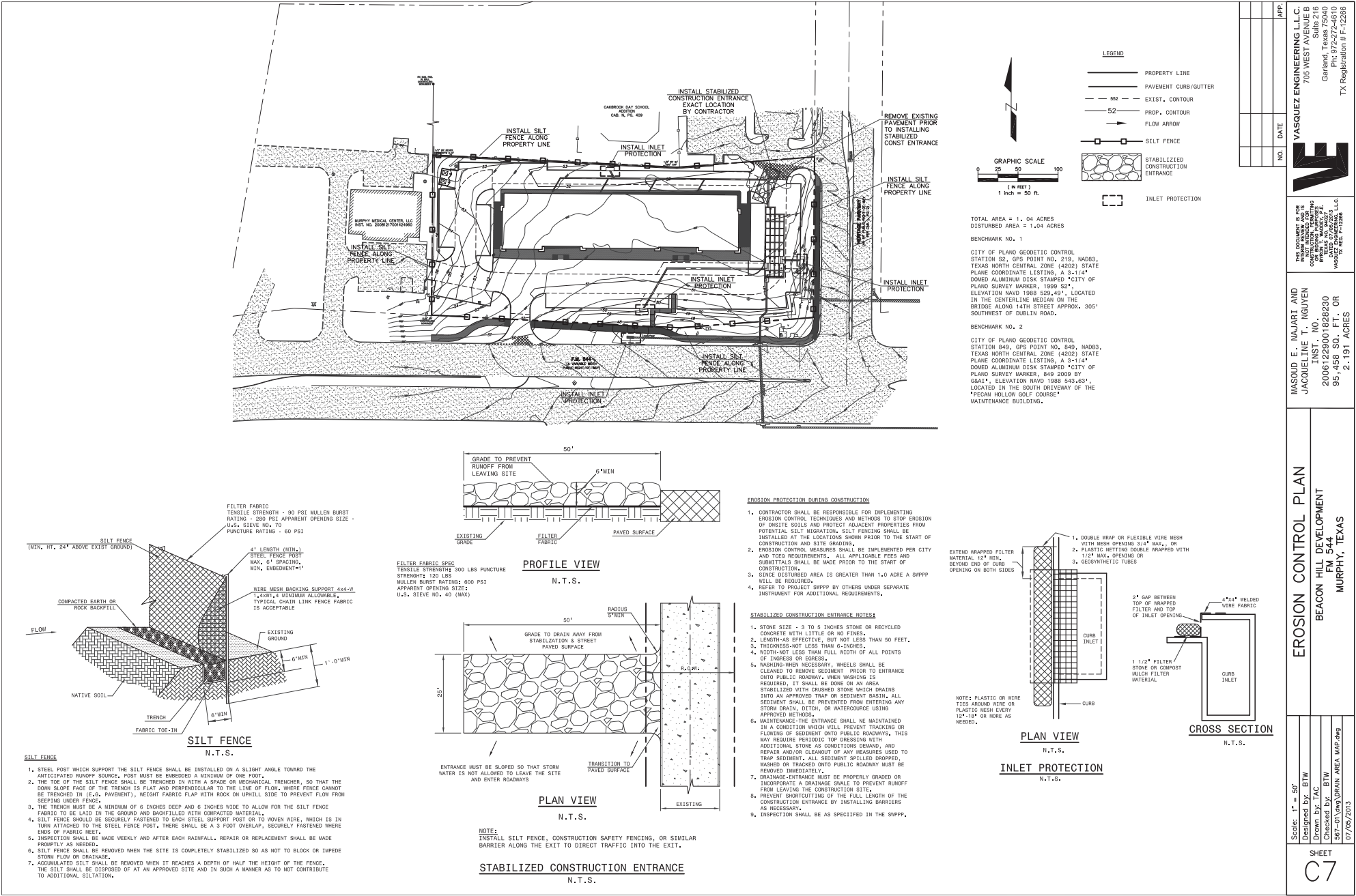


WASTEWATER MANHOLE OUTSIDE DROP CONNECTION

GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE PER NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS, "PUBLIC WORKS CONSTRUCTION STANDARDS", LATEST EDITION AND CITY OF MURPHY REQUIREMENTS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR BEING FAMILIAR WITH THE PLANS AND SPECIFICATIONS FOR THIS PROJECT, THE PROJECT AREA, AND ALL CODES, REGULATIONS OR LAWS APPLICABLE TO THE PROJECT.
3. ALL CONSTRUCTION SHALL BE PER CITY OF STANDARDS FOR CONSTRUCTION.
4. OWNER SHALL DESIGNATE A STAGING AREA FOR THE CONTRACTOR. NO STORAGE OF EQUIPMENT OR MATERIALS SHALL BE PERMITTED WITHOUT PERMISSION OF THE OWNER.
5. CONTRACTOR SHALL MAINTAIN THE SITE IN A NEAT AND ORDERLY FASHION AND DISPOSE OF EXCESS MATERIALS AND DEBRIS BY LEGAL MEANS OFF SITE. NO DEBRIS SHALL BE BURIED ON SITE.
6. WORK IN THE RIGHT-OF-WAY SHALL BE COORDINATED WITH THE CITY. CONTRACTOR IS RESPONSIBLE FOR MAINTAINING TRAFFIC FLOW IN A SAFE MANNER IN ACCORDANCE WITH CITY REQUIREMENTS. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING APPROPRIATE PERMITS AND FOR PROVIDING ALL NECESSARY WARNING AND SAFETY DEVICES AS REQUIRED BY THE CITY OR TxDOT.
7. UTILITIES SHOWN ARE AT APPROXIMATE LOCATIONS BASED ON AVAILABLE PLANS AND NOT ALL UTILITIES MAY BE SHOWN. CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UTILITIES PRIOR TO CONSTRUCTION AND SHALL NOTIFY THE CITY AND ENGINEER OF POTENTIAL CONFLICTS WITH THE PLANS PRIOR TO CONSTRUCTION. ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB, EDGE OF PAVEMENT, OR CENTERLINE OF PIPE/CHANNEL UNLESS OTHERWISE NOTED.
9. CONTRACTOR IS RESPONSIBLE FOR PROTECTION OF EXISTING UTILITIES AND SITE FEATURES DURING CONSTRUCTION. CONTRACTOR SHALL REPAIR ANY DAMAGED UTILITIES OR SITE FEATURES TO A LIKE NEW CONDITION AT CONTRACTORS EXPENSE PRIOR TO FINAL APPROVAL OF THE CONSTRUCTION BY OWNER.

Scale: N.T.S.	Designed by: BTW	Drawn by: JAC	Checked by: BTW	957-C01.dwg	NOTES.dwg	07/05/2013
SHEET C6						
DETAILS & GENERAL NOTES						
MASOUD E. NAJARI AND JACQUELINE T. NGUYEN INST. NO. 2006122900182830 95,458 SQ. FT. OR MURPHY, TEXAS 2.191 ACRES						
VASQUEZ ENGINEERING L.L.C. 705 WEST AVENUE B Suite 216 Garland, Texas 75040 PH: 972.462.1228 TX Registration # F-12268						



City Council Meeting
August 6, 2013

Issue

Consider and/or act upon Resolution approving the 2013 appraisal roll with a taxable value of \$1,614,305,560 as certified by Bo Daffin, Chief Appraiser of the Collin Central Appraisal District, and a protested taxable property value of \$24,392,305 under review by the Appraisal Review Board.

Staff Resource/Department

Linda Truitt – Finance Director

Background/History

The Collin County Appraisal District is responsible for determining appraised values on all properties located in Collin County. Our taxable values are certified annually by the Chief Appraiser of Collin Central Appraisal District. The Tax Code requires submittal of these certified values to the governing body.

Financial Considerations

The appraisal roll taxable value was certified at \$1,614,305,560 for 2013. The appraisal roll taxable value has increased by \$87,998,383 or 5.77% compared to the appraisal roll value of \$1,526,307,177 at July 25, 2012 and does not include properties still under review by the Appraisal Review Board. The protested taxable value for 2013 is \$24,392,305 compared to \$18,353,253 for 2012.

Action Requested

Approval of the Resolution approving the 2013 appraisal roll with a taxable value of \$1,614,305,560 as certified by Bo Daffin, Chief Appraiser of the Collin Central Appraisal District, and a protested taxable property value of \$24,392,305 under review by the Appraisal Review Board.

Attachments

- 1) Certification of 2013 Appraisal Roll
- 2) 2013 Certified Totals
- 3) 2013 Certified Total Under ARB Review
- 4) Resolution



Collin Central Appraisal District

PROPERTY TAX CODE, SECTION 26.01(a)

CERTIFICATION OF 2013 APPRAISAL ROLL

FOR: **MURPHY CITY**

I, Bo Daffin, Chief Appraiser for the Collin Central Appraisal District, solemnly swear that the attached is that portion of the approved Appraisal Records of the Collin Central Appraisal District which lists property taxable by MURPHY CITY and constitutes the appraisal roll for MURPHY CITY with the amounts listed on the attached totals pages, with the heading "2013 Certified Totals".

Bo Daffin
Signature of Chief Appraiser

July 23, 2013
Date

Note: The Collin Central Appraisal District Appraisal Review Board approved the appraisal records on July 17, 2013.

PROPERTY TAX CODE, SECTION 26.01(c)

CERTIFICATION OF 2013 PROPERTIES UNDER PROTEST AND NOT INCLUDED IN CERTIFIED ROLL ABOVE

FOR: **MURPHY CITY**

I, Bo Daffin, Chief Appraiser for the Collin Central Appraisal District, solemnly swear that the attached is that portion of the Appraisal Records of the Collin Central Appraisal District which lists property taxable by MURPHY CITY but NOT included on the appraisal roll for MURPHY CITY, since these properties are currently under Protest. The protested property values are listed on the attached totals pages, with the subheading "Under ARB Review Totals".

If there are no attached pages labeled with the subheading "Under ARB Review Totals" then all protests within MURPHY CITY were completed by July 17, 2013 and included in the Certified Roll listed above.

Bo Daffin
Signature of Chief Appraiser

July 23, 2013
Date

**NOTE: Please be advised that the property values appearing on the 'Under ARB Review Totals' page in your certified totals packet reflect the current 2013 Market and Taxable Values for the properties Under ARB Review without any Section 26.01(c) adjustments. In order to arrive at the taxable value to use for the effective tax rate calculations for your entity, you will need to use the taxable value from the 'ARB Approved Totals' page, along with the 'Total Value Used' that appears in the Lower Value Used section on the Effective Rate Assumption page. The Total Value Used on the Effective Rate Assumption page is the assessed value Under ARB Review that has been calculated in accordance with Property Tax Code, Section 26.01(c). The 'Grand Totals' page is the combined 'ARB Approved Totals' plus the 'Under ARB Review Totals' – which have not been adjusted. (The formula for calculating the total taxable remaining under protest is as follows: Taxable Value from "ARB Approved Totals" plus Total Value Used from the "Effective Rate Assumptions" Lower Value Used section minus Total Exemptions amount from the "Under ARB Review Totals".)*

Rev. 2012.07

Collin County

2013 CERTIFIED TOTALS

As of Certification

Property Count: 6,533

CMR - MURPHY CITY

ARB Approved Totals

7/22/2013

9:56:02AM

Land		Value			
Homesite:		348,130,528			
Non Homesite:		105,214,165			
Ag Market:		9,833,885			
Timber Market:		0	Total Land	(+)	463,178,578
Improvement		Value			
Homesite:		1,112,432,417			
Non Homesite:		76,336,057	Total Improvements	(+)	1,188,768,474
Non Real		Count	Value		
Personal Property:	466		37,566,237		
Mineral Property:	0		0		
Autos:	0		0	Total Non Real	(+) 37,566,237
				Market Value	= 1,689,513,289
Ag		Non Exempt	Exempt		
Total Productivity Market:	9,833,885		0		
Ag Use:	21,476		0	Productivity Loss	(-) 9,812,409
Timber Use:	0		0	Appraised Value	= 1,679,700,880
Productivity Loss:	9,812,409		0		
				Homestead Cap	(-) 5,388,997
				Assessed Value	= 1,674,311,883
Exemption	Count	Local	State	Total	
DP	69	3,162,500	0	3,162,500	
DV1	27	0	177,000	177,000	
DV2	11	0	91,500	91,500	
DV2S	1	0	7,500	7,500	
DV3	13	0	124,000	124,000	
DV3S	1	0	10,000	10,000	
DV4	25	0	120,000	120,000	
DV4S	3	0	30,000	30,000	
DVHS	17	0	3,939,938	3,939,938	
EX-XV	143	0	25,536,608	25,536,608	
EX-XV (Prorated	1	0	299,908	299,908	
EX366	24	0	5,216	5,216	
OV65	548	26,378,778	0	26,378,778	
OV65S	2	100,000	0	100,000	
SO	1	23,375	0	23,375	
				Total Exemptions	(-) 60,006,323
				Net Taxable	= 1,614,305,560

APPROXIMATE TOTAL LEVY = NET TAXABLE * (TAX RATE / 100)
 9,201,541.69 = 1,614,305,560 * (0.570000 / 100)

Collin County

2013 CERTIFIED TOTALS

As of Certification

Property Count: 87

CMR - MURPHY CITY
Under ARB Review Totals

7/22/2013

9:56:02AM

Land		Value			
Homesite:		5,273,587			
Non Homesite:		654,080			
Ag Market:		0			
Timber Market:		0	Total Land	(+)	5,927,667
Improvement		Value			
Homesite:		17,741,022			
Non Homesite:		645,187	Total Improvements	(+)	18,386,209
Non Real		Count	Value		
Personal Property:	2		78,429		
Mineral Property:	0		0		
Autos:	0		0	Total Non Real	(+) 78,429
			Market Value	=	24,392,305
Ag		Non Exempt	Exempt		
Total Productivity Market:	0		0		
Ag Use:	0		0	Productivity Loss	(-) 0
Timber Use:	0		0	Appraised Value	= 24,392,305
Productivity Loss:	0		0	Homestead Cap	(-) 88,032
				Assessed Value	= 24,304,273
Exemption	Count	Local	State	Total	
DV4	1	0	12,000	12,000	
OV65	4	200,000	0	200,000	Total Exemptions (-) 212,000
				Net Taxable	= 24,092,273

APPROXIMATE TOTAL LEVY = NET TAXABLE * (TAX RATE / 100)

137,325.96 = 24,092,273 * (0.570000 / 100)

Collin County

2013 CERTIFIED TOTALS

As of Certification

Property Count: 6,620

CMR - MURPHY CITY

Grand Totals

7/22/2013

9:56:02AM

Land		Value			
Homesite:		353,404,115			
Non Homesite:		105,868,245			
Ag Market:		9,833,885			
Timber Market:		0	Total Land	(+)	469,106,245
Improvement		Value			
Homesite:		1,130,173,439			
Non Homesite:		76,981,244	Total Improvements	(+)	1,207,154,683
Non Real		Count	Value		
Personal Property:	468		37,644,666		
Mineral Property:	0		0		
Autos:	0		0	Total Non Real	(+) 37,644,666
				Market Value	= 1,713,905,594
Ag		Non Exempt	Exempt		
Total Productivity Market:	9,833,885		0		
Ag Use:	21,476		0	Productivity Loss	(-) 9,812,409
Timber Use:	0		0	Appraised Value	= 1,704,093,185
Productivity Loss:	9,812,409		0		
				Homestead Cap	(-) 5,477,029
				Assessed Value	= 1,698,616,156
Exemption	Count	Local	State	Total	
DP	69	3,162,500	0	3,162,500	
DV1	27	0	177,000	177,000	
DV2	11	0	91,500	91,500	
DV2S	1	0	7,500	7,500	
DV3	13	0	124,000	124,000	
DV3S	1	0	10,000	10,000	
DV4	26	0	132,000	132,000	
DV4S	3	0	30,000	30,000	
DVHS	17	0	3,939,938	3,939,938	
EX-XV	143	0	25,536,608	25,536,608	
EX-XV (Prorated	1	0	299,908	299,908	
EX366	24	0	5,216	5,216	
OV65	552	26,578,778	0	26,578,778	
OV65S	2	100,000	0	100,000	
SO	1	23,375	0	23,375	Total Exemptions (-) 60,218,323
				Net Taxable	= 1,638,397,833

APPROXIMATE TOTAL LEVY = NET TAXABLE * (TAX RATE / 100)
 9,338,867.65 = 1,638,397,833 * (0.570000 / 100)

Collin County

2013 CERTIFIED TOTALS

As of Certification

Property Count: 6,533

CMR - MURPHY CITY

ARB Approved Totals

7/22/2013

9:56:16AM

State Category Breakdown

State Code	Description	Count	Acres	New Value Market	Market Value
A	Single Family Residence	5,568		\$24,613,894	\$1,433,867,225
C1	Vacant Lots And Land Tracts	48		\$0	\$14,042,283
D1	Qualified Open-Space Land	26	165.8757	\$0	\$9,833,885
D2	Improvements On Qualified Open Space Lan	6		\$0	\$27,158
E	Rural Land & Imprvs, Non Qualified Open Sp	32		\$0	\$9,836,230
F1	Commercial Real Property	53		\$8,896,280	\$125,870,156
F2	Industrial And Manufacturing Real Property	5		\$0	\$8,111,306
J2	Gas Distribution System	2		\$0	\$1,109,529
J3	Electric Company (Including Co-Op)	5		\$0	\$3,613,559
J4	Telephone Company (Including Co-Op)	20		\$0	\$4,763,874
J6	Pipelane Company	1		\$0	\$45,309
J7	Cable Television Company	3		\$0	\$2,455,802
L1	Commercial Personal Property	410		\$158,127	\$25,942,241
O	Residential Inventory	280		\$10,698,610	\$24,035,641
S	Special Inventory Tax	3		\$0	\$117,359
X	Totally Exempt Property	168		\$0	\$25,841,732
Totals			165.8757	\$44,366,911	\$1,689,513,289

Collin County

2013 CERTIFIED TOTALS

As of Certification

Property Count: 87

CMR - MURPHY CITY
Under ARB Review Totals

7/22/2013

9:56:16AM

State Category Breakdown

State Code	Description	Count	Acres	New Value Market	Market Value
A	Single Family Residence	80		\$3,395	\$23,031,731
C1	Vacant Lots And Land Tracts	4		\$0	\$103,415
F1	Commercial Real Property	1		\$0	\$1,178,730
L1	Commercial Personal Property	2		\$0	\$78,429
	Totals		0.0000	\$3,395	\$24,392,305

