

MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
OCTOBER 6, 2015 AT 6:00 PM
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094



Eric Barna
Mayor

Scott Bradley
Mayor Pro Tem

Owais Siddiqui
Deputy Mayor Pro Tem

Ben St. Clair
Councilmember

Betty Spraggins
Councilmember

Sarah Fincanon
Councilmember

Rob Thomas
Councilmember

James Fisher
City Manager

Susie Quinn
City Secretary

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 6, 2015 at Murphy City Hall for the purpose of considering the following items. The City Council of the City of Murphy, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. CALL TO ORDER

2. INVOCATION & PLEDGE OF ALLEGIANCE

3. ROLL CALL & CERTIFICATION OF A QUORUM

4. PUBLIC COMMENTS

5. CONSENT AGENDA

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

- A. Consider and/or act upon the September 15, 2015 regular meeting minutes.
- B. Consider and/or act upon the September 21, 2015 special meeting minutes.

6. INDIVIDUAL CONSIDERATION

- A. Consider, discuss and/or act on an update to the Southeast Study Project.
- B. Discussion of water issues.
- C. Consider and/or act upon a Murphy Food Truck Court and additional PSA Murphy and Central Park parking.
- D. Consider and/or act upon the approval of an Ordinance amending Section 9.100 of the Fee Schedule; irrigation rates.
- E. Consider and/or act upon the direction for the Craft Beer event.
- F. Updated discussion on the Murphy Police Department Body Worn Camera Policy.

7. CITY MANAGER/STAFF REPORTS

- A. Timbers Nature Preserve
- B. Betsy Lane Road Widening Project
- C. South Maxwell Creek Parallel Trunk Sewer Line
- D. North Murphy Road
- E. Community Survey Update

8. EXECUTIVE SESSION

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

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

9. RECONVENE INTO REGULAR SESSION

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

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

10. ADJOURNMENT

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on October 2, 2015 by 4:30 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.

Susie Quinn, TRMC
City Secretary

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

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

CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 15, 2015 AT 6:00 P.M.

1. CALL TO ORDER

Mayor Barna called the meeting to order at 6:03 pm.

2. INVOCATION & PLEDGE OF ALLEGIANCE

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

3. ROLL CALL & CERTIFICATION OF A QUORUM

Susie Quinn, City Secretary, certified a quorum with the following Councilmembers present:

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

Absent:

Councilmember Ben St. Clair

4. PUBLIC COMMENTS

Ray Shahan, resident, continues to request a full investigation on PD 3-10-590 regarding the zoning/rezoning of the Ranch subdivision. Shahan explained to council the types of fencing allowed throughout the ranch subdivision and expanded on information he distributed to Council.

5. PRESENTATIONS

- A. Presentation of Proclamation recognizing September as Leukemia, Lymphoma & Myeloma Awareness Month.

Bill Carley, his daughter, Taylor, and twins, Brooklyn and William were present to accept the Proclamation.

- B. Presentation of Proclamation recognizing October 4, 2015 as DFW Solar Tour Day.

Robert Litwins, a representative from the DFW Solar Tour Day accepted the Proclamation.

- C. Presentation of financial report and investment report as of August 31, 2015.

Finance Director, Linda Truitt presented on the current financials we have decreased our investment by 1.3 million dollars, largely that is from the interest from our outstanding debt. Sales tax is 3.491 million dollars, which is 11% ahead of last year. Revenues for the general fund

are at a little over 94% the permits and court revenues are lacking, and not anticipated to improve. There were 2 single family building permits issued in August, for a total of 41 for the year. Based on current projections we will be about \$500,000 below budget, for a total of 12.5 million dollars for the total budget. The utility fund has improved due to the dry conditions we are currently experiencing.

6. CONSENT AGENDA

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

- A. Consider and/or act upon the September 1, 2015 regular meeting minutes.

COUNCIL ACTION (6.A.):

APPROVED

Mayor Pro Tem Bradley moved to approve the Consent Agenda as presented. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0 (Councilmember St. Clair was absent).

7. INDIVIDUAL CONSIDERATION

- A. Consider and/or act upon approval of an ordinance adopting the fiscal year 2015-2016 budget and appropriating funds to a sinking fund to pay interest and principal on the City's indebtedness, and appropriating funds to support the City of Murphy, Murphy Municipal Development District and Murphy Community Development Corporation for the fiscal year beginning on October 1, 2015 and ending on September 30, 2016.

THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$539,926 OR 5.46%, AND OF THAT AMOUNT \$200,093 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.

City Manager James Fisher, explained the adoption of the budget, gave a brief summary of budget items, balances, and revenues. Fisher explained what items are to be funded by MMDD such as the events, sidewalk repair and more. Fisher briefly discussed the Utility Fund revenues, expenditures, operating capital for general fund and utility fund.

COUNCIL ACTION (7.A.):

APPROVED

Mayor Pro Tem Bradley moved to approve Ordinance Number 15-09-999 adopting the budget for the fiscal year beginning October 1, 2015 and ending September 30, 2016 and making the appropriations as reflected in said budget. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0 (Councilmember St. Clair was absent).

- B. Consider and/or act upon ratifying the property tax revenue increase reflected in the 2015-2016 fiscal year budget.

City Manager James Fisher explained the adopted tax rate will be .53 cents per \$100 valuation. Fisher also explained the tax rate has been decreasing, while the property values have increased. Fisher showed a breakdown on Wylie ISD and Plano ISD taxes based on where you reside in the city.

COUNCIL ACTION (7.B.):

APPROVED

Mayor Pro Tem Bradley moved to approve ratifying the property tax revenue increase reflected in the 2015-2016 fiscal year budget. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0 (Councilmember St. Clair was absent).

- C. Consider and/or act upon approval of an ordinance levying ad valorem taxes for use and support of the municipal government of the City of Murphy for the fiscal year beginning October 1, 2015 and ending September 30, 2016.

City Manager James Fisher explained this is something the city is required to do. There was no further discussion on council.

COUNCIL ACTION (7.C.):

APPROVED

Mayor Pro Tem Bradley move that the property tax rate be increased by the adoption of a tax rate of \$0.530000, which is effectively a 3.57 percent increase in the tax rate and approve Ordinance Number 15-09-1000 establishing and levying municipal ad valorem taxes for the fiscal year beginning October 1, 2015 and ending on September 30, 2016, and for each fiscal year thereafter until otherwise provided. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0 (Councilmember St. Clair was absent).

- D. Consider and/or act upon approval of an ordinance amending the zoning classification on approximately 6.51 acres on property located at the southwest corner of Betsy Road and McCreary Road from SF-PH (Single Family Residential Patio Home) to a Planned Development District: Single Family Residential – Patio Home and Townhome with a concept plan.

Director of Economic and Community Development Kristen Roberts explained on September 1st this item was brought before council but it was postponed until this meeting. Skorburg, the developer has submitted an application for townhomes / patio homes for this area. The developer is suggesting building 29 townhomes and 15 patio homes. There are a few considerations they are proposing and after the Planning and Zoning meeting, there were a few changes that occurred such as development regulations which read “detached” but should read “attached” and the language, “for screening the 5 foot berm” verbiage was removed and “the cedar color finish for fencing” was removed as well. There was also a change regarding the western fence height, the developer agreed to replace it with an 8 foot fence. The considerations were presented by a representative from Skorburg. Council asked for clarification on the current zoning. Roberts explained it is currently zoned for patio homes, and to allow for the townhomes the planned development would be required.

Representative from Skorburg described their plan in greater detail. Their hope it to use the townhomes as a “buffer” from the retail/higher density area to the east of this property. The minimum lot sizes would be for patio homes 5,500 square feet with a width of 50 feet, and for the town homes it would be a minimum lot size of 2,700 square feet with a width of 25 feet.

Council asked for clarification if they had thought about doing only patio homes and not including townhomes. The developer explained they have looked into it previously but it hasn't been a viable option. Council raised a question on the brick masonry/three parts stucco. The developer said they would remove the verbiage regarding the stucco. The potential of a brick masonry wall versus tubular steel with masonry columns were discussed at length.

There was one public comment regarding this item.

Greg Burgett, resident, wanted clarification on the board on board fencing.

Council also asked for clarification regarding the 8 foot, board on board fence being installed all at one time. The developer confirmed the fence will all be installed at one time.

Council brought up the parking spaces and the potential for not having enough. Roberts explained this is the concept plan and the parking will be addressed after council's approval when the site plans become developed.

COUNCIL ACTION (7.D.):

APPROVED

Mayor Pro Tem Bradley moved to approve Ordinance Number 15-09-1001 amending the zoning classification on approximately 6.51 acres on property located at the southwest corner of Betsy Road and McCreary Road from SF-PH (Single Family Residential Patio Home) to a Planned Development District: Single Family Residential – Patio Home and Townhome with a concept plan and to make changes as follows to the presented ordinance: In Exhibit B, Section 1.5, Table A, sub note 2, remove the wording '3-Part Stucco' and adding (Stucco is not an allowed masonry material); In Exhibit B, Section 2.06, adding the wording; construction of the fences along the western property line are to be completed as one project as development construction begins; and all references to the fence above that stated six (6) feet are changed to eight (8) feet. Councilmember Thomas seconded the motion. For: Mayor Barna, Mayor Pro Tem Bradley, Councilmember Spraggins and Councilmember Thomas. Against: Deputy Mayor Pro Tem Siddiqui and Councilmember Fincanon. The motion carried by a vote of 4 to 2 (Councilmember St. Clair was absent).

- E. Consider, discuss and/or act on an update to the Southeast Study Project.

Director of Economic & Community development explained to council this is not a public hearing but a public input time. Roberts's updated council there will be a meeting on September 28th with Council and Planning and Zoning on a possible moratorium extension. There will also be a more final concept plan from Freese and Nichols, and have dispersed it to all the contacts they have in regards to this project. There was clarification on the density that is proposed, due to there being “flex” density on the proposed plans, and Roberts explained it was just a place holder until the final density was decided on. Council also asked for clarification on the moratorium deadline and possible extension. City Manager James Fisher clarified the

moratorium was an original 90 days in length, and the meeting on September 28th with Council and P&Z will vote to either extend the moratorium and it is staff's recommendation to consider the extension. Fisher also explained if council wants to approve a variance to individual land owners if they need/want to develop something on their property within the current zoning.

