

OCTOBER 18, 2011  
MURPHY CITY COUNCIL AGENDA  
CITY COUNCIL MEETING & WORK SESSION AT 4:30 PM  
REGULAR MEETING AT 6:00 PM  
206 NORTH MURPHY ROAD  
MURPHY, TEXAS 75094



NOTICE is hereby given of a meeting of the City Council of the City of Murphy, Collin County, State of Texas, to be held on October 18, 2011 at Murphy City Hall for the purpose of considering the following items. The City Council of the City of Murphy, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

**CALL TO ORDER (4:30 PM)**

**ROLL CALL & CERTIFICATION OF A QUORUM**

Bret Baldwin  
Mayor

John Daugherty  
Mayor Pro Tem

Colleen Halbert  
Deputy Mayor Pro Tem

Dennis Richmond  
Councilmember

Scott Bradley  
Councilmember

Bernard Grant  
Councilmember

Dave Brandon  
Councilmember

**EXECUTIVE SESSION**

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

§551.074 Personnel Matters – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Municipal Judge.

**RECONVENE INTO REGULAR SESSION**

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

§551.074 Personnel Matters – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Municipal Judge.

**WORK SESSION**

- Board & Commissions

**CONVENE INTO REGULAR SESSION (6:00 PM)**

**INVOCATION & PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

**DISCUSSION ITEMS**

- Discussion with City of Richardson regarding joint recreation center project.

**CONSENT AGENDA**

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

- A. Approval of the Minutes from the October 4, 2011 Regular City Council Meeting.

James Fisher  
City Manager

- B. Consider and/ or act upon a resolution authorizing the acceptance of the Collin County Funding Assistance Program grant award and contract for Murphy Central Park - Phase 1 and Maxwell Creek Greenbelt Expansion.
- C. Consider and/ or act upon an ordinance of the City Council of the City of Murphy, Texas, amending Ordinance No. 11-08-890 providing a severability clause; providing a penalty clause; and providing an effective date.

#### INDIVIDUAL CONSIDERATION

- 1. Consider and/or act on proposed operating hours for the Murphy Community Center.

#### CITY MANAGER/STAFF REPORTS

- October 18 – Chamber Lunch –State of the City
- October 24 – November 4 - Early Voting

#### EXECUTIVE SESSION

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

- §551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving *Michael Cantrell v. City of Murphy, et al.*, Cause No. 6:09-cv-225.
- §551.074 Personnel Matters – To deliberate the duties of a public officer or employee.
  - City Council
- §551.071 Consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: to receive legal advice regarding duties of public officers.

#### RECONVENE INTO REGULAR SESSION

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

- §551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving *Michael Cantrell v. City of Murphy, et al.*, Cause No. 6:09-cv-225.
- §551.074 Personnel Matters – To deliberate the duties of a public officer or employee.
  - City Council

- §551.071 Consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: to receive legal advice regarding duties of public officers.

ADJOURNMENT

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, TX 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on October 14, 2011 by 5:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.

\_\_\_\_\_  
Aimee Nemer, TRMC, MMC  
City Secretary

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

**Boards & Commissions**

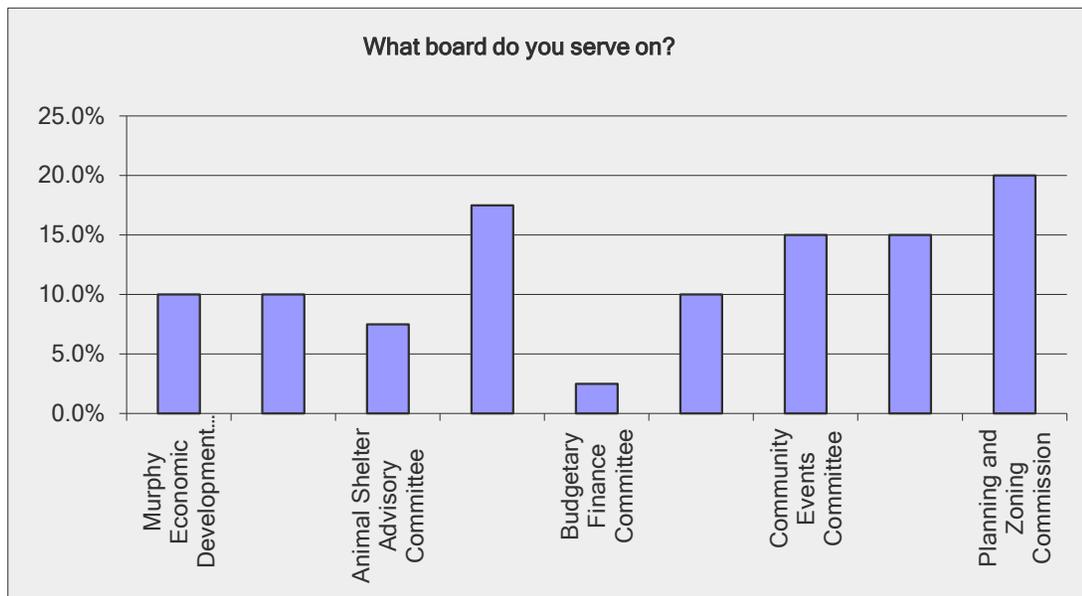
- Board Member Survey
  
- Appointment Process
  - Timeframe
  - Application & Advertising
  - Interviews
  
- Appreciation Dinner
  - Timeframe
  - Food & Venue
  - Appreciation Gift

**Attachments**

- 1) Board Member Survey Results
- 2) Current Board Member List

## Board Member Survey

What board do you serve on?		
Answer Options	Response Percent	Response Count
Murphy Economic Development Corporation	10.0%	4
Murphy Community Development Corporation	10.0%	4
Animal Shelter Advisory Committee	7.5%	3
Board of Adjustment	17.5%	7
Budgetary Finance Committee	2.5%	1
Building and Fire Code Appeals Board	10.0%	4
Community Events Committee	15.0%	6
Park and Recreation Board	15.0%	6
Planning and Zoning Commission	20.0%	8
<b>answered question</b>		<b>40</b>
<b>skipped question</b>		<b>0</b>



## Board Member Survey

From your understanding, what is the purpose of your board?

Answer Options	Response Count
	40
<i>answered question</i>	40
<i>skipped question</i>	0

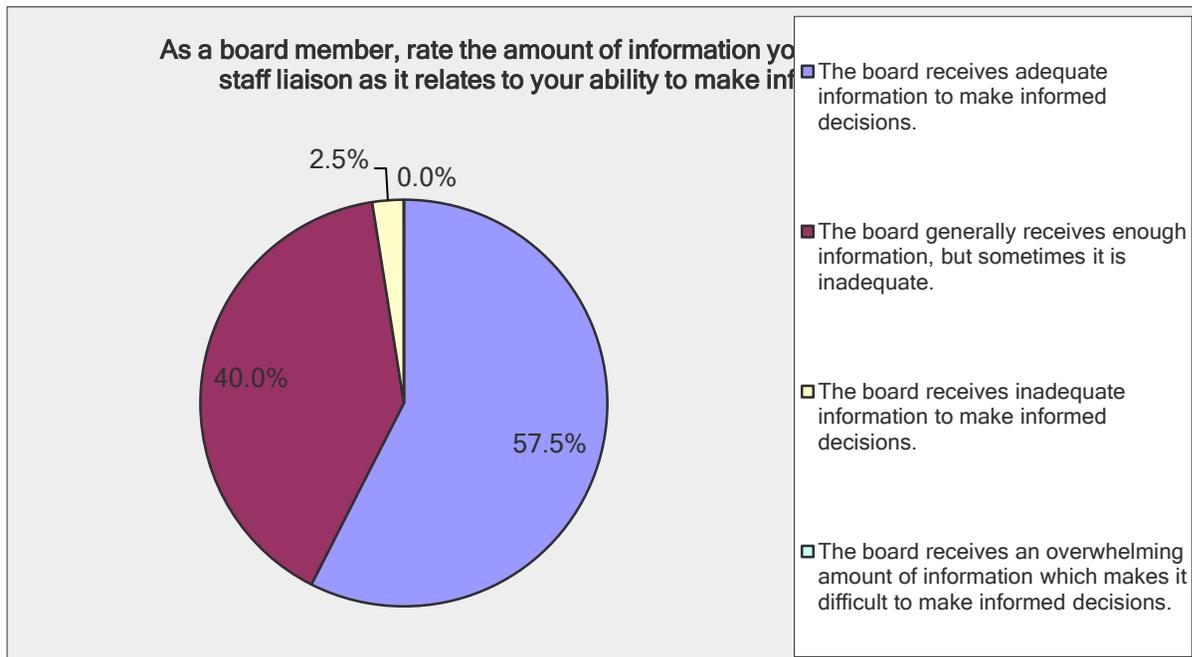
## Board Member Survey

What is your role as a member of your board?	
Answer Options	Response Count
	40
<i>answered question</i>	40
<i>skipped question</i>	0

## Board Member Survey

As a board member, rate the amount of information you receive from the city staff liaison as it relates to your ability to make informed decisions.

Answer Options	Response Percent	Response Count
The board receives adequate information to make	57.5%	23
The board generally receives enough information, but	40.0%	16
The board receives inadequate information to make	2.5%	1
The board receives an overwhelming amount of	0.0%	0
Additional comments regarding this question:		17
<b>answered question</b>		<b>40</b>
<b>skipped question</b>		<b>0</b>



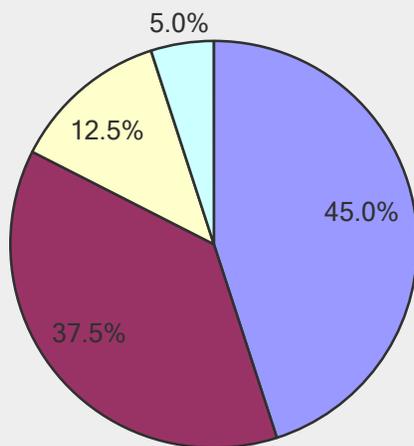


## Board Member Survey

As a board member, rate the level of direction you receive from the city staff as it relates to your ability to make good and timely decisions.

Answer Options	Response Percent	Response Count
The board receives adequate direction from staff.	45.0%	18
The board generally receives adequate direction, but	37.5%	15
The board needs more direction from staff.	12.5%	5
The board receives too much direction from staff.	5.0%	2
Additional comments regarding this question:		16
<i>answered question</i>		<b>40</b>
<i>skipped question</i>		<b>0</b>

As a board member, rate the level of direction you receive from the city staff as it relates to your ability to make good and timely decisions.



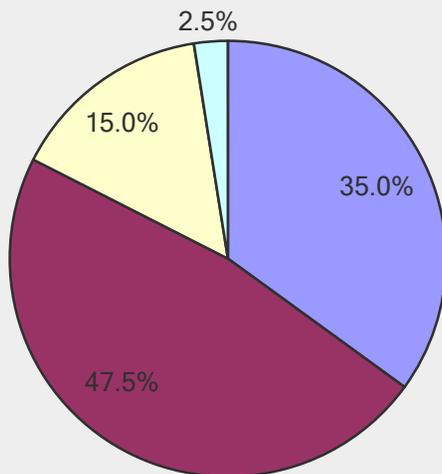
- The board receives adequate direction from staff.
- The board generally receives adequate direction, but sometimes more is needed.
- The board needs more direction from staff.
- The board receives too much direction from staff.

## Board Member Survey

As a board member, rate how well you understand the overall vision and direction set by the City Council.

Answer Options	Response Percent	Response Count
I have a clear understanding of the vision and direction of	35.0%	14
I generally understand the vision and direction, but	47.5%	19
I have some idea of the direction and vision, but it is	15.0%	6
I do not know the direction and vision of the City Council.	2.5%	1
Additional comments regarding this question:		16
	<b>answered question</b>	<b>40</b>
	<b>skipped question</b>	<b>0</b>

As a board member, rate how well you understand the overall vision and direction set by the City Council.



- I have a clear understanding of the vision and direction of the City Council.
- I generally understand the vision and direction, but sometimes it is unclear or confusing.
- I have some idea of the direction and vision, but it is generally not clear.
- I do not know the direction and vision of the City Council.

## Board Member Survey

Give your comments and/or suggestions relating to communication from staff, City Council, and the City in general.

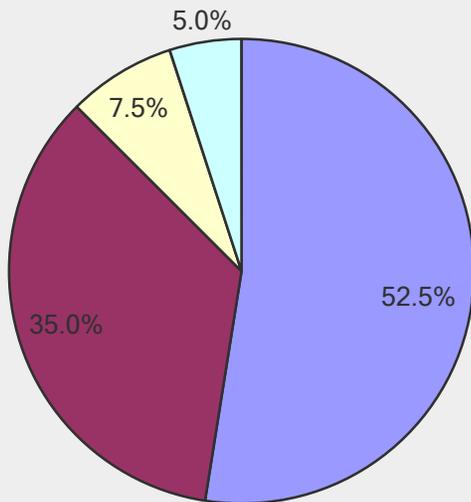
Answer Options	Response Count
	22
<i>answered question</i>	22
<i>skipped question</i>	18

## Board Member Survey

How satisfying is your experience serving on a board?

Answer Options	Response Percent	Response Count
It has been very rewarding and meaningful.	52.5%	21
At times it has been rewarding and meaningful, but not	35.0%	14
It has generally not been rewarding or meaningful.	7.5%	3
Sometimes it seems like a waste of my time.	5.0%	2
Additional comments regarding this question:		17
	<i>answered question</i>	<b>40</b>
	<i>skipped question</i>	<b>0</b>

How satisfying is your experience serving on a board?



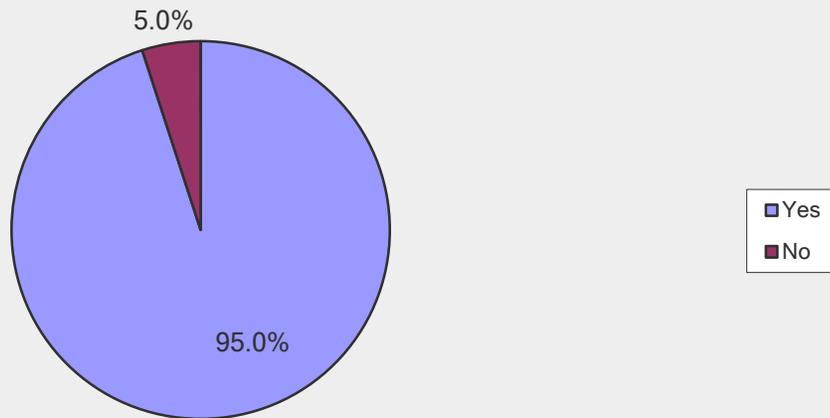
- It has been very rewarding and meaningful.
- At times it has been rewarding and meaningful, but not always.
- It has generally not been rewarding or meaningful.
- Sometimes it seems like a waste of my time.

## Board Member Survey

The Board and Commission appointment process is normally in June/July, however, City Council is moving the process to the fall. Even though your term may have expired in

Answer Options	Response Percent	Response Count
Yes	95.0%	38
No	5.0%	2
Additional comments regarding this question:		13
	<i>answered question</i>	<b>40</b>
	<i>skipped question</i>	<b>0</b>

The Board and Commission appointment process is normally in June/July, however, City Council is moving the process to the fall. Even though your term may have expired in July, are you willing to continue serving until the next appointment process?



## Board Member Survey

Do you have any additional comments or suggestions relating to serving on a City board?