Collin County

2013 CERTIFIED TOTALS

As of Certification

Property Count: 6,620

CMR - MURPHY CITY

Grand Totals

7/22/2013

9:56:16AM

State Category Breakdown

State Code	Description	Count	Acres	New Value Market	Market Value
A	Single Family Residence	5,648		\$24,617,289	\$1,456,898,956
C1	Vacant Lots And Land Tracts	52		\$0	\$14,145,698
D1	Qualified Open-Space Land	26	165.8757	\$0	\$9,833,885
D2	Improvements On Qualified Open Space Lan	6		\$0	\$27,158
E	Rural Land & Imprvs, Non Qualified Open Sp	32		\$0	\$9,836,230
F1	Commercial Real Property	54		\$8,896,280	\$127,048,886
F2	Industrial And Manufacturing Real Property	5		\$0	\$8,111,306
J2	Gas Distribution System	2		\$0	\$1,109,529
J3	Electric Company (Including Co-Op)	5		\$0	\$3,613,559
J4	Telephone Company (Including Co-Op)	20		\$0	\$4,763,874
J6	Pipelane Company	1		\$0	\$45,309
J7	Cable Television Company	3		\$0	\$2,455,802
L1	Commercial Personal Property	412		\$158,127	\$26,020,670
O	Residential Inventory	280		\$10,698,610	\$24,035,641
S	Special Inventory Tax	3		\$0	\$117,359
X	Totally Exempt Property	168		\$0	\$25,841,732
	Totals		165.8757	\$44,370,306	\$1,713,905,594

Collin County

2013 CERTIFIED TOTALS

As of Certification

Property Count: 6,620

CMR - MURPHY CITY

Effective Rate Assumption

7/22/2013

9:56:16AM

New Value

TOTAL NEW VALUE MARKET:	\$44,370,306
TOTAL NEW VALUE TAXABLE:	\$44,370,306

New Exemptions

Exemption	Description	Count		
EX-XV	Other Exemptions (including public property, re	8	2012 Market Value	\$88,677
EX366	HOUSE BILL 366	13	2012 Market Value	\$3,973
ABSOLUTE EXEMPTIONS VALUE LOSS				\$92,650

Exemption	Description	Count	Exemption Amount
DP	DISABILITY	1	\$50,000
DV1	Disabled Veterans 10% - 29%	2	\$10,000
DV2	Disabled Veterans 30% - 49%	2	\$19,500
DV3	Disabled Veterans 50% - 69%	1	\$12,000
DV4	Disabled Veterans 70% - 100%	3	\$12,000
DV4S	Disabled Veterans Surviving Spouse 70% - 100%	1	\$6,000
DVHS	Disabled Veteran Homestead	1	\$182,912
OV65	OVER 65	37	\$1,850,000
		48	\$2,142,412
PARTIAL EXEMPTIONS VALUE LOSS			\$2,142,412
TOTAL EXEMPTIONS VALUE LOSS			\$2,235,062

New Ag / Timber Exemptions**New Annexations****New Deannexations****Average Homestead Value****Category A and E**

Count of HS Residences	Average Market	Average HS Exemption	Average Taxable
4,621	\$266,513	\$1,185	\$265,328

Category A Only

Count of HS Residences	Average Market	Average HS Exemption	Average Taxable
4,613	\$266,595	\$1,187	\$265,408

Lower Value Used

Count of Protested Properties	Total Market Value	Total Value Used
87	\$24,392,305.00	\$22,678,605

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, CONCERNING THE APPROVAL OF THE 2013 APPRAISAL ROLL WITH A TAXABLE VALUE OF \$1,614,305,560 AS CERTIFIED BY BO DAFFIN, CHIEF APPRAISER OF THE COLLIN CENTRAL APPRAISAL DISTRICT AND A PROTESTED TAXABLE VALUE OF \$24,392,305 UNDER REVIEW BY THE APPRAISAL REVIEW BOARD.

WHEREAS The City of Murphy has an increase in appraised values for the 2013 tax year,

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

SECTION 1. The Tax Code requires submittal of the appraisal roll with taxable values to the governing body.

SECTION 2. The City Council approves the certified appraisal roll with taxable values in the amount of \$1,614,305,560 and protested taxable values in the amount of \$24,392,305 under review by the Appraisal Review Board and instructs the Tax Assessor to apply the tax rate, when approved, thereby creating the 2013 tax roll for the City of Murphy.

DULY RESOLVED by the City Council of the City of Murphy, Collin County, Texas on this 6th day of August, 2013.

APPROVED:

ERIC BARNA, Mayor

ATTEST:

KRISTI GILBERT, City Secretary

City Council Meeting
August 6, 2013

Issue

Consider and/or act upon a resolution establishing two dates, August 20, 2013 and September 3, 2013, at 6 pm, to conduct a Public Hearing on the City of Murphy proposed tax rate of \$0.5700 per \$100 valuation and establishing two dates, August 20, 2013 and September 3, 2013 at 6 pm, for a Public Hearing on for the proposed 2013-2014 municipal budget.

Staff Resource/Department

James Fisher – City Manager
Linda Truitt – Finance Director

Background/History

The Texas Local Government Code and City of Murphy Charter requires the governing body to conduct two public hearing on the proposed tax rate and one public hearing on the proposed budget. The proposed tax rate for FY 2014 is \$0.5700 which is comprised of the maintenance and operations rate of \$0.341521 and \$0.228479 for debt service, the same as the FY 2013 tax rate

Financial Considerations

N/A

Action Requested

Approval of the resolution establishing two dates, August 20, 2013 and September 3, 2013 at 6 pm, to conduct a Public Hearing on the City of Murphy proposed tax rate of \$0.5700 per \$100 valuation and establishing two dates, August 20, 2013 and September 3, 2013 at 6 pm, for a Public Hearing on the proposed 2013-2014 municipal budget.

Attachments

- 1) Proposed Resolution
- 2) Effective Tax Rate Calculation
- 3) Rollback Tax Rate Calculation
- 4) Notice of Public Hearing on Tax Rate/Increase
- 5) Notice of Public Hearing on Budget
- 6) Notice of 2013 Property Tax Rates

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, ESTABLISHING TWO DATES TO CONDUCT PUBLIC HEARINGS ON THE MUNICIPAL TAX RATE AND PUBLIC HEARINGS ON THE PROPOSED MUNICIPAL BUDGET FOR FISCAL YEAR 2013-2014.

WHEREAS, chapter 102 of the Texas Local Government Code requires the City Council of the City of Murphy, Texas to conduct a public hearing on the proposed 2013-2014 municipal budget; and

WHEREAS, section 7.05 of the City of Murphy, Texas Home-Rule Charter requires the City Council to conduct a public hearing on the proposed 2013-2014 municipal budget; and

WHEREAS, chapter 26 of the Texas Tax Code, as amended by the Texas Legislature in the 79th Legislative Session, requires the City of Murphy, Texas, to conduct two public hearings on the proposed 2013-2014 municipal property tax rate.

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

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

Section 2. That the City Council of the City of Murphy, Texas will conduct the first public hearing on the \$0.5700 proposed municipal tax rate and proposed municipal budget for fiscal year 2013-2014 on Tuesday, August 20, 2013 at 6:00 p.m. at 206 North Murphy Road, in Murphy, Texas.

Section 3. That the City Council of the City of Murphy, Texas will conduct the second public hearing on the \$0.5700 proposed municipal tax rate and the proposed municipal budget for fiscal year 2013-2014 on Tuesday, September 3, 2013 at 6:00 p.m. at 206 North Murphy Road, in Murphy, Texas.

Section 4. That the City Secretary and other City personnel are hereby authorized to post all notices and publish all notices in the official newspaper of the City of Murphy, Texas, concerning the municipal budget, municipal tax rate and public hearings as required by state law and the City Charter.

Section 5. This resolution shall become effective from and after its passage.

DULY RESOLVED by the City Council of the City of Murphy, Texas, on this the 6th day of August, 2013.

Eric Barna, Mayor
City of Murphy

ATTEST:

Kristi Gilbert, City Secretary
City of Murphy

2013 Effective Tax Rate Worksheet

City of Murphy

Date: 07/24/2013

See Chapter 2 of the Texas Comptroller's 2013 Manual for Taxing Units Other than Schools for an explanation of the effective tax rate.

1. 2012 total taxable value. Enter the amount of 2012 taxable value on the 2012 tax roll today. Include any adjustments since last year's certification; exclude Section 25.25(d) one-third over-appraisal corrections from these adjustments. This total includes the taxable value of homesteads with tax ceilings (will deduct in Line 2) and the captured value for tax increment financing (will deduct taxes in Line 14).	\$1,543,017,212
2. 2012 tax ceilings. Counties, cities and junior college districts. Enter 2012 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other units enter 0. If your taxing units adopted the tax ceiling provision in 2012 or a prior year for homeowners age 65 or older or disabled, use this step.	\$0
3. Preliminary 2012 adjusted taxable value. Subtract Line 2 from Line 1.	\$1,543,017,212
4. 2012 total adopted tax rate.	\$0.570000/\$100
5. 2012 taxable value lost because court appeals of ARB decisions reduced 2012 appraised value. A. Original 2012 ARB Values.	\$1,423,298
B. 2012 values resulting from final court decisions.	\$1,274,196
C. 2012 value loss. Subtract B from A.	\$149,102
6. 2012 taxable value, adjusted for court-ordered reductions. Add Line 3 and Line 5C.	\$1,543,166,314
7. 2012 taxable value of property in territory the taxing unit deannexed after Jan. 1, 2012. Enter the 2012 value of property in deannexed territory.	\$0
8. 2012 taxable value lost because property first qualified for an exemption in 2013. Note that lowering the amount or percentage of an existing exemption does not create a new exemption or reduce taxable value. If the taxing unit increased an original exemption, use the difference between the original exempted amount and the increased exempted amount. Do not include value lost to freeport or goods-in-transit exemptions.	
A. Absolute exemptions. Use 2012 market value:	\$92,650
B. Partial exemptions. 2013 exemption amount or 2013 percentage exemption times 2012 value:	\$2,142,412
C. Value loss. Add A and B.	\$2,235,062
9. 2012 taxable value lost because property first qualified for agricultural appraisal (1-d or 1-d-1), timber appraisal, recreational/scenic appraisal or public access airport special appraisal in 2013. Use only properties that qualified in 2013 for the first time; do not use properties that qualified in 2012.	
A. 2012 market value:	\$0
B. 2013 productivity or special appraised value:	\$0
C. Value loss. Subtract B from A.	\$0

10. Total adjustments for lost value. Add lines 7, 8C and 9C.	\$2,235,062
11. 2012 adjusted taxable value. Subtract Line 10 from Line 6.	\$1,540,931,252
12. Adjusted 2012 taxes. Multiply Line 4 by line 11 and divide by \$100.	\$8,783,308
13. Taxes refunded for years preceding tax year 2012. Enter the amount of taxes refunded by the taxing unit for tax years preceding tax year 2012. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2012. This line applies only to tax years preceding tax year 2012.	\$283
14. Taxes in tax increment financing (TIF) for tax year 2012. Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the unit has no 2013 captured appraised value in Line 16D, enter 0.	\$0
15. Adjusted 2012 taxes with refunds and TIF adjustment. Add Lines 12 and 13, subtract Line 14.	\$8,783,591
16. Total 2013 taxable value on the 2013 certified appraisal roll today. This value includes only certified values and includes the total taxable value of homesteads with tax ceilings (will deduct in Line 18). These homesteads include homeowners age 65 or older or disabled. A. Certified values: B. Counties: Include railroad rolling stock values certified by the Comptroller's office: C. Pollution control exemption: Deduct the value of property exempted for the current tax year for the first time as pollution control property (use this line based on legal counsel's advice): D. Tax increment financing: Deduct the 2013 captured appraised value of property taxable by a taxing unit in a tax increment financing zone for which the 2013 taxes will be deposited into the tax increment fund. Do not include any new property value that will be included in Line 21 below. E. Total 2013 value. Add A and B, then subtract C and D.	 \$1,614,305,560 \$0 \$0 \$0 \$1,614,305,560
17. Total value of properties under protest or not included on certified appraisal roll. A. 2013 taxable value of properties under protest. The chief appraiser certifies a list of properties still under ARB protest. The list shows the appraisal district's value and the taxpayer's claimed value, if any, or an estimate of the value if the taxpayer wins. For each of the properties under protest, use the lowest of these values. Enter the total value. B. 2013 value of properties not under protest or included on certified appraisal roll. The chief appraiser gives taxing units a list of those taxable properties that the chief appraiser knows about, but are not included in the appraisal roll certification. These properties also are not on the list of properties that are still under protest. On this list of properties, the chief appraiser includes the market value, appraised value and exemptions for the preceding year and a reasonable estimate of the market value, appraised value and exemptions for the current year. Use the lower market, appraised or taxable value (as appropriate). Enter the total value. C. Total value under protest or not certified: Add A and B.	 \$22,678,605 \$0 \$22,678,605
18. 2013 tax ceilings. Enter 2013 total taxable value of homesteads with tax ceilings. These	\$0

include the homesteads of homeowners age 65 or older or disabled. Other units enter 0. If your taxing units adopted the tax ceiling provision in 2012 or a prior year for homeowners age 65 or older or disabled, use this step.	
19. 2013 total taxable value. Add Lines 16E and 17C. Subtract Line 18.	\$1,636,984,165
20. Total 2013 taxable value of properties in territory annexed after Jan. 1, 2012. Include both real and personal property. Enter the 2013 value of property in territory annexed.	\$0
21. Total 2013 taxable value of new improvements and new personal property located in new improvements. "New" means the item was not on the appraisal roll in 2012. An improvement is a building, structure, fixture or fence erected on or affixed to land. New additions to existing improvements may be included if the appraised value can be determined. New personal property in a new improvement must have been brought into the taxing unit after Jan. 1, 2012, and be located in a new improvement. New improvements do include property on which a tax abatement agreement has expired for 2013.	\$44,370,306
22. Total adjustments to the 2013 taxable value. Add Lines 20 and 21.	\$44,370,306
23. 2013 adjusted taxable value. Subtract Line 22 from Line 19.	\$1,592,613,859
24. 2013 effective tax rate. Divide Line 15 by Line 23 and multiply by \$100.	\$0.551520/\$100
25. COUNTIES ONLY. Add together the effective tax rates for each type of tax the county levies. The total is the 2013 county effective tax rate.	

A county, city or hospital district that adopted the additional sales tax in November 2012 or in May 2013 must adjust its effective tax rate. The Additional Sales Tax Rate Worksheet (Appendix 4) on page 35 of the Texas Comptroller's 2013 Truth-in-Taxation Manual sets out this adjustment. Do not forget to complete the Additional Sales Tax Rate Worksheet if the taxing unit adopted the additional sales tax on these dates.

2013 Rollback Tax Rate Worksheet

City of Murphy

Date: 07/24/2013

See Chapter 3 of the Texas Comptroller's 2013 Manual for Taxing Units Other than School Districts for an explanation of the rollback tax rate.

26. 2012 maintenance and operations (M&O) tax rate.	\$0.329495/\$100
27. 2012 adjusted taxable value. Enter the amount from Line 11.	\$1,540,931,252
28. 2012 M&O taxes.	
A. Multiply Line 26 by Line 27 and divide by \$100.	\$5,077,291
B. Cities, counties and hospital districts with additional sales tax: Amount of additional sales tax collected and spent on M&O expenses in 2012. Enter amount from full year's sales tax revenue spent for M&O in 2012 fiscal year, if any. Other units enter 0. Counties exclude any amount that was spent for economic development grants from the amount of sales tax spent.	\$0
C. Counties: Enter the amount for the state criminal justice mandate. If second or later year, the amount is for increased cost above last year's amount. Other taxing units enter 0.	\$0
D. Transferring function: If discontinuing all of a department, function or activity and transferring it to another unit by written contract, enter the amount spent by the taxing unit discontinuing the function in the 12 months preceding the month of this calculation. If the taxing unit did not operate this function for this 12-month period, use the amount spent in the last full fiscal year in which the unit operated the function. The taxing unit discontinuing the function will subtract this amount in H below. The taxing unit receiving the function will add this amount in H below. Other units enter 0.	\$0
E. Taxes refunded for years preceding tax year 2012: Enter the amount of M&O taxes refunded in the preceding year for taxes before that year. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2012. This line applies only to tax years preceding tax year 2012.	\$155
F. Enhanced indigent health care expenditures: Enter the increased amount for the current year's enhanced indigent health care expenditures above the preceding tax year's enhanced indigent health care expenditures, less any state assistance.	\$0
G. Taxes in TIF: Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the taxing unit has no 2013 captured appraised value in Line 16D, enter 0.	\$0
H. Adjusted M&O Taxes. Add A, B, C, E and F. For unit with D, subtract if discontinuing function and add if receiving function. Subtract G.	\$5,077,446
29. 2013 adjusted taxable value. Enter Line 23 from the Effective Tax Rate Worksheet.	\$1,592,613,859
30. 2013 effective maintenance and operations rate. Divide Line 28H by Line 29 and multiply by \$100.	\$0.318812/\$100
31. 2013 rollback maintenance and operation rate. Multiply Line 30 by 1.08.	\$0.344316/\$100

32. Total 2013 debt to be paid with property taxes and additional sales tax revenue. "Debt" means the interest and principal that will be paid on debts that: (1) are paid by property taxes, (2) are secured by property taxes, (3) are scheduled for payment over a period longer than one year and (4) are not classified in the taxing unit's budget as M&O expenses A. Debt also includes contractual payments to other taxing units that have incurred debts on behalf of this taxing unit, if those debts meet the four conditions above. Include only amounts that will be paid from property tax revenue (or additional sales tax revenue). Do not include appraisal district budget payments. List the debt in Schedule B: Debt Service. B. Subtract unencumbered fund amount used to reduce total debt. C. Subtract amount paid from other resources. D. Adjusted debt. Subtract B and C from A.	\$3,740,180 \$0 \$0 \$3,740,180
33. Certified 2012 excess debt collections. Enter the amount certified by the collector.	\$0
34. Adjusted 2013 debt. Subtract Line 33 from Line 32D.	\$3,740,180
35. Certified 2013 anticipated collection rate. Enter the rate certified by the collector. If the rate is 100 percent or greater, enter 100 percent.	100.00%
36. 2013 debt adjusted for collections. Divide Line 34 by Line 35	\$3,740,180
37. 2013 total taxable value. Enter the amount on Line 19.	\$1,636,984,165
38. 2013 debt tax rate. Divide Line 36 by Line 37 and multiply by \$100.	\$0.228479/\$100
39. 2013 rollback tax rate. Add Lines 31 and 38.	\$0.572795/\$100
40. COUNTIES ONLY. Add together the rollback tax rates for each type of tax the county levies. The total is the 2013 county rollback tax rate.	

A taxing unit that adopted the additional sales tax must complete the lines for the Additional Sales Tax Rate. A taxing unit seeking additional rollback protection for pollution control expenses completes the Additional Rollback Protection for Pollution Control.

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 3.35 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 20, 2013 at at .

The second public hearing will be held on September 3, 2013 at at .

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

FOR:

AGAINST:

PRESENT and not voting:

ABSENT:

The average taxable value of a residence homestead in City of Murphy last year was \$256,903. Based on last year's tax rate of \$0.570000 per \$100 of taxable value, the amount of taxes imposed last year on the average home was \$1,464.35.

The average taxable value of a residence homestead in City of Murphy this year is \$265,328. If the governing body adopts the effective tax rate for this year of \$0.551520 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$1,463.34.

If the governing body adopts the proposed tax rate of \$0.570000 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$1,512.37.

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

NOTICE OF PUBLIC HEARING
CITY OF MURPHY
PROPOSED OPERATING BUDGET FISCAL YEAR 2013-2014

The City of Murphy will conduct a Public Hearing on the Proposed Operating Budget for the fiscal year 2013-2014 on Tuesday, August 20, 2013 at 6:00 p.m. and on Tuesday, September 3, 2013 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 \$534,480, or 6.08%, and of that amount \$252,911 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 6th day of August, 2013.