Council discussed taking Cherokee drive off the draft plan due to it being a private road, and requested it to be taken off by Freese and Nichols. Roberts explained the current proposed draft plan. There was also extensive discussion on the connecting of South Maxwell Creek Road to McCreary; Fisher explained if it does connect it will be a concrete road, not asphalt as it is currently.

Public Comments for Agenda Item 7.E.:

Barbra Harless, resident, explained they do not have any sidewalks or gutters. She also expressed her wishes to not connect Ridgeview to McCreary, and wishes to cut off access to Kinney drive to four-wheel vehicles. She also explained her wishes to make the lot sizes larger for continuity of the area.

Daniel Lucas, resident, expressed that he is happier with this plan as opposed to the previous one with regards to the density, and would like Freese and Nichols to take ideas from Dublin road and model this area after it. He also expressed his concerns with safety issues if South Maxwell Creek is connected to McCreary.

Keith Howk, resident, explained the medium density area he would like to have changed to larger sized lots. Also, he expressed his wishes to not connect South Maxwell Creek road to McCreary due to traffic, and potential accidents. He also asked for the east side of the creek to be left untouched.

Chris Muraz, resident, requested Council to wait to go through with this plan until the comp plan is completed. Freese and Nichols has a "top ten" issues list and asked if the city has a top ten list as well. Muraz also asked about the 16 acres the city owns on Kinney Drive, and explained the history of the zoning of "Kinney Park" and asked for this area to be removed from this plan. He is also voiced his concerns on the connection of South Maxwell Creek to McCreary due to increased traffic and safety concerns. He also requested the properties to the east of Maxwell Creek be removed from the Planned Development.

Christine Johnson, resident, expressed her concerns on a loop connecting to McCreary and questioned the location. She explained her appreciation to Freese and Nichols for hearing their concerns, but explained there needs to be better connectivity in a safe manner.

Judy Evans, resident of Rockwall, owns property in this area of Murphy, she explained her concerns for her property being divided into retail and flood zone, and requested to not divide properties for different zoning because it creates the inability to build on her property.

Ryan Betz, resident, voiced his approval of this plan and the development plan as a whole, and requested they continue to work on this vigilantly and quickly.

Mike Prez, resident, implored Council to look at the traffic more closely with regards to the surrounding areas. Prez also expressed his wishes to conduct a traffic study on FM 544 especially with this new potential development. City Manager James Fisher explained they have conducted a traffic study, and PDQ granted two turn lanes onto FM 544, and the traffic study has been sent to TxDOT. Prez also requested Kinney Drive to be on the upgrade list.

Don Kiertscher, resident, requested the map to be cleaned up and ensure all the study area is the correct area, he explained currently there are areas that are included that shouldn't be. He also pointed out to council other areas that need a closer look before anything is set.

Juliane Delosier, resident, has changed her mind on being included with the Ganis property. She is requesting there to be some kind of buffer between their property and the Ganis property, and possibly larger setbacks. She also expressed her wishes to not connect South Maxwell Creek, but if they must to make it as close to the edge of her property as possible as to not interfere with the large animals she wants to have.

Martha Gallian, resident, explained where her property is located. She expressed her wishes to not allow medium density in this area, and also expressed her frustrations on how no one outside the boundaries of this plan has been contacted about this planned development. She also expressed her dislike of pole fences.

Ray Cross, resident, asked for clarification on density in the proposed development.

Pete Ganis, resident, wanted to make clear his property needs to have a road in and out from McCreary.

- F. Consider and/or act upon approval of an ordinance adopting a new Code of Ordinances for the City of Murphy to be effective immediately upon its adoption.

City Manager, James Fisher explained why we needed a complete recodification of our ordinances. Council asked for clarification on the cleanup, and ensuring there is nothing that is missing. A Kirk Franklin, owner of Franklin Legal Services, clarified the company went through every ordinance to make sure everything was organized in a clearer way, and renumbered as well for a smoother flow. Fisher also explained all the ordinances were reviewed by the publishing company, our legal team, members of staff, and himself.

Mayor Pro Tem Bradley moved to approve Ordinance Number 15-09-1002 adopting a new Code of Ordinances for the City of Murphy to be effective immediately upon its adoption. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0 (Councilmember St. Clair was absent).

- G. Discussion with regard to political sign placement.

City Manager James Fisher explained that when we moved the voting location from the Community Room at City Hall to the Community Center, across the street; we do not have any political sign regulations for that area. Fisher asked council to consider waiting until after the

November Presidential election to see what we encounter. Council discussed the options for having signs placed, and by consensus, no signs are to be placed in the fenced-in area of the Community Center.

H. Discussion of water consumption and billing.

City Manager James Fisher explained that the Customer Service staff performed a random water audit to make sure the meters were functioning properly. Out of the 120 meters tested, 5 meters had leaks and were excluded from the audit. In total, 115 were checked, there were 6 more leaks, and all leaks were reported to the homeowners. The American Water Works Association accuracy standards for residential $\frac{3}{4}$ " meter is 98.5% to 101.5%; 105 of the tested meters were within the standards; 10 meters tested below standards; and 1 meter tested above standards. Fisher also explained the gallons used by the residents and gallons the city is required to buy.

There was a resident who asked for clarification on the water bill cycle. Council and Customer Service Manager Candy McQuiston explained the dates on the bills.

I. Discussion on the Murphy Police Department Body Worn Camera Policy.

City Manager James Fisher explained that the police department is ready with the cameras, and the policy will be coming back to council on October 4th for council review at the request of Councilmember St. Clair so he can be in attendance. We are still working on a policy for the amount of time to store the taped date and where to store the data collected from the body cameras.

8. CITY MANAGER/STAFF REPORTS

A. Timbers Nature Preserve

City Manager Fisher gave update and there will be a walk through on October 10th with the residents to voice their concerns.

B. Betsy Lane Road Widening Project

City Manager Fisher said this project is ahead of schedule should be completed by December.

C. South Maxwell Creek Parallel Trunk Sewer Line

This project is going well.

D. North Murphy Road

City Manager Fisher explained we are finishing items but because there is a waitlist for concrete it is slowing the progress down.

E. "Drug Take Back" day in Murphy

City Manager Fisher updated council regarding the event, which is to be held Saturday, September 19th.

He also explained Maize Days is September 26th, with a 5k, 10k and fun run.

Fisher also let council know the Murphy Municipal District approved to fund \$50,000 for the Southeast Study.

9. ADJOURNMENT

With no further business, the meeting was adjourned at 8:52 pm.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Susie Quinn, City Secretary

CITY COUNCIL MINUTES
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 21, 2015 AT 6:00 P.M.

1. CALL TO ORDER

Mayor Barna called the meeting to order at 6:03 pm.

2. INVOCATION & PLEDGE OF ALLEGIANCE

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

3. ROLL CALL & CERTIFICATION OF A QUORUM

Susie Quinn, City Secretary, certified a quorum with the following Councilmembers present:

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

4. PUBLIC COMMENTS

There were no public comments for this meeting.

5. INDIVIDUAL CONSIDERATION

A. Consider and/or act upon the September 1, 2015 regular meeting minutes.

COUNCIL ACTION (5.A.):

APPROVED

Mayor Pro Tem Bradley moved to approve minutes from the September 1, 2015 regular meeting minutes as presented. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

B. Consider and/or act upon approval of Ordinance Number 15-09-999 adopting the fiscal year 2015-2016 budget and appropriating funds to a sinking fund to pay interest and principal on the City's indebtedness, and appropriating funds to support the City of Murphy, Murphy Municipal Development District and Murphy Community Development Corporation for the fiscal year beginning on October 1, 2015 and ending on September 30, 2016.

THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$539,926 OR 5.46%, AND OF THAT AMOUNT \$200,093 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.

There was no discussion on this item.

COUNCIL ACTION (5.B.):

APPROVED

Mayor Pro Tem Bradley moved to approve Ordinance Number 15-09-999 adopting the budget for the fiscal year beginning October 1, 2015 and ending September 30, 2016 and making the appropriations as reflected in said budget. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- C. Consider and/or act upon ratifying the property tax revenue increase reflected in the 2015-2016 fiscal year budget.

There was no discussion on this item.

COUNCIL ACTION (5.C.):

APPROVED

Mayor Pro Tem Bradley moved to approve ratifying the property tax revenue increase reflected in the 2015-2016 fiscal year budget. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- D. Consider and/or act upon approval of Ordinance Number 15-09-1000 levying ad valorem taxes for use and support of the municipal government of the City of Murphy for the fiscal year beginning October 1, 2015 and ending September 30, 2016.

Council discussed that you can increase the tax rate but decrease the property value. There was no further discussion.

COUNCIL ACTION (5.D.):

APPROVED

Mayor Pro Tem Bradley move that the property tax rate be increased by the adoption of a tax rate of \$0.530000, which is effectively a 3.57 percent increase in the tax rate and approve Ordinance Number 15-09-1000 establishing and levying municipal ad valorem taxes for the fiscal year beginning October 1, 2015 and ending on September 30, 2016, and for each fiscal year thereafter until otherwise provided. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- E. Consider and/or act upon approval of Ordinance Number 15-09-1001 amending the zoning classification on approximately 6.51 acres on property located at the southwest corner of Betsy Road and McCreary Road from SF-PH (Single Family Residential Patio Home) to a Planned Development District: Single Family Residential – Patio Home and Townhome with a concept plan.

The following changes were included in the Ordinance that was posted in the September 15, 2015 agenda packet:

- 1) In Exhibit B, Section 1.5, Table A, sub note 2, remove the wording '3-Part Stucco' and adding (Stucco is not an allowed masonry material)
- 2) In Exhibit B, Section 2.06, Adding the wording 'Construction of the fences along the western property line will be completed as one project as development construction begins.
- 3) All references to the fence above that stated six (6) feet are changed to eight (8) feet.

There was no discussion on this item.