Answer Options	Response Count
	23
<i>answered question</i>	23
<i>skipped question</i>	17

## 2011 Board Member Survey

First Name	LastName	Board	From your understanding, what is the purpose of your board?	What is your role as a member of your board?
			Open-Ended Response	Open-Ended Response
Buddy	Russell	ASAC	Needs and wants of the animal shelter.	Meet with other members to discuss the needs of the animal shelter.
Lorraine	Chalkley	ASAC	To evaluate the current needs of the animal shelter and make recommendations to city council regarding the proposed new shelter through our city representative Kim Parker	Chairman
Stephanie	Pennington	ASAC	To make recommendations of animal/shelter related items for Council.	To provide input pertaining to items on agenda.
John	Daugherty	BFC	To review the budget and finances of the city, ask questions about any discrepancies and make suggestions and recommendations regarding the appropriateness of revenues and expenses.	City Council liaison
Donald	Decker	BFCAB	to look at and reach a decision on conflicts real and imagined between the fire codes and those appealing the enforcement of said codes.	evaluate the validity of the appeal.
Terry	Beck	BFCAB	To hear and decide appeals of orders, decisions or determinations make by the fire code official.	To act as mediator between the fire code official and contractor or permit holder. To vote along with the other member and make a determination
Malkit	Sroya	BOA	To make some needed adjustments in the code to accommodate a project. Sometimes a project is completed or does not have a written outline for it.	To listen to the arguments and make a recommendation to the board and then decide as a group what the result should be.
Frank	Steckler	BOA	Evaluate variation requests (from established city code).	Alternate--
Christine	Johnson*	BOA	BOA--to determine by a fixed set of criteria, when a resident appeals to the Board a variance from the adopted City Code, regarding their property. BFCAB--Completed recommendation to Council any changes to the 2008 IBC that the City of Murphy wanted in place in its Code. Hearings with a residential or commercial appelliant to overrule or support the decision of the building official in a construction decision.	In both cases, as the functions are similar, but not the same, to hear all information presented, compare it to the set rules by Code, IBC, etc. and make an independent ruling based on the information
Andrew	Chase	BOA	Maintain quality standards for neighborhoods, while at the same time not putting unrealistic standards on individual homeowners.	Advisory, voting, etc. - as i would expect any member of the board to be.
Mathew	Thekkil	BOA	To help the residence to understand and abide by the building and city code in property construction and improvements	Attend the hearing of the applications and participate in appropriate recommendations and final decisions based on the situations on hand.
David	Stephenson	BOA	variances in code when necessary (only attended 1 meeting since appointment as meetings are on needed basis)	alternate
Scott	Holden	BOA	Approve variance request to city ordinances	Listen to and approve or deny request
Debbie	Ison	CEC	Provide feedback as requested to staff liaison regarding event details as well as volunteer day of event.	Committee member.
Greg	Alway	CEC	To provide advice and suggestions for currently scheduled and potential events. The purpose of the committee has evolved to volunteer for Maize Days.	To utilize my previous experiences and abilities to help organize and facilitate Maize Days.
Angelia	Pinaga	CEC	To assist with City community events.	We work as a cohesive team on the board. I influence decisions and offer meaningful information to the Board discussions. I bring diversity and thus represent the community in this realm. I bring expertise of planning and typically assist with marketing, media, stage, entertainment. I bring vendors and solicit the events. I bring participants to the event as well. I invited "order" to the meetings by reaching out to Keri and Aimee about the method at which discussions were held. I bring a plethora of ideas and market trends to the discussions.
Natalie	Montgomery	CEC	To develop events and activities that will strengthen and foster a sense of community within the City of Murphy.	The assist in the planning and implementation of city wide events.
Maggie	Whitt	CEC	When I first signed on, I thought it was to give ideas and input to the city about city wide events, but in actuality it is a working board where we participate in planning and carrying out city events.	To give ideas and input to the whole committee, to support events by working at them, to perform whatever tasks need to be done, to assist city staff in planning/seeking out vendors/managing events.
Nancy	Dinh	CEC	Participate and plan the events that are sponsored by the city.	Participate and plan city events.

\*Serves on multiple boards

## 2011 Board Member Survey

First Name	LastName	Board	As a board member, rate the amount of information you receive from the city staff liaison as it relates to your ability to make informed decisions.				Comments	As a board member, rate the level of direction you receive from the city staff as it relates to your ability to make good and timely decisions.				Comments
			Adequate	Sometimes Inadequate	Inadequate	Overwhelming		Adequate	Sometimes Inadequate	More Direction from Staff	Too Much Direction from Staff	
Buddy	Russell	ASAC		X			As of now, the board members do not know what the City is really doing concerning the proposed new animal shelter.			X		We need to know the Cities plans for the new shelter.
Lorraine	Chalkley	ASAC	X				Packets provided by Kim are very helpful	X				It is very helpful to have a council member on this board.
Stephanie	Pennington	ASAC		X						X		
John	Daugherty	BFC		X					X			
Donald	Decker	BFCAB	X					X				
Terry	Beck	BFCAB		X						X		
Malkit	Sroya	BOA	X						X			
Frank	Steckler	BOA	X					X				
Christine	Johnson*	BOA	X				I base this on the staff liason--for both BOA and BFCAB--who is no longer with the City. Can't give you an accurate answer for whoever our current liason is, as neither Board has met since his departure.	X				s above.
Andrew	Chase	BOA		X				X				
Mathew	Thekkil	BOA	X					X				
David	Stephenson	BOA		X			never made a decision the meeting i went to we only swore memebers in been a quiet year		X			n/a havent done much
Scott	Holden	BOA	X				Information has always been adequate	X				
Debbie	Ison	CEC		X					X			We need more timely information.
Greg	Alway	CEC	X				We receive adequate information. However, the information occassionally changes due to staff decisions and the changes are not communicated to us in a timely manner.			X		
Angelia	Pinaga	CEC	X				Kristen seems to have a handle on allowing members to take charge of specific areas.		X			Information has not been timely
Natalie	Montgomery	CEC	X								X	
Maggie	Whitt	CEC		X			Especially at first, it seemed the city and the board were working at cross-purposes. It was unclear what decisions were ours to make and what decisions were the city's to make. Our input is not always taken into account (specifically in my case, corrections to PR pieces).		X			Again, especially at first, it seemed the city and the board were working at cross-purposes. There seemed to be too many fingers in the pie.
Nancy	Dinh	CEC	X					X				

\*Serves on multiple boards

## 2011 Board Member Survey

First Name	LastName	Board	As a board member, rate how well you understand the overall vision and direction set by the City Council.				Comments	Give your comments and/or suggestions relating to communication from staff, City Council, and the City in general.
			Clear Understanding	Generally, but sometimes unclear	Some idea, but not generally clear	Do not know the direction		
Buddy	Russell	ASAC			X		None	Give us directions where the City is in the proposed animal shelter.
Lorraine	Chalkley	ASAC		X			Feasibility study and the way contracts are bid, i.e. the decision process on who ultimately does the work is not clear to me.	
Stephanie	Pennington	ASAC		X				
John	Daugherty	BFC	X					
Donald	Decker	BFCAB	X					
Terry	Beck	BFCAB			X			
Malkit	Sroya	BOA		X				I believe that this is a very important board. The applicants need some one to hear their side of the arguments and make a informed decision.
Frank	Steckler	BOA		X				
Christine	Johnson*	BOA		X				
Andrew	Chase	BOA	X					
Mathew	Thekkil	BOA		X				
David	Stephenson	BOA	X					on a scale of 1-10 i would say 8
Scott	Holden	BOA		X			Could help if council members came by our meetings	Staff communication is great could use more input from council
Debbie	Ison	CEC	X					
Greg	Alway	CEC		X				
Angelia	Pinaga	CEC		X			At this time, I understand the input needed from the Board.	N/A
Natalie	Montgomery	CEC		X				Information is often times received from city staff too late for the board to have any say or input.
Maggie	Whitt	CEC		X			As you know, our board/committee has undergone enormous growing pains and we are still sorting things out.	Be clear about what is expected up front. I was quite surprised by the time and labor involved in helping with all the events. I expected to contribute advice once a month, but found I was giving a lot more service than I had been led to believe.
Nancy	Dinh	CEC			X			

\*Serves on multiple boards

## 2011 Board Member Survey

First Name	LastName	Board	How satisfying is your experience serving on a board?				Additional comments regarding this question:	The Board and Commission appointment process is normally in June/July, however, City Council is moving the process to the fall. Even though your term may have expired in July, are you willing to continue serving until the next appointment process?		Do you have any additional comments or suggestions relating to serving on a City board?	
			Rewarding & Meaningful	At times Rewarding	Generally not rewarding	Waste of Time		Yes	No		Comments
Buddy	Russell	ASAC	X				None	Yes		None	Help us know what is going on concerning the new animal shelter.
Lorraine	Chalkley	ASAC	X				Very. I appreciate the opportunity to serve on this board.	Yes		None	No
Stephanie	Pennington	ASAC			X		I do not feel our board has actually accomplished anything. The Chair gets off track too easily and we end up spending a lot of items that do not pertain to the Agenda.	Yes			
John	Daugherty	BFC				X	City Council needs to determine if this Committee should continue after November 2011.	Yes			
Donald	Decker	BFCAB	X					Yes			
Terry	Beck	BFCAB		X			Being on the Fire code and appeals board, it is rare that we even meet. Some people have come and gone and I do not know them or who they are. I met the new board members at the one meeting that we had.	Yes			
Malkit	Sroya	BOA			X			Yes			
Frank	Steckler	BOA	X					Yes			
Christine	Johnson*	BOA		X				Yes		Since Council cannot overrule the Charter for the City, and through out the appointment process timetable entirely, I think there needs to be a clause added to that process somehow that council can pass No Term limit when there are not enough applicants, possibly even worded so that this can be done for certain Boards---there are always lots of applicants, from my understanding for Parks and P & Z, but not so many for the BOA and never for BFCAB. Not sure how this would be accomplished, but it would sometimes save really knowledgeable people that are good for the Board from having to leave. I personally think there should be No Term Limits on the Boards, Council always has the right to dismiss an applicant, should it be required.	No
Andrew	Chase	BOA	X					Yes			none
Mathew	Thekkil	BOA	X					Yes		Of course I had served two terms in this board.	I always enjoy it and feel as part of the city government as a volunteer.
David	Stephenson	BOA				X	wish i had the chance to be more involved	Yes			
Scott	Holden	BOA	X					Yes			I enjoy volunteering on the board of adjustments as it keeps me informed
Debbie	Ison	CEC		X				Yes			
Greg	Alway	CEC		X				Yes			
Angelia	Pinaga	CEC	X				I enjoy serving! It gives me insight into the City and I'm allowed to help others. I also have the opportunity to meet great people and City staff.	Yes		I would love to continuing serving. Thank you	The appreciation award should be held by the City liaison. I've missed the event twice and did not receive my small gift. :(
Natalie	Montgomery	CEC		X				Yes			
Maggie	Whitt	CEC		X				Yes		I was appointed late and will consider my term served after the next Maize days festival.	Expectations need to be clearly communicated before citizens volunteer. I was quite surprised to find that my involvement was far more extensive than the description given to us. The same was true for the others who started at the same time I did.
Nancy	Dinh	CEC			X		The events already in place have a system to the planning process and I feel as if I am not serving any need, more like a volunteer. I love being a part of the events and the planning process, but really have not felt as if I contributed enough.	Yes			As a board member selected by City Council, I feel as if I am not making a valid contribution or impact on any decisions being made for the city events. Truthfully, we are glorified volunteers and not being utilized for our "expertise".

\*Serves on multiple boards

## 2011 Board Member Survey

First Name	LastName	Board	From your understanding, what is the purpose of your board?	What is your role as a member of your board?
			Open-Ended Response	Open-Ended Response
Michael	Kim	MCDC	Improve the overall Murphy community in a variety of ways including but not limited to social events, direct improvements, and other indirect methods. Also, to act as a supplemental financing group to other boards such as Parks.	To participate in all of the topics of the board, and provide input from direct opinion or feedback from citizens and to make careful and prudent decisions with the city's (and its citizens') tax money for projects in line with the goal above.
Cary	Walker*	MCDC	4B - to provide funding for community amenities (parks and community center) and activities and events. Parks - recommend how the city should invest and operate the parks and recreation programs	4B - president, Parks - Secretary
Katie	Westhara	MCDC	From my understanding the purpose of the MCDC is to make informed decisions regarding the half cent sales tax that MCDC is responsible for. We are primarily responsible for using that money to improve our community through supporting community events, parks and public spaces.	My role as a member of the MCDC is to read the packets before each meeting, research any topics that I need more information about and vote according to what I feel is best for the city of Murphy.
Brian	Epstein	MCDC	To provide funding for various projects aimed at improving the Community aspect of our City. This includes funding improvements to the Parks through the Parks Board. Currently the MCDC is providing for the improvements to the MCC and MAC for use by our Citizens and their various interest groups.	Secretary and Treasurer
Michael	Smith	MEDC	To facilitate and promote economic development of new and current businesses in the City of Murphy, including efforts to market the City to developers and potential businesses.	I see every member on the board as an equal and that it is incumbent upon each member to contribute ideas, goals and plans consistent with the purpose of the board and consistent with the direction and goals of the City and Council.
Kenneth	Tatsch	MEDC	To establish and pursue objectives for developing economic opportunities that will contribute to the quality of life in the City.	One of five
David	Cooper	MEDC	To promote Murphy as a solid business location to new, interested companies. To provide existing business owners/locations with support to continue local operations. To utilize designated funds in the proper manner to accomplish the goals outlined, and work with the budgets to provide the staff with knowledge and promotional tools and support.	Provide support, direction to the staff, Evaluate funding applications for proper usage of the funds available. Maintain a positive budget balance, attend business and chamber functions when possible. Assist with Murphy promotion during conventions, when possible. Meet with funding operators, discuss outsourcing assistance and align with vision and mission of the board and the council.
Betty	Spraggins	MEDC	Marketing, Selling Murphy, Pursing quality future businesses, Always thinking, representing and serving the City of Murphy, Research and discover information on possible businesses. Spending our monies wisely to enhance Murphy businesses to come, Giving more opportunities for better employment. Working with commercial land owners. Knowing and being knowledgable about your city. What existing businesses we already have and search for the needs for vacant properties	Leadership, Listening and making suggestions, Always thinking of newer ways to bring in businesses, To assist Ms Roberts to lead, Be a part of what makes Murphy a better place.to live, Being there whenever needed in any areas, Atternding board meetings. To not be afraid to speak out when you have a better way of accomplishing your goals, Making correct decisions based on information given, Think before you speak and have something of value when you speak. Never criticize if you don't have something better to share, Study the situation and thinking of what is best decisions for the city of Murphy and its residents now and in the future, It may not be what we personally like but being on a board putting Murphy first. Remembering what our top priority is. Train whenever needed to make and directing me to be a better person on the board and giving me the directions to make the best informed decisions,

\*Serves on multiple boards

## 2011 Board Member Survey

First Name	LastName	Board	As a board member, rate the amount of information you receive from the city staff liaison as it relates to your ability to make informed decisions.				Comments	As a board member, rate the level of direction you receive from the city staff as it relates to your ability to make good and timely decisions.				Comments
			Adequate	Sometimes Inadequate	Inadequate	Overwhelming		Adequate	Sometimes Inadequate	More Direction from Staff	Too Much Direction from Staff	
Michael	Kim	MCDC	X					X				I think the issues with timeliness is a function of meeting just once a month (although I would not propose meeting more frequently, maybe just having more frequent communication)
Cary	Walker*	MCDC		X			Long range planning is still a struggle. I understand we need to react to changes and opportunities that come up but the Council and 4B/Parks Board should be better aligned with long term plans.		X			
Katie	Westhora	MCDC		X					X			
Brian	Epstein	MCDC		X					X			The MCDC Board needs more interactive direction from the City Council. We are sometimes at an impasse as to what to decide to do since we often do not hear from the Council, or it isn't relayed to us what the Council is considering with regards to items on our Project List or Agendas.
Michael	Smith	MEDC		X					X			
Kenneth	Tatsch	MEDC		X			While we may receive enough specifics relative to a matter, I'm not sure we are fully briefed on the "atmosphere" within which we are asked to make decisions. Very narrow perspective.		X			
David	Cooper	MEDC	X								X	At time Mr. Fisher puts personal choices into business interactions.
Betty	Spraggins	MEDC	X				Based on the information our leaders have received at that time, we as a board are given that information by internet or at our regular meetings to help make our voting decisions in the directions that is best at that time. If we have questions, we ask.	X				If I have questions, they are always answered. If I don't understand then I shall ask. We speak openly and candidly.