Linda Truitt

Finance Director

City of Murphy, Texas

2013 Property Tax Rates in City of Murphy

This notice concerns the 2013 property tax rates for City of Murphy. It presents information about three tax rates. Last year's tax rate is the actual tax rate the taxing unit used to determine property taxes last year. This year's *effective* tax rate would impose the same total taxes as last year if you compare properties taxed in both years. This year's *rollback* tax rate is the highest tax rate the taxing unit can set before taxpayers start rollback procedures. In each case these rates are found by dividing the total amount of taxes by the tax base (the total value of taxable property) with adjustments as required by state law. The rates are given per \$100 of property value.

Last year's tax rate:

Last year's operating taxes	\$5,084,819
Last year's debt taxes	\$3,711,511
Last year's total taxes	\$8,796,330
Last year's tax base	\$1,543,215,789
Last year's total tax rate	\$0.570000/\$100

This year's effective tax rate:

Last year's adjusted taxes (after subtracting taxes on lost property)	\$8,783,591
÷ This year's adjusted tax base (after subtracting value of new property)	\$1,592,613,859

= This year's effective tax rate **\$0.551520/\$100**

(Maximum rate unless unit publishes notices and holds hearings.)

This year's rollback tax rate:

Last year's adjusted operating taxes (after subtracting taxes on lost property and adjusting for any transferred function, tax increment financing, state criminal justice mandate, and/or enhanced indigent healthcare expenditures)	\$5,077,446
÷ This year's adjusted tax base	\$1,592,613,859
= This year's effective operating rate	\$0.318812/\$100
x 1.08 = this year's maximum operating rate	\$0.344316/\$100
+ This year's debt rate	\$0.228479/\$100
= This year's total rollback rate	\$0.572795/\$100

Statement of Increase/Decrease

If City of Murphy adopts a 2013 tax rate equal to the effective tax rate of \$0.551520 per \$100 of value, taxes would increase compared to 2012 taxes by \$231,965.

Schedule A - Unencumbered Fund Balance

The following estimated balances will be left in the unit's property tax accounts at the end of the fiscal year. These balances are not encumbered by a corresponding debt obligation.

Type of Property Tax Fund	Balance
M&O	2,000,000
I&S	800,000

Schedule B - 2013 Debt Service

The unit plans to pay the following amounts for long-term debts that are secured by property taxes. These amounts will be paid from property tax revenues (or additional sales tax revenues, if applicable).

Description of Debt	Principal or Contract Payment to be Paid from Property Taxes	Interest to be Paid from Property Taxes	Other Amounts to be Paid	Total Payment
2003 Series CO	335,000	6,281	0	341,281
2004 Series CO	490,000	53,494	0	543,494
2009 Series CO	255,000	19,725	0	274,725
2009 Series GO	430,000	260,350	0	690,350
2010 Tax Notes	155,000	12,769	0	167,769
2010 Series GO	190,000	154,561	0	344,561
2011 Series GO	215,000	306,600	0	521,600
2012 Series Refunding	430,000	426,400	0	856,400
Total required for 2013 debt service			\$3,740,180	
- Amount (if any) paid from Schedule A			\$0	
- Amount (if any) paid from other resources			\$0	
- Excess collections last year			\$0	

= Total to be paid from taxes in 2013	\$3,740,180
+ Amount added in anticipation that the unit will collect only 100.00% of its taxes in 2013	\$0
= Total debt levy	\$3,740,180

This notice contains a summary of actual effective and rollback tax rates' calculations. You can inspect a copy of the full calculations at 2300 Bloomdale Rd, Ste. 2366, McKinney, TX 75071.

Name of person preparing this notice: Kenneth L. Maun

Title: Tax Assessor Collector

Date Prepared: 07/24/2013

Issue

Discuss and take action, if any, on the proposed Animal Shelter Project, to include approving the Bid Spec Documents and Architectural/Building Plans and authorize staff to put the project out for bid.

Background

This project was approved by Council at the March 19, 2013 regular council meeting.

The project, as approved, included (summary):

1. Concept drawing with suggested changes made at the joint January Council/ASAC meeting.
2. The costs for the Animal Shelter Project (ASP) to be at or below \$620,000.
3. Approval and adoption of Quorum as the architect and project management firm.
4. Authorized Quorum to develop the bid specifications and building plans for project construction.

Financial Considerations

Depending upon the add-alternate options approved upon bid openings, the costs should range from \$620,000 for the building, including architectural services, to any additional add/alt items approved.

As of this time, the financial exposure for the approved Animal Shelter project \$620,000, which includes costs for architectural services.

Other Considerations

There is a concern as to whether or not this is the appropriate location for this facility. This site was chosen due to it being current, city owned property, it is close to the existing facility and some of the land behind the proposed shelter could be utilized as a play area and/or dog park. However, the land around the proposed Animal Shelter, Community Center and Activity Center is zoned Town Center. This zoning district is our most flexible as it encourages retail, office, residential and pedestrian oriented development. If the shelter is located in the proposed location, it may have a negative impact on the future development of the Town Center zoning district.

Attachments

[Bid Spec Documents](#) (follow link to bid spec documents set due to large size)

[Final Building Plans](#) (follow link to plan set due to large size)

Board/Staff Recommendation

Motion: I move to accept the bid specifications and building plans for the Animal Shelter Project and authorize staff to put this project out for bid.

Chief G. M. Cox and Kim Parker, Support Services Manager
Submitted By

Mr. James Fisher
City Manager Approval

City Council
August 6, 2013

Issue

Consider and/or act upon Ethics Review Commission recommendations:

1. A proposed resolution establishing the Rules and Procedures for the City of Murphy Ethics Commission
2. A proposed ordinance amending Chapter 2, Article IX of the Code of Ordinances entitled Code of Ethics.

Staff Resource / Department

James Fisher, City Manager

Kristi Gilbert, City Secretary

Andy Messer, City Attorney

Background

The Ethics Review Commission was established in 2012 and held several meetings in order to appoint its officers, review, consider and discuss the Code of Ethics of the City of Murphy and the Commission's duties and responsibilities in this regard, and to discuss, prepare and adopt its proposed Rules and Procedures for submission to the City Council for consideration and action. On July 19, 2012, the Commission approved its proposed Rules and Procedures and also approved certain recommendations, requests and notifications to be presented to the City Council.

Council took action at their October 16th and November 11th meetings providing direction for the proposed changes.

Four new members were appointed to the Ethics Review Commission in December of 2012. The Commission held meetings in February and April to review the proposed changes with the Assistant City Attorney. The attached includes the resulting documents after final attorney review.

Attachments

1. Proposed Resolution establishing the Rules and Procedures – Clean Version
2. Proposed Resolution establishing the Rules and Procedures – Blackline Version
3. Proposed Ordinance amending the Code of Ethics – Clean Version
4. Proposed Ordinance amending the Code of Ethics – Blackline Version

RESOLUTION NO. 13-R-774

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, ADOPTING CERTAIN RULES AND PROCEDURES FOR THE ETHICS REVIEW COMMISSION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 8.01 of the City of Murphy, Texas Home-Rule Charter authorizes the City Council to create committees deemed desirable by the City Council and those which may be necessary to carry out the functions and obligations of the City; and,

WHEREAS, Ordinance 10-11-863 created the Ethics Review Commission; and

WHEREAS, Article VIII, Section 8.01 of the City of Murphy, Texas Home-Rule Charter also provides that the City Council shall by ordinance or resolution prescribe the purpose, composition, function, duties, accountability and tenure of each board, commission and committee where such are not prescribed by law or City Charter.

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

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

Section 2. Purpose and Intent. Recognizing that every legislative body needs a systematic way of conducting its business, this Resolution is to provide for the orderly conduct of business City of Murphy Ethics Review Commission.

Section 3. The Rules and Procedures attached as Exhibit “A” are hereby adopted as the official Rules and Procedures for the Ethics Review Commission.

Section 4. This resolution shall become effective from and after its passage.

DULY RESOLVED by the City Council of the City of Murphy, Texas, on this the 16th day of July, 2013.

Owais Siddiqui, Mayor Pro Tem
City of Murphy

ATTEST:

Kristi Gilbert, City Secretary
City of Murphy

APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney
City of Murphy

Exhibit "A"

**CITY OF MURPHY
ETHICS REVIEW COMMISSION****RULES AND PROCEDURES****SECTION 1. INTRODUCTION**

(a) The Ethics Review Commission (the "Commission") is an advisory body of the City of Murphy, Texas, having jurisdiction over ethics complaints as described in Chapter 2, Article IX of the Code of Ordinances of the City of Murphy, Texas. The Commission is responsible for its performance of its duties and responsibilities. The development of these rules and procedures is designed to ensure effective and efficient application of these rules and procedures.

(b) These rules and procedures address Commission relations among Commission members, and with City employees and officials. By adopting these rules and procedures, we, as members of the Commission, acknowledge our responsibility to each other, to City staff and to the public. These rules and procedures will be reviewed as necessary.

SECTION 2. MISSION

(a) The Commission will provide for the fair and equal review of all ethics complaints.

(b) In order to ensure proper consideration of all matters brought before the Commission, members of the Commission will display behavior that demonstrates independent and impartial review of all matters addressed by them, and be duly responsible to the City Council, citizens of the City of Murphy and to each other.

SECTION 3. INFORMATION

(a) The Complaint Process will be followed as outlined in Article IX, Section 2-514, as amended.

(b) All Commission members shall have access to the same information with which to make decisions in the hearing and sanctions process. When one Commission member has an information request, the response may be shared with all members of the Commission so that each member may be equally informed.

(c) All correspondence or communications shall be copied to the City Attorney.

SECTION 4. ROLES

- (a) The Chairperson shall preside at meetings of the Commission, and shall be recognized as head of the Ethics Review Commission for all purposes. The Chairperson may participate in the discussion of all matters coming before the Commission. The Chairperson shall be entitled to vote as a member thereof unless prohibited by law, and shall have no power of veto.
- (b) The Commission shall elect from among the Commission members a Vice Chairperson who shall act as Chairperson during the absence, conflict or disability of the Chairperson.
- (c) The Chairperson shall preserve order and decorum and shall require Commission members engaged in debate to limit discussion to the question under consideration.
- (d) The Chairperson is the spokesperson for the Commission on all official positions taken unless absent, at which time the Vice Chairperson or other designee will assume the role.
- (e) The Chairperson will encourage all Commission members to fully participate in Commission discussion before an item is brought to vote.
- (f) The Chairperson may appoint a subcommittee made up of Commission members and City staff as deemed necessary by the Commission to recommend direction to the full Commission. City staff may only be used upon approval by the City Manager.
- (g) The Chairperson or designee shall act as the appointed liaison to the City Council.

SECTION 5. MEETINGS

- (a) **Annual Meeting** – The Commission shall meet at least once a year as outlined in Article IX, Section 2-513(b)(3) as amended.
- (b) **Special Meetings** – Special Meetings may be held on any day of the week to consider items that require action prior to the annual meeting and may be called at the request of the Chairperson, or any two (2) members of the Commission as outlined in Article IX, Section 2-513(b)(3) as amended. Special meetings will be open to the public in accordance with the Texas Open Meetings Act.
- (c) **Work sessions** – Work sessions shall be held as needed. Work sessions will be open to the public in accordance with the Texas Open Meetings Act.
- (d) **Executive Sessions** – The Commission may meet in executive session in compliance with the Texas Open Meetings Act. All final actions, decisions or votes on any matter deliberated in an executive session shall be made in open session for which proper notice has been provided. All discussions in executive session shall remain confidential. Executive sessions are not open to the public in accordance with the Texas Open Meetings Act.
- (e) **Confidentiality and Nondisclosure Agreement** – Each Commission member shall sign a confidentiality and non-disclosure agreement the earlier of, thirty (30) days following

appointment by the City Council or prior to receiving any information regarding an ethics complaint.

(f) **Attendance** - Commission members are expected to attend all meetings and stay in attendance during each meeting. No member shall leave a meeting without advising the Chairperson.

(g) The Commission may create a subcommittee of two Commission members as necessary.

(h) **Punctuality and Recess** – Members of the Commission are expected to arrive at meetings at or before the scheduled time for the meeting to begin and shall advise the Chairperson or Secretary if there is an expectation that the Commission member will be delayed in attending the meeting or may need to leave the meeting before it is adjourned. At the beginning of each meeting, the Chairperson shall announce those members that are absent and shall announce the arrival time of any member arriving after the beginning of any meeting. The Chairperson may at any time, upon his or her own motion, or upon the request of a Commission member, declare a recess of the meeting. The time period of the recess shall be strictly followed.

(i) **Conflict of Interest** – A Commission member prevented from voting due to a conflict of interest shall leave the room during the debate, shall not vote on the matter, and shall otherwise comply with the state law and the Charter and ordinances concerning conflicts of interest. Any Commission member filing a conflict of interest affidavit on an item shall not thereafter confer with staff, or Commission members regarding that matter. The City Attorney may provide assistance to a Commission member in determining whether or not a conflict of interest exists.

(k) **Conduct of Meetings and Work Sessions**

1) During Commission meetings and work sessions, Commission members shall assist in preserving order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the rules of the Commission.

2) A Commission member shall confine discussion to the question under debate, avoid the discussion of personalities and the use of inappropriate language, and refrain from personal attacks or from publicly criticizing a citizen, a City Councilmember, a member of any board, commission or committee of the City, an individual employee, or an operational issue. Questioning facts or the opinion of staff is allowed.

3) When there is more than one witness during a final hearing who is called to address the matter, Commission Members may delay their comments until after all witnesses on the subject have been heard.

4) The Chairperson shall state all questions submitted for a vote and announce the result.

(l) **Citizens and Visitors**

(1) Everyone attending a meeting will refrain from private conversations and turn mobile phones to silent or vibrate while the Commission is in session.

(2) Citizens and visitors attending Commission meetings, work sessions and hearings shall observe the same rules of propriety, decorum and good conduct applicable to members of the Commission. Any person making personal, impertinent, disruptive, profane or defamatory remarks or who becomes boisterous while addressing the Commission or while attending the meeting, work session or hearing, shall be removed from the room if so directed by the Chairperson. Such person shall be barred from further audience before the Commission during that session. If the Chairperson fails to act, any member of the Commission may move to require enforcement of the rules, and the affirmative vote of a majority of the Commission shall require the Chairperson to act.

(4) Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the Chairperson, who may direct the removal of offenders from the room. In case the Chairperson shall fail to act, any member of the Commission may move to require enforcement of the rules and the affirmative vote of a majority of the Commission shall require the Chairperson to act.

(5) No placards, banners, or signs will be permitted in the Commission meeting room or in any other room in which the Commission is meeting. Exhibits, displays and visual aids used in connection with presentations, however, are permitted.

(m) **Motions At Meetings**

(1) At a meeting, the Commission may discuss an agenda item prior to a motion being made. This allows a motion to be crafted that will incorporate the issues discussed.

(2) A motion made and seconded will be considered the main motion. Any Commission member may make a motion to amend a motion. The amendment must receive a second before it may be discussed and must be voted on prior to voting on the main motion.

(3) A motion may be withdrawn or modified by its mover without asking permission until the motion is voted upon. If the mover modified the motion, the Commission member who seconded the motion may withdraw the second.

(4) A motion to reconsider any action of the Commission must be made no later than prior to the conclusion of the next regularly scheduled meeting of the Commission. Such a motion may only be made by a Commission member who voted with the prevailing side. The motion to reconsider may be seconded by any member. No issue shall be twice reconsidered except by unanimous vote of the Commission.

(i) If a motion to reconsider is made at the same meeting at which the matter was acted upon, the motion may be heard and voted upon and the original action on the matter is set aside. Deliberation may then resume on the matter at that same meeting.

(ii) If a motion to reconsider is made at the next meeting after the matter was acted upon the motion to reconsider may be heard and voted upon and the original action on the matter is not set aside. Deliberation may not resume on the matter, but it shall be placed on the next available agenda for deliberation and action.

(n) **Suspension of Rules** – Any provision of these rules not governed by the City Charter, City Code, State or Federal law may be temporarily suspended by a majority vote of the members of the Commission present. The vote on any such suspension shall be taken by yeas and nays and entered upon the record.

(o) **Amendment of Rules** – These rules may be amended or new rules adopted, by a majority vote of the members of the Commission and approved by the Commission and then recommended to City Council for final approval.

(p) **Failure to Comply** - A failure to comply with these rules does not invalidate any otherwise lawful act of the Commission.

(q) **Tabling** – An item under consideration may be tabled until a later point in the same meeting.

(r) **Postponement** – An item may be postponed until a future meeting, a specific future date, or until a specific outside action occurs. Items may also be postponed indefinitely, which means the item is dead and cannot be brought back before the Commission.

(s) **Retention Policy** - The document retention policy of the Commission shall be the same as that of the City.

SECTION 6. PUBLIC CONTACT / MEDIA RELATIONS

The Commission shall refer all media inquiries to the City Manager or his or her designee as the City's official representative to the media.

RESOLUTION NO. 13-R-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, ADOPTING CERTAIN RULES AND PROCEDURES FOR THE ETHICS REVIEW COMMISSION; PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, Ordinance 10-11-863 created the Ethics Review Commission; and

WHEREAS, Article VIII, Section 8.01 of the City of Murphy, Texas Home-Rule Charter also provides that the City Council shall by ordinance or resolution prescribe the purpose, composition, function, duties, accountability and tenure of each board, commission and committee where such are not prescribed by law or City Charter.

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Section 3. The Rules and Procedures attached as Exhibit "A" are hereby adopted as the official Rules and Procedures for the Ethics Review Commission.

Section 4. This resolution shall become effective from and after its passage.

DULY RESOLVED by the City Council of the City of Murphy, Texas, on this the _____ day of _____, 2013.

Eric Barna, Mayor

City of Murphy

ATTEST:

Kristi Gilbert, City Secretary
City of Murphy

7/29/2013 3:17 PM7/10/2013 1:00 PM7/10/2013 12:26 PM7/10/2013 10:49 AM7/9/2013 1:16 PM

APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney
City of Murphy

Exhibit "A"

CITY OF MURPHY

ETHICS REVIEW COMMISSION

RULES AND PROCEDURES

SECTION 1. INTRODUCTION

(a) The Ethics Review Commission (the "Commission") is an advisory body of the City of Murphy, Texas, having jurisdiction over ethics complaints as described in Chapter 2, Article IX of the Code of Ordinances of the City of Murphy, Texas. The Commission is responsible for its ~~own development, discipline, and~~ performance of its duties and responsibilities. The development of ~~these rules and procedures is policy~~ is designed to ensure effective and efficient application of these rules and procedures.

(b) ~~These rules and procedures is policy~~ addresses Commission relations among Commission members, and with ~~C~~city employees and officials. By adopting ~~these rules and procedures is policy~~, we, as members of the Commission, acknowledge our responsibility to each other, to City staff and to the public. ~~These rules and procedures is policy~~ will be reviewed as necessary.

