

MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
JULY 19, 2016 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

Jennifer Berthiaume
Councilmember

Betty Spraggins
Councilmember

Sarah Fincanon
Councilmember

Don Reilly
Councilmember

Bill Shipp
Interim 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 July 19, 2016 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 AND PLEDGE OF ALLEGIANCE

3. ROLL CALL & CERTIFICATION OF A QUORUM

4. PUBLIC COMMENTS

5. PRESENTATIONS

- A. Proclamation for retiring Greg Goodwin – Murphy Messenger.
- B. Presentation of the financial report and the investment report as of June 30, 2016.

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 approve the July 5, 2016 Regular Council meeting minutes.
- B. Consider and/or approve the July 14, 2016 Special Council meeting minutes.

7. INDIVIDUAL CONSIDERATION

- A. Consider and/or approve to repeal, rename and/or add various sections to Chapter 4, entitled “Animal Control”, and Appendix A – Fee Schedule in the Code of Ordinances of the City of Murphy, Texas.
- B. Consider and/or act on a proposed resolution authorizing the City Manager to execute a contract renewal with Blue Cross Blue Shield Texas for group medical insurance, Ameritas for group dental insurance and VSP for vision insurance. Additionally, authorization is requested for the City Manager to extend the existing contracts with Cigna for long-term disability insurance and Dearborn National for basic life and AD&D insurance all with an effective date of September 1, 2016.
- C. Consider and/or approve the replacement of the kitchen vent-a-hood system and range including necessary building modifications to accommodate commercial grade equipment at the Fire Station.

- D. Consider and/or approve by individual consideration each recommendation of the Charter Review Commission as presented at the July 5, 2016 City Council meeting and/or create new changes to the current City Charter.
- E. Discussion regarding updating the Appendix A – Fee Schedule, Code of Ordinances, as it relates to various fees.
- F. Discussion regarding a change in the type and location of the Murphy Community Development Corporation (MCDC) approved FY16 purchase of a storage building for the Recreation and Special Event Division.

8. CITY MANAGER/STAFF REPORTS

- A. Radio Systems
- B. Food Truck Court
- C. Sidewalk Rehabilitation Program
- D. South Maxwell Creek Sewer Line
- E. Gap in sidewalk on Maxwell Creek near the Railroad Crossing
- F. North Murphy Road
- G. Betsy Lane
- H. Timber Reserve
- I. Safe Routes to School

9. 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 July 15, 2016 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.

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 Charter Review Commission, 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.

Proclamation

City of Murphy, Texas

“Appreciation for Greg Goodwin”

WHEREAS, Greg Goodwin has served the citizens of the City of Murphy with distinction as a reporter with the Murphy Messenger, commencing with his employment as a newspaper reporter in April, 2014; and

WHEREAS, Mr. Goodwin reported about various meetings held at the City of Murphy, attending at least four per month and spent a year writing Restaurant Guide features; and

WHEREAS, Greg Goodwin’s features in the Murphy Messenger covered City of Murphy Council meetings, Planning and Zoning meetings, Park and Recreation meetings; Murphy Community Development Corporation meetings as well as Murphy Municipal Development District meetings; and

WHEREAS, Greg Goodwin as a Murphy resident, with a background in real estate, has resided in his current home in Murphy since 2007; and

WHEREAS, Mr. Goodwin displayed and used ingenuity, creativity, friendship, humor and an attention to detail in order to be as close to 100% accurate and unbiased as possible in his reporting; and

NOW THEREFORE, I, Eric Barna, Mayor of the City of Murphy, Texas call upon all citizens to join us in sharing our appreciation to

Greg Goodwin

for the manner in which he has performed his duties as a reporter for the Murphy Messenger, and with special thanks for his professionalism, dedication to service and kindness to the members of the public.

*Eric Barna, Mayor
City of Murphy*

CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
JULY 5, 2016 AT 6:00 PM

1. CALL TO ORDER

Mayor Barna called the meeting to order at 6:01 pm.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Barna gave the invocation and led the Pledge of Allegiance.

3. ROLL CALL & CERTIFICATION OF A QUORUM

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

Mayor Eric Barna
Mayor Pro Tem Scott Bradley
Deputy Mayor Pro Tem Owais Siddiqui
Councilmember Jennifer Berthiaume
Councilmember Betty Nichols Spraggins
Councilmember Sarah Fincanon
Councilmember Don Reilly

4. PUBLIC COMMENTS

Bob Mortonson, resident expressed his thoughts on City Council agenda items 4, 6A, 7A, 7B and 7C.

5. PRESENTATIONS

A. Proclamation declaring July, 2016 as Park and Recreation Month.

Mayor Barna presented the proclamation to several members of the Parks and Recreation Teams. Prior to reading the proclamation, Mayor shared the awesome job the team did at the Friday night concert with Emerald City. It had the best turnout. The Mayor specifically thanked each and every one; and stated that they do so much with very little and are appreciated.

Mayor Pro Tem Bradley shared the attendance breakdown of Sounds at Sundown:

June 10th Pearl Gem/La Freak about 3,000
June 17th Prophets and Outlaws over 1,000
June 24th Memphis Soul over 1,000
July 1st Emerald City, over 3,500

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 approve the June 21, 2016 Regular Council meeting minutes.

- B. Consider and/or approve the June 23, 2016 Special Council work session meeting minutes.
- C. Consider and/or approve the June 28, 2016 Special Council meeting and work session meeting minutes.

COUNCIL ACTION (6.A. through 6.C.):

APPROVED

Mayor Pro Tem Bradley moved to approve the consent agenda items 6.A. through 6.C. as presented. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

7. INDIVIDUAL CONSIDERATION

- A. Consider and/or approve the Community Grant Application from the Murphy Middle School Environmental Club.

The Community Grant Application from the Murphy Middle School Environmental Club was approved on June 20, 2016 by the Community Development Corporation by a vote of 4-0 (three board members were absent from the meeting). The Murphy Middle School Environmental Club is seeking \$2,200.00 to fund the design, construction of a modular, mobile experiment and test unit. This unit will be utilized for the following topics: Alternative energy services, plants/garden, soil, water and the atmosphere.

Ms. Tina Pilgrim, Sponsor of the Murphy Middle School Environmental Club began in 2003. The club is involved in recycling and participates in the campaign mascot drawing contest for the Progressive Waste Recycling Program. The club began with an area outside of the school, planting native plants, not using any pesticides and also planting several trees around the school. The club is comprised of 6th to 8th graders, with about 30 to 40 children attending meetings twice a month. The club has no fundraising events, but funds are collected through the recycling efforts held twice a year at the City.

The proposal is to build a teaching station that will be situated between the two elevated garden soil beds and will include a rain water storage tank frame. They would like to build a more efficient composting system. And finally, they proposed to build a temporary netting solution for trash that collects due to the runoff from the neighborhood behind the school.

The projects benefit Murphy citizens, as the children become the experts about gardening, composting and the importance of recycling.

The Council thanked Ms. Pilgrim for all of her work with the Murphy Middle School Environmental Club.

COUNCIL ACTION (7.A.):

APPROVED

Councilmember Berthiaume moved to approve the Community Grant Application from the Murphy Middle School Environmental Club. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- B. Consider and/or approve adoption of the pay plan, revisions to the existing sworn-employee step plans and authorize revisions to the Murphy Personnel Policies and Procedures Handbook, as presented.

Bill Shipp, Interim City Manager stated that staff has worked on a pay plan since last year. Staff members Mark Lee, Fire Chief; Steven Ventura, Interim Finance Director and Jana Traxler, Human Resource Director reviewed the comparable market findings with the five comparable cities (Highland Village, Rockwall, Wylie, Little Elm and Sachse) and based the pay plan on these findings. The pay plan is important to the City as the plan will provide structure and will allow the City to be more competitive in recruiting, retaining and hiring staff. Bill Shipp would like to recommend one change to the pay plan upon further reflection, the City Secretary should be removed as the position is appointed by Council.

Council recommended adding the word "City" in front of the word Council throughout the personnel policy.

COUNCIL ACTION (7.B.):

APPROVED

Mayor Pro Tem Bradley moved to approve the adoption of the pay plan, revisions to the existing sworn-employee step plans and authorize revisions to the Murphy Personnel Policies and Procedures Handbook, as presented with the exception of removing the City Secretary from the pay plan. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- C. Consider and/or approve the presentation of the Charter Review Commission recommendations.

Andy Messer, City Attorney, stated that the Murphy Charter requires Council to appoint a Charter Review Commission (CRC) at least once every 6 years to determine whether provisions of the Charter require revision, propose recommendations to the Charter, and report its findings and present recommendations to the City Council. City Council may choose any of the recommendations to be submitted to the voters for the upcoming November 8, 2016 election. The Charter originally was adopted in 2004, amended in 2010 and currently is in review for 2016 as required in the Charter. The Charter Commission held six meetings (April 25, May 2, May 9, May 16, June 6, and June 13, 2016). A Town Hall meeting was held on June 13, 2016 asking for public input as well.

Andy Messer, City Attorney, extended a thank you to all of the 11 members of the Charter Review Commission for all of their hard work, dedication and effort. The presentation highlighted the Charter Review Commission objectives, Reason for Review, Proposed Timeline, and Legal Requirements. The provisions detailed in chronological order included Article III – The City Council in regards to 3.03 Qualification of City Council, and 3.06 Vacancies, Forfeiture, and Filling of Vacancies. Article V – Nominations and Elections in regards to 5.02 Filing for Office. Article VI – Recall, Initiative and Referendum in regards to 6.10 Restrictions on Recall, 6.14 Referendum and 6.20 Ordinances Passed by Popular Vote, Repeal or Amendment. Article VII – Financial Procedures in regards to 7.02 Submission of Budget and Budget Message. Article VIII – Boards and Commissions in regards to 3.06 Vacancies, Forfeiture, and Filling of Vacancies. Article XI – General Provisions in regards to 11.10 New: Sale of Liquor Prohibited in Residential Districts. Article XII – Legal Provisions

in regards to 12.10 Disaster Clause. Article XIV – Nepotism, Prohibitions, and Penalties in regards to 14.01 Nepotism.

City Council, City Attorney Andy Messer and Charter Review Commissioner Chi Eqwuekwe discussed each of the items and what the changes would mean to the Murphy City Charter. No action was taken but it was decided that each item will be voted on individually at the next City Council meeting.

COUNCIL ACTION (7.C.):**NO ACTION****8. CITY MANAGER / STAFF REPORTS****A. Radio Systems**

Project is going well with the laying of the tower foundation behind the Police department. Assigning POs, reviewing agreements, and ordering of items continues.

B. Zoning Issues

A detailed map of 1000 N. Murphy Rd was presented to Council displaying the surrounding properties and outlining the current zoning and future land use plan.

C. Food Truck Court

The project is moving forward very well, the parking lot has been poured, grading and electrical are near completion. The location will be ready for Maize Days to be held in September.

D. Sidewalk Rehabilitation Program

The project will begin next week with Glen Ridge being the first neighborhood and then move onto The Timbers.

The North Maxwell Creek Road Railroad gap was part of the 2012 Trail Project and the estimated dollar amount at the time was about \$200,000. Project can be re-engaged, and dollar amount reconfirmed but there are no current plans at this time to complete the gap at the railroad.

E. South Maxwell Creek Sewer Line

The project continues to move slowly, difficulties now involve equipment issues. They have progressed a couple of hundred feet, hopefully by end of next week they will be at FM 544. Council inquired as to the resident impacted by the flooding, if they have been fully remediated. No, Staff has been working with the homeowners to obtain damage dollar amounts estimates and are ready to provide necessary payment to homeowners following verification.

F. North Murphy Road

Project is complete with the exception of the homeowner's reimbursement to the entry ways. TXDOT has approved and provided a reimbursement dollar amount for each of the HOA's. TXDOT's general contractor will sign an agreement and provide a check to the City for disbursement to the HOA's. The medians were also discussed and that warranty if the grass doesn't grow. A meeting is to be held in the near future with all the contractors, TxDOT, and bonding companies.

G. Betsy Lane

The Contractor has installed temporary irrigation and have hydromulch median. The contractor should be maintaining the median and the right of way. As far as a permanent irrigation, the contractor has set their meters but currently are waiting on Famers Electric Cooperative and Oncor to provide electricity.

H. Timber Reserve

A couple of issues: recent rain created a washout and other portion is the drainage. Staff will need to further explore a solution with the contractor on when a washout occurs so a repair is not necessary every time it rains. Staff has met with Pacheco Koch engineers and the plan is to handle the drainage issue with the project being sent out for three (3) telephone bids with a dollar amount of \$15,000, \$20,000 or \$25,000 range. Then will negotiate with Pacheco Koch engineers for the differences in costs as the drainage was designed but not included in the bid documents.

Council inquired if the dollar amount was over the amount budgeted for the project. Staff replied technically yes it would be over due to the drainage item was omitted originally from the bid documents by the engineers.

I. Safe Routes to School

A letter from the City Attorney was mailed to the contractor notifying them that they were not performing in accordance to their contract and had ten (10) days to response. Contractor responded to the letter and denied all of the charges. Staff is meeting with contractors next week.

9. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) at 8:04 pm to discuss the following:

- A. § 551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Manager.
- B. § 551.072 Deliberation regarding the purchase, exchange, lease, or value of real property.
- C. § 551.087 Deliberation regarding Economic Development Negotiations and projects.

10. RECONVENE INTO REGULAR SESSION

The City Council reconvened into Regular Session at 8:34 pm, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. § 551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the MCDC Board Member and City Manager.
- B. § 551.072 Deliberation regarding the purchase, exchange, lease, or value of real property.
- C. § 551.087 Deliberation regarding Economic Development Negotiations and projects.
- D. Take Action on any Executive Session Items.

11. ADJOURNMENT

With no further business, the Council meeting adjourned at 8:34 pm.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Susie Quinn, City Secretary

CITY COUNCIL MINUTES
SPECIAL CITY COUNCIL MEETING
JULY 14, 2016 AT 6:00 PM

1. CALL TO ORDER

Mayor Eric Barna called the meeting to order at 6:00 pm.

2. ROLL CALL & CERTIFICATION OF A QUORUM

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

Mayor Eric Barna
Deputy Mayor Pro Tem Owais Siddiqui
Councilmember Jennifer Berthiaume
Councilmember Betty Nichols Spraggins
Councilmember Sarah Fincanon
Councilmember Don Reilly

Absent:

Mayor Pro Tem Scott Bradley

3. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) at 6:04 pm to discuss the following:

- A. §551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Manager.

4. RECONVENE INTO REGULAR SESSION

The City Council reconvened into Regular Session at 6:18 pm, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. §551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Manager.
- B. Take Action on any Executive Session Items.

COUNCIL ACTION (4.A.):

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to approve and authorize the Mayor to sign the employment contract with Michael Castro, PhD. Councilmember Fincanon made the second. For: Unanimous. The motion carried by a vote of 6-0. (Mayor Pro Tem Bradley was absent.)

Mayor Barna stated that Mayor Pro Tem Bradley was on vacation and is out of the state but they had visited by phone and he approves of the appointment.

5. ADJOURN SPECIAL MEETING

With no further business, the Council special meeting adjourned at 6:19 pm.

RECEPTION FOLLOWED INTRODUCING THE NEW CITY MANAGER

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Susie Quinn, City Secretary

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Issue

Consider and/or approve to repeal, rename and/or add various sections to Chapter 4, entitled “Animal Control”, and Appendix A – Fee Schedule in the Code of Ordinances of the City of Murphy, Texas.

Staff Resource/Department

Arthur Cotten, Chief of Police
Kim Parker, Support Services Manager

Summary

In 2009, the Code of Ordinances was updated to clean up vague language. In the time that has passed, several items have been identified as problem areas or not currently in the ordinance and need to be updated/added. Those areas are as follows:

Definitions – added Colony, Domestic or Domesticated animals, Hive, Invisible fence, Owner, and Running at Large.

Added **section 4.01.003 Interference with Animal Control Officer**; False claims/reports (b), (c), (e), (f), (g), and (h).

Section 4.01.004 (b) changed wording in (b) to read that a person may not keep more than 4 domestic animals total on a residential lot.

Section 4.01.007 added (f) for invisible fences.

Section 4.01.009 added(c) to keep persons from selling animals in parking lots, along the roadside, etc. in the City of Murphy.

Section 4.02.001 (a) changed the wording to allow a City of Parker resident on the Animal Shelter Advisory Board. Also in this section, under (c) #2 was removed from the duties.

Section 4.02.002 (b) was added and (c) changed the wording for abandoning an animal at the Shelter after the Owner was notified the animal was being housed.

Section 4.03.004 the wording was changed for the time required for pet registration.

Section 4.04.001 (g) Livestock licensing was removed and changed to Reporting of Livestock and wording was changed to reflect that all owners of livestock must submit a report detailing the types and numbers of livestock.

Section 4.04.004 (a) the wording was changed to prohibit loud fowl in the city limits unless the lot size was 1 acre or more and added wording only allowing no more than 2 loud fowl in any combination. (c) the wording was changed to include coop requirements for any fowl. (d) and (e) were added to address pigeons and their enclosures.

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Section 4.04.006 was added to address the keeping of Bees and the keeping of colonies.

Section 4.07.012 (b) the wording on sterilization vouchers were removed and replaced with a date to return the animal for sterilization was added.

Action Requested

Staff recommends Council approve the Ordinance with the recommended changes. OR if you want to be technical, you can use the following for a motion:

To approve to repeal various sections of Chapter 4, entitled "Animal Control", including but not limited to various sections of Article 4.01, entitled "General Provisions", various sections of Article 4.02 Entitled "Animal Shelter Advisory Committee", various sections of Article 4.03, entitled "Registration of Dogs and Cats", various sections of Article 4.04 and renaming Article 4.04 to be entitled "Livestock, Ferrets, Reptiles, Fowl, Rabbits and Bees", various sections of Article 4.05, entitled "Dangerous Animals", various sections of Article 4.06, entitled "Rabies Control", various provisions of Article 4.07, entitled "Impoundment" and repeal the existing section A4.01 entitled "Animal Control Fees" of Article A4.000 entitled "Animal Control Fees" of Appendix "A" entitled "Fee Schedule" and adopting a new Section A4.001 Entitled "Animal Control Fees" of the Code of Ordinances of the City of Murphy, Texas.

Attachments

Animal Control Ordinance with revisions. The fee schedule is attached as part of this ordinance and will also be included in the new fee schedule Appendix A to be discussed at this meeting.