COUNCIL ACTION (5.E.): **APPROVED**
Mayor Pro Tem Bradley moved to approve Ordinance Number 15-09-1001 amending the zoning classification on approximately 6.51 acres on property located at the southwest corner of Betsy Road and McCreary Road from SF-PH (Single Family Residential Patio Home) to a Planned Development District: Single Family Residential – Patio Home and Townhome with a concept plan. Councilmember Thomas seconded the motion. For: Mayor Barna, Mayor Pro Tem Bradley, Councilmember Spraggins and Councilmember Thomas. Against: Deputy Mayor Pro Tem Siddiqui, Councilmember St. Clair, and Councilmember Fincanon. The motion carried by a vote of 4-3.

- F. Consider and/or act upon approval of Ordinance Number 15-09-1002 adopting a new Code of Ordinances for the City of Murphy to be effective immediately upon its adoption.

There was no discussion on this item.

COUNCIL ACTION (5.F.): **APPROVED**
Mayor Pro Tem Bradley moved to approve Ordinance Number 15-09-1002 adopting a new Code of Ordinances for the City of Murphy to be effective immediately upon its adoption. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

6. ADJOURNMENT

With no further business, the meeting was adjourned at 6:11 pm.

APPROVED BY:

ATTEST:

Eric Barna, Mayor

Susie Quinn, City Secretary

City Council
October 6, 2015

Issue

Consider, discuss and/or act on an update to the Southeast Study Project.

Southeast Study Project Public Meetings and process to date

- ❖ *Southeast Study Project webpage created at www.murphytx.org following temporary moratorium approval and is updated as project progresses including complete internal and external project calendar (Attachment F)*

- ❖ *Each public meeting has had public input forum included*

June 22, 2015 – Planning & Zoning Commission held public hearing and approved adoption of a temporary moratorium on property development.

June 30, 2015 – City Council held ordinance reading and public hearing for temporary moratorium.

July 6, 2015 – City Council approved adoption of a temporary moratorium ordinance on property development.

July 27, 2015 – Planning & Zoning Commission update item and project/process overview.

August 4, 2015 – City Council meeting update item and project/process overview.

August 18, 2015 – City Council meeting update item and project/process overview.

August 19, 2015 – Southeast Study Stakeholder Meeting with over 50 stakeholders attending.

August 24, 2015 – Planning & Zoning Commission update item and project/process overview.

September 1, 2015 – City Council meeting update item and project/process overview with PowerPoint presentation (**Attachment E**) and discussion/direction of Concepts A, B and C.

September 15, 2015 – City Council meeting and discussion of Consolidated Concept Plan (**Attachment A**) based on discussion points from **September 1** meeting. No DRAFT Planned Development standards were defined at this time.

Project Public Meetings to date (continued)

- Following September 15 City Council meeting, staff and consultants made note of public comments regarding concerns over senior housing as shown in the southwest quadrant of the study area which was next to proposed Medium Density. No DRAFT Planned Development standards had been defined at that time.
- Consultants and staff discussed what should go in place of the senior housing as shown and staff suggested Medium Density as currently depicted to the east. No DRAFT Planned Development standards had been defined at that time.
- **September 23, 2015** – staff received Vision Plan and DRAFT Planned Development standards from the consultant and these were immediately included in the packet and forwarded to Planning & Zoning Commission and City Council, posted on the website, and sent to all on the project distribution list.

September 28, 2015 - City Council and Planning & Zoning Commission Joint Meeting

- Agenda Item 1 - Public hearing and approval of extension of the temporary moratorium for 90 additional days or until ended by City Council.
- Agenda Item 2 - First review and public input of DRAFT Planned Development standards and Vision Plan.
 - Public Input/Comments which included but were not limited to:
 - What was thought process as to Medium Density at the southwest quadrant of the study area?
 - Why would we show Oak Glen punched through?
 - Why would we show anything other than SF-20 at the southwest quadrant of the study area?
 - Medium Density is defined as too small of lots; revise the definition of Medium Density.
 - Make sure Cherokee is depicted as private road.
 - Do not punch Maxwell Creek Road through, show another option.
 - Clarify the SF-20 by Timbers Nature Preserve to better depict trail system and lot layout.
 - SF-20 lots need to back up to SF-20 lots.
 - Review and revise inconsistencies regarding fencing within the DRAFT Planned Development standards.
 - Different views on the retail component along the FM544 corridor, including the southeast corner of Maxwell Creek and FM544.
 - Concern over Kinney Drive currently being used as a cut through and this increasing if other roads do not connect.
 - Set up meeting for consultants and Mr. Betz to discuss his proposed lot layouts.

- Review and confirm SF-20 regulations as shown in DRAFT Planned Development standards to ensure consistent with current regulations.
- DRAFT Concept Plan with overlay of varying zoning proposals is the better visual for discussions at this point in the process (**Attachment B**).

Overall Project Considerations

- There is no impact on a home/landowner within the plan area today.
 - o They would be allowed to stay and their property can continue operating as it does today.
 - o However, if a significant expansion/renovation to the property is requested or new development is planned, or if the property should be demolished, the property would be required to conform to the Planned Development standards and vision.

Consultant update

Freese & Nichols will present a brief process overview.

Action Requested

Offer direction to staff on how to proceed.

Attachments

Attachment A – 9-15-15 Consolidated plan (no DRAFT Planned Development district was defined at this time)

Attachment B – 9-28-15 Concept Plan (no DRAFT Planned Development district was defined at this time)

Attachment C – Study Area Map with updated aerial

Attachment D – Study Area Map(s) depicting current zoning

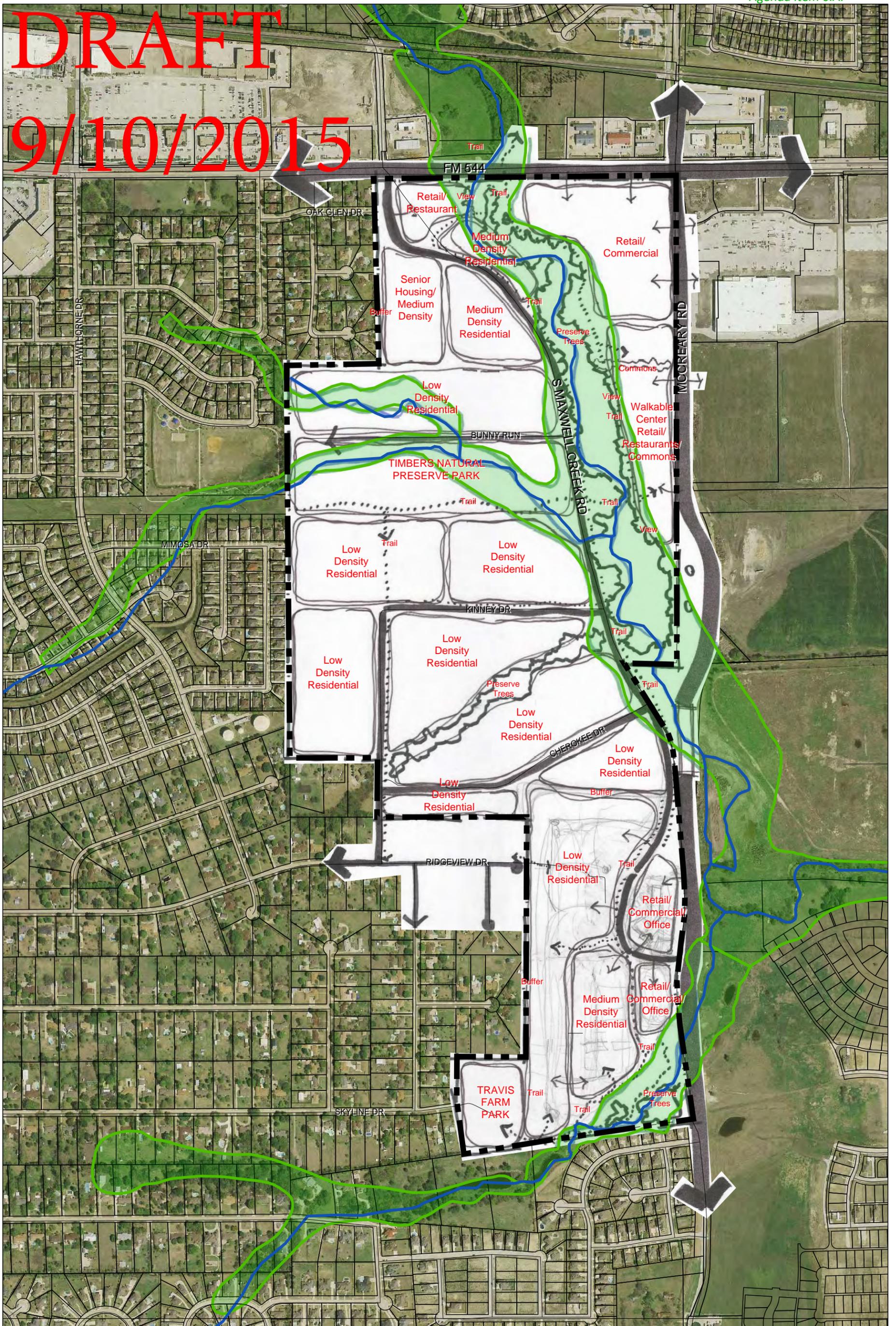
Attachment E – PowerPoint from September 1, 2015 Council presentation

Attachment F – Published project schedule

ATTACHMENT A

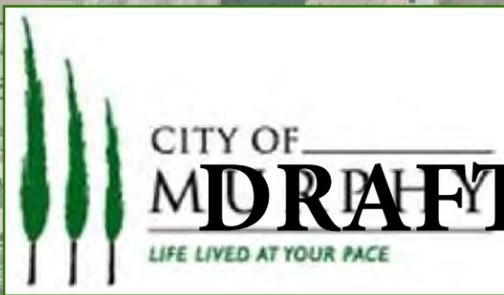
9-15-15 Consolidated plan (no
DRAFT Planned Development
district was
defined at this time)

DRAFT
9/10/2015



ATTACHMENT B

9-28-15 Concept Plan (no
DRAFT Planned Development
district was defined at
this time)