SECTION 2. MISSION

(a) The Commission will provide for the fair and equal ~~resolution review~~ of all ethics complaints ~~brought forth for its review in order to determine whether or not it should impose a sanction per Section 2-517 of the Code of Ethics.~~

(b) In order to ensure proper ~~consideration~~ ~~resolution review~~ of all matters brought before the Commission, members of the Commission will display behavior that demonstrates independent and impartial review of all matters addressed by them, and be duly responsible to the City Council, citizens of the City of Murphy and to each other.

SECTION 3. INFORMATION

(a) The Complaint Process will be followed as outlined in Article IX, Section 2-514, as amended.

(b) All Commission members shall have access to the same information with which to make decisions in the hearing and sanctions process. When one Commission member has an information request, the response may be shared with all members of the Commission so that each member may be equally informed.

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- (c) All correspondence or communications shall be copied to the City Attorney.

SECTION 4. ROLES

- (a) The Chairperson shall preside at meetings of the Commission, and shall be recognized as head of the Ethics Review Commission for all purposes. The Chairperson may participate in the discussion of all matters coming before the Commission. The Chairperson shall be entitled to vote as a member thereof unless prohibited by law, and shall have no power of veto.
- (b) The Commission shall elect from among the Commission members a Vice Chairperson who shall act as ~~Chairperson~~~~Presiding Officer~~ during the absence, conflict or disability of the Chairperson.
- (c) The Chairperson shall preserve order and decorum and shall require Commission members engaged in debate to limit discussion to the question under consideration.
- (d) The Chairperson is the spokesperson for the Commission on all official positions taken unless absent, at which time the Vice Chairperson or other designee will assume the role.
- (e) The Chairperson will encourage all Commission members to fully participate in Commission discussion before an item is brought to vote.
- (f) The Chairperson may appoint a subcommittee made up of Commission members and City staff as deemed necessary by the Commission to recommend direction to the full Commission. City staff may only be used upon approval by the City Manager.
- (g) The Chairperson or designee shall act as the appointed liaison to the City Council.

SECTION 5. MEETINGS

- (a) **Annual Meeting** – The Commission shall meet at least once a year as outlined in Article IX, Section 2-513 (b)(3) ~~(subsection 3)~~ as amended.
- (b) **Special Meetings** – Special Meetings may be held on any day of the week to consider items that require action prior to the annual meeting and may be called ~~upon~~ at the request of the Chairperson, or any two (2) members of the Commission as outlined in Article IX, Section 2-513(b)(3) as amended ~~Vice Chairperson or City Manager~~. Special meetings will be open to the public in accordance with the Texas Open Meetings Act.
- (c) **Work sessions** – Work sessions shall be held as needed ~~and used to allow the Commission to discuss procedures~~. Work sessions will be open to the public in accordance with the Texas Open Meetings Act.
- (d) **Executive Sessions** – The Commission may meet in executive session in compliance with the Texas Open Meetings Act. All final actions, decisions or votes on any matter

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deliberated in an executive session shall be made in open session for which proper notice has been provided. All discussions in executive session shall remain confidential. Executive sessions are not open to the public in accordance with the Texas Open Meetings Act.

(e) ~~Each member shall sign a n~~**Confidentiality and Nondisclosure Agreement.** – ~~Each~~
Commission member shall sign a confidentiality and non-disclosure agreement the earlier of,
thirty (30) days following appointment by the City Council or prior to receiving any information
regarding an ethics complaint.

(f) **Attendance** - Commission members are expected to attend all meetings and stay in attendance during each meeting. No member shall leave a meeting without advising the
Chairperson~~Presiding Officer~~.

(g) The Commission may create a subcommittee of two Commission members as necessary.

(h) **Punctuality and Recess** – Members of the Commission are expected to arrive at meetings at or before the scheduled time for the meeting to begin and shall advise the Chairperson or Secretary if there is an expectation that the Commission member will be ~~tardy~~
delayed in attending the meeting or may need to leave the meeting before it is adjourned. At the beginning of each meeting, the Chairperson~~Presiding Officer~~ shall announce those members that are absent and shall announce the arrival time of any member arriving after the beginning of any meeting. The Chairperson~~Presiding Officer~~ may at any time, upon his or her own motion, or upon the request of a Commission member, declare a recess of the meeting. The time period of the recess shall be strictly followed.

(i) **Conflict of Interest** – A Commission member prevented from voting due to a conflict of interest shall leave the room during the debate, shall not vote on the matter, and shall otherwise comply with the state law and the Charter and ordinances concerning conflicts of interest. Any Commission member filing a conflict of interest affidavit on an **Executive Session** item shall not thereafter confer with staff, or Commission members regarding that matter. The City Attorney may provide assistance to a Commission member in determining whether or not a conflict of interest exists.

Process of Ethics Hearing: Complaint Hearing Process:

~~The City Attorney shall perform an initial review of the submitted complaint for conformity with the requirements of Section 2-514 of the Code of Ethics. If the complaint is found to be insufficient, the City Attorney shall notify the complainant that the complaint is deficient and the matter shall be closed without prejudice to subsequent re-filing. If the complaint is found to be sufficient, it shall be forwarded to the City Manager, the Chairperson of the Ethics Review Commission, the City Secretary and the complainee, and a preliminary hearing shall be scheduled with proper notice being provided to the complaint and complainee. Complaints against the City Attorney shall be forwarded to the Municipal Judge.~~

~~An initial meeting will be held to discuss the filed complaint. The complainant and the complainee may attend the initial meeting preliminary hearing and each shall be~~

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~~allowed to make a presentation to the Commission and, but the . The complainant and the complaine must be allowed to make a presentation at the initial meeting, but the Commission may not limit the time for the presentation to no fewer than five (5) minutes.~~

~~A majority vote of the full Commission shall will be required for the Commission to continue its investigation of the complaint; otherwise, the matter will be closed.~~

~~The Chairperson or authorized designee shall send written notice following the preliminary hearing of the initial review and its outcome to both the complainant and the complaine within a reasonable amount of time five (5) business days after the initial review preliminary hearing decision is has been made made by the Commission.~~

~~The Commission will may then exercise its powers as outlined in Article IX, Section 2-5132-516 to investigate, request and gather evidence as necessary to determine if an ethics violation has occurred.~~

~~If the Commission determines that there are reasonable grounds to believe that a violation of Article IX has occurred, it shall schedule a final hearing. Otherwise, the complaint may be dismissed.~~

~~The complainant and the complaine may attend the final hearing and each shall be allowed to make a presentation to the Commission. The complainant and the complaine must be allowed to make a presentation at the final hearing and, but the Commission may not limit the time for the presentation to no fewer than five (5) minutes.~~

~~Sanctions may be imposed in accordance with Article IX, Section 2-517 as amended, by majority vote of the full Commission.~~

~~All actions of the Commission are immediately appealable by complaine only to a committee comprised of the Mayor, the City Attorney, and the Municipal Judge or with an alternate city official being appointed by a majority of the City Council official in the case of a conflict of interest. This committee shall have the authority to affirm, dismiss or remand the decision of the Commission with instructions.~~

(k) **Conduct of Meetings and Work Sessions**

- 1) During Commission meetings and work sessions, Commission members shall assist in preserving order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the rules of the Commission.
- 2) A Commission member shall confine discussion to the question under debate, avoid the discussion of personalities and the use of inappropriate language, and refrain from personal attacks or from publicly criticizing a citizen, a City Councilmember, a member of any board, commission or committee of the City, an individual employee, or an operational issue. ~~QCriticism is differentiated from~~ questioning facts or the opinion of staff is allowed.
- 3) When there is more than one ~~witnessspeaker~~ during a final hearing who is called to address the matter, Commission Members ~~mayshall~~ delay their comments until after all ~~witnessesspeakers~~ on the subject have been heard.

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4) The Chairperson shall state all questions submitted for a vote and announce the result.

(l) **Citizens and Visitors**

(1) Everyone attending a meeting will refrain from private conversations and turn mobile phones to silent or vibrate while the Commission is in session.

(2) Citizens and visitors attending Commission meetings, work sessions and hearings shall observe the same rules of propriety, decorum and good conduct applicable to members of the Commission. Any person making personal, impertinent, disruptive, profane or defamatory remarks or who becomes boisterous while addressing the Commission or while attending the meeting, work session or hearing, shall be removed from the room if so directed by the ChairpersonPresiding Officer. Such person shall be barred from further audience before the Commission during that session. If the ChairpersonPresiding Officer fails to act, any member of the Commission may move to require enforcement of the rules, and the affirmative vote of a majority of the Commission shall require the ChairpersonPresiding Officer to act.

(4) Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the ChairpersonPresiding Officer, who may direct the removal of offenders from the room. In case the ChairpersonPresiding Officer shall fail to act, any member of the Commission may move to require enforcement of the rules and the affirmative vote of a majority of the Commission shall require the ChairpersonPresiding Officer to act.

(5) No placards, banners, or signs will be permitted in the Commission meeting room or in any other room in which the Commission is meeting. Exhibits, displays and visual aids used in connection with presentations, however, are permitted. Video presentations requested by a citizen or visitor as visual aids will not be broadcast over any city public access cable channel.

~~(m)~~ **Agenda**

~~(1) The Chairperson and/or alternatively Vice Chairperson shall set the agenda. Any Commission member may request an item be placed on a future agenda at a meeting.~~

~~(2) Agenda item requests made outside of an open meeting shall be submitted to the City Secretary.~~

~~(m)~~ **Motions At Meetings**

(1) At a meeting, ~~t~~The Commission may discuss an agenda item prior to a motion being made. This allows a motion to be crafted that will incorporate the issues discussed.

(2) A motion made and seconded will be considered the main motion. Any Commission member may make a motion to amend a motion. The amendment must receive a second before it may be discussed and must be voted on prior to voting on the main motion.

(3) A motion may be withdrawn or modified by its mover without asking permission until the motion is voted upon. If the mover modified the motion, the Commission member who seconded the motion may withdraw the second.

(4) A motion to reconsider any action of the Commission must be made no later than prior to the conclusion of the next regularly scheduled meeting of the Commission. Such a motion may only be made by a Commission member who voted with the prevailing side. The motion to reconsider may be seconded by any member. No [issue/question](#) shall be twice reconsidered except by unanimous vote of the Commission.

(i) If a motion to reconsider is made at the same meeting at which the matter was acted upon, the motion may be heard and voted upon and the original action on the matter is set aside. Deliberation may then resume on the matter at that same meeting.

(ii) If a motion to reconsider is made at the next meeting after the matter was acted upon, ~~with the exception of any final determination of the Commission,~~ the motion to reconsider may be heard and voted upon and the original action on the matter is not set aside. Deliberation may not resume on the matter, but it shall be placed on the next available agenda for deliberation [and action](#).

[\(n\)](#) **Suspension of Rules** – Any provision of these rules not governed by the City Charter, City Code, State or Federal law may be temporarily suspended by a majority vote of the members of the Commission present. The vote on any such suspension shall be taken by yeas and nays and entered upon the record.

[\(o\)](#) **Amendment of Rules** – These rules may be amended or new rules adopted, by a majority vote of the members of the Commission and approved by the Commission [and then recommended to City Council for final approval](#).

[\(p\)](#) **Failure to Comply** - A failure to comply with these rules does not invalidate any otherwise lawful act of the Commission.

[\(q\)](#) **Tabling** – An item under consideration may be tabled until a later point in the same meeting.

[\(r\)](#) **Postponement** – An item may be postponed until a future meeting, a specific future date, or until a specific outside action occurs. Items may also be postponed indefinitely, which means the item is dead and cannot be brought back before the Commission ~~unless there is a change~~.

[\(s\)](#) **Retention Policy** - The [document](#) retention policy of the Commission shall be the same as that of the City.

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SECTION 6. PUBLIC CONTACT / MEDIA RELATIONS

~~(a) All reporters may receive an agenda in advance and will be furnished supporting materials needed for clarification if requested.~~

~~(b)~~ The Commission shall refer all media inquiries to the City Manager or his or her designee as the City's official representative to the media.

ORDINANCE NO. 13--07-

AN ORDINANCE OF THE CITY OF MURPHY, TEXAS, AMENDING CHAPTER 2 OF THE CITY OF MURPHY'S CODE OF ORDINANCES, AMENDING ARTICLE IX CODE OF ETHICS FOR CITY OFFICIALS AND EMPLOYEES, INCLUDING REGULATIONS RELATED TO STANDARDS OF CONDUCT; GIFTS AND HONORARIUMS; CONFLICTS OF INTEREST; CONFLICT DISCLOSURE STATEMENTS; INTEREST IN PROPERTY ACQUIRED WITH PUBLIC FUNDS; NEPOTISM; BRIBERY; CITY RECORDS; MISUSE OF OFFICIAL INFORMATION; ABUSE OF OFFICIAL CAPACITY; AND OFFICIAL OPPRESSION; CREATING AN ETHICS REVIEW COMMISSION; PROVIDING A COMPLAINT PROCESS FOR VIOLATIONS OF THE CODE OF ETHICS; PRESCRIBING THE ROLE OF THE CITY ATTORNEY IN THE COMPLAINT PROCESS; PROVIDING A HEARING PROCESS; PROVIDING SANCTIONS FOR VIOLATIONS OF THE CODE OF ETHICS; AND PROVIDING FOR DISTRIBUTION AND PROOF OF COMPLIANCE; AND PROVIDING FOR AN EFFECTIVE DATE, PROPER NOTICE AND MEETING; SEVERABILITY CLAUSE AND REPEALER CLAUSE.

WHEREAS, statutory provisions governing the ethical conduct of public officials and employees are found in various codes including the Texas Local Government Code, the Texas Government Code and the Texas Penal Code; and

WHEREAS, the City Council finds it desirable and necessary to adopt a comprehensive ethics ordinance that sets out the ~~statutory~~ parameters relating to the conduct of public officials and employees in one easily accessible location; and

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

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

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

WHEREAS, the City of Murphy seeks to inspire public confidence and trust in City of Murphy officials and employees through the adoption of this "Code of Ethics";

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

SECTION 1. RECITALS

The City Council hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City Council hereby incorporates such recitals as part of this Ordinance.

SECTION 2. ADOPTION OF CODE OF ETHICS

Chapter 2, Administration, of the Code of Ordinances of the City of Murphy is hereby amended by amending Article IX, Code of Ethics:

Article IX, Code of Ethics attached hereto as Exhibit “A” and incorporated herein for all purposes is hereby enacted.

SECTION 3. Effective Date

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 4. Proper Notice and Meeting

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code and as required by Chapter 552 of the Texas Local Government Code.

SECTION 5. Severability

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be 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 or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

SECTION 6. Repealer

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent.

PASSED AND APPROVED by the City Council of the City of Murphy, Texas this ____
day of _____, 2013.

Eric Barna, Mayor
City of Murphy

ATTEST:

Kristi Gilbert, City Secretary
City of Murphy

APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney
City of Murphy

EXHIBIT “A”

ARTICLE IX CODE OF ETHICS

Section 2-501. Definitions.

The terms used in this Article shall have the following meanings:

Business Entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law.

Candidate. This term has the meaning assigned by section 251.001, Election Code.

City Council means the mayor and six (6) council members elected to serve as the governing body of the City.

City Employee means any person employed by the City, including those individuals that are employed on a part-time or temporary basis and employees of any corporation created by the City, but such term shall not be extended to apply to any independent contractor.

City Attorney means the City Attorney appointed by the City Council pursuant to the City Charter.

City Engineer means the City Engineer appointed by the City Manager.

City Manager means the City Manager appointed by the City Council pursuant to the City Charter.

City Official means every member of the City Council, the City Manager, City Secretary, the City Attorney, the Municipal Judge, the City Engineer and all members of any board, commission, or committee appointed by the City Council, including the board members of the Murphy Municipal Development District (MDD), the Murphy Economic Development Corporation (4A) (“MEDC”) and the 4B Murphy Community Development Corporation (“MCDC”), and the executive directors of the MEDC and the MCDC.

City Secretary means the City Secretary appointed by the City Council pursuant to the City Charter.

Confidential Information means any information that a City Official would be privy to because of the official’s position but otherwise is not available to the public under the provisions of the Texas Public Information Act (Tex. Gov’t Code Ch. 552).

Conflict Disclosure Statement means the disclosure statement form adopted by the Texas Ethics Commission required by Chapter 176 of the Local Government Code.

Conflict of Interest Questionnaire means the conflicts of interest form adopted by the Texas Ethics Commission required by Chapter 176 of the Local Government Code.

Economic Benefit means any taxable income or any money, real or personal property, contract rights, sale, lease, option, credit, loan, discount, service, or other tangible or intangible thing of value, whether similar or dissimilar to those enumerated.

Economic Interest means a legal or equitable interest in real or personal property or a fiduciary obligation to such property or contractual right in such property that is more than Two Thousand Five Hundred Dollars (\$2500.00). Service by a City Official or City Employee as an officer, director, advisor, or otherwise active participant in an educational, religious, charitable, fraternal, or civic organization does not create an Economic Interest in the property of that organization. Ownership of an interest in a mutual or common investment fund that holds securities or other assets is not an Economic Interest in the securities or other assets unless the City Official or City Employee participates in the management of the fund. A City Official or City Employee does not have an Economic Interest in a matter if the economic impact on the City Official or City Employee is indistinguishable from the impact on the public or on the particular group affected by the matter.

Family Member means a person related to a City Official in the first degree of consanguinity or affinity, as described by Subchapter B, Chapter 573 of the Government Code, except that the term does not include a person who is considered to be related to a City Official by affinity only as described by Section 573.024(b) of the Government Code. This definition would include children, spouses, parents, step-children and parents-in-law or children-in-law, except that relationships by affinity would end upon divorce.

Gift means a favor, hospitality, or economic benefit other than compensation but which does not include campaign contributions reported as required by state law, gifts received from a relative if given on account of kinship, or any value received by will, intestate succession, or as a distribution from an *inter vivos* or testamentary trust.

Municipal Judge means the Municipal Judge or alternate Municipal Judge appointed by the City Council pursuant to the City Charter.

Permissible Gift means a thing of nominal value given (not to exceed \$100.00 in value), and not given to request a specific favor, special treatment, or influence a City Official or City Employee. Marketing advertisement items of nominal value, or certificates or plaques having no intrinsic value, are considered permissible gifts or gratuities. The purchase of meals of nominal value, provided there is a rotation of purchasing, is considered a permissible gift. The provision of training/education programs of a general nature is considered a permissible gift or gratuity. Items that exceed \$100.00 in value, if divided (e.g. holiday food or sporting event tickets distributed by lot) or donated for a City-sponsored function, are considered permissible gifts and/or gratuities.

Qualified Voter means a person who meets the qualifications of Section 11.002 of the Texas Election Code to vote in City elections.

Second Degree by Affinity is defined by Subchapter B., Chapter 573 of the Government Code and examples of such relationship are set out in the Chart attached hereto as Exhibit “1.”