\*Serves on multiple boards

## 2011 Board Member Survey

First Name	LastName	Board	As a board member, rate how well you understand the overall vision and direction set by the City Council.				Comments	Open-Ended Response
			Clear Understanding	Generally, but sometimes unclear	Some idea, but not generally clear	Do not know the direction		
Michael	Kim	MCDC		X			I think a better online library of documents of current issues, and maybe a mandatory educational series for new board members.	
Cary	Walker*	MCDC			X		Sometimes the best information I get from staff or council members is in casual conversations. If I want to get informed on some topic then I need to initiate the meeting. It would be helpful if we could do periodic informal lunches or meetings. I know that we are all cautious of adhering to Open Meetings Act guidelines but it seems that we let that get in the way of better communications regarding strategic directions and vision for the city.	
Katie	Westhara	MCDC		X			Having served with the MCDC for three years I assume that the city is generally pleased with the decisions that we have made as a board. I also assume that if there is ever a decision that the city feels very strongly about, they will email us before our meeting or come to our meeting to give us more information about the subject and explain their stance.	
Brian	Epstein	MCDC	X				I believe the MCDC has a good understanding of the vision and direction of the City Council, as stated above, sometimes we just need a little more interaction.	
Michael	Smith	MEDC			X		I am not aware of any specific vision or direction set by Council for the EDC Board. I generally understand a common interest of Council and EDC to attract new businesses to improve sales tax revenue. Approximately three or four years, EDC and Council were not even on the "same page" as far as direction or vision. This has improved greatly over the past two years.	
Kenneth	Tatsch	MEDC	X				The real question is whether the Council is in touch with the citizens of the township, which is sometimes suspect.	
David	Cooper	MEDC				X	Although EDC was not part of the WalMart program, they do not need the help. It would have been nice to know the council direction, so we could have provided 'moral support' in the community.	
Betty	Spraggins	MEDC	X				I don't always agree but thats the good part. I give my suggestions and they listen then I listen to theres. No one is ever right all the time. Our City Council is always willing to listen then make their own decisions.	
							Our EDC leader, Ms Roberts should look at one tree at a time and not the whole forest.She is very good. Her position is very difficult with so many rolls. She is a born leader, she has lots to learn but knows more than the majority of people,including CEO's and Presidents..She has lots to offer City of Murphy City Council they all know how they stand with me. Understanding, loving, and forgiveness I am so proud we have this City Council that have brains and they use them.	

\*Serves on multiple boards

## 2011 Board Member Survey

First Name	LastName	Board	How satisfying is your experience serving on a board?				Additional comments regarding this question:	The Board and Commission appointment process is normally in June/July, however, City Council is moving the process to the fall. Even though your term may have expired in July, are you willing to continue serving until the next appointment process?		Comments	Do you have any additional comments or suggestions relating to serving on a City board?
			Rewarding & Meaningful	At times Rewarding	Generally not rewarding	Waste of Time		Yes	No		
Michael	Kim	MCDC		X			Overall I had good experience as a board member. I think the pace of decision making, and maybe the overall efficiency of the process was somewhat frustrating. Also Council's blindsiding tactics of asking for funds from 4B was also frustrating.		No	I would participate again, but I am set to move (work related) and have been commuting for the last several months.	Again, maybe a training series for new board members describing the flow of funds, the uses of those funds, etc...would be helpful. Coming in fresh I really knew nothing about municipal fiscal ops.
Cary	Walker*	MCDC	X					Yes			Thanks for letting me contribute to the development and direction of our community.
Katie	Westhora	MCDC		X				Yes			
Brian	Epstein	MCDC	X				I enjoy serving the community through my participation on this board. This is one of the volunteer jobs that I have, and I just couldn't see not doing it. I hope that City Council will allow me to continue to serve for many years to come.	Yes		I believe this to be a smart move so that the appointment process includes any newly elected City Council members, not to mention that it only makes sense to have board members serve on a Calendar Year rotation, rather than a Fiscal Year or other annual rotation.	I've heard rumor that City Council is considering cutting back some of the boards in the City. I don't understand the reason since all boards are manned by volunteers. The only expenses I can see are the salaries of the Staff Liaisons, but at this time I believe the good work of each and every board, and how it benefits the citizens of Murphy outweighs the extra costs required for Staff salaries. Please do not cut any of the boards from the list, it would be a loss of a good asset.
Michael	Smith	MEDC		X			For the most part, my experience has been rewarding and meaningful. Meeting other citizens who look to give back to the community has been personally rewarding. The board members I have served with are passionate about volunteering and are talented people with diverse business backgrounds. This "mix" has served the board well.	Yes			No.
Kenneth	Tatsch	MEDC		X				Yes			Not at this time.
David	Cooper	MEDC		X				Yes			
Betty	Spraggins	MEDC	X				I hope and pray that I have contributed to making Murphy better than yesterday and tomorrow to be best in wisdom, strength and guidance	Yes		It is an honor and rewarding to feel I have had the opportunity to serve and contribute.	I can and will serve again if you so desire.

\*Serves on multiple boards

## 2011 Board Member Survey

First Name	LastName	Board	From your understanding, what is the purpose of your board?	What is your role as a member of your board?
			Open-Ended Response	Open-Ended Response
Paula	Harper	P&R	To review and or pursue ideas, requests, feedback from both city council, other boards, citizens and contractors on the development, improvement and preservation of city parks/recreation facilities; submit recommendations to the Mayor/City Council for approval.	Listen and engage in discussion, reach reasonable and informed recommendations/decisions; embrace new ideas and change; offer perspective from a 50+ citizen viewpoint for balance; and assess the wants/needs against budget constraints.
Jasmin	Bayliss	P&R	Make recommendations to council on park and recreation development/maintenance and implementation of recreation programs.	d
Julia	Baldwin	P&R	To give a citizen's perspective to staff as they promote the park and recreation services in Murphy. To give feedback on staff initiated programs and policies. To make recommendations on things such as budget, park rules, fee schedules, rec program, etc.	My role is to give feedback to staff on all things related to parks and recreation in the city.
Eric	Lopez	P&R	To advise the City Council on matters affecting Murphy's parks as well as make collective decisions regarding the city parks.	To listen to the community and present their opinions, as well as my own personal opinions, when it comes to Murphy's parks and to contribute to the parks' growth and development in the future.
Sherry	Pace	P&R	to bring to city council our suggestions on how to proceed with needs & wants in the community in regards to our parks & recreation opportunities.	As a member, I am to listen & respect the opinions of all members. I have a responsibility to the community to make suggestions to the board when applicable & think that as a senior citizen I bring a slightly different perspective to our challenges that is good for the board.

## 2011 Board Member Survey

First Name	LastName	Board	As a board member, rate the amount of information you receive from the city staff liaison as it relates to your ability to make informed decisions.				Comments	As a board member, rate the level of direction you receive from the city staff as it relates to your ability to make good and timely decisions.				Comments
			Adequate	Sometimes Inadequate	Inadequate	Overwhelming		Adequate	Sometimes Inadequate	More Direction from Staff	Too Much Direction from Staff	
Paula	Harper	P&R	X				Joy and her staff are always 100% prepared at each meeting.		X			My answer is based on the presumption "city staff" refers to city council members (not Joy or her staff).
Jasmin	Bayliss	P&R		X					X			
Julia	Baldwin	P&R		X						X		Sometimes I feel as if the board is asked to create the policy or the program. Our role should be as a sounding board for staff initiated program designs and policy changes. It has improved but here is an example from the past...An agenda item was to create a policy on something (I can't remember the specifics). We were presented with the policy of Plano, Wylie, and Sachse to compare. Rather than staff pulling out what they thought was relevant for Murphy, they just opened it up for us to create this policy and decide which components of each to combine and use as our own policy. Our job (as I see it) is to advise and make recommendations to the things that staff deems necessary, not for us to come up with those things. Sometimes, we might have an idea for a new program or policy, but once we have presented that idea and make that recommendation as a Board, it is up to staff to create the program and bring it back to us for review.
Eric	Lopez	P&R	X				Kim does a great job each and every meeting at providing us the information we need to make informed decisions that affect our parks.		X			Specific direction would be helpful when it comes to making certain decisions, rather than general instructions as to priorities, goals, etc. It would be good to get directions, such as: Park X has Y amount of money to purchase Z items...with our decision being what items we feel would be contribute to that particular park. The development of the new parks, and the involvement of the architects and development firms, has been very helpful. The public forums and comments have also provided much needed insight into what the community wants in our parks.
Sherry	Pace	P&R	X				Kim does a good job of informing us on what the council is looking for. I feel that we are very fortunate to have her in our community. Her skills at grant writing have proved to be superior, as evidenced by all the grants that she has been able to pull into the city in her short tenure here & how "young" Murphy is as a growing dynamic city in the N. Texas/Collin county community.	X				

## 2011 Board Member Survey

First Name	LastName	Board	As a board member, rate how well you understand the overall vision and direction set by the City Council.				Comments	Give your comments and/or suggestions relating to communication from staff, City Council, and the City in general.
			Clear Understanding	Generally, but sometimes unclear	Some idea, but not generally clear	Do not know the direction		
Paula	Harper	P&R		X				Suggest reinstating the combined meetings with all the boards (quarterly or semi annually) or invite 1 or 2 city council reps to attend our meeting on a quarterly basis to provide updates first hand.
Jasmin	Bayliss	P&R		X				
Julia	Baldwin	P&R		X			Sometimes it is frustrating when it seems like council just changes whatever we recommend. I realize that they have a great responsibility to thoroughly investigate each item that comes before them, but as a board member it can be frustrating when it seems as if they already have their minds made up as to what they want to see in a park or program and we usually end up having to change it to suit them. We spend a lot of time deliberating issues and making what we feel is the best possible decision. I realize this might just be the process of city government, but nonetheless, it can be frustrating.	The board would run much more smoothly if there was clear direction from council and staff as to the issues that come before us. As an advisory board, it can be difficult to draw the line between advising and setting policy. As an advisory board, we would like to feel like our contributions are valid and worth the time and effort we spend to attend meetings and be prepared for those meetings.
Eric	Lopez	P&R		X			See the response to #5 above; in my opinion, specific direction would be more fruitful, in my opinion.	Communication could be better between the meetings. However, the amount of communication between the members is limited because of the open forum and notice requirements. Otherwise, staff does an excellent job at providing us the board meeting summaries as well as the city council summaries and we always have our packets the weekend before the meeting.
Sherry	Pace	P&R	X				I think that kim brings to us what the council has asked for. I stilil feel it would be wise to have a liason from council that would be able to pop in occasionally & observe how we are doing & make any corrective suggestgions if they think they may apply.	

## 2011 Board Member Survey

First Name	LastName	Board	How satisfying is your experience serving on a board?				Additional comments regarding this question:	The Board and Commission appointment process is normally in June/July, however, City Council is moving the process to the fall. Even though your term may have expired in July, are you willing to continue serving until the next appointment process?		Comments	Do you have any additional comments or suggestions relating to serving on a City board?
			Rewarding & Meaningful	At times Rewarding	Generally not rewarding	Waste of Time		Yes	No		
Paula	Harper	P&R		X				Yes			
Jasmin	Bayliss	P&R		X				Yes			
Julia	Baldwin	P&R		X			It's been better in the last year because I think we actually feel as if we are making a contribution. For years it seems like nothing ever got done. I do appreciate that things are happening!	Yes			
Eric	Lopez	P&R	X					Yes	I look forward to continuing my service on the board for years to come.	I would like to also see if serving on the animal shelter advisory board would be possible.	
Sherry	Pace	P&R	X				I enjoy seeing how so many folks can pull together to get something significant accomplished	Yes	I would be honored to continue to serve if asked.	I would reiterate that we (Murphy) are a young community with a GREAT demographics. It behooves us to do all we can do to keep up with the times in giving our citizens excellent parks & varied recreation opportunities to appeal to all age ranges. I feel that our new community center will be the center piece that will have people in surrounding communities a buzz with what we were able to do. I see no reason that we can not be awarded Tree City USA designation & top park/rec operation in the country for our demographics....We have a SUPERIOR system started here in a relatively short amount of time. I think we are AWESOME & Super Stars in our small community of Murphy.....WE ROCK! We are Movers & shakers for Murphy.	

\*Serves on multiple boards

## 2011 Board Member Survey

First Name	LastName	Board	From your understanding, what is the purpose of your board?	What is your role as a member of your board?
			Open-Ended Response	Open-Ended Response
Steve	Levy	P&Z	To assure that applicants for building permits in the City are meeting both the long range and current development plans.	To review staff recommendations for development applicants as to the desired land use and discuss any changes to the land use. The board member will vote on any motion that is seconded as it relates the items in the meeting agenda.
John	McKay	P&Z	To review and recommend opinions on zoning cases to Council, review and amendment city standards related to development, zoning, signing, etc.	Chairman
Jon	King	P&Z	evaluate and recommend to the city council changes to the city master plan and requests to changes of zoning ordiances	Secretary
Jane	Jan	P&Z	Make recommendation to Council Memebers in regards the new development in City of Murphy.	The bridge between the community or applicant and the City.
Kenneth	Steubing*	P&Z	To study proposed projects brought before the City to insure they follow the intent and guidelines set down by City Rules and Regulations. Also, to insure higher authority rules and regulations followed when it is applicable to these projects.	To act upon the above purposes without personal prejudice.
Gus	Delaloye	P&Z	To review and consider proposed building ans plot plans and determain how they fit ito the Murphy plan and if they follow city codes.	To review, study, consider proposals for building and plot plans. To discuss my thoughts on these matters with fellow P&Z board members and to then vote to accept, deny, or ask for changes to the plan as presented.
Julie	Jones	P&Z	The commission reviews applications related to zoning and land use changes while basing our decisions on current city ordinances and land use maps.	I am a member of the commission and serve as the Vice-Chairman.
Ty	Holcomb*	P&Z	Make recommendations regarding planning issues to City Council	Participate in discussions, answer questions, and guide applicants through the process of p&z

\*Serves on multiple boards

## 2011 Board Member Survey

First Name	LastName	Board	As a board member, rate the amount of information you receive from the city staff liaison as it relates to your ability to make informed decisions.				Comments	As a board member, rate the level of direction you receive from the city staff as it relates to your ability to make good and timely decisions.				Comments
			Adequate	Sometimes Inadequate	Inadequate	Overwhelming		Adequate	Sometimes Inadequate	More Direction from Staff	Too Much Direction from Staff	
Steve	Levy	P&Z			X			X				On rare occasions some additional information is needed.
John	McKay	P&Z	X				Jeff Bickerstaff gave P&Z a fantastic amount of info for consideration. I have not sat with the new staff liaison, so i reserve judgment.	X				
Jon	King	P&Z	X					X				
Jane	Jan	P&Z	X					X				
Kenneth	Steubing*	P&Z	X				I feel inadequate does not properly reflect the assistance I have received from the City Staff on Committee business or personal business when I deal with them as a citizen.	X				Same comment
Gus	Delaloye	P&Z		X					X			
Julie	Jones	P&Z	X				City staff does an excellent job of providing us helpful information in a timely manner. Staff is very responsive and knowledgeable when questions develop and they have been a great resource to guide us when needed.	X				
Ty	Holcomb*	P&Z	X					X				

\*Serves on multiple boards

## 2011 Board Member Survey

First Name	LastName	Board	As a board member, rate how well you understand the overall vision and direction set by the City Council.				Comments	Give your comments and/or suggestions relating to communication from staff, City Council, and the City in general.
			Clear Understanding	Generally, but sometimes unclear	Some idea, but not generally clear	Do not know the direction		
Steve	Levy	P&Z		X				We generally receive some information on City Council comments or suggestions in our pre-meeting. When P&Z face a difficult issue it would be helpful to have some Council presence.
John	McKay	P&Z			X		We often do not know the desires of council on zoning cases, so we make judgements based on our the facts of the situation. We try not to include personal opinino or desire.	n with Council. The idea of the Wal-Mart joint meeting was excellent. However, Council has the abil
Jon	King	P&Z	X					
Jane	Jan	P&Z	X					City staff is doing a great job.
Kenneth	Steubing*	P&Z	X					
Gus	Delaloye	P&Z		X			The council needs to fully understand that we are Murphy Teras and not Highland Park	NONE
Julie	Jones	P&Z	X				I attended a few work sessions w/council, kept up with events from the Murphy Messenger and staff always provided updates on council meetings. Staff was very good about giving the history on sites/projects too so that the commission had a well rounded perspective on applications.	I have thoroughly enjoyed my service on this commission and the people I have spent it with.
Ty	Holcomb*	P&Z	X					