DRAFT Concept Plan as discussed on

9/28/15

Medium Density Residential

Retail

Walkable Retail

Parks/Open Space

S Maxwell Creek Rd

McCreary Rd

Kinney Dr

Low Density Residential

DRAFT Concept Plan as discussed on

9/28/15

Land Use	Acres
Low Density Residential	125
Single Family	33
Medium Density Residential	32
Townhome Residential	11
Walkable Retail	34
Retail	31
Parks/OpenSpace	30
Total Acres	296

Single Family

Retail

Townhome

Parks/Open Space

Skyline Dr

Concept Plan

- Low Density Residential
- Single Family
- Medium Density Residential
- Townhome
- Walkable Retail
- Retail
- Parks and Open Space

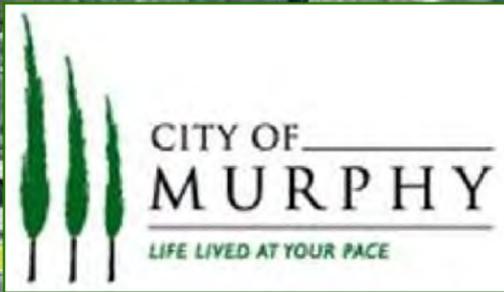


0 250 500 1,000 Feet



ATTACHMENT C

Study Area Map with
updated aerial



ng at:
phy
tplace

FM 544

McCreary Rd

S Maxwell Creek Rd

Timbers Park

Kinney Dr

Hawthorne

Ridgeview Dr

Travis Farm
Park

Skyline Dr

Sachse

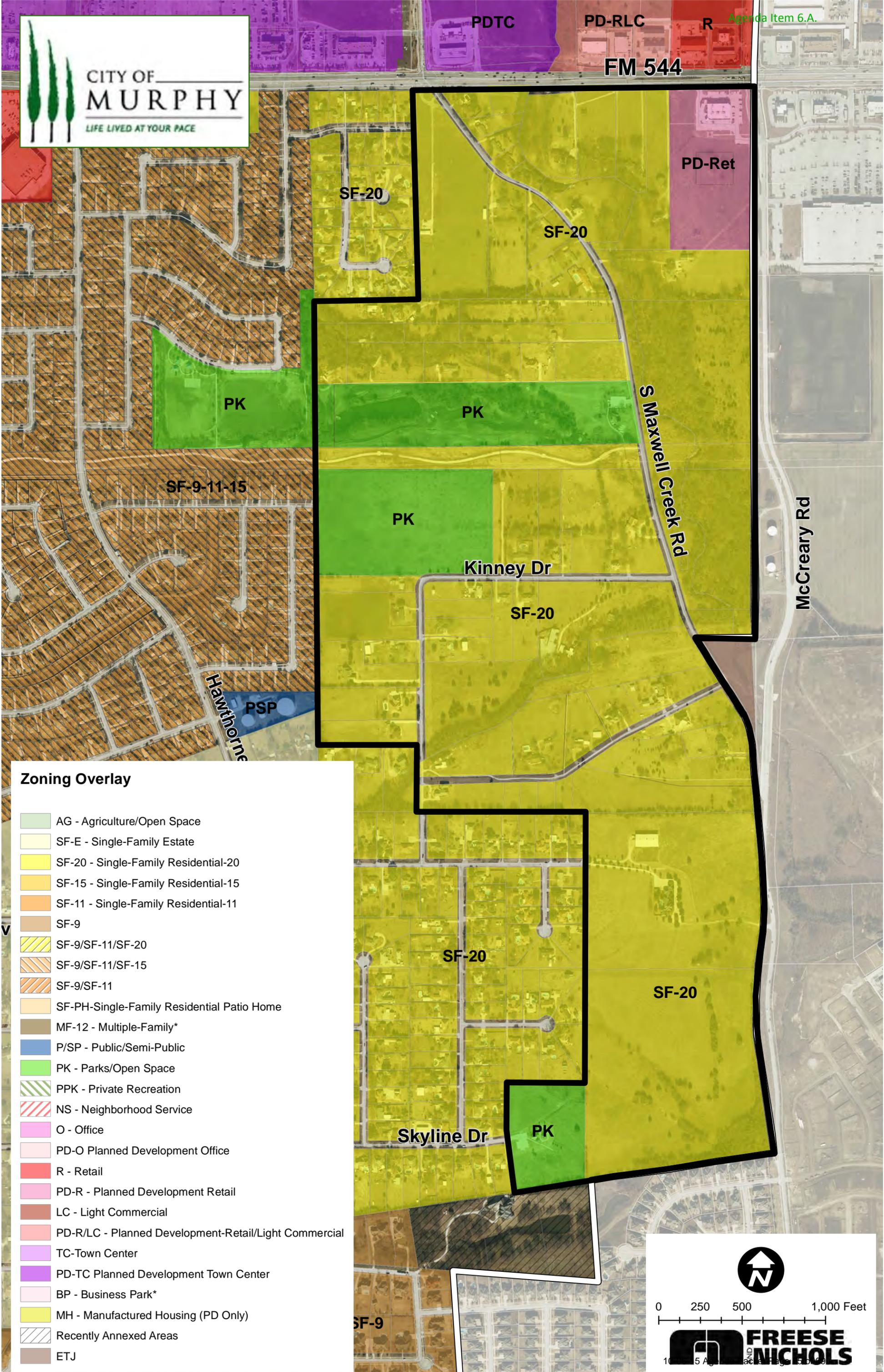
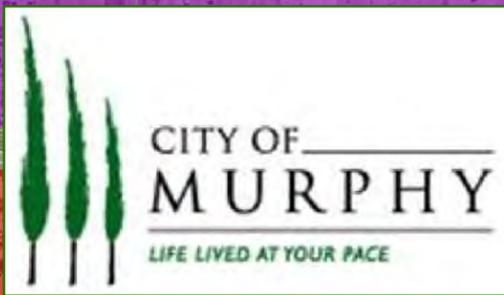
ETJ 3



0 250 500 1,000 Feet

ATTACHMENT D

Study Area Map(s)
depicting current
zoning

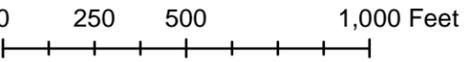


Zoning Overlay

- AG - Agriculture/Open Space
- SF-E - Single-Family Estate
- SF-20 - Single-Family Residential-20
- SF-15 - Single-Family Residential-15
- SF-11 - Single-Family Residential-11
- SF-9
- SF-9/SF-11/SF-20
- SF-9/SF-11/SF-15
- SF-9/SF-11
- SF-PH-Single-Family Residential Patio Home
- MF-12 - Multiple-Family*
- P/SP - Public/Semi-Public
- PK - Parks/Open Space
- PPK - Private Recreation
- NS - Neighborhood Service
- O - Office
- PD-O Planned Development Office
- R - Retail
- PD-R - Planned Development Retail
- LC - Light Commercial
- PD-R/LC - Planned Development-Retail/Light Commercial
- TC-Town Center
- PD-TC Planned Development Town Center
- BP - Business Park*
- MH - Manufactured Housing (PD Only)
- Recently Annexed Areas
- ETJ



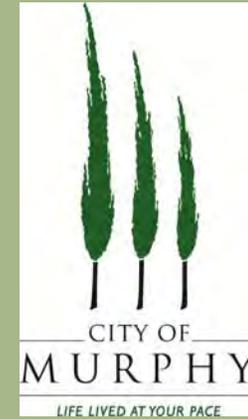
0 250 500 1,000 Feet




1015 Ag and Planning Blvd

ATTACHMENT E

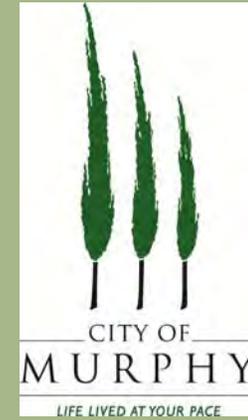
PowerPoint from
September 1, 2015
Council presentation



Southeast Murphy Study update

September 1, 2015
City Council presentation

Murphy Southeast Area Plan Schedule		
Task	Description	Date (Completion)
✓ Task 1	Base Map	August 7
✓ Task 2	Site Visit	August 11
✓ Task 3	Stakeholder Meetings	August 19
✓ Task 4	Programming Defined Conference Call	August 21
✓ Task 5	Draft Development Alternatives	August 24
✓ Task 6	P&Z Update/Public Meeting	August 24
Task 7	Council Update	September 1
Task 8	Concept Plan	September 8
Task 9	Concept Plan Staff Meeting	September 9
Task 10	Overlay District/PD Development	September 9
Task 11	Overlay District Conference Call	September 14
Task 12	Council Update	September 15
Newspaper and Mail Notices		September 16, 2015
Task 13	Perspective Rendering	September 18
Task 14	Planning & Zoning Commission Approval	September 28, 2015
	City Council Adoption	October 5, 2015

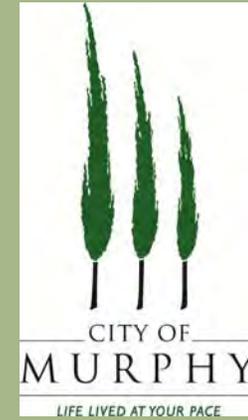


August 19, 2015

Stakeholder Meeting held

- Distributed door hangers
- Numerous emails
- Mail out to Southeast Study area property owners
- Over 50 attendees





August 19, 2015

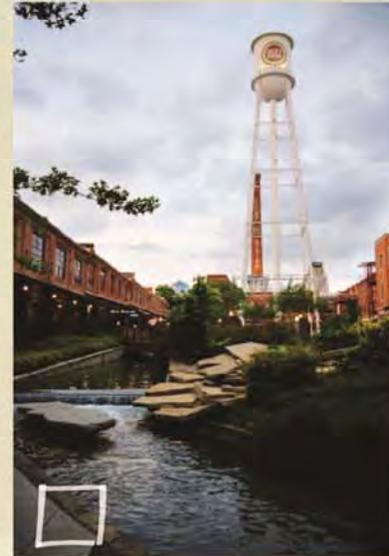
Stakeholder Meeting (cont.)