Substantial Interest means the interest that a City Official and/or a Family Member has in a business or business entity or in real property as described below:

- (a) The City Official and/or a Family Member owns ten percent (10%) or more of the voting stock or shares of the business entity; or
- (b) The City Official and/or a Family Member owns ten percent (10%) or more or \$15,000.00 or more of the fair market value of the business entity; or
- (c) Funds received by the City Official and/or a Family Member from the business entity exceed ten percent (10%) of the person's gross income for the previous year;
- (d) The City Official and/or Family Member has a Substantial Interest in real property if the interest is an equitable or legal interest with a fair market value of \$2,500 or more.

Third Degree by Consanguinity is defined by Subchapter B., Chapter 573 of the Government Code and examples of such relationship are set out in the Chart attached hereto as Exhibit “1.”

Section 2-502. Standards of Conduct

(a) General Provisions

- (1) No City Official or City Employee may disclose any Confidential Information gained through the City Official's or City Employee's office or position concerning property, operations, policies, or affairs of the City, or use such Confidential Information to advance any Economic Interest of the City Official or City Employee, confer any Economic Benefit to the City Official or City Employee, or their Family Member. This Subsection shall not preclude disclosure of such Confidential Information in connection with any investigation or proceeding regarding whether there has been a violation of this Code of Ethics to any investigatory, administrative or judicial authority.
- (2) No City Official or City Employee may use his or her office or position or City owned facilities, equipment, supplies, or resources of the City to advance any Economic Interest of the City Official or City Employee, confer any Economic Benefit to the City Official or City Employee, for a political campaign of the City Official or City Employee, or for any of the City Official's or City Employee's Family Members. Notwithstanding the foregoing, City owned facilities, equipment, supplies or resources may be used by City Officials or City Employees to the extent such uses are customary, incidental or lawfully available to the public.

- (3) No City Official shall knowingly represent, directly or indirectly, any person, group or business entity:
 - (A) Before the City Council or the board, commission or committee of which he or she is a member;
 - (B) Before a board or commission which has appellate jurisdiction over the board, commission or committee of which he or she is a member;
 - (C) In any action or proceeding against the interests of the City or in any litigation in which the City or any department, agency, board, commission or committee is a party; or
 - (C) In any action or proceeding in the municipal court(s) of the City which was instituted by a City Official or City Employee in the course of his or her official duties, or a criminal proceeding in which any City Official or City Employee is a material witness for the prosecution.
- (4) The restrictions contained in Subsection (3) do not prohibit the following:
 - (A) A City Official, or his or her spouse, appearing before the City Council or a City board, commission or committee to represent himself or herself in a matter affecting his or her property; provided, however, that no such person, or his or her spouse, shall personally appear before the City Council, board, commission or committee of which he or she is a member and must submit their case through an authorized representative;
 - (B) A City Official or City Employee appearing before the City Council or a City board, commission or committee to address employment matters;
- (5) No City Official may act as surety for any person or business entity that has work, business, or a contract with the City, or act as a surety on any bond required by the City for a City Official.
- (6) No City Official or City employee shall default or refuse to answer any questions pertinent to the proceedings before the City Council, or fail or refuse to obey any subpoena, or to produce any books, papers or other material issued by the City Council.
- (7) No City Official or City Employee shall deny, abridge or compromise equality of rights under state and federal law with respect to appointment to or removal of any appointed position with the City as prohibited by Sec. 14.02 of the City Charter.
- (8) No City Official or City Employee who seeks appointment or promotion with respect to any City appointed position shall, directly or indirectly, give, render or pay any money, service or other valuable thing to any person for, or in connection with, his or her test,

appointment or promotion with respect to any City position as prohibited by Sec. 14.03 of the City Charter.

- (9) No City Official or City Employee shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification, appointment or promotion with respect to any City position, or attempt to commit any fraud preventing the impartial execution of the personnel provisions, rules and regulations of the City Charter as prohibited by Sec. 14.04 of the City Charter.
- (10) No City Official, who holds any compensated, non-elective City position, or City Employee shall use their official title or position with the City to solicit any contribution or endorse the candidacy of any Candidate for public office in the City as prohibited by Sec. 14.05 of the City Charter. Any such person shall have the right to exercise his/her legal rights to participate in the election process when he/she is not on duty, in a City building, City provided uniform or attire, or using a City vehicle or equipment.
- (11) Members of the City Council shall not in any way dictate the appointment, removal or discipline of the City Officials or City Employees appointed by the City Manager or any of the City Manager's subordinates as prohibited by Sec. 3.08(2) of the Charter. Notwithstanding the foregoing, the City Council, at a meeting called for that purpose, may express its views and fully and freely discuss with the City Manager anything pertaining to the appointment and removal of such City Officials and City Employees.
- (12) Except for the purpose of inquiries and investigations provided by the Charter, the City Council shall interact with City Officials and City Employees who are subject to the direction and supervision of the City Manager in accordance with the Governance Policy adopted by the City Council. The City Council shall not give orders to any such City Official or City Employee, either publicly or privately, except as otherwise provided in the Charter.

SECTION 2-503. Gifts and Honorariums

(a) Prohibition:

- (1) No City Official or City Employee may solicit or accept any Gift, favor or privilege, that is offered or given with the intention of influencing the judgment or discretion of the City Official or City Employee; or given in consideration of the favorable exercise of the City Official's or City Employee's judgment or discretion in the past.
- (2) A City Employee performing regulatory functions or conducting inspections or investigations shall not solicit, accept, or agree to accept any benefit from a person the

City Employee knows to be subject to regulation, inspection, or investigation by the City Employee or the City.

- (3) A City Employee having custody of prisoners shall not solicit, accept, or agree to accept any benefit from a person the City Employee knows to be in his custody or the custody of the City.
- (4) A City Employee or a City Official who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of the City shall not solicit, accept, or agree to accept any benefit from a person the City Employee or City official knows is interested in or likely to become interested in any contract, purchase, payment, claim or transaction involving the exercise of his discretion.
- (5) A City Employee or City Official who has judicial or administrative authority, who is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of the tribunal's decision shall not solicit, accept, or agree to accept any Economic Benefit from a person the City Employee or City Official knows is interested in or likely to become interested in any matter before the City Employee or City Official or tribunal.
- (6) A City Official is prohibited from soliciting, accepting, or agreeing to accept an honorarium in consideration for services that the City Official would not have been requested to provide but for the City Official's official position or duties.

(b) Donation of Unsolicited Gift

A City Employee or City Official who receives an unsolicited Gift that the City Employee or City Official is prohibited from accepting under this section may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

(c) Exceptions

The prohibitions set out in this section do not apply to:

- (1) a fee prescribed by law to be received by a City Employee or City Official or any other benefit to which the City Employee or City Official is lawfully entitled or for which he gives legitimate consideration in a capacity other than as a City Employee or City Official;
- (2) a Gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient; or

- (3) a benefit to a City Employee or City Official required to file a statement under Chapter 572, Government Code, or a report under Title 15, Election Code, that is derived from a function in honor or appreciation of the recipient if:
 - (A) the benefit and the source of any benefit in excess of \$50 is reported in the statement; and
 - (B) the benefit is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office which are non-reimbursable by the state or the City;
- (4) a political contribution as defined by Title 15, Election Code;
- (5) a Permissible Gift as defined in this Ordinance, excluding cash or a negotiable instrument as described by Section 3.104, Business & Commerce Code;
- (6) an item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the governmental entity;
- (7) food, lodging, transportation, or entertainment accepted as a guest and, if the donor is required by law to report those items, reported by the donor in accordance with that law;
- (8) any Gift or benefit otherwise excepted under section 36.10, Penal Code; or
- (9) This section does not prohibit a City Official from accepting (1) transportation expenses, (2) lodging expenses or (3) meals in connection with a conference or similar event in which the City Official renders services, such as addressing an audience or engaging in a seminar to the extent that those services are more than merely perfunctory.

SECTION 2-504. Conflict of Interest; Recusal.

- (a) Conflict of Interest. No City Official may vote on or participate in any decision-making process on a matter concerning property or a business entity if the official has a Substantial Interest in the real property or business entity.
- (b) Recusal.
 - (1) A City Official shall disclose the existence of any Substantial Interest in any business entity or real property involved in any decision pending before such City Official, or the body of which he or she is a member. To comply with this Subsection, a City Official shall, prior to any discussion or determination of the matter, either file an affidavit of disclosure as required by Local Government Code § 171.004 or, if not so required, shall publicly disclose in the official records of the City to the City Secretary

the nature of the interest. To further comply with this Subsection, a City Official shall notify the City Manager, or if the City Official is the City Manager, shall notify the City Secretary, in writing of the nature of any Substantial Interest he or she may have in a Business Entity or real property which would be affected by an exercise of discretionary authority by the City Official and the City Manager or City Secretary shall assign the matter to another employee. In disclosing a Substantial Interest in a Business Entity, a City Official shall not be required to disclose the dollar amount of any income that he or she receives from the Business Entity.

- (2) The City Council shall take a separate vote on any budget item specifically dedicated to a contract with a Business Entity in which a member of the Council has a Substantial Interest. The member of the City Council that has the Substantial Interest may not participate in the separate vote.
- (3) In addition to complying with the requirements of Chapter 171 of the Local Government Code, to avoid the appearance and risk of impropriety, a City Official should abstain from participation in, discussion of, and any vote on a matter involving a person or Business Entity that the official knows is likely to affect the Economic Interest of, or confer an Economic Benefit on:
 - (i) The City Official's parent, child, step-child, spouse, or other family member within the second degree of consanguinity or affinity as defined by Chapter 573 of the Government Code, or a client of the City Official;
 - (ii) An employer of the City Official, the City Official's parent, child, step-child, or spouse;
 - (iii) A Business Entity for which the City Official serves as an officer or director or serves in any policy-making position;
 - (iv) A person or Business Entity from whom, within the past twelve months, the City Official or the official's spouse, directly or indirectly, received an Economic Benefit; or
 - (v) A person or Business Entity from whom, within the past twelve months, the City Official or the official's spouse, directly or indirectly, engaged in negotiations pertaining to business opportunities.

SECTION 2-505. Conflict Disclosure Statements.

- (a) A City Official shall file a sworn Conflicts Disclosure Statement with the City Secretary whenever a City Official or a Family Member (i) is receiving taxable income from an employment or other business relationship with a person or Business Entity who has contracted with the City for the sale or purchase of real property, goods or services or that is

considering contracting with the City for the sale or purchase of real property, goods or services that exceeds \$2,500.00 (not including investment income) during the twelve (12) month period preceding the date that the City Official became aware of the contract, or (ii) has received Gifts with a value of more than \$250.00 during the twelve (12) month period preceding the date that the City Official became aware of the contract from a person or Business Entity that contracts with the City for the sale or purchase of real property, goods or services or that the City is considering doing business with such person or Business Entity. The City Official shall file the Conflicts Disclosure Statement with the City Secretary no later than 5:00 p.m. on the seventh business day after the date the City Official becomes aware of the facts that require the filing of the Statement.

- (b) A City Official commits an offense if the City Official knowingly fails to file the Conflicts Disclosure Statement. An offense under the above Subsection is a Class C misdemeanor.
- (c) The City Secretary shall accept and file any and all City Official Conflict Disclosure Statements and any Vendor Conflict of Interest Questionnaires.
- (d) The City Secretary shall maintain a list of City Officials and shall make that list available to the public and any person who may be required to file a Conflict of Interest Questionnaire. The City Secretary shall maintain copies of the Conflict Disclosure Statements and Conflict Questionnaires on the City's website.
- (e) City Officials shall abstain from participation in, discussion of, and any vote on a matter involving a person or Business Entity, if, within the 12 months preceding the date of the vote, the City Official has filed, or should have filed, a Conflicts Disclosure Statement under Chapter 176 of the Local Government Code.

SECTION 2-506. Interest in Property Acquired with Public Funds

(a) Disclosure of Interest in Property

A City Official who has a legal or equitable interest in real property that is to be acquired with public funds shall file an affidavit within 10 days before the date on which the property is to be acquired by purchase or condemnation.

(b) Affidavit

The affidavit must:

- (1) State the name of the City Official;
- (2) State the City Official's office, public title, or job designation;
- (3) Fully describe the property;
- (4) Fully describe the nature, type, and amount of interest in the property, including the percentage of ownership interest;

- (5) State the date when the person acquired an interest in the property;
- (6) Include a verification as follows: “I swear that the information in this affidavit is personally known by me to be correct and contains the information required by Section 553.002, Government Code”; and
- (7) Contain an acknowledgement of the same type required for recording a deed in the deed records of the county.

The affidavit must be filed with the records administrator for the City.

SECTION 2-507. Nepotism

(a) Prohibition:

- (1) A City Official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position that is to be directly or indirectly compensated from City funds or fees of office if:
 - (A) the individual is related to the City Official within the Third Degree by Consanguinity or the Second Degree by Affinity; or
 - (B) the City Official holds the appointment or confirmation authority as a member of a state or local Council, the legislature, or a court and the individual is related to another member of that Council, legislature, or court within the Third Degree by Consanguinity or the Second Degree by Affinity.
- (2) A City Official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position in which the individual’s services are under the City Official’s direction or control and that is to be compensated directly or indirectly from City funds or fees of office if:
 - (A) The individual is related to another City Official within the Third Degree by Consanguinity or the Second Degree by Affinity; and
 - (B) the appointment, confirmation of the appointment, or vote for appointment or confirmation of the appointment would be carried out in whole or partial consideration for the other City Official appointing, confirming the appointment, or voting for the appointment or confirmation of the appointment of an individual who is related to the first City Official within the Third Degree by Consanguinity or the Second Degree by Affinity.

(b) Exceptions

- (1) The prohibitions in Section 2-507 do not apply to:

- (A)an appointment to the office of a notary public or to the confirmation of that appointment;
 - (B)an appointment or employment of a personal attendant by a City Official for attendance on the City Official who, because of physical infirmities, is required to have a personal attendant; or
 - (C)any other appointment excepted under Chapter 573, Government Code.
- (2) The prohibition in Section 2-507 does not apply to an appointment, confirmation of an appointment, or vote for an appointment or confirmation of an appointment of an individual to a position if:
- (A)the individual is employed in the position immediately before the election or appointment of the City Official to whom the individual is related in a prohibited degree; and
 - (B)that prior employment of the individual has been continuous for at least six (6) months.
- (3) If, under Subsection (b)(2), an individual continues in a position, the City Official to whom the individual is related in a prohibited degree may not participate in any deliberation or vote on the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or dismissal of the individual if that action applies only to the individual and is not taken regarding a bona fide class or category of employees.

SECTION 2-508. Bribery.

(a) Prohibition:

A City Official or City Employee shall not:

- (1) intentionally or knowingly offer, confer, or agree to confer on another person, or solicit, accept or agree to accept from another person:
 - (A) any benefit or consideration for the City Official's or City Employee's decision, vote, recommendation, or other exercise of official discretion as a City Official or City Employee;
 - (B) any benefit as consideration for the City Official's or City Employee's decision, vote, recommendation, or other exercise of official discretion in a judicial or administrative proceeding;

- (C) any benefit as consideration for a violation of a duty imposed by law on a City Official or City Employee; or
- (D) any benefit that is a political contribution as defined by Title 15, Election Code, or that is an expenditure made and reported in accordance with Chapter 305, Government Code, if the benefit was offered, conferred, solicited, accepted, or agreed to pursuant to an express agreement to take or withhold a specific exercise of official discretion if such exercise of official discretion would not have been taken or withheld but for the benefit; notwithstanding any rule of evidence or jury instruction allowing factual interference in the absence of certain evidence, direct evidence of the express agreement shall be required in any prosecution under this Subsection.

(b) No Defense

- (1) It is no defense to prosecution under this Section that a person whom the actor sought to influence was not qualified to act in the desired way whether because he had not yet assumed office or he lacked jurisdiction or for any other reason.
- (2) It is no defense to prosecution under this Section that the benefit is not offered or conferred or that the benefit is not solicited or accepted until after:
 - (A) the decision, opinion, recommendation, vote, or other exercise of discretion has occurred; or
 - (B) the City Official or City Employee ceases to be a public servant.

(c) Exceptions

- (1) It is an exception to the application of Subsections (a)(1)(A), (B) and (C) that the benefit is a political contribution as defined by Title 15, Election Code, or an expenditure made and reported in accordance with Chapter 305, Government Code.

SECTION 2-509. City Records

(a) Prohibition:

A City Official or City Employee shall not:

- (1) knowingly make a false entry in, or false alteration of, a City record;
- (2) make, present, or use any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine City record;
- (3) intentionally destroy, conceal, remove, or otherwise impair the verity, legibility, or availability of a City record;

- (4) possess, sell, or offer to sell a City record or a blank City record form with intent that it be used unlawfully;
- (5) make, present, or use a City record with knowledge of its falsity; or
- (6) possess, sell, or offer to sell a City record or a blank City record form with knowledge that it was obtained unlawfully.

(b) Exception

It is an exception to the application of Subsection (a)(3) of this Section that the governmental record is destroyed pursuant to legal authorization or transferred under Section 441.204, Government Code. With regard to the destruction of a local government record, legal authorization includes compliance with the provisions of Subtitle C, Title 6, Local Government Code.

Section 2-510. Misuse of Official Information

(a) Prohibition

- (1) A City Employee or City Official shall not misuse information to which he or she has access by virtue of his or her office or employment and that has not been made public, and shall not:
 - (A) acquire, attempt to acquire or aid another to acquire or attempt to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information;
 - (B) speculate or aid another to speculate on the basis of the information; or
 - (C) as a City Official or City Employee coerce another into suppressing or failing to report that information to a law enforcement agency.
- (2) A City Employee or City Official shall not with intent to obtain a benefit or with intent to harm or defraud another, disclose or use information for a nongovernmental purpose that:
 - (A) the City Official or City Employee has access to by means of his office or employment; and
 - (B) has not been made public.

In this section, “information that has not been made public” means any information to which the public does not generally have access, and/or that is prohibited from disclosure under Chapter 552, Government Code.

SECTION 2-511. Abuse of Official Capacity

(a) Prohibition:

- (1) A City Official or City Employee commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, he intentionally or knowingly:
 - (A) violates a law relating to the City Official's or City Employee's office or employment; or
 - (B) misuses City property, services, personnel, or any other thing of value belonging to the City that has come into the City Official's or City Employee's custody or possession by virtue of the City Official's or City Employee's office or employment.

(b) Exceptions:

- (1) A discount or award given for travel, such as frequent flyer miles, rental car or hotel discounts, or food coupons, are not things of value belonging to the City for purposes of this Section due to the administrative difficulty and cost involved in recapturing the discount or award for the City.

SECTION 2-512. Official Oppression

(a) Prohibition:

- (1) A City Official or City Employee acting under color of his office or employment commits an offense if he:
 - (A) intentionally subjects another person to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that he knows is unlawful;
 - (B) intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful; or
 - (C) intentionally subjects another to sexual harassment.

- (b) For purposes of this Section, a City Official or City Employee acts under color of his office or employment if he acts or purports to act in an official capacity or takes advantage of such actual or purported activity.

- (c) In this Section, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise or enjoyment of any right, privilege, power or immunity, either explicitly or implicitly.