\*Serves on multiple boards

## 2011 Board Member Survey

First Name	LastName	Board	How satisfying is your experience serving on a board?				Additional comments regarding this question:	The Board and Commission appointment process is normally in June/July, however, City Council is moving the process to the fall. Even though your term may have expired in July, are you willing to continue serving until the next appointment process?		Comments	Do you have any additional comments or suggestions relating to serving on a City board?
			Rewarding & Meaningful	At times Rewarding	Generally not rewarding	Waste of Time		Yes	No		
											Open-Ended Response
Steve	Levy	P&Z	X				My third year on different boards. My schedule is making it more difficult to attend every meeting but I do enjoy serving the City.	Yes			I am not a fan of how Board Officers are chosen. The nomination process may allow for individuals to vote in Cliques versus the most experienced/qualified person filling the position. We have had a lot of turn over at P&Z in Officers position and some of those persons had not even served a year. I would suggest that if feasible an Officer of the board should have served a year to be nominated.
John	McKay	P&Z	X					Yes			I continue to enjoy the experience and helping to shape Murphy into a city that others are measured by and people enjoy living in.
Jon	King	P&Z	X					Yes			
Jane	Jan	P&Z	X					Yes			Not at this moment.
Kenneth	Steubing*	P&Z	X				It is a job to be handled by the citizenry of the community. I try to keep personal judgment separate. The Walmart issue was such and issue. I'm still not sure it is the best for Murphy, but I feel proper procedure was followed.	Yes		I volunteered for as long as I am need or can contribute.	
Gus	Delaloye	P&Z	X				I find it interesting to see how other board members think. Often I am surprised.	Yes			NO
Julie	Jones	P&Z	X						No	Unfortunately I am moving in 2 weeks and informed staff a few weeks ago. I work in downtown Fort Worth and did not want to continue commuting now that I have a little girl at home.	Once I am settled in my new home, I plan to pursue opportunities to participate on a board in Fort Worth. It was a great experience and I really enjoyed it.
Ty	Holcomb*	P&Z	X					Yes			Look for experts in each field for board appointments

\*Serves on multiple boards

## 2010 BOARDS & COMMISSIONS

### 4A ECONOMIC DEVELOPMENT CORPORATION

Kristen Roberts, Staff Liaison 972/468-4006 kroberts@murphytx.org

PLACE	BOARD MEMBER NAME	ORIGINAL APPOINTMENT DATE	TERM #	CURRENT TERM
1	Kenneth Tatsch	7/7/2008	1	2009-2011
2	Betty Spraggins	7/6/2009	1	2009-2011
3	VACANCY	6/6/2006	3	2010-2012
4	David Cooper	7/6/2010	1	2010-2012
5	Charles Buescher	7/6/2010	1	2010-2012

### 4B COMMUNITY DEVELOPMENT CORPORATION

Kristen Roberts, Staff Liaison 972/468-4006 kroberts@murphytx.org

PLACE	BOARD MEMBER NAME	ORIGINAL APPOINTMENT DATE	TERM #	CURRENT TERM
1	Michael Kim	7/6/2009	1	2009-2011
2	Cary Walker	6/21/2007	1	2009-2011
3	Katie Westhora	7/7/2008	1	2009-2011
4	VACANCY			
5	Eric Hemphill	7/7/2008	2	2010-2012
6	Brian Epstein	7/6/2010	1	2010-2012
7	Brian Jones	7/6/2010	1	2010-2012

### ANIMAL SHELTER ADVISORY COMMITTEE

Kim Parker, Staff Liaison 972/468-4235 kparker@murphytx.org

PLACE	BOARD MEMBER NAME	ORIGINAL APPOINTMENT DATE	TERM #	CURRENT TERM
1	Tammy Drake, ACO	7/6/2010	1	N/A
2	Dave Brandon	7/6/2010	1	2010-2012
3	Lorraine Chalkley	7/6/2010	1	2010-2012
4	Buddy Russell	7/6/2010	1	2010-2012
5	Stephanie Pennington	7/6/2010	1	2010-2013
6	Beverly Mueller	7/6/2010	1	2010-2013

### BOARD OF ADJUSTMENT

Kristen Roberts, Staff Liaison 972/468-4006 kroberts@murphytx.org

PLACE	BOARD MEMBER NAME	ORIGINAL APPOINTMENT DATE	TERM #	CURRENT TERM
1	Mathew Thekkil	6/21/2007	2	2009-2011
2	VACANCY			2009-2011
3	Andrew Chase	6/6/2006	2	2010-2012
4	Scott Holden	6/6/2006	3	2010-2012
5	Christine Johnson	6/20/2005	3	2010-2012
6	Jory Denny	7/6/2009	1	2010-2012
7	VACANCY			2009-2011
8	Frank Steckler, Alt.	7/7/2008	1	2009-2011
9	Charles Dern, Alt.	6/21/2007	2	2009-2011
10	Malkit Sroya ,Alt.	7/6/2010	1	2009-2011
11	David Stephenson, Alt.	1/19/2010	1	2009-2011

<b>BUDGETARY FINANCE COMMITTEE</b>				
James Fisher, Staff Liaison 972/468-4007 jfisher@murphytx.org				
PLACE	BOARD MEMBER NAME	ORIGINAL APPOINTMENT DATE	TERM #	CURRENT TERM
1	John Daugherty, Council	7/19/2010	1	2010-2011
2	Scott Bradley, Council	7/19/2010	1	2010-2011
3	Linda Truitt, Staff	7/19/2010	1	2010-2011
4	Cynthia Livermore	11/15/2010	1	2010-2011
5	Doug Davis	11/15/2010	1	2010-2011

**BUILDING AND FIRE CODE APPEALS BOARD**  
 72/468-4026 dyoung@murphytx.org Mark Lee, Staff Liaison 972/468

PLACE	BOARD MEMBER NAME	ORIGINAL APPOINTMENT DATE	TERM #	CURRENT TERM
1	Terry Beck	7/2/2007	2	2009-2011
2	Christine Johnson	7/2/2007	2	2009-2011
3	Donald Decker	7/6/2010	1	2010-2012
4	Ty Holcomb	7/6/2010	1	2010-2012
5	Kenneth Steubing	12/6/2010	1	2009-2011

**COMMUNITY EVENTS COMMITTEE**  
 Kristen Roberts, Staff Liaison 972/468-4006 kroberts@murphytx.org

PLACE	BOARD MEMBER NAME	ORIGINAL APPOINTMENT DATE	TERM #	CURRENT TERM
1	Debbie Ison	9/4/2007	2	2009-2011
2	<b>VACANCY</b>			2009-2011
3	Natalie Montgomery	7/17/2006	3	2009-2011
4	Camille Hooper	7/6/2009	1	2009-2011
5	Angelia Pinaga	7/6/2009	1	2009-2011
8	Greg Alway	7/19/2010	1	2010-2012
9	Nancy Dinh	7/19/2010	1	2010-2012
10	Maggie Whitt	7/19/2010	1	2010-2012

**PARK & RECREATION BOARD (Tree Preservation Board)**  
 Kim Lenoir, Staff Liaison 972/468-4068 klenoir@murphytx.org

PLACE	BOARD MEMBER NAME	ORIGINAL APPOINTMENT DATE	TERM #	CURRENT TERM
1	Sherry Pace	7/6/2009	1	2009-2011
2	Brian Jones	7/6/2010	1	2009-2011
3	Eric Lopez	7/6/2010	1	2009-2011
4	Jasmin Bayliss	7/6/2010	1	2010-2012
5	Cary Walker	7/7/2008	2	2010-2012
6	Julia Baldwin	6/6/2006	3	2010-2012
7	Paula Harper	12/7/2009	1	2010-2012

<b>PLANNING &amp; ZONING COMMISSION</b>				
<b>Kristen Roberts, Staff Liaison 972/468-4006 kroberts@murphytx.org</b>				
<b>PLACE</b>	<b>BOARD MEMBER NAME</b>	<b>ORIGINAL APPOINTMENT DATE</b>	<b>TERM #</b>	<b>CURRENT TERM</b>
<b>1</b>	<b>VACANCY</b>		<b>1</b>	<b>2009-2011</b>
<b>2</b>	Steve Levy	7/6/2009	1	2009-2011
<b>3</b>	Jane Jan	7/6/2010	1	2010-2012
<b>4</b>	John McKay	11/19/2007	2	2010-2012
<b>5</b>	Ty Holcomb	7/6/2010	1	2010-2012
<b>6</b>	Stephanie Merrifield	7/6/2010	1	2010-2012
<b>7</b>	Jon King	7/19/2010	1	2010-2012
<b>8</b>	Gus Delaloye, Alt	7/6/2010	1	2009-2011
<b>9</b>	Kenneth Steubing, Alt	12/6/2010	1	2009-2011

<b>CITY COUNCIL</b>				
<b>James Fisher, City Manager 972/468-4007 jfisher@murphytx.org</b>				
<b>PLACE</b>	<b>COUNCIL MEMBER NAME</b>	<b>ORIGINAL ELECTION DATE</b>	<b>TERM #</b>	<b>CURRENT TERM</b>
<b>Mayor</b>	Bret Baldwin	5/7/2005	3	2011-2014
<b>1</b>	Colleen Halbert	5/12/2007	2	2010-2013
<b>2</b>	Dennis Richmond	5/8/2010	1	2010-2013
<b>3</b>	John Daugherty	5/10/2008	2	2011-2014
<b>4</b>	Scott Bradley	5/12/2007	2	2010-2013
<b>5</b>	Bernard Grant	5/14/2011	1	2011-2014
<b>6</b>	Dave Brandon	5/8/2010	1	2010-2013

**DRAFT**

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

**October 4, 2011  
6:00 P.M.**

**CALL TO ORDER**

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

**INVOCATION & PLEDGE OF ALLEGIANCE**

Councilmember Richmond gave the invocation and led the Pledge of Allegiance.

**ROLL CALL & CERTIFICATION OF A QUORUM**

Secretary Nemer certified a quorum with the following:

Council Present

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

**PROCLAMATIONS & PRESENTATIONS**

**• Proclamation designation October as Breast Cancer Awareness Month**

Mayor Baldwin presented a proclamation to representatives from the Relay for Life team from the Wylie/Sachse/Murphy area. Members shared survivor stories and encouraged participation in the event on October 11<sup>th</sup> at Murphy Municipal Complex.

**PUBLIC COMMENTS**

No public comments were submitted.

**CONSENT AGENDA**

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

- A. Approval of the Minutes from the September 20, 2011 Regular City Council Meeting.**
- B. Consider and/or act upon approval of a resolution authorizing the City Manager to sign an Inter Local Agreement (ILA) with City of Plano for City of Murphy Fire Department employees to participate in Plano EMS Paramedic Training Programs.**
- C. Consider and/ or act upon approval of a resolution authorizing the acceptance of the Safe Route to Schools grant awards and contracts.**

## Council Action

Councilmember Halbert moved to approve the Consent Agenda, Items A-B as presented. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

## INDIVIDUAL CONSIDERATION

- 1. Hold a public hearing and consider and/or act upon approval of an ordinance amending an existing PD (Planned Development) District (No. 03-10-590) for Single Family Uses regarding accessory building requirements (75% masonry) located in The Gables at North Hill, Phases 1-3 subdivisions and The Ranch at North Hill, Phases 3-8 subdivisions. (Zoning File 2011-04)**

## Council Action

Councilmember Halbert moved to approve an ordinance amending an existing PD (Planned Development) District (No. 03-10-590) for Single Family Uses regarding accessory building requirements (75% masonry) located in The Gables at North Hill, Phases 1-3 subdivisions and The Ranch at North Hill, Phases 3-8 subdivisions. (Zoning File 2011-04) Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

## Note

For discussion purposes, Items 2 and 3 were combined. Item 3 was voted on prior to Item 2.

- 2. Consider and/or act on the application of ALLEN AND LOUCKS VENTURE, L.P. requesting approval of a site plan, landscape plan and elevations for a restaurant on property zoned PD (Planned Development) District for Retail Uses on property located on 121 East FM 544, east of North Murphy Road. (ZF2001-03)**

## Public Comments (for Item 2 and 3)

Public comments were submitted by Mr. Dwayne Elledge and Mr. Alex Acuña speaking in favor of the site plan and SUP.

## Council Action

After consideration of Item 3, Councilmember Brandon moved to approve a site plan, landscape plan and elevations for a restaurant on property zoned PD (Planned Development) District for Retail Uses on property located on 121 East FM 544, east of North Murphy Road (ZF2001-03) with enhanced patio embellishments, enhanced landscaping around the patio, and final approval of the site plan by staff focusing on traffic issues. Councilmember Halbert seconded the motion.

## Amendment 1

Councilmember Richmond moved to amend the motion to include that the site plan is approved on the condition that the two center spaces are combined into one space with a use as an evening concept restaurant. Councilmember Daugherty seconded the motion. A vote was taken and failed, 3-4 with Mayor Baldwin, Councilmember Daugherty, and Councilmember Richmond voting in favor; and Councilmember Halbert, Councilmember Bradley, Councilmember Grant, and Councilmember Brandon voting in opposition.

## Main Motion

A vote was taken on the main motion and passed, 5-2 with Councilmember Halbert and Mayor Baldwin voting in opposition.

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

**Council Action**

Item 3, approval of a Specific Use Permit for ZF 2001-03 was considered prior to Item 2. Councilmember Brandon moved to approve a Specific Use Permit for a Drive-In Window for Einstein's restaurant on property zoned PD (Planned Development) District for Retail Uses on property located on 121 East FM 544, east of North Murphy Road. Councilmember Bradley seconded the motion. A vote was taken and passed, 6-1 with Councilmember Halbert voting in opposition.

**Note**

Item 4 was considered after Items 5 and 6.

- 4. Consider and/or act upon reallocation of the 2008 park and trail bond funds.**

**Council Action**

After consideration of Items 5 and 6, Council took no action on this item.

- 5. Consider and/ or act upon authorizing the HOK to proceed with bidding Liberty Ridge Park construction project.**

**Council Action**

Councilmember Brandon moved to authorize HOK to proceed with bidding Liberty Ridge Park construction project with Multi-Rib roofing for the pavilion. Councilmember Halbert seconded the motion. A vote was taken and passed, 7-0.

- 6. Consider and/ or act upon authorizing the HOK to proceed with construction plans for Timbers Nature Preserve Park and trail project.**

**Council Action**

Councilmember Brandon moved to authorize HOK to proceed with construction plans for Timbers Nature Preserve Park and trail project not to exceed \$250,000.00 and to authorize the City Manager to execute a contract. Councilmember Bradley seconded the motion. A vote was taken and passed, 7-0.

- 7. Consider and/or act upon approval of a resolution designating Timbers Nature Preserve Park and The Preserve on Maxwell Creek Trails as designated wildlife habitats.**

**Council Action**

Councilmember Halbert moved to approve a resolution designating Timbers Nature Preserve Park and The Preserve on Maxwell Creek Trails as designated wildlife habitats. Councilmember Richmond seconded the motion. A vote was taken and passed, 7-0.

- 8. Consider and/ or act upon authorizing the City Manager to approve change orders, furniture, fixtures, security, and audiovisual expenses for the Murphy Community Center.**

**DRAFT**

**Council Action**

Councilmember Brandon moved to authorize the City Manager to approve change orders, furniture, fixtures, security, and audiovisual expenses for the Murphy Community Center as detailed in Plan B that was presented. Councilmember Bradley seconded the motion. A vote was taken and passed, 7-0.

- 9. Consider and/or act upon approval of an ordinance amending the Murphy Code of Ordinances Chapter 30, Article II (Smoking) Section 21, Definitions; Section 23, Smoking prohibited in certain public areas; Section 27, where smoking is not prohibited, and adding a new section, Section 28, to provide for air circulation and ventilation.**

**Council Action**

Councilmember Brandon moved to amend the Code of Ordinances Chapter 30, Article II Smoking, Section 21 Definitions, changing the definition of enclosed area - means all space between a floor and ceiling which is enclosed on all sides by walls or windows (exclusive of doors or passage ways) which extend from the floor to the ceiling. Patio – means an improved and defined unenclosed outside area associated with a food service establishment or bar used for purposes of dining or entertainment, provided that walkways are not to be considered patios. Smoking would be prohibited on a patio within 15 feet from any door, operable window, or other opening to an indoor enclosed area and amending Section 30.27 - Where Smoking is not Prohibited – keep line (7) and add line (8) Patios as defined above. Councilmember Halbert seconded the motion.

**Amendment 1**

Councilmember Daugherty moved amend Section 30-28 (1) to read as follows:

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

**Amendment 2**

Councilmember Richmond moved to strike oscillating fans from Amendment 1. Mayor Baldwin seconded the motion. A vote was taken and passed 4-3 with Councilmember Halbert, Councilmember Daugherty, and Councilmember Grant voting in opposition.

**Amendment 1 Vote**

A vote on Amendment 1 was taken and passed with Councilmember Grant and Councilmember Brandon voting in opposition.

**Amendment 3**

Councilmember Halbert moved to amend the main motion and remove the prohibition of the 15 feet from any door, operable window, or other opening to an indoor enclosed area for all businesses with an air curtain. Councilmember Daugherty seconded the motion. A vote was taken and passed, 6-1 with Councilmember Grant voting in opposition.

