MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
AUGUST 5, 2014 AT 6:00 P.M.
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094

CITY OF MURPHY
LIFE LIVED AT YOUR PACE

Eric Barna
Mayor

Scott Bradley
Mayor Pro Tem

Owais Siddiqui
Deputy Mayor Pro Tem

Ben St. Clair
Councilmember

Betty Spraggins
Councilmember

Sarah Fincanon
Councilmember

Rob Thomas
Councilmember

James Fisher
City Manager

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

1. CALL TO ORDER

2. INVOCATION & PLEDGE OF ALLEGIANCE

3. ROLL CALL & CERTIFICATION OF A QUORUM

4. PUBLIC COMMENTS

5. PRESENTATION ITEMS

A. Presentation of proposed municipal budget for fiscal year 2014-2015.

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 14, 2014 Joint Meeting with Murphy Municipal Development District;
2. July 14, 2014 Budget Work Session
3. July 15,2014 Regular City Council Meeting
4. July 16, 2014 Special City Council Meeting (Budget Work Session)
5. July 17, 2014 Special City Council Meeting (Budget Work Session)
6. July 21, 2014 Special City Council Meeting (Budget Work Session)

7. INDIVIDUAL CONSIDERATION

A. Consider and/or act upon a resolution establishing two dates, August 19, 2014 and September 2, 2014, at 6 pm, to conduct a Public Hearing on the City of Murphy proposed tax rate of $0.5500 per $100 valuation and establishing two dates, August 19, 2014 and September 2, 2014 at 6 pm, for a Public Hearing on for the proposed 2014-2015 municipal budget.

B. Consider and/or act upon Resolution approving the 2014 appraisal roll with a taxable value of $1,774,655,435 as certified by Bo Daffin, Chief Appraiser of the Collin Central Appraisal District, and a protested taxable property value of $25,968,662 under review by the Appraisal Review Board.

C. Consider and/or act on an amendment to the landscape ordinance to specifically prohibit artificial turf for landscaping in residential zoning.

D. Discuss the Water Conservation Plan as approved by City Council on July 15, 2014.

E. Hold a public hearing and consider and/or act on the request from MCDC to amend the FY 2014 MCDC Budget to fund an Event Coordinator (Recreation Department) for the remainder of FY 2014.

F. Consider and take action, if any, on the request to take FM 2551 (North Murphy Road) off of the Texas State Highway System and authorize the City Manager execute an agreement.

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

H. Discuss the draft City of Murphy Rental Registration Program for Single Family Residential Properties.

8. CITY MANAGER/STAFF REPORTS

North Murphy Road Construction Update
Animal Shelter Construction Update

9. EXECUTIVE SESSION

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

A. §551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation involving:
   a. Burgess v. Cox et al; Cause No. 4:14-cv-00466-ALM

B. § 551.072. Deliberation regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

C. §551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of:

   a. City Manager
   b. City Secretary

10. RECONVENE INTO REGULAR SESSION

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

A. §551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation involving:
   a. Burgess v. Cox et al; Cause No. 4:14-cv-00466-ALM

B. § 551.072. Deliberation regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

D. §551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of:

   a. City Manager
   b. City Secretary

C. Take Action on any Executive Session Item.

11. ADJOURNMENT

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on August 1, 2014 by 5:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.

____
Kristen Roberts
Director of Community Development

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

MURPHY CITY COUNCIL AND
MURPHY MUNICIPAL DEVELOPMENT DISTRICT MINUTES
JULY 14, 2014 JOINT MEETING

1. **CALL TO ORDER**
   Mayor Barna called the meeting to order at 6:30 p.m.

2. **ROLL CALL & CERTIFICATION OF A QUORUM**
   Lori Knight certified a quorum with the following persons present:

   <u>City Councilmembers Present:</u>
   Mayor Eric Barna
   Mayor Pro Tem Scott Bradley
   Deputy Mayor Pro Tem Owais Siddiqui
   Councilmember Ben St. Clair
   Councilmember Betty Nichols Spraggins
   Councilmember Sarah Fincanon
   Councilmember Rob Thomas

   Councilmembers absent: None

   <u>Murphy Municipal Development District:</u>
   John Daugherty
   Jamie Nicholson
   Alex Acuna
   Eric Lopez

   Directors Absent: Alain Dermarker

   <u>City Staff Present:</u>
   James Fisher, City Manager
   Kristen Roberts, Director of Community & Economic Development
   Tina Stelnicki, Community Development Coordinator
   Lori Knight, Administrative Assistant

3. **PUBLIC COMMENTS** – *None.*

4. **INDIVIDUAL CONSIDERATION**
   A. Discuss information from Retail Coach.

      <u>Staff Discussion</u>
      Aaron Farmer from the Retail Coach did a presentation of his analysis of the Murphy retail market which included demographics of the Retail Trade Area of Murphy. There was also discussion about what type of business Murphy demographics would support.

B. Discuss economic development vision for the City of Murphy.

Staff Discussion
There were various discussions regarding the different kinds of retail, restaurants and specialty stores that the Boards would like to see in Murphy. There was talk of having or designating an area for a downtown type development.

9. EXECUTIVE SESSION
The City Council convened into closed Executive Session at 7:51 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

A. § 551.087. Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

10. RECONVENE INTO REGULAR SESSION
The City Council reconvened into open session at 8:27 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

A. § 551.087. Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

B. Take Action on any Executive Session Item.

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

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

APPROVED BY:

____
Eric Barna, Mayor

ATTEST:

____
Acting City Secretary

CITY COUNCIL MINUTES
JULY 14, 2014 CITY COUNCIL BUDGET WORK SESSION

1. **CALL TO ORDER**
   Mayor Barna called the meeting to order at 8:35 p.m.

2. **ROLL CALL & CERTIFICATION OF A QUORUM**
   Executive Administrative Assistant, Kim McCranie, certified a quorum with the following Councilmembers present:

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

   Councilmembers absent: None.

3. **INDIVIDUAL CONSIDERATION**
   A. Discussion regarding the FY 2015 General Fund and Utility Fund Revenues and Expenditures and other associated budget discussions.

      Police Chief GM Cox reviewed the Police Department budget with the Council including staffing of a new position and purchase of capital items.

4. **ADJOURNMENT**
   With no further business, the meeting was adjourned at 9:15 p.m.

APPROVED BY:

____
Eric Barna, Mayor

ATTEST:

____
Terri Johnson, Interim City Secretary

CITY COUNCIL MINUTES
JULY 15, 2014 REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER
Mayor Barna called the meeting to order at 6:00 p.m.

2. INVOCATION & PLEDGE OF ALLEGIANCE
Mayor Barna gave the invocation and led the recitation of the Pledge of Allegiance.

3. ROLL CALL & CERTIFICATION OF A QUORUM
Terri Johnson, Acting City Secretary, certified a quorum with the following Councilmembers present:

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

Councilmembers absent: None

4. PUBLIC COMMENTS:
Kent P. Manton, 419 Moonlight Dr. – Mr. Manton read a recent article written by former City Councilmember Bernard Grant. He followed by asking the City Council to reconsider the action previously taken regarding closure of Grant Drive.

5. PRESENTATION ITEMS:

A. Finance Director Linda Truitt presented the financial report and investment report as of June 30, 2014.

   Ms. Truitt reported that sales tax was coming in strong and at the end of nine months, the percentage of budget should be at 75%. She reported that as of June 30th, the City had received 88% of the budgeted revenues in the General Fund for the year. She also stated that the interest rate remained at $0.10.

   The expenditures for the current budget year in the General Fund were at 65.85% for the first nine months of the fiscal year.

   The Utility Fund was under budget with revenues coming in at 62.92% and expenditures coming in under 68%.

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, 2014 Regular Meeting and Budget Work session;

2. July 2, 2014 Budget Work session;

B. Consider and/or act upon the approval of an Ordinance amending Section 9.100 of the Fee Schedule; water and sewer rates.

ORDINANCE NO. 14-07-980

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS AMENDING APPENDIX A, FEE SCHEDULE, SECTION 9.100 OF THE MURPHY CODE OF ORDINANCES TO PROVIDE FOR WATER AND SEWER USAGE RATES; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS DATE OF PUBLICATION.

COUNCIL ACTION (6.A. - 6.B.): ***APPROVED***
Deputy Mayor Pro-Tem Siddiqui moved to approve the consent agenda as presented. Councilmember St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

7. INDIVIDUAL CONSIDERATION

A. Consider and/or act on an amendment to the landscape ordinance to prohibit artificial turf for landscaping in residential zoning.

Kristen Roberts, Director of Economic and Community Development, addressed the Council regarding this issue. She reported that because the City's code states that all non-paved surfaces shall be completely covered with living plant material, that it was staff's interpretation that synthetic materials are not an allowed substitute for living plant material.

Ms. Roberts also reported that area cities had been contacted regarding their ordinances specific to synthetic landscaping materials. The following cities were reviewed:

Wylie
- no reference to synthetic landscape materials
- Landscape maintenance section states that lawn and garden areas must be kept alive.

Plano
- Ordinance silent on synthetic landscape materials; not allowed
- Have not had known request

McKinney
- Ordinance silent on synthetic landscape materials; not allowed

Frisco
- Not allowed.

Highland Park
- Cannot be installed in the following places; front yard, any yard visible from a street, sidewalk, parkway, alley, and easements.

Sachse
- Does not allow it at this time.

City Manager James Fisher again pointed out that the City of Murphy's code does not specifically address synthetic turf and he went on to discuss Highland Park's code which does allow it only if it cannot be seen from a street, sidewalk, parkway, alley, or easement.

Members of the City Council discussed the City's ordinance and the possibility of making changes to possibly reflect Highland Park's code. Permitting requirements were also discussed.

Councilmember Rob Thomas stated that if the City is ever forced to go to Stage 4 Water Restrictions that this might become an issue for the homeowner who has invested in their lawns.

Mayor Barna stated that he would like to see drainage issues addressed if the City did amend the ordinance to allow any type of synthetic materials for landscaping in residential zoning.

The Mayor also pointed out that no matter what the City's ordinances allowed that HOA's could be more restrictive with their rules and regulations.

Mr. Fisher stated that staff would look at this issue further and return to the City Council at a later date with recommendations.

COUNCIL ACTION (ITEM 7.A.): ***NO ACTION***
The Council took no action Item 7.A.

B. Consider and/or act on an ordinance prohibiting the use of wireless communication devices while operating a motor vehicle.

Barbara Harless, 709 Summer Place – Mrs. Harless addressed the City Council and explained her intense opposition to this proposed ordinance.

City Manager James Fisher addressed the City Council and said this item was placed on the agenda at the request of a City Council member. Mr. Fisher stated that this proposed ordinance had a lot of pros and cons regarding the enactment of a ban. Mr. Fisher also advised that various social media sites within the City have had a healthy debate on the merits of this proposed ordinance. He called on Police Chief, G. M. Cox, to answer questions for the City Council.

Mayor Barna stated that he agreed with Mrs. Harless on many points and asked Chief Cox if distracted driving caused by talking and/or texting on a cellphone could be addressed by the State of Texas' reckless driving statutes.

Chief Cox replied that those statutes really did not cover these issues.

The members of the City Council discussed this item at length.

COUNCIL ACTION (ITEM 7.B.): ***NO ACTION***
The Council took no action on Item 7.B.

C. Consider and/or act on the proposed Water Resource & Emergency Management Plan and the proposed Water Conservation Plan.

City Manager Fisher reported that the Council had discussed amendments to the Water Resource & Emergency Management Plan at their June 3, 2014 Council meeting but took no action. He explained that the Texas Commission on Environmental Quality (TCEQ) and the North Texas Municipal Water District (NTMWD) require the City to adopt the revised April 2014 Water Conservation Plan. The staff has been reviewing these plans since April.

COUNCIL ACTION (ITEM 7.C.): ***APPROVED***
Mayor Pro Tem Scott Bradley moved to approve the revised April 2014 Water Conservation Plan. Deputy Mayor Pro-Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

D. Consider and/or act on authorizing the City Manager to execute an agreement for fiber optic construction and physical security/video surveillance equipment for the new animal shelter.

City Manager Fisher reported to the City Council that the project to interconnect the new animal shelter to the City's main fiber optic trunk, through the installation of fiber optic and computer communications network equipment was inadvertently left out of the construction plans. Fisher stated that these monies would come from the year-end fund balance.

Wendel Medford, IT Manager, explained the cost would be $42,000 with the addition of 10% contingency for a total of $46,200. He also reported that the cost of wireless was more expensive.

Councilmember Rob Thomas asked what the total cost of the shelter was. It was estimated that the total cost including this project would be around $860,000.

COUNCIL ACTION (ITEM 7.D.): ***APPROVED***
Mayor Pro-Tem Scott Bradley moved to authorize the City Manager to execute agreements with Cingl Telecom and Technology for Education in an amount not to exceed $46,000 for the expansion of the City's fiber optic network as well as the installation of video surveillance and physical security equipment for the new animal shelter. Deputy Mayor Pro-Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

E. Consider and/or act on a proposed resolution authorizing the City Manager to execute a contract with a company to be determined for group medical insurance and Ameritas for dental insurance and extend the contracts with VSP for vision insurance, Cigna for long term disability and Fort Dearborn for basic life and AD&D with an effective date of September 1, 2014.

Mayor Pro Tem Bradley recused himself due to a conflict of interest that has been filed with the City and stepped down from the dais.

Mayor Barna reported that Mr. Bradley was an employee of Blue Cross Blue Shield and therefore had recused himself from deliberation of this item.

The City Manager reported to the City Council that the final numbers from Blue Cross Blue Shield reflect only a 5% increase in health coverage for the upcoming year. The final proposal was down from the estimated 16% on their initial proposal.

He explained that Brinson Benefits, the City's benefit consultant, was responsible for the negotiations for the final numbers from Blue Cross Blue Shield and United Healthcare. He stated that Brinson Benefits was a great partner with the City of Murphy.

Brinson Benefits was able to negotiate flat renewal rates from Ameritas (dental insurance coverage), from VSP (vision insurance coverage), as well as from Cigna (long term disability coverage). The basic life and AD&D renewal rates from Fort Dearborn also remained flat and will renew in 2015.

COUNCIL ACTION (ITEM 7.D.): ***APPROVED***
Deputy Mayor Owais Siddiqui moved to approve a resolution authorizing the City Manager to execute a contract with Blue Cross Blue Shield for group medical insurance and Ameritas for dental insurance and extend contracts with VSP for vision insurance, Cigna for long term disability and Fort Dearborn for basic life and AD&D with an effective date of September 1, 2014. Councilmember Rob Thomas seconded the motion. For: Unanimous. The motion carried by a vote of 6-0-1 with Mayor Pro Tem Bradley abstaining due to a conflict of interest. *(Resolution #14-R-798)*

Mayor Pro Tem Bradley returned to his seat on the dais.

8. CITY MANAGER/STAFF REPORTS

Mr. Fisher provided the Council with an update on the following items:
North Murphy Road Construction Update
Animal Shelter Construction Update
CLC Meeting, July 17th at 7:30 am
Budget Meetings for City Council – July 16th and 17th
Proposed Additional Day of Watering to be held at the end of July
Watering of Central Park

9. EXECUTIVE SESSION

The City Council convened into closed Executive Session at 7:11 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

A. § 551.076. Deliberation regarding security devices or security audits (1) the deployment, or specific occasions for implementation, of security personnel or devices; or (2) a security audit.

B. § 551.072. Deliberation regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

C. § 551.087. Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

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

Councilmember Rob Thomas left the meeting at 7:45 p.m.

10. RECONVENE INTO REGULAR SESSION

The City Council reconvened into open session at 7:45 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

A. § 551.076. Deliberation regarding security devices or security audits (1) the deployment, or specific occasions for implementation, of security personnel or devices; or (2) a security audit.

B. § 551.072. Deliberation regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

C. § 551.087. Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

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

E. Take Action on any Executive Session Item.

Deputy Mayor Pro-Tem Owais Siddiqui moved to appoint Terri Johnson as Interim City Secretary. Mayor Pro-Tem Scott Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 6-0.

9. ADJOURNMENT

With no further business, the meeting was adjourned at 7:47 p.m.