- Had four break-out groups to discuss primary issues



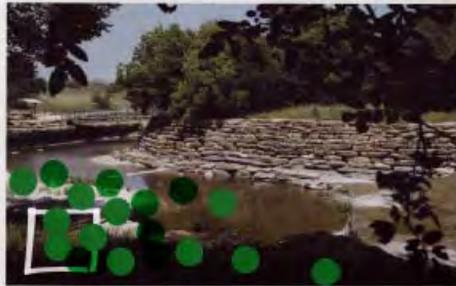
DEVELOPMENT OF MAXWELL CREEK COULD LOOK LIKE...

PLACE A DOT () IN THE VOTING BOXES (☐) ASSOCIATED WITH THE OPTIONS BELOW THAT ARE MOST DESIRABLE FOR THIS SPECIAL AREA.



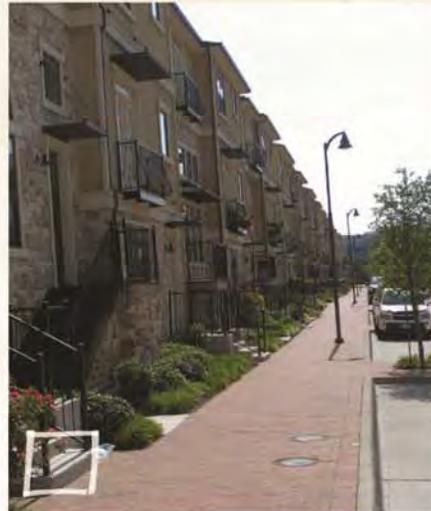
DEVELOPMENT OF MAXWELL CREEK COULD LOOK LIKE...

PLACE A DOT (●) IN THE VOTING BOXES (□) ASSOCIATED WITH THE OPTIONS BELOW THAT ARE MOST DESIRABLE FOR THIS SPECIAL AREA.



RESIDENTIAL USES LOOK LIKE...

PLACE A DOT () IN THE VOTING BOXES (□) ASSOCIATED WITH THE OPTIONS BELOW THAT ARE MOST DESIRABLE FOR THE SOUTHEASTERN DISTRICT.



RESIDENTIAL USES LOOK LIKE...

PLACE A DOT (●) IN THE VOTING BOXES (□) ASSOCIATED WITH THE OPTIONS BELOW THAT ARE MOST DESIRABLE FOR THE SOUTHEASTERN DISTRICT.



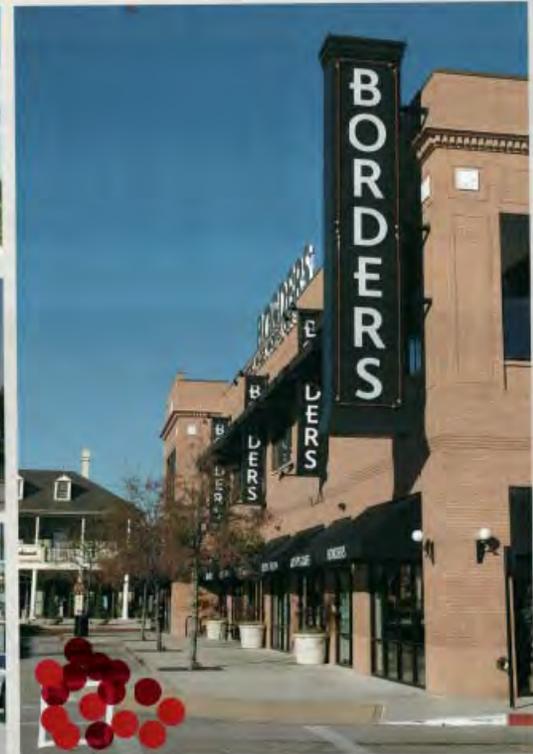
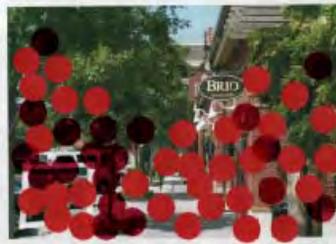
NON-RESIDENTIAL USES LOOK LIKE...

PLACE A DOT () IN THE VOTING BOXES (□) ASSOCIATED WITH THE OPTIONS BELOW THAT ARE MOST DESIRABLE FOR THE SOUTHEASTERN DISTRICT.



NON-RESIDENTIAL USES LOOK LIKE...

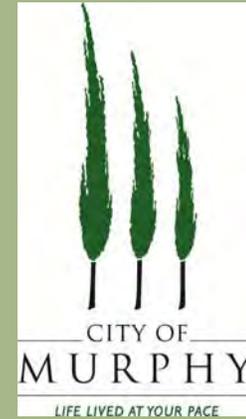
PLACE A DOT (●) IN THE VOTING BOXES (□) ASSOCIATED WITH THE OPTIONS BELOW THAT ARE MOST DESIRABLE FOR THE SOUTHEASTERN DISTRICT.



Staff has been working with the consultants on the information received from the Stakeholders meeting including over 30 comment cards.

Consultants drafted three Concept Plans for discussion

Presented to Planning & Zoning on August 24, 2015 for discussion as well as public input



Southeast Murphy Study

September 1, 2015 City
Council update and
feedback

Concept Plans A, B & C

Public Input

Next Steps

Southeast Murphy Study

ATTACHMENT F

Published project schedule

Murphy Southeast Area Plan Tentative Schedule		
Task	Description	Date (Completion)
Task 1	Base Map	August 7
Task 2	Site Visit	August 11
Task 3	Stakeholder Meetings	August 19
Task 4	Programming Defined Conference Call	August 21
Task 5	Draft Development Alternatives	August 24
Task 6	P&Z Update/Public Meeting	August 24
Task 7	Council Update	September 1
Joint Meeting Notice		September 11
Task 8	Concept Plan	September 14
Task 9	Council Update	September 15
Task 10	Concept Plan Staff Meeting	September 16
Task 11	Overlay District/PD Development	September 22
Task 12	Overlay District Conference Call	September 22
Task 13	Joint Planning & Zoning/City Council Meeting. Consideration of Moratorium Extension	September 28
Task 14	City Council Meeting (Final Input Session if Nov deadline)	October 6
Task 15	Final Draft Concept Plan & PD released to City Council and P&Z	Week of October 12
Task 16	City Council Update	October 20
Task 17	P&Z Consideration/Action and Public Hearing	October 26
Task 18	City Council Discussion	November 3
Task 19	City Council Public Hearing and Action	November 17

**City Council Meeting
October 6, 2015**

Issue

Discussion of water issues.

Staff Resource/Department

James Fisher, City Manager
Linda Truitt, Finance Director

Summary

Staff has been informed that there may be a group of citizens attending the council meeting to discuss water issues; therefore, staff is placing this item on the agenda to allow for discussion.

City Council Meeting
October 6, 2015

Issue

Consider and/or on Murphy Food Truck Court and additional PSA Murphy and Central Park parking.

Summary

Dunkin Sims Stoffels, Inc. has worked with staff to design additional parking that will support PSA Murphy as well as Central Park. They have also designed a Murphy Food Truck Court.

Considerations

1. The proposed additional parking is shown on the north end of the existing PSA and Central Park parking.
 - a. This additional parking has been discussed for this site since it was developed and staff feels it is a much needed addition to the current parking.
2. The proposed Food Truck Court is shown to on the north western boundary of Central Park.
 - a. Staff feels this project can really open up Central Park to many exciting functions, and with the addition of more parking for the Park and PSA may also allow Maize Days to possibly move completely to this site.

Additional Considerations

- There are still details to be fine-tuned, including a tree survey; however it is anticipated, considering favorable approval that this project would be under construction by March 2016.

Financial and Board Considerations

Staff presented this project to the Murphy Municipal Development District on September 14 and the board voted 3-0 to authorize the City Manager to move forward with the next steps of the project process.

- The funding consideration approved included MMDD funding the project upfront with the caveat that the City of Murphy and MCDC (who will receive this proposal in October) would each fund 1/3 of the total project amount.
- The City of Murphy and MCDC would pay back the MMDD beginning in FY17 and complete the payments no later than FY20.

Staff Recommendation

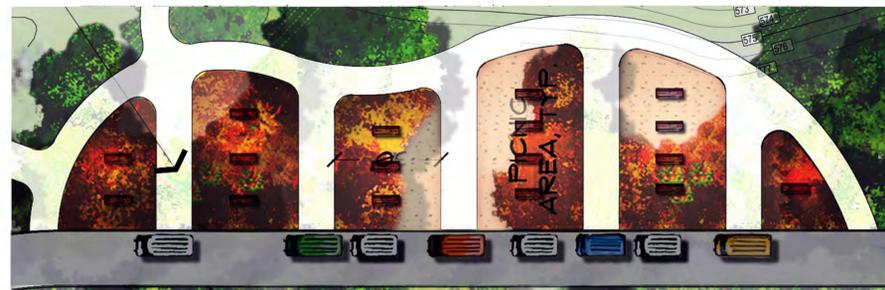
Staff requests favorable direction to move forward with this project.