**Main Motion**

A vote was taken on the main motion as amended by Amendment 3 and passed, 6-1 with Councilmember Grant voting in opposition.

## CITY MANAGER/STAFF REPORTS

- October 18 – Chamber Luncheon/State of the City
- October 24 – November 4 –Early Voting
- Fire Prevention Week

### EXECUTIVE SESSION

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

- §551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving *Michael Cantrell v. City of Murphy, et al.*, Cause No. 6:09-cv-225.
- §551.071 Consultation with City Attorney regarding pending or contemplated litigation regarding Patrick Greene claim.
- §551.072 Deliberation regarding real property; to deliberate the purchase, exchange, lease, or value of real property.

#### Council Action

Mayor Baldwin convened into Executive Session at 9:18 p.m. on the items listed above as well as the following item.

- §551.071 Consultation with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter regarding the Personnel Manual related to Absences.

### RECONVENE INTO REGULAR SESSION

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

- §551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving *Michael Cantrell v. City of Murphy, et al.*, Cause No. 6:09-cv-225.
- §551.071 Consultation with City Attorney regarding pending or contemplated litigation regarding Patrick Greene claim.
- §551.072 Deliberation regarding real property; to deliberate the purchase, exchange, lease, or value of real property.
- §551.071 Consultation with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of

**DRAFT**

**Professional Conduct of the State Bar of Texas clearly conflicts with this chapter regarding the Personnel Manual related to Absences.**

**Council Action**

Mayor Baldwin reconvened into Regular Session at 9:56. No action was taken as a result of the Executive Session.

**ADJOURNMENT**

With no further business, the meeting was adjourned at 9:56 p.m.

**APPROVED BY:**

\_\_\_\_\_  
**Bret M. Baldwin, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Aimee Nemer, City Secretary**

**Issue**

Consider and/ or act upon a resolution authorizing the acceptance of the Collin County Funding Assistance Program grant award and contract for Murphy Central Park - Phase 1 and Maxwell Creek Greenbelt Expansion.

**Background**

June 7, 2011 City Council authorized the grant application for Murphy Central Park and Maxwell Creek Greenbelt Trails extension project – Phase I. The Collin County Parks and Open Space Project Funding Assistance Program has been in place since 1999 when the citizens approved a \$5.75 million bond proposition. Those funds were used to create Collin County’s Parks and Open Space Strategic Plan and assisted with the advancement of 33 projects for 25 different entities over a 3-year period. In November 2007, the citizens of Collin County approved a \$17 million bond proposition for Parks and Open Space. Over the next six years (2009-2015) Collin County will make these funds accessible to cities and non-profit organizations within the County.

In 2009, Murphy applied for a \$500,000 project for the Murphy Central Park and the Maxwell Creek Greenbelt Trails extension project. Collin County wants to fund projects that will be completed in one year. This project was proposed in 2009 for Collin County funding consideration, and was submitted to the Texas Parks and Wildlife (TPWD) Outdoor Recreation Grant Program for \$500,000. TPWD awarded this project \$500,000 in January 2010. The City acquired additional land from Plano ISD and prepared a comprehensive master plan. Construction documents are now underway with a proposed bid scheduled for January 2012.

**Financial Considerations**

The \$400,000 grant funds are designated for the pedestrian bridge from Murphy Middle School, 10 foot wide trail on the west side of the park, 12 foot wide trail through the park, 10 foot wide trail connection north to The Preserve and existing pedestrian bridge, the new southern pedestrian bridge, and the 10 foot wide trail connection south from to Murphy Marketplace. Matching funds are the designated 2008 Park Bond funds.

**Staff Recommendation**

Staff recommends approval of resolution.

**Attachments**

- 1) Resolution and Contracts

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE COLLIN COUNTY INTERLOCAL AGREEMENT FOR MURPHY CENTRAL PARK.**

**WHEREAS**, the City Council finds it in the best interest of the citizens of Murphy to construct hike and bike trails; and

**WHEREAS**, the City Council agrees that it is in the best interest of the citizens of Murphy to accept the Collin County Open Space project grant funding for of \$400,000 for Murphy Central Park and Maxwell Creek Greenbelt; and

**WHEREAS**, the City Council applied for and received award of this project; and

**WHEREAS**, the City Council designates the City Manager the authorized official. The authorized official is given the power to execute this project contract on behalf of the City of Murphy.

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

**SECTION 1.** That the City Council hereby accepts the Collin County Open Space Project grant award and authorizes the City Manager to execute the Interlocal Agreement, attached hereto as *Exhibit A*.

**DULY RESOLVED** by the City Council of the City of Murphy, Collin County, Texas, on this the 18th day of October, 2011.

APPROVED:

\_\_\_\_\_  
Bret M. Baldwin, Mayor

ATTEST:

\_\_\_\_\_  
Aimee Nemer, City Secretary

*Exhibit A*



**INTERLOCAL AGREEMENT  
BETWEEN  
COLLIN COUNTY  
AND THE  
CITY OF MURPHY**

**WHEREAS**, the County of Collin, Texas (“County”) and the City of Murphy (“City”) desire to enter into an Agreement concerning improvements to Murphy Central Park in the City of Murphy, Collin County, Texas; and

**WHEREAS**, the Interlocal Cooperation Act (Texas Government Code Chapter 791) authorizes any local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act; and

**WHEREAS**, the City and County have determined that the improvements may be constructed most economically by implementing this Agreement; and

**WHEREAS**, the City and the County find that this Agreement will benefit the residents of the County and provide additional park and recreational facilities and open space for all County residents; and

**WHEREAS**, this Agreement will support or advance the mission of the Collin County Parks and Open Space Strategic Plan;

**NOW, THEREFORE**, this Agreement is made and entered into by the County and the City upon and for the mutual consideration stated herein.

**WITNESSETH:**

**ARTICLE I.**

The City shall arrange for improvements to Murphy Central Park, hereinafter called the “Project”. The Project shall consist of the installation or construction of items described in Exhibit “A”.

**ARTICLE II.**

The City shall prepare plans and specifications for improvements, accept bids, award a construction contract and administer the construction contract in accordance with all state statutory requirements. The City shall provide the county with a copy of executed construction contract(s) for the Project. All improvements shall be in accordance with the plans and specifications approved by the City. Changes to the project which alter the initial funding request referenced in Exhibit “A” must be reviewed by the Parks Foundation Advisory Board and approved by Commissioners Court.

### ARTICLE III.

The City will not expend assistance funds to acquire easements or real property for use as right-of-way.

### ARTICLE IV.

The City estimates the total actual cost of the project to be \$2,960,000.00. The County agrees to fund a portion of the total cost to construct improvements described in Exhibit "A" in an amount not to exceed \$400,000.00. The County shall reimburse the City for invoices paid by the City for cost related to the Project on a dollar for dollar matching basis. Alternative payment schedules would require Commissioners Court approval.

### ARTICLE V.

Collin County's participation in this project shall not exceed \$400,000.00 as indicated in Article IV above. The City shall be responsible for any costs, which exceed the total estimated project cost.

### ARTICLE VI.

The City shall install a **project sign** identifying the project as being partially funded by the Collin County 2007 Parks and Open Space Bond Program. The City shall also provide **before, during and after photos and quarterly progress reports** in electronic format or via US mail to the contact identified on Exhibit "A". Following completion of the project, the City shall provide **an itemized final accounting of expenditures** including in-kind services or donations for the project. All projects for which the County has provided funds through its 2007 Parks and Open Space Bond Program must remain open and accessible to all County residents.

### ARTICLE VII.

The City and County agree that the party paying for the performance of governmental functions or services shall make those payments only from current revenues legally available to the paying party.

### ARTICLE VIII.

**INDEMNIFICATION.** To the extent allowed by law, each party agrees to release, defend, indemnify, and hold harmless the other (and its officers, agents, and employees) from and against all claims or causes of action for injuries (including death), property damages (including loss of use), and any other losses, demands, suits, judgements and costs, including reasonable attorneys' fees and expenses, in any way arising out of, related to, or resulting from its performance under this Agreement, or caused by its negligent acts or omissions (or those of its respective officers, agents, employees, or any other third parties for whom it is legally responsible) in connection with performing this Agreement.

ARTICLE IX.

VENUE. The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this Agreement. The parties agree that this Agreement is performable in Collin County, Texas and that exclusive venue shall lie in Collin County, Texas.

ARTICLE X.

SEVERABILITY. The provisions of 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 XI.

ENTIRE AGREEMENT. This Agreement embodies the entire Agreement between the parties and may only be modified in writing executed by both parties.

ARTICLE XII.

SUCCESSORS AND ASSIGNS. This Agreement shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns. Neither party will assign or transfer an interest in this Agreement without the written consent of the other party.

ARTICLE XIII.

IMMUNITY. It is expressly understood and agreed that, in the execution of this Agreement, neither party waives, nor shall be deemed hereby to have waived any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. 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 parties not signatories hereto.

ARTICLE XIV.

TERM. This Agreement shall be effective upon execution by both parties and shall continue in effect annually until final acceptance of the Project.

ARTICLE XV.

The declarations, determinations and findings declared, made and found in the preamble to this Agreement are hereby adopted, restated and made part of the operative provisions hereof.

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**COUNTY OF COLLIN, TEXAS**

By: \_\_\_\_\_  
Name: Keith Self  
Title: County Judge  
Date: \_\_\_\_\_

Executed on this \_\_\_\_ day of \_\_\_\_\_,  
20 \_\_, by the County of Collin,  
pursuant to Commissioners' Court  
Order No. \_\_\_\_\_.

**ATTEST:**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**CITY OF MURPHY**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Executed on behalf of the City of  
Murphy pursuant to City  
Council Resolution No. \_\_\_\_\_

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**EXHIBIT "A"**

The County will provide funding assistance for the following:

- Concrete Trails and Trail Connections  
(Items 4, 6, 8 and 9)
- Pedestrian Bridge – South (Item 5)
- Pedestrian Bridge – West (Item 10)

**Total funding**

**\$400,000.00**

**Contact Information**

Request for reimbursement submitted to:

Collin County  
Special Projects  
Teresa Nelson  
825 N. McDonald Street, Suite 145  
McKinney, Texas 75069  
972-548-3744

Submission of electronic photos and quarterly reports:

Teresa Nelson  
[tnelson@collincountytxas.gov](mailto:tnelson@collincountytxas.gov)

**Project Manager Contact:** (must be able to answer specific questions regarding project)

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**Issue**

Consider and/ or act upon an ordinance of the City Council of the City of Murphy, Texas, amending Ordinance No. 11-08-890 providing a severability clause; providing a penalty clause; and providing an effective date.

**Background**

The City approved the drought contingency plan in March 2011. In August, this ordinance was amended for Stage 2 enforcement guidelines. However, the section that outlines the enforcement needs to include the Stage 3 restrictions for November 1 to March 31 for watering only every two weeks. This new ordinance will clarify this issue by specifically listing Thursdays as the Murphy watering day and referencing the city website for specific dates for specific service areas. Per the Drought Contingency Plan, the City Manager has declared Stage 3 to begin November 1, 2011 and continue to March 31, 2011. Due to this prolonged drought, all water waste must be curtailed.

**Financial Considerations**

There is a financial impact to the City's Utility Fund Budget as more people conserve, hopefully, water revenues may decrease. If the City enters Stage 4, then our customers will feel an impact as there is a surcharge on all levels of water usage.

**Staff Recommendation**

Staff recommends approval of this ordinance.

**Attachments**

- 1) Proposed Ordinance
- 2) Article from Murphy Monitor

**ORDINANCE No. 11-xx-xxx**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, **AMENDING 11-08-890 TO INCLUDE NOVEMBER 1 TO MARCH 31 STAGE 3 WATERING SCHEDULE**; REPEALING ORDINANCE NO. 06-07-699 IN ITS ENTIRETY; REPEALING ORDINANCE NO. 06-08-703 IN ITS ENTIRETY; REPEALING ORDINANCE NO. 11-03-875 IN ITS ENTIRETY; REPEALING CHAPTER 82, ARTICLE IX., SECTIONS 82-371 THROUGH 82-377 OF THE CITY OF MURPHY CODE OF ORDINANCES IN ITS ENTIRETY; AMENDING THE CITY OF MURPHY CODE OF ORDINANCES BY AMENDING CHAPTER 82, ARTICLE IX, TO ESTABLISH A NEW DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN; ESTABLISHING MANDATORY WATERING SCHEDULE FOR STAGE 2, INCLUDING PROHIBITED WATERING HOURS; ESTABLISHING MANDATORY WATERING SCHEDULE FOR STAGE 3, INCLUDING PROHIBITED WATERING HOURS; ESTABLISHING A WATER RATE SURCHARGE FOR STAGE 4; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; ESTABLISHING PENALTIES FOR VIOLATING THE RESTRICTIONS AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; PROVIDING FOR MANDATORY PROVISIONS IN WHOLESALE WATER CONTRACTS; PROVIDING FOR FILING OF THE PLAN WITH THE TCEQ; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE/REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of Murphy, Texas (the “City”), recognizes that the amount of water available to its water customers is limited; and

**WHEREAS**, the City recognizes that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the City cannot guarantee an uninterrupted water supply for all purposes at all times; and

**WHEREAS**, the Water Code and the regulations of the Texas Commission on Environmental Quality (the “Commission”) require that the City adopt a Drought Contingency and Water Emergency Response Plan; and

**WHEREAS**, the City has determined an urgent need in the best interest of the public to adopt a Drought Contingency and Water Emergency Response Plan; and

**WHEREAS**, pursuant to Chapter 54 of the Local Government Code, the City is authorized to adopt such Ordinances necessary to preserve and conserve its water resources; and

**WHEREAS**, the City Council of the City of Murphy desires to adopt the North Texas Municipal Water District (the “NTMWD”) Model Drought Contingency and Water Emergency Response Plan as official City policy for the conservation of water.

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

**SECTION 1. FINDINGS INCORPORATED.**

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

**SECTION 2. AMENDMENT OF CHAPTER 82, ARTICLE IX., CODE OF ORDINANCES.**

That Chapter 82, Article IX., Sections 82-371 through 82-377 of the Code of Ordinances of the City of Murphy, Texas are hereby repealed and Chapter 82, Article IX., is hereby amended to adopt a new Drought Contingency and Water Emergency Response Plan to read as follows:

“Sec. 82-371. Adoption of Plan.

The City Council hereby approves and adopts the NTMWD Model Drought Contingency and Water Emergency Response Plan, as modified for the City of Murphy (the “Plan”), attached hereto as Addendum A, as if recited verbatim herein. The City commits to implement the requirements and procedures set forth in the adopted Plan.

Sec. 82-372. Mandatory Watering Schedule for Stage 2; Prohibited Hours.

In the event the City Manager declares Stage 2, customers shall comply with the following schedule for irrigation of existing landscape areas with hose-end sprinklers or irrigation systems:

- A. Schedule:
  - a) Residential Street addresses ending in odd numbers (1,3,5,7,9) may water on Mondays and Thursdays only.
  - b) Residential Street addresses ending in even numbers (0,2,4,6,8) may water on Wednesdays and Saturdays only.
  - c) Public Schools, All Non-Residential Businesses, City and HOA entries/medians may water on Fridays and Tuesdays only.
- B. Prohibited Watering Hours. All watering is prohibited during the hours of 10:00 a.m. – 6:00 p.m.

Sec. 82-373. Mandatory Watering Schedule for Stage 3; Prohibited Hours.

In the event the City Manager declares Stage 3, all of the requirements of Stages 1 and 2 remain in effect during Stage 3, except customers shall comply with the following

schedule for irrigation of existing landscape areas with hose-end sprinklers or irrigation systems:

- A. Schedule:
  - a) Residential Street addresses ending in odd numbers (1,3,5,7,9) may water on Mondays only.
  - b) Residential Street addresses ending in even numbers (0,2,4,6,8) may water on Wednesdays only.
  - c) Public Schools, All Non-Residential Businesses, City and HOA entries/medians may water on Fridays only.
  - d) Limit landscape watering with sprinklers or irrigation systems between November 1 and March 31 to once every two weeks. All water customers using sprinklers or irrigation systems may only operate those systems on Thursdays, if needed. Specific dates will be published on the city website of designated watering days for designated service zones and water customers.
- B. Prohibited Watering Hours. All watering is prohibited during the hours of 10:00 a.m. – 6:00 p.m.

Sec. 82-374. Water Rate Surcharge.