APPROVED BY:

____

Eric Barna, Mayor

ATTEST:

____
Terri Johnson, Interim City Secretary

CITY COUNCIL MINUTES
JULY 16, 2014 CITY COUNCIL BUDGET WORK SESSION

1. CALL TO ORDER

Mayor Barna called the meeting to order at 6:30 p.m.

2. ROLL CALL & CERTIFICATION OF A QUORUM

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

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

Councilmember absent: Councilmember Rob Thomas

3. INDIVIDUAL CONSIDERATION

A. Discussion regarding the FY 2015 General Fund and Utility Fund Revenues and Expenditures and other associated budget discussions.

Rod Hogan, Interim Director of Parks and Public Works and Matt Foster, Parks Superintendent answered questions and discussed the proposed budget for the Parks Department.

Kristen Roberts, Director of Economic and Community Development, along with Caitlyn Meehan, Manager of Recreation Services answered questions and discussed the proposed budget for the Recreation Department. Community events were discussed at length, including activities for senior citizens.

Mayor Barna called a recess at 7:55 p.m. The meeting was reconvened at 8:00 p.m.

City Manager James Fisher and Finance Director Linda Truitt presented the proposed capital items for both the General Fund and the Utility Fund for the upcoming fiscal year.

Mayor Barna stated that he wanted to revisit the proposed capital expenditures at the Budget Work Session scheduled for Thursday, July 17th.

4. ADJOURNMENT

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

APPROVED BY:

____

Eric Barna, Mayor

ATTEST:

____
Terri Johnson, Interim City Secretary

CITY COUNCIL MINUTES
JULY 17, 2014 CITY COUNCIL BUDGET WORK SESSION

1. CALL TO ORDER

Mayor Barna called the meeting to order at 7:00 p.m.

2. ROLL CALL & CERTIFICATION OF A QUORUM

Executive Administrative Assistant, Kim McCranie, certified a quorum with the following Councilmembers present:

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

Councilmembers absent: None.

3. INDIVIDUAL CONSIDERATION

A. Discussion regarding the FY 2015 General Fund and Utility Fund Revenues and Expenditures and other associated budget discussions.

Rod Hogan, Interim Director of Parks and Public Works and Brad Rockey, Public Works Superintendent answered questions and discussed the proposed budget for the Water Distribution and Wastewater Departments.

.

City Manager James Fisher and Finance Director Linda Truitt presented the General Fund revenues.

4. ADJOURNMENT

With no further business, the meeting was adjourned at 8:42 p.m.

APPROVED BY:

____
Eric Barna, Mayor

ATTEST:

____

Terri Johnson, Interim City Secretary

CITY COUNCIL MINUTES
JULY 21, 2014 CITY COUNCIL BUDGET WORK SESSION

1. CALL TO ORDER

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

2. ROLL CALL & CERTIFICATION OF A QUORUM

Executive Administrative Assistant, Kim McCranie, certified a quorum with the following Councilmembers present:

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

Councilmembers absent: None.

3. INDIVIDUAL CONSIDERATION

A. Discussion regarding the FY 2015 General Fund and Utility Fund Revenues and Expenditures and other associated budget discussions.

City Manager James Fisher and Finance Director Linda Truitt presented the proposed cuts to the General Fund, Personnel and the tax rate for the upcoming fiscal year.

4. ADJOURNMENT

With no further business, the meeting was adjourned at 6:58 p.m.

APPROVED BY:

____
Eric Barna, Mayor

ATTEST:

____
Terri Johnson, Interim City Secretary

Issue

Consider and/or act upon a resolution establishing two dates, August 19, 2014 and September 2, 2014, at 6 pm, to conduct a Public Hearing on the City of Murphy proposed tax rate of $0.5500 per $100 valuation and establishing two dates, August 19, 2014 and September 2, 2014 at 6 pm, for a Public Hearing on for the proposed 2014-2015 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 hearings on the proposed tax rate and one public hearing on the proposed budget. The proposed tax rate for FY 2015 is $0.5500 which is comprised of the maintenance and operations rate of $0.336270 and $0.213730 for debt service, a two cent decrease from the FY 2014 tax rate.

Financial Considerations

N/A

Action Requested

Approval of the resolution establishing two dates, August 19, 2014 and September 2, 2014 at 6 pm, to conduct a Public Hearing on the City of Murphy proposed tax rate of $0.5500 per $100 valuation and establishing two dates, August 19, 2014 and September 2, 2014 at 6 pm, for a Public Hearing on the proposed 2014-2015 municipal budget.

Attachments

1) Proposed Resolution
2) Effective Tax Rate Calculation
3) Rollback Tax Rate Calculation
4) Notice of Public Hearing on Budget
5) Notice of 2014 Tax Year Proposed Property Tax Rate

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 2014-2015.

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 2014-2015 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 2014-2015 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 2014-2015 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 $0.5500 proposed municipal tax rate and proposed municipal budget for fiscal year 2014-2015 on Tuesday, August 19, 2014 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 $0.5500 proposed municipal tax rate and the proposed municipal budget for fiscal year 2014-2015 on Tuesday, September 2, 2014 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 5th day of August, 2014.

Eric Barna, Mayor
City of Murphy

ATTEST:

Terri Johnson, Interim City Secretary
City of Murphy

2014 Effective Tax Rate Worksheet
City of Murphy

Date: 07/29/2014 02:51 PM

1. 2013 total taxable value. Enter the amount of 2013 taxable value on the 2013 tax roll today. Include any adjustments since last year's certification; exclude Tax Code 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).	$1,636,275,938
2. 2013 tax ceilings. Counties, cities and junior college districts. Enter 2013 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter 0. If your taxing units adopted the tax ceiling provision in 2013 or a prior year for homeowners age 65 or older or disabled, use this step.	$0
3. Preliminary 2013 adjusted taxable value. Subtract Line 2 from Line 1.	$1,636,275,938
4. 2013 total adopted tax rate.	$0.570000/$100
5. 2013 taxable value lost because court appeals of ARB decisions reduced 2013 appraised value. A. **Original 2013 ARB Values.** B. **2013 values resulting from final court decisions.** C. **2013 value loss.** Subtract B from A.	 $1,250,000 $1,143,940 $106,060
6. 2013 taxable value, adjusted for court-ordered reductions. Add Line 3 and Line 5C.	$1,636,381,998
7. 2013 taxable value of property in territory the taxing unit deannexed after Jan. 1, 2013. Enter the 2013 value of property in deannexed territory.	$0
8. 2013 taxable value lost because property first qualified for an exemption in 2014. 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 2013 market value: B. **Partial exemptions.** 2014 exemption amount or 2014 percentage exemption times 2013 value: C. **Value loss.** Add A and B.	 $2,107,159 $2,186,000 $4,293,159
9. 2013 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 2014. Use only properties that qualified in 2014 for the first time; do not use properties that qualified in 2013. A. **2013 market value:** B. **2014 productivity or special appraised value:** C. **Value loss.** Subtract B from A.	 $0 $0 $0
10. Total adjustments for lost value. Add lines 7, 8C and 9C.	$4,293,159

11. 2013 adjusted taxable value. Subtract Line 10 from Line 6.	$1,632,088,839
12. Adjusted 2013 taxes. Multiply Line 4 by line 11 and divide by $100.	$9,302,906
13. Taxes refunded for years preceding tax year 2013. Enter the amount of taxes refunded by the taxing unit for tax years preceding tax year 2013. 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 2013. This line applies only to tax years preceding tax year 2013.	$16,311
14. Taxes in tax increment financing (TIF) for tax year 2013. 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 2014 captured appraised value in Line 16D, enter 0.	$0
15. Adjusted 2013 taxes with refunds and TIF adjustment. Add Lines 12 and 13, subtract Line 14.	$9,319,217
16. Total 2014 taxable value on the 2014 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:**	$1,774,655,435
B. **Counties:** Include railroad rolling stock values certified by the Comptroller's office:	$0
C. **Pollution control exemption:** Deduct the value of property exempted for the current tax year for the first time as pollution control property:	$0
D. Tax increment financing: Deduct the 2014 captured appraised value of property taxable by a taxing unit in a tax increment financing zone for which the 2014 taxes will be deposited into the tax increment fund. Do not include any new property value that will be included in Line 21 below.	$0
E. **Total 2014 value.** Add A and B, then subtract C and D.	$1,774,655,435
17. Total value of properties under protest or not included on certified appraisal roll.	
A. **2014 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.	$23,788,112
B. **2014 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.	$0
C. **Total value under protest or not certified:** Add A and B.	$23,788,112
18. 2014 tax ceilings. Counties, cities and junior colleges enter 2014 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter 0. If your taxing units adopted the tax ceiling provision	$0

in 2013 or a prior year for homeowners age 65 or older or disabled, use this step.	
19. 2014 total taxable value. Add Lines 16E and 17C. Subtract Line 18.	$1,798,443,547
20. Total 2014 taxable value of properties in territory annexed after Jan. 1, 2013. Include both real and personal property. Enter the 2014 value of property in territory annexed.	$0
21. Total 2014 taxable value of new improvements and new personal property located in new improvements. New means the item was not on the appraisal roll in 2013. 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, 2013, and be located in a new improvement. New improvements **do** include property on which a tax abatement agreement has expired for 2014.	$45,857,808
22. Total adjustments to the 2014 taxable value. Add Lines 20 and 21.	$45,857,808
23. 2014 adjusted taxable value. Subtract Line 22 from Line 19.	$1,752,585,739
24. 2014 effective tax rate. Divide Line 15 by Line 23 and multiply by $100.	$0.531741/$100
25. COUNTIES ONLY. Add together the effective tax rates for each type of tax the county levies. The total is the 2014 county effective tax rate.	

A county, city or hospital district that adopted the additional sales tax in November 2013 or in May 2014 must adjust its effective tax rate. The Additional Sales Tax Rate Worksheet 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.

2014 Rollback Tax Rate Worksheet
City of Murphy

Date: 07/29/2014

26. 2013 maintenance and operations (M&O) tax rate.	$0.341521/$100
27. 2013 adjusted taxable value. Enter the amount from Line 11.	$1,632,088,839
28. 2013 M&O taxes.	
A. Multiply Line 26 by Line 27 and divide by $100.	$5,573,926
B. **Cities, counties and hospital districts with additional sales tax:** Amount of additional sales tax collected and spent on M&O expenses in 2013. Enter amount from full year's sales tax revenue spent for M&O in 2013 fiscal year, if any. Other taxing 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 taxing 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 taxing 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 taxing units enter 0.	$0
E. **Taxes refunded for years preceding tax year 2013:** 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 2013. This line applies only to tax years preceding tax year 2013.	$9,419
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 2014 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.	$5,583,345
29. 2014 adjusted taxable value. Enter Line 23 from the Effective Tax Rate Worksheet.	$1,752,585,739
30. 2014 effective maintenance and operations rate. Divide Line 28H by Line 29 and multiply by $100.	$0.318578/$100
31. 2014 rollback maintenance and operation rate. Multiply Line 30 by 1.08.	$0.344064/$100
32. Total 2014 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. 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.	$3,843,817 $0 $0 $3,843,817
33. Certified 2013 excess debt collections. Enter the amount certified by the collector.	$0
34. Adjusted 2014 debt. Subtract Line 33 from Line 32D.	$3,843,817
35. Certified 2014 anticipated collection rate. Enter the rate certified by the collector. If the rate is 100 percent or greater, enter 100 percent.	100.00%
36. 2014 debt adjusted for collections. Divide Line 34 by Line 35	$3,843,817
37. 2014 total taxable value. Enter the amount on Line 19.	$1,798,443,547
38. 2014 debt tax rate. Divide Line 36 by Line 37 and multiply by $100.	$0.213730/$100
39. 2014 rollback tax rate. Add Lines 31 and 38.	$0.557794/$100
40. COUNTIES ONLY. Add together the rollback tax rates for each type of tax the county levies. The total is the 2014 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
CITY OF MURPHY
PROPOSED OPERATING BUDGET FISCAL YEAR 2014-2015

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

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

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

Dated this 5th day of August, 2014.
Linda Truitt
Finance Director
City of Murphy, Texas

NOTICE OF 2014 TAX YEAR PROPOSED PROPERTY TAX RATE FOR CITY OF MURPHY

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

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

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

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

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

property tax amount= (rate) x (taxable value of your property)/100

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

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

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

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

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

Issue

Consider and/or act upon Resolution approving the 2014 appraisal roll with a taxable value of $1,774,655,435 as certified by Bo Daffin, Chief Appraiser of the Collin Central Appraisal District, and a protested taxable property value of $25,968,662 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 $1,774,655,435 for 2014. The appraisal roll taxable value has increased by $160,349,875 or 9.93% compared to the appraisal roll value of $1,614,305,560 at July 25, 2013 and does not include properties still under review by the Appraisal Review Board. The protested taxable value for 2014 is $25,968,662 compared to $24,392,305 for 2013.

Action Requested

Approval of the Resolution approving the 2014 appraisal roll with a taxable value of $1,774,655,435 as certified by Bo Daffin, Chief Appraiser of the Collin Central Appraisal District, and a protested taxable property value of $25,968,662 under review by the Appraisal Review Board.

Attachments

1) Certification of 2014 Appraisal Roll
2) 2014 Certified Totals
3) 2014 Certified Total Under ARB Review
4) Resolution

PROPERTY TAX CODE, SECTION 26.01(a)

CERTIFICATION OF 2014 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 *"2014 Certified Totals"*.

Bo Daffin
Signature of Chief Appraiser

July 23, 2014
Date

Note: The Collin Central Appraisal District Appraisal Review Board approved the appraisal records on July 18, 2014.

PROPERTY TAX CODE, SECTION 26.01(c)

CERTIFICATION OF 2014 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 18, 2014 and included in the Certified Roll listed above.

Bo Daffin
Signature of Chief Appraiser

July 23, 2014
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 2014 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

250 Eldorado Pkwy
McKinney, Texas 75069
Metro 469.742.9200
Toll-Free 866.467.1110
Admin Fax 469.742.9209
www.CollinCAD.org

Land		Value			
Homesite:		368,325,760			
Non Homesite:		105,685,586			
Ag Market:		9,826,385			
Timber Market:		0	**Total Land**	(+)	483,837,731

Improvement		Value			
Homesite:		1,226,149,965			
Non Homesite:		96,781,949	**Total Improvements**	(+)	1,322,931,914

Non Real	Count	Value			
Personal Property:	491	59,052,851			
Mineral Property:	0	0			
Autos:	0	0	**Total Non Real**	(+)	59,052,851
			Market Value	=	1,865,822,496

Ag	Non Exempt	Exempt			
Total Productivity Market:	9,826,385	0			
Ag Use:	21,330	0	**Productivity Loss**	(-)	9,805,055
Timber Use:	0	0	**Appraised Value**	=	1,856,017,441
Productivity Loss:	9,805,055	0			
			Homestead Cap	(-)	6,799,542
			Assessed Value	=	1,849,217,899

Exemption	Count	Local	State	Total			
DP	65	3,012,500	0	3,012,500			
DV1	28	0	189,000	189,000			
DV2	12	0	103,500	103,500			
DV2S	1	0	7,500	7,500			
DV3	14	0	136,000	136,000			
DV3S	1	0	10,000	10,000			
DV4	28	0	168,000	168,000			
DV4S	3	0	30,000	30,000			
DVHS	17	0	4,475,836	4,475,836			
EX-XV	146	0	26,550,998	26,550,998			
EX366	23	0	4,614	4,614			
LVE	29	11,345,912	0	11,345,912			
OV65	589	28,355,229	0	28,355,229			
OV65S	3	150,000	0	150,000			
SO	1	23,375	0	23,375	**Total Exemptions**	(-)	74,562,464
					Net Taxable	=	1,774,655,435

APPROXIMATE TOTAL LEVY = NET TAXABLE * (TAX RATE / 100)
10,115,535.98 = 1,774,655,435 * (0.570000 / 100)

Land		Value			
Homesite:		5,657,932			
Non Homesite:		654,080			
Ag Market:		0			
Timber Market:		0	**Total Land**	(+)	6,312,012

Improvement		Value			
Homesite:		19,124,914			
Non Homesite:		658,557	**Total Improvements**	(+)	19,783,471