Attached

Food Truck Court and Parking Lot design
Preliminary Cost Estimate



elevation



enlargement

Consultant:
DUNKIN SIMS STOFFELS, INC.
LANDSCAPE ARCHITECTS/PLANNERS



Date:
AUGUST 25, 2015

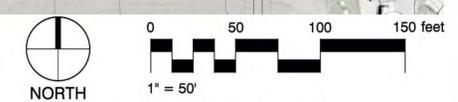
Sheet Title:
SITE CONCEPT PLAN

SITE DEVELOPMENT

SYMBOL	NOTES
	1" FIRE LANE PARKING LOT PAVEMENT
	5" CONCRETE PAVEMENT
	DECOMPOSED GRANITE FOOD TRUCK AREA
	6" PARKING LOT PAVEMENT



concept plan





**Preliminary Cost Estimate
CENTRAL PARK PARKING LOT & FOOD TRUCK COURT
City of Murphy, Texas
August 25, 2015**

ITEMS	COST	TOTAL
PARKING LOT		
Demolition	\$ 5,000.00	
Finish Grading/Compaction	\$ 15,000.00	
7" Paving	\$ 105,000.00	
6" Paving	\$ 157,646.00	
Stripping	\$ 1,000.00	
Storm Sewer Extension	\$ 10,000.00	
3" Trees with Mulch (7)	\$ 3,850.00	
Irrigation Extension	\$ 10,000.00	
Parking Lot Total:		\$ 307,496.00
FOOD TRUCK COURT		
Demolition	\$7,500.00	
Select Tree Clearing	\$5,000.00	
Earthwork Excavation/Compaction	\$15,000.00	
Food Truck Lane (Concrete) 15' Wide	\$44,000.00	
ADA Sidewalks	\$10,000.00	
Decomposed Granite (DG)	\$32,868.00	
Electrical/Lights/Pedestal	\$40,000.00	
Top Hike and Bike Trail	\$17,500.00	
Bollards or Gates	<u>\$5,000.00</u>	
Food Truck Court Total:		<u>\$176,868.00</u>
TOTAL:		\$484,364.00
Pre-Construction Contingency (20%):		\$ 96,872.80
Design Fees (10%):		\$58,123.68
Construction Testing:		\$7,500.00
ADA Fees:		\$2,000.00
Reimbursables:		<u>\$1,000.00</u>
GRAND TOTAL FOR ALL:		\$649,860.48

**City Council Meeting
October 6, 2015**

Issue

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

Staff Resource/Department

James Fisher – City Manager
Linda Truitt – Finance Director

Background/History

During FY2014 the City Council approved a contract with NewGen Strategies & Solutions to perform a utility rate study. Several recommendations were made by NewGen Strategies & Solutions which the City Council approved for the FY 2015 budget including the pass through of the annual water rate increases from North Texas Municipal Water District (NTMWD).

Given the uncertainty of precipitation and utility revenue performance, it is imperative that City staff continually monitor revenue performance and that the City Council take action, as necessary, to ensure the long-term financial stability of the water and sewer system. More specifically, it is important that the increases in wholesale costs from the North Texas Municipal Water District (NTMWD) be passed on to the City’s customers on an annual basis. The annual water rate increase from NTMWD was approved by City Council on September 1, 2015 for residential and commercial water rates. The irrigation water rate increase was not included in the ordinance. The annual irrigation rate increase from NTMWD is \$0.23 per thousand gallons of water for FY 2016.

Financial Considerations

The following table reflects the increase of the volumetric rate for irrigation:

	City Portion	NTMWD Portion	Total Rate
IRRIGATION			
Meter Charge			
3/4"	\$ 20.00		\$ 20.00
1"	33.00		33.00
1 1/2"	67.00		67.00
2"	107.00		107.00
3"	200.00		200.00
4"	333.00		333.00
Volumetric Rate			
0-15,000 gallons	\$ 2.02	\$ 2.34	\$ 4.36
15,001-30,000 gallons	2.32	2.34	4.66
30,001-45,000 gallons	2.67	2.34	5.01
45,001-60,000 gallons	3.07	2.34	5.41
60,000 gallons +	3.53	2.34	5.87

Action Requested

Approval of an ordinance amending Section 9.100 of the Fee Schedule and adjusting irrigation rates effective October 1, 2015.

Attachments

Ordinance

ORDINANCE NO. 15-10-1003

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

WHEREAS, the City Council has previously adopted a Fee Schedule on May 7, 2013; and

WHEREAS, the City Council amended the fee schedule on July 15, 2014; and

WHEREAS, City Council desires to amend the Fee Schedule to reflect the changes which may be assessed.

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

SECTION 1. FINDINGS INCORPORATED

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

SECTION 2.

That Section 9.100 of the Fee Schedule of the City of Murphy, Texas is hereby amended, which shall read as follows:

Section 9.100

Water and Sewer Usage Rates

Water Service

- a. \$60.00 new residential and commercial customer deposit
- b. \$100.00 new renter customer deposit
- c. \$100.00 for Builder’s new construction deposit
- d. Monthly Base Meter Fee

Water Rates

Volumetric rate (per 1,000 gallons)

Base Meter Charge	
Meter Size	Charge
¾ inch	\$20.00
1 inch	33.00
1 ½ inch	67.00
2 inch	107.00
3 inch	200.00
4 inch	333.00
Larger meters will be charged \$15.00 times the living unit equivalent according to the water and wastewater impact fee update.	

Volumetric Water Rates				
Gallons	City	NTMWD	Total	
0 – 15,000		\$1.69	\$2.34	\$4.03
15,001- 30,000		1.95	2.34	4.29
30,001 – 45,000		2.24	2.34	4.58
45,001 – 60,000		2.57	2.34	4.91
60,001 +		2.96	2.34	5.30

Irrigation Base Charge

Volumetric rate (per 1,000 gallons)

Meter Size	City Portion			
3/4"	\$ 20.00			
1"	33.00			
1 1/2"	67.00			
2"	107.00			
3"	200.00			
4"	333.00			
Volumetric Irrigation Rate				
0-15,000	\$ 2.02	\$ 2.34	\$ 4.36	
15,001-30,000	2.32	2.34	4.66	
30,001-45,000	2.67	2.34	5.01	
45,001-60,000	3.07	2.34	5.41	
60,000 +	3.53	2.34	5.87	

- a) Ten dollars (\$10.00) for a meter re-read when there is no problem found.
- b) A leak credit will be applied after a customer presents proof of repair of leak within ninety (90) days. An average charge will be applied based on water usage two months prior to the month of leak and one month after the leak. This average will apply to water usage only and leak credit shall be applied only once a 12 month period as appropriate.
- c) 10% penalty will be applied to the account balance if payment in full is not received within 20 days from the billing date.
- d) \$30.00 service fee will be applied to the account balance if payment in full is not received within 30 days from the billing date. All disconnections will take place on the following Wednesdays.
- e) Disconnect fees will be waived in the month of December.
- f) \$50.00 service fee will be applied during after hours, weekend and holidays with documentation that the bill has been paid at the City of Murphy online website or place in after house drop box (if payment is not in night box prior to next business day there will be assessed an additional \$30.00 service fee for another disconnection).

- g) At the discretion of the Billing Manager, a **onetime** courtesy adjustment of late penalty or \$30.00 service fee can be waived if account is in good standing for a period of 12 months straight.
- h) At the discretion of the Billing Manager, adjustments of late penalty and service fee can be waived for uncontrollable circumstances with proper documentation form the resident. Examples include: hospitalization, illness, family death; and/or other qualifying events.
- i) If any due date falls on a weekend or holiday, payments will be due on the next city business day.

Wastewater Collection Rates

Volumetric rate (per 1,000 gallons)

Base Meter Charge	
Type	Charge
Residential	\$18.00
Commercial	18.00
HOA	18.00
Church	18.00

Type	City	NTMWD	Total
Residential	\$0.76	\$2.26	\$3.02
Commercial	0.76	2.26	3.02
HOA	0.76	2.26	3.02
Church	0.76	2.26	3.02

- Volumetric rate (per 1,000 gallons) based on 3-month (November, January and February) winter average of water usage for residential only.
- Murphy will use a winter averaging for the purpose of calculating sewer charges on customer’s utility bill. The new sewer charges will be based on the water consumption average for three months (November, January and February). Average consumption is applied against current sewer rates and becomes the constant sewer charge for 12 months beginning with each April 1st.
- New customers to the system will be charged the city-wide residential average usage of 9,400 gallons until their own independent winter average has been established.

2) Water meter fees:

- a. ¾ inch (residential standard): \$330.00
- b. 1 inch: \$420.00
- c. 1 ½ inch: \$950.00
- d. 2 inch Turbine: \$1,125.00
- e. 2 inch Compound: \$1,615.00
- f. A price quote will be given by the public works department for meters over 2 inches.

- 3) Sewer connection fees:
 - a. 4 inch tie-in: \$150.00
 - b. 6 inch tie-in: \$300.00
 - c. 8 inch tie-in: \$500.00

- 4) Sewer taps and water taps:
 - a. 100% of cost for installation plus sewer connection Fee plus meter fee .

- 5) Hydrant meter rental:
 - a. Deposit - \$1,500.00, refundable upon return of meter in working condition.
 - b. Water Fee - \$100.00 + \$3.00 per 1,000 gallons used.
 - c. Water readings will be given to the city customer service department on a weekly basis or a \$500 penalty may result.

Section 4. EFFECTIVE DATE of October 1, 2015.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Collin County, Texas, on this the 6th day of October, 2015.

APPROVED:

Eric Barna, Mayor
 City of Murphy

ATTEST:

Susie Quinn, City Secretary
 City of Murphy

**City Council Meeting
October 6, 2015**

Issue

Consider and/or Act upon the direction for the Craft Beer Event.

Staff Resource/Department

Bernie Parker, Director of Public Services
Caitlyn Mullins, Manager of Recreation Services
Kayla McFarland, Special Events Coordinator

Summary

In May of this year, two members of City Council approached City Staff with the proposition of adding a Spring Craft Beer Event and Community Concert. Staff has worked diligently to research and explore options for this type of event in Murphy.

This item was brought to the Park and Recreation Board on August 10, 2015 for review and discussion. Feedback included positive commentary as well as concerns with hosting a craft beer event. The Park board felt that the proposed event was new and different. There was a point that the craft beer portion of the event should not take away from the community event and concert and crawfish boil. Concerns about this event being more of a draw from the greater DFW area and not Murphy specifically were mentioned. The concern of safety was also mentioned. Other considerations were the upfront costs associated with this event as well as the amount of competition for events in May in the local area.

This item was then brought before City Council on August 18, 2015 for review and discussion. Council requested Staff to continue negotiations with Texas Brewvolution.

Action Requested

Staff requests direction and approval for the Spring Craft Beer Fest Event.

**City Council Meeting
October 6, 2015**

Issue

Updated discussion on the Murphy Police Department Body Worn Camera Policy.