In the event the City Manager declares Stage 4, all of the requirements of Stages 2 and 3 remain in effect during Stage 4 with the same mandatory irrigation schedule listed in Stage 3 and, in addition, a customer will be charged a water rate surcharge for water usage as follows:

<u>Gallons</u>	<u>Rate</u>
0 – 15,000	1.25 times the regular rate
15,001-30,000	2 times the regular rate
30,001 – 45,000	2.5 times the regular rate
45,001 +	3 times the regular rate

The regular rate shall be established pursuant to the City’s fee ordinance on an annual basis.

Sec. 82-375. Variances to the Plan.

- (a) Customers may water new planting of grass within the first thirty (30) days up to four (4) hours a day by any means. Watering is prohibited from 10:00 a.m. to 6:00 p.m.
  - (1) Prior to the first day of the thirty (30) day watering period, residents or businesses must provide the following information to the City:
    - i. Address;
    - ii. Company name;
    - iii. Superintendent name;

- iv. Superintendent contact number;
- v. First day of thirty (30) day watering period;
- vi. Expiration date of thirty (30) day watering period; and
- vii. Starting and ending time of watering period.

(2) Customers are required to have a weather proof sign, capable of lasting the full thirty (30) day watering period, posted in the front yard. The sign shall be separate and not attached to any other signs. In addition, a window sign shall be posted on the inside of a window, on the front of the building. The sign shall be legible from the street on neon colored paper with black print. Window signs shall include the following information:

- i. Company name;
- ii. Address;
- iii. Approved thirty (30) day watering period;
- iv. Approved day of the week, as specified in Stage 3 Restrictions;
- v. Starting date and ending date of thirty (30) day water period; and
- vi. Starting and ending time of watering period.

(b) The City Manager or his/her designee may, in writing, grant a temporary variance of existing water uses otherwise prohibited under the Plan if the City Manager or his/her designee determines that the failure to grant such a variance would cause an emergency condition adversely affecting the public health, safety or welfare, or the person requesting the variance would suffer an undue hardship and the person demonstrates that:

- (1) Compliance with the Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect; or
- (2) Alternative methods can be implemented which will achieve a similar level of compliance.

(c) Plan or a particular drought response stage has been initiated. A petition for a variance must include the following:

- (1) The name and address of petitioners;
- (2) The purpose of the intended water use;
- (3) The specific requirement of the Plan from which the petitioner is requesting relief;
- (4) A detailed statement as to how the specific requirement creates a hardship unique to the petitioner or adversely affects the petitioner, and a statement as to what damage or harm will occur to the petitioner or others if the petitioner complies with this article;
- (5) A description of the relief requested;
- (6) The period of time for which the variance is sought; and
- (7) A description of what alternative water use restrictions or other measures the petitioner is taking or proposes to take in order to meet the intent of this Plan.

- (d) Unless waived or modified in writing by the City Manager or his/her designee, a variance granted under this section shall include a timetable for compliance and shall contain a condition terminating the variance if the petitioner fails to meet a specified requirement of the variance.
- (e) A variance expires when a particular Drought Response Stage is no longer in effect. No variance will be retroactive or otherwise justify any violation of this Plan that occurs prior to the issuance of the variance.

Sec. 82-376. Penalty; Enforcement of Restrictions.

(a) Any customer, defined pursuant to 30 Tex. Admin. Code Chapter 291, failing to comply with the provisions of the Plan and/or this ordinance shall be subject to a fine of up to two thousand dollars (\$2,000.00) and/or discontinuance of water service by the City. Proof of a culpable mental state is not required for a conviction of an offense under this section. Each day a customer fails to comply with the Plan is a separate violation. The City's authority to seek injunctive or other civil relief available under the law is not limited by this section.

(b) Each day that one or more of the provisions in the Plan and/or this ordinance are violated shall constitute a separate offense. If a customer is convicted of three (3) or more distinct violations of the Plan and/or this ordinance, the City Manager or his/her designee shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$50, and any other costs incurred by the City in discontinuing service. In addition, suitable assurance must be given to the City Manager or his/her designee that the same action shall not be repeated while the Plan and/or this ordinance is in effect. Compliance with this Plan and/or this ordinance may also be sought through injunctive relief in the district court.

(c) Any person, including a person classified as a customer of the City, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of the Plan and that the parent could not have reasonably known of the violation.

(d) Any employee of the city, police officer, or other employee designated by the City Manager, may issue a citation to a person he/she reasonably believes to be in violation of the Plan and/or this ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for

which the date shall not be less than three (3) days nor more than five (5) days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over eighteen (18) years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of the Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

#### Sec. 82-377. Mandatory Provisions in Wholesale Water Contracts.

All wholesale water contracts entered into or renewed after adoption of the Plan and/or this ordinance, including contract extensions, shall include a provision that requires all wholesale water customers of the City to comply with the provisions of the Plan and/or this ordinance.”

#### **SECTION 3. Filing of Plan.**

The City Manager or his designee is hereby directed to file a copy of the Plan and this Ordinance with the Commission in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

#### **SECTION 4. Severability Clause.**

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

#### **SECTION 5. Cumulative/Repealer Clause.**

This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Murphy, Texas, including the Plan attached hereto as Addendum A, whether codified or uncodified, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict. Notwithstanding the foregoing, this ordinance repeals, in their entirety, Ordinance Nos. 06-07-699, 06-08-703 and 11-03-875.

#### **SECTION 6. Savings Clause.**

All rights and remedies of the City of Murphy, Texas, are expressly saved as to any and all violations of the provisions of this ordinance or any other ordinance which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or

not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7. Effective Date.**

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

**DULY PASSED, APPROVED AND ADOPTED** by the City Council of the City of Murphy, Texas, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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Bret M. Baldwin, Mayor  
City of Murphy

ATTEST:

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Aimee Nemer, City Secretary  
City of Murphy

APPROVED AS TO FORM:

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Wm. Andrew Messer, City Attorney

**ADDENDUM A**

**City of Murphy  
Drought Contingency and  
Water Emergency Response Plan  
AS A North Texas Municipal Water District Customer**

**City of Murphy**  
**Drought Contingency and**  
**Water Emergency Response Plan**  
**AS A North Texas Municipal Water District Customer**

**1. INTRODUCTION AND OBJECTIVES**

This plan addresses all of the current TCEQ requirements for a drought contingency plan. .

The measures included in this drought contingency and water emergency response plan are intended to provide short-term water savings during drought or emergency conditions. Water savings associated with ongoing, long-term strategies are discussed in the *Model Water Conservation Plan for North Texas Municipal Water District Member Cities and Customers*.<sup>2</sup>

The purpose of this drought contingency and water emergency response plan is as follows:

- To conserve the available water supply in times of drought and emergency
- To maintain supplies for domestic water use, sanitation, and fire protection
- To protect and preserve public health, welfare, and safety
- To minimize the adverse impacts of water supply shortages
- To minimize the adverse impacts of emergency water supply conditions.

The NTMWD supplies treated water to its Customers. This plan was developed by NTMWD in consultation with its Member Cities. In order to adopt this plan, each NTMWD Customer will need to adopt ordinance(s) or regulation(s) implementing the plan, including the determination of fines and enforcement procedures. The plan calls for Customers to adopt drought stages initiated by NTMWD during a drought or water supply emergency. NTMWD Customers may also adopt more stringent drought or water emergency response stages than NTMWD if conditions warrant.

A drought is defined as an extended period of time when an area receives insufficient amounts of rainfall to replenish the water supply, causing water supply sources, in this case reservoirs, to be depleted. In the absence of drought response measures, water demands tend to increase during a drought due to the need for additional outdoor irrigation. The severity of a drought depends on the degree of depletion of supplies and on the relationship of demand to available supplies. The NTMWD considers a drought to end when all of its supply reservoirs refill to the conservation storage pool.

**2. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES**

The TCEQ rules governing development of drought contingency plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 of the

Texas Administrative Code, a current copy of which is included in Appendix B. For the purpose of these rules, a drought contingency plan is defined as “a strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies.”<sup>1</sup>

### Minimum Requirements

TCEQ’s minimum requirements for drought contingency plans are addressed in the following subsections of this report:

- 288.20(a)(1)(A) – Provisions to Inform the Public and Provide Opportunity for Public Input – Section 3.1
- 288.20(a)(1)(B) – Provisions for Continuing Public Education and Information – Section 3.2
- 288.20(a)(1)(C) – Coordination with the Regional Water Planning Group – Section 3.7
- 288.20(a)(1)(D) – Criteria for Initiation and Termination of Drought Stages – Section 3.3
- 288.20(a)(1)(E) – Drought and Emergency Response Stages – Section 3.4
- 288.20(a)(1)(F) – Specific, Quantified Targets for Water Use Reductions – Section 3.4
- 288.20(a)(1)(G) – Water Supply and Demand Management Measures for Each Stage – Section 3.4
- 288.20(a)(1)(H) – Procedures for Initiation and Termination of Drought Stages – Section 3.3
- 288.20(a)(1)(I) - Procedures for Granting Variances – Section 3.5
- 288.20(a)(1)(J) - Procedures for Enforcement of Mandatory Restrictions – Section 3.6
- 288.20(a)(3) – Consultation with Wholesale Supplier – Sections 1, 3.3, and 3.4
- 288.20(b) – Notification of Implementation of Mandatory Measures – Section 3.3
- 288.20(c)– Review and Update of Plan – Section 3.8

## **3. DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN**

### **3.1 Provisions to Inform the Public and Opportunity for Public Input**

City of Murphy will provide opportunity for public input in the development of this drought contingency and water emergency response plan by the following means:

- Providing written notice of the proposed plan and the opportunity to comment on the plan by newspaper, posted notice, and notice on the City’s web site.
- Making the draft plan available on the City’s web site.
- Providing the draft plan to anyone requesting a copy.
- Holding a public meeting.

### **3.2 Provisions for Continuing Public Education and Information**

City of Murphy will inform and educate the public about the drought contingency and water emergency response plan by the following means:

- Preparing a bulletin describing the plan and making it available at city hall and other appropriate locations.
- Making the plan available to the public through the City's web site.
- Including information about the drought contingency and water emergency response plan on the City's web site.
- Notifying local organizations, schools, and civic groups that staff are available to make presentations on the drought contingency and water emergency response plan (usually in conjunction with presentations on water conservation programs).

At any time that the drought contingency and water emergency response plan is activated or the drought stage or water emergency response stage changes, City of Murphy will notify local media of the issues, the drought response stage or water emergency response stage (if applicable), and the specific actions required of the public. The information will also be publicized on the City's web site. Billing inserts will also be used as appropriate.

### **3.3 Initiation and Termination of Drought or Water Emergency Response Stages**

#### Initiation of a Drought or Water Emergency Response Stage

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

- The public will be notified through local media and the City's web site as described in Section 3.2.
- The NTMWD will be notified by e-mail with a follow-up letter or fax that provides details of the reasons for initiation of the drought/water emergency response stage.
- If any mandatory provisions of the drought contingency and water emergency response plan are activated, City of Murphy will notify the Executive Director of the TCEQ and the Executive Director of the NTMWD within 5 business days.

Drought contingency and water emergency response stages imposed by NTMWD action must be initiated by Member Cities and Customers. For other trigger conditions internal to City of Murphy, the City Manager, or official designee may decide not to order the implementation of a drought response stage or water emergency even though one or more of the trigger criteria for the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs. The reason for this decision should be documented.

#### Termination of a Drought or Water Emergency Response Stage

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

- The public will be notified through local media and the City's web site as described in Section 3.2.

- The NTMWD will be notified by e-mail with a follow-up letter or fax. If any mandatory provisions of the drought contingency and water emergency response plan that have been activated are terminated, City of Murphy will notify the Executive Director of the TCEQ and the Executive Director of the NTMWD within 5 business days. The City Manager or official designee may decide not to order the termination of a drought or water emergency response stage even though the conditions for termination of the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the drought stage. The reason for this decision should be documented.

### **3.4 DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE STAGES AND MEASURES**

#### **STAGE 1**

##### Initiation and Termination Conditions for Stage 1

- The NTMWD has initiated Stage 1, which may be initiated due to one or more of the following:
  - The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 1.
  - Water demand is projected to approach the limit of the permitted supply.
  - The storage in Lavon Lake is less than 65 percent of the total conservation pool capacity.
  - NTMWD's storage in Jim Chapman Lake is less than 65 percent of NTMWD's total conservation pool capacity.
  - The Sabine River Authority has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a Mild drought.
  - NTMWD has concern that Lake Texoma, the East Fork Raw Water Supply Project, or some other NTMWD source may be limited in availability in the next 6 months.
  - NTMWD water demand exceeds 90 percent of the amount that can be delivered to customers for three consecutive days.
  - Water demand for all or part of NTMWD's delivery system approaches delivery capacity because delivery capacity is inadequate.
  - NTMWD's supply source becomes contaminated.
  - NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
- City's water demand exceeds 90 percent of the amount that can be delivered to customers for three consecutive days.
- City's water demand for all or part of the delivery system approaches delivery capacity because delivery capacity is inadequate.
- Supply source becomes contaminated.
- City's water supply system is unable to deliver water due to the failure or damage of major water system components.
- City's individual plan may be implemented if other criteria dictate.

Stage 1 may terminate when NTMWD terminates its Stage 1 condition or when the circumstances that caused the initiation of Stage 1 no longer prevail.

### Goal for Use Reduction and Actions Available under Stage 1

Stage 1 is intended to raise public awareness of potential drought or water emergency problems. The goal for water use reduction under Stage 1 is a two percent reduction in the amount of water produced by NTMWD. The City Manager or official designee may order the implementation of any of the actions listed below, as deemed necessary:

- Request voluntary reductions in water use by the public.
- Increase public education efforts on ways to reduce water use.
- Review the problems that caused the initiation of Stage 1.
- Intensify efforts on leak detection and repair.
- Reduce non-essential city government water use. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.)
- Notify major water users and work with them to achieve voluntary water use reductions.
- Reduce city government water use for landscape irrigation.
- Ask the public to follow voluntary landscape watering schedules.

## **STAGE 2**

### Initiation and Termination Conditions for Stage 2

- The NTMWD has initiated Stage 2, which may be initiated due to one or more of the following:
  - The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 2.
  - Water demand is projected to approach the limit of the permitted supply.
  - The storage in Lavon Lake is less than 55 percent of the total conservation pool capacity.
  - NTMWD's storage in Jim Chapman Lake is less than 55 percent of NTMWD's total conservation pool capacity.
  - The Sabine River Authority has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a Mild drought.
  - NTMWD has concern that Lake Texoma, the East Fork Raw Water Supply Project, or some other NTMWD source may be limited in availability in the next 3 months.
  - NTMWD water demand exceeds 95 percent of the amount that can be delivered to customers for three consecutive days.
  - NTMWD water demand for all or part of the delivery system equals delivery capacity because delivery capacity is inadequate.
  - NTMWD's supply source becomes contaminated.
  - NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
- City's water demand exceeds 95 percent of the amount that can be delivered to customers for three consecutive days.

- City’s water demand for all or part of the delivery system equals delivery capacity because delivery capacity is inadequate.
- Supply source becomes contaminated.
- City’s water supply system is unable to deliver water due to the failure or damage of major water system components.
- City’s individual plan may be implemented if other criteria dictate.

Stage 2 may terminate when NTMWD terminates its Stage 2 condition or when the circumstances that caused the initiation of Stage 2 no longer prevail.

Goal for Use Reduction and Actions Available under Stage 2

The goal for water use reduction under Stage 2 is a five percent reduction in the amount of water produced by NTMWD. If circumstances warrant or if required by NTMWD, the City Manager, or official designee can set a goal for greater water use reduction. The City Manager, or official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as “requires notification to TCEQ” impose mandatory requirements on customers. The City must notify TCEQ and NTMWD within five business days if these measures are implemented:

- Continue or initiate any actions available under Stage 1.
- Initiate engineering studies to evaluate alternatives should conditions worsen.
- Further accelerate public education efforts on ways to reduce water use.
- Halt non-essential city government water use. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.)
- Encourage the public to wait until the current drought or emergency situation has passed before establishing new landscaping.
- **Requires Notification to TCEQ** – Limit landscape watering with sprinklers or irrigation systems to no more than two days per week. An exception is allowed for landscape associated with new construction that may be watered as necessary for 30 days from the date of the certificate of occupancy. An exemption is also allowed for registered and properly functioning ET/Smart irrigation systems and drip irrigation systems, which do not have restrictions to the number of days per week of operation.
- **Requires Notification to TCEQ** – Restrict landscape and lawn irrigation from 10 AM to 6 PM beginning April 1 through October 31 of each year.
- **Requires Notification to TCEQ** – Prohibit planting of cool season grasses (such as rye grass or other similar grasses) that intensify cool season water requirements.