Non Real	Count	Value			
Personal Property:	5	611,146			
Mineral Property:	0	0			
Autos:	0	0	**Total Non Real**	(+)	611,146
			Market Value	=	26,706,629

Ag	Non Exempt	Exempt			
Total Productivity Market:	0	0			
Ag Use:	0	0	**Productivity Loss**	(-)	0
Timber Use:	0	0	**Appraised Value**	=	26,706,629
Productivity Loss:	0	0			
			Homestead Cap	(-)	258,737
			Assessed Value	=	26,447,892

Exemption	Count	Local	State	Total			
EX366	1	0	104	104			
LVE	1	379,126	0	379,126			
OV65	2	100,000	0	100,000	**Total Exemptions**	(-)	479,230
					Net Taxable	=	25,968,662

APPROXIMATE TOTAL LEVY = NET TAXABLE * (TAX RATE / 100)
148,021.37 = 25,968,662 * (0.570000 / 100)

2014 CERTIFIED TOTALS

CMR - MURPHY CITY

Grand Totals

Land		Value			
Homesite:		373,983,692			
Non Homesite:		106,339,666			
Ag Market:		9,826,385			
Timber Market:		0	**Total Land**	(+)	490,149,743
Improvement		**Value**			
Homesite:		1,245,274,879			
Non Homesite:		97,440,506	**Total Improvements**	(+)	1,342,715,385
Non Real	**Count**	**Value**			
Personal Property:	496	59,663,997			
Mineral Property:	0	0			
Autos:	0	0	**Total Non Real**	(+)	59,663,997
			Market Value	=	1,892,529,125
Ag	**Non Exempt**	**Exempt**			
Total Productivity Market:	9,826,385	0			
Ag Use:	21,330	0	**Productivity Loss**	(-)	9,805,055
Timber Use:	0	0	**Appraised Value**	=	1,882,724,070
Productivity Loss:	9,805,055	0			
			Homestead Cap	(-)	7,058,279
			Assessed Value	=	1,875,665,791

Exemption	Count	Local	State	Total			
DP	65	3,012,500	0	3,012,500			
DV1	28	0	189,000	189,000			
DV2	12	0	103,500	103,500			
DV2S	1	0	7,500	7,500			
DV3	14	0	136,000	136,000			
DV3S	1	0	10,000	10,000			
DV4	28	0	168,000	168,000			
DV4S	3	0	30,000	30,000			
DVHS	17	0	4,475,836	4,475,836			
EX-XV	146	0	26,550,998	26,550,998			
EX366	24	0	4,718	4,718			
LVE	30	11,725,038	0	11,725,038			
OV65	591	28,455,229	0	28,455,229			
OV65S	3	150,000	0	150,000			
SO	1	23,375	0	23,375	**Total Exemptions**	(-)	75,041,694
					Net Taxable	=	1,800,624,097

APPROXIMATE TOTAL LEVY = NET TAXABLE * (TAX RATE / 100)
10,263,557.35 = 1,800,624,097 * (0.570000 / 100)

State Category Breakdown

State Code	Description	Count	Acres	New Value Market	Market Value
A	SINGLE FAMILY RESIDENCE	5,663		$30,772,106	$1,576,059,425
C1	VACANT LOTS AND LAND TRACTS	51		$0	$13,301,062
D1	QUALIFIED OPEN-SPACE LAND	28	167.9491	$0	$9,826,385
D2	IMPROVEMENTS ON QUALIFIED OPEN SP	6		$0	$31,268
E	RURAL LAND, NON QUALIFIED OPEN SPA	29		$0	$8,220,816
F1	COMMERCIAL REAL PROPERTY	57		$8,924,166	$148,627,712
F2	INDUSTRIAL AND MANUFACTURING REAL	4		$0	$8,482,152
J2	GAS DISTRIBUTION SYSTEM	2		$0	$1,714,550
J3	ELECTRIC COMPANY (INCLUDING CO-OP)	5		$0	$3,875,131
J4	TELEPHONE COMPANY (INCLUDING CO-O	16		$0	$5,087,294
J6	PIPELAND COMPANY	1		$0	$58,050
J7	CABLE TELEVISION COMPANY	3		$0	$2,117,589
L1	COMMERCIAL PERSONAL PROPERTY	415		$83,196	$35,194,164
O	RESIDENTIAL INVENTORY	207		$5,488,280	$15,185,322
S	SPECIAL INVENTORY TAX	2		$0	$140,052
X	TOTALLY EXEMPT PROPERTY	198		$2	$37,901,524
		Totals	167.9491	$45,267,750	$1,865,822,496

State Category Breakdown

State Code	Description	Count	Acres	New Value Market	Market Value
A	SINGLE FAMILY RESIDENCE	80		$590,060	$24,804,102
C1	VACANT LOTS AND LAND TRACTS	4		$0	$103,415
F1	COMMERCIAL REAL PROPERTY	1		$0	$1,187,966
J4	TELEPHONE COMPANY (INCLUDING CO-O	3		$0	$196,838
L1	COMMERCIAL PERSONAL PROPERTY	1		$0	$35,078
X	TOTALLY EXEMPT PROPERTY	2		$0	$379,230
		Totals	0.0000	$590,060	$26,706,629

2014 CERTIFIED TOTALS

CMR - MURPHY CITY

Property Count: 6,726 Grand Totals 7/24/2014 9:00:53AM

State Category Breakdown

State Code	Description	Count	Acres	New Value Market	Market Value
A	SINGLE FAMILY RESIDENCE	5,743		$31,362,166	$1,600,863,527
C1	VACANT LOTS AND LAND TRACTS	55		$0	$13,404,477
D1	QUALIFIED OPEN-SPACE LAND	28	167.9491	$0	$9,826,385
D2	IMPROVEMENTS ON QUALIFIED OPEN SP	6		$0	$31,268
E	RURAL LAND, NON QUALIFIED OPEN SPA	29		$0	$8,220,816
F1	COMMERCIAL REAL PROPERTY	58		$8,924,166	$149,815,678
F2	INDUSTRIAL AND MANUFACTURING REAL	4		$0	$8,482,152
J2	GAS DISTRIBUTION SYSTEM	2		$0	$1,714,550
J3	ELECTRIC COMPANY (INCLUDING CO-OP)	5		$0	$3,875,131
J4	TELEPHONE COMPANY (INCLUDING CO-O	19		$0	$5,284,132
J6	PIPELAND COMPANY	1		$0	$58,050
J7	CABLE TELEVISION COMPANY	3		$0	$2,117,589
L1	COMMERCIAL PERSONAL PROPERTY	416		$83,196	$35,229,242
O	RESIDENTIAL INVENTORY	207		$5,488,280	$15,185,322
S	SPECIAL INVENTORY TAX	2		$0	$140,052
X	TOTALLY EXEMPT PROPERTY	200		$2	$38,280,754
		Totals	167.9491	$45,857,810	$1,892,529,125

New Value

TOTAL NEW VALUE MARKET:	**$45,857,810**
TOTAL NEW VALUE TAXABLE:	**$45,857,808**

New Exemptions

Exemption	Description	Count		
EX-XV	Other Exemptions (including public, religious, c	3	2013 Market Value	$2,104,868
EX366	House Bill 366 - Under $500	9	2013 Market Value	$2,291
	ABSOLUTE EXEMPTIONS VALUE LOSS			**$2,107,159**

Exemption	Description	Count	Exemption Amount
DP	Disabled Person	1	$50,000
DV3	Disabled Veterans 50% - 69%	1	$12,000
DV4	Disabled Veterans 70% - 100%	2	$24,000
OV65	Over-65	42	$2,100,000
	PARTIAL EXEMPTIONS VALUE LOSS	**46**	**$2,186,000**
		TOTAL EXEMPTIONS VALUE LOSS	**$4,293,159**

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
4,677	$284,931	$1,509	$283,422

Category A Only

Count of HS Residences	Average Market	Average HS Exemption	Average Taxable
4,669	$285,077	$1,512	$283,565

Lower Value Used

Count of Protested Properties	Total Market Value	Total Value Used
90	$26,706,629.00	$23,788,112

RESOLUTION NO. ________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, CONCERNING THE APPROVAL OF THE 2014 APPRAISAL ROLL WITH A TAXABLE VALUE OF $1,774,655,435 AS CERTIFIED BY BO DAFFIN, CHIEF APPRAISER OF THE COLLIN CENTRAL APPRAISAL DISTRICT AND A PROTESTED TAXABLE VALUE OF $25,968,662 UNDER REVIEW BY THE APPRAISAL REVIEW BOARD.

WHEREAS The City of Murphy has an increase in appraised values for the 2014 tax year,

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

SECTION 1. 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 $1,774,655,435 and protested taxable values in the amount of $25,968,662 under review by the Appraisal Review Board and instructs the Tax Assessor to apply the tax rate, when approved, thereby creating the 2014 tax roll for the City of Murphy.

DULY RESOLVED by the City Council of the City of Murphy, Collin County, Texas on this 5th day of August, 2015.

APPROVED:

____
ERIC BARNA, Mayor

ATTEST:

____
TERRI JOHNSON, Interim City Secretary

Issue

Consider and/or act on amending the landscape ordinance to specifically prohibit artificial turf for landscaping in residential zoning.

Background

On April 1, 2014, the City Council discussed the use of synthetic materials for landscaping in residential zoning. This came after the city was notified of a resident who had installed synthetic turf in place of living grass cover in their yard.

On July 15, 2014, City Council further discussed the use of synthetic materials for landscaping in residential zoning.

Summary

In regards to landscaping and specifically allowing or not allowing a synthetic material to be used in place of live plant materials, the City of Murphy's Landscaping code is silent on 'synthetic turf' type materials. However, the Code does state that all non-paved surfaces shall be completely covered with living plant material. Therefore in staff's interpretation, synthetic materials are not an allowed substitute for living plant material.

Consideration

1. At the July 15, 2014 meeting, City Council requested staff return with an ordinance that prohibited artificial turf from being installed in the following places; front yard, any yard visible from a street, sidewalk and easements.

2. This would allow, if desired by a resident, for a homeowner to construct and install artificial turf in their backyard considering it met the requirements of the proposed ordinance including maintaining the drainage as approved at time of original yard installation.

Attachments

Proposed Ordinance amending City of Murphy Landscape ordinance
Letter to City Council – Mr. and Mrs. Haddock

Staff Recommendation

Staff recommends amending the landscape ordinance as presented to specifically prohibit artificial turf for landscaping in residential zoning.

ORDINANCE NO. 14-08-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF MURPHY, TEXAS BY AMENDING CHAPTER 28 DEVELOPMENT STANDARDS, ARTICLE VI LANDSCAPE STANDARDS, BY ADDING SECTION 28-150 PROVIDING FOR A DEFINITION OF ARTIFICIAL TURF AND BY AMENDING SECTION 28-155 TO PROHIBIT THE INSTALLATION OF ARTIFICIAL TURF IN YARDS THAT ANY PORTION OF SAID TURF IS VISIBLE FROM CITY STREETS, SIDEWALKS, AND/OR EASEMENTS; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS DATE OF PUBLICATION.

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

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

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

Section 1. FINDINGS INCORPORATED

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

Section 2. That Section 28-150. Definitions of Chapter 28 of the Code of Ordinances of the City of Murphy, Texas, is hereby added and classified under Article VI, Landscape Standards, which shall now read as follows:

"ARTICLE VI. LANDSCAPE STANDARDS

Section 28-150. Definitions

Artificial turf means a surface of synthetic fibers made to look like natural grass."

Section 3. That Section 28-155 of Chapter 28 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended to add subsections (g) and (h), which shall now read as follows:

“Section 28-155. General Standards.

The following criteria and standards shall apply to landscape materials and installation:

…..

(g) The installation or construction of artificial turf in or on any yard within the City such that any portion of said turf is visible from the City of Murphy’s streets, sidewalks or easements is prohibited.

(h) Any installation or construction of artificial turf must be permitted prior to any work being done in the City of Murphy and will be reviewed and inspected to ensure drainage remains as approved at time of original yard installation.”

Section 4. SEVERABILITY CLAUSE

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

Section 5. REPEALER CLAUSE

Any provision of any prior ordinance of the City whether codified or uncodified, which are in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncodified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 6. EFFECTIVE DATE

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

PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this the 5th day of August, 2014.

Eric Barna, Mayor

ATTEST:

Acting City Secretary

Dear Council Members and all those involved at City Hall, this is an updated version of the first note sent. Included is what should be called the Greatest "cherry picking" example ever given.

RE: Synthetic Turf's Future in Murphy

First of all, let me set the record straight. The accusation of an alleged code violation by my husband and me was dropped by the HOA when a paragraph in the CC&Rs, ignored by Lone Star Management's Susan Garrison, was brought to their lawyer's attention. This paragraph reads: "Each Owner will REPLACE dead or dying trees, shrubs, flowers, LAWNS and landscape… " No further guidelines or restrictions on this topic are given in the CC&Rs. No HOA or ACC approval is necessary – End of Story

Murphy is a microcosm of the whole North Texas Metroplex and is growing by leaps and bounds! Prosperous Texas has become the mecca for businesses such as Toyota and State Farm. With growth more homes and water are needed.

According to the NTMWD, in order to accommodate this influx, 24% of our future water supply will come from conservation, even if our water supply is 100% of capacity. In 2013 there were almost 20,000 residences in Murphy alone. Six hundred new residents are predicted each year till 2018. The most painless and aesthetically pleasing way to help with this conservation requirement is to replace water-guzzling lawns with synthetic turf.

For the Council to prohibit the use of synthetic turf in Murphy runs counter to our city's best interests. The Mayor's invocation says that the council's decisions should be of benefit to the city. Synthetic turf offers a natural looking solution to a chronic water supply problem, a common sense alternative. The Council should not ignore the situation as we move into the hotter, dryer days ahead. Stage 3 without the additional rain we've had this year and Stage 4 in any year means dead grass. It just makes sense to permit synthetic turf.

By choosing to use synthetic turf we get other benefits as well. Recent articles tell of an increased number of mosquitoes carrying diseases harmful to humans. Synthetic turf, unlike its natural cousin does not harbor mosquito larvae, fire ants, other insects or weeds.

Perhaps prospective "Murphites" come from areas where the grass is green year around and are depressed with 4 months of brown Bermuda. Synthetic turf gives a green, carefree, worry free feeling every single day. Its two thousand sq. ft. competitor requires, among other things, up to 50,000 gallons of water per year to achieve 8 months or less of green grass.

Synthetic turf is practical, durable and washes off easily. With respect to runoff it performs better than natural turf because it has a two-inch decomposed granite (DG) base and at least 1/2 inch of clean silica sand imbedded in the grass. The nooks and crannies, i.e. voids in the DG and sand particles allows the base to hold lots of rain before becoming totally saturated. It then seeps gradually into the clay subsoil preventing cracking.

Regardless of all the good things we present to the Council, none of this matters if they are still planning to prohibit synthetic turf for no apparent reason, using Ordinance 1893, the supposed template for this prohibition.

Every city, with its own problems and conditions, is individual and unique. Obvious also, each city reflects the thinking of the people governing it. It seems the powers that be in Murphy are grasping for any excuse to prohibit synthetic turf. They have chosen Highland Park as their model for this issue. Highland Park is notable because it is a **2.2 square mile area** that forbids synthetic turf and is SURROUNDED BY THE **380** SQUARE MILE AREA OF THE CITY OF DALLAS WHERE SYNTHETIC TURF IS ALLOWED. This has got to be the most desperate, ridiculous example of "cherry picking" ever used.

Parker, the city adjacent to Murphy allows synthetic turf and the impact has been nil. Why didn't the City Council look into this city for a model?

We too are desperate to keep our lovely yard intact, so have given you fact after fact to support this position. You have given NOTHING, in a framework of words without substance or meaning. The below WHEREAS prove this point.

There are three WHEREAS in the Ordinance No 1893. The first one is about storm drain water; the second says that synthetic turf may help reduce water consumption in the landscape. The third one is:

“WHEREAS, the installation of artificial turf can cause additional storm water runoff due to lack of absorption in the ground because of the compacted base material on which the artificial turf is installed;”

We have clay soil. It’s pretty much impenetrable to shovels or water so we have lots of runoff and a fantastic water recycling/reclamation center in Wylie and huge pipes leading to it. The compacted base used in synthetic turf installations is DG with the characteristics mentioned above.