Section 2-513. Ethics Review Commission

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

- (3) Meetings. The Commission shall have such meetings as may be necessary to fulfill its responsibilities. The Commission shall meet at least once a year. The date of the annual meeting shall be in September as set by the Commission. The Chairperson or any two (2) members of the Commission may call a meeting provided that reasonable notice is given to each Commissioner and written notice is posted in accordance with the provisions of the Texas Open Meetings Act. The Commission shall comply with the provisions of the Texas Open Meetings Act when conducting any meetings and/or hearings under this Article.
- (4) Qualifications.
- (A) Commissioners must be Qualified Voters who are residents of the City of Murphy.
 - (B) No Commissioner may be a City Official, a City Employee, an Appointed Board or Commission member or a Family Member of a City Official or City Employee.
 - (C) Commissioners shall maintain objectivity and be free of conflicts of interest in discharging their duties. Commissioners shall be independent in fact and appearance when hearing matters brought before the Commission. When a Commissioner has any reason to believe that he or she cannot be impartial, intellectually honest and free of conflicts of interest in discharging any of the duties of the Commission, such Commissioner shall disclose the facts and circumstances which create the conflict and shall not vote or otherwise participate in consideration of the matter.
 - (D) The Commission shall have the authority to review and investigate complaints filed in accordance with this Article and issue a written finding of the Commission's determination when appropriate.
 - (E) Service on the Commission does not preclude a member from filing a complaint with the Commission. The Commission member filing the complaint must recuse himself/herself from the Commission procedure.
 - (F) The Commission may make recommendations to the City Council regarding revisions and changes to this Ordinance.
 - (G) The Commission may seek any necessary assistance or resources from the City Council and City Manager regarding support needed to carry out the Commission's duties.
 - (H) The Commission shall determine its rules and procedures which shall be submitted in writing and recommended for approval of the Council. The Commission shall establish, amend and rescind its procedures and maintain

proper records of its proceedings and its opinions, subject to City Council approval.

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

Section 2-514. Complaint Process

(a) Filing

- (1) Any City Official, City Employee, or Qualified Voter of the City who believes that there has been a violation of this Ordinance may file a sworn complaint. A complaint alleging a violation of this Ordinance must meet the requirements herein and must be filed with the City Secretary. A complaint alleging a violation of this Article by the City Attorney must also be filed with the persons named in Section 2-515(f). A complaint must be filed within six (6) months from the date of the alleged violation. Please refer to Section 2-515 City Attorney (c).
- (2) Required Contents of a Complaint. A complaint must be in writing, filed on the official complaint form approved by the City, under oath and must set forth in simple, concise, and direct statements the following:
 - (A) The name of the complainant;
 - (B) The street or mailing address and the telephone number of the complainant;
 - (C) The name of the person who allegedly committed the violation;
 - (D) The position or title of the person who allegedly committed the violation;
 - (E) The nature of the alleged violation, including, if possible, the specific rule or provision of this Article alleged to have been violated;

(F) A statement of the facts constituting the alleged violation and the dates on which or period of time in which the alleged violation occurred; and must contain the following:

- (i) Documents or other material available to the complainant relevant to the allegation;
- (ii) A list of all documents or other material relevant to the allegation and available to the complainant, but that are not in the possession of the complainant, including the location of the documents; if known, and
- (iii) A list of all documents or other material relevant to the allegation, but unavailable to the complainant, including the location of the documents, if known.

(G) If the complaint is based on information and belief, the complaint shall state the source and basis of the information and belief.

(3) The complaint must be accompanied by an affidavit stating that the information contained in the complaint is either true and correct or that the complainant has good reason to believe and does believe that the facts alleged constitute a violation of this Ordinance.

(4) Upon request, the City Secretary shall provide information to persons about the requirements of a complaint and the process for filing a complaint.

(b) Confidentiality and Ex Parte Communications

(1) No City Official or City Employee may reveal information relating to the filing or processing of a complaint except as required for the performance of official duties.

(2) All documents relating to a pending complaint are confidential, unless they are required to be disclosed under the Texas Public Information Act (Tex. Gov. Code Ch. 552).

(3) After a complaint has been filed, and during the consideration of a complaint by the Commission, a member of the Commission may not communicate directly or indirectly with any party or person about any issue of fact or law regarding the complaint, except at a meeting of the Commission. This provision does not prevent a member of the Commission from consulting with the City Attorney, or its independent legal counsel selected by the City Council regarding procedural and legal issues.

(4) City Council approval shall be required for legal fees, cost, and related expenses of \$5,000 or more.

(c) Notification

- (1) A copy of a complaint shall be promptly forwarded by the City Secretary to the City Attorney and to the person charged in the complaint.
- (2) The person alleged in the complaint to have violated this Article shall be provided with a copy of this Code of Ethics and informed that:
 - (A) Within fourteen (14) days of receipt of the complaint, a sworn response must be filed with the City Secretary;
 - (B) Failure to file a response does not preclude the City Attorney from processing the complaint.
- (3) City Officials and City Employees have a duty to cooperate with the City Attorney, pursuant to this Section. All requests for access to City Employees throughout the course of an investigation shall be submitted to the City Manager in writing.
- (4) All members of the Commission shall receive copies of the complaint, any background documentation, and any responses at least seven (7) days before a hearing on the matter.

Section 2-515. Role of the City Attorney

- (a) The City Attorney serves as legal counsel to the Ethics Review Commission. When complaints are filed against members of the City Council, the City Manager, or the City Attorney, independent legal counsel may be utilized to advise the Commission and take part in its proceedings, subject to approval of the fee arrangement by the City Council.
- (b) The City Attorney serves as Ethics Advisor to City Officials. As Ethics Advisor, the City Attorney is available to respond to inquiries relating to the Ethics Ordinance (this Article) and may render advisory opinions on potential conflicts of interest or violation of this section at the request of a City Official or City Employee. The advisory opinion in any subsequent charges concerning the matter may be used as a defense to an alleged violation of this section unless material facts were omitted or misstated by the person requesting the opinion.
- (c) The City Attorney shall receive all sworn complaints and, if found sufficient, shall provide a copy and a preliminary review of the complaint to the Commission for action. The City Attorney shall, within fifteen (15) days of receiving the complaint and the response of the accused person, if any, provide a written report to the Commission. The report shall state whether, in the City Attorney's opinion, the written complaint: (1) was filed timely; (2) alleges misconduct by a person whose conduct is regulated under this Code; (3) alleges the occurrence of conduct that might reasonably constitute a violation of this Article; and (4) is signed and sworn to by the person filing the complaint.
- (d) The City Attorney shall also advise the Commission whether the City Attorney has issued a written opinion or opinions to the accused person that relate to the conduct at issue and

whether, in the City Attorney's opinion, the conduct was undertaken in good faith reliance on a written opinion that concluded the conduct was not in violation of this Article. Where the City Attorney concludes that the conduct was undertaken in good faith reliance on a written opinion, the City Attorney shall recommend that the Commission dismiss the complaint following the preliminary hearing.

- (e) The City Attorney's recommendation that the Commission conduct further proceedings does not mean that any of the allegations of the complaint are true or false or that any City Official or City Employee has violated or not violated this Article.
- (f) If a complainant alleges a violation by the City Attorney, the complaint must be filed with the City Secretary, and be forwarded to the Municipal Judge, with a copy to the Mayor and the City Manager. The Municipal Judge will follow the procedures in this Section.

Section 2-516. Hearing Process

(a) Preliminary Hearing

- (1) After the City Attorney, or independent legal counsel selected by the Commission as set out in Sec. 2-515(a) above, has found that a complaint is not defective as to form nor is insufficient (for example, because it does not allege the existence of reasonable grounds to believe that a violation of this Ordinance has occurred), the Commission, as soon as reasonably possible, but in no event later than sixty (60) days after receiving a complaint, shall conduct a Preliminary Hearing. The purpose of the Preliminary Hearing is to make an initial determination as to whether or not a violation of this Ordinance has occurred.
- (2) The complainant and the City Official named in the complaint have the right of representation by legal counsel.
 - (B) The City may pay for legal fees, cost, and related expenses for representation of the City Official, as decided by the City Council. .
- (3) Statements at a Preliminary Hearing shall be under oath, but there shall be no cross examination or requests for persons or evidence issued for the hearing. The Commission members may ask open-ended questions. No public comments are allowed in a preliminary hearing.
- (4) The person filing a complaint shall state the alleged violation and describe in narrative form the testimony and other evidence which are presented to prove the alleged violation as stated in the written complaint.
- (5) The City Official named in the complaint shall have the opportunity to respond but is not required to attend or make any statement. The City Official may describe in narrative form the testimony and other evidence presented to disprove the alleged violation. If the

City Official agrees that a violation has occurred, the Commission may consider the appropriate sanction.

- (6) Only members of the Commission may question the complainant, the independent counsel for the Commission, or the City Official named in the complaint.
- (7) At the conclusion of the Preliminary Hearing one of the following actions shall be taken:
 - (A) If the Commission does not determine that there are reasonable grounds to believe that a violation of this Article has occurred, the complaint shall be dismissed.
 - (B) If the Commission determines that there are reasonable grounds to believe that a violation of this Article has occurred, it shall schedule a final hearing.
 - (C) If the City Official has agreed that a violation has occurred, the Commission may proceed to determine the appropriate sanction without the necessity of a final hearing and state its findings pursuant to Subsection (b)(4) below.

(b) Final Hearing

- (1) Except as provided by Subsection 2-516(a)(7)(C) above, a final hearing shall be held as expeditiously as possible following the determination by the Commission that there are reasonable grounds to believe that a violation of this Article has occurred, but in no event shall it be held more than thirty (30) days after said determination. The Commission may grant up to two postponements, not to exceed fifteen (15) days each, upon the request of the City Official named in the complaint.
- (2) If a complaint proceeds to a final hearing, the Commission may request witnesses to attend and testify, administer oaths and affirmations, take evidence and request the production of books, papers, records, or other evidence needed for the performance of the Commission's duties or exercise of its powers, including its powers of investigation. No public comments are allowed during the final hearing.
- (3) The complainant and the City Official named in the complaint have the right of representation by legal counsel.
- (4) The issue at a final hearing is whether a violation of this Article has occurred. The Commission shall make its determination based on the preponderance of the evidence in the record. All witnesses shall make their statements under oath. Witnesses may be cross-examined. If the Commission determines that a violation has occurred, it shall state its findings in writing, identify the particular provision(s) of this Article which have been violated, and within five (5) working days deliver a copy of the findings to the complainant, the person accused in the complaint, and the City Secretary. The City

Secretary shall deliver a copy of the findings to the Council, the City Manager and the City Attorney.

Section 2-517. Sanctions for Violations

- (a) If the Commission determines that a violation of this Article has occurred, it shall consider appropriate sanctions. The Commission may receive additional testimony or statements before considering sanctions, but is not required to do so.
- (b) If the Commission determines that a violation has occurred, it may impose the following sanctions.
 - (1) A letter of notification is an appropriate sanction when the violation is clearly unintentional, or when the conduct of the person complained against was done in reliance upon an opinion of the City Attorney. The letter of notification shall advise the City Official of any steps to be taken to avoid future violations.
 - (2) A letter of admonition is the appropriate sanction when the Commission finds the violation is minor and/or may have been unintentional, but calls for a more substantial response than a letter of notification.
 - (3) A letter of reprimand is the appropriate sanction when the Commission finds a serious violation has been committed intentionally or knowingly or through disregard of this Ordinance. A written reprimand directed to a City Official who also serves as a City Employee shall be included in the employee's personnel file.
 - (4) A letter of censure is the appropriate sanction when the Commission finds that a serious violation has occurred and/or more than one serious violation or repeated serious violations of this Article have been committed by a City Official.
- (c) Copies of all sanction letters issued by the Commission under this section shall be sent to the City Council.
- (d) In addition, if the violation is found by the Commission to be done willfully and the seriousness of the violation warrants, the Commission may recommend to the City Council the suspension or removal from office of any official serving in a City-appointed position.
- (e) Except with regard to violations of Chapters 171 and 176 of the Texas Local Government Code, violations of the Penal Code, or violations of the Government Code, a violation by any City Official or City Employee as designated herein of one or more of the provisions of this Article shall not be deemed to be a Class C misdemeanor under the laws of the State of Texas.

Section 2-518. Distribution and Proof of Compliance

The City Secretary shall provide each new City Official designated in this Article, a copy of the text of this Ordinance; Chapter 171 and Chapter 176 of the Texas Local Government Code pertaining to conflicts of interest; the Texas Open Meetings Act (Tex.Gov. Code Ch. 551); the Texas Public Information Act (Tex. Gov. Code Ch. 552) Chapter 573 of the Texas Government Code; Texas Penal Code Sections 36.02, 37.10, 39.02, 39.03 and 39.06 (collectively referred to in this section as the “Ethics Statutes”) with a signature receipt of all said documents.

EXHIBIT “1”

Consanguinity and Affinity

Affinity Kinship (Marriage) Relationships

1 st Degree	2 nd Degree
Father-in-Law	Spouse's Grandfather
Mother-in-Law	Spouse's Grandmother
Son-in-Law	Spouse's Brother (Brother-in-Law)
Daughter-in-Law	Spouse's Sister (Sister-in-Law)
Spouse	Spouse's Grandson
	Spouse's Granddaughter
	Brother's Spouse (Sister-in-Law)
	Sister's Spouse (Brother-in-Law)

Consanguinity (Blood) Relationships

1 st Degree	2 nd Degree	3 rd Degree
Father	Grandfather	Great-Grandfather
Mother	Grandmother	Great-Grandmother
Son	Brother	Nephew
Daughter	Sister	Niece
	Grandson	Great-Grandson
	Granddaughter	Great-Granddaughter
		Uncle
		Aunt

ORDINANCE NO. 13--07-

AN ORDINANCE OF THE CITY OF MURPHY, TEXAS, AMENDING CHAPTER 2 OF THE CITY OF MURPHY'S CODE OF ORDINANCES, ~~TO ESTABLISH~~ AMENDING ARTICLE IX CODE OF ETHICS FOR CITY OFFICIALS AND EMPLOYEES, INCLUDING REGULATIONS RELATED TO STANDARDS OF CONDUCT; GIFTS AND HONORARIUMS; CONFLICTS OF INTEREST; CONFLICT DISCLOSURE STATEMENTS; INTEREST IN PROPERTY ACQUIRED WITH PUBLIC FUNDS; NEPOTISM; BRIBERY; CITY RECORDS; MISUSE OF OFFICIAL INFORMATION; ABUSE OF OFFICIAL CAPACITY; AND OFFICIAL OPPRESSION; CREATING AN ETHICS REVIEW COMMISSION; PROVIDING A COMPLAINT PROCESS FOR VIOLATIONS OF THE CODE OF ETHICS; PRESCRIBING THE ROLE OF THE CITY ATTORNEY IN THE COMPLAINT PROCESS; PROVIDING A HEARING PROCESS; PROVIDING SANCTIONS FOR VIOLATIONS OF THE CODE OF ETHICS; AND PROVIDING FOR DISTRIBUTION AND PROOF OF COMPLIANCE; AND PROVIDING FOR AN EFFECTIVE DATE, PROPER NOTICE AND MEETING; SEVERABILITY CLAUSE AND REPEALER CLAUSE.

WHEREAS, statutory provisions governing the ethical conduct of public officials and employees are found in various codes including the Texas Local Government Code, the Texas Government Code and the Texas Penal Code; and

WHEREAS, the City Council finds it desirable and necessary to adopt a comprehensive ethics ordinance that sets out the ~~statutory~~ parameters relating to the conduct of public officials and employees in one easily accessible location; and

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

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

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

WHEREAS, the City of Murphy seeks to inspire public confidence and trust in City of Murphy officials and employees through the adoption of this "Code of Ethics";

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

SECTION 1. RECITALS

The City Council hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City Council hereby incorporates such recitals as part of this Ordinance.

SECTION 2. ADOPTION OF CODE OF ETHICS

Chapter 2, Administration, of the Code of Ordinances of the City of Murphy is hereby amended by amending Article IX, Code of Ethics:

Article IX, Code of Ethics attached hereto as Exhibit “A” and incorporated herein for all purposes is hereby enacted.

SECTION 3. Effective Date

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 4. Proper Notice and Meeting

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code and as required by Chapter 552 of the Texas Local Government Code.

SECTION 5. Severability

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be 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 or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

SECTION 6. Repealer

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent.

PASSED AND APPROVED by the City Council of the City of Murphy, Texas this ____
day of _____, 2013.

Eric Barna, Mayor
City of Murphy

ATTEST:

Kristi Gilbert, City Secretary
City of Murphy

APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney
City of Murphy

EXHIBIT “A”

ARTICLE IX CODE OF ETHICS

Section 2-501. Definitions.

The terms used in this Article shall have the following meanings:

Business Entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law.

Candidate. This term has the meaning assigned by section 251.001, Election Code.

City Council means the mayor and six (6) council members elected to serve as the governing body of the City.

City Employee means any person employed by the City, including those individuals that are employed on a part-time or temporary basis and employees of any corporation created by the City, but such term shall not be extended to apply to any independent contractor.

City Attorney means the City Attorney appointed by the City Council pursuant to the City Charter.

City Engineer means the City Engineer appointed by the City Manager.

City Manager means the City Manager appointed by the City Council pursuant to the City Charter.

City Official means every member of the City Council, the City Manager, City Secretary, the City Attorney, the Municipal Judge, the City Engineer and all members of any board, commission, or committee appointed by the City Council, including; the board members of the Murphy Municipal Development District (MDD), the Murphy Economic Development Corporation (4A) (“MEDC”) and the 4B Murphy Community Development Corporation (“MCDC”), and the executive directors of the MEDC and the MCDC.

City Secretary means the City Secretary appointed by the City Council pursuant to the City Charter.

Confidential Information means any information that a City Official would be privy to because of the official’s position but otherwise is not available to the public under the provisions of the Texas Public Information Act (Tex. Gov’t Code Ch. 552).

Conflict Disclosure Statement means the disclosure statement form adopted by the Texas Ethics Commission required by Chapter 176 of the Local Government Code.

Conflict of Interest Questionnaire means the conflicts of interest form adopted by the Texas Ethics Commission required by Chapter 176 of the Local Government Code.

Economic Benefit means any taxable income or any money, real or personal property, contract rights, sale, lease, option, credit, loan, discount, service, or other tangible or intangible thing of value, whether similar or dissimilar to those enumerated.

Economic Interest means a legal or equitable interest in real or personal property or a fiduciary obligation to such property or contractual right in such property that is more than Two Thousand Five Hundred Dollars (\$2500.00). Service by a City Official or City Employee as an officer, director, advisor, or otherwise active participant in an educational, religious, charitable, fraternal, or civic organization does not create an Economic Interest in the property of that organization. Ownership of an interest in a mutual or common investment fund that holds securities or other assets is not an Economic Interest in the securities or other assets unless the City Official or City Employee participates in the management of the fund. A City Official or City Employee does not have an Economic Interest in a matter if the economic impact on the City Official or City Employee is indistinguishable from the impact on the public or on the particular group affected by the matter.

Family Member means a person related to a City Official in the first degree of consanguinity or affinity, as described by Subchapter B, Chapter 573 of the Government Code, except that the term does not include a person who is considered to be related to a City Official by affinity only as described by Section 573.024(b) of the Government Code. This definition would include children, spouses, parents, step-children and parents-in-law or children-in-law, except that relationships by affinity would end upon divorce.