ORDINANCE 16-07-1013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, REPEALING VARIOUS SECTIONS OF CHAPTER 4, ENTITLED “ANIMAL CONTROL”, INCLUDING BUT NOT LIMITED TO VARIOUS SECTIONS OF ARTICLE 4.01, ENTITLED “GENERAL PROVISIONS”, VARIOUS SECTIONS OF ARTICLE 4.02 ENTITLED “ANIMAL SHELTER ADVISORY COMMITTEE”, VARIOUS SECTIONS OF ARTICLE 4.03, ENTITLED “REGISTRATION OF DOGS AND CATS”, VARIOUS SECTIONS OF ARTICLE 4.04 AND RENAMING ARTICLE 4.04 TO BE ENTITLED “LIVESTOCK, FERRETS, REPTILES, FOWL, RABBITS AND BEES”, VARIOUS SECTIONS OF ARTICLE 4.05, ENTITLED “DANGEROUS ANIMALS”, VARIOUS SECTIONS OF ARTICLE 4.06, ENTITLED “RABIES CONTROL”, VARIOUS PROVISIONS OF ARTICLE 4.07, ENTITLED “IMPOUNDMENT” AND REPEALING THE EXISTING SECTION A4.001 ENTITLED “ANIMAL CONTROL FEES” OF ARTICLE A4.000 ENTITLED “ANIMAL CONTROL FEES” OF APPENDIX “A”, ENTITLED “FEE SCHEDULE” AND ADOPTING A NEW SECTION A4.001 ENTITLED “ANIMAL CONTROL FEES” OF THE CODE OF ORDINANCES OF THE CITY OF MURPHY, TEXAS; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS/REPEALER CLAUSE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500), EXCEPT THAT VIOLATIONS OF PUBLIC HEALTH AND SAFETY REGULATIONS SHALL BE SUBJECT TO A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000), FOR EACH DAY OR PORTION THEREOF THAT A VIOLATION OCCURS OR CONTINUES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Murphy, Texas (the “City”) recognizes the need for laws regulating animals located within the City to protect the health, safety, and welfare of the public and for the humane treatment of animals; and

WHEREAS, staff has reviewed the existing Animal Control Ordinance codified in Chapter 4 entitled “Animal Control” of Title I, entitled “General Ordinances” of the Code of Ordinances of the City of Murphy, Texas and has determined that various regulations contained in Chapter 4 are in need of amendment, and that in addition to adopting amendments, it is necessary to adopt new sections of Chapter 4 to regulate the keeping of bees, the keeping of pigeons, interference with Animal Control Officer, and specifying prohibited locations for the sale of animals; and

WHEREAS, in an effort to provide its citizenry with efficient and up to date regulations, the City has determined the need to adopt new regulations governing animal control; and

WHEREAS, the City has the authority and the power to adopt regulations relating to the control of the public health of its citizens, the City Council hereby finds and declares that it is in the interest of the public health, safety and general welfare to establish the regulations set forth in this ordinance for the control of animals within the limits of the City of Murphy.

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

**SECTION 1.
INCORPORATION OF PREMISES**

All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.
AMENDMENTS**

2.01 Section 4.01.001 entitled “Definitions” of Article 4.01, entitled “General Provisions” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended to adopt definitions for “Colony”, “Domestic or Domesticated Animal”, “Hive”, and “Invisible Fence”, and to add those terms to the list of existing definitions in alphabetical order, and to amend the definition for “Owner” and for “Running at large, run at large, or at large” each of which shall be and read in their entirety as follows and all other provisions of Section 4.01.001 not expressly amended hereby shall remain the same:

Sec. 4.01.001 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the content clearly indicates a different meaning:

“Colony. A Hive and its equipment and appurtenances including bees, comb, honey, pollen and brood.”

“Domestic or Domesticated Animal. Includes livestock, caged or penned fowl other than animals belonging to the class Aves, order Falconiforms and subdivision Raptae, normal household pets such as but not limited to dogs,

cats, cockatiels, ferrets, hamsters, guinea pigs, gerbils, rabbits, fish, or small nonpoisonous reptiles or nonpoisonous snakes.”

“Hive. A structure intended for the housing of a bee colony.”

“Invisible Fence. An electronic device or other similar device, whether with a cord or wireless, utilized to restrain an animal upon property.”

“Owner. Any person, partnership, corporation, association or legal entity that harbors, shelters, keeps, controls, manages, possesses or has whole or part interest in any animal. The occupant, owner or head of household of any premises where an animal remains for seventy-two (72) hours or more shall be reputedly presumed to be the owner of the animal, unless the animal has been reported to Animal Control as a stray animal. An occupant of any premises on which a dog or cat remains or customarily returns to is an owner for purposes of this chapter. If a person under the age of seventeen (17) years owns an animal the parent, legal guardian, or the head of household shall be the owner for purposes of this chapter. There may be more than one (1) person responsible for an animal. This term shall include persons who are in temporary possession of the animal, including but not limited to pet sitters and trainers.”

“Running at large, run at large, or at large.

(1) At Large Off premises. Any dog which is not restrained by means of a leash or chain of not more than six (6) feet in length and such leash or chain is of sufficient strength to control the actions of such animal while off premises.

(2) At Large On premises. Any dog not confined by premises of owner by a substantial visible fence of sufficient strength and height to prevent the animal from escaping therefrom, or secured on the premises by a metal chain or leash sufficient in strength to prevent the animal from escaping from premises and so arranged that the animal will remain upon the premises when the leash is stretched to full length.

(3) A dog intruding upon the property of another person other than the owner shall be termed “at large.” Any animal within an automobile or other vehicle of its owner or owner’s agent shall not be deemed “at large.”

2.02. Section 4.01.003 entitled “Authority to enforce” of Article 4.01, entitled “General Provisions” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Section 4.01.003 shall be entitled “Authority to Enforce; Interference with Animal Control Officer; False Claims/Reports” and regulations regarding interference with animal control and filing false

claims are hereby adopted as set forth below so that Section 4.01.003 shall be and read in its entirety as follows:

“Sec. 4.01.003 Authority to Enforce; Interference with Animal Control Officer; False Claims/Reports

(a) The animal control supervisor or designee is designated as the local rabies control authority for the purposes of V.T.C.A., Health and Safety Code Chapter 826, as amended. The local rabies control authority shall enforce:

(1) The Rabies Control Act of 1981, V.T.C.A., Health and Safety Code Chapter 826, as amended, and the rules adopted by the state board of health that comprise the minimum standards for rabies control;

(2) The ordinances and rules of the city; and

(3) The rules adopted by the state board of health under the area rabies quarantine provisions of V.T.C.A., Health and Safety Code sec. 826.045, as amended.

(b) A person commits an offense if the person fails to comply with any lawful order of an animal control officer issued by the officer during the enforcement of this chapter, state, local or federal laws.

(c) A person commits an offense if the person prevents, interferes with, obstructs, or gives false information to any animal control officer who is lawfully discharging duties under this chapter, state, local or federal laws.

(d) For purposes of discharging duties imposed by the provisions of this chapter, or other applicable laws, and to enforce the same, an animal control officer may enter upon private property to the full extent permitted by law, which shall include, but not be limited to, entry upon private unfenced property, except dwellings located thereon, when in pursuit of any animal which he has reason to believe is subject to impoundment pursuant to the provisions of this chapter or other applicable laws.

(e) All animal control officers of the city shall have the authority to issue citations for any violation of this chapter and shall have all other authority or duty stated within the terms of this chapter.

(f) Any animal control officer or police officer shall have the authority to humanely euthanize and/or destroy any animal in accordance with the provisions of this chapter.

(g) A person commits an offense if the person makes a claim of ownership for an animal that they know is false.

(h) A person commits an offense if the person makes a report of a violation of city ordinance or state, local or federal law that they know is false.”

2.03. Section 4.01.004 entitled “Limitation of number of animals” of Article 4.01, entitled “General Provisions” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended to add subsection 4.01.004 (b) which shall be and read in its entirety as follows and all other provisions of Section 4.01.004 not expressly amended hereby shall remain the same:

“Sec. 4.01.004 Limitation of number of animals

...

“(b) It shall be unlawful for any Person to keep within the city, in any residential district, more than four (4) adult domesticated animals on a residential lot (dogs, cats, or ferrets). The residence shall be permitted to keep one (1) litter only at any given time.”

2.04. Section 4.01.006 entitled “Conditions constituting nuisance” of Article 4.01, entitled “General Provisions” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.01.006(a) and Subsection 4.01.006(b) shall be and read in their entirety as follows and all other provisions of Section 4.01.006 not expressly amended hereby shall remain the same:

Sec. 4.01.006 Conditions constituting public nuisances

“(a) A person commits an offense if he knowingly harbors an animal that unreasonably barks, howls, crows or makes other unreasonable noise near a private residence that disturbs the peace and quiet of any person of ordinary sensibility.

(1) A person who is disturbed by an animal that unreasonably barks, howls, crows or makes other unreasonable noise near a private residence may file a complaint with the animal control division. A complaint must include the name and address of the complainant, the exact address of the disturbance, the type of animal causing the disturbance and the times that the animal is causing the disturbance.

(2) An animal control officer shall hand-deliver or mail the owner of the animal a notice that a disturbance complaint has been received.

(3) If an owner continues to allow his animal to cause a disturbance after the receipt of the notice of complaint, the complainant may file a complaint in writing with the municipal court.

(b) It shall be unlawful for the owner to permit, either willfully or through failure to exercise care and control, any such dog or other domesticated animal to defecate upon the sidewalk or parkway or any public street, or upon the floor of any common hall in any entranceway or stairway, or upon any wall of any public place or building or public park, and any private property not his own, if the owner or handler of the offending animal fails to remediate or clean up the waste deposited by the animal.”

2.05. Section 4.01.007 entitled “Animal care rules” of Article 4.01, entitled “General Provisions” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended to revise subsection 4.01.007(d) and to add a new subsection 4.01.007(f) which shall be and read in their entirety as follows and all other provisions of Section 4.01.007 not expressly amended hereby shall remain the same:

“Sec. 4.01.007 Animal care rules

....

(d) It shall be unlawful for a person to use a chain, rope, tether, leash, cable, or other device to attach a dog to a stationary object in violation of state law, or in a manner that could potentially harm the animal or the public.

...

(f) It shall be unlawful for any person to utilize an invisible fence, wireless containment device or other similar device to restrain an animal.”

2.06. Section 4.01.008 entitled “Cruelty to animals” of Article 4.01, entitled “General Provisions” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.01.008(6) shall be and read in its entirety as follows all other provisions of Section 4.01.008 not expressly amended hereby shall remain the same:

Sec. 4.01.008 Cruelty to animals

The following regulations are established for pet and animal care and are not intended to contravene the provisions for animal cruelty as contained in Texas Penal Code 42.09 and 42.092, as amended.

...

“(6) No person shall leave any animal in any standing or parked vehicle in such a way as to endanger the animal’s health or safety. Any animal control officer or police officer is authorized to use reasonable force, including the breaking of any side window, to remove the animal from a vehicle whenever it appears the animal’s health or safety is or soon will be endangered, and said neglect or endangered animal shall be impounded.”

2.07. Section 4.01.009 entitled “Selling baby fowl or rabbits” of Article 4.01, entitled “General Provisions” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended to be entitled “Selling baby fowl or rabbits; dyed fowl or rabbits; prohibited locations” and to add subsection 4.01.009 (c) which shall be and read in its entirety as follows all other provisions of Section 4.01.009 not expressly amended hereby shall remain the same:

Sec. 4.01.009 Selling baby fowl or rabbits; dyed fowl or rabbits; prohibited locations

”(c) It shall be unlawful for any person to sell, exchange, trade, barter, lease, rent, give away, or display for a commercial purpose any live animal on any roadside, public right-of-way, parkway, median, park, playground, swimming pool, other recreation area, flea market, or commercial or retail parking lot that is generally accessible by the public, regardless of whether such access is authorized.”

2.08. Section 4.02.001 entitled “Animal shelter advisory committee” of Article 4.02, entitled “Animal Shelter” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.02.001 (a) entitled “Established; composition” and Subsection 4.02.001(c) entitled “Duties” shall be and read in their entirety as follows and all other all other provisions of Section 4.02.001 not expressly amended hereby shall remain the same:

Sec. 4.02.001 Animal shelter advisory committee

“(a) Established; composition. The city council shall appoint a six-person animal shelter advisory committee. The committee shall be composed of one licensed veterinarian, one municipal official, one person whose duties include the daily operation of the animal shelter and is employed by the city as an animal control officer, one representative from an animal welfare organization, and two (2) citizens, one (1) of whom may be a resident of the City of Parker.

....

(c) Duties. The animal shelter advisory committee shall be limited to the following tasks and responsibilities:

(1) The animal shelter advisory committee shall meet to discuss ideas that will help ensure that the animal shelter is in compliance with the department of state health services rules pertaining to animal shelters;”

2.09. Section 4.02.002 entitled “Removal of animals from animal shelter; abandonment of animals at animal shelter” of Article 4.02, entitled “Animal Shelter” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.02.002(b) and Subsection 4.02.002 (c) shall be and read in their entirety as follows and all other all other provisions of Section 4.02.002 not expressly amended hereby shall remain the same:

Sec. 4.02.002 Removal of animals from animal shelter; abandonment of animals at animal shelter

...

“(b) A person commits an offense if he abandons an animal at the City animal shelter without the authorization of the City or abandons an animal at any location within the City.

(c) In addition to other applicable offenses under this Chapter, a person commits an offense if he is the Owner of an animal, and after being notified that the City has possession of his animal, he leaves an animal unattended at the city animal shelter.”

2.10. Section 4.03.003 entitled “Duplicate certificates” of Article 4.03, entitled “Registration of Dogs and Cats” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Section 4.03.003 shall be and read in its entirety as follows:

Sec. 4.03.003 Duplicate certificates

“If the original current metal registration certificate is lost or destroyed, the owner may obtain a duplicate registration from the animal control division for the fee in accordance with the adopted fee schedule in Appendix A of this code.”

2.11. Section 4.03.004 entitled “Expiration” of Article 4.03, entitled “Registration of Dogs and Cats” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Section 4.03.004 shall be entitled “Registration Expiration” and shall be and read in its entirety as follows:

Sec. 4.03.004 Registration Expiration

“A tag shall be valid only for the animal for which it was originally issued. The Owner shall obtain a city registration within thirty (30) days following receipt of the rabies vaccination of any dog or cat. The registration and tag shall be renewed by Owner on an annual basis.”

2.12 Article 4.04 entitled “Livestock, Ferrets, Reptiles, Fowl and Rabbits” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Article 4.4 shall be entitled “Livestock, Ferrets, Reptiles, Fowl, Rabbits and Bees”.

2.13. Section 4.04.001 entitled “Livestock” of Article 4.04, entitled “Livestock, Ferrets, Reptiles, Fowl, Rabbits and Bees” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.04.001(a), entitled “Keeping swine”, Subsection (b) entitled “Number of horse”, Subsection (d) entitled “Requirements for pens and enclosures” and Subsection (g) entitled “Reporting of livestock” shall be and read in their entirety as follows and all other all other provisions of Section 4.04.001 not expressly amended hereby shall remain the same:

Sec. 4.04.001 Livestock

“(a) Keeping swine. It shall be unlawful for a person to keep any swine within the city limits.”

“(b) Number of livestock. It shall be unlawful for any person or corporation to keep livestock on any premises the overall area of which is less than one acre. The number of livestock permitted shall not exceed two adults (over six months of age) for the first one acre and one adult for each additional one half acre. The number of livestock less than six months of age and horses (miniature variety), sheep, goats less than 34 inches in height at the withers shall not exceed four for the first one acre and three for each additional one half acre.”

...

“(d) Requirements for pens and enclosures. It shall be unlawful to erect a structure/building upon property within the City for the housing or keeping of livestock which is within 40 feet of the property boundary line and 100 feet of the residence of any person other than the owner. A ten-foot by 12-foot stall or enclosure under roof is required for each adult livestock. Offspring may remain with the female parent in the same stall or enclosure until six months of age. In addition, there must be at least 2,000 square feet of fenced exercise area/pasture for each adult. Horses (miniature variety), sheep and goats less than 34 inches in height at the withers shall be provided a stall or enclosure minimum four feet by eight feet under roof for each adult and 500 square feet of fenced exercise area/pasture. Fencing shall be at least four feet in height, or five feet high in the case of breeding-capable males. Fencing must be of proper strength to contain livestock and maintained in good repair at all times.”

...

“(g) Reporting of livestock. All livestock owners are required to submit a report to animal control listing all animals (species, sex, and age), contact information for the owner, contact information for the veterinarian, and emergency contacts. Reports shall be updated annually and shall be submitted to the City on or before January 1 of each year. “

2.14 Section 4.04.004 entitled “Fowl” of Article 4.04, entitled “Livestock, Ferrets, Reptiles, Fowl, Rabbits and Bees” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.04.004 shall be entitled “Fowl; Pigeons” and shall be and read in its entirety as follows:

“Sec. 4.04.004 Fowl; Pigeons

(a) The keeping of loud fowl such as roosters, ducks, turkeys, geese, peacocks, guineas, or other such loud fowl within the city limits upon a lot less than one (1) acre or in any pen, coop or enclosure, including without limitation, a fence, that is on a lot less than one (1) acre, business or school shall be prohibited. No more than two (2) loud fowl of any combination shall be permitted on a single lot over one (1) acre.

(b) No person shall keep more than two hens in an area zoned residential within the city, and shall be no closer than 50 feet to the nearest inhabited dwelling, other than that of the owner.

(c) Any fowl kept within the city limits as authorized by this section shall be in a secure pen, coop or enclosure, and such structure shall be of such construction and strength to keep such animals from running at large. A coop shall be a

minimum size of two (2) square feet for each fowl and eight (8) square feet for each fowl when enclosed in an outside enclosed pen.

(d) Pigeons shall be kept in an enclosure or coop that is located no closer than thirty (30) feet from any residential dwelling, other than that of the owner and no closer than fifty (50) feet to a swimming pool on an adjoining or adjacent property.

(e) When a pigeon(s) is outside of its enclosure or coop, the owner shall ensure that the pigeon(s) do not roost on or about a dwelling, structure, or other property owned by another. and do not interfere with a neighbor's enjoyment of his property."

2.15 Article 4.04, entitled "Livestock, Ferrets, Reptiles, Fowl, Rabbits and Bees" of Chapter 4, entitled "Animal Control" of Title I, "General Ordinances" of the Code of Ordinances of the City of Murphy is hereby amended to add a new Section 4.04.006 which shall be and read in its entirety as follows:

"Sec. 4.04.006 Bees

(a) Keeping. It shall be unlawful for any owner, person, or beekeeper to keep any colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.

(b) Hives. All bee colonies shall be kept in "Lang Troth" type hives with removable frames, which shall be kept in sound and useable condition.

(c) Water. Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, bibcock's, pet watering bowls, birdbath, or other water sources where they may cause human, bird, or domestic pet contact.

(d) Queens. In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to promptly "re-queen" the colony. Queens shall be selected from stock bred for gentleness and no swarming characteristics.

(e) Colony densities. It shall be unlawful to keep more than the following number of colonies on any lot:

1. One half acre lots or less of lot size: two colonies;
2. Larger than one half up to one acre of lot size: four colonies

Regardless of lot size, where all hives are situated at least 100 feet in any direction from all property lines of the lot on which the apiary is situated, there shall be no limit to the number of colonies.