That’s it! Highland Park forbid synthetic turf on those “grounds” and now the city of Murphy is using this as a model? What exactly does that mean? How can this be?

With all due respect, Murphy government officials, Council members, and lawyers, isn’t this stretching the Councils credibility, not to mention its sanity, to prohibit synthetic turf using this as a guide? How contrived all this is for one household out of six thousand who just wants to help make Murphy beautiful, and save water, time and money! Is this what “crystal clear” means? **Agreeing to this contrivance is dishonest.**

Environmentally friendly, cost effective, low maintenance and beautiful, synthetic turf is definitely the direction of the future for an expanding, vibrant community. The City of Murphy would be negligent with respect to our future water needs by not allowing homeowners to take advantage of this valuable resource now. You should encourage rather than prohibit the use of synthetic turf.

Sincerely,

Richard & Pat Haddock

Issue

Discuss the Water Conservation Plan as approved by City Council on July 15, 2014.

Background

The Texas Commission on Environmental Quality (TCEQ) and the North Texas Municipal Water District (NTMWD) required the City to adopt the revised April 2014 Water Conservation Plan. Staff reviewed the plans, discussed with City Council and Council approved on July 15, 2014.

Considerations

Councilmember Rob Thomas requested this item be brought back for further discussion; specifically to discuss information as received via email from Mr. Don Kiertscher.

- Reference was made to:
    - 7.5 Compulsory Landscape and Water Management Measure
    - 1 – Landscape Water Management Measures
    - Twelfth bullet item, top of page 7-3
        - "Require the owner of a regulated irrigation property to obtain an evaluation of any permanently installed irrigation system on a periodic basis. The irrigation evaluation shall be conducted by a licensed irrigator in the state of Texas and be submitted to your local water provider (i.e. city, water supply corporation)."
    - Section 2 – Definitions
        - "REGULAR IRRIGATION PROPERTY means any property that uses 1 million gallons of water or more for irrigation purposes in a single calendar year or is greater than 1 acre in size.
    - Concern was expressed about the use of the word 'or' in the above definition, specifically as it applied to those residents in Murphy with larger lots.

Attachments

Approved Water Conservation Plan, July 15, 2014

WATER CONSERVATION PLAN
CITY OF MURPHY

APRIL 2014

TABLE OF CONTENTS

LIST OF TABLES

APPENDICES

[b1]

1. INTRODUCTION AND OBJECTIVES

Water supply has always been a key issue in the development of Texas. In recent years, the increasing[b2] population and economic development of North Central Texas have led to growing demands for water supplies. At the same time, local and less expensive sources of water supply are largely already developed. Additional supplies to meet future demands will be expensive and difficult to secure. Severe drought conditions in recent years have highlighted the importance of efficient use of our existing supplies to make them last as long as possible. [b3]This will delay the need for new supplies, minimize the environmental impacts associated with developing new supplies, and delay the high cost of additional water supply development.

Recognizing the need for efficient use of existing water supplies, the Texas Commission on Environmental Quality (TCEQ) has developed guidelines and requirements governing the development of water conservation and drought contingency plans[b4] for wholesale[b5] water suppliers[2]. The TCEQ guidelines and requirements for wholesale[b6] suppliers are included in Appendix B. The North Texas Municipal Water District (NTMWD) has developed this model water conservation plan pursuant to TCEQ guidelines and requirements. The best management practices established by the Water Conservation Implementation Task Force[3] were also considered in the development of the water conservation measures.

This model water conservation plan includes measures that are intended to result in ongoing, long-term water savings. This plan replaces the previous plans dated August 2004, April 2006 and March 2008[4][b7].

The objectives of this water conservation plan are as follows:

- To reduce water consumption from the levels that would prevail without conservation efforts.
- To reduce the loss and waste of water.
- To improve efficiency in the use of water.
- Encourage efficient outdoor water use.[b8]
- To document the level of recycling and reuse in the water supply.

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

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

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

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

[1] Superscripted numbers match references listed in Appendix A.

2. DEFINITIONS

1. ATHLETIC FIELD means a public sports competition field, the essential feature of which is turf grass, used primarily for organized sports practice, competition or exhibition events for schools, professional sports, or sanctioned league play.

2. COOL SEASON GRASSES are varieties of turf grass that grow best in cool climates primarily in northern and central regions of the U.S. Cool season grasses include perennial and annual rye grass, Kentucky blue grass and fescues.
3. CUSTOMERS include those entities to whom NTMWD provides water on a customer basis that are not members of NTMWD.

4. EVAPOTRANSPIRATION abbreviated as ET represents the amount of water lost from plant material to evaporation and transpiration. The amount of ET can be estimated based on the temperature, wind, and relative humidity.

5. ET/SMART CONTROLLERS are irrigation controllers that adjust their schedule and run times based on weather (ET) data. These controllers are designed to replace the amount of water lost to evapotranspiration.

6. EXECUTIVE DIRECTOR means the Executive Director of the North Texas Municipal Water District and includes a person the Director has designated to administer or perform any task, duty, function, role, or action related to this plan or on behalf of the Executive Director.

7. INSTITUTIONAL USE means the use of water by an establishment dedicated to public service, such as a school, university, church, hospital, nursing home, prison or government facility. All facilities dedicated to public service are considered institutional regardless of ownership.

8. MEMBER CITIES include the cities of Allen, Farmersville, Forney, Frisco, Garland, McKinney, Mesquite, Plano, Princeton, Richardson, Rockwall, Royce City, and Wylie, Texas.

9. MULTI-FAMILY PROPERTY means a property containing five or more dwelling units.

10. MUNICIPAL USE means the use of potable water provided by a public water supplier as well as the use of treated wastewater effluent for residential, commercial, industrial, agricultural, institutional, and wholesale uses.

11. RECLAIMED WATER means reclaimed municipal wastewater that has been treated to a quality that meets or exceeds the minimum standards of the 30 Texas Administrative Code, Chapter 210 and is used for lawn irrigation, industry, or other non-potable purposes.

12. REGULATED IRRIGATION PROPERTY means any property that uses 1 million gallons of water or more for irrigation purposes in a single calendar year or is greater than 1 acre in size.

13. RESIDENTIAL GALLONS PER CAPITA PER DAY (Residential GPCD) the total gallons sold for residential use by a public water supplier divided by the residential population served and then divided by the number of days in the year.

14. TOTAL GALLONS PER CAPITA PER DAY (Total GPCD) The total amount of water diverted and/or pumped for potable use divided by the total permanent population divided by the days of the year. Diversion volumes of reuse as defined in TAC 288.1 shall be credited against total diversion volumes for the purposes of calculating GPCD for targets and goals.

15. WATER CONSERVATION PLAN means this water conservation plan approved and adopted by the NTMWD Board of Directors in 2014.

[b9]

3. REGULATORY BASIS FOR WATER CONSERVATION PLAN

3.1 TCEQ Rules Governing Conservation Plans

The TCEQ rules governing development of water conservation plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 of the Texas Administrative Code, which is included in Appendix B. For the purpose of these rules, a water conservation plan is defined as "A strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water[2]." The elements in the TCEQ water conservation rules covered in this conservation plan are listed below.

<u>Minimum Conservation Plan Requirements</u>

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

- 288.2(a)(1)(A) – Utility Profile – Section 4[b10] and Appendix C
- 288.2(a)(1)(B) – Specification of Goals – Section 5[b11]
- 288.2(a)(1)(C) – Specific, Quantified Goals – Section 5[b12]
- 288.2(a)(1)(D) – Accurate Metering – Section 6.1.1[b13]
- 288.2(a)(1)(E) – Universal Metering – Section 6.1.2[b14]
- 288.2(a)(1)(F) – Determination and Control of Water Loss – Section 6.1.3[b15]
- 288.2(a)(1)(G) – Public Education and Information Program – Section 6.2[b16]
- 288.2(a)(1)(H) – Non-Promotional Water Rate Structure – Section 7.1[b17]
- 288.2(a)(1)(I) – Reservoir System Operation Plan – Section 6.3[b18]
- 288.2(a)(1)(J) – Means of Implementation and Enforcement – Section 8[b19]
- 288.2(a)(1)(K) – Coordination with Regional Water Planning Group – Section 6.4 [b20]and Appendix F
- 288.2(c) – Review and Update of Plan – Section 9[b21]

Conservation Additional Requirements (Population over 5,000)

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

Additional Conservation Strategies

The TCEQ requires that a water conservation implementation report be completed and submitted on an annual basis. The template for this report is included in Appendix H.[b22]

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

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

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

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

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

In addition to TCEQ rules regarding water conservation, this plan also incorporates elements of the Guidance and Methodology for Reporting on Water Conservation and Water Use developed by TWDB and TCEQ, in consultation with the Water Conservation Advisory Council (the “Guidance”). The Guidance was developed in response to a charge by the 82nd Texas Legislature to develop water use and calculation methodology and guidance for preparation of water use reports and water conservation plans in accordance with TCEQ rules.[b23]

4. WATER UTILITY PROFILE[b24]

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

5. SPECIFICATION[b25] OF WATER CONSERVATION GOALS

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

- Maintain the total and residential per capita water use below the specified amount in gallons per capita per day in a dry year, as shown in the completed Table 5-1[b26].
- Maintain the water loss percentage in the system below 12 percent annually in 2013 and subsequent years, as discussed in Section 6.1.3. [b27](The 12 percent goal for water loss is recommended but is not required. Systems with long distances between customers may adopt a higher percent water loss goal.)
- Implement and maintain a program of universal metering and meter replacement and repair, as discussed in Section 6.1.2[b28].
- Increase efficient water usage through a water conservation ordinance, order or resolution as discussed in Section 7.5 and Appendix E. (This ordinance is required by the NTMWD.)[b29]
- Decrease waste in lawn irrigation by implementation and enforcement of landscape water management regulations, as discussed in Section 7.6[b30]. (These landscape water management regulations are recommended but are not required.)
- Raise public awareness of water conservation and encourage responsible public behavior by a public education and information program, as discussed in Section 6.2.
- Develop a system specific strategy to conserve water during peak demands, thereby reducing the peak use.

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

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

1. Water Loss GPCD = (Total Water Loss ÷ Permanent Population) ÷ 365
2. Water Loss Percentage = (Total Water Loss ÷Total Gallons in System) x 100; or (Water Loss GPCD ÷ Total GPCD) x 100

[b31]

6. BASIC WATER CONSERVATION STRATEGIES[b32]

6.1 Metering[b33], Water Use Records, Control of Water Loss, and Leak Detection and Repair

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

6.1.1 Accurate[b34] Metering of Treated Water Deliveries from NTMWD

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

6.1.2 Metering[b35] of Customer and Public Uses and Meter Testing, Repair, and Replacement

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

The City of Murphy tests and replaces their customer meters on a regular basis. All customer meters should be replaced on a minimum of a 15-year cycle. [b36]

6.1.3 Determination[b37] and Control of Water Loss

Total water loss [b38]is the difference between water delivered to the City of Murphy from NTMWD and metered water sales to customers plus authorized for use but not sold. (Authorized for use but not sold would include use for fire fighting, releases for flushing of lines, uses associated with new construction, etc.) Total water loss includes three categories:[b39]

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

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

Measures to control water loss should be part of the routine operations of the City of Murphy. Maintenance crews and personnel should look for and report evidence of leaks in the water distribution system. A leak detection and repair program is described in Section 6.1.4 [b40]below. Meter readers should watch for and report signs of illegal connections, so they can be quickly addressed.

Total water loss [b41]should be calculated in accordance with the provisions of Appendix H. With the measures described in this plan, City Of Murphy should maintain water loss percentage below 12 percent in 2013 and subsequent years. If total water loss exceeds this goal, the Member City or Customer should implement a more intensive audit to determine the source(s) of and reduce the water loss. The annual conservation report described below is the primary tool that should be used to monitor water loss.

6.1.4 Leak[b42] Detection and Repair

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

6.1.5 Record[b43] Management System

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

6.2 Continuing[b44] Public Education and Information Campaign

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

- Utilize the "Water IQ: Know Your Water" and other public education materials produced by the NTMWD.
- Insert water conservation information with water bills. Inserts will include material developed by the City of Murphy staff and material obtained from the TWDB, the TCEQ, and other sources.
- Encourage local media coverage of water conservation issues and the importance of water conservation.
- Notify local organizations, schools, and civic groups that the City of Murphy staff and staff of the NTMWD are available to make presentations on the importance of water conservation and ways to save water.
- Promote the *Texas Smartscape* web site (www.txsmartscape.com) and provide water conservation brochures and other water conservation materials available to the public at City Hall and other public places.
- Make information on water conservation available on its website (if applicable) and include links to the "Water IQ: Know Your Water" website, *Texas Smartscape* website and to information on water conservation on the TWDB and TCEQ web sites and other resources.
- NTMWD is an EPA Water Sense Partner and participates in the EPA Water Sense sponsored "Fix a Leak Week." NTMWD encourages all member cities and customers to become EPA Water Sense Partners.
- Utilize the Water My Yard website and encourage customers to sign-up to receive weekly watering advice.[b45]

6.3 NTMWD System Operation Plan

The City of Murphy purchases treated water from NTMWD. The City of Murphy does not have surface water supplies for which to implement a system operation plan. NTMWD operates multiple sources of water supply as a system. The operation of the reservoir system is intended to optimize the use of the District's sources (within the constraints of existing water rights) while minimizing energy use cost for pumping, maintaining water quality, minimizing potential impacts on recreational users of the reservoirs and fish and wildlife. [b46]

6.4 Coordination[b47] with Regional Water Planning Group and NTMWD

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

6.5 Requirement[b48] for Water Conservation Plans by Wholesale Customers

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

7. ENHANCED WATER CONSERVATION STRATEGIES

7.1 Water Rate Structure

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

[b49]

7.2 Ordinances[b50], Plumbing Codes, or Rules on Water-Conserving Fixtures

The state has required water-conserving fixtures in new construction and renovations since 1992. The state standards call for flows of no more than 2.5 gallons per minute (gpm) for faucets, 2.5 gpm [b51]for showerheads, and 1.6 gallons per flush for toilets. Similar standards are now required nationally under federal law. These state and federal standards assure that all new construction and renovations will use water-conserving fixtures. Rebate programs to encourage replacement of older fixtures with water conservation programs are discussed in Section 7.6.[b52]

7.3 Reuse[b53] and Recycling of Wastewater

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

7.4 Interactive Weather Stations / Water My Yard Program

NTMWD has developed the Water My Yard program to install weather stations throughout its service area to provide consumers with a weekly e-mail and information through the Water My Yard website in determining an adequate amount of supplemental water that is needed to maintain healthy grass in specific locations. This service represents the largest network of weather stations providing ET-based irrigation recommendations in the State of Texas, and provides the public advanced information regarding outdoor irrigation needs, thereby reducing water use. Through a series of selections on the type of irrigation system a consumer has, a weekly email is provided that will determine how long (in minutes) that an irrigation system needs to run based on the past seven days of weather. This recommendation provides the actual amount of supplemental water that is required for a healthy lawn based on research of the Texas A&M Agrilife Extension Service and proven technologies. This innovative program has been available to those within the NTMWD service area since May 2013.[b54]

7.5 Compulsory[b55] Landscape and Water Management Measures

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

1. **Landscape Water Management Measures**

- Limit landscape watering with sprinklers or irrigation systems at each service address to no more than two days per week (April 1 – October 31), with education that less than twice per week is usually adequate. Additional watering of landscape may be provided by hand-held hose with shutoff nozzle, use of dedicated irrigation drip zones, and/or soaker hose provided no runoff occurs.[b56]
- Limit landscape watering with sprinklers or irrigation systems at each service address to no more than one day per week beginning November 1 and ending March 31 of each year, with education that less than once per week is usually adequate.[b57]
- Prohibit lawn irrigation watering from 10 AM to 6 PM (April 1 – October 31).
- Prohibit the use or irrigation systems that water impervious surfaces. (Wind driven water drift will be taken into consideration.)
- Prohibit outdoor watering during precipitation or freeze events.
- Prohibition of use of poorly maintained sprinkler systems that waste water.[b58]
- Prohibit excess water runoff or other obvious waste.[b59]
- Require rain and freeze sensors and/or ET or Smart controllers on all new irrigation systems. Rain and freeze sensors and/or ET or Smart controllers must be maintained to function properly.
- Prohibit overseeding, sodding, sprigging, broadcasting or plugging with cool season grasses or watering cool season grasses, except for golf courses and athletic fields.
- Require that irrigation systems be inspected at the same time as initial backflow preventer inspection.
- Requirement that all new irrigation systems be in compliance with state design and installation regulations (TAC Title 30, Part 1, Chapter 344).