Gift means a favor, hospitality, or economic benefit other than compensation but which does not include campaign contributions reported as required by state law, gifts received from a relative if given on account of kinship, or any value received by will, intestate succession, or as a distribution from an *inter vivos* or testamentary trust.

Municipal Judge means the Municipal Judge or alternate Municipal Judge appointed by the City Council pursuant to the City Charter.

Permissible Gift means a thing of nominal value given (not to exceed \$100.00 in value), and not given to request a specific favor, special treatment, or influence a City Official or City Employee. Marketing advertisement items of nominal value, or certificates or plaques having no intrinsic value, are considered permissible gifts or gratuities. The purchase of meals of nominal value, provided there is a rotation of purchasing, is considered a permissible gift. The provision of training/education programs of a general nature is considered a permissible gift or gratuity. Items that exceed \$100.00 in value, if divided (e.g. holiday food or sporting event tickets distributed by lot) or donated for a City-sponsored function, are considered permissible gifts and/or gratuities.

Qualified Voter means a person who meets the qualifications of Section 11.002 of the Texas Election Code to vote in City elections.

Second Degree by Affinity is defined by Subchapter B., Chapter 573 of the Government Code and examples of such relationship are set out in the Chart attached hereto as Exhibit “1.”

Substantial Interest means the interest that a City Official and/or a Family Member has in a business or business entity or in real property as described below:

- (a) The City Official and/or a Family Member owns ten percent (10%) or more of the voting stock or shares of the business entity; or
- (b) The City Official and/or a Family Member owns ten percent (10%) or more or \$15,000.00 or more of the fair market value of the business entity; or
- (c) Funds received by the City Official and/or a Family Member from the business entity exceed ten percent (10%) of the person's gross income for the previous year;
- (d) The City Official and/or Family Member has a Substantial Interest in real property if the interest is an equitable or legal interest with a fair market value of \$2,500 or more.

Third Degree by Consanguinity is defined by Subchapter B., Chapter 573 of the Government Code and examples of such relationship are set out in the Chart attached hereto as Exhibit “1.”

Section 2-502. Standards of Conduct

(a) General Provisions

- (1) No City Official or City Employee may disclose any Confidential Information gained through the City Official's or City Employee's office or position concerning property, operations, policies, or affairs of the City, or use such Confidential Information to advance any Economic Interest of the City Official or City Employee, confer any Economic Benefit to the City Official or City Employee, or their Family Member. This Subsection shall not preclude disclosure of such Confidential Information in connection with any investigation or proceeding regarding whether there has been a violation of this Code of Ethics to any investigatory, administrative or judicial authority.
- (2) No City Official or City Employee may use his or her office or position or City owned facilities, equipment, supplies, or resources of the City to advance any Economic Interest of the City Official or City Employee, confer any Economic Benefit to the City Official or City Employee, for a political campaign of the City Official or City Employee, or for any of the City Official's or City Employee's Family Members. Notwithstanding the foregoing, City owned facilities, equipment, supplies or resources may be used by City Officials or City Employees to the extent such uses are customary, incidental or lawfully available to the public.

- (3) No City Official shall knowingly represent, directly or indirectly, any person, group or business entity:
 - (A) Before the City Council or the board, commission or committee of which he or she is a member;
 - (B) Before a board or commission which has appellate jurisdiction over the board, commission or committee of which he or she is a member;
 - (C) In any action or proceeding against the interests of the City or in any litigation in which the City or any department, agency, board, commission or committee is a party; or
 - (C) In any action or proceeding in the municipal court(s) of the City which was instituted by a City Official or City Employee in the course of his or her official duties, or a criminal proceeding in which any City Official or City Employee is a material witness for the prosecution.
- (4) The restrictions contained in Subsection (3) do not prohibit the following:
 - (A) A City Official, or his or her spouse, appearing before the City Council or a City board, commission or committee to represent himself or herself in a matter affecting his or her property; provided, however, that no such person, or his or her spouse, shall personally appear before the City Council, board, commission or committee of which he or she is a member and must submit their case through an authorized representative;
 - (B) A City Official or City Employee appearing before the City Council or a City board, commission or committee to address employment matters;
- (5) No City Official may act as surety for any person or business entity that has work, business, or a contract with the City, or act as a surety on any bond required by the City for a City Official.
- (6) No City Official or City employee shall default or refuse to answer any questions pertinent to the proceedings before the City Council, or fail or refuse to obey any subpoena, or to produce any books, papers or other material issued by the City Council pursuant to Sec. 3.17 of the City Charter.
- (7) No City Official or City Employee shall deny, abridge or compromise equality of rights under state and federal law with respect to appointment to or removal of any appointed position with the City as prohibited by Sec. 14.02 of the City Charter.
- (8) No City Official or City Employee who seeks appointment or promotion with respect to any City appointed position shall, directly or indirectly, give, render or pay any money,

service or other valuable thing to any person for, or in connection with, his or her test, appointment or promotion with respect to any City position as prohibited by Sec. 14.03 of the City Charter.

- (9) No City Official or City Employee shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification, appointment or promotion with respect to any City position, or attempt to commit any fraud preventing the impartial execution of the personnel provisions, rules and regulations of the City Charter as prohibited by Sec. 14.04 of the City Charter.
- (10) No City Official, who holds any compensated, non-elective City position, or City Employee shall use their official title or position with the City to solicit any contribution or endorse the candidacy of any Candidate for public office in the City as prohibited by Sec. 14.05 of the City Charter. Any such person shall have the right to exercise his/her legal rights to ~~participate campaign or solicit~~ participate in the election process when he/she is not on duty, in a City building, City provided uniform or attire, or using a City vehicle or equipment.
- (11) Members of the City Council shall not in any way dictate the appointment, removal or discipline of the City Officials or City Employees appointed by the City Manager or any of the City Manager's subordinates as prohibited by Sec. 3.08(2) of the Charter. Notwithstanding the foregoing, the City Council, at a meeting called for that purpose, may express its views and fully and freely discuss with the City Manager anything pertaining to the appointment and removal of such City Officials and City Employees.
- (12) Except for the purpose of inquiries and investigations provided by the Charter, the City Council shall interact with City Officials and City Employees who are subject to the direction and supervision of the City Manager in accordance with the Governance Policy adopted by the City Council. The City Council shall not give orders to any such City Official or City Employee, either publicly or privately, except as otherwise provided in the Charter.

SECTION 2-503. Gifts and Honorariums

(a) Prohibition:

- (1) No City Official or City Employee may solicit or accept any Gift, favor or privilege, that is offered or given with the intention of influencing the judgment or discretion of the City Official or City Employee; or given in consideration of the favorable exercise of the City Official's or City Employee's judgment or discretion in the past.
- (2) A City Employee performing regulatory functions or conducting inspections or investigations shall not solicit, accept, or agree to accept any benefit from a person the

City Employee knows to be subject to regulation, inspection, or investigation by the City Employee or the City.

- (3) A City Employee having custody of prisoners shall not solicit, accept, or agree to accept any benefit from a person the City Employees knows to be in his custody or the custody of the City.
- (4) A City Employee or a City Official who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of the City shall not solicit, accept, or agree to accept any benefit from a person the City Employee or City official knows is interested in or likely to become interested in any contract, purchase, payment, claim or transaction involving the exercise of his discretion.
- (5) A City Employee or City Official who has judicial or administrative authority, who is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of the tribunal's decision shall not solicit, accept, or agree to accept any Economic Benefit from a person the City Employee or City Official knows is interested in or likely to become interested in any matter before the City Employee or City Official or tribunal.
- (6) A City Official is prohibited from soliciting, accepting, or agreeing to accept an honorarium in consideration for services that the City Official would not have been requested to provide but for the City Official's official position or duties.

(b) Donation of Unsolicited Gift

A City Employee or City Official who receives an unsolicited Gift that the City Employee or City Official is prohibited from accepting under this section may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

(c) Exceptions

The prohibitions set out in this section do not apply to:

- (1) a fee prescribed by law to be received by a City Employee or City Official or any other benefit to which the City Employee or City Official is lawfully entitled or for which he gives legitimate consideration in a capacity other than as a City Employee or City Official;
- (2) a Gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient; or

- (3) a benefit to a City Employee or City Official required to file a statement under Chapter 572, Government Code, or a report under Title 15, Election Code, that is derived from a function in honor or appreciation of the recipient if:
 - (A) the benefit and the source of any benefit in excess of \$50 is reported in the statement; and
 - (B) the benefit is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office which are nonreimbursable by the state or the City;
- (4) a political contribution as defined by Title 15, Election Code;
- (5) a Permissible Gift as defined in this Ordinance, excluding cash or a negotiable instrument as described by Section 3.104, Business & Commerce Code;
- (6) an item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the governmental entity;
- (7) food, lodging, transportation, or entertainment accepted as a guest and, if the donee~~or~~ is required by law to report those items, reported by the donee~~or~~ in accordance with that law;
- (8) any Gift or benefit otherwise excepted under section 36.10, Penal Code; or
- (9) This section does not prohibit a City Official from accepting (1) transportation expenses, (2) lodging expenses or (3) meals in connection with a conference or similar event in which the City Official renders services, such as addressing an audience or engaging in a seminar to the extent that those services are more than merely perfunctory.

SECTION 2-504. Conflict of Interest; Recusal.

- (a) Conflict of Interest. No City Official may vote on or participate in any decision-making process on a matter concerning property or a business entity if the official has a Substantial Interest in the real property or business entity.
- (b) Recusal.
 - (1) A City Official shall disclose the existence of any Substantial Interest in any business entity or real property involved in any decision pending before such City Official, or the body of which he or she is a member. To comply with this Subsection, a City Official shall, prior to any discussion or determination of the matter, either file an affidavit of disclosure as required by Local Government Code § 171.004 or, if not so required, shall publicly disclose in the official records of the City to the City Secretary

the nature of the interest. To further comply with this Subsection, a City Official shall notify the City Manager, ~~or~~ if the City Official is the City Manager, shall notify the City Secretary, in writing of the nature of any Substantial Interest he or she may have in a Business Entity or real property which would be affected by an exercise of discretionary authority by the City Official and the City Manager or City Secretary shall assign the matter to another employee. In disclosing a Substantial Interest in a Business Entity, a City Official shall not be required to disclose the dollar amount of any income that he or she receives from the Business Entity.

- (2) The City Council shall take a separate vote on any budget item specifically dedicated to a contract with a Business Entity in which a member of the Council has a Substantial Interest. The member of the City Council that has the Substantial Interest may not participate in the separate vote.
- (3) In addition to complying with the requirements of Chapter 171 of the Local Government Code, to avoid the appearance and risk of impropriety, a City Official should abstain from participation in, discussion of, and any vote on a matter involving a person or Business Entity that the official knows is likely to affect the Economic Interest of, or confer an Economic Benefit on:
 - (i) The City Official's parent, child, step-child, spouse, or other family member within the second degree of consanguinity or affinity as defined by Chapter 573 of the Government Code, or a client of the City Official;
 - (ii) An employer of the City Official, the City Official's parent, child, step-child, or spouse;
 - (iii) A Business Entity for which the City Official serves as an officer or director or serves in any policy-making position;
 - (iv) A person or Business Entity from whom, within the past twelve months, the City Official or the official's spouse, directly or indirectly, received an Economic Benefit; or
 - (v) A person or Business Entity from whom, within the past twelve months, the City Official or the official's spouse, directly or indirectly, engaged in negotiations pertaining to business opportunities.

SECTION 2-505. Conflict Disclosure Statements.

- (a) A City Official shall file a sworn Conflicts Disclosure Statement with the City Secretary whenever a City Official or a Family Member (i) is receiving taxable income from an employment or other business relationship with a person or Business Entity who has contracted with the City for the sale or purchase of real property, goods or services or that is

considering contracting with the City for the sale or purchase of real property, goods or services that exceeds \$2,500.00 (not including investment income) during the twelve (12) month period preceding the date that the City Official became aware of the contract, or (ii) has received Gifts with a value of more than \$250.00 during the twelve (12) month period preceding the date that the City Official became aware of the contract from a person or Business Entity that contracts with the City for the sale or purchase of real property, goods or services or that the City is considering doing business with such person or Business Entity. The City Official shall file the Conflicts Disclosure Statement with the City Secretary no later than 5:00 p.m. on the seventh business day after the date the City Official becomes aware of the facts that require the filing of the Statement.

- (b) A City Official commits an offense if the City Official knowingly fails to file the Conflicts Disclosure Statement. An offense under the above Subsection is a Class C misdemeanor.
- (c) The City Secretary shall accept and file any and all City Official Conflict Disclosure Statements and any Vendor Conflict of Interest Questionnaires.
- (d) The City Secretary shall maintain a list of City Officials and shall make that list available to the public and any person who may be required to file a Conflicts of Interest Questionnaire. The City Secretary shall maintain copies of the Conflict Disclosure Statements and Conflict Questionnaires on the City's ~~internet~~ website.
- (e) City Officials shall abstain from participation in, discussion of, and any vote on a matter involving a person or Business Entity, if, within the 12 months preceding the date of the vote, the City Official has filed, or should have filed, a Conflicts Disclosure Statement under Chapter 176 of the Local Government Code.

SECTION 2-506. Interest in Property Acquired with Public Funds

(a) Disclosure of Interest in Property

A City Official who has a legal or equitable interest in real property that is to be acquired with public funds shall file an affidavit within 10 days before the date on which the property is to be acquired by purchase or condemnation.

(b) Affidavit

The affidavit must:

- (1) State the name of the City Official;
- (2) State the City Official's office, public title, or job designation;
- (3) Fully describe the property;
- (4) Fully describe the nature, type, and amount of interest in the property, including the percentage of ownership interest;

- (5) State the date when the person acquired an interest in the property;
- (6) Include a verification as follows: "I swear that the information in this affidavit is personally known by me to be correct and contains the information required by Section 553.002, Government Code"; and
- (7) Contain an acknowledgement of the same type required for recording a deed in the deed records of the county.

The affidavit must be filed with the records administrator for the City ~~county clerk of the county in which the City Official resides and the county clerk of each county in which the property is located.~~

SECTION 2-507. Nepotism

(a) Prohibition:

- (1) A City Official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position that is to be directly or indirectly compensated from City funds or fees of office if:
 - (A) the individual is related to the City Official within the Third Degree by Consanguinity or the Second Degree by Affinity; or
 - (B) the City Official holds the appointment or confirmation authority as a member of a state or local Council, the legislature, or a court and the individual is related to another member of that Council, legislature, or court within the Third Degree by Consanguinity or the Second Degree by Affinity.
- (2) A City Official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position in which the individual's services are under the City Official's direction or control and that is to be compensated directly or indirectly from City funds or fees of office if:
 - (A) The individual is related to another City Official within the Third Degree by Consanguinity or the Second Degree by Affinity; and
 - (B) the appointment, confirmation of the appointment, or vote for appointment or confirmation of the appointment would be carried out in whole or partial consideration for the other City Official appointing, confirming the appointment, or voting for the appointment or confirmation of the appointment of an individual who is related to the first City Official within the Third Degree by Consanguinity or the Second Degree by Affinity.

(b) Exceptions

- (1) The prohibitions in Section 2-507 do not apply to:

- (A) an appointment to the office of a notary public or to the confirmation of that appointment;
 - (B) an appointment or employment of a personal attendant by a City Official for attendance on the City Official who, because of physical infirmities, is required to have a personal attendant; or
 - (C) any other appointment excepted under Chapter 573, Government Code.
- (2) The prohibition in Section 2-507 does not apply to an appointment, confirmation of an appointment, or vote for an appointment or confirmation of an appointment of an individual to a position if:
- (A) the individual is employed in the position immediately before the election or appointment of the City Official to whom the individual is related in a prohibited degree; and
 - (B) that prior employment of the individual has been continuous for at least six (6) months.
- (3) If, under Subsection (b)(2), an individual continues in a position, the City Official to whom the individual is related in a prohibited degree may not participate in any deliberation or vote on the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or dismissal of the individual if that action applies only to the individual and is not taken regarding a bona fide class or category of employees.

SECTION 2-508. Bribery.

(a) Prohibition:

A City Official or City Employee shall not:

- (1) intentionally or knowingly offer, confer, or agree to confer on another person, or solicit, accept or agree to accept from another person:
 - (A) any benefit or consideration for the City Official's or City Employee's decision, vote, recommendation, or other exercise of official discretion as a City Official or City Employee;
 - (B) any benefit as consideration for the City Official's or City Employee's decision, vote, recommendation, or other exercise of official discretion in a judicial or administrative proceeding;

- (C) any benefit as consideration for a violation of a duty imposed by law on a City Official or City Employee; or
- (D) any benefit that is a political contribution as defined by Title 15, Election Code, or that is an expenditure made and reported in accordance with Chapter 305, Government Code, if the benefit was offered, conferred, solicited, accepted, or agreed to pursuant to an express agreement to take or withhold a specific exercise of official discretion if such exercise of official discretion would not have been taken or withheld but for the benefit; notwithstanding any rule of evidence or jury instruction allowing factual interference in the absence of certain evidence, direct evidence of the express agreement shall be required in any prosecution under this Subsection.

(b) No Defense

- (1) It is no defense to prosecution under this Section that a person whom the actor sought to influence was not qualified to act in the desired way whether because he had not yet assumed office or he lacked jurisdiction or for any other reason.
- (2) It is no defense to prosecution under this Section that the benefit is not offered or conferred or that the benefit is not solicited or accepted until after:
 - (A) the decision, opinion, recommendation, vote, or other exercise of discretion has occurred; or
 - (B) the City Official or City Employee ceases to be a public servant.

(c) Exceptions

- (1) It is an exception to the application of Subsections (a)(1)(A), (B) and (C) that the benefit is a political contribution as defined by Title 15, Election Code, or an expenditure made and reported in accordance with Chapter 305, Government Code.

SECTION 2-509. City Records

(a) Prohibition:

A City Official or City Employee shall not:

- (1) knowingly make a false entry in, or false alteration of, a City record;
- (2) make, present, or use any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine City record;
- (3) intentionally destroy, conceal, remove, or otherwise impair the verity, legibility, or availability of a City record;

- (4) possess, sell, or offer to sell a City record or a blank City record form with intent that it be used unlawfully;
- (5) make, present, or use a City record with knowledge of its falsity; or
- (6) possess, sell, or offer to sell a City record or a blank City record form with knowledge that it was obtained unlawfully.

(b) Exception

It is an exception to the application of Subsection (a)(3) of this Section that the governmental record is destroyed pursuant to legal authorization or transferred under Section 441.204, Government Code. With regard to the destruction of a local government record, legal authorization includes compliance with the provisions of Subtitle C, Title 6, Local Government Code.

Section 2-510. Misuse of Official Information

(a) Prohibition

- (1) A City Employee or City Official shall not misuse information to which he or she has access by virtue of his or her office or employment and that has not been made public, and shall not:
 - (A) acquire, attempt to acquire or aid another to acquire or attempt to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information;
 - (B) speculate or aid another to speculate on the basis of the information; or
 - (C) as a City Official or City Employee coerce another into suppressing or failing to report that information to a law enforcement agency.
- (2) A City Employee or City Official shall not with intent to obtain a benefit or with intent to harm or defraud another, disclose or use information for a nongovernmental purpose that:
 - (A) the City Official or City Employee has access to by means of his office or employment; and
 - (B) has not been made public.