(f) Marking Hives. The name, address, and telephone numbers of the owner or beekeeper shall be painted or otherwise clearly marked upon the structure of each hive.

(g) Compliance. The animal control manager, upon determination that any colony situated within the city is not being kept in compliance with this section, may order the bees removed from the city or relocated.”

2.16. Section 4.05.007 entitled “Keeping of wild animals” of Article 4.05, entitled “Dangerous Animals” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Section 4.05.007 shall be and read in its entirety as follows:

“Sec. 4.05.007 Keeping of wild animals

(a) It shall be unlawful to keep any wild animal within the city limits, with the following exceptions:

(1) If a person housing such wild animal(s) has complied with all applicable federal, state, and local laws and regulations, including, but not limited to, the acquisition and retention of all applicable permits and registrations, said person may retain dangerous wild animals(s) in compliance with all federal, state and local laws, including, but not limited to V.T.C.A., Health and Safety Code Chapter 822, as amended;

(2) A governmental agency or entity acting in an official capacity;

(3) A government-operated zoological park;

(4) A permitted wildlife educational center, animal exhibitions with valid state or federal permits; or

(5) A holder of an animal dealer or animal establishment with a wild animal permit. The possessor of any dangerous wild animal shall have all applicable state and federal permits to possess the species in question.

(b) Animal establishments or animal dealers who hold a Wild/Exotic Animal permit shall make written application to the animal control supervisor to permanently keep each dangerous wild animal in their possession. The application must include the species and location of the animal, at least two pictures that clearly identify the wild animal, and proof that the establishment, center, or person is in possession of the necessary state and federal permit(s) to possess such species.”

2.17. Section 4.06.007 entitled “Animal exposed to rabies” of Article 4.06, entitled “Rabies Control” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.06.007 (b) shall be and read in its entirety as follows and all other provisions of Section 4.06.007 not expressly amended hereby shall remain the same:

“Sec. 4.06.007 Animals exposed to rabies

...

(b) For any animal [known] to have been, or suspected of being, exposed to rabies, the following rules shall apply:

(1) Animals having a current vaccination must be revaccinated immediately and confined at the animal shelter, by a licensed veterinarian, or if approved by an animal control officer, home quarantine for a period of not less than 45 days.

(2) Animals not having a current vaccination should be humanely destroyed. However, if the owner of such an animal elects, the animal may be confined at the animal shelter or by a licensed veterinarian. Home quarantine will only be allowed if approved by an animal control officer and the owner complies with all requirements of this Chapter, including without limitation Section 4.06.010, as amended. Such animal must be vaccinated immediately following exposure and confined for not less than 90 days. A revaccination shall be administered on the third and eighth week prior to release from confinement.

2.18 Section 4.06.008 entitled “Declaration of area quarantine” of Article 4.06, entitled “Rabies Control” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.06.008 shall be and read in its entirety as follows:

“Sec. 4.06.008 Declaration of area quarantine

Should a potential outbreak of rabies within the city be suspected and the danger to the public safety from rabid animals be reasonably imminent, the local rabies

authority is hereby authorized to issue a quarantine proclamation, ordering persons owning, keeping, or harboring dogs or other animals to muzzle the same or confine them in such quarantine proclamation by local newspaper and/or website or other medium. Owners of such animals shall confine the animals to premises owned, leased or controlled by the Owner unless the animals are effectively muzzled and under the control of an adult person by leash, cord, chain, or rope and complying with all requirements of this Chapter. Animals found at large in violation of this section may be destroyed by an animal control officer or police officer of the city if such officer is unable, with reasonable effort, to apprehend such animal for impoundment.”

2.19 Section 4.07.005 entitled “Redemption of animal” of Article 4.07, entitled “Impoundment” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.07.005 shall be and read in its entirety as follows:

“Sec. 4.07.005 Redemption of animal

An Owner can regain possession of any impounded animal upon payment of impoundment fees, handling fees and any veterinarian bills incurred by the animal control division for the welfare of the animal and upon compliance with vaccination and registration provisions of this chapter. Any person owning any animal impounded under this article shall be allowed to take such animal from the animal shelter or other place where impounded upon the following conditions:

- (1) Payment to the city of an impoundment fee as described in the fee schedule in [appendix A](#) of this code, plus an amount established in the adopted fee schedule in [appendix A](#) of this code per day or fractional part thereof for handling fees for each day impounded.
- (2) If the owner cannot provide proof of a current rabies vaccination, the animal must be revaccinated or vaccinated for rabies within five days of being reclaimed by the owner of the impounded animal. Animals less than 12 weeks of age will not require a rabies vaccination in order to be released.”

2.20 Section 4.07.006 entitled “Disposition of unclaimed animals” of Article 4.07, entitled “Impoundment” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.07.006 shall be and read in its entirety as follows:

Sec. 4.07.006 Disposition of unclaimed animals

“If the owner has not redeemed such impounded animal within three (3) days from its capture and impoundment, the animal shall become the property of the City and may be given to a nonprofit humane organization, placed for adoption, or humanely destroyed as deemed appropriate by the animal control officer. Animals wearing a current city license tag will be held for six days prior to their disposition.”

2.21 Section 4.07.007 entitled “Owner relinquishing responsibility” of Article 4.07, entitled “Impoundment” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.07.007 shall be and read in its entirety as follows:

Sec. 4.07.007 Owner relinquishing responsibility

“An owner who no longer wishes responsibility for an animal, or does not desire to regain possession of an impounded animal, may, upon signing a waiver in a form provided by the animal control division, allow the animal to be placed for adoption, given to a humane nonprofit organization, or humanely destroyed as deemed appropriate by the animal control officer; provided, however, that the animal has not bitten a human within the last ten days of the owner wanting to relinquish his responsibility of ownership.”

2.22 Section 4.07.008 entitled “Sick or injured animals” of Article 4.07, entitled “Impoundment” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.07.008 shall be and read in its entirety as follows:

Sec. 4.07.008 Sick or injured animals

“Any impounded animal which has been seriously injured or is seriously ill may be euthanized immediately to prevent suffering, or given to a nonprofit humane organization for the purpose of veterinary medical care, as deemed appropriate by an animal control officer. The animal shelter shall not be responsible for providing veterinary care for any sick or injured animal nor shall the City be liable for any property damage as a result of euthanization or conveyance of such animal.”

2.23 Section 4.07.010 entitled “Baby animals” of Article 4.07, entitled “Impoundment” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Section 4.07.010 shall be and read in its entirety as follows:

Sec. 4.07.010 Baby animals

“Any nursing baby animal impounded without the mother or where the mother cannot or refuses to provide nutritious meals may be immediately euthanized to prevent suffering or given to an individual or to a nonprofit humane organization for the purpose of caring for such animal as determined appropriate by the animal control officer.”

2.24 Section 4.07.012 entitled “Adoption of animals” of Article 4.07, entitled “Impoundment” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.07.012(b) shall be and read in its entirety as follows and all other provisions of Section 4.07.012 not expressly amended hereby shall remain the same:

Sec. 4.07.012 Adoption of animals

“(b) The adoption fee includes sterilization, rabies vaccine, microchipping, and first combo vaccinations. Persons who adopt an animal under four (4) months of age will be provided with a date to return the animal to the animal shelter for sterilization and rabies vaccination.”

2.25 Section A4.001 entitled “Animal Control Fees” of Article A4.000 entitled “Animal Control Fees” of Appendix A, entitled “Fee Schedule”, of the Code of Ordinances of the City of Murphy is hereby repealed in its entirety and a new Section A4.001 entitled “Animal Control” is hereby adopted and shall be and read in its entirety as follows:

A4.000 ANIMAL CONTROL FEES

“Sec. A4.001. ANIMAL CONTROL FEES

a)	Animal impound fee *	(1) 1 st impound	\$50.00
		(2) 2 nd impound	\$75.00
		(3) 3 rd impound	\$125.00
		(4) 4 th impound and up	\$150.00
b)	Daily handling fee		\$10.00 per day
c)	Pet registration	(1) Sterilized	\$10.00 per year
		(2) Non-Sterilized	\$15.00 per year
d)	Dangerous animal registration	Per animal	\$50.00 per year
e)	Dog or cat adoption fee (sterilized)	Per animal	\$85.00
f)	Dog or cat adoption fee (not sterilized)	Per animal	\$45.00
g)	Shipping for rabies testing	Per animal	Actual Costs
h)	Quarantine fee	Per animal	\$150.00
i)	Microchipping fee	Per animal	\$20.00
j)	Euthanasia fee	Per animal	\$25.00

k)	Disposal fee	Per animal	\$25.00
l)	Owner surrender fee	Per animal	\$20.00
m)	Duplicate animal registration fee	Per animal	\$5.00
n)	Wild/Exotic animal registration fee	Per animal	\$50.00

*These fees are above and beyond any fines for citations related to violations of city ordinance or state laws.”

**SECTION 3.
SEVERABILITY CLAUSE**

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

**SECTION 4.
SAVINGS/REPEALER CLAUSE**

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

**SECTION 5.
PENALTY**

It shall be unlawful for any Person to intentionally, knowingly or recklessly violate or fail to comply with any provision of this ordinance. Such person shall be fined, upon conviction, not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00), except that violations of provisions of this Ordinance that govern public health and sanitation, other than vegetation and litter violations, shall be punishable by a fine of not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$500.00), as

authorized by state law. A separate offense shall be deemed committed upon each day or portion thereof upon which a violation occurs or continues.

**SECTION 6.
EFFECTIVE DATE – PUBLICATION**

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

DULY PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this the 19th day of July, 2016.

Eric Barna, Mayor
City of Murphy

ATTEST:

Susie Quinn, City Secretary
City of Murphy

APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney

Issue

Consider and/or act on a proposed resolution authorizing the City Manager to execute a contract renewal with Blue Cross Blue Shield Texas for group medical insurance, Ameritas for group dental insurance and VSP for vision insurance. Additionally, authorization is requested for the City Manager to extend the existing contracts with Cigna for long-term disability insurance and Dearborn National for basic life and AD&D insurance all with an effective date of September 1, 2016.

Staff Resource/ Department

Jana Traxler, HR Manager

Background

The initial medical insurance renewal offer from Blue Cross Blue Shield proposed a premium increase of 20.2%. We went out for bid and received only two other medical bids of which one offer came back at a 56% increase and the other offer, after negotiations, finalized at a 6% increase.

BCBSTX countered with a final 12% renewal offer. Staff was initially compelled to switch carriers to recognize a 6% premium savings over the BCBSTX renewal offer. However, we became concerned that with their initial offer being so low that we could potentially see a significant price increase at the one year renewal. Brinson ran an analysis on their price patterns and recommended that we stay with BCBSTX to mitigate that potential long term risk.

The city will maintain the current plan design which includes a \$2,500 deductible for an individual and a \$7,500 deductible for a family. Through the City’s Health Reimbursement Arrangement (HRA), the employee is reimbursed dollar for dollar for the last \$1,000 of the individual deductible, to a maximum \$3,000 per family. The co-insurance will remain at a 70/30 split with Blue Cross Blue Shield responsible for 70% of the cost sharing and members responsible for the remaining 30%. The prescription co-pays will also remain as currently designed.

	Current	Proposed Plan Change
Deductible (Individual/Family)	\$2,500/\$7,500	\$2,500/\$7,500
Co-Insurance	70/30	70/30
Doctor Visit Copay	\$25	\$25
Urgent Care Copay	\$50	\$50
ER Copay	\$100*	\$100*
Generic Prescription Drugs	\$20	\$20
HRA Reimbursement (individual/family)	\$1,000/\$3,000	\$1,000/\$3,000
Proposed Percentage Increase		12.00%

*Plus co-insurance

The initial dental insurance renewal from Ameritas resulted in a 16% increase. We went to bid and Brinson was able to negotiate down to a 10% renewal rate.

The vision insurance renewal from VSP for FY17 resulted in a 4.5% increase with a two year rate guarantee.

The long term disability renewal from Cigna for FY17 resulted in a flat renewal rate with a two year rate guarantee.

The basic life and AD&D renewal from Dearborn National resulted in a flat renewal rate with a two year rate guarantee.

Financial Consideration

The City will continue to pay for employee coverage and 60% of the employee's dependent coverage premium amount. Accordingly, the Blue Cross Blue Shield negotiated rate increase of 12% will cost the City approximately \$115,300, the Ameritas negotiated rate increase of 10% will cost the City approximately \$7,100 and the VSP two year rate guarantee will cost the City \$600 for FY17. The negotiated premiums for long term disability and basic life and AD&D remains the same; therefore, no increase.

Action Requested/Staff Recommendation

Staff recommends approval.

Attachment

Resolution

RESOLUTION NO. 16-R-833

CITY OF MURPHY, TEXAS

WHEREAS, the City of Murphy provides medical, dental, vision, long term disability and basic life and AD&D insurance as benefits for City employees; and,

WHEREAS, staff has reviewed the renewals for medical, vision, long-term disability and basic life and AD&D and is making the recommendation that the City of Murphy renews with Blue Cross Blue Shield Texas for medical insurance, VSP for vision insurance, Cigna for long-term disability insurance and Dearborn National for basic life and AD&D insurance.

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

That the City Council hereby authorizes the City Manager to execute a contract renewal with Blue Cross Blue Shield for Medical Insurance and with Ameritas for Dental Insurance and to extend the contracts with VSP for Vision Insurance, Cigna for Long-Term Disability and Dearborn National for basic life and AD&D.

DULY RESOLVED by the City Council of the City of Murphy, Collin County, Texas, on this the 19th day of July 2016.

APPROVED:

Eric Barna, Mayor

ATTEST:

Susie Quinn, City Secretary

**City Council Meeting
July 19, 2016**

Issue

Consider and/or act upon approval of the replacement of kitchen vent-a-hood system and range including necessary building modifications to accommodate commercial grade equipment at the Fire Station.

Staff Resource/Department

Mark Lee and Greg Werner/Fire

Summary

The current range is in need of replacement. The current vent-a-hood will not accommodate commercial grade equipment.

Background/History

The kitchen in the fire department was installed using very high end residential grade equipment. The range has had multiple issues over the last 8 years. Finding service people willing to work on the equipment has proven to be a challenge. The vent-a-hood is also high end residential with modifications made to allow an extinguishing system.

Many advanced features on the range are out of service. Some of the basic functions also don't work such as half the griddle or basic oven functions. Facility maintenance personnel have been unable to get a service person to even take a look at the equipment.

The new equipment will be restaurant grade equipment. The current kitchen cabinets and island will need to be modified to accommodate the new equipment. The extinguishing system for a commercial vent-a-hood will also need some modifications.

A local vendor from Richardson has bid the equipment and install. Facility maintenance has located a contractor to perform the cabinet and associated remodel needs to accommodate commercial grade equipment.

Financial Considerations

This is an unbudgeted expense. Funds would come from savings in existing FY16 budget.

Range and Hood	\$19,008.41
Remodel Etc	\$18,373.50
Contingency 10%	<u>\$3,738.00</u>
Total Project	\$41,120.10

Other Considerations

The extent of concern on the cooking equipment became apparent in mid – late May this year. Efforts were made to explore costs for a new range. When vendors came out we discovered the extent of the project too late for submittal in the FY17 budget.

Action Requested

Staff requests approval of the replacement of kitchen vent-a-hood system and range including necessary building modifications to accommodate commercial grade equipment.

Attachments

Range and Hood Quote – AceMart
Cabinet Etc Remodel – Falkenberg Contracting



Project:
 Murphy Fire Department
 206 N Murphy Road
 Murphy, TX

From:
 Ace Mart Restaurant Supply
 Peggy Morrison
 3170 Irving Blvd.
 Dallas, TX 75247-6235
 (214)351-5468 (Contact)

Item	Qty	Description	Sell	Sell Total
1	1 ea	EXHAUST HOOD Captive-Aire 5424ND-2-ACPSP-F - 6ft 0" Long Exhaust-Only Wall Canopy Hood with Front Perforated Supply Plenum with Built-in 3" Back Standoff - 430 SS Where Exposed - FILTER - 16" tall x 16" wide Stainless Steel Captrate Solo filter with hook, ETL Listed. Particulate capture efficiency: 93% efficient at 9 microns, 72% efficient at 5 microns - L55 Series E26 Canopy Light Fixture - High Temp Assembly, Includes Clear Thermal and Shock Resistant Globe (L55 Fixture), Bulbs By Others - EXHAUST RISER - Factory installed 12" Diameter X 4" Height - SUPPLY RISER - 12"x 20" Supply Riser with Volume Dampers - SUPPLY RISER - 10" Square to 8" Round Supply Collar with 8" Round Volume Damper. Nailor 1090 Series. - 1/2 Pint Grease Cup New Style, Flanged Slotted - LEFT END STANDOFF (FINISHED) 1" Wide 54" Long Insulated - RIGHT END STANDOFF (FINISHED) 1" Wide 54" Long Insulated	\$2,510.40	\$2,510.40
	1 ea	ANSUL-3.0 Ansul 3 gallon Wall Mounted Fire System (includes pre-piped hood(s) with detection). Includes piping for hood: 1. - MGVA2 GAS VALVE - 2" Mechanical Shutoff Valve (Ansul)(28-55610) - Includes Upstream Strainer assembly	\$1,036.93	\$1,036.93
	1 ea	Fire System Hook-Up	\$2,112.00	\$2,112.00
	1 ea	DU85HFA High Speed Direct Drive Centrifugal Upblast Exhaust Fan with speed control (speed control included for single phase only), disconnect switch and 15-3/4" wheel. Exhaust Fan handles 1200 CFM @ -1.200" wc ESP, Fan runs at 1244 RPM. Exhaust Motor: 0.750 HP, 1 Phs, 115 V, 60Hz, 9.8 FLA, ODP (Open Drip Proof) - Wall Mount Construction for Direct Drive Fan. Through-Bolt mount motor for extra support in wall mount application. Vibration isolator mounts not used. - Disconnect Switch Loose - Wire Is Extended 10' To Allow Remote Mounting Of The NEMA 3R Enclosure & Switch. Cord Fittings Are Installed In Switch Box. 10-32 Hardware and 7/8" Plug Are Installed In Apron Switch Mounting Holes. - Curb CRB23X20E On Fan # 1 Flat Curb - Hinged Base for Curb. Standard Hinge attached to curb. Used on Fans	\$760.12	\$760.12