- Require the owner of a regulated irrigation property to obtain an evaluation of any permanently installed irrigation system on a periodic basis. The irrigation evaluation shall be conducted by an licensed irrigator in the state of Texas and be submitted to your local water provider (i.e., city, water supply corporation).[b60]

2. Additional Water Management Measures

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

The City of Murphy is responsible for developing regulations, ordinances, policies, or procedures for enforcement of water conservation guidelines.[b61]

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

7.6 Additional Water Conservation Measures (Not Required)

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

1. Landscape Water Management Regulations

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

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

2. Landscape Ordinance

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

3. Water Audits

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

4. Rebates

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

7.7 Monitoring[b62] of Effectiveness and Efficiency - Annual Water Conservation Report

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

7.8 Water[b63] Conservation Implementation Report

Appendix H includes the TCEQ-required water conservation implementation report. The report is due to the TCEQ by May 1 of every year. This report lists the various water conservation strategies that have been implemented, including the date the strategy was implemented. The report also calls for the five-year and ten-year per capita water use goals from the previous water conservation plan. The reporting entity must answer whether or not these goals have been met and if not, why not. The amount of water saved is also requested.

8. IMPLEMENTATION[b64] AND ENFORCEMENT OF THE WATER CONSERVATION PLAN

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

9. REVIEW[b65] AND UPDATE OF WATER CONSERVATION PLAN

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

Issue
Hold a public hearing and consider and/or act on the request from MCDC to amend the FY 2014 MCDC Budget to fund an Event Coordinator (Recreation Department) for the remainder of FY 2014.

Background
At the June 16, 2014 MCDC meeting, staff discussed the need for a position dedicated to community events. The board requested that staff return to the July 21, 2014 meeting with a request and justification for the remainder of the current fiscal year as well as the request within the FY 2015 Budget.

Summary
Recreation Department considerations for the FY 2015 MCDC budget year include the addition of a Community Events Coordinator staff member (MCDC funded). Staff recommended to the board and at their request that the addition of the Community Events coordinator position not be delayed until the new budget year. Staff recommended consideration to begin the hiring process for a community events coordinator position within the current FY 2014 budget year.

Considerations
In 2013, the City of Murphy held 8 community events. In 2014/2015, the City of Murphy will hold 16(*) events.

December –	Christmas in the Park
February -	Rainbow Trout Roundup *
April –	Experience Murphy *
	Spring Keep Murphy Beautiful Event
	Miscellaneous – Historical Society event host 2015 *
May –	Moonlight Movies (four evening movies)
June –	Sounds at Sundown (three evening concerts)*
	Flag Day celebration *
September –	Maize Days
October –	Animal Shelter Grand Opening and Howl-o-ween Fest (possibly annual) *
	Arbor Day Celebration *

Currently, the Recreation Department has 3 full time and 4 part time staff. The Recreation Staff operates the MCC and MAC, coordinates programming, memberships, field/pavilion/room reservations, and volunteers.

The responsibility of 16 Community Events, including planning/managing, marketing, promotion, staffing, volunteer coordination and vendor management falls on the Manager of Recreation Services in addition to the operations stated above.

Dedicated staff for community programs and special events (Community Events Coordinator) is needed to cover 16 planned city events in 2014.

Financial Considerations

To fund the requested position for the remainder of MCDC FY 2014, in addition to office set up costs and benefits, a MCDC budget amendment of $15,000 would be necessary. Additionally, the position would be requested for continuation in FY 2015 MCDC budget at an annual cost of $67,600 including benefits and associated position costs as noted on the attached budget sheet.

Attachment

Job Description – Community Events Coordinator
FY 2014 Budget Worksheet – Community Events Coordinator

Action Requested

Recommend amending the FY 2014 MCDC Budget to fund an Event Coordinator (Recreation Department) for the remainder of MCDC FY 2014.

CITY OF MURPHY STATUS: Non-exempt Salary Range: $17.31/hr. – $20.19/hr.	**SPECIAL EVENTS COORDINATOR**	RECREATION DEPARTMENT Created: 7/2014 Revised

JOB SUMMARY

Under direction of the Manager of Recreation Services, plans, creates and implements a department wide marketing strategy for, activities and community events. Plans, oversees, coordinates, promotes and facilitates special events and community events that enrich the lives of the participants including but not limited to seniors, youth and adults. The Community Events Coordinator will work with local organizations and groups wishing to host special events in Murphy. They will also work with local organizations and groups interested in hosting special events within Murphy City limits. This addition to the Recreation Department will allow for more efficient and effective function of the department as a whole.

ESSENTIAL DUTIES AND RESPONSIBILITIES

- Develops and promotes special events for the community with the guidance of the Manager of Recreation Services.
- Informs the community of recreational opportunities and events through advertising and promotions. Markets and promotes programs through recreation publications, newsletters, flyers and other media.
- Coordinates special events with local vendors, i.e., local businesses and schools.
- Maintains and recommends supply and equipment needs.
- Maintains records of special events.
- Coordinates and maintains community event planning and advertising.
- Assists in the administration of special events.
- Develops, promotes, and coordinates internal special events within the organization.
- Conducts research on various topics as needed to enhance programs and special events.
- Informs Manager of Recreation Services of all work-related activities. Evaluates events and makes changes if necessary. Makes recommendations for the addition of new special events.
- Initiates, coordinates, implements and organizes city-sponsored activities and events.
- Informs the community of community events through advertising and promotions. Markets and promotes events through publications, newsletters, flyers and other media
- Assists with all Center reservations as needed.
- Negotiates and coordinates event contracts with vendors; solicits sponsors for special events; obtains required license agreements and permits for each event; ensures compliance with applicable standards.
- Contacts local and regional businesses and organizations for program support and participation.
- Ability to work varied hours and days, including weekends; manage events and programs within budgetary allocation; ability to establish and maintain effective relationships with youth groups, civic organizations, boards, citizens and co-workers. Ability to work independently and manage multiple projects.
- Adheres to the charter, personnel, safety, and divisional policies and procedures of the City.
- Assists other departments with respective events.
- This staff member will also coordinate volunteer services associated with special events and serve on the Green Team Committee as well as lead the Events Execution Team.
- Performs other related duties as assigned.

KNOWLEDGE, SKILLS AND ABILITIES

- Must have excellent leadership, organizational and communicative skills, both oral and written. Must be a creative self-starter who can work independently or in a group setting. A great deal of diplomacy is required in daily interactions with members of the public. To perform the essential functions of the job, must be able to perform physical activities to include kneeling, bending, twisting, dragging, pushing, pulling and lifting up to 50 lbs of various recreational and athletic equipment; to talk, see, hear, and read; to work in adverse environmental conditions; and to maintain an effective and pleasant working relationship with citizens, the general public, employees, and volunteers. Must be able to work various hours, including evenings and weekends as required. Knowledge of recreational registration software is preferred.

PERSONAL CHARACTERISTICS:

Is responsible for encouraging and facilitating a harmonious working environment. To that end, the following interpersonal and personal characteristics are expected:

a. Displays enthusiasm for the job, which includes attendance, performance, and conduct;

b. Ability to work effectively and cohesively with others;

c. Displays courteous, respectful, and polite demeanor towards co-workers and members of the public; and,

d. Recognizes the importance of being a team member that creates a positive working environment.

EDUCATION, EXPERIENCE AND CERTIFICATION

A high school diploma or GED required; Bachelor's degree in Parks and Recreation, Hotel Management, Special Event Planning or related field is preferred; five years of related experience may substitute for a degree. Must have at least three years experience in Parks and Recreation, Hotel Management, Special Event Planning or related field, or any equivalent combination of experience and education. Experience in city or community event planning is preferred. Must possess valid State of Texas class C driver’s license.

City of Murphy
FY 14 Budget
Staffing Justification

1.1

No. of New Staff:	
Reclassification	

Position Title: Events Coordinator

Justification of additional Staff: Include any potential savings and impact on other departments

Plan: Hire a Full-time Events Coordinator within the Recreation Department for the remainder of FY 2014 and requested for continuation in FY 2015

Financial Impact: An annual increase for the remainder of FY 2014 of **$15,000** including TMRS and social security to be funded by 4B.

Dedicated staff for community programs and special events is need to cover 16 planned city events for FY15. A Community Events Coordinator will work with local organizations and groups wishing to host special events in Murphy. This person will be responsible for planning, marketing, promotion and execution of all city special events (16 planned for FY2015). They will also work with local organizations and groups interested in hosting special events within Murphy City limits. This staff member will also coordinate volunteer services associated with special events and serve on the Green Team Committee as well as lead the Events Execution Team. This addition to the Recreation Department will allow for more efficient and effective function of the department as a whole.

Consequences of not funding Staff:

In order to allow the entire recreation and special events department to run as effectively and efficiently as possible, it is necessary for the addition of a full time special events coordinator position. There will not be dedicatied staff for community programs and special events is need to cover 16 planned city events for FY15. If this position is not funded, the duties and responsibiliites of all 16 Community Events, including, planning managing, marketing, promotion, staffining, volunteer coordination and vendor management will continue to fall on the Manager of Recreation services. Adminitstrative responsibilities, marketing, promotions of all events and programs, community relations, recreation facility oversite and management as well as recreation staff oversight and management will continue to suffer due to the growing duties and responsibilies of the Manager of Recreation Services.

Account Number and Cost of Staff:	Amount
XX-5XXX-1001-0000 Salaries	6,334
XX-5XXX-1005-0000 Overtime	200
XX-5XXX-1009-0000 TMRS	920
XX-5XXX-1011-0000 Social Security	95
XX-5XXX-1012-0000 Group Insurance	2,478
XX-5XXX-1016-0000 Certifications	
Total Personnel	**10,027**
Rounding	**10,100**
XX-5XXX-2101-0000 General Office Supplies	100
XX-5XXX-2204-0000 Motor Vehicle Fuel	
XX-5XXX-2209-0000 Uniforms	100
XX-5XXX-2220-0000 Laundry and Cleaning	
XX-5XXX-2312-0000 Motor Vehicle Supplies	
XX-5XXX-2441-0000 Safety Equipment	
Total Supplies	**200**
Rounding	**200**
XX-5XXX-3203-0000 Travel and Training	-
XX-5XXX-3405-0000 Workers Comp	20
XX-5XXX-3703-0000 Cell/Pagers/Radios	140
XX-5XXX-3901-0000 Dues & Memberships	-
Total Contractual	**160**
Rounding	**200**
XX-5XXX-4390-0000 Hardware and Software	2,000
XX-5XXX-4304-0000 Motor Vehicle	
XX-5XXX-4301-0000 Furniture & Fixtures	2,500
Total Capital	**4,500**
Rounding	**4,500**
Total	**$ 15,000**

City Council Meeting
August 5, 2014

Issue
Consider and take action, if any, on the request to take FM 2551 (North Murphy Road) off of the Texas State Highway System and authorize the City Manager execute an agreement.

Staff Resource/Department
James Fisher, City Manager

Summary
The City has been in discussions with the State since late last year about the possibility of taking this road off of the State system. The reason for this discussion is the City's desire to implement measures in the Safe Routes to School funding program on North Murphy Road that are not currently allowed on State roads. These measures include enhanced crosswalks with lights, midblock crossings, colored textured pavement at crosswalks and improved signage. The City has asked for these items so that North Murphy Road will be a friendlier road for pedestrians to cross when needed.

Background/History
North Murphy Road (FM 2551) is a two lane asphalt road that runs from FM 544 in Murphy north through Allen. The State is currently rebuilding and expanding this road from 2 lanes to six lanes from FM 544 to Parker Road. The new road will be 8" of reinforced concrete, on top of 10 inches of lime with a compacted subgrade. The continuous concrete will be stronger and will cause lesser of an issue than the concrete panels (what you see and feel) on FM 544.

Financial Considerations
TxDot has provided an estimate of maintenance cost for a 30 year period of approximately $380,185. The State will not be providing any funds to take the road off system because they are providing a new road to the City. Due to the construction of the road, there should be very little maintenance cost in the first 10 years other than signal maintenance and striping. The budgeted amount for signal maintenance for FY 15 is approximately $24,000.

Other Considerations
The Texas Department of Transportation, Texas Municipal League and the Association of Texas Metropolitan Planning Organizations passed a memorandum of understanding outlining the voluntary turnback program of state roads to cities. This MOU was a result of conversations about the State's desire to turn over state roads that are primarily located within city jurisdictions.

Action Requested
Authorize the City Manager to execute an agreement to take FM 2551 off the State system from FM 544 north to the Murphy city limits.

Attachments
TxDOT July 18, 2014 and January 22, 2014 letters
City Engineer Memo dated 1/29/14
Maintenance Cost spreadsheet
Memorandum of Understanding regarding voluntary turnback program

Texas Department of Transportation
125 EAST 11TH STREET | AUSTIN, TEXAS 78701-2483 | (512) 463-8700 | WWW.TXDOT.GOV

P.O. Box 90, McKinney, Texas 75069-0090
July 18, 2014

Mr. James Fisher
City Manager
City of Murphy
206 North Murphy Road
Murphy, TX 75094

Re: FM 2551 CSJ: 2056-01-045

Dear Mr. Fisher:

This letter is in addition to our follow up letter dated January 22, 2014 in response to your January 10, 2014 letter informing us of the City of Murphy's intent, subject to Council approval, to remove FM 2551 from the Texas State Highway System upon completion of the FM 2551 reconstruction project. We do understand the city's concern regarding availability of potential funding in the Department's Turnback Program.

As previously discussed, there will not be any advance monetary payment made available to the City of Murphy for the removal of FM 2551 from the Texas State Highway System. It is our policy that any incentive to remove roadways from the State system will be through payment made "in-kind". Further, we have determined that a 10-year maintenance cost is appropriate based on the information previously provided to the city. The estimated 10-year maintenance cost is approximately $50,000.00

Additionally, as discussed at our December 18, 2013 meeting, we will work with the City of Murphy to install the stamped concrete crossings with the ongoing reconstruction project due to timing issues created by the construction of Murphy's Safe Routes to School project. The current estimated cost to install the stamped concrete crossings is estimated to be approximately $50,000.00 for the proposed crossings at Spring Ridge and the midblock crossing near Windsor. As our staff has discussed with you previously, these pedestrian crossings do not meet conform to current TxDOT design standards and practices. As a result, removal of FM 2551 from the State system as agreed is in the best interest of both the City of Murphy and TxDOT.

If you have any questions, please contact me at 972-542-2345.