In this section, “information that has not been made public” means any information to which the public does not generally have access, and/or that is prohibited from disclosure under Chapter 552, Government Code.

SECTION 2-511. Abuse of Official Capacity

(a) Prohibition:

- (1) A City Official or City Employee commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, he intentionally or knowingly:
 - (A) violates a law relating to the City Official's or City Employee's office or employment; or
 - (B) misuses City property, services, personnel, or any other thing of value belonging to the City that has come into the City Official's or City Employee's custody or possession by virtue of the City Official's or City Employee's office or employment.

(b) Exceptions:

- (1) A discount or award given for travel, such as frequent flyer miles, rental car or hotel discounts, or food coupons, are not things of value belonging to the City for purposes of this Section due to the administrative difficulty and cost involved in recapturing the discount or award for the City.

SECTION 2-512. Official Oppression

(a) Prohibition:

- (1) A City Official or City Employee acting under color of his office or employment commits an offense if he:
 - (A) intentionally subjects another person to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that he knows is unlawful;
 - (B) intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful; or
 - (C) intentionally subjects another to sexual harassment.

- (b) For purposes of this Section, a City Official or City Employee acts under color of his office or employment if he acts or purports to act in an official capacity or takes advantage of such actual or purported activity.

- (c) In this Section, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise or enjoyment of any right, privilege, power or immunity, either explicitly or implicitly.

Section 2-513. Ethics Review Commission

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

meeting shall constitute a quorum, but no action of the Commission shall be of any force or effect unless it is adopted by the favorable votes of three (3) or more of its members.

- (3) Meetings. The Commission shall have such meetings as may be necessary to fulfill its responsibilities. The Commission shall meet at least once a year. The date of the annual meeting shall be in September as set by the Commission. The Chairperson or any two (2) members of the Commission may call a meeting provided that reasonable notice is given to each Commissioner and written notice is posted in accordance with the provisions of the Texas Open Meetings Act. The Commission shall comply with the provisions of the Texas Open Meetings Act when conducting any meetings and/or hearings under this Article.
- (4) Qualifications.
 - (A) Commissioners must be Qualified Voters who are residents of the City of Murphy.
 - (B) No Commissioner may be a City Official, a City Employee, an Appointed Board or Commission member or a Family Member of a City Official or City Employee.
 - (C) Commissioners shall maintain objectivity and be free of conflicts of interest in discharging their duties. Commissioners shall be independent in fact and appearance when hearing matters brought before the Commission. When a Commissioner has any reason to believe that he or she cannot be impartial, intellectually honest and free of conflicts of interest in discharging any of the duties of the Commission, such Commissioner shall disclose the facts and circumstances which create the conflict and shall not vote or otherwise participate in consideration of the matter.
 - (D) The Commission shall have the authority to review and investigate complaints filed in accordance with this Article and issue a written finding of the Commission's determination when appropriate.
 - (E) Service on the Commission does not preclude a member from filing a complaint with the Commission. The Commission member filing the complaint must recuse himself/herself from the Commission procedure.
 - (F) The Commission may make recommendations to the City Council regarding revisions and changes to this Ordinance.
 - (G) The Commission may seek any necessary assistance or resources from the City Council and City Manager regarding support needed to carry out the Commission's duties.

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

Section 2-514. Complaint Process

(a) Filing

- (1) Any City Official, City Employee, or Qualified Voter of the City who believes that there has been a violation of this Ordinance may file a sworn complaint. A complaint alleging a violation of this Ordinance must meet the requirements herein and must be filed with the City Secretary. A complaint alleging a violation of this Article by the City Attorney must also be filed with the persons named in Section 2-515(f). A complaint must be filed within six (6) months from the date of the alleged violation. Please refer to Section 2-515 City Attorney (c).
- (2) Required Contents of a Complaint. A complaint must be in writing, filed on the official complaint form approved by the City. ~~An ethics complaint must be in writing and~~ under oath and must set forth in simple, concise, and direct statements the following:
 - (A) The name of the complainant;
 - (B) The street or mailing address and the telephone number of the complainant;
 - (C) The name of the person who allegedly committed the violation;
 - (D) The position or title of the person who allegedly committed the violation;

- (E) The nature of the alleged violation, including, if possible, the specific rule or provision of this Article alleged to have been violated;
 - (F) A statement of the facts constituting the alleged violation and the dates on which or period of time in which the alleged violation occurred; and must contain the following:
 - (i) Documents or other material available to the complainant relevant to the allegation;
 - (ii) A list of all documents or other material relevant to the allegation and available to the complainant, but that are not in the possession of the complainant, including the location of the documents; if known, and
 - (iii) A list of all documents or other material relevant to the allegation, but unavailable to the complainant, including the location of the documents, if known.
 - (G) If the complaint is based on information and belief, the complaint shall state the source and basis of the information and belief.
- (3) The complaint must be accompanied by an affidavit stating that the information contained in the complaint is either true and correct or that the complainant has good reason to believe and does believe that the facts alleged constitute a violation of this Ordinance.
 - (4) Upon request, the City Secretary shall provide information to persons about the requirements of a complaint and the process for filing a complaint.
- (b) Confidentiality and Ex Parte Communications
- (1) No City Official or City Employee may reveal information relating to the filing or processing of a complaint except as required for the performance of official duties.
 - (2) All documents relating to a pending complaint are confidential, unless they are required to be disclosed under the Texas Public Information Act (Tex. Gov. Code Ch. 552).
 - (3) After a complaint has been filed, and during the consideration of a complaint by the Commission, a member of the Commission may not communicate directly or indirectly with any party or person about any issue of fact or law regarding the complaint, except at a meeting of the Commission. This provision does not prevent a member of the Commission from consulting with the City Attorney, or its independent legal counsel selected by the City Council regarding procedural and legal issues.

- (4) City Council approval shall be required for legal fees, cost, and related expenses of \$5,000 or more.

(c) Notification

- (1) A copy of a complaint shall be promptly forwarded by the City Secretary to the City Attorney and to the person charged in the complaint.
- (2) The person alleged in the complaint to have violated this Article shall be provided with a copy of this Code of Ethics and informed that:
 - (A) Within fourteen (14) days of receipt of the complaint, a sworn response must be filed with the City Secretary;
 - (B) Failure to file a response does not preclude the City Attorney from processing the complaint.
- (3) City Officials and City Employees have a duty to cooperate with the City Attorney, pursuant to this Section. All requests for access to City Employees throughout the course of an investigation shall be submitted to the City Manager in writing.
- (4) All members of the Commission shall receive copies of the complaint, any background documentation, and any responses at least seven (7) days before a hearing on the matter.

Section 2-515. Role of the City Attorney

- (a) The City Attorney serves as legal counsel to the Ethics Review Commission. When complaints are filed against members of the City Council, the City Manager, or the City Attorney, independent legal counsel may be utilized to advise the Commission and take part in its proceedings, subject to approval of the fee arrangement by the City Council.
- (b) The City Attorney serves as Ethics Advisor to City Officials ~~and City Employees~~. As Ethics Advisor, the City Attorney is available to respond ~~confidentially~~ to inquiries relating to the Ethics Ordinance (this Article) and may render advisory opinions on potential conflicts of interest or violation of this section at the request of a City Official or City Employee. The advisory opinion in any subsequent charges concerning the matter may be used as a defense to an alleged violation of this section unless material facts were omitted or misstated by the person requesting the opinion.
- (c) The City Attorney shall receive all sworn complaints and, if found sufficient, shall provide a copy and a preliminary review of the complaint to the Commission for action. The City Attorney shall, within fifteen (15) days of receiving the complaint and the response of the accused person, if any, provide a written report to the Commission. The report shall state whether, in the City Attorney's opinion, the written complaint: (1) was filed timely; (2) alleges misconduct by a person whose conduct is regulated under this Code; (3) alleges the

occurrence of conduct that might reasonably constitute a violation of this Article; and (4) is signed and sworn to by the person filing the complaint.

- (d) The City Attorney shall also advise the Commission whether the City Attorney has issued a written opinion or opinions to the accused person that relate to the conduct at issue and whether, in the City Attorney's opinion, the conduct was undertaken in good faith reliance on a written opinion that concluded the conduct was not in violation of this Article. Where the City Attorney concludes that the conduct was undertaken in good faith reliance on a written opinion, the City Attorney shall recommend that the Commission dismiss the complaint following the preliminary hearing.
- (e) The City Attorney's recommendation that the Commission conduct further proceedings does not mean that any of the allegations of the complaint are true or false or that any City Official or City Employee has violated or not violated this Article.
- (f) If a complainant alleges a violation by the City Attorney, the complaint must be filed with the ~~Chairperson of the Commission~~ City Secretary, and be forwarded to the Municipal Judge, with a copy to the Mayor and the City Manager. The Municipal Judge will follow the procedures in this Section.

Section 2-516. Hearing Process

(a) Preliminary Hearing

- (1) ~~When~~ After the City Attorney, or independent legal counsel selected by the Commission as set out in Sec. 2-515(a) above, has ~~rendered an opinion~~ found that a complaint is not defective as to form ~~nor is~~ insufficient (for example, because it does not allege the existence of reasonable grounds to believe that a violation of this Ordinance has occurred), the Commission, as soon as reasonably possible, but in no event later than sixty (60) days after receiving a complaint, shall conduct a Preliminary Hearing. The purpose of the Preliminary Hearing is to make an initial ~~determination~~ as to whether ~~or not there are reasonable grounds to believe that~~ a violation of this Ordinance has occurred.
- (2) The complainant and the City Official ~~or City Employee~~ named in the complaint have the right of representation by legal counsel.
 - (A) ~~The complainant shall pay for complainant's legal fees, cost, and related expenses. If the City Official or Employee is finally found to be in violation of this Ordinance, the City shall reimburse the complainant for his or her reasonable legal fees, costs and related expenses and the City Official or Employee shall reimburse the City for the amount paid to complainant for complainant's legal fees, costs and related expenses.~~

(B) The City ~~may shall~~ pay for legal fees, cost, and related expenses for representation of the City Official, as decided by the City Council. ~~or Employee.~~

(3) Statements at a Preliminary Hearing shall be under oath, but there shall be no cross examination or requests for persons or evidence issued for the hearing. The Commission members may ask open-ended questions. No public comments are allowed in a preliminary hearing.

(4) The person filing a complaint shall state the alleged violation and describe in narrative form the testimony and other evidence which are presented to prove the alleged violation as stated in the written complaint.

(5) The City Official ~~or City Employee~~ named in the complaint shall have the opportunity to respond but is not required to attend or make any statement. The City Official ~~or City Employee~~ may describe in narrative form the testimony and other evidence presented to disprove the alleged violation. If the City Official ~~or City Employee~~ agrees that a violation has occurred, the Commission may consider the appropriate sanction.

(6) Only members of the Commission may question the complainant, the independent counsel for the Commission, or the City Official ~~or City Employee~~ named in the complaint.

(7) At the conclusion of the Preliminary Hearing one of the following actions shall be taken:

(A) If the Commission does not determine that there are reasonable grounds to believe that a violation of this Article has occurred, the complaint shall be dismissed.

(B) If the Commission determines that there are reasonable grounds to believe that a violation of this Article has occurred, it shall schedule a final hearing.

(C) If the City Official ~~or City Employee~~ has agreed that a violation has occurred, the Commission may proceed to determine the appropriate sanction without the necessity of a final hearing and state its findings pursuant to Subsection (b)(4) below.

(b) Final Hearing

(1) Except as provided by Subsection 2-516(a)(7)(C) above, a final hearing shall be held as expeditiously as possible following the determination by the Commission that there are reasonable grounds to believe that a violation of this Article has occurred, but in no event shall it be held more than thirty (30) days after said determination. The Commission may grant up to two postponements, not to exceed fifteen (15) days each, upon the request of the City Official ~~or City Employee~~ named in the complaint.

- (2) If a complaint proceeds to a final hearing, the Commission may request witnesses to attend and testify, administer oaths and affirmations, take evidence and request the production of books, papers, records, or other evidence needed for the performance of the Commission's duties or exercise of its powers, including its powers of investigation. No public comments are allowed during the final hearing.
- (3) The complainant and the City Official ~~or City Employee~~ named in the complaint have the right of representation by legal counsel.
- (4) The issue at a final hearing is whether a violation of this Article has occurred. The Commission shall make its determination based on the preponderance of the evidence in the record. All witnesses shall make their statements under oath. Witnesses may be cross-examined. If the Commission determines that a violation has occurred, it shall state its findings in writing, identify the particular provision(s) of this Article which have been violated, and within five (5) working days deliver a copy of the findings to the complainant, the person accused in the complaint, and the City Secretary. The City Secretary shall deliver a copy of the findings to the Council, the City Manager and the City Attorney.

Section 2-517. Sanctions for Violations

- (a) If the Commission determines that a violation of this Article has occurred, it shall consider appropriate sanctions. The Commission may receive additional testimony or statements before considering sanctions, but is not required to do so.
- (b) If the Commission determines that a violation has occurred, it may impose the following sanctions.
 - (1) A letter of notification is an appropriate sanction when the violation is clearly unintentional, or when the conduct of the person complained against was done in reliance upon an opinion of the City Attorney. The letter of notification shall advise the City Official ~~or City Employee~~ of any steps to be taken to avoid future violations.
 - (2) A letter of admonition is the appropriate sanction when the Commission finds the violation is minor and/or may have been unintentional, but calls for a more substantial response than a letter of notification.
 - (3) A letter of reprimand is the appropriate sanction when the Commission finds a serious violation has been committed intentionally or knowingly or through disregard of this Ordinance. A written reprimand directed to a City ~~Employee-Official~~ that who also serves as an employee- a City Employee shall be included in the employee's personnel file.

(4) A letter of censure is the appropriate sanction when the Commission finds that a serious violation has occurred and/or more than one serious violation or repeated serious violations of this Article have been committed by a City Official.

(c) Copies of all sanction letters issued by the Commission under this section shall be sent to the City Council.

(d) In addition, if the violation is found by the Commission to be done willfully and the seriousness of the violation warrants, the Commission may recommend to the City Council the suspension or removal from office of any official serving in a City-appointed position.

(e) Except with regard to violations of Chapters 171 and 176 of the Texas Local Government Code, violations of the Penal Code, or violations of the Government Code, a violation by any City Official or City Employee as designated herein of one or more of the provisions of this Article shall not be deemed to be a Class C misdemeanor under the laws of the State of Texas.

Section 2-518. Distribution and Proof of Compliance

The City Secretary shall ~~make available to~~ provide each new City Official designated in this Article, a copy of the text of this Ordinance; Chapter 171 and Chapter 176 of the Texas Local Government Code pertaining to conflicts of interest; the Texas Open Meetings Act (Tex. Gov. Code Ch. 551); the Texas Public Information Act (Tex. Gov. Code Ch. 552) Chapter 573 of the Texas Government Code; Texas Penal Code Sections 36.02, 37.10, 39.02, 39.03 and 39.06 (collectively referred to in this section as the “Ethics Statutes”) with a signature receipt of all said documents.

EXHIBIT “1”

Consanguinity and Affinity

Affinity Kinship (Marriage) Relationships

1 st Degree	2 nd Degree
Father-in-Law	Spouse's Grandfather
Mother-in-Law	Spouse's Grandmother
Son-in-Law	Spouse's Brother (Brother-in-Law)
Daughter-in-Law	Spouse's Sister (Sister-in-Law)
Spouse	Spouse's Grandson
	Spouse's Granddaughter
	Brother's Spouse (Sister-in-Law)
	Sister's Spouse (Brother-in-Law)

Consanguinity (Blood) Relationships

1 st Degree	2 nd Degree	3 rd Degree
Father	Grandfather	Great-Grandfather
Mother	Grandmother	Great-Grandmother
Son	Brother	Nephew
Daughter	Sister	Niece
	Grandson	Great-Grandson
	Granddaughter	Great-Granddaughter
		Uncle
		Aunt

Issue

Discuss and take action, if any, on implementing traffic calming measures, including the possible closure, of Moonlight Drive and/or Grant Road.

Background

A 4th traffic study, post school year, was initiated 06/17/13 as part of our assessment of Moonlight. The data collection ran through 06/26/13.

RESULTS: During this period 7,842 vehicles travelled Moonlight. The traffic volume was about 871 vehicles a day (7,842/9). The average speed was 25.5 (up from 22.7 mph in study 3) with a median of 25.3 mph. The 85th percentile was 29.8 (27.7) mph. During this study, about 91.3% exceeded the posted speed limit; however, the average speed over the posted speed limit was 26.4 mph. One vehicle did reach a speed of 59.7 mph.

Speed compliance is high. The 85th percentile is just slightly above the posted speed limit. Traffic volume did decrease by almost 200 vehicles per day.

This data tends to support the assumption that a large portion of the traffic on Moonlight, during the school year, is school related traffic.

Considerations

1. The City has been studying this issue for the last 7 months. We have conducted 4 traffic studies to get a clear picture of the challenges that are on Moonlight Drive.
2. The studies showed approximately 1200 vehicles a day during the school year and approximately 900 vehicles a day during the summer.
3. Staff understands this is a high volume of cars for a residential street, especially one with no sidewalks.
4. Staff originally considered placing speed humps along Moonlight Drive; however it would take approximately 8 humps to slow down and/or deter traffic and also has a negative effect on the residents that live along Moonlight Drive.
5. Staff was asked to review the option of closing Grant Drive at the city limits point of Murphy and Sachse.
 - a. The residents of Moonlight Drive and Murphy Farms have filed a petition to close Grant Drive at the city limits.
 - b. Members of City staff met with members of Sachse city staff and Mayor Barna and City Manager James Fisher met with Sachse Mayor Felix and City Manager Billy George, P.E. to discuss the possibility of closure and their concerns.
 - c. Mayor Barna also met with WISD transportation members to discuss the issue and here their concerns as well.
6. Staff has been soliciting quotes for an Opticon type gate at the city limits, should the City Council decide to take that action.
 - a. To date, we have received one quote back.
 - b. The estimated cost is \$27,000, which does not include building the columns, right of way if needed or ongoing maintenance due to wear and tear and/or vandalism.

7. If the City Council choses to close Grant Drive at the city limits, they should authorize the City Manager to solicit formal bids to include: Opticon type gate and system, brick columns, signage and right of way if necessary.
8. This project could be completed by September 15, giving plenty of time for WISD and PISD to adjust their bus transportation routes and the City of Murphy to post notice of the closure in order to complete the project.

Financial Considerations

The City of Murphy General Fund would bear the full upfront and ongoing cost for maintenance of the potential road closure.

Pending the receipt of formal bids, it is anticipated the approximate upfront installation cost to run close to \$35,000. It is also recommended to maintain approximately \$5,000 annually for ongoing/unforeseen maintenance.

Staff Recommendation

Staff is requesting Council direction as it relates to the closing of Grant Drive and authorization for the City Manager to solicit bids to close Grant Drive.

James Fisher, City Manager

Submitted By