Item	Qty	Description	Sell	Sell Total
		with wheels 20 inches or smaller. 12 GA Galvanized. - Vented Base for Curb		
1 ea		A1-G10 Direct Drive Direct Drive Untempered Supply Unit with 10" Blower in Size #1 Housing with speed control, disconnect switch. Supply Fan handles 960 CFM @ 0.650" wc ESP, Fan runs at 958 RPM. Supply Motor: 1.000 HP, 1 Phase, 115 V, 60Hz, 11.6 FLA, TEAO-ECM (Totally Enclosed Air Over Electronically Commutated Motor) Side Discharge - Air Flow Right -> Left - Wall Mount Option for Size 1 un-tempered make-up air fan. 32" long angle iron frame. - ECM Wiring Package and Manual or 0-10VDC Control for Supply EC motors. RTC Controller. - Sloped Filtered Intake for Size #1 Standard Untempered Supply Unit. 22" Wide x 25.875" Long x 23.375" High. Includes 2" MV EZ Kleen Metal Mesh Filters.	\$846.71	\$846.71
1 ea		SC-111110FP 120V 1 Phase w/ control for 1 Exhaust Fan, 1 Supply Fan, Exhaust on in Fire, Lights out in Fire, Fan(s) On/Off Thermostatically Controlled. Room temperature sensor shipped loose for field installation. Includes 1 Duct Thermostat kit. - 14x18 Stainless Steel Box. Includes latch and backplate - Digital Prewire Lighting Relay Kit. Includes hood lighting relay & terminal blocks. Allows for up to 1400W of lighting each. - Digital Prewire Lighting Relay Kit. Includes hood lighting relay & terminal blocks. Allows for up to 1400W of lighting each. - Thermistor CABLE - 18/2 AWG GREEN WHITE, plenum rated. USED for thermistor duct stat. (20').	\$713.97	\$713.97
1 ea		FIELD WRAPPER 24.00" High Front, Left, Right	\$460.63	\$460.63
1 ea		430 STAINLESS STEEL VERTICAL BACKSPLASH 80.00" High X 74.00" Long (Includes End Caps & Divider Bars)	\$239.50	\$239.50
ITEM TOTAL:				\$8,680.26

2	1 ea	FREIGHT Captive-Aire Freight includes one shipment only, delivered to the job site address listed on this proposal. Customer is responsible for freight charges on any items shipped early. This is an estimated freight charge and is subject to change based on current freight costs when the job is released for production.	\$329.84	\$329.84
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3	1 ea	INSTALLATION Custom Installation of Captive Aire 6'-0" long canopy exhaust hood with PSP, backsplash and wrapper. Exhaust and Supply fans to be wall mounted (wall penetrations by others). NOTE: Wall penetrations, patching, all electrical field wiring, start-up & balance, gas or electric shutdown for fire system hook-up to be provided By Others. Air balance test, if required, to be By Others.	\$5,390.00	\$5,390.00
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NOTE: CUSTOMER IS RESPONSIBLE FOR ADDITIONAL LABOR CHARGES AS A RESULT OF COOKING EQUIPMENT LAYOUT CHANGES AFTER THE RELEASE OF THE ORDER, UNION LABOR OR PREVAILING WAGE CHARGES, OR ADDITIONAL TRIPS BY FIRE SYSTEM DISTRIBUTOR CAUSED BY JOBSITE DELAYS, PERMITS, FEES OR TEST REQUIRED BY

Item	Qty	Description	Sell	Sell Total
LOCAL AUTHORITY. SUBMITTAL WILL SPECIFY APPLICABLE TESTING AND APPROVAL AGENCIES.				
3.1	1 ea	INSTALLATION Custom HOOD INSTALLER WILL TRY TO GET HOOD TO SECOND FLOOR ON THE ELEVATOR. IF THIS IS NOT POSSIBLE, HE WILL NEED TO HIRE A CRANE AT AN ADDITIONAL COST. THIS IS AN ESTIMATED PRICE FOR CRANE RENTAL.	\$528.00	<Optional>
NOTE: ALL MATERIALS AND LABOR TO HOOK ACPSP PLEUNUM TO AC DUCT, TO BE PROVIDED BY OTHERS.				
4	1 ea	RANGE Vulcan Model No. V260N Range, 6 burners, 24" griddle/broiler with two ovens. Natural Gas	\$4,425.95	\$4,425.95
	1 st	Powers V/P Casters, set of 4	\$111.56	\$111.56
	2 ea	Powers V/P Caster	\$35.40	\$70.80
NOTE: ACE MART HAS ONE IN STOCK.				
ITEM TOTAL:				\$4,608.31
<u>4.1</u>	THERE WILL NOT BE A DELIVERY CHARGE FOR THE RANGE PROVIDED IT WILL FIT IN THE ELEVATOR. IF IT WILL NOT FIT IN THE ELEVATOR, OTHER DELIVERY ARRANGEMENTS WILL HAVE TO BE MADE AT AN ADDITIONAL CHARGE.			
Total				\$19,008.41

Standard Terms and Conditions

Terms: Payment in full is required on all special orders. Stock equipment requires a 50% deposit. Balance due prior to delivery. The prices contained in this quote are based on payment by cash, check, or bank wire transfer, any other means of payment must be negotiated prior to the acceptance of this quote. Pricing is good for thirty (30) days unless otherwise noted. Prices contained on this quote are subject to Ace Mart being awarded the entire quoted package. If individual line(s) are chosen, pricing is subject to change.

The restocking fee and freight charges must be determined and accepted before the return of any item. Availability of merchandise is subject to change. Please allow 60 days after receipt of order for delivery on all special order merchandise. Ace Mart will not be held responsible for manufacturer or freight delays.

- ~ Prices subject to change without notice unless otherwise specified on the Quote.
- ~ Freight and installation charges are not included unless otherwise specified on the Quote.
- ~ Acceptance of this proposal is subject to the final approval of the home office of Ace Mart Restaurant Supply.
- ~ All electrical, mechanical, and plumbing interconnections and final connections to be installed by others.
- ~ All valves, traps, fittings, and connections to water and drains by others.
- ~ All contactors, motor starters, disconnects, plugs and pigtailed not provided as standard by the manufacturer are to be provided by Electrical Contractor.
- ~ All roof penetrations and re-sealing to be performed by others.
- ~ All wall backing for over shelves to be installed by a General Contractor.
- ~ All wall mount shelving to be installed by a General Contractor.
- ~ Any required crane or forklift to be supplied by the General Contractor unless specifically quoted.
- ~ The term "Installation" in our quote means: Delivery to the job site, unload, uncrate, assemble (chairs, tables and small equipment...not to include walk-ins or hood systems), set in place and level. Installation

is based on non-union installers.

- ~ All final Electrical & Plumbing connections to be done by General Contractor.
- ~ Warranties are standard as offered by the manufacturer unless otherwise stated.
- ~ Not withstanding anything to the contrary contained in the Quote Documents, this proposal is specifically subject to the agenda attached hereto and conditional upon the written approval of any contract forms by the Ace Mart Restaurant Supply Credit Department. No legal or equitable rights against Ace Mart Restaurant Supply shall be created until such written approval has been obtained.
- ~ Applicable sales tax will be added to the project at time of invoicing.
- ~ The prices contained in this quote are based on payment by cash, check, or bank transfer; any other means of payment must be negotiated prior to the acceptance of this quote.

NOTE: Sales tax amount may change based on Texas Manufacturing Rules for Food Service equipment.

Acceptance: _____ Date: _____
Printed Name: _____

Falkenberg

CONSTRUCTION CO., INC.

4850 Samuell Blvd. Mesquite, Tx. 75149
214-324-4779 Fax 214-324-4667

June 24, 2016

City of Murphy

206 Murphy Road
Murphy, TX 75094

Subject: City of Murphy - Fire Station Kitchen
Proposal # 1613.16

We propose to furnish labor and material to modify kitchen cabinets and island to accommodate for the new owner supplied vent-a-hood and gas range for the lump sum of:

Base Bid: Price to demo existing vent-a-hood and remove existing range, modify upper cabinets to allow opening for new larger vent-a-hood, install required mounting surface for vent-a-hood installers, demo drawers and electrical from island, replace stainless top, patch epoxy flooring as needed per owners specifications, touch up paint as needed

\$18,373.50

Eighteen thousand three hundred seventy three dollars and----- 50/100

Alternate #1 Price to replace 2'x2' ceiling tiles in kitchen and clean existing ceiling grid

\$2,697.10

Two thousand six hundred ninety seven dollars and----- 10/100

This proposal to include the following:

- All work to be conducted during normal business hours
- Demo of existing vent-a-hood and gas range
- Modification of upper and lower cabinets to accommodate new vent-a-hood and range
- Demo if drawers and electrical outlets from back of island
- Replace stainless steel countertop on island
- Install necessary mounting supports for new vent-a-hood
- Patch and paint as required
- Patch epoxy flooring with either VCT or color matched epoxy
- Daily and final site cleanup

This proposal excludes the following:

- Tax
- Bond
- Permit Fees, Inspections
- Vent-a-hood and range
- Installation of Vent-a-hood and range

Please review and call me if you have any questions.

Thank you for the opportunity to bid this and any future projects.

Sincerely,
FALKENBERG CONSTRUCTION COMPANY, INC.

A handwritten signature in black ink, appearing to read 'W. Schaule', written in a cursive style.

Will Schaule
Project Manager / Estimator

Issue

Consider and/or approve by individual consideration each recommendation of the Charter Review Commission as presented at the July 5, 2016 City Council meeting and/or create new changes to the current City Charter.

Staff Resource/Department

Andy Messer, City Attorney
Mack Reinwand, Assistant City Attorney
Barbara Harless, Chair
John Wideman, Vice Chair
Susie Quinn, City Secretary

Background

At the July 5, 2016 City Council meeting, Council discussed each suggested change to the City Charter as recommended by the Charter Review Commission. Following the discussion it was decided to review each change separately and vote accordingly.

Board Discussion/Action

Consider and approve individually the CRC recommendations to the Charter and instruct the City Attorney to write the proposition language and present to City Council for further review and approval.

The following is a listing of each item to be considered for voting:

1. 3.03 Qualifications
Adding the word City in front of Council
2. 3.03 Qualifications
Changing the age from 21 to 18 in part (1)
3. 3.03 Qualifications
Changing the language regarding city employees who desire to run for Council in part (5)
4. 3.03 Qualifications
Adding language to comply with the Texas Election Code in part (6)
5. 3.03 Qualifications
Adding language regarding the term "qualified voter".
6. 3.04 Compensation
Adding language
7. 3.05 Mayor, Mayor Pro-Tem and Deputy Mayor Pro-Tem
Adding language regarding declaration of a disaster in part (2)
8. 3.05 Mayor, Mayor Pro-Tem and Deputy Mayor Pro-Tem
Adding language regarding when to appoint Mayor Pro-Tem in part (3)
9. 3.05 Mayor, Mayor Pro-Tem and Deputy Mayor Pro-Tem
Removing language to delete the Deputy Mayor Pro-Tem as described in part (4) in its entirety

10. 3.06 Vacancies, Forfeiture and Filling of Vacancies
Change “shall” to “may” in part (2)
11. 3.06 Vacancies, Forfeiture and Filling of Vacancies
Change “5.02” to “3.03” in part (3)
12. 3.06 Vacancies, Forfeiture and Filling of Vacancies
Adding language regarding unexpired terms to part (5)
13. 3.15 Emergency Ordinances
Deleting 3.15 in its entirety and renumbering the other parts
14. 5.02 Filing for Office
Deleting 5.02 in its entirety and renumbering the other parts
15. 6.02 Filing for Office
Changing the word “registered” to “qualified”
16. 6.10 Restrictions on Recall
Adding language to create a part (3) to comply with the Texas Election Code
17. 6.12 General Power of Initiative and Referendum
Changing the language in part (2)
18. 6.13 Initiative
Changing the word “registered” to “qualified”
19. 6.14 Referendum
Changing the language regarding enforcement
20. 6.20 Ordinance Passed by Popular Vote, Repeal or Amendment
Adding additional language which includes a super majority vote
21. 7.02 Submission of Budget and Budget Message
Adding additional language as required by state law
22. 7.15 Purchasing
Deleting certain language and changing the emergency declaration to Mayor in part (3)
23. 8.01 Authority, Composition and Procedures
Deleting part (5) in its entirety
24. 9.01 Organization
Deleting the word “City” in front of voters in part (1)
25. 9.05 Board of Adjustment
Deleting the word “City” in front of voters in part (2)
26. 11.10 Sale of Liquor Prohibited in Residential Districts
Adding the language to create an 11.10 Sale of Liquor Prohibited in Residential Districts
27. 12.10 Disaster Clause
Adding language to continue City government in the event of a disaster
28. 14.01 Nepotism
Adding language regarding relationship on boards and/or commissions
29. 14.01 Nepotism
Adding language to part (2)

Attachments

- Twenty pages of various proposed changes

CHARTER REVIEW COMMISSION RECOMMENDATIONS

ARTICLE – III. CITY COUNCIL

PROVISION – CURRENT WORDING

3.03 Qualifications of City Council

In addition to any other qualifications prescribed by law, the Mayor and each Council shall meet the following qualifications as also set forth in Section 5.02 of this Charter while in office:

- (1) Shall be at least twenty-one (21) years of age at the time of the election for which they are filing;
- (5) No employee of the City shall continue in any City employee position after filing for an elective office provided for in this Charter.
- (6) Candidates for elective City offices shall comply with all other City ordinances or resolutions that may be applicable.

PROPOSED NEW WORDING

3.03 Qualifications of City Council

In addition to any other qualifications prescribed by law, a candidate for Mayor and City Council shall meet the following qualifications:

- (1) Shall be at least **eighteen (18)** years of age at the time of the election for which they are filing;
- (5) **No Council Member shall hold any other City office or City employment while serving as Council Member.**
- (6) Candidates for elective City offices shall file for office in accordance with the Texas Election Code and comply with all other City ordinances or resolutions that may be applicable.

Unless otherwise provided, the term “qualified voter” in this Charter means a qualified voter residing in the City in accordance with the Texas Election Code.

ARTICLE – III. CITY COUNCIL

PROVISION – CURRENT WORDING

3.04 Compensation

Compensation of the City Council shall be \$50 per council meeting for which the Council Member is present. The compensation of the Mayor shall be \$75 per council meeting for which the Mayor is present. For council meetings which the Mayor Pro-Tem or other Council Member acts as Mayor, that person shall receive \$75. The City Council may also be entitled to reimbursement for actual expenses incurred in the performance of official duties in accordance with the policies adopted by the City Council.

PROPOSED NEW WORDING

3.04 Compensation

Compensation of the City Council shall be \$50 per council meeting for which the Council Member is present. The compensation of the Mayor shall be \$75 per council meeting for which the Mayor is present. For council meetings which the Mayor Pro-Tem or other Council Member acts as Mayor, that person shall receive \$75. The City Council may also be entitled to reimbursement for actual expenses incurred in the performance of official duties **provided for in the annual City Budget and** in accordance with the reimbursement policies adopted by the City.

ARTICLE – III. CITY COUNCIL

PROVISION – CURRENT WORDING

3.05 Mayor, Mayor Pro-Tem and Deputy Mayor Pro-Tem

(2) The Mayor shall also represent the City in intergovernmental relationships, and shall perform other duties specified by the City Council, imposed by this Charter and by ordinances and resolutions passed in pursuance thereof. Additionally, the Mayor, the City Manager, or designee shall sign, after authorization by the City Council, all contracts and conveyances made or entered into by the City and all bonds, warrants and any other obligation issued under the provisions of this Charter, in the manner prescribed in the ordinance or resolution authorizing the signing of any such obligation.

(3) The Mayor Pro-Tem shall be a Council Member elected to be the Mayor Pro-Tem by the City Council at the first meeting of each Council after each election or as soon thereafter as practicable, but not later than the last business day of July in the year that the election was held. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and in this capacity shall have the rights conferred upon the Mayor.

(4) The Deputy Mayor Pro-Tem shall be a Council Member elected to be the Deputy Mayor Pro-Tem by the City Council at the first meeting of each Council after each election or as soon thereafter as practicable, but not later than the last business day of July in the year that the election was held. The Deputy Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and Mayor Pro-Tem, and in this capacity shall have the rights conferred upon the Mayor.

PROPOSED NEW WORDING

3.05 Mayor and Mayor Pro-Tem

(2) The Mayor shall also represent the City in intergovernmental relationships, and shall perform other duties specified by the City Council, imposed by this Charter and by ordinances and resolutions passed in pursuance thereof. Additionally, the Mayor, the City Manager, or designee shall sign, after authorization by the City Council, all contracts and conveyances made or entered into by the City and all bonds, warrants and any other obligation issued under the provisions of this Charter, in the manner prescribed in the ordinance or resolution authorizing the signing of any such obligation. **The Mayor may declare a local state or disaster and order the evacuation of all or part of the population from a stricken or threatened area.**

(3) The Mayor Pro-Tem shall be a Council Member elected to be the Mayor Pro-Tem by the City Council **annually** at the first meeting of **June** or as soon thereafter as practicable, but not later than the last business day of July. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and in this capacity shall have the rights conferred upon the Mayor.

(4) Removed in its entirety.

ARTICLE – III. CITY COUNCIL

PROVISION – CURRENT WORDING

3.06 Vacancies, Forfeiture and Filling of Vacancies

(2) If any Member of the City Council is absent from three (3) consecutive regular meetings, without explanation acceptable to a majority of the remaining Council Members, his or her office shall be declared vacant, by resolution, at the next regular meeting of the City Council. The City Council shall convene a public hearing before exercising its authority under this provision, and permit the Council Member facing expulsion to be heard regarding absences.

(3) Any person on the City Council who:

(A) ceases to possess the required qualifications for office as set forth in Section 5.02 of this Charter, or

(5) A vacancy in the office of a Council Member shall be filled by special election within one hundred twenty (120) days after such vacancy occurs, in accordance with the Texas Constitution and the Texas Election Code. If the vacated office is that of Mayor Pro-Tem or Deputy Mayor Pro-Tem, the City Council shall elect a new Mayor Pro-Tem or Deputy Mayor Pro-Tem at the next regular meeting.

PROPOSED NEW WORDING

3.06 Vacancies, Forfeiture and Filling of Vacancies

(2) If any Member of the City Council is absent from three (3) consecutive regular meetings, without explanation acceptable to a majority of the remaining Council Members, his or her office may be declared vacant, by resolution, at the next regular meeting of the City Council. The City Council shall convene a public hearing before exercising its authority under this provision, and permit the Council Member facing expulsion to be heard regarding absences.

(3) Any person on the City Council who:

(A) ceases to possess the required qualifications for office as set forth in Section 3.03 of this Charter, or

(5) A vacancy in the office of a Council Member, where the remaining unexpired term of the office is twelve (12) months or less, shall be filled by appointment by majority vote of the remaining members of the City Council by a person meeting the qualifications of the Charter to serve the remainder of the unexpired term. When the remaining unexpired term of the office is more than twelve (12) months, the vacancy shall be filled by special election within one hundred twenty (120) days after such vacancy occurs, in accordance with the Texas Constitution and the Texas Election Code. When there are two (2) or more vacancies at any one time, the vacancies shall be filled by special election within one hundred twenty (120) days after such vacancies occur, in accordance with the Texas Constitution and the Texas Election Code. If the vacated office is that of Mayor Pro-Tem, the City Council shall elect a new Mayor Pro-Tem at the next regular meeting.