Sincerely,

Barry Heard

Barry Heard, P.E.
Collin County Area Engineer

cc: Selman
Woodruff

MAINTENANCE COST
FOR FM 2551 (30 YEARS)

Roadway:	FM 2551	County:	Collin
Control-Section:	2056-01	Priority:	
ADT:			
Limits:	From: MAXWELL CK To: FM 544		

FROM STATION / REF. MARKER	TO STATION / REF. MARKER	LENGTH (FT)	ROADWAY WIDTH (FT)	RT. SHOULDER WIDTH (FT) *	LT. SHOULDER WIDTH (FT) *	CONTINUOUS LEFT TURN LANE	DIVIDED

CONCRETE PVMT REPAIR	QUANTITY	BID PRICE**	EST. COST
FULL DEPTH CONC REPAIR	1408	$158.00	$222,464.00
STRIPING	**QUANTITY**	**BID PRICE****	**EST. COST**
SOLID YELLOW (4 IN) DOUBLE NO PASSING (LF X 2)		$0.50	$0.00
SOLID YELLOW (4 IN) SINGLE NO PASSING (LF)		$0.50	$0.00
SOLID YELLOW (4 IN) CONTINUOUS LEFT TURN LANE (LF X 2)		$0.50	$0.00
SOLID YELLOW (4 IN) EDGE LINE (LF)	32100	$0.65	$20,865.00
PAVEMENT SEALER (LF)		$0.30	$0.00
SOLID WHITE (4 IN) (LF)	32,100	$0.65	$20,865.00
BROKEN WHITE (4 IN) (LF)	22689	$0.65	$14,747.85
SOLID WHITE (8 IN) (LF)		$1.75	$0.00
STOP BARS (24 IN) (LF)	2220	$4.00	$8,880.00
CROSSWALKS (12 IN) (LF)		$2.00	$0.00
WORDS (EA)	55	$110.00	$6,050.00
ARROWS (EA)	55	$110.00	$6,050.00
RR CROSSINGS (EA)	6	$425.00	$2,550.00
RAISED PAVEMENT MARKERS	**QUANTITY**	**BID PRICE****	**EST. COST**
TYPE I-C (EA)		$3.25	$0.00
TYPE II-C-R (EA)	622	$4.00	$2,488.00
TYPE II-A-A (EA)		$3.00	$0.00
TRAFFIC SIGNAL MAINTENANCE	**QUANTITY**	**BID PRICE****	**EST. COST**
ANNUAL COST FOR A TRAFFIC SIGNAL	3	$5,500	$ 16,500.00
MISCELLANEOUS	**QUANTITY**	**BID PRICE****	**EST. COST**
MOWING (AC)***	652.5	$50.00	$32,625.00
HERBICIDE(AC)	652.5	$40.00	$26,100.00
			$0.00
			$0.00

INFLATION TABLE

NO. OF YEARS	TODAYS TOTAL COST	RATE/ YEAR	FUTURE COST IN NO. OF YEARS
	$380,184.85	0	$380,184.85

TOTAL ESTIMATED COST: $380,184.85

$12,672.83 AVG PER YEAR

$1,056.07 AVG LANE MILE PER YEAR

YR	HERB-MOWING	STRIPE	PVMT RPR	TOTAL
1	$1,957.50	0	0	$1,957.50
2	$1,957.50	0	0	$1,957.50
3	$1,957.50	8250	0	$10,207.50
4	$1,957.50	0	0	$1,957.50
5	$1,957.50	0	0	$1,957.50
6	$1,957.50	8250	0	$10,207.50
7	$1,957.50	0	0	$1,957.50
8	$1,957.50	0	0	$1,957.50
9	$1,957.50	6250	0	$10,207.50
10	$1,957.50	0	0	$1,957.50
11	$1,957.50	0	0	$1,957.50
12	$1,957.50	8250	0	$10,207.50
13	$1,957.50	0	15000	$16,957.50
14	$1,957.50	0	0	$1,957.50
15	$1,957.50	8250	15000	$25,207.50
16	$1,957.50	0	0	$1,957.50
17	$1,957.50	0	20000	$21,957.50
16	$1,957.50	8250	0	$10,207.50
19	$1,957.50	0	20000	$21,957.50
20	$1,957.50	0	0	$1,957.50
21	$1,957.50	8250	20000	$30,207.50
22	$1,957.50	0	0	$1,957.50
23	$1,957.50	0	33000	$34,957.50
24	$1,957.50	8250	0	$10,207.50
25	$1,957.50	0	33000	$34,957.50
26	$1,957.50	0	0	$1,957.50
27	$1,957.50	8250	33000	$43,207.50
28	$1,957.50	0	0	$1,957.50
29	$1,957.50	0	33464	$35,421.50
30	$1,952.50	8250	0	$10,202.50
				$363,684.00

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS
11910 Greenville Ave., Suite 600 Dallas, Texas 75243 Fax (214) 461-8390 Phone (214) 361-7900

MEMORANDUM

To: Mr. James Fisher
City Manager
City of Murphy
206 N. Murphy Road
Murphy, Texas 75094

From: Gary C. Hendricks, P.E., R.P.L.S.

Gary C. Hendricks

Digitally signed by Gary C. Hendricks
DN: cn=Gary C. Hendricks, o=Birkhoff, Hendricks and Carter, LLP, ou, email=ghendricks@bhcllp.com, c=US
Date: 2014.01.29 17:16:29 -06'00'

Date: January 29, 2014

Subject: F.M. 2551 – (N. Murphy Road) - TxDOT Off System Considerations

---

This memorandum documents our discussions regarding the concept of the City of Murphy petitioning the Texas Department of Transportation to take F.M. 2551 "off system" from F.M. 544 to the City's northern City Limits. Here are a few items to consider:

1) **Roadway Design,Typical Section and Life Cycle:**

TxDOT's roadway design for this segment of FM 2551 is 8-inches of reinforced concrete over 4-inches of hot mix asphalt concrete base, over 10-inches of lime treated and compacted subgrade. This is a robust roadway design section that the City can reasonably expect to perform with heavy traffic loads for at least a 30-year life cycle. For comparison, most of the City's arterial streets (including Betsy and McCreary) are usually 8-inches of reinforced concrete on an 8-inch lime stabilized subgrade.

Further, South Murphy Road (constructed similar to Betsy Lane and McCreary Road) has been in service since about 2000, or about 14-years. We are not aware of any significant roadway failures or repairs required for this segment of roaday.

2) **TxDOT's Construction Contract and Maintenance Period:**

Once the new roadway is complete, TxDOT's contractor is responsible for the first two-years of repairs, should any be required. Further, TxDOT has full-time inspectors observing and providing quality control reassurance on all phases of the work.

3) **Traffic Signals Operation and Maintenance:**

Once the TxDOT project is complete, there will be at least 3 and perhaps 4 traffic signals that will need to be maintained. The City of Murphy could explore the possibility of having the traffic signals operated and maintained through an Interlocal agreement with the City of Plano or the City of Wylie.

Pavement Markings and Signage Maintenance:

The pavement markings and signage along the FM 2551 cooridore will require maintenance above and beyond operational and maintenance levels sufficient for residential roadways. However, the operation and maintenance of this cooridore is not expected to be any more effort or expense than that of S. Murphy Road from F.M. 544 to the southern City Limits.

4) **Drainage System Operation and Maintenance:**

There are 4-drainage system outfalls on this segment of roadway, each discharging into existing open and/or natural drainage channels. Currently the City of Murphy maintains these TxDOTdrainage courses using their own forces; therefore it appears no additional maintenace burden is added.

5) **Parkway and Median Maintenance:**

Currently, the City of Murphy mows and maintains the parkways within the TxDOT right-of-way. Once the project is complete, the parkways will be reduced in size and a median added. No significant, if any, change in maintenance requirements.

6) **Parkway and Median Irrigation:**

If F.M. 2551 is taken off system, we recommend the City endeavor to have TxDOT install irrigation sleeves at appropriate locations across the travel lanes to the median and across median openings during the on-going construction of the paving and drainage improvements.

7) **Rights of Way and Easements:**

If FM 2551 is taken off the TxDOT system of roadways, we recommend the ROW and associated drainage easements be conveyed to the City of Murphy. This could be a long and tedious process. See the attached TxDOT guidelines and checklist provided to the City of Wylie recently for a similar request in their city.

8) **Roadway Lighting:**

If FM 2551 is to be taken off system, we recommend the City endeavor to have TxDOT allow the installation of lighting conduit in the medians and across the median openings during the on-going construction of the paving and drainage improvements.

9) **Bridge Structure over Maxwell Creek (north end of project):**

The TxDOT bridge over Maxwell Creek could represent a long-term maintenance expense for the City. However, the annual inspection of the bridge could be done through the TxDOT's off-system bridge inspection program. Another approach to this item is to terminate the off-system request at the City's now current northern city limits. The Maxwell Creek bridge is in the City's ETJ and could possibly remain in the TxDOT system.

Texas Department of Transportation®
4777 US Highway 80 East • Mesquite, Texas 75150-6643 • (214) 320-6100

January 22, 2014

Mr. James Fisher
City Manager
City of Murphy
206 North Murphy Road
Murphy, Texas 75094

Re: FM 2551 CSJ: 2056-01-045

Dear Mr. Fisher:

Thank you for your letter dated January 10, 2014 informing us of the City of Murphy's intent, subject to Council approval, to remove FM 2551 from the Texas State Highway System upon completion of the FM 2551 reconstruction project. It is the Texas Department of Transportation's (TxDOT's) desire to complete an off-system agreement with the City of Murphy in the near future. As discussed at our meeting, it would be acceptable for the off-system request to be from FM 544 northward to the Murphy city limits.

Our goal is to work in partnership with communities implementing solutions, where possible, to safely manage mobility. We appreciate the opportunity to work with the City of Murphy as you develop comprehensive plans to manage the growth your city is experiencing. As we have discussed, utilizing the Safe Routes to School (SRTS) grant and conversion of FM 2551 from on-system to off-system are a few of the tools that can help accomplish the goal of safely managing mobility in a way that conforms to the unique characteristics of your city's comprehensive development plan. Specifically, taking an on-system roadway off the state highway system allows the city greater operational control; including the authority to determine access for development along the corridor, appropriate speed limits and desired aesthetics.

Currently, we are working with the City of Murphy's consultant, Freese & Nichols, Inc., to provide plans agreeable to both TxDOT and the city. While not mentioned at the meeting on December 18th, we have also been in discussion regarding a landscape development project along the corridor utilizing Green Ribbon funding. In regards to timing, state law requires that all work, including the current reconstruction project, SRTS project, and Green Ribbon project must be completed prior to official action removing FM 2551 from the Texas State Highway System. However, we would like to have the terms of the agreement and the final document both parties support completed, and ready to be acted upon once all work is completed.

If you have any questions, please contact Barry Heard, P.E. at 972-542-2345.

Sincerely,

William L. Hale

William L. Hale, P.E.
Dallas District Engineer

CITY OF
MURPHY
LIFE LIVED AT YOUR PACE

James Fisher
City Manager
jfisher@murphytx.org

206 North Murphy Road
Murphy, TX 75094
www.murphytx.org

January 10, 2014

Bill Hale, P.E.
District Engineer, Dallas
Texas Department of Transportation
P.O. Box 133067
Dallas, Texas 75313-6067

Re: FM 2551
North Murphy Road

Dear Mr. Hale,

Thank you for meeting with me and other city representatives on December 18th to discuss the construction improvements and the Safe Routes to School project on FM 2551 in Murphy. The City is very excited about the improvements and know that they will benefit the community and visitors for years to come. The Safe Routes to School project will allow our students and citizens to safely walk to the Plano ISD campuses, Murphy Central Park and to neighborhoods throughout Murphy. The City understands that in order to accomplish many of the improvements of the Safe Routes to School project in Murphy that FM 2551 will need to come off of the State Highway System.

I respectfully request that you consider taking FM 2551 off the system from FM 544 north to the bridge structures at Maxwell Creek. This will allow FM 2551 construction improvements to move forward with the Safe Routes to School implemented into those improvements. I realize that there are still many issues to be worked out between our entities regarding taking FM 2551 off system and I am looking forward to working with you on those issues. Also, please understand that the Murphy City Council must give their approval of this request to remove FM 2551 off system before it is official.

Thank you for your time and attention to this matter. Please feel free to contact me should you have any questions.

Sincerely.

James Fisher
City Manager

Cc: Mayor and City Council
Barry Heard, TxDOT Area Engineer

MEMORANDUM OF UNDERSTANDING REGARDING THE TEXAS DEPARTMENT OF TRANSPORTATION'S VOLUNTARY TURNBACK PROGRAM

This Memorandum of Understanding (MOU) is by and between the Texas Department of Transportation (TxDOT), an agency of the State of Texas; the Texas Municipal League (TML); and the Association of Texas Metropolitan Planning Organizations (TEMPO).

Whereas, TxDOT is the state agency that has traditionally maintained the state's highways;

Whereas, TML is a non-profit association consisting of 1,136 member cities;

Whereas, TEMPO represents the state's 25 metropolitan planning organizations;

Whereas, on August 13, 2013, TxDOT sent a letter to mayors and county judges in certain, populous areas of the state;

Whereas, that letter informed mayors and county judges of a newly-proposed "Highway Turnback Program" from TxDOT;

Whereas, on August 29, 2013, the Texas Transportation Commission (TTC) conducted a public meeting on the Turnback Program;

Whereas, numerous city and other local officials testified at the meeting, speaking primarily to clarify that the Turnback Program be voluntary on the part of cities;

Whereas, a select committee of city officials appointed by TML President Jungus Jordan, and leaders from TEMPO, met with TxDOT officials on January 6, 2014, to discuss cooperative efforts in relation to the Turnback Program;

Whereas, what was originally perceived by city officials as a unilateral, unfunded mandate on cities has become a cooperative effort between cities and TxDOT to address the state's highway maintenance needs;

Whereas, the committee met with TxDOT officials again on January 6 and February 7, 2014, to develop this written MOU governing the general parameters for TxDOT and the cities that voluntarily choose to take over control of certain state highways, as well as written confirmation of the program's voluntary nature.

Whereas, a city will own and have local control over a turned back highway, such as access management, parking, signage, markings, speed limits, signals, and other issues;

Whereas, Texas Transportation Code chapter 311 grants a city control over the streets within its city limits, Chapter 201 allows the TTC to remove a segment of the state highway system that it determines is not needed for the system, and Chapter 202 allows for the transfer of highway right-of-way no longer needed for a state highway purpose.

Now, therefore, TxDOT , TML, and TEMPO agree to and acknowledge the following in relation to the voluntary Turnback Program:

1. General Items:

    a. The Turnback Program is a cooperative program between cities and TxDOT.
    b. City participation in the program is voluntary.
    c. The objective of the Turnback Program is to transfer ownership of some state-owned roads, used primarily for local traffic purposes, to cities.
    d. TxDOT will ensure that a candidate highway is in satisfactory condition before a transfer occurs, and no highway will be turned back unless the city agrees that it is in satisfactory condition.
    e. The Turnback Program is available to any city within the boundaries of a metropolitan planning organization (MPO).

2. Financial Items:

    a. As an incentive to cities, TxDOT will use a portion of its future maintenance savings from the Turnback Program in a participating city in accordance with Sections 2(b) and (c) below and the local implementation plan under section 3 of this MOU (the "Turnback Expenditures").
    b. Turnback Expenditures in connection with the Turnback Program will be capped at a statewide total of $100 million and will be offered on a first come/first served basis.
    c. Turnback Expenditures will be used by TxDOT on eligible mobility, safety, and preservation projects within the same city that accepts the responsibilities for a turned back road pursuant to a local implementation plan.
    d. TxDOT will not use a city's refusal to accept a turned back highway as justification to reduce spending in the city or TxDOT district in which the city is located.
    e. A city should confirm with both TxDOT and its MPO that any highway accepted for turnback retains federal eligibility for funding as determined by state and federal law and rules. TxDOT will work with TEMPO to prevent financial harm to an MPO that contains a highway that is turned back to a city in that MPO.

f. Before transferring a highway to a city under the Turnback Program, TxDOT will implement any project currently in the State Transportation Improvement Plan and in its current four-year pavement preservation plan, and current local participation percentages will not be increased.
g. Bridges located on a turned back highway will retain their federal eligibility and continue to be on TxDOT's two-year inspection cycle. Before transferring a bridge currently programmed for replacement in TxDOT's four-year plan to a city under the Turnback Program, the bridge replacement will be completed at the current participation levels.

3. Local Implementation Plan:

a. A city, its MPO, and the local TxDOT district will meet and develop a local implementation plan for the highways within their region, including highways that: (1) do not fit the functional classification and need to remain as state highways; and (2) fit the functional classification and can be part of the voluntary Turnback Program.
b. If a city requests a transition or phasing plan to allow it to take over the responsibility for some highways over time to fit within its budgetary constraints and project scheduling, that phasing plan should be included.
c. The local implementation plan should jointly identify any immediate pavement maintenance needs on highways proposed to be transferred.
d. No binding commitments will be made during the development of the plan.
e. The local implementation plan will be reviewed and approved by TxDOT administration before submission to the city's governing body in order to maintain consistency and uniformity.
f. A city's municipal maintenance agreement will be updated to reflect the turned back highways.
g. The local implementation plan will be provided to the city's governing body for its consideration and approval.