**STAGE 3**

Initiation and Termination Conditions for Stage 3

- The NTMWD has initiated Stage 3, which may be initiated due to one or more of the following:
  - The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 3.
  - Water demand is projected to approach or exceed the limit of the permitted supply.
  - The storage in Lavon Lake is less than 45 percent of the total conservation pool capacity.

- NTMWD’s storage in Jim Chapman Lake is less than 45 percent of NTMWD’s total conservation pool capacity.
  - The Sabine River Authority has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a Moderate drought. (Measures required by SRA under a Moderate drought designation are similar to those under NTMWD’s Stage 3.)
  - The supply from Lake Texoma, the East Fork Raw Water Supply Project, or some other NTMWD source has become limited in availability.
  - NTMWD water demand exceeds 98 percent of the amount that can be delivered to customers for three consecutive days.
  - NTMWD water demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.
  - NTMWD’s supply source becomes contaminated.
  - NTMWD’s water supply system is unable to deliver water due to the failure or damage of major water system components.
- City’s water demand exceeds 98 percent of the amount that can be delivered to customers for three consecutive days.
  - City’s water demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.
  - Supply source becomes contaminated.
  - City’s water supply system is unable to deliver water due to the failure or damage of major water system components.
  - City’s individual plan may be implemented if other criteria dictate.

Stage 3 may terminate when NTMWD terminates its Stage 3 condition or when the circumstances that caused the initiation of Stage 3 no longer prevail.

### Goals for Use Reduction and Actions Available under Stage 3

The goal for water use reduction under Stage 3 is a reduction of ten percent in the amount of water obtained from NTMWD. If circumstances warrant or if required by NTMWD, the City Manager, or official designee can set a goal for a greater water use reduction.

The City Manager or official designee must implement any action(s) required by NTMWD. In addition, the City Manager, or official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as “requires notification to TCEQ” impose mandatory requirements on customers. The City must notify TCEQ and NTMWD within five business days if these measures are implemented:

- Continue or initiate any actions available under Stages 1 and 2.
- Implement viable alternative water supply strategies.
- **Requires Notification to TCEQ** – Initiate mandatory water use restrictions as follows:
  - Prohibit hosing of paved areas, buildings, or windows. (Pressure washing of impervious surfaces is allowed.)
  - Prohibit operation of all ornamental fountains or other amenity impoundments to the extent they use treated water.
  - Prohibit washing or rinsing of vehicles by hose except with a hose end cutoff nozzle.
  - Prohibit using water in such a manner as to allow runoff or other waste.

- **Requires Notification to TCEQ** – Limit landscape watering with sprinklers or irrigation systems at each service address to once every seven days. Exceptions are as follows:
  - Foundations, new landscaping, new plantings (first year) of shrubs, and trees may be watered for up to 2 hours on any day by a hand-held hose, a soaker hose, or a dedicated zone using a drip irrigation system.
  - Golf courses may water greens and tee boxes without restrictions.
  - Public athletic fields used for competition may be watered twice per week.
  - Locations using other sources of water supply for irrigation may irrigate without restrictions.
  - Registered and properly functioning ET/Smart irrigation systems and drip irrigation systems may irrigate without restrictions.
- **Requires Notification to TCEQ** – Limit landscape watering with sprinklers or irrigation systems between November 1 and March 31 to once every two weeks. An exception is allowed for landscape associated with new construction that may be watered as necessary for 30 days from the date of the certificate of occupancy, temporary certificate of occupancy, or certificate of completion.
- **Requires Notification to TCEQ** – Prohibit hydroseeding, hydromulching, and sprigging.
- **Requires Notification to TCEQ** – Existing swimming pools may not be drained and refilled (except to replace normal water loss).
- **Requires Notification to TCEQ** - Initiate a rate surcharge as requested by NTMWD.
- **Requires Notification to TCEQ** - Initiate a rate surcharge for all water use over a certain level.
- **Requires Notification to TCEQ** – Prohibit watering of golf courses using treated water, except as needed to keep greens and tee boxes alive.

## **STAGE 4**

### Initiation and Termination Conditions for Stage 4

- The NTMWD has initiated Stage 4, which may be initiated due to one or more of the following:
  - The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 4.
  - Water demand is projected to approach or exceed the limit of the permitted supply.
  - The storage in Lavon Lake is less than 35 percent of the total conservation pool capacity.
  - NTMWD's storage in Jim Chapman Lake is less than 35 percent of NTMWD's total conservation pool capacity.
  - The Sabine River Authority has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a severe drought or emergency.
  - The supply from Lake Texoma, the East Fork Raw Water Supply Project, or some other NTMWD source has become severely limited in availability.

- NTMWD water demand exceeds the amount that can be delivered to customers.
- NTMWD water demand for all or part of the delivery system seriously exceeds delivery capacity because the delivery capacity is inadequate.
- NTMWD's supply source becomes contaminated.
- NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
- City's water demand exceeds the amount that can be delivered to customers.
- City's water demand for all or part of the delivery system seriously exceeds delivery capacity because the delivery capacity is inadequate.
- Supply source becomes contaminated.
- City's water supply system is unable to deliver water due to the failure or damage of major water system components.
- City's individual plan may be implemented if other criteria dictate.

Stage 4 may terminate when NTMWD terminates its Stage 4 condition or when the circumstances that caused the initiation of Stage 4 no longer prevail.

#### Goals for Use Reduction and Actions Available under Stage 4

The goal for water use reduction under Stage 4 is a reduction of whatever amount is necessary in the amount of water obtained from NTMWD. If circumstances warrant or if required by NTMWD, the City Manager, or official designee can set a goal for a greater water use reduction.

The City Manager or official designee must implement any action(s) required by NTMWD. In addition, the City Manager, or official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as "requires notification to TCEQ" impose mandatory requirements on member cities and customers. The City must notify TCEQ and NTMWD within five business days if these measures are implemented.

- Continue or initiate any actions available under Stages 1, 2, and 3.
- Implement viable alternative water supply strategies.
- **Requires Notification to TCEQ** – Prohibit the irrigation of new landscaping using treated water.
- **Requires Notification to TCEQ** – Prohibit washing of vehicles except as necessary for health, sanitation, or safety reasons.
- **Requires Notification to TCEQ** – Prohibit commercial and residential landscape watering, except that foundations and trees may be watered for 2 hours on any day with a hand-held hose, a soaker hose, or a dedicated zone using a drip irrigation system. ET/Smart controllers and drip irrigation systems are not exempt from this requirement..
- **Requires Notification to TCEQ** – Prohibit golf course watering with treated water except for greens and tee boxes.
- **Requires Notification to TCEQ** – Prohibit the permitting of private pools. Pools already permitted may be completed and filled with water. Existing private and public pools may add water to maintain pool levels but may not be drained and refilled.
- **Requires Notification to TCEQ** – Require all commercial water users to reduce water use by a percentage established by the City Manager, or official designee.

- **Requires Notification to TCEQ** - Initiate a rate surcharge for all water use over normal rates for all water use.

### **3.5 Procedures for Granting Variances to the Plan**

The City Manager or official designee may grant temporary variances for existing water uses otherwise prohibited under this drought contingency and water emergency response plan if one or more of the following conditions are met:

- Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance.
- Compliance with this plan cannot be accomplished due to technical or other limitations.
- Alternative methods that achieve the same level of reduction in water use can be implemented.

Variances shall be granted or denied at the discretion of the City Manager or official designee. All petitions for variances should be in writing and should include the following information:

- Name and address of the petitioners
- Purpose of water use
- Specific provisions from which relief is requested
- Detailed statement of the adverse effect of the provision from which relief is requested
- Description of the relief requested
- Period of time for which the variance is sought
- Alternative measures that will be taken to reduce water use
- Other pertinent information.

### **3.6 Procedures for Enforcing Mandatory Water Use Restrictions**

Mandatory water use restrictions may be imposed in Stage 2, Stage 3 and Stage 4 drought contingency and water emergency response stages. The penalties associated with the mandatory water use restrictions will be determined by City Ordinance.

### **3.7 Coordination with the Regional Water Planning Group and NTMWD**

The City will send a draft of its ordinance(s) or other regulation(s) implementing this plan to NTMWD for their review and comment. The City will also send the final ordinance(s) or other regulation(s) to NTMWD.

### **3.8 Review and Update of Drought Contingency and Water Emergency Response Plan**

As required by TCEQ rules, the City of Murphy must review the drought contingency and water emergency response plan every five (5) years. The plan will be updated as appropriate based on new or updated information.

**APPENDIX A**  
**LIST OF REFERENCES**

## APPENDIX A LIST OF REFERENCES

- (1) Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter B, Rule 288.20, downloaded from <http://www.tnrcc.state.tx.us/oprd/rules/pdflib/288a.pdf>, July 2007.
- (2) Freese and Nichols, Inc.: North Texas Municipal Water District Water Conservation and Drought Contingency and Water Emergency Response Plan, prepared for the North Texas Municipal Water District, Fort Worth, March 2008.

The following conservation and drought contingency plans and related documents were reviewed in the development of this plan. References marked with a \* were used heavily in the development of this plan.

- (3) City of Austin Water Conservation Division: “City of Austin Water Drought Contingency Plan, Developed to Meet Senate Bill 1 Regulatory Requirements,” Austin, August 1999.
- (4) City of Austin Water Conservation Division: “City of Austin Water Conservation Plan, Developed to Meet Senate Bill 1 Regulatory Requirements,” Austin, August 1999.
- (5) Upper Trinity Regional Water District: “Water Conservation Plan and Emergency Water Demand Management Plan,” adopted by the Board of Directors, Lewisville, August 5, 1999.
- (6) Upper Trinity Regional Water District: “Water Conservation Plan and Emergency Water Demand Management Plan (2002 Amended),” adopted by the Board of Directors, Lewisville, February 2002.
- (7) \*City of Dallas Water Utilities Department: “City of Dallas Water Management Plan,” adopted by the City Council, Dallas, September 1999.
- (8) Updates to City of Dallas Water Management Plan found at <http://www.dallascityhall.com> in September 2003.
- (9) \*City of Dallas Water Utilities Department: “City of Dallas Water Conservation Plan,” adopted by the City Council, Dallas, September 1999.
- (10) \*City of Fort Worth: “Water Conservation plan for the City of Fort Worth,” Fort Worth, August 1999.
- (11) Updates to the City of Fort Worth water conservation plan found at <http://ci.fort-worth.tx.us> in September 2003.
- (12) \*City of Fort Worth: “Emergency Water Management Plan for the City of Fort Worth,” Fort Worth, August 19, 2003.
- (13) HDR Engineering, Inc.: “Water Conservation and Emergency Demand Management Plan,” prepared for the Tarrant Regional Water District, Austin, February 2000.
- (14) Freese and Nichols, Inc.: “Water Conservation and Drought Contingency Plan,” prepared for Brown County Water Improvement District No. 1, Fort Worth, August 1999.
- (15) Freese and Nichols, Inc.: “Water Conservation and Drought Contingency Plan,” prepared for the Sabine River Authority of Texas, Fort Worth, September 1994.
- (16) HDR Engineering, Inc.: “Water Conservation and Emergency Demand Management Plan,” prepared for the Tarrant Regional Water District, Austin, June 1998.
- (17) HDR Engineering, Inc.: “Water Conservation Plan for the City of Corpus Christi,” adopted by the City of Corpus Christi City Council, August 24, 1999.
- (18) City of Houston’s water conservation plan downloaded September 2003 from <http://www.cityofhouston.gov>
- (19) City of Houston: “Ordinance N. 2001-753, Amending Chapter 47 of the Code of Ordinances Relating to Water Emergencies,” Houston, August 2001.
- (20) City of Houston: “Ordinance No. 98-764, Relating to Water Conservation,” Houston, September 1998.

- (21) City of Houston: "Water Conservation Plan," 1998.
- (22) City of Houston: "Water Emergency Response Plan," Houston, July 15, 1998.
- (23) City of Lubbock: "Water Conservation Plan," ordinance number 10177 adopted by the City Council in August 1999.
- (24) City of El Paso Water Conservation Ordinance downloaded August 14, 2003 from <http://www.epwu.org/ordinance.html>
- (25) San Antonio Water System: "Water Conservation and Reuse Plan," San Antonio, November 1998 with June 2002 updates.
- (26) North Texas Municipal Water District: "District Policy No. 24 Water Conservation Plan Containing Drought Contingency Plan," adopted August 1999.
- (27) GDS Associates, Inc.: "Water Conservation Study," prepared for the Texas Water Development Board, Fort Worth, 2002.
- (28) A & N Technical Services, Inc.: "BMP Costs & Savings Study: A Guide to Data and Methods for Cost-Effectiveness Analysis of Urban Water Conservation Best Management Practices," prepared for The California Urban Water Conservation Council, Santa Monica, California, July 2000.
- (29) \*City of Dallas: "City of Dallas Ordinances, Chapter 49, Section 21.1," Dallas, October 1, 2001.

**APPENDIX B**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES ON  
DROUGHT CONTINGENCY PLANS**

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

**Texas Administrative Code**

<b><u>TITLE 30</u></b>	ENVIRONMENTAL QUALITY
<b><u>PART 1</u></b>	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
<b><u>CHAPTER 288</u></b>	WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS
<b><u>SUBCHAPTER B</u></b>	DROUGHT CONTINGENCY PLANS
<b>RULE §288.20</b>	<b>Drought Contingency Plans for Municipal Uses by Public Water Suppliers</b>

---

- (a) A drought contingency plan for a retail public water supplier, where applicable, must include the following minimum elements.
- (1) Minimum requirements. Drought contingency plans must include the following minimum elements.
- (A) Preparation of the plan shall include provisions to actively inform the public and affirmatively provide opportunity for public input. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.
- (B) Provisions shall be made for a program of continuing public education and information regarding the drought contingency plan.
- (C) The drought contingency plan must document coordination with the regional water planning groups for the service area of the retail public water supplier to ensure consistency with the appropriate approved regional water plans.
- (D) The drought contingency plan must include a description of the information to be monitored by the water supplier, and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.
- (E) The drought contingency plan must include drought or emergency response stages providing for the implementation of measures in response to at least the following situations:
- (i) reduction in available water supply up to a repeat of the drought of record;
  - (ii) water production or distribution system limitations;
  - (iii) supply source contamination; or
  - (iv) system outage due to the failure or damage of major water system components (e.g., pumps).

- (F) The drought contingency plan must include the specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.
  - (G) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:
    - (i) curtailment of non-essential water uses; and
    - (ii) utilization of alternative water sources and/or alternative delivery mechanisms with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).
  - (H) The drought contingency plan must include the procedures to be followed for the initiation or termination of each drought response stage, including procedures for notification of the public.
  - (I) The drought contingency plan must include procedures for granting variances to the plan.
  - (J) The drought contingency plan must include procedures for the enforcement of any mandatory water use restrictions, including specification of penalties (e.g., fines, water rate surcharges, discontinuation of service) for violations of such restrictions.
- (2) Privately-owned water utilities. Privately-owned water utilities shall prepare a drought contingency plan in accordance with this section and incorporate such plan into their tariff.
  - (3) Wholesale water customers. Any water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency plan appropriate provisions for responding to reductions in that water supply.
- (b) A wholesale or retail water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.
  - (c) The retail public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as the adoption or revision of the regional water plan.

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**Source Note:** The provisions of this §288.20 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384.

**APPENDIX C**

**LETTERS TO REGION C AND REGION D  
WATER PLANNING GROUPS**

Sample letter to

**Date**

Region C Water Planning Group  
c/o North Texas Municipal Water District  
P.O. Box 2408  
Wylie, TX 75098

Dear Sir:

Enclosed please find a copy of the updated Drought Contingency and Water Emergency Response Plan for City of Murphy of the North Texas Municipal Water District. I am submitting a copy of this plan to the Region C Water Planning Group in accordance with the Texas Water Development Board and Texas Commission on Environmental Quality rules. The Board of the North Texas Municipal Water District adopted the updated model plan on March 2008.

Sincerely,

James Fisher, City Manager  
City of Murphy

**Sample letter by NTMWD**

Date

Mr. Jim Thompson  
Chair, Region D Water Planning Group  
P.O. Box 1107  
Atlanta, TX 75551

Dear Mr. Thompson:

Enclosed please find a copy of the recently updated Drought Contingency and Water Emergency Response Plan for City of Murphy of the North Texas Municipal Water District. I am submitting a copy of this plan to the Region C Water Planning Group in accordance with the Texas Water Development Board and Texas Commission on Environmental Quality rules. The Board of the North Texas Municipal Water District adopted the updated model plan on -----date.