Staff Resource/Department

Arthur Cotten, Police Chief
James Fisher, City Manager

Summary

Attached is the Policy of the MPD Body Worn Camera Policy. The City has received the cameras and are ready to release them to the Officers for their use in field. However, prior to the implementation, staff wanted to brief the City Council on the Policy and advise of their implementation. This matter was discussed at the September 15, 2015 meeting but Councilmember St. Clair was absent, so we wanted to bring the matter up once more before implementation.

Action Requested

Discussion by City Council and address any concerns.

Attachments

Murphy Police Department Body Worn Camera Policy
Senate Bill No. 158

 MURPHY POLICE DEPARTMENT DIRECTIVE	
SUBJECT: Body Worn Cameras	NUMBER: 7.35.1
EFFECTIVE DATE: September 8, 2015	RELATED STANDARDS:
REVIEW DATE: September 8, 2017	APPROVED: _____ Chief Ed Drain DATED: 09/08/15

I. PURPOSE: To provide guidelines for use of body worn cameras by Murphy Police Department personnel so that officers may reliably record their contacts with the public.

II. POLICY: It shall be the policy of this department that officers shall activate the Body Worn Cameras when use is appropriate to the proper performance of their duties, and where the recordings are consistent with this policy and state law.

III. SERVICE DELIVERY PROTOCOL:

A. Program Objectives

1. Accurate documentation of events, actions, conditions, and statements made during arrests and other critical incidents, so as to enhance officer reports, collection of evidence and testimony in court; and
2. The enhancement of the department’s ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, and evidence for investigative purposes, as well as for officer evaluation and training.

B. Operations Manager Responsibilities

1. The Operations Manager shall serve as the system administrator for the Body Worn Camera system and ensure that each officer, sergeant, and detective is assigned a Body Worn Camera.
2. Body Worn Camera recordings shall be maintained for a minimum of 90 days. Recordings designated as evidence in a criminal case or for administrative investigation/inquiry shall be retained as long as needed beyond 90 days. Unless the Chief of Police determines that the release furthers a law enforcement purpose, a recording documenting an incident that involves the use of deadly force by an officer or that is otherwise related to an administrative or criminal investigation of an officer may not be deleted, or released to the public until all criminal matters have been finally adjudicated and all related investigations have concluded.
3. The Operations Manager shall coordinate with the Information Technology Manager to ensure there is adequate data security and data storage, and a back-up system for Body Worn Camera video and audio data.
4. Officers shall have access to Body Worn Camera recordings of incidents involving the officer before being required to provide a statement regarding the incident.
5. The Operations Manager shall ensure that all officers who wear Body Worm Cameras and other personnel who will come into contact with the video and audio data obtained from the use of Body Worn Cameras have received training approved by the Department.

C. Supervisors Responsibilities: Supervisors shall conduct random reviews of Body Worn Camera recordings of the officers they supervise at least every 90 days. Supervisors shall document the reviews and note where additional training may be needed.

D. Officer Responsibilities

1. Patrol Officers/School Resource Officers will retrieve their assigned body camera at the start of their work shift and will return the camera at the end of their work shift.
2. Officers shall wear their Body Worn Camera when working approved secondary employment assignments. If the officer will be working a secondary employment assignment without responding to the Police Department first, they may take the Body Worn Camera and charger home so that it will be available for use during the secondary employment assignment. Officers shall notify their supervisor whenever taking a Body Worn Camera home under these circumstances.
3. Officers assigned/issued a body worn camera will be responsible for the care and custody of that equipment.
4. Prior to each shift and/or operations involving police duties, officer shall determine whether their Body Worn Camera video and audio is working properly.
 - a. Officers shall report any malfunctions of the recording equipment to their supervisor as soon as possible.
 - b. The supervisor shall notify the Operations Manager of the reported malfunction.
5. Officers shall never attempt any repair of the equipment that would require going into the internal parts of the Body Worn Camera.
6. Officers shall never attempt to alter, erase, modify, or damage any audio/video recording equipment, recordings, software or hardware installed or used on any of the department's computers or servers.

E. Operational Procedures

1. Officers shall wear the body worn camera on their uniform anywhere between the mid shirt pockets and the collar bone area. The body worn camera will face forward and be free of obstructions to allow for the best depiction of the officer's observations as possible.
2. The Body Worn Cameras shall be activated only for law enforcement purposes. Officers will manually activate the Body Worn Camera on each citizen encounter related to traffic stops, enforcement actions, call for police services, or any confrontational encounters. Except where noted in III.E.4 below, the Body Worn Camera shall remain activated until the incident or contact has ended.
3. The Body Worn Camera shall be activated for tactical activities such as searches of buildings/vehicles, searches for suspects, examining crime scenes, transporting prisoners, and when checking buildings during alarm response.
4. Officers may choose not to activate their Body Worn Camera or discontinue a recording currently in progress during non-confrontational encounters with a person, including an interview of a witness or victim. Officers may also turn off their Body Worn Camera where individuals' privacy should be protected and the recording is not needed for evidentiary purposes (Ex: call for service at a hospital where sensitive medical/health information is being discussed).
5. When inside a private residence, officers shall notify occupants that their Body Worn Camera is activated unless it would be impractical to do so, such as during a confrontational situation.

6. Officers are not required to activate the Body Worn Camera when engage in casual conversation with citizens unrelated to enforcement activity or a call for service.
7. If an officer decides that an incident or contact should not be recorded, does not record the entire contact, or interrupts the recording, for any reason, the officer shall articulate on camera why the recording was stopped.
8. An officer who does not activate the Body Worn Camera in response to a call for assistance must include in the incident report or otherwise not in the case file or record the reason for not activating the Body Worn Camera. Any justification for failing to activate the Body Worn Camera because it is unsafe, unrealistic, or impracticable is based on whether a reasonable officer under the same or similar circumstances would have made the same decision.
9. Officers shall only wear Body Worn Camera equipment issued by the Police Department.

IV. RELEASE OF BODY WORN CAMERA RECORDINGS: A member of the public requesting release of Body Worn Camera recordings must submit a written request that includes the date and approximate time of the recording, the specific location of the recording, and the name of one or more persons known to be a subject of the recording.

All release of Body Worn Camera recordings must be in accordance with the provisions of Chapter 1701, Texas Occupation Code and Chapter 552, Texas Government Code. Section 1701.659 of the Texas Occupations Code states that a peace officer or other employee of a law enforcement agency commits a Class A misdemeanor if the officer or employee releases a recording created with a Body Worn Camera without permission of the applicable law enforcement agency.

V. ADMINISTRATIVE REVIEW AND REVISION: Biennially, the Chief of Police shall review the Directive, making any revisions as needed.

V. CLOSING STATEMENT: Violations of this Directive would serve only as grounds for discipline within the Murphy Police Department.

1 AN ACT

2 relating to a body worn camera program for certain law enforcement
3 agencies in this state; creating a criminal offense; authorizing a
4 fee.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 1701, Occupations Code, is amended by
7 adding Subchapter N to read as follows:

8 SUBCHAPTER N. BODY WORN CAMERA PROGRAM

9 Sec. 1701.651. DEFINITIONS. In this subchapter:

10 (1) "Body worn camera" means a recording device that
11 is:

12 (A) capable of recording, or transmitting to be
13 recorded remotely, video or audio; and

14 (B) worn on the person of a peace officer, which
15 includes being attached to the officer's clothing or worn as
16 glasses.

17 (2) "Department" means the Department of Public Safety
18 of the State of Texas.

19 (3) "Private space" means a location in which a person
20 has a reasonable expectation of privacy, including a person's home.

21 Sec. 1701.652. GRANTS FOR BODY WORN CAMERAS. (a) A police
22 department of a municipality in this state, a sheriff of a county in
23 this state who has received the approval of the commissioners court
24 for the purpose, or the department may apply to the office of the

1 governor for a grant to defray the cost of implementing this
2 subchapter and to equip peace officers with body worn cameras if
3 that law enforcement agency employs officers who:

4 (1) are engaged in traffic or highway patrol or
5 otherwise regularly detain or stop motor vehicles; or

6 (2) are primary responders who respond directly to
7 calls for assistance from the public.

8 (b) The office of the governor shall set deadlines for
9 applications for grants under this chapter.

10 (c) Except as provided by Subsection (d), the office of the
11 governor shall create and implement a matching grant program under
12 which matching funds from federal, state, local, and other funding
13 sources may be required as a condition of the grant. A law
14 enforcement agency that receives a grant under this section is
15 required to match 25 percent of the grant money.

16 (d) The department is eligible for grants under this
17 subchapter but may not be made subject to any requirement for
18 matching funds.

19 (e) The governor's office may conditionally award a grant to
20 a law enforcement agency that has not adopted and implemented the
21 policy under Section 1701.655 or implemented the training required
22 under Section 1701.656, but money may not be disbursed to a law
23 enforcement agency until the agency fully complies with those
24 sections.

25 Sec. 1701.653. REPORTING. (a) As a condition of receiving
26 a grant under this subchapter, a law enforcement agency annually
27 shall report to the commission regarding the costs of implementing

1 a body worn camera program, including all known equipment costs and
2 costs for data storage.

3 (b) The commission shall compile the information submitted
4 under Subsection (a) into a report and submit the report to the
5 office of the governor and the legislature not later than December 1
6 of each year.

7 Sec. 1701.654. INTERAGENCY OR INTERLOCAL CONTRACTS. A law
8 enforcement agency in this state may enter into an interagency or
9 interlocal contract to receive body worn camera services and have
10 the identified operations performed through a program established
11 by the Department of Information Resources.

12 Sec. 1701.655. BODY WORN CAMERA POLICY. (a) A law
13 enforcement agency that receives a grant to provide body worn
14 cameras to its peace officers or that otherwise operates a body worn
15 camera program shall adopt a policy for the use of body worn
16 cameras.