4. Right-of-way Transfer:

a. The intent of the voluntary Turnback Program is to convey the real estate or right-of-way property that underlies a highway to the city at no cost to the city. Right-of-way value and administrative costs related to conveyance will not be deducted from TxDOT funding that would otherwise be spent in the city.
b. The appropriate mechanism for the transfer of the real estate ownership will depend upon the type of title that the state holds.
c. An adequate delineation or survey of the right-of-way that is legally sufficient to convey title to the real estate is required. This does not

necessarily require a new survey if a previous survey reflects a precise delineation of the right-of-way to be transferred to local ownership.

d. A quitclaim deed may be used for the state to generally disclaim any unrecorded and un-delineated rights that the state may have in order to clear the title to a highway. For instance, if the property interest was originally acquired and held by a city or county in its own name for use by the state, or if there is no record title to the property.

e. Title by deed may be used to convey state ownership to a city as described in section 202.021(e)(1) of the Texas Transportation Code, which provides the authority to transfer the title to the right-of-way in consideration of the savings of the estimated future cost of maintenance and operation of the public road.

5. Other Items:

   a. The parties will work together in good faith to ensure the effective and efficient implementation of TxDOT's voluntary Turnback Program.
   b. The parties will meet to re-evaluate the terms of this MOU on or about January 1 of each even-numbered year for the duration of this MOU's term.
   c. In the event there is a disagreement between TxDOT and TML or TEMPO about the implementation of the voluntary Turnback Program, the parties agree to meet within 30 days of receiving a written request from the other party of a desire to meet to resolve any disagreement. The parties will make good faith efforts to resolve any disagreement as efficiently as is reasonably possible.
   d. An amendment to this MOU must be in writing and signed by all parties.

This MOU becomes effective upon execution by all parties and automatically renews each year, unless a party notifies the other parties of its intent to terminate the agreement.

The following procedure shall be observed by the parties in regard to any notifications:

Any notice required or permitted to be given under this MOU shall be in writing and may be effected by personal delivery, by hand delivery through a courier or a delivery service, or by registered or certified mail, postage prepaid, return receipt requested, addressed to the proper party, at the address set forth below the signature of the party:

By: **Date:**

Texas Department of Transportation

James M Bass 4/4/14

Name: James M Bass
Executive Director
125 E. 11th Street
Austin, Texas 78701

Texas Municipal League

Jungus Jordan **3/28/2014**

Name: Jungus Jordan
President
1821 Rutherford Lane, Suite 400
Austin, Texas 78754

Texas Association of Metropolitan Planning Organizations

Ashby Johnson **3/28/2014**

Name: Ashby Johnson
Executive Director
c/o Houston-Galveston Area Council (HGAC)
P.O. Box 22777
Houston, TX 77227-2777

City Council Meeting
August 5, 2014

Issue

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

Staff Resource/Department

James Fisher, City Manager

Summary

This item was originally discussed in April by the City Council and was asked to be brought back in May for City Council consideration. Several factors have delayed this coming back to the City Council.

In September 2013, a study was prepared for the North Central Texas Council of Governments called Collin County Transit Needs Assessment and Planning Study. An electronic copy was emailed to you in March and a link to it is available on our web site. The study identified transit patterns within Collin County and some of the challenges for residents in the county. The city was served by CCARTS for many years and some residents utilized this service to get to work, school, medical appointments or for other personal reasons. The trips went to cities within Collin County with the most going to Plano and Wylie. The NCTCOG and taps are working with cities in Collin County to address these challenges and to address the financial support, if any, that is needed to fund operational costs. Currently, many of the capital costs are secured by federal funding that help with public transit initiatives. There are many opinions regarding the issue of public transit and staff is providing this opportunity for Council to consider these opinions.

Background/History

Tim Patton, Chief Operating Officer at TAPS made a presentation before City Council on April 15th to discuss TAPS and the type of services that they provide, especially in Murphy. There are two types of service; the control refers to the current baseline operations. In other words, if everything were to stay the same (with no advertising, steady ridership) the service would cost what is listed on the chart. The "+1" refers to a more aggressive if not robust operation in which advertising dollars are spent, ridership increases, and mobility managers take on more community outreach efforts for the service.

Financial Considerations

The proposed cost for service, depending on level of service, is between $33,000 and $51,000.

Action Requested

If the City Council decides to move forward with this item, authorize the City Manager to negotiate an Interlocal Agreement with TAPS for the determined level of service and bring back to City Council for review on August 19th.

Attachments

- DRAFT Interlocal Agreement between the City of Murphy, Texas and Texoma Area Paratransit System, Inc. for demand-response transit services;
- Pricing specific slide from the April 15th presentation

INTERLOCAL AGREEMENT
BETWEEN
THE CITY OF ____________, TEXAS
AND
TEXOMA AREA PARATRANSIT SYSTEM, INC.
FOR
DEMAND-RESPONSE TRANSIT SERVICES

The City of _________, Texas ("City"), a home rule municipality and local governmental entity, and Texoma Area Paratransit System, Inc. ("TAPS"), a rural transit district and political subdivision of the State of Texas, hereby enter into this Interlocal Agreement as of the Effective Date for the provision of demand-response transit services. City and TAPS may be referred to jointly herein as the "Parties," and individually as a "Party."

RECITALS

WHEREAS, City is a home rule municipality and local governmental entity located within Collin County, Texas; and

WHEREAS, TAPS is a rural transit district established pursuant to the authority of Chapter 458,Texas Transportation Code, as amended, that provides transit services within the State of Texas in the counties of Clay, Collin, Cooke, Fannin, Grayson, Montague, and Wise; and

WHEREAS, City seeks to provide demand-response transit services between for eligible citizens who reside within the City's incorporated limits; and

WHEREAS, City has requested transit services from TAPS, and TAPS agrees to provide the requested demand-response transit services pursuant to this Agreement; and

WHEREAS, the Parties acknowledge and find that it will increase the efficiency and effectiveness of their respective entities by entering into an interlocal cooperation agreement pursuant to Chapter 791 of the Texas Government Code, as amended (also known as the "Interlocal Cooperation Act" ("the Act")); and

WHEREAS, the Parties acknowledge and find that it will be in their best interests and in the interest of the public to cooperate in the provision of demand-response transit services as set forth in this Agreement.

NOW, THEREFORE, the Parties hereby make and enter into this Agreement for and in mutual consideration of the covenants and agreements set forth herein.

Article 1.

1.1 Purpose: Pursuant to Section 791.011 of the Act, City and TAPS are local governmental entities and enter into the Agreement for the purpose of providing services in which the Parties are mutually interested and with each Party performing services it would be authorized to perform individually.

1.2 Consideration: City and TAPS agree there is good and valuable consideration for entering into this Agreement, the receipt and sufficiency of which is acknowledged.

1.3 TAPS Responsibilities: TAPS shall provide services related to the administration and operation of demand-response transit services (the "Transit Services"), as follows.

a. Approved Services, Dates and Times of Service: TAPS agrees to provide Transit Services for eligible citizens who reside within the City's incorporated limits. The Transit Services shall be curb-to-curb and ________________. "Eligible citizens" shall mean individuals ________________. An individual's eligibility to receive and utilize these transit services will be determined by __________. TAPS shall provide these transit services on every weekday (Monday through Friday) for the term set forth in Section 2.1 of this Agreement, excluding those weekdays on which New Year's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the Friday after Thanksgiving Day, and Christmas Day fall.

b. Administrative and Operational Services: TAPS shall provide all administrative and operational services associated with the Transit Services including, but not limited to, employment and management of necessary and sufficient personnel, and management of dispatch and call center operations reasonable and necessary to provide the Transit Services.

c. Vehicles: TAPS shall provide the number of vehicles as may be necessary to provide the Transit Services.

d. Americans with Disabilities Act: TAPS acknowledges and understands that it is responsible for compliance with, and agrees to comply with, the requirements of the Americans with Disabilities Act, as amended, in providing the Transit Services.

e. Implementing Regulations: To the extent applicable, City and TAPS acknowledge that TAPS is a governmental entity of the State of Texas and that, upon the inability of TAPS to obtain or appropriate finances to meet its obligations under this Agreement, TAPS shall have the right to terminate this Agreement as of the effective date of such lack of fiscal funding. TAPS shall give notice to City as to any such failure of funding at the earliest possible time, but in any case not later than five (5) business days after TAPS becomes knowledgeable of said lack of funding.

1.4 City Responsibilities: City agrees to reasonably cooperate with TAPS so that TAPS may effectuate and fulfill the terms of this Agreement. City's responsibilities in this regard shall include:

a. Payment for Services: City agrees to pay TAPS for the Transit Services a sum not to exceed ________________________________ and __/100 Dollars ($____________.__). Total payment for services shall be for reasonable and customary expenses related to providing the Transit Services including, but not necessarily limited to, associated administrative and operational services.

b. Current Revenues: To the extent applicable, City and TAPS acknowledge that City will make payment of the aforementioned sums from current revenues. City further agrees to make all appropriations reasonable and necessary to effectuate the terms of, and its responsibilities under, this Agreement. However, the Parties recognize that the continuation of this Agreement after the close of any given fiscal year of City, which closes on ____________ of each calendar year, shall be subject to approval by the City Council. This Agreement cannot be an unfunded liability of City in violation of the Texas Constitution's unfunded debt prohibition applicable to home-rule cities. The Parties agree that this Agreement may be terminated by City, without any penalty or liability to City, except for monies owed TAPS for services it has provided pursuant to this Agreement, in the event the City Council fails to approve or appropriate funds for any continuation period of this Agreement.

1.5 Terms of Payment for Services:

a. TAPS: Not later than ten (10) days after the end of each calendar month of the term of this Agreement, TAPS will submit to City an invoice for services provided. Each invoice shall identify the period for which the payment is being requested and the services performed during that period. At City's written request, TAPS shall provide City with all supporting receipts or other supporting documentation in connection with one or more specific invoices.

b. City: City shall pay TAPS within thirty (30) days of receipt of each monthly invoice, unless supporting receipts or other supporting documentation have been requested by City, in which case City shall pay the invoice as soon after receiving the supporting receipts or documentation as is reasonable; or unless a dispute arises as to any charge(s) contained in the invoice, in which case City shall pay the undisputed amount of the invoice within thirty (30) days of receipt and shall pay the remaining amount, if any, of the invoice after resolution of the dispute as soon after resolution as is reasonable. City shall otherwise ensure that TAPS receives payment as set forth herein; otherwise, TAPS may suspend service until it receives payment of an overdue sum.

Article 2.

2.1 Term: This Agreement shall be for a period of thirty-six (36) months beginning on ________________, 2014 ("the Effective Date") and terminating on ______________, 2017 ("the Termination Date"), unless terminated earlier by either City or TAPS in accordance with the terms of this Agreement.

2.2 Termination:

a. This Agreement may be terminated prior to the Termination Date as follows:

(1) The Parties may terminate this Agreement by a written agreement signed by both Parties setting forth the agreed termination date;

(2) Either Party may terminate this Agreement with or without cause by providing written notice to the other Party not less than sixty (60) days prior to the desired termination date; or

(3) Either Party may terminate this Agreement on the thirty-first (31st) day after providing written notice to the other Party that the other Party is in breach of its obligations under this Agreement, which notice shall describe the alleged breach with reasonable particularity, and the Party receiving the notice has failed to cure the alleged breach. TAPS expressly reserves its rights to seek payment for any services that it may provide prior to the effective date of a termination under this Section 2.2.a.

b. Section 2.2.a does not alter Section 1.3.e or Section 2.3 of this Agreement.

2.3 Regulatory Change: If there is a change in state or federal regulation(s) that affects or impairs either Party's ability to perform this Agreement, the Parties may renegotiate the terms of this Agreement so the affected Party can comply with the change. The affected Party shall provide the other Party with written notice of the applicable regulatory change within five (5) days after the affected Party determines the change will affect or impair its ability to perform this Agreement. Should a Party choose not to renegotiate, or should the regulatory change make it impossible for the affected Party to perform this Agreement, that Party may terminate this Agreement by providing fourteen (14) days' written notice to the other Party. Termination shall be effective on the fourteenth (14th) day after the day on which the notice is provided. TAPS expressly reserves its rights to seek payment for any services that it may provide prior to the effective date of a termination under this Section 2.3.

2.4 Rescinding Termination: A Party that provides written notice of termination pursuant to Section 2.2.a(2), Section 2.2.a(3), or Section 2.3 may rescind same by providing written notice to the other Party on or prior to the effective date of the termination, in which event this Agreement shall remain in full force and effect as if the notice of termination had never been given. A written agreement of termination pursuant to Section 2.2.a(1) may be rescinded by written agreement signed by both Parties prior to the effective date of the termination, in which event this Agreement shall remain in full force and effect.

Article 3.

3.1 Force Majeure: Neither City nor TAPS shall be deemed in violation of this Agreement if either is prevented from performing any of the obligations hereunder by reason of, for or through strikes, act of terror, stoppage of labor, riot, fire, flood, storm, invasion, insurrection, accident, order of court, judge or civil authority, an act of God, or any cause reasonably beyond the Party's control and not attributable to its neglect. In the event of such an occurrence, the time for performance of such obligations or duty shall be suspended until such time that such inability to perform, for which the Party is not responsible, or circumstance beyond its control, shall be removed. The Party claiming the suspension shall give notice of such impediment or delay in performance to the other Party within two (2) days of the knowledge of such occurrence. Each Party shall make all reasonable efforts to mitigate the effects of any suspension.

3.2 Special and Consequential Damages: In no event, whether as a result of breach of contract, warranty, tort (including negligence or infringement), strict liability or otherwise, shall either Party be liable to the other Party for any special, consequential, incidental, indirect or exemplary damages including, but not limited to, loss of profits or revenues, cost of capital, cost of substitute goods, facilities, services or downtime costs.

Article 4.

4.1 Entire Agreement: This Agreement contains all representations, understandings, contracts and agreements between the Parties regarding the subject matter of this Agreement. This Agreement supersedes all oral or written previous and contemporaneous agreements, writings, understandings, representations, or contracts between the Parties regarding the subject matter of this Agreement. This Agreement in no way modifies or supersedes any document executed by the Parties prior to this Agreement which does not regard the subject matter of this Agreement.

4.2 Parties Bound: This Agreement shall be binding upon, and inure to the benefit of, the Parties to this Agreement and their respective successors and assigns.

4.3 Relationship: It is understood and agreed that the relationship between the Parties described in this Agreement is contractual in nature between independent Parties and does not constitute, and shall not be construed, as creating a partnership or joint venture relationship between or among the Parties. By entering into this Agreement, the Parties do not create any obligations, express or implied, other than those set forth herein, and this Agreement shall not create any rights in any individual or entity that is not a signatory hereto.

4.4 Amendment: The Parties may revise, amend or modify this Agreement only by written agreement signed by both Parties.

4.5 Severability: The provisions in this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held by a court of competent jurisdiction to be contrary to law or contrary to any rule or regulation having the force and effect of the law, the remaining portions of the Agreement shall be enforced as if the invalid provision had never been included.

Article 5.

5.1 Notice: All notices, authorizations and requests in connection with this Agreement shall be deemed provided on the day they are (i) deposited in the mail, postage prepaid, certified or registered, return receipt requested; (ii) delivered by courier; or (iii) sent by facsimile as indicated by a fax confirmation sheet; and sent to the address or facsimile number of each party's agent as follows:

If to City:

City of _________, Texas
Attn: _________________
____
__________, Texas ______
(___) ___-____ (facsimile)

If to TAPS:

Texoma Area Paratransit System, Inc.
Attention: Executive Director
6104 Texoma Parkway
Sherman, Texas 75090
(903) 893-4766 (facsimile)

With copy to:

Darrell G-M Noga
Cantey Hanger, LLP
1999 Bryan Street, Suite 3300
Dallas, Texas 75201

5.2 Recordkeeping and Right to Inspect Records: City and TAPS shall have mutual access to and the right to examine all books, documents, papers, and other records of the other party involving transactions relating to this Agreement. City and TAPS shall have access during normal working hours to all necessary facilities and shall be provided adequate and appropriate work space in order to conduct audits in compliance with the provisions of this article. City and TAPS shall give the other Party advanced notice of at least forty-eight (48) business hours of intended audits.

Article 6.

6.1 Governing Law: The laws of the State of Texas shall govern the interpretation, validity, performance, and enforcement of this Agreement.