ARTICLE – III. CITY COUNCIL

PROVISION – CURRENT WORDING

3.15 Emergency Ordinances

(1) The City Council may adopt emergency ordinances only to meet public emergencies affecting life, health, property or the public peace. In particular, such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. Neither shall they authorize the borrowing of money except as provided elsewhere in this Charter.

(2) An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that they shall be plainly designated in the title as an emergency ordinance and shall contain after the enacting clause a declaration stating that an emergency exists and describing the emergency in clear and specific terms.

(3) An emergency ordinance may be introduced at any City Council meeting and can be adopted with or without amendment or rejected at the meeting at which it is introduced.

(4) Emergency ordinances shall become effective upon adoption and shall be published as soon thereafter as practicable as required by law. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, is automatically repealed as of the sixty-first (61st) day following the day on which it became effective. The ordinance may be re-enacted if the emergency still exists.

PROPOSED NEW WORDING

Deleted in its entirety and renumbering for the following Sections:

3.15 Authentication, Recording, Codification, Printing and Distribution

3.16 Investigations by the City Council

3.17 Bond

ARTICLE – V. NOMINATIONS AND ELECTIONS

PROVISION – CURRENT WORDING

5.02 Filing for Office

- (1) Candidates for elective City offices shall file for office in accordance with the Texas Election Code.
- (2) Candidates for elective City offices shall meet the following qualifications:
 - (A) Shall be at least twenty-one (21) years of age at the time of the election for which they are filing;
 - (B) Shall be a qualified voter; and
 - (C) Shall have resided within the corporate limits of the City, or recently annexed territory, for at least twelve (12) months immediately preceding Election Day.
- (3) No candidate for elective City office may file in a single election for more than one (1) office or position as provided by this Charter.
- (4) No employee of the City shall continue in any City employee position after filing for an elective office provided for in this Charter.
- (5) Candidates for elective City offices shall comply with all other City ordinances or resolutions that may be applicable.

PROPOSED NEW WORDING

Deleted in its entirety and renumbering for the following Sections:

5.02 Official Ballots

5.03 Official Results

5.04 Taking of Office

ARTICLE – VI. INITIATIVE AND REFERENDUM

PROVISION – CURRENT WORDING

6.02 Filing for Office

Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of City Secretary, which said petition must be signed by thirty percent (30%) of the number of votes cast for the place or position held by that member of the City Council in the last general municipal election for that place or position, or three hundred (300) registered voters, whichever is greater. Each signer of such recall petition shall be a qualified voter of the City and shall provide all requisite information as required by the Texas Election Code and this Charter.

PROPOSED NEW WORDING

6.02 Filing for Office

Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of City Secretary, which said petition must be signed by thirty percent (30%) of the number of votes cast for the place or position held by that member of the City Council in the last general municipal election for that place or position, or three hundred (300) **qualified** voters, whichever is greater. Each signer of such recall petition shall be a qualified voter of the City and shall provide all requisite information as required by the Texas Election Code and this Charter.

ARTICLE – VI. INITIATIVE AND REFERENDUM

PROVISION – CURRENT WORDING

6.10 Restrictions on Recall

(1) No recall petition shall be filed against any officer of the City within six (6) months after the officer's election, nor within six (6) months after an election for such officer's recall.

(2) No more than three (3) petitions for recall shall be filed and/or be pending for resolution by election until those three (3) petitions for recall have been resolved by the recall election and an election has been ordered to fill any vacancies created by the recall election.

PROPOSED NEW WORDING

6.10 Restrictions on Recall

(1) No recall petition shall be filed against any officer of the City within six (6) months after the officer's election, nor within six (6) months after an election for such officer's recall.

(2) No more than three (3) petitions for recall shall be filed and/or be pending for resolution by election until those three (3) petitions for recall have been resolved by the recall election and an election has been ordered to fill any vacancies created by the recall election.

(3) Recall elections shall be held in accordance with the Texas Election Code.

ARTICLE – VI. INITIATIVE AND REFERENDUM

PROVISION – CURRENT WORDING

6.12 General Power of Initiative and Referendum

The qualified voters of the City, in addition to the method of legislation herein before provided, shall have the power of direct legislation by initiative and referendum.

(1) Initiative: Such power shall not extend to the budget, capital program or any ordinance not subject to initiative as provided by state law.

(2) Referendum: Such power shall not extend to the budget, capital program or any emergency ordinance or ordinance not subject to referendum as provided by state law.

PROPOSED NEW WORDING

6.12 General Power of Initiative and Referendum

The qualified voters of the City, in addition to the method of legislation herein before provided, shall have the power of direct legislation by initiative and referendum.

(1) Initiative: Such power shall not extend to the budget, capital program or any ordinance not subject to initiative as provided by state law.

(2) Referendum: Such power shall not extend to the budget or capital program or any ordinance not subject to referendum as provided by state law.

ARTICLE – VI. INITIATIVE AND REFERENDUM

PROVISION – CURRENT WORDING

6.13 Initiative

Following a review by the City Attorney for enforceability and legality, qualified voters of the City may initiate legislation by submitting a petition addressed to the City Council that requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the City. Said petition must be signed by a minimum of thirty percent (30%) of the number of votes cast at the last regular City election, or three hundred (300) registered voters, whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed in the same manner as recall petitions are signed as provided in this Article, and shall be verified by oath in the manner and form provided for recall petitions in this Article. The petition may consist of one (1) or more copies as permitted for recall petitions. Such petition shall be filed with City Secretary. Within twenty-one (21) days after the filing of such petition, the City Secretary, or the person performing the duties of the City Secretary, shall confirm the signatures on the petition and, if the petition is determined to be legally sufficient, present said petition and proposed ordinance or resolution to the City Council. Upon presentation to the City Council, it shall become the duty of the City Council, within two (2) regularly scheduled City Council meetings after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect, or to call a special election, to be held on a date allowed under the Texas Election Code, at which the qualified voters of the City shall vote on the question of adopting or rejecting the proposed legislation. However, if any other municipal election is to be held within sixty (60) days following the filing of the petition, the question may be voted on at such election. Any election order so issued shall comply fully with the Texas Election Code. Unless otherwise provided by law, any election for an initiative under this Charter shall be held on the first authorized uniform election date that occurs after the sixty-fifth (65th) day after the petition was presented to the City Council.

PROPOSED NEW WORDING

6.13 Initiative

Following a review by the City Attorney for enforceability and legality, qualified voters of the City may initiate legislation by submitting a petition addressed to the City Council that requests the submission of a proposed ordinance or resolution to a vote of the **qualified** voters of the City. Said petition must be signed by a minimum of thirty percent (30%) of the number of votes cast at the last regular City election, or three hundred (300) registered qualified voters, whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed in the same manner as recall petitions are signed as provided in this Article, and shall be verified by oath in the manner and form provided for recall petitions in this Article. The petition may consist of one (1) or more copies as permitted for recall petitions. Such petition shall be filed with City Secretary. Within twenty-one (21) days after the filing of such petition, the City Secretary, or the person performing the duties of the City Secretary, shall confirm the signatures on the petition and, if the petition is determined to be legally sufficient, present said petition and proposed ordinance or resolution to the City Council. Upon presentation to the City Council, it shall become the duty of the City Council, within two (2) regularly scheduled City Council meetings after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect, or to call a special election, to be held on a date allowed under the Texas Election Code, at which the qualified voters of the City shall vote on the question of adopting or rejecting the proposed legislation. However, if any other municipal election is to be held within sixty (60) days following the filing of the petition, the question may be voted on at such election. Any election order so issued shall comply fully with the Texas Election Code. Unless otherwise provided by law, any election for an initiative under this Charter shall be held on the first authorized uniform election date that occurs after the sixty-fifth (65th) day after the petition was presented to the City Council.

ARTICLE – VI. INITIATIVE AND REFERENDUM

PROVISION – CURRENT WORDING

6.14 Referendum

Qualified voters of the City may require that any ordinance or resolution passed by the City Council or instituted by the initiative process under this Charter be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after final passage of said ordinance or resolution, or within thirty (30) days after its publication. Said petition shall be addressed, signed and verified as required for recall petitions in this Article and shall be submitted to the City Secretary. Immediately upon the filing of such petition, the City Secretary shall confirm the signatures on the petition and, if the petition is determined to be legally sufficient, present said petition to the City Council. Thereupon the City Council shall immediately reconsider such ordinance or resolution and, if the City Council does not entirely repeal the same, shall submit it to popular vote as provided in Section 6.13 of this Charter. Pending the holding of such election, each ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof. Unless otherwise provided by law, any election for a referendum under this Charter shall be held on the first authorized uniform election date that occurs after the sixty fifth (65th) day after the petition was presented to the City Council.

PROPOSED NEW WORDING

6.14 Referendum

Qualified voters of the City may require that any ordinance or resolution passed by the City Council or instituted by the initiative process under this Charter be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after final passage of said ordinance or resolution, or within thirty (30) days after its publication. Said petition shall be addressed, signed and verified as required for recall petitions in this Article and shall be submitted to the City Secretary. Immediately upon the filing of such petition, the City Secretary shall confirm the signatures on the petition and, if the petition is determined to be legally sufficient, present said petition to the City Council. Thereupon the City Council shall immediately reconsider such ordinance or resolution and, if the City Council does not entirely repeal the same, shall submit it to popular vote as provided in Section 6.13 of this Charter. Pending the holding of such election, each ordinance or resolution shall be suspended from **enforcement** and shall not later **be enforced** unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof. Unless otherwise provided by law, any election for a referendum under this Charter shall be held on the first authorized uniform election date that occurs after the sixty fifth (65th) day after the petition was presented to the City Council.

ARTICLE – VI. INITIATIVE AND REFERENDUM

PROVISION – CURRENT WORDING

6.20 Ordinances Passed by Popular Vote, Repeal or Amendment

No ordinance or resolution which may have been passed by the City Council upon a petition or adopted by popular vote under the provisions of this Article shall be repealed or amended except by the City Council in response to a referendum petition or by submission as provided by Section 6.15 of this Charter.

PROPOSED NEW WORDING

6.20 Ordinances Passed by Popular Vote, Repeal or Amendment

No ordinance or resolution which may have been passed by the City Council upon a petition or adopted by popular vote under the provisions of this Article shall be repealed or amended except by the City Council in response to a referendum petition or by submission as provided by Section 6.15 of this Charter.

If an ordinance or resolution adopted by popular vote under the provisions of this Article is directly challenged and declared to be unconstitutional, preempted, or otherwise unenforceable by a court of final jurisdiction, the City Council, upon its own motion and by the affirmative vote of at least three-fourths of the full membership of the City Council, may repeal the ordinance or resolution.

ARTICLE – VII. FINANCIAL PROCEDURES

PROVISION – CURRENT WORDING

7.02 Submission of Budget and Budget Message

On or before the tenth (10th) day of August of the fiscal year, the City Manager shall submit to the City Council a budget for the ensuing fiscal year and an accompanying budget message.

PROPOSED NEW WORDING

7.02 Submission of Budget and Budget Message

On or before the tenth (10th) day of August of the fiscal year, the City Manager shall submit to the City Council a budget for the ensuing fiscal year and an accompanying budget message. The budget shall comply with and contain such information and itemization, as may be required by state law.

ARTICLE – VII. FINANCIAL PROCEDURES

PROVISION – CURRENT WORDING

7.15 Purchasing

(3) Emergency contracts as authorized by law and this Charter may be negotiated by the City Council or City Manager if given authority by the City Council, without competitive bidding, and in accordance with state law. Such emergency shall be declared by the City Manager and approved by the City Council, or may be declared by the City Council.

PROPOSED NEW WORDING

7.15 Purchasing

(3) Emergency contracts as authorized by law and this Charter may be negotiated by the City Council or City Manager if given authority by the City Council, and in accordance with state law. Such emergency shall be declared by the Mayor.

ARTICLE – VIII. BOARDS AND COMMISSIONS

PROVISION – CURRENT WORDING

8.01 Authority, Composition and Procedures

(5) Any member of a board, commission or committee who is absent from three (3) consecutive regular meetings, or twenty-five percent (25%) of regularly scheduled meetings during the twelve (12)-month period immediately preceding and including the absence in question, without explanation acceptable to a majority of the other members, shall be deemed to have forfeited his or her position on the board, commission or committee.

PROPOSED NEW WORDING

8.01 Authority, Composition and Procedures

(5) *Completely removed.*

ARTICLE –IX. PLANNING AND ZONING COMMISSION

PROVISION – CURRENT WORDING

9.01 Organization

(1) There is hereby established a Planning and Zoning Commission, which shall consist of not less than seven (7) members who shall be appointed by the City Council to staggered terms of two (2) years in accordance with the existing zoning ordinance. The Commission members shall be qualified City voters. Any vacancy occurring during the unexpired term of a member shall be filled by the City Council for the remainder of the unexpired term. After being duly appointed, the Commission shall elect from its members a Chairman, Vice Chairman and Secretary to serve for one (1) year beginning in that month. Members of the Commission may be removed, with or without cause, by an affirmative vote of a majority of the full membership of the City Council.

PROPOSED NEW WORDING

9.01 Organization

(1) There is hereby established a Planning and Zoning Commission, which shall consist of not less than seven (7) members who shall be appointed by the City Council to staggered terms of two (2) years in accordance with the existing zoning ordinance. The Commission members shall be qualified voters. Any vacancy occurring during the unexpired term of a member shall be filled by the City Council for the remainder of the unexpired term. After being duly appointed, the Commission shall elect from its members a Chairman, Vice Chairman and Secretary to serve for one (1) year beginning in that month. Members of the Commission may be removed, with or without cause, by an affirmative vote of a majority of the full membership of the City Council.

ARTICLE –IX. PLANNING AND ZONING COMMISSION

PROVISION – CURRENT WORDING

9.05 Board of Adjustment

(2) The Board shall consist of seven (7) members who shall be appointed by the City Council to staggered terms of two (2) years. The Board shall consist of qualified City voters.

PROPOSED NEW WORDING

9.05 Board of Adjustment

(2) The Board shall consist of seven (7) members who shall be appointed by the City Council to staggered terms of two (2) years. The Board shall consist of qualified voters.

ARTICLE –XI. GENERAL PROVISIONS

PROVISION – CURRENT WORDING

PROPOSED NEW WORDING

11.10 Sale of Liquor Prohibited in Residential Districts

The sale of liquor, as defined in the Texas Alcoholic Beverage Code, as amended, shall be prohibited by a person or entity holding a package store permit, as described in the Texas Alcoholic Beverage Code, as amended, in any zoning district which allows, in whole or in part, residential development in the City.

ARTICLE –XII. LEGAL PROVISIONS

PROVISION – CURRENT WORDING

12.10 Disaster Clause

In case of disaster, when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving members of the City Council, highest surviving City official, and the County Judge of Collin County or his/her designee, must within twenty-four (24) hours of such disaster, appoint a five (5) member commission, which would include any surviving elected City officials, to govern the City, respond to the emergency, and call a City election within fifteen (15) days of such disaster, or as provided in the Texas Election Code, for election of a required quorum, if for good reasons it is known a quorum of the present City Council will never again meet.

PROPOSED NEW WORDING

12.10 Disaster Clause

In case of disaster where a portion of the City is located wholly or partly in a disaster area declared by the president of the United States or the governor, when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries as a result of the disaster, the surviving members of the City Council, highest surviving City official, and the City's emergency management coordinator must within twenty-four (24) hours of such disaster, appoint a five (5) member commission, which would include any surviving elected City officials, to govern the City, respond to the emergency, and within fifteen (15) days of such disaster call a City election to be held as soon as practicable, or as provided in the Texas Election Code, for election of a required quorum, if for good reasons it is known a quorum of the present City Council will never again meet.

ARTICLE –XIV NEPOTISM, PROHIBITIONS AND PENALTIES

PROVISION – CURRENT WORDING

14.01 Nepotism

No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any Council Member or the City Manager shall be employed by or contracted with the City or the City's corporate affiliate. The nepotism prohibition shall not apply to the following:

- (1) Any person currently employed by the City and employed for six (6) months prior to the person related in the above degree being elected to the City Council or being appointed as City Manager, or
- (2) Any person who serves in an unpaid capacity with the City.

PROPOSED NEW WORDING

14.01 Nepotism

No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any Council Member or the City Manager shall be employed by, contracted with, or appointed as a member of a board or commission of the City or the City's corporate affiliate. The nepotism prohibition shall not apply to the following:

- (1) Any person currently employed by the City and employed for six (6) months prior to the person related in the above degree being elected to the City Council or being appointed as City Manager.
- (2) Any person, other than a member of a board or commission, who serves in an unpaid capacity with the City.

CHARTER REVIEW COMMISSION RECOMMENDATIONS

ARTICLE – III. CITY COUNCIL

PROVISION – CURRENT WORDING

3.03 Qualifications of City Council

In addition to any other qualifications prescribed by law, the Mayor and each Council shall meet the following qualifications as also set forth in Section 5.02 of this Charter while in office:

- (1) Shall be at least twenty-one (21) years of age at the time of the election for which they are filing;
- (5) No employee of the City shall continue in any City employee position after filing for an elective office provided for in this Charter.
- (6) Candidates for elective City offices shall comply with all other City ordinances or resolutions that may be applicable.

PROPOSED NEW WORDING

3.03 Qualifications of City Council

In addition to any other qualifications prescribed by law, a candidate for Mayor and City Council shall meet the following qualifications:

- (1) Shall be at least **eighteen (18)** years of age at the time of the election for which they are filing;
- (5) **No Council Member shall hold any other City office or City employment while serving as Council Member.**
- (6) Candidates for elective City offices shall file for office in accordance with the Texas Election Code and comply with all other City ordinances or resolutions that may be applicable.

Unless otherwise provided, the term “qualified voter” in this Charter means a qualified voter residing in the City in accordance with the Texas Election Code.

ARTICLE – III. CITY COUNCIL

PROVISION – CURRENT WORDING

3.04 Compensation

Compensation of the City Council shall be \$50 per council meeting for which the Council Member is present. The compensation of the Mayor shall be \$75 per council meeting for which the Mayor is present. For council meetings which the Mayor Pro-Tem or other Council Member acts as Mayor, that person shall receive \$75. The City Council may also be entitled to reimbursement for actual expenses incurred in the performance of official duties in accordance with the policies adopted by the City Council.

PROPOSED NEW WORDING

3.04 Compensation

Compensation of the City Council shall be \$50 per council meeting for which the Council Member is present. The compensation of the Mayor shall be \$75 per council meeting for which the Mayor is present. For council meetings which the Mayor Pro-Tem or other Council Member acts as Mayor, that person shall receive \$75. The City Council may also be entitled to reimbursement for actual expenses incurred in the performance of official duties provided for in the annual City Budget and in accordance with the reimbursement policies adopted by the City.

ARTICLE – III. CITY COUNCIL

PROVISION – CURRENT WORDING

3.05 Mayor, Mayor Pro-Tem and Deputy Mayor Pro-Tem

(2) The Mayor shall also represent the City in intergovernmental relationships, and shall perform other duties specified by the City Council, imposed by this Charter and by ordinances and resolutions passed in pursuance thereof. Additionally, the Mayor, the City Manager, or designee shall sign, after authorization by the City Council, all contracts and conveyances made or entered into by the City and all bonds, warrants and any other obligation issued under the provisions of this Charter, in the manner prescribed in the ordinance or resolution authorizing the signing of any such obligation.

(3) The Mayor Pro-Tem shall be a Council Member elected to be the Mayor Pro-Tem by the City Council at the first meeting of each Council after each election or as soon thereafter as practicable, but not later than the last business day of July in the year that the election was held. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and in this capacity shall have the rights conferred upon the Mayor.

(4) The Deputy Mayor Pro-Tem shall be a Council Member elected to be the Deputy Mayor Pro-Tem by the City Council at the first meeting of each Council after each election or as soon thereafter as practicable, but not later than the last business day of July in the year that the election was held. The Deputy Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and Mayor Pro-Tem, and in this capacity shall have the rights conferred upon the Mayor.

PROPOSED NEW WORDING

3.05 Mayor and Mayor Pro-Tem

(2) The Mayor shall also represent the City in intergovernmental relationships, and shall perform other duties specified by the City Council, imposed by this Charter and by ordinances and resolutions passed in pursuance thereof. Additionally, the Mayor, the City Manager, or designee shall sign, after authorization by the City Council, all contracts and conveyances made or entered into by the City and all bonds, warrants and any other obligation issued under the provisions of this Charter, in the manner prescribed in the ordinance or resolution authorizing the signing of any such obligation. **The Mayor may declare a local state or disaster and order the evacuation of all or part of the population from a stricken or threatened area.**

(3) The Mayor Pro-Tem shall be a Council Member elected to be the Mayor Pro-Tem by the City Council **annually** at the first meeting of **June** or as soon thereafter as practicable, but not later than the last business day of July. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and in this capacity shall have the rights conferred upon the Mayor.

(4) Removed in its entirety.

ARTICLE – III. CITY COUNCIL

PROVISION – CURRENT WORDING

3.06 Vacancies, Forfeiture and Filling of Vacancies

(2) If any Member of the City Council is absent from three (3) consecutive regular meetings, without explanation acceptable to a majority of the remaining Council Members, his or her office shall be declared vacant, by resolution, at the next regular meeting of the City Council. The City Council shall convene a public hearing before exercising its authority under this provision, and permit the Council Member facing expulsion to be heard regarding absences.

(3) Any person on the City Council who:

(A) ceases to possess the required qualifications for office as set forth in Section 5.02 of this Charter, or

(5) A vacancy in the office of a Council Member shall be filled by special election within one hundred twenty (120) days after such vacancy occurs, in accordance with the Texas Constitution and the Texas Election Code. If the vacated office is that of Mayor Pro-Tem or Deputy Mayor Pro-Tem, the City Council shall elect a new Mayor Pro-Tem or Deputy Mayor Pro-Tem at the next regular meeting.

PROPOSED NEW WORDING

3.06 Vacancies, Forfeiture and Filling of Vacancies

(2) If any Member of the City Council is absent from three (3) consecutive regular meetings, without explanation acceptable to a majority of the remaining Council Members, his or her office may be declared vacant, by resolution, at the next regular meeting of the City Council. The City Council shall convene a public hearing before exercising its authority under this provision, and permit the Council Member facing expulsion to be heard regarding absences.

(3) Any person on the City Council who:

(A) ceases to possess the required qualifications for office as set forth in Section 3.03 of this Charter, or

(5) A vacancy in the office of a Council Member, where the remaining unexpired term of the office is twelve (12) months or less, shall be filled by appointment by majority vote of the remaining members of the City Council by a person meeting the qualifications of the Charter to serve the remainder of the unexpired term. When the remaining unexpired term of the office is more than twelve (12) months, the vacancy shall be filled by special election within one hundred twenty (120) days after such vacancy occurs, in accordance with the Texas Constitution and the Texas Election Code. When there are two (2) or more vacancies at any one time, the vacancies shall be filled by special election within one hundred twenty (120) days after such vacancies occur, in accordance with the Texas Constitution and the Texas Election Code. If the vacated office is that of Mayor Pro-Tem, the City Council shall elect a new Mayor Pro-Tem at the next regular meeting.

ARTICLE – III. CITY COUNCIL

PROVISION – CURRENT WORDING

3.15 Emergency Ordinances

(1) The City Council may adopt emergency ordinances only to meet public emergencies affecting life, health, property or the public peace. In particular, such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. Neither shall they authorize the borrowing of money except as provided elsewhere in this Charter.

(2) An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that they shall be plainly designated in the title as an emergency ordinance and shall contain after the enacting clause a declaration stating that an emergency exists and describing the emergency in clear and specific terms.

(3) An emergency ordinance may be introduced at any City Council meeting and can be adopted with or without amendment or rejected at the meeting at which it is introduced.

(4) Emergency ordinances shall become effective upon adoption and shall be published as soon thereafter as practicable as required by law. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, is automatically repealed as of the sixty-first (61st) day following the day on which it became effective. The ordinance may be re-enacted if the emergency still exists.

PROPOSED NEW WORDING

Deleted in its entirety and renumbering for the following Sections:

3.15 Authentication, Recording, Codification, Printing and Distribution

3.16 Investigations by the City Council

3.17 Bond

ARTICLE – V. NOMINATIONS AND ELECTIONS

PROVISION – CURRENT WORDING

5.02 Filing for Office

- (1) Candidates for elective City offices shall file for office in accordance with the Texas Election Code.
- (2) Candidates for elective City offices shall meet the following qualifications:
 - (A) Shall be at least twenty-one (21) years of age at the time of the election for which they are filing;
 - (B) Shall be a qualified voter; and
 - (C) Shall have resided within the corporate limits of the City, or recently annexed territory, for at least twelve (12) months immediately preceding Election Day.
- (3) No candidate for elective City office may file in a single election for more than one (1) office or position as provided by this Charter.
- (4) No employee of the City shall continue in any City employee position after filing for an elective office provided for in this Charter.
- (5) Candidates for elective City offices shall comply with all other City ordinances or resolutions that may be applicable.

PROPOSED NEW WORDING

Deleted in its entirety and renumbering for the following Sections:

5.02 Official Ballots

5.03 Official Results

5.04 Taking of Office

ARTICLE – VI. INITIATIVE AND REFERENDUM

PROVISION – CURRENT WORDING

6.02 Filing for Office

Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of City Secretary, which said petition must be signed by thirty percent (30%) of the number of votes cast for the place or position held by that member of the City Council in the last general municipal election for that place or position, or three hundred (300) registered voters, whichever is greater. Each signer of such recall petition shall be a qualified voter of the City and shall provide all requisite information as required by the Texas Election Code and this Charter.

PROPOSED NEW WORDING

6.02 Filing for Office

Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of City Secretary, which said petition must be signed by thirty percent (30%) of the number of votes cast for the place or position held by that member of the City Council in the last general municipal election for that place or position, or three hundred (300) **qualified** voters, whichever is greater. Each signer of such recall petition shall be a qualified voter of the City and shall provide all requisite information as required by the Texas Election Code and this Charter.

ARTICLE – VI. INITIATIVE AND REFERENDUM

PROVISION – CURRENT WORDING

6.10 Restrictions on Recall

(1) No recall petition shall be filed against any officer of the City within six (6) months after the officer's election, nor within six (6) months after an election for such officer's recall.

(2) No more than three (3) petitions for recall shall be filed and/or be pending for resolution by election until those three (3) petitions for recall have been resolved by the recall election and an election has been ordered to fill any vacancies created by the recall election.

PROPOSED NEW WORDING

6.10 Restrictions on Recall

(1) No recall petition shall be filed against any officer of the City within six (6) months after the officer's election, nor within six (6) months after an election for such officer's recall.

(2) No more than three (3) petitions for recall shall be filed and/or be pending for resolution by election until those three (3) petitions for recall have been resolved by the recall election and an election has been ordered to fill any vacancies created by the recall election.

(3) Recall elections shall be held in accordance with the Texas Election Code.

ARTICLE – VI. INITIATIVE AND REFERENDUM

PROVISION – CURRENT WORDING

6.12 General Power of Initiative and Referendum

The qualified voters of the City, in addition to the method of legislation herein before provided, shall have the power of direct legislation by initiative and referendum.

(1) Initiative: Such power shall not extend to the budget, capital program or any ordinance not subject to initiative as provided by state law.

(2) Referendum: Such power shall not extend to the budget, capital program or any emergency ordinance or ordinance not subject to referendum as provided by state law.

PROPOSED NEW WORDING

6.12 General Power of Initiative and Referendum

The qualified voters of the City, in addition to the method of legislation herein before provided, shall have the power of direct legislation by initiative and referendum.

(1) Initiative: Such power shall not extend to the budget, capital program or any ordinance not subject to initiative as provided by state law.

(2) Referendum: Such power shall not extend to the budget or capital program or any ordinance not subject to referendum as provided by state law.

ARTICLE – VI. INITIATIVE AND REFERENDUM

PROVISION – CURRENT WORDING

6.13 Initiative

Following a review by the City Attorney for enforceability and legality, qualified voters of the City may initiate legislation by submitting a petition addressed to the City Council that requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the City. Said petition must be signed by a minimum of thirty percent (30%) of the number of votes cast at the last regular City election, or three hundred (300) registered voters, whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed in the same manner as recall petitions are signed as provided in this Article, and shall be verified by oath in the manner and form provided for recall petitions in this Article. The petition may consist of one (1) or more copies as permitted for recall petitions. Such petition shall be filed with City Secretary. Within twenty-one (21) days after the filing of such petition, the City Secretary, or the person performing the duties of the City Secretary, shall confirm the signatures on the petition and, if the petition is determined to be legally sufficient, present said petition and proposed ordinance or resolution to the City Council. Upon presentation to the City Council, it shall become the duty of the City Council, within two (2) regularly scheduled City Council meetings after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect, or to call a special election, to be held on a date allowed under the Texas Election Code, at which the qualified voters of the City shall vote on the question of adopting or rejecting the proposed legislation. However, if any other municipal election is to be held within sixty (60) days following the filing of the petition, the question may be voted on at such election. Any election order so issued shall comply fully with the Texas Election Code. Unless otherwise provided by law, any election for an initiative under this Charter shall be held on the first authorized uniform election date that occurs after the sixty-fifth (65th) day after the petition was presented to the City Council.

PROPOSED NEW WORDING

6.13 Initiative

Following a review by the City Attorney for enforceability and legality, qualified voters of the City may initiate legislation by submitting a petition addressed to the City Council that requests the submission of a proposed ordinance or resolution to a vote of the **qualified** voters of the City. Said petition must be signed by a minimum of thirty percent (30%) of the number of votes cast at the last regular City election, or three hundred (300) registered qualified voters, whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed in the same manner as recall petitions are signed as provided in this Article, and shall be verified by oath in the manner and form provided for recall petitions in this Article. The petition may consist of one (1) or more copies as permitted for recall petitions. Such petition shall be filed with City Secretary. Within twenty-one (21) days after the filing of such petition, the City Secretary, or the person performing the duties of the City Secretary, shall confirm the signatures on the petition and, if the petition is determined to be legally sufficient, present said petition and proposed ordinance or resolution to the City Council. Upon presentation to the City Council, it shall become the duty of the City Council, within two (2) regularly scheduled City Council meetings after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect, or to call a special election, to be held on a date allowed under the Texas Election Code, at which the qualified voters of the City shall vote on the question of adopting or rejecting the proposed legislation. However, if any other municipal election is to be held within sixty (60) days following the filing of the petition, the question may be voted on at such election. Any election order so issued shall comply fully with the Texas Election Code. Unless otherwise provided by law, any election for an initiative under this Charter shall be held on the first authorized uniform election date that occurs after the sixty-fifth (65th) day after the petition was presented to the City Council.

ARTICLE – VI. INITIATIVE AND REFERENDUM

PROVISION – CURRENT WORDING

6.14 Referendum

Qualified voters of the City may require that any ordinance or resolution passed by the City Council or instituted by the initiative process under this Charter be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after final passage of said ordinance or resolution, or within thirty (30) days after its publication. Said petition shall be addressed, signed and verified as required for recall petitions in this Article and shall be submitted to the City Secretary. Immediately upon the filing of such petition, the City Secretary shall confirm the signatures on the petition and, if the petition is determined to be legally sufficient, present said petition to the City Council. Thereupon the City Council shall immediately reconsider such ordinance or resolution and, if the City Council does not entirely repeal the same, shall submit it to popular vote as provided in Section 6.13 of this Charter. Pending the holding of such election, each ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof. Unless otherwise provided by law, any election for a referendum under this Charter shall be held on the first authorized uniform election date that occurs after the sixty fifth (65th) day after the petition was presented to the City Council.

PROPOSED NEW WORDING

6.14 Referendum

Qualified voters of the City may require that any ordinance or resolution passed by the City Council or instituted by the initiative process under this Charter be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after final passage of said ordinance or resolution, or within thirty (30) days after its publication. Said petition shall be addressed, signed and verified as required for recall petitions in this Article and shall be submitted to the City Secretary. Immediately upon the filing of such petition, the City Secretary shall confirm the signatures on the petition and, if the petition is determined to be legally sufficient, present said petition to the City Council. Thereupon the City Council shall immediately reconsider such ordinance or resolution and, if the City Council does not entirely repeal the same, shall submit it to popular vote as provided in Section 6.13 of this Charter. Pending the holding of such election, each ordinance or resolution shall be suspended from **enforcement** and shall not later **be enforced** unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof. Unless otherwise provided by law, any election for a referendum under this Charter shall be held on the first authorized uniform election date that occurs after the sixty fifth (65th) day after the petition was presented to the City Council.

ARTICLE – VI. INITIATIVE AND REFERENDUM

PROVISION – CURRENT WORDING

6.20 Ordinances Passed by Popular Vote, Repeal or Amendment

No ordinance or resolution which may have been passed by the City Council upon a petition or adopted by popular vote under the provisions of this Article shall be repealed or amended except by the City Council in response to a referendum petition or by submission as provided by Section 6.15 of this Charter.

PROPOSED NEW WORDING

6.20 Ordinances Passed by Popular Vote, Repeal or Amendment

No ordinance or resolution which may have been passed by the City Council upon a petition or adopted by popular vote under the provisions of this Article shall be repealed or amended except by the City Council in response to a referendum petition or by submission as provided by Section 6.15 of this Charter.

If an ordinance or resolution adopted by popular vote under the provisions of this Article is directly challenged and declared to be unconstitutional, preempted, or otherwise unenforceable by a court of final jurisdiction, the City Council, upon its own motion and by the affirmative vote of at least three-fourths of the full membership of the City Council, may repeal the ordinance or resolution.

ARTICLE – VII. FINANCIAL PROCEDURES

PROVISION – CURRENT WORDING

7.02 Submission of Budget and Budget Message

On or before the tenth (10th) day of August of the fiscal year, the City Manager shall submit to the City Council a budget for the ensuing fiscal year and an accompanying budget message.

PROPOSED NEW WORDING

7.02 Submission of Budget and Budget Message

On or before the tenth (10th) day of August of the fiscal year, the City Manager shall submit to the City Council a budget for the ensuing fiscal year and an accompanying budget message. The budget shall comply with and contain such information and itemization, as may be required by state law.

ARTICLE – VII. FINANCIAL PROCEDURES

PROVISION – CURRENT WORDING

7.15 Purchasing

(3) Emergency contracts as authorized by law and this Charter may be negotiated by the City Council or City Manager if given authority by the City Council, without competitive bidding, and in accordance with state law. Such emergency shall be declared by the City Manager and approved by the City Council, or may be declared by the City Council.

PROPOSED NEW WORDING

7.15 Purchasing

(3) Emergency contracts as authorized by law and this Charter may be negotiated by the City Council or City Manager if given authority by the City Council, and in accordance with state law. Such emergency shall be declared by the Mayor.

ARTICLE – VIII. BOARDS AND COMMISSIONS

PROVISION – CURRENT WORDING

8.01 Authority, Composition and Procedures

(5) Any member of a board, commission or committee who is absent from three (3) consecutive regular meetings, or twenty-five percent (25%) of regularly scheduled meetings during the twelve (12)-month period immediately preceding and including the absence in question, without explanation acceptable to a majority of the other members, shall be deemed to have forfeited his or her position on the board, commission or committee.

PROPOSED NEW WORDING

8.01 Authority, Composition and Procedures

(5) *Completely removed.*

ARTICLE –IX. PLANNING AND ZONING COMMISSION

PROVISION – CURRENT WORDING

9.01 Organization

(1) There is hereby established a Planning and Zoning Commission, which shall consist of not less than seven (7) members who shall be appointed by the City Council to staggered terms of two (2) years in accordance with the existing zoning ordinance. The Commission members shall be qualified City voters. Any vacancy occurring during the unexpired term of a member shall be filled by the City Council for the remainder of the unexpired term. After being duly appointed, the Commission shall elect from its members a Chairman, Vice Chairman and Secretary to serve for one (1) year beginning in that month. Members of the Commission may be removed, with or without cause, by an affirmative vote of a majority of the full membership of the City Council.

PROPOSED NEW WORDING

9.01 Organization

(1) There is hereby established a Planning and Zoning Commission, which shall consist of not less than seven (7) members who shall be appointed by the City Council to staggered terms of two (2) years in accordance with the existing zoning ordinance. The Commission members shall be qualified voters. Any vacancy occurring during the unexpired term of a member shall be filled by the City Council for the remainder of the unexpired term. After being duly appointed, the Commission shall elect from its members a Chairman, Vice Chairman and Secretary to serve for one (1) year beginning in that month. Members of the Commission may be removed, with or without cause, by an affirmative vote of a majority of the full membership of the City Council.

ARTICLE –IX. PLANNING AND ZONING COMMISSION

PROVISION – CURRENT WORDING

9.05 Board of Adjustment

(2) The Board shall consist of seven (7) members who shall be appointed by the City Council to staggered terms of two (2) years. The Board shall consist of qualified City voters.

PROPOSED NEW WORDING

9.05 Board of Adjustment

(2) The Board shall consist of seven (7) members who shall be appointed by the City Council to staggered terms of two (2) years. The Board shall consist of qualified voters.

ARTICLE –XI. GENERAL PROVISIONS

PROVISION – CURRENT WORDING

PROPOSED NEW WORDING

11.10 Sale of Liquor Prohibited in Residential Districts

The sale of liquor, as defined in the Texas Alcoholic Beverage Code, as amended, shall be prohibited by a person or entity holding a package store permit, as described in the Texas Alcoholic Beverage Code, as amended, in any zoning district which allows, in whole or in part, residential development in the City.

ARTICLE –XII. LEGAL PROVISIONS

PROVISION – CURRENT WORDING

12.10 Disaster Clause

In case of disaster, when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving members of the City Council, highest surviving City official, and the County Judge of Collin County or his/her designee, must within twenty-four (24) hours of such disaster, appoint a five (5) member commission, which would include any surviving elected City officials, to govern the City, respond to the emergency, and call a City election within fifteen (15) days of such disaster, or as provided in the Texas Election Code, for election of a required quorum, if for good reasons it is known a quorum of the present City Council will never again meet.

PROPOSED NEW WORDING

12.10 Disaster Clause

In case of disaster where a portion of the City is located wholly or partly in a disaster area declared by the president of the United States or the governor, when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries as a result of the disaster, the surviving members of the City Council, highest surviving City official, and the City's emergency management coordinator must within twenty-four (24) hours of such disaster, appoint a five (5) member commission, which would include any surviving elected City officials, to govern the City, respond to the emergency, and within fifteen (15) days of such disaster call a City election to be held as soon as practicable, or as provided in the Texas Election Code, for election of a required quorum, if for good reasons it is known a quorum of the present City Council will never again meet.

ARTICLE –XIV NEPOTISM, PROHIBITIONS AND PENALTIES

PROVISION – CURRENT WORDING

14.01 Nepotism

No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any Council Member or the City Manager shall be employed by or contracted with the City or the City's corporate affiliate. The nepotism prohibition shall not apply to the following:

- (1) Any person currently employed by the City and employed for six (6) months prior to the person related in the above degree being elected to the City Council or being appointed as City Manager, or
- (2) Any person who serves in an unpaid capacity with the City.

PROPOSED NEW WORDING

14.01 Nepotism

No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any Council Member or the City Manager shall be employed by, contracted with, or appointed as a member of a board or commission of the City or the City's corporate affiliate. The nepotism prohibition shall not apply to the following:

- (1) Any person currently employed by the City and employed for six (6) months prior to the person related in the above degree being elected to the City Council or being appointed as City Manager.
- (2) Any person, other than a member of a board or commission, who serves in an unpaid capacity with the City.

City Council Meeting
July 19, 2016

Issue

Discussion regarding updating the Appendix A – Fee Schedule, Code of Ordinances, as it relates to various fees.

Staff Resource/Department

Bill Shipp – Interim City Manager
Steven Ventura – Interim Finance Director
Susie Quinn – City Secretary

Summary

A comprehensive update has been made to the current City of Murphy Fee Schedule, Appendix A in the Code of Ordinances.

Current recommendations are detailed on the comparison sheet, some of which are housekeeping in nature while others are additions, verbiage changes and fee change recommendations.

The pass-through water, sewer and irrigation rates are not included in this discussion as those rates have not been finalized.

Background/History

On September 15, 1988, the City Council adopted the City's first comprehensive fee schedule. Since that time, the City has established fees for a variety of services that the City provides. The last comprehensive update to the fee schedule was adopted by ordinance (Ordinance No. 09-10-817) on October 5, 2009. There has been individual Fee Schedule section updates at various times (March 22, 2010, January 4, 2011, March 1, 2011, May 17, 2011 July 19, 2011, April 3, 2012, November 1, 2012, March 18, 2014, May 7, 2013, July 15, 2014, October 7, 2014, September 1, 2015, and October 6, 2015) since the last comprehensive update. During the year if sections need to be updated, staff will bring those section recommendations to City Council for consideration.

Financial Considerations

Annually, staff reviews the Fee Schedule to ensure fees are lawful, in line with revenue and expense projections, and comparable to those of surrounding cities.

Action Requested

Discussion to move forward with the suggested changes to amend Appendix A – Fee Schedule, Code of Ordinances, as it relates to various fees per attached schedule. An ordinance with the suggested changes will be presented for approval at the next Council meeting.

Attachments

- 1) Summary of Schedule Fee Recommendations
- 2) Side by side comparisons of proposed changes

Schedule Fee Changes:

Section A1.001 – City payment charges

- Increased fee from \$2.00 to \$4.00 for online and telephone credit card payments for municipal court and building permits.
- Added payments made in person.

Section A1.004 – Public information requests

- Changed (a) and (b) to correspond with state recommendations for charges related to public information requests.
- Added charges for: labor, overhead, microfiche and microfilm, remote document retrieval, computer resource, miscellaneous supplies, postal and shipping, sales tax and other miscellaneous charges.

Section A3.001 – Parks and recreation usage fees

- Inserted “or designee” to “city manager is allowed to waive any fee contained in this section...”
- Added “renter may be responsible for any damage above \$100” for \$100 Deposit Fees for Community Center, Gymnasium, and Murphy Activity Center.
- Changed Nonrefundable administrative fee for Community Center gymnasium from \$25.00 to \$75.00.
- Added “Nonrefundable administrative fee is waived for Half and Full Court Rentals which are intended for private recreational sports play use only.”
- Changed Resident rental fees to \$75/hr for conference/meeting/banquet rental
- Separated Resident and Non-resident rental fees for Conference/Meeting/Banquet rentals and Court Rentals.
- Increased Resident conference/meeting/banquet fee to \$75/hr.
- Added Resident Court Rental \$45/hr. full court \$25/hr half court.
- Increased Non-Resident conference/meeting/banquet fee to \$100/hr.
- Added Non-Resident Court Rental \$65/hr. full court \$35/hr half court
- Added to Murphy Activity Center for Nonprofits “(Limited to one time per month for each group on Saturdays unless approved by a director)”
- Removed (b)(6) Activity registration
- Added Community Center Membership fees for non-residents
- Removed (b)(8) Park Reservations
- Added to (d)(7) “Applicants are responsible for all necessary vendor permitting fees and associated permitting costs.”

Section A4.001 – Animal Control Fees

- Increased (3) Third impound from \$100.00 to \$125.00
- Increased (4) Fourth impound from \$125.00 to \$150.00
- Increased (4)(b) Daily handling fee from \$7.50 per day to \$10.00 per day
- Increased (4)(c)(1) Sterilized pet registration from \$7.50 per year to \$10.00 per year.

- Increased (4)(c)(2) Non-Sterilized pet registration from \$12.50 per year to \$15.00 per year
- Removed (e) Livestock permit, annual permit per owner: \$35.00 per year.
- Changed (g) standard shipping for rabies testing from \$30 per animal to actual cost.
- Increased (h) quarantine fee from \$100.00 per animal to \$150.00 per animal.
- Added (l) Owner surrender fee, per animal: \$20.00
- Added (m) Duplicate animal registration fee, per animal: \$5.00
- Added (n) Wild/Exotic Animal registration fee, per animal: \$50.00

Sec. A5.001 - Alarm Permits

- Added “water bill” to “monthly statement” to read “monthly water bill statement”.
- Added “All false alarm charges will be billed as well.”

Sec. A5.004 - Food, Food Establishments, and Food Vendor Permit and Inspection Fees

- Added to (a) *“This permit requires a solicitor permit to be obtained as well.”*
- Inserted (b) Temporary event vendor, 1 day: \$100.00.
- Inserted (c) Seasonal event vendor annual permit only valid May 1 – September 30: \$200.00.

Sec. A6.001 - Emergency medical services

- Increased (a) Base fee resident: from \$600.00 to \$700.00
- Changed (b) Base fee nonresident from Resident + 15% = \$690.00 to \$800.00
- Increased (c) BLS supplies from \$125.00 to \$200.00
- Increased (e) Treatment/no transport from \$100.00 to \$125.00
- Increased (f) Mileage from \$10.00/loaded mile to \$14.00/loaded mile
- Increased (g) Oxygen from \$70.00 to \$100.00

Sec. A7.004 - Hazardous Material Incident

- Added “plus supplies” to fire department services related to hazardous material incident.

Sec. A8.003 - Water and sewer usage rates

- Increase (1) new residential and commercial customer deposit from \$60.00 to \$100.00
- Increase (2) new renter customer deposit from \$100 to \$200.00
- Added to (3) builder’s new construction deposit: *“The City of Murphy holds utility account deposits until the accounts are terminated. If there is a remaining balance due, the customer receives a final billing. If there is a credit balance, the customer receives a final billing and a refund check in the account holder’s name only.”*
- Updated (6) *“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 per 12-month period as appropriate.”*

Replace with:

Leak Credit Requirements

- A leak credit will be considered after a customer presents proof of repair of leak within ninety (90) days.
- This average will apply to water usage only and leak credit shall be applied only once per 12-month period as appropriate, and cannot cover a period greater than 90 days (3 months).
- Leak credit will be based on a 24 month average by using the following calculations -
- Leak usage 0 to 15,000 gallons will be calculated by 1st tier rate minus wholesale rate,
- Leak usage 15,000 and above will be calculated at 2nd tier rate minus wholesale rate.

(New customers will be charged the citywide residential average usage of 9,400 gallons until their own independent 24 month average has been established).

- If a leak is detected by the City and the location has been notified, the homeowner must repair the leak within 90 days of notification to be considered for a credit.

Changed (d)(6) from “Public Works department” to “Customer Service Department”

Sec. A9.007 **Sign permits**

- Corrected (2) Permit replacement fee from \$15.00 to \$25.00.

ARTICLE A1.000 MISCELLANEOUS FEES

Current Wording

Sec. A1.001 City payment charges

(b) \$2.00 for each online and telephone credit card payment for municipal court and building permits.

Proposed Wording

Sec. A1.001 City payment charges

(b) **\$4.00** for all credit card payments **made in person**, online, and over the telephone for municipal court and building permits.

ARTICLE A1.000 MISCELLANEOUS FEES

Current Wording

Sec. A1.004 Public information requests *the city generally follows the State law for these fees, these are the old ones:*

(a) The city will follow the rates allowed by the state, TAC section 70.3, the Charges for Providing Copies of Public Information, when the city has the ability to reproduce those items inhouse. All other items in which the city must hire outside service will be charged at 100% of actual cost.

- ~~(1) 8 1/2" x 11" and 8 1/2" x 14", black & white, photocopy: \$0.10 per page.~~
- ~~(2) 8 1/2" x 11" and 8 1/2" x 14", color, photocopy: \$0.75 per page.~~
- ~~(3) 11" x 17", black & white, photocopy: \$0.50 per page.~~
- ~~(4) All other sizes, black & white and/or color, photocopy: 100% of outside service.~~

Proposed Wording

Sec. A1.004 Public information requests *if the city desires to continue to follow State law for these fees, these are the new ones (please note, it does not follow the same arrangement as the prior charges):*

(a) **The charges in this section to recover costs associated with providing copies of public information are based on estimated average costs to governmental bodies across the state. When actual costs are 25% higher than those used in these rules, governmental bodies other than agencies of the state, may request an exemption in accordance with §70.4 of this title (relating to Requesting an Exemption).**

ARTICLE A1.000 MISCELLANEOUS FEES

Current Wording

Sec. A1.004 Public information requests

(b) The following is a summary of the charges for copies of public information that have been established:

(1) Standard paper copy: \$0.10 per page.

(2) Nonstandard size copy:

(A) Magnetic tape:

(i) 4 mm: \$13.50 each.

(ii) 8 mm: \$12.00 each.

(iii) 9 track: \$11.00 each.

(B) Data cartridge:

(i) 2000 Series: \$17.50 each.

(ii) 3000 Series: \$20.00 each.

(iii) 6000 Series: \$25.00 each.

(iv) 9000 Series: \$35.00 each.

(v) 600A: \$20.00 each.

(C) Tape cartridge: Tape cartridge:

(i) 250 MB: \$38.00 each.

(ii) 525 MB: \$45.00 each.

(D) Audiocassette: \$1.00 each.

(E) Oversized paper copy: \$0.50 each.

(F) Mylar (36 inch, 42 inch, and 48 inch):

(i) 3 mil: \$0.85/linear foot.

(ii) 4 mil: \$1.10/linear foot.

(iii) 5 mil: \$1.35/linear foot.

(G) Blue line/blueprint paper (all widths): \$0.20/linear foot.

(H) Digital video disk (DVD): \$3.00.

Proposed Wording

Sec. A1.004 Public information requests

(b) Copy charge.

(1) Standard paper copy. The charge for standard paper copies reproduced by means of an office machine copier or a computer printer is \$.10 per page or part of a page. Each side that has recorded information is considered a page.

(2) Nonstandard copy. The charges in this subsection are to cover the materials onto which information is copied and do not reflect any additional charges, including labor, that may be associated with a particular request. The charges for nonstandard copies are:

(A) Diskette--\$1.00;

(B) Magnetic tape--actual cost

(C) Data cartridge--actual cost

(D) Tape cartridge--actual cost;

(E) Rewritable CD (CD-RW)--\$1.00;

(F) Non-rewritable CD (CD-R)--\$1.00;

(G) Digital video disc (DVD)--\$3.00;

(H) JAZ drive--actual cost;

(I) Other electronic media--actual cost;

(J) VHS video cassette--\$2.50;

(K) Audio cassette--\$1.00;

(L) Oversize paper copy (e.g.: 11 inches by 17 inches, greenbar, bluebar, not including maps and photographs using specialty paper--See also \$70.9 of this title)--\$.50;

(M) Specialty paper (e.g.: Mylar, blueprint, blueline, map, photographic--actual cost.

ARTICLE A1.000 MISCELLANEOUS FEES

Current Wording

Sec. A1.004 Public information requests

(3) Personnel charge:

(A) Programming personnel: \$26.00 per hour.

(B) Other personnel: \$15.00 per hour.

(4) Overhead charge: 20% of personnel charge.

Proposed Wording

Sec. A1.004 Public information requests

(c) Labor charge for programming. If a particular request requires the services of a programmer in order to execute an existing program or to create a new program so that requested information may be accessed and copied, the governmental body may charge for the programmer's time.

(1) The hourly charge for a programmer is **\$28.50** an hour. Only programming services shall be charged at this hourly rate.

(2) Governmental bodies that do not have in-house programming capabilities shall comply with requests in accordance with §552.231 of the Texas Government Code.

(3) **If the charge for providing a copy of public information includes costs of labor, a governmental body shall comply with the requirements of §552.261(b) of the Texas Government Code.**

ARTICLE A1.000 MISCELLANEOUS FEES

Current Wording

Sec. A1.004 Public information requests

- (5) Microfiche or microfilm charge:
 - (A) Paper copy: \$0.10 per page.
 - (B) Fiche or film copy: Actual cost.
- (6) Remote document retrieval charge: Actual cost.
- (7) Computer resource charge:
 - (A) Mainframe: \$10.00 per minute.
 - (B) Midsize: \$1.50 per minute.
 - (C) Client/server: \$2.20 per hour.
 - (D) PC or LAN: \$1.00 per hour.
- (8) Miscellaneous supplies: Actual cost.
- (9) Postage and shipping charge: Actual cost.
- (10) Photographs: Actual cost.
- (11) Other costs: Actual cost.
- (12) Outsourced/contracted services: Actual cost.
- (13) No sales tax: No sales tax shall be applied to copies of public information.

Proposed Wording

Sec. A1.004 Public information requests

- (d) Labor charge for locating, compiling, manipulating data, and reproducing public information.
 - (1) The charge for labor costs incurred in processing a request for public information is \$15 an hour. The labor charge includes the actual time to locate, compile, manipulate data, and reproduce the requested information.
 - (2) A labor charge shall not be billed in connection with complying with requests that are for 50 or fewer pages of paper records, unless the documents to be copied are located in:
 - (A) Two or more separate buildings that are not physically connected with each other; or
 - (B) A remote storage facility.
 - (3) A labor charge shall not be recovered for any time spent by an attorney, legal assistant, or any other person who reviews the requested information:
 - (A) To determine whether the governmental body will raise any exceptions to disclosure of the requested information under the Texas Government Code, Subchapter C, Chapter 552; or
 - (B) To research or prepare a request for a ruling by the attorney general's office pursuant to §552.301 of the Texas Government Code.
 - (4) When confidential information pursuant to a mandatory exception of the Act is mixed with public information in the same page, a labor charge may be recovered for time spent to redact, blackout, or otherwise obscure confidential information in order to release the public information. A labor charge shall not be made for redacting confidential information for requests of 50 or fewer pages, unless the request also qualifies for a labor charge pursuant to Texas Government Code, §552.261(a)(1) or (2).
 - (5) If the charge for providing a copy of public information includes costs of labor, a governmental body shall comply with the requirements of Texas Government Code, Chapter 552, §552.261(b).
 - (6) For purposes of paragraph (2) (A) of this subsection, two buildings connected by a covered or open sidewalk, an elevated or underground passageway, or a similar facility, are not considered to be separate buildings.

ARTICLE A1.000 MISCELLANEOUS FEES

Current Wording

Proposed Wording

Sec. A1.004 Public information requests

(e) Overhead charge.

(1) Whenever any labor charge is applicable to a request, a governmental body may include in the charges direct and indirect costs, in addition to the specific labor charge. This overhead charge would cover such costs as depreciation of capital assets, rent, maintenance and repair, utilities, and administrative overhead. If a governmental body chooses to recover such costs, a charge shall be made in accordance with the methodology described in paragraph (3) of this subsection. Although an exact calculation of costs will vary, the use of a standard charge will avoid complication in calculating such costs and will provide uniformity for charges made statewide.

(2) An overhead charge shall not be made for requests for copies of 50 or fewer pages of standard paper records unless the request also qualifies for a labor charge pursuant to Texas Government Code, §552.261(a)(1) or (2).

(3) The overhead charge shall be computed at 20% of the charge made to cover any labor costs associated with a particular request. Example: if one hour of labor is used for a particular request, the formula would be as follows: Labor charge for locating, compiling, and reproducing, \$15.00 x .20 = \$3.00; or Programming labor charge, \$28.50 x .20 = \$5.70. If a request requires one hour of labor charge for locating, compiling, and reproducing information (\$15.00 per hour); and one hour of programming labor charge (\$28.50 per hour), the combined overhead would be: \$15.00 + \$28.50 = \$43.50 x .20 = \$8.70.

ARTICLE A1.000 MISCELLANEOUS FEES

Current Wording

Proposed Wording

Sec. A1.004 Public information requests

(f) Microfiche and microfilm charge.

(1) If a governmental body already has information that exists on microfiche or microfilm and has copies available for sale or distribution, the charge for a copy must not exceed the cost of its reproduction. If no copies of the requested microfiche or microfilm are available and the information on the microfiche or microfilm can be released in its entirety, the governmental body should make a copy of the microfiche or microfilm. The charge for a copy shall not exceed the cost of its reproduction. The Texas State Library and Archives Commission has the capacity to reproduce microfiche and microfilm for governmental bodies. Governmental bodies that do not have in-house capability to reproduce microfiche or microfilm are encouraged to contact the Texas State Library before having the reproduction made commercially.

(2) If only a master copy of information in microfilm is maintained, the charge is \$.10 per page for standard size paper copies, plus any applicable labor and overhead charge for more than 50 copies.

ARTICLE A1.000 MISCELLANEOUS FEES

Current Wording

Proposed Wording

Sec. A1.004 Public information requests

(g) Remote document retrieval charge.

(1) Due to limited on-site capacity of storage documents, it is frequently necessary to store information that is not in current use in remote storage locations. Every effort should be made by governmental bodies to store current records on-site. State agencies are encouraged to store inactive or non-current records with the Texas State Library and Archives Commission. To the extent that the retrieval of documents results in a charge to comply with a request, it is permissible to recover costs of such services for requests that qualify for labor charges under current law.

(2) If a governmental body has a contract with a commercial records storage company, whereby the private company charges a fee to locate, retrieve, deliver, and return to storage the needed record(s), no additional labor charge shall be factored in for time spent locating documents at the storage location by the private company's personnel. If after delivery to the governmental body, the boxes must still be searched for records that are responsive to the request, a labor charge is allowed according to subsection (d) (1) of this section.

ARTICLE A1.000 MISCELLANEOUS FEES

Current Wording

Proposed Wording

Sec. A1.004 Public information requests

(h) Computer resource charge.

(1) The computer resource charge is a utilization charge for computers based on the amortized cost of acquisition, lease, operation, and maintenance of computer resources, which might include, but is not limited to, some or all of the following: central processing units (CPUs), servers, disk drives, local area networks (LANs), printers, tape drives, other peripheral devices, communications devices, software, and system utilities.

(2) These computer resource charges are not intended to substitute for cost recovery methodologies or charges made for purposes other than responding to public information requests.

(3) The charges in this subsection are averages based on a survey of governmental bodies with a broad range of computer capabilities. Each governmental body using this cost recovery charge shall determine which category (ies) of computer system(s) used to fulfill the public information request most closely fits its existing system(s), and set its charge accordingly. Type of System--Rate: mainframe--\$10 per CPU minute; Midsize--\$1.50 per CPU minute; Client/Server--\$2.20 per clock hour; PC or LAN--\$1.00 per clock hour.

(4) The charge made to recover the computer utilization cost is the actual time the computer takes to execute a particular program times the applicable rate. The CPU charge is not meant to apply to programming or printing time; rather it is solely to recover costs associated with the actual time required by the computer to execute a program. This time, called CPU time, can be read directly from the CPU clock, and most frequently will be a matter of seconds. If programming is required to comply with a particular request, the appropriate charge that may be recovered for programming time is set forth in subsection (d) of this section. No charge should be made for computer print-out time. Example: If a mainframe computer is used, and the processing time is 20 seconds, the charges would be as follows: $\$10 / 3 = \3.33 ; or $\$10 / 60 \times 20 = \3.33 .

(5) A governmental body that does not have in-house computer capabilities shall comply with requests in accordance with the §552.231 of the Texas Government Code.

ARTICLE A1.000 MISCELLANEOUS FEES

Current Wording

Proposed Wording

Sec. A1.004 Public information requests

(i) Miscellaneous supplies. The actual cost of miscellaneous supplies, such as labels, boxes, and other supplies used to produce the requested information, may be added to the total charge for public information.

(j) Postal and shipping charges. Governmental bodies may add any related postal or shipping expenses which are necessary to transmit the reproduced information to the requesting party.

(k) Sales tax. Pursuant to Office of the Comptroller of Public Accounts' rules sales tax shall not be added on charges for public information (34 TAC, Part 1, Chapter 3, Subchapter O, §3.341 and §3.342).

(l) Miscellaneous charges: A governmental body that accepts payment by credit card for copies of public information and that is charged a "transaction fee" by the credit card company may recover that fee.

(m) These charges are subject to periodic reevaluation and update.

ARTICLE A3.000 PARKS AND RECREATION FEES

Current Wording

Sec. A3.001 Parks and recreation usage fees

(a) Fee waiver. The city manager is authorized to waive any fee contained in this section which is determined by the city manager to be in the best interest of the city.

Proposed Wording

Sec. A3.001 Parks and recreation usage fees

(a) Fee waiver. The city manager **or designee** is authorized to waive any fee contained in this section which is determined by the city manager to be in the best interest of the city.

ARTICLE A3.000 PARKS AND RECREATION FEES

Current Wording

Sec. A3.001 (b)(1) Community Center meeting rooms (Rooms 117 or 118).

Fee Type	City Fee
Deposit	\$100.00

Proposed Wording

Sec. A3.001 (b)(1) Community Center meeting rooms (Rooms 117 or 118).

Fee Type	City Fee
Deposit	\$100.00 <i>(Renter may be responsible for any damage above \$100)</i>

ARTICLE A3.000 PARKS AND RECREATION FEES

Current Wording

Sec. A3.001 (b)(2) Community Center meeting rooms (Rooms 117 and 118).

Fee Type	City Fee
Deposit	\$100.00

Proposed Wording

Sec. A3.001 (b)(2) Community Center meeting rooms (Rooms 117 and 118).

Fee Type	City Fee
Deposit	\$100.00 <i>(Renter may be responsible for any damage above \$100)</i>

ARTICLE A3.000 PARKS AND RECREATION FEES

Current Wording

Sec. A3.001 (b)(3) Community Center gymnasium.

Fee Type	City Fee
Deposit	\$100.00
Nonrefundable administrative fee	\$25.00
Resident	\$50.00/hr during operating hours \$75.00/hr after hours
Nonresident	\$75.00/hr during operating hours \$100.00/hr after hours
Nonprofits	\$50.00/time block during operating hours

Proposed Wording

Sec.A3.001 (b)(3) Community Center gymnasium.

Fee Type	City Fee
Deposit	\$100.00 <i>(Renter may be responsible for any damage above \$100)</i>
Nonrefundable administrative fee	<i>\$75.00 (Nonrefundable administrative fee is waived for Half and Full Court Rentals which are intended for private recreational sports play use only.)</i>
Resident Conference /Meeting /Banquet Rental	\$75.00/hr
Resident Court Rental	\$45.00/hr full court \$25.00/hr ½ court
Nonresident Conference/Meeting /Banquet Rental	\$100.00/hr
Nonresident Court Rental	\$65.00/hr full court \$35.00 /hr ½ court
Nonprofit Group	\$50.00/time block

ARTICLE A3.000 PARKS AND RECREATION FEES

Current Wording

Sec. A3.001 (b)(4) Murphy Activity Center.

Fee Type	City Fee
Deposit	\$100.00
Nonrefundable administrative fee	\$25.00
Resident	\$75.00/hr during operating hours \$100.00/hr after hours
Nonresident	\$100.00/hr during operating hours \$150.00/hr after hours
Nonprofits	\$50.00/time block during operating hours

Proposed Wording

Sec. A3.001 (b)(4) Murphy Activity Center

Fee Type	City Fee
Deposit	\$100.00 <i>(Renter may be responsible for any damage above \$100)</i>
Nonrefundable administrative fee	\$25.00
Resident	\$75.00/hr during operating hours \$100.00/hr after hours
Nonresident	\$100.00/hr during operating hours \$150.00/hr after hours
Nonprofits	\$50.00/time block <i>(Limited to one time per month for each group on Saturdays unless approved by the director.)</i>

ARTICLE A3.000 PARKS AND RECREATION FEES

Current Wording

~~Sec. A3.001 (b)(6) Activity registration. Removed in its entirety – other items renumbered.~~

Fee Type	City Fee
Resident	No fee
Nonresident	\$5.00 per activity registration

Proposed Wording

Sec. A3.001 (b)(7) Community Center Memberships *This item has been added*

Membership Fees	Resident	Non-resident
Youth (4 – 17 yrs)	No Fee	\$20.00/year
Adult (18 – 49 yrs)	No Fee	\$50.00/year
Senior Adults (50 yrs+)	No Fee	\$20.00/year
Daily Drop in Fee	No Fee	\$5.00/day

ARTICLE A3.000 PARKS AND RECREATION FEES

Current Wording

~~Sec. A3.001 (b)(8) Park reservations. Removed in its entirety~~

Fee Type	City Fee
50 or more guests	Police security - \$25.00 per hour, 4-hour minimum

ARTICLE A3.000 PARKS AND RECREATION FEES

Current Wording

Sec. A3.001(d)(7) Food, beverage and souvenir sales fees

(7) Food, beverage and souvenir sales fees. If the lessee wishes to sell items on the premises, a vendor permit must be obtained. Vendors are responsible for their own booth, equipment and labor. Vendor locations must be approved by the department manager. The city reserves the right to collect an additional fee of 10% of all gross sales or a flat rate to be determined at the time of application from the vendor.

Proposed Wording

Sec. A3.001(d)(7) Food, beverage and souvenir sales fees

(7) Food, beverage and souvenir sales fees. If the lessee wishes to sell items on the premises, a vendor permit must be obtained. **Applicants are responsible for all necessary vendor permitting fees and associated permitting costs.** Vendors are responsible for their own booth, equipment and labor. Vendor locations must be approved by the department manager. The city reserves the right to collect an additional fee of 10% of all gross sales or a flat rate to be determined at the time of application from the vendor.

ARTICLE A4.000 ANIMAL CONTROL FEES

Current Wording

Sec. A4.001 Animal control fees

(a) Animal impound*:

- (1) 1st impound: \$50.00.
- (2) 2nd impound: \$75.00.
- (3) 3rd impound: \$100.00.
- (4) 4th impound: \$125.00.

(b) Daily handling fee: \$7.50 per day.

(c) Pet registration:

- (1) Sterilized: \$7.50 per year.
- (2) Nonsterilized: \$12.50 per year.

(d) Dangerous animal registration, per animal: \$50.00 per year.

Proposed Wording

Sec. A4.001 Animal control fees

(a) Animal impound*:

- (1) 1st impound: \$50.00.
- (2) 2nd impound: \$75.00.
- (3) 3rd impound: **\$125.00.**
- (4) 4th impound: **\$150.00.**

(b) Daily handling fee: **\$10.00** per day.

(c) Pet registration:

- (1) Sterilized: **\$10.00** per year.
- (2) Non-sterilized: **\$15.00** per year.

(d) Dangerous animal registration, per animal: \$50.00 per year.

ARTICLE A4.000 ANIMAL CONTROL FEES

Current Wording

Sec. A4.001 Animal control fees

~~(e) Livestock permit, annual permit per owner: \$35.00 per year.~~

(f) Dog and cat adoption fee, not sterilized: \$85.00 per animal.

(g) Dog and cat adoption fee, already sterilized: \$45.00.

(h) Standard shipping for rabies testing: \$30.00 per animal.

(i) Quarantine fee, per animal: \$100.00.

(j) Microchipping fee, per animal: \$20.00.

(k) Euthanasia fee, per animal: \$25.00.

(l) Disposal fee, per animal: \$25.00.

*These fees are above and beyond any citation fees related to violations of city ordinance or state laws.

Proposed Wording

Sec. A4.001 Animal control fees

(e) Dog and cat adoption fee, not sterilized: \$85.00 per animal.

(f) Dog and cat adoption fee, already sterilized: \$45.00.

(g) Standard shipping for rabies testing: **Actual Shipping Cost.**

(h) Quarantine fee, per animal: **\$150.00.**

(i) Microchipping fee, per animal: \$20.00.

(j) Euthanasia fee, per animal: \$25.00.

(k) Disposal fee, per animal: \$25.00.

(l) **Owner surrender fee, per animal: \$20.00**

(m) **Duplicate animal registration fee, per animal: \$5.00**

(n) **Wild/Exotic Animal registration fee, per animal: \$50.00**

*These fees are above and beyond any citation fees related to violations of city ordinance or state laws.

ARTICLE A5.000 BUSINESS RELATED FEES

Current Wording

Sec. A5.001 Alarm permits

(a) An alarm permit must be obtained before inspection of the alarm system can be scheduled. The residential alarm permit will be automatically billed on the monthly statement when submitting a new alarm permit and subsequently on the annual renewal date.

- (1) Residential, new and renewal, annually: \$25.00.
- (2) Commercial, new and renewal, annually: \$50.00.
- (3) Late renewal fee, after 10 days late: \$10.00.

(b) False alarms:

- (1) \$50.00 for each false alarm after three (3).
- (2) \$75.00 for each false alarm after eight (8) or more.
- (3) No false alarm fee for a newly installed system for the first thirty (30) days.

(c) Permit holder or emergency contact person fails to respond to scene and the premises are secured by city representatives: \$50.00.

(d) Service fee when alarm system company relays incorrect permit number with alarm notification to city: \$50.00.

Proposed Wording

Sec. A5.001 Alarm permits

(a) An alarm permit must be obtained before inspection of the alarm system can be scheduled. The residential alarm permit will be automatically billed on the monthly **water bill** statement when submitting a new alarm permit and subsequently on the annual renewal date. **All false alarm charges will be billed as well.**

- (1) Residential, new and renewal, annually: \$25.00.
- (2) Commercial, new and renewal, annually: \$50.00.
- (3) Late renewal fee, after 10 days late: \$10.00.

(b) False alarms:

- (1) \$50.00 for each false alarm after three (3).
- (2) \$75.00 for each false alarm after eight (8) or more.
- (3) No false alarm fee for a newly installed system for the first thirty (30) days.

(c) Permit holder or emergency contact person fails to respond to scene and the premises are secured by city representatives: \$50.00.

(d) Service fee when alarm system company relays incorrect permit number with alarm notification to city: \$50.00.

ARTICLE A5.000 BUSINESS RELATED FEES

Current Wording

Sec. A5.004 Food, food establishments, and food vendors permit and inspection fees

- (a) Mobile catering vendors, annual permit: \$300.00/hot, \$200.00/cold.
- (b) Temporary event vendor, 1 day: \$100.00.
- (c) Convenience stores, annual permit: \$150.00.
- (d) Grocery stores, annual permit: \$500.00.
- (e) Restaurants/cafes, annual permit, \$350.00.
- (f) Other facilities serving the public food and/or beverage, annual permit: \$150.00.
- (g) Health plan review fee: \$300.00.

Proposed Wording

Sec. A5.004 Food, food establishments, and food vendors' permit and inspection fees

- (a) Mobile catering vendors, annual permit: \$300.00/hot, \$200.00/cold. *This permit requires a solicitor permit to be obtained as well.*
- (b) Temporary event vendor, 1 day: \$100.00.
- (c) *Seasonal event vendor annual permit only valid May 1 – September 30: \$200.00*
- (d) Convenience stores, annual permit: \$150.00.
- (e) Grocery stores, annual permit: \$500.00.
- (f) Restaurants/cafes, annual permit, \$350.00.
- (g) Other facilities serving the public food and/or beverage, annual permit: \$150.00.
- (h) Health plan review fee: \$300.00.

ARTICLE A6.000 EMERGENCY MEDICAL SERVICES FEES

Current Wording

Sec. A6.001 Emergency medical services

- (a) Base fee resident: \$600.00.
- (b) Base fee nonresident: Resident + 15% = \$690.00.
- (c) BLS supplies: \$125.00.
- (d) ALS supplies: \$250.00.
- (e) Treatment/no transport: \$100.00.
- (f) Mileage: \$10.00/loaded mile.
- (g) Oxygen: \$70.00.

Proposed Wording

Sec. A6.001 Emergency medical services

- (a) Base fee resident: **\$700.00.**
- (b) Base fee nonresident: **\$800.00.**
- (c) BLS supplies: **\$200.00.**
- (d) ALS supplies: \$250.00.
- (e) Treatment/no transport: **\$125.00.**
- (f) Mileage: **\$14.00**/loaded mile.
- (g) Oxygen: **\$100.00.**

ARTICLE A7.000 FIRE AND SAFETY PERMITS AND INSPECTIONS

Current Wording

Sec. A7.004 Hazardous material incident

Fire department services related to hazardous material incident: \$400.00 per hour for each engine or truck company and \$200.00 per hour for each medical unit or utility vehicle.

Proposed Wording

Sec. A7.004 Hazardous material incident

Fire department services related to hazardous material incident: \$400.00 per hour for each engine or truck company and \$200.00 per hour for each medical unit or utility vehicle **plus supplies.**

ARTICLE A8.000 UTILITY RATES AND CHARGES

Current Wording

Sec. A8.003 Water and sewer usage rates

(a) Water service.

(1) \$60.00 new residential and commercial customer deposit.

(2) \$100.00 new renter customer deposit.

(3) \$100.00 for builder's new construction deposit.

Proposed Wording

Sec. A8.003 Water and sewer usage rates

(a) Water service.

(1) \$100.00 new residential and commercial customer deposit.

(2) **\$200.00** new renter customer deposit.

(3) \$100.00 for builder's new construction deposit.

The City of Murphy holds utility account deposits until the accounts are terminated. If there is a remaining balance due, the customer receives a final billing. If there is a credit balance, the customer receives a final billing and a refund check in the account holder's name only.

ARTICLE A8.000 UTILITY RATES AND CHARGES

Current Wording

Sec. A8.003 Water and sewer usage rates

(a) Water service.

(6) 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 per 12month period as appropriate.

Proposed Wording

Sec. A8.003 Water and sewer usage rates

(a) Water service.

(6) Leak Credit Requirements

- A leak credit will be considered after a customer presents proof of repair of leak within ninety (90) days.
- This average will apply to water usage only and leak credit shall be applied only once per 12-month period as appropriate, and cannot cover a period greater than 90 days (3 months).
- Leak credit will be based on a 24 month average by using the following calculations -
- Leak usage 0 to 15,000 gallons will be calculated by 1st tier rate minus wholesale rate,
- Leak usage 15,000 and above will be calculated at 2nd tier rate minus wholesale rate.

(New customers will be charged the citywide residential average usage of 9,400 gallons until their own independent 24 month average has been established).

- If a leak is detected by the City and the location has been notified, the homeowner must repair the leak within 90 days of notification to be considered for a credit.

ARTICLE A9.000 BUILDING, CONSTRUCTION AND DEVELOPMENT RELATED FEES Agenda Item 7.E.

Current Wording

Sec. A9.007 Sign permits

Sign permit fees:

(2) Permit replacement fee: \$15.00.

Proposed Wording

Sec. A9.007 Sign permits

Sign permit fees:

(2) Permit replacement fee: **\$25.00.**

City Council Meeting
July 19, 2016

Issue

Discussion regarding a change in the type and location of the Murphy Community Development Corporation (MCDC) approved FY16 purchase of a storage building for the Recreation and Special Event Division.

Staff Resource/Department

Bill Shipp, Interim City Manager
Brett Bertelli, Facilities Superintendent

Summary

In the FY16 budget, the MCDC Board approved the purchase of a storage unit for the Recreation and Special Event Division. This unit was to be located at the south end of the Public Works Facilities. Staff solicited quotes for the storage unit. The quotes staff received exceeded the budget. Staff researched and received quotes on repurposing the old animal shelter located behind the Murphy Community Center as a storage unit.

The MCDC will be discussing this item at their Monday, July 18, 2016 meeting.

Action Requested

Staff requests discussion regarding the repurposing the old animal shelter as a storage unit for the Recreation and Special Event Division.

Attachments

None