Sincerely,

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

**APPENDIX D**  
**ORDINANCE ADOPTING DROUGHT CONTINGENCY**  
**AND WATER EMERGENCY RESPONSE PLAN**



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- [Business News](#)
- [Church Directory](#)
- [Classifieds](#)
- [Community Resources](#)
- [Abc](#)

## Drought threatens water supply

Date:

By Jimmy Alford  
Staff Writer  
jalford@csmediatexas.com

The current drought has lasted more than a year and while homes are burning along with millions of acres, a more dire situation could befall some areas – not enough water to go around.

Without some major shifts in the weather, the outlook for rain is bleak. Looking around at intensifying La Nina conditions in the Pacific Ocean foretells another dry winter and possibly another dry spring. State climatologist John Nielsen-Gammon told the Austin American-Statesman the drought could be just the beginning of a decade-long hard dry spell. NTMWD spokesman Denise Hickey said the water district has already started up Stage 3 water restrictions, and conservation will be key in the coming months.

“Without any inflow from rainfall, because that is what replenishes the water supply, or additional supplies, there is a level that is critical for the pump stations to withdraw,” Hickey said. “That level for Lake Lavon’s pump station 2 is 470 feet, and pump station 3 is 469 feet.”



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**Drought threatens water supply**

The current drought has lasted more than a year and while homes are bu...

**Drought threatens water supply**

Thursday, October 06, 2011

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**Maize Days beats citys expectations**

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A cool morning and a breezy afternoon proved to be nearly perfect weat...

**Wildfires burn in urban areas**

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In the last week or so, 186 wildfires across the state destroyed 156,5...

**Historic sites facelift nears end**

Wednesday, September 07, 2011

Murphys Community Center sits without windows and with debris piles ne...

**Consumers asked to save electricity**

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Officials of the Electric Reliability Council of Texas, Inc. recently ...

**Community welcomes new principal, new campus**

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As kids learned new rules and settled down for a new school year, Mari...

**Plano East FFA set for nationals**

Wednesday, August 17, 2011

Planos Future Farmers of America triumphed as the program was given to...

**Lack of rain warrants extra safety at lake**

Thursday, August 11, 2011

Driving down Hwy. 78 between Wylie and Farmersville, the shoreline of...

**Maize Days planners seek vendors, volunteers**

Thursday, July 28, 2011

Artisans, crafts persons, home-based businesses, retail merchants, gi...

**MFR wants residents to be mindful**

Wednesday, July 20, 2011

While residents simmer in the summer heat, both young and old continue...

**City offering new swim session starting July 25**

Thursday, July 14, 2011

Murphys Parks and Recreation Department Learn to Swim program has add...

**Libraries hopping with July activities**

Friday, July 08, 2011

The Summer Reading Programs at both the Plano Public Library System a...

**Murphy teens part of inspirational event**

Wednesday, June 29, 2011

Getting 2,000 teenagers to perform together is challenging enough. Coo...

**MF-R to collect for MDA**

Thursday, June 23, 2011

**Issue**

Consider and/or act on proposed operating hours for the Murphy Community Center.

**Background**

The old city hall/school building renovation is a 2008 Bond project approved by the voters. In January 2010, Murphy was awarded a \$750,000 indoor recreation grant from Texas Parks and Wildlife Department for the renovation of the building to become the Murphy Community Center. Grand opening is scheduled for Saturday, January 28, 2012.

In addition to the Murphy Community Center coming online, Recreation Department manages the Murphy Activity Center, Recreation Programming (classes), Parks, Recreation and Room Rentals and Reservations and Community Events. For January 2011 - January 2012, Recreation staff, to date, has coordinated over 4,300 reservations.

INDOOR SPACE USAGE BREAKDOWN:

(January 1, 2011-January 31, 2012)

1,362 total indoor space reservations

- 892 time slots that are reserved for recreation programs and classes (City retains 25% of program fees).
- 158 total Non-profit/Scout Troop meetings 94 in the MAC, 49 in the Community Room, 15 in Conference room 117,201 or Council Chambers **(No Charge)**.
- 275 Reservations made for City functions including staff meetings, Council, Board and Chamber meetings. **(No charge)**
- 27 Home Owners Association reservations **(No Charge)**.
- 10 Citizen Room Reservations (Paid – deposit plus hourly rental rate).

OUTDOOR SPACE USAGE BREAKDOWN:

(January 1, 2011-January 31, 2012)

3,000 total outdoor space reservations

- Baseball Fields – 1,053 reservations **(No Charge)**.
- Basketball Courts – 14 reservations **(No Charge)**.
- Soccer Fields – 1,737 reservations **(No Charge)**.
- Pavilions – 88 Reservations (Paid – hourly rate only, no deposit).
- Outdoor Recreation Classes – 108 Reservations (City retains 25% of program fees).

**Operating Hours**

Murphy Community Center operating hours was discussed at two City Council work sessions in the summer as a starting point for staff consideration and final City Council approval.

Draft hours for staff consideration were:

**Proposed Operating Hours**

9:00 a.m. – 8:00 p.m. *Monday-Thursday*

9:00 a.m. – 6:00 p.m. *Fridays*

9:00 a.m. – 4:00 p.m. *Saturdays*

***Sunday - closed***

The Fiscal Year 2011-2012 Budget for Recreation approved

- 2 full time positions (in place)
- 3,500 budget hours for part-time staff (one part time staff in place)
  - No more than \$12.00/hour
  - No more than 1,000 hours per year per individual

After detailed staff consideration with funding as approved for FY 2011-2012, Murphy Community Center hours for City Council consideration and action are:

**Staff Recommended Modified Operating Hours**

9:00 a.m. – 8:00 p.m. *Monday-Thursday*

***Fridays – closed***

10:00 a.m. – 4:00 p.m. *Saturdays*

***Sunday - closed***

and

**Staff Recommended After Hour Rentals**

Minimum of 2 hours, one staff member is present

5:00 p.m. – 10:00 p.m. *Saturday*

Based on staff experience and current scheduling in the recreation field, Fridays are one of the slowest days during the work week in reference to classes being offered and rentals. With Murphy Recreation and Community Center staff limitations and to ensure the building is covered with at least two part time/and or full time staff members at all times, staff recommends closing on Fridays and Sundays.

**Other Areas of Considerations**

**Community Center Membership Fees**

Staff recommends, for consideration, charging Memberships for the Community Center with pricing based on resident vs. non-resident. This membership would include use of the gym, game/teen area and lounge and rentals. See attachment for details.

**Recreation Programming Fees**

Currently, recreation program (classes) fees are one price for both Murphy residents and non-residents. Staff recommends, for consideration, separating programming fees based on a member and non-member price scale.

**Staff Challenges**

Staff recommends considering the potential building challenges of room set up/tear down and janitorial and maintenance at the Murphy Community Center and Murphy Activity Center which will be handled, currently, by recreational administrative staff and part time staff. A facilities staff person would be able to assist at other municipal buildings as well.

**Room Reservation Policy and Alcohol Policy**

Staff recommends, for consideration, revising the current Building Reservation Policy and making the edits as shown on the attachment.

Additionally, there is no current alcohol policy in place for recreation facilities. Staff recommends, for consideration, drafting an alcohol policy, allowing for alcohol (not to be sold), only after a permit is purchased for that reservation time and an off duty Murphy Police Officer is hired. Details are yet to be finalized; however, staff does recommend allowing alcohol for reservations.

**Financial Considerations**

N/A

**Staff Recommendation**

Approve Murphy Community Center staff proposed modified operating hours and after hours rentals. Staff also recommends further consideration by City Council and direction in November on Recreation Programming Fees and Community Center Membership Fees, Staff Challenges Room Reservation/Rental Policy and Staff Challenges.

**Attachments**

- 1) Staff Proposed Modified Hours Breakdown
- 2) Fee Scales for Consideration
- 3) Proposed Rental Fees for Consideration
- 4) Proposed Changes to Room Reservation Policy for consideration

### Staff Proposed Modified Hours

1/1-10/1

	Hours	# of Staff	# shifts	Hrs used*	# Weeks	Product	2 Full Time Staff
Monday	9am-2pm	1	1	5.5	40	220	
Monday	2pm-8pm	1	1	6.5	40	260	8am-5pm
Monday	5pm-8pm	1	1	3.5	40	140	
Tuesday	9am-2pm	1	1	5.5	40	220	
Tuesday	2pm-8pm	1	1	6.5	40	260	8am-5pm
Tuesday	5pm-8pm	1	1	3.5	40	140	
Wednesday	9am-2pm	1	1	5.5	40	220	
Wednesday	2pm-8pm	1	1	6.5	40	260	8am-5pm
Wednesday	5pm-8pm	1	1	3.5	40	140	
Thursday	9am-2pm	1	1	5.5	40	220	
Thursday	2pm-8pm	1	1	6.5	40	260	8am-5pm
Thursday	5pm-8pm	1	1	3.5	40	140	
<b>Friday</b>	<b>9am-6pm</b>			<b>CLOSED</b>			<b>8am-5pm</b>
<b>Friday</b>	<b>6pm - 10pm</b>						
Saturday	10am-4pm	2	2	6.5	40	260	
Saturday***	4pm - 10pm	1	1	6.25	40	250	
<b>Sunday</b>				<b>CLOSED</b>			
<i>Current PT Staff</i>	<i>8am-2pm</i>	<i>1</i>	<i>3</i>	<i>19</i>	<i>13</i>	<i>247</i>	
<b>Totals</b>		<b>15</b>	<b>15</b>	<b>74.75</b>		<b>3237</b>	
<i>Actual Budgeted Hours 10/1/2011 - 9/30/2012</i>						<i>3500</i>	

\*Hours used per week includes 15mins for arriving early and staying late per person per shift.

\*\* Current part-time staff will be using 19 hours a week starting 10/1/2011 for 13 weeks so these hours need to be accounted for the allotted 3500 hours for the 2012 budget year.

\*\*\* After Hour Rental

**STAFF PROPOSED MEMBERSHIP RATES FOR CONSIDERATION**  
(Includes rentals and use of the gym, game/teen area, and lounge)

- Staff recommends separating the rental fees based on a Community Center member and nonmembers price scale. Membership pricing is based on resident vs. non-resident.

Youth Resident (up to age 15) \$10.00

Youth Non-Resident (up to age 15) \$15.00

Adult Resident (16 and older) \$25.00

Adult Non-Resident (16 and older) \$30.00

Senior Resident (50 and older) \$10.00

Senior Non-Resident (50 and older) \$15.00

**RECREATION PROGRAMMING FEES (CLASSES) PRICING FOR CONSIDERATION**

- Currently program fees are one price for both Murphy residents and non-residents.
- Staff recommends the recreational program fees (classes) to be based on a member vs. non member pricing scale.

**PROPOSED MURPHY COMMUNITY CENTER/MURPHY ACTIVITY CENTER ROOM RENTAL FEES FOR CONSIDERATION**

(See building layout on attachment)

Note:

Current room fee rentals for **Community Room** –

\$100 refundable deposit, \$25/hr during business hours and \$40/hr during non-business hours (Residents)

\$100 refundable deposit, \$50/hr during business hours and \$65/hr during non-business hours (Non-Residents)

**Multipurpose Kitchen/Meeting Room #117\***

Room Size: 518 sq ft

4 tables/16 chairs ordered

Proposed Rates

- \$20.00/hour for member
- \$40.00/hour for non- member
- \$100 deposit (refundable)
- \$25 set-up/tear-down fee (non-refundable)

**Multipurpose Arts/Craft Room #118\***

Room Size: 579 sq ft

6 tables/24 chairs ordered

Proposed Rates

- \$20.00/hour for member
- \$40.00/hour for non- member
- \$100 deposit (refundable)
- \$25 set-up/tear-down fee (non-refundable)

\*Multipurpose Kitchen and Multipurpose Arts and Crafts Room may be rented together during building hours.

- Two Rooms
  - \$40.00/hour for member
  - \$60.00/hour for non- member
  - \$100 deposit (refundable)
  - \$25 set-up/tear-down fee (non-refundable)

**Gymnasium**

Room Size: 1,712 sq ft

\*not able to order tables/chairs (budget restraint) per conversation with Kim L. on 9/26; 15 tables and 100 chairs from the MAC can be used for rentals.

Proposed Rates

- \$50/hour for member

- \$70/hour for non- member
- \$100 deposit (refundable)
- \$25 set-up/tear-down fee (non-refundable)

### **Lounge**

- Located off of the main lobby
- Available to reserve for non-profit groups during operating hours

Room Size: 523 sq ft, open concept

### **Murphy Activity Center**

(Usage of this building following the opening of the MCC)

MAC will not be staffed but a MCC staff member will walk through the facility throughout the day. MAC hours will be the same as the MCC building hours.

Room Size: 3,040 sq ft

Capacity for standing room: 291

Banquet Style: 120

Meeting Setup: 160

Wedding Receptions, Banquets, Large Luncheons, and City Functions

- 15 round tables
- 12 rectangular tables
- 100 chairs

Monday-Thursday

10:00 am-2:00 pm

Saturday

5:00 pm – 10:00 pm

Proposed Rates:

- \$75/hour for member
- \$100/hour for non- member
- \$100 deposit (refundable)
- \$25 set-up/tear-down fee (non-refundable)

### Scout Troops and Non-profit Group Rentals

Staff proposes a fee for Scouts and Non-profit groups to reserve the facility at \$10.00/day (Administrative /set up/tear down fee)

- Same as all rentals, reservations can be made up to 90 days in advance. All reservations must be made at least two weeks prior to the reservation date.
- Scout reservations will utilize most appropriate sized room for the size of the group.

Monday-Thursday

3:00 pm – 8:00 pm

Saturdays

10:00 a.m. – 4:00 p.m.

### MAC/MCC After Hour Rentals

Minimum of 2 hours - one staff member is present for each rental

*Saturdays ONLY* (5:00 p.m. – 10:00 p.m.)

### **Proposed Rates**

- Gym - \$100 deposit member
- \$100/hour for non- member
  - \$100 deposit (refundable)
  - \$25 set-up/tear-down fee (non-refundable)
- Meeting Rooms (Kitchen/Arts and Crafts) - \$100 deposit
  - One Room
    - \$40/hour for member
    - \$60/hour for non- member
    - \$100 deposit (refundable)
    - \$25 set-up/tear-down fee (non-refundable)
  - Two Rooms
    - \$60/hour for member
    - \$80/hour for non- member
    - \$100 deposit (refundable)
    - \$25 set-up/tear-down fee (non-refundable)

Rental hours must include entire time needed in the room for decorating and clean-up.

### **PROPOSED RESERVATION AND RENTAL POLICIES (for consideration in Policy Section)**

- Rentals and reservations can be made up to 90 days in advance.
- All reservations must be made at least two weeks prior to the reservation date.
- Rentals can take time slots around the recreation classes and City functions during regular operating building hours.
- Recreation Classes will be programmed up to 6 months in advance.

## RESERVATION POLICIES AMENDMENTS FOR CONSIDERATION

Proposed Policy Changes – October 18, 2011

1. **Building Room** Reservation Policy – staff suggest changing the following:

### **Building Room Reservations** – effective February 2012

- City of Murphy accepts reservations in-person on a first come, first serve basis at the Murphy Community Center. Each applicant must provide payment in full by check or credit card with a signed contract. ~~Applications for rentals will be received on a first come first serve, with a paid reservation.~~
- Reservations may be made up to ~~six (6) months~~ 90 days in advance; and at least two ~~(2) working days weeks~~ prior to the requested date.
- Time limit for reservation needs to include ~~set-up~~ decorating and clean-up, so another group could be scheduled afterwards.
- Reservations are available to residents and non-residents.
- City will hold a \$100 clean-up/damage deposit on all reservations. ~~(Non-profits may exchange for four (4) hours of community service to be approved by manager.)~~ Reservation parties are responsible for removing all equipment, supplies, and trash at the end of their reservation time frame. The City will not store nor be held responsible for any property left after the conclusion of the reservation. Please report any maintenance issues or hazards to Facilities Division at 972.468.4024. Please leave the area clean.
- City sponsored meetings, events and recreational classes will take precedence. The City has the right to cancel, move or reschedule a reservation at any time. This shall include the right to terminate a reservation during the activity if conditions so warrant.
- Additional ~~building use~~ room reservation rules and regulations are ~~listed on the application~~ provided at the time of the reservation.