6.2 Place of Performance and Venue: This Agreement is performable in Grayson County and Collin County, Texas. Any legal action between the Parties based on this Agreement shall be brought in Grayson County or Collin County, Texas.

6.3 Remedies: No right or remedy granted herein or reserved to the Parties is exclusive of any other right or remedy herein by law or equity provided or permitted, but each shall be cumulative of every other right or remedy given hereunder. No covenant or condition of this

Agreement may be waived without written consent of the Parties. Forbearance or indulgence by either Party shall not constitute a waiver of any covenant or condition to be performed pursuant to this Agreement.

6.4 Non-Waiver: One or more instances of forbearance by City or TAPS in the exercise of its rights herein shall in no way constitute a waiver thereof.

6.5 Immunity: In the execution of this Agreement, the Parties do not waive, and neither Party shall be deemed to have waived, any immunity or defense that would otherwise be available to each Party as a local governmental entity and/or political subdivision of the State of Texas.

6.6 Assignment: This Agreement is not assignable except with the advanced written consent of the non-assigning party.

6.7 No Third Party Beneficiary: For purposes of this Agreement, including its intended operation and effect: (1) the Agreement only affects matters or disputes between the Parties, and is in no way intended by the Parties to benefit or otherwise affect any third person or entity, notwithstanding that such third person or entity may be in contractual relationship with City or TAPS or both; and (2) the terms of this Agreement are not intended to release, either by contract or operation of law, any third person or entity from obligations owed by them to either City or TAPS.

6.8 Counterparts: This Agreement may be signed in counterparts, and each executed copy shall be deemed a counterpart original, with full force and effect and enforceable against the Parties executing same.

Article 7.

7.1 Each Party represents and warrants to the other that it has the full power and authority to enter into and fulfill the obligations of this Agreement. The respective signatories to this Agreement, by affixing their signatures hereto, warrant and represent that they have the authority to bind their respective parties as duly authorized representatives thereof.

(Signatures on Following Page)

SIGNED AND AGREED this ___ day of ___________________, 2014.

CITY OF ________________, TEXAS

By:_______________________________________

__________________, City Manager

ATTEST

____

_____________________, City Secretary

APPROVED AS TO FORM

____

____________________, City Attorney

SIGNED AND AGREED this ___ day of ____________________, 2014.

TEXOMA AREA PARATRANSIT SYSTEM, INC.

By: __________________________________

Brad Underwood, Executive Director and CEO

Executed on behalf of Texoma Area Paratransit System, Inc. pursuant to Board Resolution No. ____

Cost vs. Value

Ridership

Service Level	Fiscal 2015	Fiscal 2016
Control	660	756
+1	792	910

Operating Cost

Service Level	Fiscal 2015	Fiscal 2016
Control	$5,400	$6,200
+1	$6,500	$7,500

Value

Service Level	Fiscal 2015	Fiscal 2016
Control	$33k-43k	$38k-49k
+1	$40k-51k	$45k-59k

Based on industry standard $50-$65 per trip

Just to be clear, this is a starting point for service which can be tailored to the specific needs and wishes of the city. Please let me know which direction the city wishes to proceed.

Tim

Issue

Discuss the draft City of Murphy Rental Registration Program for Single Family Residential Properties.

Summary

There has been discussion regarding the City of Murphy implementing a Rental Registration Program. Code Compliance continues to identify a growing number of rental properties. Code Compliance discovers rental properties after making an inspection for a code violation which then requires us to research the property / property owner's information. Additionally, the tenant tends to let us know they are renters. Neighbors reporting code violations of a property will also tell us it is a rental property.

Typical rental property violations are high weeds and grass, litter and debris, parking on grass, and additional public nuisance violations.

Consideration

1. Benefits of a rental registration program:
    a. The ability for staff to have the homeowner's information or the property management company's contact information on file with their registration. This offers staff (whether it is Code Compliance or a Public Safety concern) the ability to have a direct contact in lieu of extended communication attempts as many of these owners are out of state and or country.
    b. This program would also include procedures for Residential Rental Inspections (Single Family) to ensure the property remains up to code and safe.

2. Challenges of a rental registration program:
    a. Code Compliance staff would be dedicated to the implementation and coordination of the program
    b. Each owner (whether in state, out of state, out of country) would register as would any property management company.
    c. Currently, there are approximately 360 rental properties in Murphy.
        i. Approximately 6 out of every 100 homes or 6% of the homes in Murphy
        ii. As individuals identify them as tenants when setting up their water service, Customer Service flags the account and the City of Murphy requires a $100 deposit as would any utility service.

3. Prior to a program being implemented, if the direction of the Council, the appropriate documents, procedures, checklists and fees would continue to be developed by staff.
    a. Council would also approve a Rental Registration Ordinance prior to implementation of the program.

4. Cities that have rental property registration programs:
    a. Dallas - Since Feb. 1, 2010
    b. Richardson – Since Aug. 12, 2003
    c. Frisco – Since Dec. 15, 2009
    d. Plano – Since Nov. 25, 2005 (multi-family)
    e. Garland – Since May, 19, 1992

Attachments

DRAFT rental registration ordinance

Staff Recommendation

If City Council wishes to pursue this policy, the staff will continue to develop the program along with the necessary supporting documents and bring back to City Council on September 16.

ORDINANCE NO.__________

AN ORDINANCE OF THE CITY OF MURPHY, TEXAS AMENDING CHAPTER 18 (BUILDINGS AND BUILDING REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY OF MURPHY, TEXAS BY ADDING AN ARTICLE X ESTABLISHING A REGISTRATION PROGRAM FOR SINGLE FAMILY RESIDENTIAL RENTAL DWELLINGS; PROVIDING FOR AN INSPECTON PROGRAM FOR SINGLE FAMILY RESIDENTIAL RENTAL DWELLINGS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS/REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Murphy, Texas ("City Council") finds that it would be advantageous and beneficial to the citizens of the City of Murphy, Texas ("City") to protect the health, safety and general welfare of its citizens by establishing a registration and inspection program for single-family residential rental dwellings to ensure that these dwellings are maintained in accordance with the City's building regulations;

WHEREAS, the City Council finds that this Ordinance will prevent the growth of unmaintained properties and will preserve and enhance residential neighborhoods and property values, and provide for living conditions for single family residential dwelling tenants that meet the minimum standards as established by applicable City codes; and

WHEREAS, pursuant to the Texas Local Government Code, including Texas Local Government Code Section 51.001, the City Council has the authority to adopt, publish, amend or repeal an ordinance that is for the good government, peace or order of the City; and

WHEREAS, the City Council finds that enacting this Ordinance will assist in identifying, deterring, and remedying potentially unreported code violations in single-family residential rental dwellings.

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

Section 1. Findings Incorporated.

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

DRAFT

Section 2. Amendment to Chapter 18 of the Code of Ordinances of the City of Murphy.

Chapter 18 (Buildings and Building Regulations) of the Code of Ordinances of the City of Murphy is amended by adding Article X establishing a rental registration program for single-family residential rental dwellings and shall read as follows:

"Article X. SINGLE-FAMILY RESIDENTIAL RENTAL DWELLING

REGISTRATION AND INSPECTION PROGRAM.

Sec. 18-501 Purpose.

The City recognizes a need for an organized inspection program of single-family residential rental dwellings within the City in order to ensure that these rental properties meet City and State life, safety, health, fire and building codes and to provide a more efficient system for compelling both absentee and local property owners, property managers, and landlords to correct violations of minimum property conditions and to maintain, in proper condition, single-family residential rental dwellings within the City. The City also recognizes that the most efficient system to provide for rental inspections is the creation of a program requiring the registration of all single-family residential rental dwellings within the City so that regular inspections can be made of such properties. By requiring the registration and inspection of single-family residential rental dwellings, the City seeks to protect property values and protect tenants from dangerous rental structures.

Sec.18-502 Definitions.

As used in this article, the following terms shall be defined as follows:

City. The City of Murphy, Texas, and all areas within its corporate limits.

City Council. The City Council of the City of Murphy, Texas.

Landlord. A single-family residential dwelling owner, lessor, or sublessor of a single-family residential rental dwelling.

Property owner. Any person, agent, operator, firm, or corporation having a legal or equitable interest in the property upon which a single-family residential rental dwelling is located; or recorded in the official records of the State, County, Appraisal District, or Municipality as holding title to such property; or otherwise having control of such property, including the guardian of the estate of such person if ordered to take possession of real property by a court.

Property manager. The property owner or the person appointed or hired by the property owner to be responsible for the daily management of the single-family residential rental dwelling.

Single-family residential rental dwelling. A dwelling designed and constructed for occupancy by one family and being offered for lease or rental, or leased or rented by someone other than the property owner. These dwellings shall include all dwellings located in single-family districts in Chapter 86, Article III of the Murphy Code of Ordinances.

Tenant. A person who is authorized by a written lease to occupy a single-family residential rental dwelling.

Sec. 18-503. Registration Requirements.

(a) Each property owner of a single-family residential rental dwelling shall register each such dwelling with the Code Compliance Supervisor or designee at least thirty (30) days prior to a tenant occupying the dwelling and shall renew such registration annually prior to the expiration of the registration certificate. Separate registrations shall be required for each single-family residential rental dwelling. Registration shall be made upon application forms provided by the City for such purpose and shall specifically require the following information:

(1) The name, current home and business address, driver's license number, current telephone number and email address of the property owner.

(2) If the property owner is other than an individual, the information required in subsection (1) shall include any legal names, trade names or assumed names for the property owner, the type of business entity, business address, business telephone number, email address, and the registered agent, managing partner, or other person authorized to accept service of process on behalf of the property owner.

(3) The name, current home and business address, current telephone number and email address of the property manager and/or landlord.

(4) The street address of the rental dwelling.

(5) The name of each tenant renting the dwelling.

(6) The number of tenants/persons occupying the dwelling.

(7) The name, current home and business address, current telephone number and email address of the person authorized to make or order repairs or services for the single-family residential rental dwelling if the person is different than the property owner, property manager or landlord.

DRAFT

(8) *Agent for service.* A property owner shall designate on the registration form an agent for service of process who shall be the authorized agent for purposes of notice, citation, and other communications provided in this article. Service of any notice or citation under this article on the designated agent shall constitute service upon the property owner.

(9) *A smoke detector and occupancy limits certification.* The owner shall certify that each single-family residential rental dwelling is equipped with properly working smoke detectors and will not violate the occupancy limits established by the International Residential Code and the International Property Maintenance Code.

(b) A nonrefundable fee of $____ shall be charged for the registration of each single-family residential rental dwelling and shall be paid at the time of registration.

(c) The Code Compliance Supervisor or designee shall, within thirty (30) days after receipt of the registration application, either issue a certificate of registration or notify the property owner that the registration application does not comply with the requirements of this article.

(d) *Term of Registration Certificate.* The registration certificate shall be valid for a period of twelve (12) calendar months following issuance thereof, unless suspended or revoked as provided herein.

(e) *Renewal of Registration Certificate.* A property owner shall renew the registration certificate on or before the date prescribed in subsection (a) above and shall pay the City a nonrefundable renewal fee of $____ at the time of application for renewal.

(f) *Offense.* It is an offense for a property owner to fail to renew the registration of a single-family residential rental dwelling within the City, and each and every day that the property owner continues to fail to renew the registration shall constitute a separate offense.

(g) *Transfer of Property.* Every new property owner shall be required to complete a registration application within 30 days of taking ownership of the single-family residential rental dwelling. No registration fee shall be required of the new property owner for the remainder of that registration, provided the prior property owner's certificate of registration has not expired, or been revoked, suspended or surrendered. A new registration certificate shall be issued to the new property owner but only for the duration of the prior property owner's registration certificate. Upon expiration of the prior owner's registration certificate, the new property owner shall be required to renew the registration certificate and pay the nonrefundable renewal fee contained in subsection (e) above.

(h) *Registration certificate nonassignable; surrender.* A registration certificate is not assignable or transferable. The certificate is valid only for the dwelling for which it is issued. It shall be unlawful for any person to counterfeit, forge, change, deface, or alter a certificate. A certificate may be canceled upon written request of the property owner and surrender of the certificate itself to the Code Compliance Supervisor or designee. The surrender of the certificate shall be effective immediately upon its filing with the Code Compliance Supervisor or designee.

(i) *Accessibility of registration certificate; replacement.* A registration certificate issued pursuant to this section shall be maintained by the City, with a copy provided to the registrant. In the event the registration certificate is lost, the City will issue a replacement certificate to the property owner upon payment of a $10.00 fee.

Sec. 18-504. Notification of change in occupancy.

The property owner shall notify the Code Compliance Supervisor or designee within thirty (30) days of a change in occupancy by completing a change in occupancy form and delivering said form to the Code Compliance Supervisor or designee. A change in occupancy shall mean any change in tenant(s) or additional tenant(s) that are occupying the single-family residential rental dwelling. It is an offense for the property owner to fail to notify the Code Compliance Supervisor or designee within thirty (30) days of a change in occupancy.

Sec. 18-505. Inspection.

(a) All single-family residential rental dwellings shall be inspected for compliance with this article and all other applicable laws, including, without limitation, City codes and/or State laws. Annual inspection fees shall be $____ with reinspection fees of $____ per inspection.

(b) *Frequency of inspections.* All single-family residential rental dwellings shall be inspected at least once annually and/ or upon each change of occupancy and/ or activation of water or sewer utilities. If permitted by the Code Compliance Supervisor or designee, inspections may be conducted by a person holding a current, valid license to perform real estate inspections by the State.

(c) *Inspection procedure.* If, upon completion of an inspection, the single-family residential rental dwelling is found to be in violation of one or more provisions of City codes and ordinances or State law, the City shall provide written notice of such violation and shall set a re-inspection date before which such violation(s) shall be corrected. If such violation(s) has not been corrected within that period, the City may suspend or revoke the certificate as provided in Section 18-506 and may take any action necessary to enforce compliance with applicable City codes, ordinances and/or State laws. If such uncorrected violation(s) do not pose an immediate threat to the health, safety and welfare of the tenants of the single-family residential rental dwelling, the Code Compliance Supervisor or designee may authorize the occupancy of such dwelling for a period not to exceed ninety (90) days. A registration certificate may be temporarily suspended by the Code Compliance Supervisor or designee if immediate health or safety violations exist at the single-family residential rental dwelling.

(d) *Request for inspection*. The property owner of any single-family residential rental dwelling may request inspections of said dwelling at any time.

Sec. 18-506. Suspension or revocation of certificate.

If the Code Compliance Supervisor or designee, after a hearing before the Code Compliance Supervisor or designee, determines that any property owner, landlord, property manager, or person has failed to comply with this article or any applicable City code, ordinance and/or State law, the Code Compliance Supervisor or designee may suspend or revoke the involved registration certificate. Such a hearing shall be held not less than seven (7) calendar days after notice of time, place, and subject of the hearing has been sent to the involved property owner, landlord, property manager, or person. The City's representative shall present evidence in support of the suspension or revocation, and the property owner, landlord, property manager, or person shall be permitted to rebut such evidence and present other evidence. Based upon the evidence presented at the hearing, the hearing officer shall issue a written decision within seven (7) calendar days of the hearing. The suspension or revocation of any rental registration certificate shall not release or discharge the property owner from paying any fees due to the City, nor shall such property owner, landlord, property manager or person be released from prosecution for violating any City code, ordinance and/or State law.

Sec. 18-507. Exemptions.

The provisions of this article shall not apply to any dwelling licensed by the State, which is specifically exempt from the registration requirements of this article.

Sec. 18-508. Penalty.

Any person, firm, corporation or business entity violating this ordinance or portion thereof shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding two thousand dollars and no/100 ($2,000.00). Each continuing day's violation under this ordinance shall constitute a separate offense. The penalty provisions imposed under this ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies it is entitled to pursuant to all applicable local, State, and federal law.

Section 3. Savings/Repealing Clause.

All provisions of any ordinance in conflict with this ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

Section 4. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid in a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City hereby declares that it would have passed this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. Effective Date.

This Ordinance shall become effective upon its passage and publication as required by the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS on this ____ day of ________________________________, 2014.

____
Eric Barna, Mayor

ATTEST: APPROVED AS TO FORM:

__________________________ __________________________________
, City Secretary Wm. Andrew Messer