17 (b) A policy described by Subsection (a) must ensure that a
18 body worn camera is activated only for a law enforcement purpose and
19 must include:

20 (1) guidelines for when a peace officer should
21 activate a camera or discontinue a recording currently in progress,
22 considering the need for privacy in certain situations and at
23 certain locations;

24 (2) provisions relating to data retention, including a
25 provision requiring the retention of video for a minimum period of
26 90 days;

27 (3) provisions relating to storage of video and audio,

1 creation of backup copies of the video and audio, and maintenance of
2 data security;

3 (4) guidelines for public access, through open records
4 requests, to recordings that are public information;

5 (5) provisions entitling an officer to access any
6 recording of an incident involving the officer before the officer
7 is required to make a statement about the incident;

8 (6) procedures for supervisory or internal review; and

9 (7) the handling and documenting of equipment and
10 malfunctions of equipment.

11 (c) A policy described by Subsection (a) may not require a
12 peace officer to keep a body worn camera activated for the entire
13 period of the officer's shift.

14 (d) A policy adopted under this section must be consistent
15 with the Federal Rules of Evidence and Texas Rules of Evidence.

16 Sec. 1701.656. TRAINING. (a) Before a law enforcement
17 agency may operate a body worn camera program, the agency must
18 provide training to:

19 (1) peace officers who will wear the body worn
20 cameras; and

21 (2) any other personnel who will come into contact
22 with video and audio data obtained from the use of body worn
23 cameras.

24 (b) The commission, in consultation with the department,
25 the Bill Blackwood Law Enforcement Management Institute of Texas,
26 the W. W. Caruth Jr. Police Institute at Dallas, and the Texas
27 Police Chiefs Association, shall develop or approve a curriculum

1 for a training program under this section.

2 Sec. 1701.657. RECORDING INTERACTIONS WITH THE PUBLIC.

3 (a) A peace officer equipped with a body worn camera shall act in a
4 manner that is consistent with the policy of the law enforcement
5 agency that employs the officer with respect to when and under what
6 circumstances a body worn camera must be activated.

7 (b) A peace officer equipped with a body worn camera may
8 choose not to activate a camera or may choose to discontinue a
9 recording currently in progress for any nonconfrontational
10 encounter with a person, including an interview of a witness or
11 victim.

12 (c) A peace officer who does not activate a body worn camera
13 in response to a call for assistance must include in the officer's
14 incident report or otherwise note in the case file or record the
15 reason for not activating the camera.

16 (d) Any justification for failing to activate the body worn
17 camera because it is unsafe, unrealistic, or impracticable is based
18 on whether a reasonable officer under the same or similar
19 circumstances would have made the same decision.

20 Sec. 1701.658. USE OF PERSONAL EQUIPMENT. (a) If a law
21 enforcement agency receives a grant under this subchapter, a peace
22 officer who is employed by the agency and who is on duty may only use
23 a body worn camera that is issued and maintained by that agency.

24 (b) Notwithstanding any previous policies, an agency may
25 not allow its peace officers to use privately owned body worn
26 cameras after receiving a grant under this subchapter.

27 (c) A peace officer who is employed by a law enforcement

1 agency that has not received a grant or who has not otherwise been
2 provided with a body worn camera by the agency that employs the
3 officer may operate a body worn camera that is privately owned only
4 if permitted by the employing agency.

5 (d) An agency that authorizes the use of privately owned
6 body worn cameras under Subsection (c) must make provisions for the
7 security and compatibility of the recordings made by those cameras.

8 Sec. 1701.659. OFFENSE. (a) A peace officer or other
9 employee of a law enforcement agency commits an offense if the
10 officer or employee releases a recording created with a body worn
11 camera under this subchapter without permission of the applicable
12 law enforcement agency.

13 (b) An offense under this section is a Class A misdemeanor.

14 Sec. 1701.660. RECORDINGS AS EVIDENCE. (a) Except as
15 provided by Subsection (b), a recording created with a body worn
16 camera and documenting an incident that involves the use of deadly
17 force by a peace officer or that is otherwise related to an
18 administrative or criminal investigation of an officer may not be
19 deleted, destroyed, or released to the public until all criminal
20 matters have been finally adjudicated and all related
21 administrative investigations have concluded.

22 (b) A law enforcement agency may release to the public a
23 recording described by Subsection (a) if the law enforcement agency
24 determines that the release furthers a law enforcement purpose.

25 (c) This section does not affect the authority of a law
26 enforcement agency to withhold under Section 552.108, Government
27 Code, information related to a closed criminal investigation that

1 did not result in a conviction or a grant of deferred adjudication
2 community supervision.

3 Sec. 1701.661. RELEASE OF INFORMATION RECORDED BY BODY WORN
4 CAMERA. (a) A member of the public is required to provide the
5 following information when submitting a written request to a law
6 enforcement agency for information recorded by a body worn camera:

7 (1) the date and approximate time of the recording;

8 (2) the specific location where the recording
9 occurred; and

10 (3) the name of one or more persons known to be a
11 subject of the recording.

12 (b) A failure to provide all of the information required by
13 Subsection (a) to be part of a request for recorded information does
14 not preclude the requestor from making a future request for the same
15 recorded information.

16 (c) Except as provided by Subsection (d), information
17 recorded by a body worn camera and held by a law enforcement agency
18 under this subchapter is not subject to the requirements of Section
19 [552.021](#), Government Code.

20 (d) Information that is or could be used as evidence in a
21 criminal prosecution is subject to the requirements of Section
22 [552.021](#), Government Code.

23 (e) A law enforcement agency may:

24 (1) seek to withhold information subject to Subsection
25 (d) in accordance with procedures provided by Section [552.301](#),
26 Government Code;

27 (2) assert any exceptions to disclosure in Chapter

1 552, Government Code, or other law; or

2 (3) release information requested in accordance with
3 Subsection (a) after the agency redacts any information made
4 confidential under Chapter 552, Government Code, or other law.

5 (f) A law enforcement agency may not release any portion of
6 a recording made in a private space, or of a recording involving the
7 investigation of conduct that constitutes a misdemeanor punishable
8 by fine only and does not result in arrest, without written
9 authorization from the person who is the subject of that portion of
10 the recording or, if the person is deceased, from the person's
11 authorized representative.

12 (g) The attorney general shall set a proposed fee to be
13 charged to members of the public who seek to obtain a copy of a
14 recording under this section. The fee amount must be sufficient to
15 cover the cost of reviewing and making the recording. A law
16 enforcement agency may provide a copy without charge or at a reduced
17 charge if the agency determines that waiver or reduction of the
18 charge is in the public interest.

19 (h) A recording is confidential and excepted from the
20 requirements of Chapter 552, Government Code, if the recording:

21 (1) was not required to be made under this subchapter
22 or another law or under a policy adopted by the appropriate law
23 enforcement agency; and

24 (2) does not relate to a law enforcement purpose.

25 Sec. 1701.662. BODY WORN CAMERA RECORDINGS; REQUEST FOR
26 ATTORNEY GENERAL DECISION. (a) Notwithstanding Section
27 552.301(b), Government Code, a governmental body's request for a

1 decision from the attorney general about whether a requested body
2 worn camera recording falls within an exception to public
3 disclosure is considered timely if made not later than the 20th
4 business day after the date of receipt of the written request.

5 (b) Notwithstanding Section 552.301(d), Government Code, a
6 governmental body's response to a requestor regarding a requested
7 body worn camera recording is considered timely if made not later
8 than the 20th business day after the date of receipt of the written
9 request.

10 (c) Notwithstanding Section 552.301(e), Government Code, a
11 governmental body's submission to the attorney general of the
12 information required by that subsection regarding a requested body
13 worn camera recording is considered timely if made not later than
14 the 25th business day after the date of receipt of the written
15 request.

16 (d) Notwithstanding Section 552.301(e-1), Government Code,
17 a governmental body's submission to a requestor of the information
18 required by that subsection regarding a requested body worn camera
19 recording is considered timely if made not later than the 25th
20 business day after the date of receipt of the written request.

21 Sec. 1701.663. PRODUCTION OF BODY WORN CAMERA RECORDING IN
22 RESPONSE TO VOLUMINOUS PUBLIC INFORMATION REQUESTS.

23 (a) Notwithstanding Section 552.221(d), Government Code, an
24 officer for public information who is employed by a governmental
25 body and who receives a voluminous request in accordance with
26 Section 1701.661(a) is considered to have promptly produced the
27 information for purposes of Section 552.221, Government Code, if

1 the officer takes the actions required under Section 552.221 before
2 the 21st business day after the date of receipt of the written
3 request.

4 (b) For purposes of this section, "voluminous request"
5 includes:

6 (1) a request for body worn camera recordings from
7 more than five separate incidents;

8 (2) more than five separate requests for body worn
9 camera recordings from the same person in a 24-hour period,
10 regardless of the number of incidents included in each request; or

11 (3) a request or multiple requests from the same
12 person in a 24-hour period for body worn camera recordings that,
13 taken together, constitute more than five total hours of video
14 footage.

15 SECTION 2. (a) The Texas Commission on Law Enforcement, in
16 consultation with the Department of Public Safety, the Bill
17 Blackwood Law Enforcement Management Institute of Texas, the W. W.
18 Caruth Jr. Police Institute at Dallas, and the Texas Police Chiefs
19 Association, shall develop or approve a curriculum for the training
20 program required under Section 1701.656, Occupations Code, as added
21 by this Act, not later than January 1, 2016.

22 (b) A law enforcement agency operating a body worn camera
23 program on the effective date of this Act may submit any existing
24 policy of the agency regarding the use of body worn cameras to the
25 Texas Commission on Law Enforcement to determine whether the policy
26 complies with Section 1701.655, Occupations Code, as added by this
27 Act.

1 (c) Notwithstanding Sections 1701.655 and 1701.656,
2 Occupations Code, as added by this Act, a law enforcement agency
3 operating a body worn camera program on the effective date of this
4 Act is not required to adopt or implement a policy that complies
5 with Section 1701.655 or implement the training program required
6 under Section 1701.656 before September 1, 2016.

7 SECTION 3. This Act takes effect September 1, 2015.

S.B. No. 158

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 158 passed the Senate on April 23, 2015, by the following vote: Yeas 22, Nays 8; and that the Senate concurred in House amendments on May 28, 2015, by the following vote: Yeas 24, Nays 7.

Secretary of the Senate

I hereby certify that S.B. No. 158 passed the House, with amendments, on May 25, 2015, by the following vote: Yeas 135, Nays 4, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor