

**MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
TUESDAY, MAY 01, 2012 AT 6:00 PM
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094**

NOTICE is hereby given of a meeting of the City Council of the City of Murphy, Collin County, State of Texas, to be held on 05/01/2012 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.

An Employee Reception in honor of Public Service Recognition Week will be held in the City Hall lobby at 5:30 p.m.

1 CALL TO ORDER

2 INVOCATION & PLEDGE OF ALLEGIANCE

3 ROLL CALL & CERTIFICATION OF A QUORUM

4 PUBLIC COMMENTS

5 PRESENTATIONS & PROCLAMATIONS

5.1 Proclamation for Asian Pacific American Heritage Month

5.2 Proclamation for Public Service Recognition Week

6 CONSENT ITEMS

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.

6.1 Approval of March 20, 2012, March 27, 2012, and April 3, 2012 Minutes.

6.2 Consider and/or act upon a resolution approving bylaws for the Murphy Municipal Development District.

7 OTHER CONSIDERATION ITEMS

7.1 Consider and/or act upon approval of Keep Murphy Beautiful Green Team Members to attend the annual Keep Texas Beautiful Conference, June 25-27, 2012.

8 RESOLUTION APPROVAL

8.1 Consider and/ or act upon a resolution authorizing a grant application for the Collin County Funding Assistance Program for a Regional Trail Connector Project.

9 PUBLIC HEARINGS

9.1 Conduct a public hearing and consider and/or act upon approval of an ordinance continuing the juvenile curfew regulations.

10 ORDINANCE APPROVAL

10.1 Consider and/or act upon approval of an ordinance amending Chapter 78, Traffic and Vehicles: relating to the operation of neighborhood electric vehicles in the City of Murphy.

11 DISCUSSION ITEMS

11.1 Consider and/or act upon Planned Development District 09-02-784, Murphy Marketplace, Planned Development District Conditions.

12 CITY MANAGERS REPORT

13 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 April 27, 2012 by 5:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.

Aimee Nemer, TRMC, MMC
City Secretary

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

Proclamation

City of Murphy, Texas

**Asian Pacific American Heritage Month
May 2012**

WHEREAS, the United States has been strengthened and enhanced by citizens who maintain and honor cultural values and customs brought from other lands; Americans of Asian and Pacific Islander ancestry have long been part of that tradition, by enriching the fabric of our society with their unique talents and abilities; and

WHEREAS, over ten million Asian and Pacific Islanders, from over twenty-five different ethnic groups that encompass diverse backgrounds, histories, languages and cultures now call the United States their home; these Asian Pacific Americans attempt to give expression to cultural, linguistic, and ethnic diversity while recognizing common experiences in American history; and

WHEREAS, to honor the accomplishments and contributions of Asian Pacific Americans to our Nation, in 1992 Congress approved Public Law 102-450, designating the month of May as “Asian Pacific American Heritage Month”.

NOW, THEREFORE, I, Bret Baldwin, Mayor of the City of Murphy, Texas, do hereby proclaim the month of May 2012 as

“Asian Pacific American Heritage Month”

in Murphy, Texas. Proclaimed this 1st day of May, 2012.

*Bret M. Baldwin, Mayor
City of Murphy*

Proclamation

City of Murphy, Texas

**Public Service Recognition Week
May 6-12, 2012**

WHEREAS, Public Service Recognition Week is May 6-12, 2012; and

WHEREAS, Americans are served every single day by public servants at the federal, state, county and city levels; and

WHEREAS, Many public employees take not only jobs, but oaths; and

WHEREAS, Many public servants, including military personnel, police officers, firefighters, parks and recreation, public works, customer service, communication officers, municipal court, municipal administration, and others, provide diverse services every day to the people of the United States and around the world with efficiency and integrity; and

WHEREAS, Without these public servants at every level, continuity would be impossible in a democracy that regularly changes its leaders and elected officials; and

WHEREAS, the City Council of Murphy, Texas, wishes to urge everyone in our community to recognize the accomplishments and contributions of government employees at all levels — federal, state, county and city.

NOW, THEREFORE, I, Bret Baldwin, Mayor of the City of Murphy, Texas, do hereby proclaim May 6-12, 2012

“Public Service Recognition Week”

in Murphy, Texas, in official recognition of this nationwide event.
Proclaimed this 1st day of May, 2012.

*Bret M. Baldwin, Mayor
City of Murphy*

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

Tuesday, March 20, 2012
6:00 PM

1. CALL TO ORDER

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

2. INVOCATION & PLEDGE OF ALLEGIANCE

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

3. ROLL CALL & CERTIFICATION OF A QUORUM

The following Councilmembers were present:

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

4. PUBLIC COMMENTS

Mr. Brad Lapsley addressed Council thanking them for what they have done and continue to do for the City.

PROCLAMATIONS / PRESENTATIONS

5. PRESENTATION

Presentation of the Comprehensive Annual Financial Report for the 2011 fiscal year.

Mr. Mike Conway, Conway Company P.C., addressed Council commending the City on financial reporting and procedures. He explained that the only item to point out was the issuance of 1099 forms versus adding employees to payroll. He explained that though the City has committed no wrongdoing in its practices, the IRS is scrutinizing governments on this particular issue. Linda Truitt, Finance Director, presented the Comprehensive Annual Financial Report for the 2011 fiscal year.

6. CONSENT ITEMS

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.

6.1. Approval of Minutes for the Regular meetings of February 7, 2012, February 21, 2012, March 6, 2012; and the Strategic Planning Session of February 23-24, 2012.

6.2. Consider and/or act upon approval of the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending September 30, 2011.

6.3. Consider and/or act upon the approval of an ordinance amending the FY 2010-2011 budget for the Economic Development Fund.

VOTING

Motion by: John Daugherty to approve the Consent Agenda, Items 6.1-6.3 as presented.

Second by: Bernard Grant

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott	x			
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis	x			

7. OTHER CONSIDERATION ITEMS

7.1. Consider and/or act upon board appointments to fill vacancies.

VOTING

Motion by: John Daugherty to appoint Mathew Thekkil as an alternate to fill an unexpired term on the Board of Adjustment ending December 31, 2013; and Owais Siddiqui to fill an unexpired term on the Ethics Review Commission ending December 31, 2013.

Second by: Colleen Halbert

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott	x			
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis	x			

7.2. Consider and/or act upon reallocation of the 2008 street bond funds.

VOTING

Motion by: John Daugherty to approve the recommended allocation for the 2012-2013 street projects as presented.

Second by: Dennis Richmond

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott	x			
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis	x			

7.3. Consider and/or act upon allocation of the 2008 park bond funds.

VOTING

Motion by: John Daugherty to approve the recommended allocation for the 2008 park and trail bonds funds as presented in the attached schedule. (See below)

Second by: Scott Bradley

Allocation of 2008 Bonds

Murphy Central Park - \$583,776

Murphy Central Park Trail Project -\$194,200

Timbers Park -\$500,000

Timbers Trail -\$600,000

Other Trails - \$937,035

Total Funds - \$2,815,011

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott	x			
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis	x			

8. CONTRACT APPROVAL

8.1. Consider and/or act upon approving an amendment for additional services to the professional services contract with Duncan Sims Stoffels, Inc., for the Murphy Central Park project

Councilmember Brandon inquired about the fence removal, driveway, and access road; commenting that the City Engineer stated that an access road would be required. He asked if the figures to construct the driveway and/or access road were included. City Manager Fisher stated that it was not included and explained that the City could determine later what was required in consultation with the City Engineer.

Councilmember Halbert clarified that the discussion with the City Engineer was an example used by the City Engineer in Executive Session during a discussion about ways he has saved the City money; not a discussion regarding the park.

Councilmember Halbert inquired about engineering fees for burying power lines. Mr. Sims stated that those fees were not included because he is not able to provide those services. Ms. Halbert stated she wanted to make sure this was not something missed that would need to be included later. She stated she still has questions on items provided at the last meeting.

VOTING

Motion by: John Daugherty to approve an additional services contract for professional services in the amount of \$43,600 with Dunkin Sims Stoffels, Inc., for the Murphy Central Park project.

Second by: Dennis Richmond

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott	x			
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis	x			

8.2. Consider and/or act upon approval of a change order for Wall Construction to sod Liberty Ridge Park.

Councilmember Richmond recommended hydromulch unless the goal is to have the grass ready quickly.

VOTING

Motion by: Colleen Halbert to continue with hydromulch as the method for turf installation.

Second by: Scott Bradley

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott	x			
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis	x			

9. RESOLUTION APPROVAL

9.1. Consider and/or act upon approval of a resolution for an interlocal agreement with the City of Wylie for drainage improvements needed for the McCreary Road widening project.

VOTING

Motion by: John Daugherty to approve the resolution and interlocal agreement with the City of Wylie as presented.
Second by: Bernard Grant

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott	x			
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis	x			

10. WORK SESSION

10.1. Discussion and action regarding the Strategic Planning Session held February 23-24, 2012.

Prior to the Work Session, Council heard the City Manager Reports and convened into Executive Session. During the Work Session, Council reviewed and commented on the focus areas and sub-categories.

There was some discussion as to whether to leave *Infrastructure* and *Mobility* as separate focus areas or combine them. Councilmember Grant requested to remove DART from the sub-categories. There was discussion regarding taking over state roads and there was a consensus of Council that was not in favor of considering this option. Council requested more information on intersection monitoring from the City of Richardson. Regarding *Infrastructure*, Council requested the completion of the sidewalk inventory.

Under *Employee Development*, Council discussed the importance of having a succession plan in place. Mr. Fisher stated that the departments are working on road maps that will define future operational needs and levels of service to be submitted with the draft budget by June 1.

Regarding *Finance*, there was a brief discussion on transparency and what more can be done. Councilmember Brandon mentioned posting the check registry. Council discussed defining what fiscal responsibility means to Murphy and determined that a Work Session should be scheduled to have a philosophical discussion on the tax rate as it relates to a balanced, competitive, and unique community.

Councilmember Halbert requested to add development/maintenance standards under *Community Character*; specifically to address the integrity of commercial areas.

Overall, Council determined that the focus areas should be discussed in detail in Work Sessions to be scheduled over the next six months.

11. CITY MANAGERS REPORT

- Mar 27 – Collin County Day
- Mar 27 – Meeting with Joe Gonzalez
- Apr 6 – City offices closed in observance of Good Friday
- Apr 14 – Texas Trash-off
- Apr 19 – Bulky Trash Day
- WISD meeting request – need Council representatives

In addition to the listed items, City Manager Fisher reported that the Alcohol Use Policy for the Murphy Community Center and Murphy Activity Center will be on the April 3rd City Council Agenda. Councilmember Bradley noted that he will not be able to attend that meeting.

12. EXECUTIVE SESSION

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

Council convened into Executive Session at 6:37 p.m.

13. RECONVENE INTO REGULAR SESSION

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

Council convened back to Regular Session at 6:57 p.m. No action was taken as a result of the Executive Session.

14. ADJOURNMENT

With no further business, the meeting was adjourned at 7:22 p.m.

APPROVED BY:

Bret M. Baldwin, Mayor

ATTEST:

Aimee Nemer, City Secretary

MINUTES
SPECIAL CITY COUNCIL MEETING
CITY OF MURPHY
Murphy Community Center
205 North Murphy Road
Murphy, Texas

Tuesday, March 27, 2012
6:00 PM

1. CALL TO ORDER

Mayor Baldwin called the meeting to order at 6:15 p.m.

2. INVOCATION & PLEDGE OF ALLEGIANCE

3. ROLL CALL & CERTIFICATION OF A QUORUM

The following Councilmembers were present:

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

The following Councilmembers were absent:

Councilmember Dave Brandon

4. OTHER CONSIDERATION ITEMS

4.1. Discussion and action regarding the Strategic Planning Session held February 23-24, 2012.

Joe Gonzalez, Facilitator, guided a discussion between Council and staff posing the following questions:

- 1) What do you need from Council/Staff?

- 2) One year from now, how would you like staff/Council to be working?

Council responses to question number one:

- 1) What do you need from Council/Staff?
 - Continued patience
 - Effective, accurate, and timely communication
 - Prepared for Council meetings and ensure all options are vetted
 - Access to information for Council/Residents
 - Separate facts from recommendation
 - Complete information
 - Be proactive in areas of concern and in addressing concerns
 - Help Mayor/Council to understand which ceremonial duties are priority
 - Share good things; positive stories
 - Give information as it relates to the 'big picture'
 - Help Council 'defend' decisions with solid and thorough agenda items
 - List all options – then recommendation

Staff responses to question number one:

1) What do you need from Council/Staff?

- Open, clear, communication on a regular basis
- Continued trust
- Utilize staff for information
- Trust in staff
- Support of recommendations
- Big picture goals; direction for next five years
- Solid decisions
- Understand employee perspective
- Clear direction on what kind of city you want; financial support of that determination
- Clear vision for departments/city
- Guidance and clarity on type of department

Council responses to question number two:

2) One year from now, how would you like staff/Council to be working?

- Every decision has been considered thoroughly with consideration to financial and community impact
- Use expertise of staff to fullest extent
- Good communication with solid reasons for decisions
- Working on next set of goals
- Respect for each other's autonomy
- Solid trust levels
- Disagreements are isolated to issue
- Working towards same goals
- Clear sense of direction
- Collaborative; same team
- Defined goals and strategy

Staff responses to question number two:

2) One year from now, how would you like staff/Council to be working?

- Goals that we stick to
- Staff working towards vision of Council
- Shared vision
- Set priorities competitive with other target cities
- Same goals; same team
- Council makes policy and staff implements
- Support of staff
- Making solid decisions and moving forward
- Respect
- Don't look for wrong; build on what is right

There was significant discussion about email communication with regards to acknowledging, responding, and prioritizing. The expectation from Council is that all emails are acknowledged.

Staff asked for clarification on "Appropriate Distribution of Work" as noted in the Strategic Planning Session as a focus area of Council. Council explained that they want to ensure the right staff is in the right place.

Mr. Gonzalez concluded the session by asking “What has been accomplished?”

The following responses were given:

- Understanding of each other’s perspectives
- Understanding of perception/misperception of trust
- Relationships/better rapport established

5. ADJOURNMENT

With no further business, the meeting was adjourned at 8:53 p.m.

APPROVED BY:

Bret M. Baldwin, Mayor

ATTEST:

Aimee Nemer, City Secretary

MINUTES
REGULAR CITY COUNCIL MEETING
CITY OF MURPHY
206 North Murphy Road
Murphy, Texas
Tuesday, April 03, 2012
6:00 PM

1. CALL TO ORDER

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

2. INVOCATION & PLEDGE OF ALLEGIANCE

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

3. ROLL CALL & CERTIFICATION OF A QUORUM

The following Councilmembers were present:

- Mayor Bret Baldwin
- Mayor Pro Tem John Daugherty
- Deputy Mayor Pro Tem Colleen Halbert
- Councilmember Bernard Grant
- Councilmember Dave Brandon

The following Councilmembers were absent:

- Councilmember Dennis Richmond
- Councilmember Scott Bradley

4. PUBLIC COMMENTS

No public comments were submitted.

5. Proclamation designating April 2012 as Sexual Assault Awareness and Prevention Month

Mayor Baldwin read a proclamation designating April 2012 as Sexual Assault Awareness and Prevention Month.

PROCLAMATIONS / PRESENTATIONS

5.1. Presentation and discussion regarding Senate Bill 100 -Implications and Options

City Secretary Nemer presented options and implication of SB 100 in regards to City elections. Ms. Nemer asked that Council provide some direction prior to adoption of the 2013 budget.

6. CONSENT ITEMS

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.

6.1. Approval of the Minutes from the Regular Council Meeting of March 20, 2012.

VOTING

Motion by: Colleen Halbert to approve as presented.

Second by: John Daugherty

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott				
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis				

7. ORDINANCE APPROVAL

7.1. Consider and/or act upon approval of an ordinance amending the City of Murphy Code of Ordinances, Appendix A – Fee Schedule, Section 3.100 - Emergency Services.

VOTING

Motion by: John Daugherty to approve as presented.

Second by: Colleen Halbert

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott				
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis				

7.2. Consider and/or act upon approval of an ordinance amending the City of Murphy Code of Ordinances, Chapter 35, Section 35-6. - Duty to transport.

VOTING

Motion by: Dave Brandon to approve adding Medical City - Dallas to the list of hospitals.

Second by: Colleen Halbert

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott				
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis				

8. OTHER CONSIDERATION ITEMS

8.1. Consider and/or act on an Alcohol Policy for the Murphy Community Center and Murphy Activity Center.

Discussion

Council discussed the number of police officers required for certain events and whether or not that discretion should be left to the Police Chief with the potential of appealing the decision to the City Manager.

Councilmember Halbert stated she was not comfortable leaving the final discretion to the Police Chief. She expressed concern that events would end up with three officers when it may not be necessary.

Councilmember Daugherty stated he was not comfortable with the policy distinguishing between residents and non-residents.

Councilmember Brandon requested to include a requirement that alcohol service must end no less than one hour prior to the close of the event.

Councilmember Grant stated he was comfortable leaving the security discretion to the Police Chief.

Regarding the discussion to appeal to the City Manager, Councilmember Daugherty stated that he is comfortable leaving the discretion to the Chief. He stated that the policy can be revisited if there are issues.

Public Comments

Mr. Keith Patton addressed Council with concerns about staff having to track events with/without minors. He suggested that it be required that the entire facility be rented for events providing alcohol.

VOTING

Motion by: Colleen Halbert to approve the alcohol use liability policy agreement, *Saturday Night Only*, as presented with the following changes:

Remove paragraph 4 and replace it with one that states: “At events where alcohol is being served or sold, the lessee shall be responsible at their sole cost and expense for providing an off-duty uniformed Murphy police officer or other police department officer approved by the Chief of Police at a level determined by the Chief of Police”; and also adding a paragraph that states that no alcohol shall be served after one hour prior to the close of the event.

Second by: John Daugherty

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott				
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis				

8.2. Consider and/or act upon funding the sidewalk extension from Liberty Ridge Park to Featherwood Drive in the amount of \$29,000

Discussion

City Manager Fisher reported that Councilmember Daugherty requested this item be placed on the agenda for a second look. Mr. Fisher recommended that the City delay building the sidewalk until the Safe Routes to Schools grants are applied. Instead, he suggested that the City focus on making the current crosswalk safer through landscaping and a raised crosswalk.

Councilmember Brandon raised an issue with implementing any sort of traffic calming measures until the City has an ordinance regarding traffic calming.

Councilmember Halbert noted that traffic calming is not within the scope of the agenda item. She also stated that she would still like to see a list of sidewalks that are needed so that they may be prioritized.

VOTING

Motion by: Colleen Halbert to deny funding the sidewalk extension from Liberty Ridge Park to Featherwood Drive.

Second by: John Daugherty

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott				
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis				

8.3. Consider and/or take action regarding the City's Drought Contingency and Water Emergency Response Plan.

Discussion

City Manager Fisher opened by stating that this item is a moot point now, since North Texas Municipal Water District (NTMWD) already decided to relax restrictions. He also noted that some residents have asked why the City has to follow NTMWD's recommendations at all. Mr. Fisher stated that while there has been rain, the region is still in a deficit.

Councilmember Daugherty asked how the City will share water restriction information with residents. Mr. Fisher replied that staff is planning on doing a mailing separate from the water bill. Several options were discussed (*e.g.*, email, mailing with the water bill, using the sign outside of City Hall).

Mayor Baldwin stated that he believes the City should be in Stage 2 watering restrictions, not Stage 3. He expressed concerns that requiring Stage 3 when it may not be warranted could result in citizens not taking the various watering restrictions seriously.

Councilmember Halbert said that she wants the City to monitor its own situation and impose watering restrictions based on Murphy conditions rather than following NTMWD. She also mentioned not wanting to be surrounded by communities in Stage 2 while Murphy is still in Stage 3. She noted that according to the NTMWD billing structure, the City pays for water based on the highest level of water historically used, not the current amount of water used. Councilmember Halbert suggested that a North Texas Municipal Water District (NTMWD) customer-city coalition be established so that customer cities can have some formal representation at NTMWD meetings.

There was no action taken on this item.

9. CITY MANAGERS REPORT

City Offices closed April 6

North Murphy Road Update –meeting with contractor to get updated status

Draft Budget Submittal – June/July

Budget/Vacation Schedules –send vacation dates to James or Aimee

Schedule Work Sessions - Focus Areas –send available dates

Schedule Work Session - Determine Board Scope

Upcoming Agendas

In addition to the above items, City Manager Fisher reported that the Texas Trash-off would be April 14.

10. EXECUTIVE SESSION

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

The Executive Session was not held.

10.1. 551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving Michael Cantrell v. City of Murphy, et. al, Cause No. 6:09-cv-225.

10.2. 551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving Johnny Boles v. City of Murphy, et al., Civil Action No. 4:11-cv-682.

11. RECONVENE INTO REGULAR SESSION

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

11.1. 551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving Michael Cantrell v. City of Murphy, et. al, Cause No. 6:09-cv-225.

11.2. 551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving Johnny Boles v. City of Murphy, et al., Civil Action No. 4:11-cv-682.

12. ADJOURNMENT

With no further business, the meeting was adjourned at 7:16 p.m.

APPROVED BY:

Bret M. Baldwin, Mayor

ATTEST:

Aimee Nemer, City Secretary

Issue

Consider and/or act upon a resolution approving bylaws for the Murphy Municipal Development District.

Staff Resource/Department

James Fisher, City Manager

Key Focus Area

TBD by City Council

Summary

The MDD Bylaws must be approved by Council after adoption by the MDD.

Background/History

The City of Murphy established the Murphy Municipal Development District by Special Election on November 8, 2012. Council appointed a MDD Board on January 31, 2012. Council approved the bylaws for submittal to the MDD Board on February 7, 2012. The MDD Board met on April 16, 2012 and approved the bylaws as presented unanimously.

Financial Considerations

N/A

Board Discussion/Action

The MDD Board approved the proposed bylaws as presented unanimously on April 16, 2012.

Action Requested

Move to approve the bylaws as presented.

Attachments

Resolution

Exhibit A - MDD Bylaws

RESOLUTION NO. 00-R-000

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY,
COLLIN COUNTY, TEXAS APPROVING BYLAWS FOR THE MURPHY
MUNICIPAL DEVELOPMENT DISTRICT.**

WHEREAS, the City of Murphy has established the Murphy Municipal Development District; and

WHEREAS, the Murphy Municipal Development District adopted bylaws on April 16, 2012; and

WHEREAS, the Murphy City Council must approve the bylaws.

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

SECTION 1. That the City Council hereby approves the bylaws of the Murphy Municipal Development District, attached hereto as *Exhibit A*.

DULY RESOLVED by the City Council of the City of Murphy, Texas, on this the 1st day of May, 2012.

Bret M. Baldwin, Mayor
City of Murphy

ATTEST:

Aimee Nemer, City Secretary
City of Murphy

Exhibit A
Murphy Municipal Development District Bylaws

**BYLAWS OF
THE CITY OF MURPHY MUNICIPAL
DEVELOPMENT DISTRICT
As Adopted on April 16, 2012**

Article I

GENERAL

Section 1.1. Name.

The City of Murphy Municipal Development District (the “District”) shall have and continuously maintain within the City of Murphy (the “City”) a registered office, which shall be the depository for all records of the District, and a registered agent for the District (“Registered Agent”) whose office is identical with such registered office. The Registered Agent shall be the City Secretary of the City. The registered office of the District shall be at 206 N. Murphy Road, Murphy, Texas 75094.

Section 1.2. Purpose.

The District is a political subdivision of the State of Texas and the City for the purposes set forth in the Bylaws, the same to be accomplished on behalf of the City as its duly constituted authority and instrumentality in accordance with Chapter 377 of the TEXAS LOCAL GOVERNMENT CODE (the “Act”), and other Applicable laws. The District was established for the purpose of developing and financing all permissible projects prescribed by the Act.

Section 1.3. Powers.

In the fulfillment of its purpose, the District shall be governed by the Act, and shall have all of the powers set forth and conferred in the Act, and in other applicable laws, subject to the limitations prescribed therein and herein and to the provisions thereof and hereof.

Article II

BOARD OF DIRECTORS

Section 2.1. Number and Term of Office

- A. The property and affairs of the District shall be managed and controlled by the Board of Directors (the “Board”) and subject to the restrictions imposed by law and these Bylaws. The Board shall exercise all of the powers of the District subject to restrictions imposed by law and in these Bylaws.

- B. The Board shall consist of five (5) Directors (“Director(s)”), each of whom shall be appointed by the City Council of the City. Each of the Directors shall be a resident of the City or the City’s extraterritorial jurisdiction.
- C. The initial Board shall appoint three (3) Directors to serve a period of two (2) years and two (2) Directors shall be appointed to serve a period of one (1) year. Thereafter, all Directors shall serve staggered two (2) year terms or until a successor is appointed as hereinafter provided.
- D. There shall be no limitation on the number of consecutive terms that members of the Board of Directors of the District may serve on the Board of Directors.
- E. Any Director may be removed from office at will, with or without cause, at any time by the City Council.

Section 2.2. Vacancies.

Any vacancies occurring in the Board of Directors resulting from the death, resignation, retirement, disqualification or removal or otherwise from office of any Director shall be filled by the City Council appointing a successor to serve the remainder of such Director’s unexpired term.

A Director may resign at any time. Such resignation shall be made in writing, addressed to the Mayor and the City Secretary, with a copy to the Board, and shall take effect at the time specified therein, or if no time is specified, at the time of its receipt by the City Secretary.

Section 2.3. Meetings.

(a) **Regular Meetings.** The Board of Directors shall meet as necessary as determined by the board. The regular meetings of the Board of Directors shall be held at such time or times as may be designated by the Board of Directors and communicated to all Directors by written notice. The Board of Directors may transact any and all business as may properly come before the meeting.

(b) **Special Meetings.** Special meetings of the Board of Directors may be called by the President of the District, or the Secretary, upon the President’s incapacity, on at least three (3) days’ notice to each Director. Special meetings may also be called by the President or Secretary in like manner and on like notice on the written request of a majority of the Directors of the District, by the Mayor of the City, or by a majority of the members of the City Council. Emergency meetings of the Board of Directors may be held without satisfying the notice requirement set forth above in this section if such meetings are called and held in compliance with the Texas Open Meetings Act, Chapter 551 of the TEXAS GOVERNMENT CODE.

(c) **Place of Meetings.** All meetings, unless otherwise designated by the person or persons calling the meeting, shall be held at the registered office of the District. In any event,

all meetings of the Board of Directors shall be held within the boundaries of the City.

(d) **Notices of Meetings.** Unless otherwise provided by statute or these Bylaws, written or printed notice stating the place, time and hour of any meeting of the Board of Directors shall be delivered either personally or by mail, facsimile, electronic mail, or other written means to each Director not less than three (3) days before each meeting of the Board of Directors. If mailed, notice of the meeting shall be deemed to be delivered when deposited in the United States mail addressed to a director at his address as it appears on the records of the District and, if by facsimile or electronic mail or other written means, notice shall be deemed to be delivered upon the receipt of written confirmation of delivery. All meetings shall be held in accordance with the provisions of the Texas Open Meetings Act, Chapter 551 of the TEXAS GOVERNMENT CODE.

Any member of the Board of Directors of the District, the Mayor of the City, or the Executive Director as described herein, may have an item placed on the agenda of a meeting by delivery, in writing, of the proposed Agenda item to the President or Secretary of the District not less than five (5) calendar days prior to the date of the proposed meeting.

Section 2.4. Quorum; Majority Vote.

A quorum shall consist of a majority of the Board which shall be present for the conduct of the official business of the District. The act of a majority of the Directors at a meeting at which a quorum is in attendance shall constitute an action of the Board and of the District. Directors present by proxy shall not be counted toward a quorum. The act of a majority of the Directors present at any meeting at which a quorum is present shall be the act of the Board of Directors, except as otherwise specifically provided by statute or by these Bylaws. If a quorum is not present at a meeting of the Board of Directors, the meeting will be rescheduled.

Section 2.5. Limitation of Liability.

No Director of this District shall be personally liable to the District for monetary damages for an act or omission in the Director's capacity as a Director, except that this section does not eliminate or limit the liability of a Director to the extent the Director is found liable for: (i) a breach of the Director's duty of loyalty to the District; (ii) an act or omission not in good faith that constitutes a breach of duty of the Director to the District or an act or omission that involves intentional misconduct or a knowing violation of the law; (iii) a transaction from which the Director received an improper benefit, whether or not the benefit resulted from an action taken within the scope of the Director's office; or (iv) an act or omission for which the liability of a Director is expressly provided for by statute.

Section 2.6. Conduct of Business.

At the meetings of the Board, matters pertaining to the business of the District shall be considered in accordance with rules of procedure as from time to time prescribed by the Board. At all meetings of the Board, the President shall preside, and, in the absence of the President, the Secretary shall exercise the powers of the President. The Secretary of the District shall act as

secretary of all meetings of the Board, but, in the absence of the Secretary, the presiding officer may appoint any person to act as Secretary of the meeting.

Section 2.7. Compensation of Directors.

Directors on the Board shall not receive compensation for their services. However, they shall be reimbursed for their actual expenses, with approval, incurred in the performance of their duties, including, but not limited to, the cost of travel, lodging and incidental expenses reasonably related to the duties of the Board.

Section 2.8. Appointment of Executive Director.

The City Council shall appoint an Executive Director as an employee of the District to manage the day-to-day affairs of the District. The Executive Director shall be the Chief Executive Officer of the District. The Executive Director shall be paid a reasonable salary for the services performed on behalf of the District. The Executive Director shall be an *ex-officio* member of all committees appointed by the President or the Board of Directors. The City Council may remove the Executive Director with or without cause at any time.

Article III

OFFICERS

Section 3.1. Elected Officers.

The Board of Directors shall choose from its members a President and a Secretary. The Board of Directors may also choose other officers the Board deems necessary who shall be members of the Board of Directors. Officers shall serve for terms of one (1) year, or until their successors are duly elected and qualified or until his/her death, resignation, retirement, disqualification, or removal from office.

(a) No agent or employee of the District need be a Director of the District, a resident of the City or an employee of the City.

(b) Any two or more offices may be held by the same person, except the offices of President and Secretary.

Section 3.2. Election of Officers.

Except as provided by Section 3.5 herein, all officers shall be elected when necessary by the Board of Directors at a Regular or Special Meeting of the Board of Directors. Each newly-elected officer (other than any person who succeeds himself in office) shall take office immediately following his/her election. Any person elected as an officer of the District by reason of the death, disability, retirement, disqualification or removal from office of an officer or by reason of the occurrence of a vacancy of the office of any officer for any other reason, shall take office immediately upon his/her election.

Section 3.3. Term of Office.

There shall be no limitation on the number of consecutive years that a person may serve in the same office.

Section 3.4. Removal.

Any officer, employee or agent may be removed from the office or position held by them, except for the provisions for removal in Section 2.8 herein, with or without cause, at any time by the majority vote of the Directors present at any meeting of the Board of Directors at which a quorum is present whenever in their judgment the best interests of the District will be served thereby.

Section 3.5. Officer Vacancies.

Any vacancy occurring in any office or position of the District (by death, resignation, removal or otherwise) may be filled by the Board of Directors of the District.

Section 3.6. President.

The President shall be the Presiding Officer of the District, and shall, subject to the authority of the Board, preside at all meetings of the Board, and absent any different designation by the majority of the Board, sign and execute all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, and notes in the name of the District. The President shall appoint standing and special committees and task groups as required, and as approved by the Board of Directors. In the absence or disability of the President, his duties shall be performed and his powers may be exercised by the Secretary or other officer designated in these Bylaws, if any. The President shall be an *ex-officio* member of all committees appointed by the President or the Board of Directors. Additionally, the President shall:

- A. Call both regular and special meetings of the Board and establish the agenda for such;
- B. Have the right to vote on all matters coming before the Board;
- C. Have the authority to appoint standing or study committees to aid and assist the Board in its business undertaking or other matters incidental to the operation and functions of the Board;
- D. Perform all duties incident to the office, and such other duties as may be prescribed from time to time by the Board;
- E. Appear before the City Council, or be represented by a designee, periodically to give a report on the status of the activities of the District; and
- F. Appear before the City Council, or be represented by a designee, regarding any item

being considered by the City Council concerning the District.

Section 3.7. Secretary.

The Secretary shall ensure that notices are given of all meetings of the Board of Directors and shall keep and attest true records of all proceedings of all such meetings. He or she shall keep and account for all books, documents, papers and records of the District, except those for which some other office or agency is properly accountable. He or she shall generally perform all duties and shall have authority to exercise all the powers usually appertaining to the office of secretary of a District. In the absence or disability of the Secretary, the duties shall be performed by such person as shall be appointed by the Board of Directors.

Section 3.8. Treasurer.

If the Board chooses to elect an officer as Treasurer, then the Treasurer shall be the chief accounting and financial officer for the District and shall have active control and shall be responsible for all matters pertaining to the accounts and finances of the District. The Treasurer shall submit a detailed financial report at all regular and special meetings of the Board of Directors consisting of at least a balance sheet and a statement of receipts and disbursements.

Section 3.9. Authority.

Officers and agents shall have such authority and perform such duties in the management of the District as are provided in these Bylaws or as may be provided by resolution of the Board of Directors not inconsistent with these Bylaws.

Section 3.10. Compensation.

Officers who are members of the Board shall not receive any salary or compensation for their services, except that they shall be reimbursed, with approval, for their actual expenses incurred in the performance of their official duties as officers.

Article IV

COMMITTEES

Section 4.1. General.

The Board of Directors, by resolution adopted by the Board of Directors, may designate and appoint one or more committees, including an Executive Committee, each committee of which to be comprised of at least two (2) members. Each committee shall have such duties and responsibilities as set forth in such resolutions as adopted by the Board of Directors. The Board of Directors may designate one or more persons as alternate members of any committee who may, subject to any limitations imposed by the Board of Directors, replace absent or disqualified members at any meeting of that committee. If the Board of Directors

establishes an Executive Committee, a majority of the members of such committee shall be members of the Board of Directors of the District. The remainder of the members of the Executive Committee may, but need not, be members of the Board of Directors of the District. Membership on other committees may, but need not, be limited to members of the Board of Directors of the District.

Section 4.2. Specific Committees.

In addition to other committees which may be designated by the Board of Directors, the District may have an Executive Committee.

Section 4.3. Number; Term.

Any committee of the Board of Directors shall consist of such number of the Board of Directors as the Board of Directors shall designate. Each committee shall serve at the pleasure of the Board of Directors.

Section 4.4. Authority.

Except as limited by statute or these Bylaws, any committee of the Board of Directors, to the extent provided in any resolution adopted by the Board of Directors, shall have and may exercise the authority of the Board of Directors granted to such committee in the management of the business and affairs of the District.

Section 4.5. Change in Number.

The number of members of any committee of the Board of Directors may be increased or decreased by resolution adopted by the Board of Directors as long as the committee is still in compliance with Section 4.1.

Section 4.6. Removal.

Except as specifically provided by statute or these Bylaws, any member of a committee of the Board of Directors may be removed, with or without cause, by the Board of Directors whenever, in its judgment, the best interests of the District will be served thereby.

Section 4.7. Committee Vacancies.

A vacancy occurring in any committee (by death, resignation, removal or otherwise) may be filled by the Board of Directors in the manner provided for original designation in Section 4.1.

Article V

INDEMNIFICATION; INSURANCE

Section 5.1. Indemnification.

(a) The District is, for the purposes of the Texas Tort Claims Act (Subchapter A, Chapter 101, TEXAS CIVIL PRACTICES AND REMEDIES CODE), a governmental unit and all of its actions are governmental functions. The District shall indemnify each and every member of the Board of Directors, its officers and its employees, and former Directors, officers and employees, of the District, and each member of the City Council and each employee of the City, to the fullest extent and manner permissible under the Act, or other applicable rules, regulations or laws, against any and all liability or expense, including attorney fees, incurred by reason of any actions or omissions that may arise out of the functions and activities of the District.

(b) The District shall indemnify and advance expenses to an officer, employee, agent or person indemnified in subparagraph (a) above and who is not a Director to such further extent, consistent with law, as may be provided by its Bylaws, general or specific action of its Board of Directors, or contract, or as permitted or required by common law.

Section 5.2. Insurance.

The District may purchase and maintain insurance on behalf of any person who is or was a Director, officer, employee or agent of the District or who is or was serving at the request of the District as a Director, officer, partner, venturer, proprietor, trustee, employee, agent or similar functionary of another foreign or domestic District, partnership, joint venture, sole proprietorship, trust, employee benefit plan or other enterprise against any liability asserted against him and incurred by him or her in such capacity or arising out of his or her status as such a person to the fullest extent under the Act and this Article Five.

Article VI

AMENDMENT OF BYLAWS

These Bylaws may not be altered, amended or repealed and/or new Bylaws may not be adopted without the prior approval of the City Council of the City of Murphy. The alteration, amendment or repeal of these Bylaws may be adopted at any subsequent meeting of the Board of Directors at which a quorum is present, by the affirmative vote of a majority of the entire Board of Directors, provided notice of the proposed alteration, amendment or repeal is contained in the notice of such meeting. The City Council has the authority to propose and require amendments to Bylaws or other rules.

Article VII

GENERAL

Section 7.1. Interested Parties; General Policy.

(a) **Voting; Conflict of Interest.** The members of the Board of Directors shall be considered local public officials within the meaning of Chapter 171 of the TEXAS LOCAL GOVERNMENT CODE. Whenever a Member of the Board of Directors of the District is aware of a substantial interest, as that term is defined in said Chapter 171, in a business entity or real property which is the subject of deliberation by the Board of Directors, the Director shall file an affidavit with the Secretary of the District stating the nature or extent of the interest. Such affidavit shall be filed prior to any discussion or vote upon the matter, and if required by said Chapter 171, the interested Director shall abstain from any discussion or vote upon the matter.

(b) **Non-Exclusive.** The provisions set forth in this Section 7.1 shall not be construed to invalidate any contract or transaction which would be valid in the absence of this provision.

Section 7.2. Notice.

(a) **Method.** Whenever by statute or these Bylaws, notice is required to be given to any Director, and no provision is made as to how the notice shall be given, it shall not be construed to mean personal notice but any such notice may be given (a) in writing, by mail, postage prepaid, addressed to the Director at the address appearing on the books of the District, or (b) in any other method permitted by law.

(b) **Waiver.** Whenever, by statute or these Bylaws, notice is required to be given to any Director, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated in such notice, shall be equivalent to the giving of such notice. Attendance of a Director at a meeting shall constitute a waiver of notice of such meeting, except where a Director attends for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called or convened.

Section 7.3. Books and Records.

The District shall keep books and records of account and shall keep minutes of the proceedings of its Board of Directors. All books and records of account of the District shall be subject to the provisions of Chapter 552 of the Texas Government Code, relating to public information. The District's books and records of account may be audited at any time and for any reason by the City Council or by an outside, independent auditing and accounting firm selected by the City Council.

Section 7.4. Checks and Notes.

All checks or demands for money and notes of the District shall be signed by such officer or officers or such other person or persons as the Board of Directors may from time to time designate.

Section 7.5. Fiscal Year.

The fiscal year of the District shall be the same as the fiscal year of the City.

Section 7.6. Contracts for Service.

The District may, with approval of the City Council, contract with any qualified and appropriate person, association, district or governmental entity to perform and discharge designated tasks which will aid or assist the Board in the performance of its duties. However, no such contract shall ever be approved or entered into which seeks or attempts to divest the Board of its discretion and policy-making functions in discharging the duties.

Section 7.7. Annual District Budget

At least thirty (30) days prior to the commencement of each fiscal year of the District, the Board of Directors shall adopt a proposed budget of expected revenues and proposed expenditures for the next ensuing fiscal year. The budget shall contain such classifications and shall be in such form as may be prescribed from time to time by the City Council. The budget shall not be effective until it has been approved by the City Council.

Section 7.8 Deposit and Investment of District Funds

(a) All proceeds from loans or from the issuance of bonds, notes or other debt instruments (“Obligations”) issued by the District shall be deposited and invested as provided in the resolution, order, indenture or other documents authorizing or relating to their execution or issuance. Any investments or the like made with proceeds from any Obligations must be approved by the City Council.

(b) Subject to the requirements of contracts, loan agreements, indentures or other agreements securing Obligations, all other monies of the District, if any, shall be deposited, secured and/or invested in the manner provided for the deposit, security and/or investment of the public funds of the City and approved by City Council. The Board shall designate the accounts and depositories to be created and designated for these purposes and the methods of withdrawal of funds for use by and for the purposes of the District upon the signature of its Treasurer and such other persons as the Board shall designate, as well as approval by City Council. The accounts, reconciliation and investment of funds and accounts shall be performed by the City.

Section 7.9 Expenditures of District Money.

The monies of the District, including sales and use taxes collected by the District pursuant to the Act, monies derived from rents received from the lease or use of property, the proceeds from the investment of funds of the District, the proceeds from the sale of property and the proceeds derived from the sale of Obligations may be expended by the District for any of the purposes authorized by the Act, and for the assumption of a debt, contingency agreement, or other obligation for the benefit of the District, subject to the following limitations:

- (a) Expenditures from the proceeds of Obligations shall be identified and described in the orders, resolutions, indentures or other agreements submitted to and approved by the City Council prior to the execution of loan or financing agreements or the sale and delivery of Obligations to the purchasers provided by Section 7.8 of these Bylaws;
- (b) Expenditures that may be made from a fund created with the proceeds of Obligations and expenditures of monies derived from sources other than the proceeds of Obligations may be used, with City Council approval, for the purposes of financing or otherwise providing one or more “projects,” as defined in the Act. The specific expenditures shall be described in a resolution or order of the Board and shall be made only after approval by the City Council; and
- (c) All other proposed expenditures shall be made in accordance with and shall be set forth in the annual budget required by Section 7.7 of this Article.

Section 7.10. Approval or Advice and Consent of the City Council.

- (a) Notwithstanding any provision to the contrary herein, the District shall obtain City Council approval for the following:
 - 1. The acceptance of any grant or loan;
 - 2. The acquisition, selling, leasing, conveying, or otherwise disposing of property or an interest in property;
 - 3. The issuance or payment of any and all bonds or other obligations;
 - 4. Any change in the sales and use tax;
 - 5. The appointment of the Executive Director; and
 - 6. The employment of any personnel.
- (b) To the extent that these Bylaws refer to any approval by the City or by the City Council, that approval shall be evidenced by a certified copy of an ordinance, resolution, order or motion duly adopted by the City Council.

Section 7.11 Implied Duties.

The District is authorized to take such actions as it may deem reasonable or necessary to accomplish any of the purposes or duties set out in these Bylaws in accordance with the Act and any other applicable law.

Article VIII

EFFECTIVE DATE

These Bylaws shall become effective upon the occurrence of the latter of the following events:

- (a) The approval of these Bylaws by the City Council; and
- (b) The adoption of these Bylaws by the Board of Directors.

Issue

Consider and/or act upon approval of Keep Murphy Beautiful (KMB) Green Team Members to attend the annual Keep Texas Beautiful Conference, June 25-27, 2012.

Staff Resource / Department

Kim Lenoir, Director of Parks and Public Works and KMB Affiliate Coordinator

Key Focus Area

TBD by City Council upon completion of the Strategic Planning Session.

Summary

The Keep Murphy Beautiful Green Team is requesting to send five employees to the Annual Keep Texas Beautiful Conference June 25-27, 2012, in San Antonio.

Background/History

In 2011, the City of Murphy was officially recognized as a full-fledged affiliate member of the Keep Texas Beautiful (KTB) organization. KTB is a statewide 501(c)3 nonprofit organization dedicated to beautifying and improving community environments through programming and education. The organization addresses the areas of litter prevention, community beautification and waste reduction. They work with affiliate communities, government agencies, the Texas Department of Transportation, Governor's Office, businesses, civic groups, and volunteers to ensure that every Texan has the opportunity to make Texas the cleanest, most beautiful state in the nation. KTB is also a certified state affiliate of [Keep America Beautiful](#). KMB is working hard to expand the volunteer pool that we can call on, increase community awareness, and educate the community on various aspects of the environment and helping keep our community clean and green.

KMB has an interdepartmental staff team, known as the Green Team, which meets monthly to plan and organize environmental activities for Murphy. KMB, through the Green Team, applied for the coveted Governor's Community Achievement Award. This award includes a landscape beautification project award of \$160,000. Murphy did not win, but had a good showing receiving 87 points out of 100 for our 2011 application (see judges comments are below).

Attendance to the annual KTB conference is beneficial for the staff in order to network with other cities, receive training, improve programs, and to obtain ideas to develop and strengthen our local program. The Green Team includes ten (10) city employees due to the diverse departments / staff that are involved in such environmental issues. The team is requesting that five (5) employees attend the 2012 conference and the remaining five (5) could attend next year.

Financial Considerations

The city receives recycle rebate funds. The City Council established a FY 2012 budget of \$10,000 for recycle events. After the 2012 Spring Clean-up program, approximately \$8,000 remains in the fund. The 2012 state conference expense including hotel, travel,

registration, and meals will cost approximately \$1,000 to 1,300 per person, depending on mode of travel and using the discounted early registration that expires May 25, 2012. This will leave \$1,500 for the remainder of the fiscal year for any other small local projects that KMB agrees to support.

Action Requested

Move to approve sending five (5) Green Team employees to the 2012 Keep Texas Beautiful Conference, June 25-27, 2012, in San Antonio.

Attachments

Keep Texas Beautiful Annual Conference link
Judge's comments – listed below

To: Keep Murphy Beautiful

Attn.: Kim Lenoir

Category: 5: 15,001 - 25,000 city population

Thank you for your hard work and participation in the Governor's Community Achievement Awards program. The applications submitted in the GCAA competition were a wonderful representation of the diverse programs and projects of Texas communities. We appreciate your continuing efforts to achieve the Keep Texas Beautiful vision of making Texas the cleanest, most beautiful state in the nation.

Listed below are the average of scores received in each section, overall score, point deductions and reason (if applicable), and judging comments, if given.

OVERALL SCORE: 87.1

Results:*

**We are in the process of finalizing 2012 Sustained Excellence.*

Community Leadership and Coordination (Point Value: 12): 10.2

Comments: *Training? What is budget? Staff? Part-time, full time? Business partnerships?*

Public Awareness (Point Value: 12): 11.2

Comments: *Great logo.*

Education (Point Value: 12): 11

Comments: *Environmental care. Stats - how many utility bills, HOA residents, etc.*

Beautification & Community Improvement (Point Value: 12): 11.3

Comments: *Big Belly nice. Good programs. Would like to see numbers to see involvement of groups, how many hours?*

Litter Prevention & Cleanup (Point Value: 12): 8.8

Comments: No study info, campaigns, 7 sources, etc. Required in this category. Your e-waste recycling are aligned with your population great job! Your knowledge for final e-waste distinction - Great! GAC/DMWT?

Solid Waste Management (Point Value: 12): 11.3

Comments: Vegetation debris chip for use by residents and city! Great program. Time reported should be 2011 only.

Litter Law & Illegal Dumping Enforcement (Point Value: 12): 11

Comments: Construction trash can any of it be reused for Habitat for Humanity?

Conclusion (Point Value: 6): 5.3

Comments:

Supplemental Notebook (Point Value: 10): 8

Comments: Better caption to describe events.

Judges Score: 88.1

Executive Summary Point Deduction: 0

Supplemental Point Deduction: 1

Reason for deduction(s)*: 22- 7 dbl sided pages onl

*The number in the deduction reason is a database designation and does not reflect points subtracted.

Overall Comments: Good application. Consider registering for DMWT and GAC events. Consider conducting survey to determine direction. Great programs, education and state-of-the-art (Big Belly) equipment. Collateral increase to confirm stats. Label of event/project associated with application will be helpful.

KTB Conference and Award ceremony registration is now open, [click here](#) for more information.

Please contact me with any questions. Again, thank you for your participation and for keeping Texas beautiful!

Anne Cunic

Program Director

Keep Texas Beautiful

8850 Business Park Dr. #200

Austin, TX 78759

Phone: 512/961-5262; 800/CLEAN-TX ext. 106

Fax: 512/478-2640

Issue

Consider and/ or act upon a resolution authorizing a grant application for the Collin County Funding Assistance Program for a Regional Trail Connector Project.

Staff Resource / Department

Kim Lenoir, Director of Parks and Public Works

Key Focus Area

TBD by City Council upon completion of the Strategic Planning Session.

Summary

Collin County announced in March 2012 that \$2.5 million in grant awards will be available for the 3rd series of funded projects to be announced October 2012. Staff is recommending an application for the East-West Regional Trail Connection between Plano/Richardson to Wylie/Sachse along the ONCOR easement. This grant requires a 50/50 match of funds. Staff will include the Timbers Nature Preserve Park trail loops and connections as match for this grant application.

Background/History

The Collin County Parks and Open Space Project Funding Assistance Program has been in place since 1999 when the citizens of the county approved a \$5.75 million bond proposition. Those funds were used to create Collin County's Parks and Open Space Strategic Plan and assisted with the advancement of 33 projects for 25 different entities over a 3-year period. In November 2007, the citizens of Collin County approved a \$17 million bond proposition for Parks and Open Space. Over six years (2009-2015) Collin County will make these funds accessible to cities and non-profit organizations within the County.

October 2011, Murphy received a \$400,000 grant award for the Murphy Central Park and Maxwell Creek Trails extension project. Collin County wants to fund projects that will be completed in one year. The goal is to complete this trail funded project by Fall 2012.

The proposed 2012 request is for a regional trail connector project from South Murphy Road to South Maxwell Creek Road, along the ONCOR easement. This project provides an east west connection to Plano/Richardson and Wylie/Sachse. This trail has been identified on the Collin County Trail Master Plan. The proposed grant request will be for \$600,000. Matching funds will include the connecting dedicate trail projects for the Timbers Nature Preserve Park and the park project improvements as reviewed, discussed, and approved at the April 17, 2012 City Council meeting.

Grant awards will be announced October 2012. Before any construction can proceed, the FEMA and USCOE permits must be received and are expected to be approved by the end of 2012.

Financial Considerations

The \$2.3 million estimate to construct the Timbers Nature Preserve Park exceeds current funds available. City Council has designated \$500,000 from the 2008 Park Bond Funds and \$600,000 from the 2008 Trail Bond funds. A grant award will help the city to get closer to completing this project.

Action Requested

Move to approve a resolution authorizing the City Manager to initiate the grant application.

Attachments

Resolution

RESOLUTION NO. 00-R-000
CITY OF MURPHY, COLLIN COUNTY, TEXAS
COLLIN COUNTY PARKS AND OPEN SPACE PROJECT FUNDING ASSISTANCE
RESOLUTION AUTHORIZING APPLICATION

A RESOLUTION OF THE CITY OF MURPHY, TEXAS HEREINAFTER REFERRED TO AS “APPLICANT,” DESIGNATING CERTAIN OFFICIALS AS BEING RESPONSIBLE FOR, ACTING FOR AND ON BEHALF OF THE APPLICANT IN DEALING WITH THE COLLIN COUNTY PARKS AND OPEN SPACE PROJECT FUNDING ASSISTANCE PROGRAM, HEREINAFTER REFERRED TO AS “DEPARTMENT,” FOR THE PURPOSE OF PARTICIPATING IN THE COLLIN COUNTY PARKS AND OPEN SPACE PROJECT FUNDING ASSISTANCE PROGRAM, HEREINAFTER REFERRED TO AS THE “PROGRAM”; CERTIFYING THAT THE APPLICANT IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE; CERTIFYING THAT THE APPLICANT MATCHING SHARE IS READILY AVAILABLE; DEDICATING THE PROPOSED SITE FOR PERMANENT (OR FOR THE TERM OF THE LEASE FOR LEASED PROPERTY) PUBLIC PARK AND RECREATIONAL USES.

WHEREAS, the Applicant is fully eligible to receive under the Program; and

WHEREAS, the Applicant is desirous of authorizing an official to represent and act for the Applicant in dealing with the Department concerning the Program;

BE IT RESOLVED BY THE APPLICANT:

SECTION 1: That the Applicant hereby certifies that they are eligible to receive assistance under the Program, and that notice of the application has been posted according to local public hearing requirements.

SECTION 2: That the Applicant hereby certifies that the matching share for this application is readily available at this time.

SECTION 3: That the Applicant hereby authorizes and directs its City Manager to act for the Applicant in dealing with the Department for the purposes of the Program, and that James Fisher is hereby officially designated as the representative in this regard.

SECTION 4: The Applicant hereby specifically authorizes the official to make application to the Department concerning the site to be known as Regional Trail Connector / ONCOR Easement in the City of Murphy for use as a park site and is hereby dedicated (or will be dedicated upon completion of the proposed acquisition) for public park and recreation purposes in perpetuity (or for the lease term, if legal control is through a lease).

Introduced, read and passed by the affirmative vote of the “Applicant” on this 1st day of May, 2012

Signature of Appropriate Official

Bret Baldwin, Mayor

Issue

Conduct a public hearing and consider and/or act upon approval of an ordinance continuing the juvenile curfew regulations.

Staff Resource/Department

GM Cox, Police Chief

Key Focus Area

TBD by City Council

Summary

State law requires a review of all curfew ordinances every three years upon adoption. The City's current ordinance, 09-05-793, was adopted May 4, 2009. The current ordinance is fairly representative of other cities curfew ordinances and proves to be an effective tool for police officers in conducting field interviews and preventing crimes by juveniles as well as crimes that focus on juveniles. Staff is recommending adoption of the proposed ordinance which maintains the current regulations.

Background/History

As required by state law, Sec. 370.002, Local Government Code, review of Curfew Order or Ordinance, City Council is required to:

- (1) review the ordinance or order's affects on the community and on problems the ordinance or order was intended to remedy;
- (2) conduct public hearings on the need to continue the ordinance or order; and
- (3) abolish, continue or modify the ordinance or order.

The current ordinance was adopted in July 2003 and renewed May 4, 2009. This is the third review since the ordinance was passed.

The Murphy Police Department continues to fairly and routinely enforce this law. The courts, to the extent that they can, have had good results sentencing offenders to deferred adjudication. The court will be considering utilizing a 1st Offender Program in 2012.

Statistics indicate that the intended purposes of this ordinance continue to be met. As was stated when this ordinance was initially passed, the purposes of this ordinance are to reduce crimes committed by juveniles as well as those committed against them. Analysis indicates that this ordinance continues to serve the purposes for which it was originally passed.

The curfew ordinance in conjunction with other city ordinances has proven effective in reducing problems that accompany unsupervised juveniles.

Financial Considerations

There should be little or no fiscal impact by the renewal of this ordinance.

Other Considerations

Sec. 370.002, Local Government Code (See link)

Murphy Code of Ordinances, Chapter 46, Division 3 (See link)

Action requested

Motion to approve an ordinance continuing the juvenile curfew regulations that are currently in effect.

Attachments

Curfew Citation Statistics 2009-2012

Curfew Ordinance

130 CO - CURFEW VIOLATION - 1ST OFFENSE

Totals for Offense

Number of Citations for Offense.....:	15
Number of Violations for Offense.....:	15
Number of Citations to Juveniles.....:	15
Number of Citations to Minors.....:	0
Offenses	
CO - CURFEW VIOLATION - 1ST OFFENSE	15
Number of Citations by Sex	
Male	7
Female	8
Unknown	0
Number of Citations by Race	
AFRICAN	1
CAUCASIAN	14

Grand Totals

Total Number of Citations.....:	15
Total Number of Violations.....:	15
Total Number of Citations Juveniles.:	15
Total Number of Citations Minors.....:	0
Total Number of Offenses	
CO - CURFEW VIOLATION - 1ST OFFENSE	15
Total Number of Citations by Sex	
Male	7
Female	8
Unknown	0
Total Number of Citations by Race	
AFRICAN	1
CAUCASIAN	14

Citation Date: 1/01/2010 - 12/31/2010

Summary

130 CO - CURFEW VIOLATION - 1ST OFFENSE

Totals for Offense

Number of Citations for Offense.....:	23
Number of Violations for Offense.....:	23
Number of Citations to Juveniles.....:	22
Number of Citations to Minors.....:	1
Offenses	
CO - CURFEW VIOLATION - 1ST OFFENSE	23
Number of Citations by Sex	
Male	17
Female	6
Unknown	0
Number of Citations by Race	
CAUCASIAN	21
AFRICAN	1
ASIAN	1

Grand Totals

Total Number of Citations.....:	23
Total Number of Violations.....:	23
Total Number of Citations Juveniles..:	22
Total Number of Citations Minors.....:	1
Total Number of Offenses	
CO - CURFEW VIOLATION - 1ST OFFENSE	23
Total Number of Citations by Sex	
Male	17
Female	6
Unknown	0
Total Number of Citations by Race	
CAUCASIAN	21
AFRICAN	1
ASIAN	1

130 CO - CURFEW VIOLATION - 1ST OFFENSE

Totals for Offense

Number of Citations for Offense.....:	26
Number of Violations for Offense.....:	30
Number of Citations to Juveniles.....:	25
Number of Citations to Minors.....:	0
Offenses	
CO - CURFEW VIOLATION - 1ST OFFENSE	30
Number of Citations by Sex	
Male	15
Female	11
Unknown	0
Number of Citations by Race	
ASIAN	4
CAUCASIAN	15
AFRICAN	4
HISPANIC	3

Grand Totals

Total Number of Citations.....:	26
Total Number of Violations.....:	30
Total Number of Citations Juveniles..:	25
Total Number of Citations Minors.....:	0
Total Number of Offenses	
CO - CURFEW VIOLATION - 1ST OFFENSE	30
Total Number of Citations by Sex	
Male	15
Female	11
Unknown	0
Total Number of Citations by Race	
ASIAN	4
CAUCASIAN	15
AFRICAN	4
HISPANIC	3

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, PROVIDING FOR CURFEW HOURS FOR MINORS IN THE CITY; MAKING FINDINGS; PROVIDING DEFINITIONS RELATIVE TO CURFEW HOURS FOR MINORS; REQUIRING THE CITY MANAGER TO MAKE PERIODIC REPORTS TO THE CITY COUNCIL CONCERNING THE EFFECTIVENESS AND NEED FOR THIS ORDINANCE; REQUIRING THE CITY COUNCIL TO PERIODICALLY REVIEW THE EFFECTS OF THIS ORDINANCE ON THE COMMUNITY AND THE PROBLEMS THIS ORDINANCE IS INTENDED TO REMEDY; PROVIDING THAT FAILURE BY THE CITY COUNCIL TO CONDUCT SUCH PERIODIC REVIEWS AND HEARINGS SHALL CAUSE THIS ORDINANCE TO EXPIRE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS DATE OF PUBLICATION.

WHEREAS, persons under the age of seventeen (17) years are particularly susceptible by their lack of maturity and experience to participate in unlawful activities and to be victims of older perpetrators of crime; and

WHEREAS, the City of Murphy, Texas, has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public and for the reduction of the incidence of juvenile criminal activities; and

WHEREAS, other local governments in Texas that have adopted juvenile curfew ordinances generally have experienced a decrease in juvenile violence, and crime by persons under the age of seventeen (17) years; and

WHEREAS, statistics from other municipalities that have adopted juvenile curfew ordinances reflect a decrease in violent offenses committed against juveniles during curfew hours; and

WHEREAS, the City Council of the City of Murphy, Texas, previously adopted juvenile curfew ordinances on July 21, 2003, June 19, 2006 and May 4, 2009; and

WHEREAS, section 370.002 of the Texas Local Government Code, as amended, provides that the City Council of the City of Murphy, Texas, before the third anniversary of the date of adoption of a juvenile curfew ordinance City Council is required to (1) review the ordinance's effect

on the community and on the problems the ordinance was intended to remedy; (2) conduct public hearings on the need to continue the juvenile curfew ordinance; and (3) abolish, continue, or modify the juvenile curfew ordinance; and

WHEREAS, the City Council of the City of Murphy, Texas, has conducted the review of the ordinance's effect, and has held the requisite public hearings on the juvenile curfew ordinance; and

WHEREAS, the City Council has determined that a curfew for those under the age of seventeen (17) years will be in the best interest of the public health, safety and general welfare and will help attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the City of Murphy.

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

Section 1. FINDINGS INCORPORATED

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

Section 2. That sections 46-61 to 46-67, Chapter 46, of the Code of Ordinances of the City of Murphy, Texas, as amended, are hereby amended to said Code and shall read as follows:

DIVISION 3. CURFEW

Sec. 46-61. DEFINITIONS.

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Curfew hours means:

- (1) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day;
- (2) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an

automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

Guardian means:

- (1) A person who, under court order is the guardian of the person of a minor; or
- (2) A public or private agency with whom a minor has been placed by a court.

Minor means any person under seventeen (17) years of age.

Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Parent means a person who is:

- (1) A natural parent, adoptive parent, or step-parent of another person; or
- (2) At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to streets, highways and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

Remain means to:

- (1) Linger or stay; or
- (2) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

Serious Bodily Injury means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Sec. 46-62. OFFENSES.

- (a) A minor commits an offense if he remains in any public place or on the premises of

any establishment within the city during curfew hours.

(b) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

(c) The owner, operator or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

Sec. 46-63. DEFENSES AGAINST CURFEW.

(a) It is a defense to prosecution under Section 46-62 that the minor was:

(1) Accompanied by the minor's parent or guardian;

(2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;

(3) In a motor vehicle involved in interstate travel;

(4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(5) Involved in an emergency;

(6) On the sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not complain to the police department about the minor's presence;

(7) Attending a recreational or social activity supervised by adults who take responsibility for the minors; and, sponsored by a school, the city, or a nonprofit organization that sponsors or provides recreational or social activities for minors; or, going to and returning home therefrom without any detour or stop;

(8) Attending a religious service, activity, or recreational or social activity sponsored or provided by a religious organization, or going to and returning therefrom without any detour or stop;

(9) Exercising First Amendment Rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(10) Married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code, as amended.

(b) It is a defense to prosecution under Section 46-62(c) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

Sec. 46-64. ENFORCEMENT OF CURFEW.

Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Section 46-63 is present.

Sec. 46-65. CITY MANAGER'S REPORT.

Before the third anniversary of the date of the adoption of this Section, the City Manager shall review this Section, report to the City Council, and make recommendations concerning the effectiveness of and need for this Section. The City Manager's report shall specifically include the following information:

- (1) The practicality of enforcing this Section and any problems with enforcement identified by the Police Department;
- (2) The impact of this Section on crime statistics, where available;
- (3) The number of persons successfully prosecuted for a violation of this Section; and
- (4) The City's cost of enforcing this Section.

Sec. 46-66. CITY COUNCIL REVIEW.

Before the third anniversary of the date of the adoption of this Section, and every third year thereafter, the City Council, pursuant to Section 370.002 of the Texas Local Government Code, as amended, shall:

- (1) review the Section's effects on the community and on the problems the Section was intended to remedy;
- (2) conduct public hearings on the need to continue the Section; and

- (3) abolish, continue or modify the Section.

Failure by the City Council to act in accordance with this Section shall cause this Section to expire.

Sec. 46-67. PENALTIES.

(a) A person who violates a provision of this division is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.00.

(b) When required by Section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates Section 46-62(a) and shall refer the minor to juvenile court.”

Section 3. SAVINGS CLAUSE

All rights and remedies of the City of Murphy, Texas, are expressly saved as to any and all violations of the provisions of the Ordinance or any other ordinance which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 4. CUMULATIVE CLAUSE

This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Murphy, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 5. 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 6. REPEALER CLAUSE

Any provision of any prior ordinance of the City whether codified or uncodified, 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 uncodified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 7. EFFECTIVE DATE

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

PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this the 1st day of May, 2012.

Bret M. Baldwin, Mayor
City of Murphy

ATTEST:

Aimee Nemer, City Secretary
City of Murphy

APPROVED AS TO FORM AND LEGALITY:

Wm. Andrew Messer, City Attorney

Issue

Consider and/or act upon approval of an ordinance amending Chapter 78, Traffic and Vehicles: relating to the operation of neighborhood electric vehicles in the City of Murphy.

Staff Resource/Department

GM Cox, Police Chief

Key Focus Area

TBD by City Council

Summary

A citizen inquiry led to a review of the current city ordinance as it related to the operation of neighborhood electric vehicles (NEV). Upon review, it was discovered that there appears to be a conflict in the way the ordinance is written. On the one hand it appears to allow the operation of motor assisted scooters, but not clear about the operation of neighborhood electric vehicles. As the ordinance reads right now, NEVs, golf carts and utility vehicles would be prohibited on all city streets and public property. The recommended changes to the ordinance to clarify that they are allowed, what locations are prohibited, defines the ages that can operate them, and operation during nighttime hours.

Background/History

State law provides that a municipality may adopt a law that allows the operation of these vehicles on certain streets or prohibit the operation of these types of vehicles if they declare the prohibition to be in the interest of safety (Subchapter D, Neighborhood Electric Vehicles, Sec. 551.303, Texas Transportation Code).

The recommended amendments will:

- 1) Allow for the operation of Neighborhood Electric Vehicles on streets, and only streets, with a speed limit of 25 mph or less;
- 2) Restrict the age of operators to licensed operators;
- 3) Allow nighttime operation if the vehicle is equipped with head- and taillights, brake lights, reflectors, mirrors and turn signals.

See the attached amendment to the Code of Ordinances for Motor Assisted Scooters and Neighborhood Electric Vehicles.

This ordinance change does not address gas operated vehicles, such as gas operated golf carts (or electrical ones, for that matter) or utility vehicles. Section 551.404 of the Texas Transportation Code does allow a municipality to adopt an ordinance allowing the operation of such vehicles on public roadways. If Council is interested in including golf carts and utility vehicles in the ordinance, an ordinance amendment alternative has been included for Council consideration and adoption. Adopting this ordinance amendment will legalize the operation of all aforementioned vehicles (motor assisted scooters, NEVs, golf carts and utility vehicles) on certain streets in Murphy.

Financial Considerations

There should little or no fiscal impact by the adoption of these recommended amendments.

Other Considerations

See State Law, Transportation Code, Chapter 501, Section 502.001, and Subchapter D, Sections 551.303 and 551.401(1) for further information.

Board Discussion/Action

N/A

Action Requested

Adopt either Amendment #1 if Council only wishes to allow the operation of NEVs (Motor assisted scooters are already allowed by ordinance) or Amendment #2 if Council wishes to address the operation of MAS, NEVs, golf carts and utility vehicles.

If Council does not wish to authorize NEVs, golf carts and utility vehicles, Council should take no action to amend our current ordinance.

Attachments

Ord. Version 1 - allowing motor assisted scooter and neighborhood electric vehicles

Ord. Version 2 - allowing motor assisted vehicles, neighborhood electric vehicles, golf carts, and utility vehicles

Texas Transportation Code, Chapter 502, Section 502.001 and Subchapter D

Texas Transportation Code, Chapter 551, Section 551.303

Transportation Code, Chapter 551, Section 551.401 (1)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AMENDING CHAPTER 78, ARTICLE VII. OF THE CODE OF ORDINANCES OF THE CITY OF MURPHY, TEXAS, BY AMENDING RESTRICTIONS ON THE USE AND OPERATION OF MOTOR-ASSISTED SCOOTERS AND NEIGHBORHOOD ELECTRIC VEHICLES IN THE CITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE/ REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS DATE OF PUBLICATION.

WHEREAS, the City Council has determined that restrictions on the use and operation of motor-assisted scooters and neighborhood electric vehicles on streets, highways, alleys, paths and trails within the City of Murphy are necessary in the interest of safety; and

WHEREAS, the City Council enacted Ordinance No. 04-05-611 on May 17, 2004, which was codified at Chapter 78, Article VII., in the Code of Ordinances of the City of Murphy, Texas; and

WHEREAS, the City Council desires to amend Chapter 78, Article VII., to clarify the restrictions on the use and operation of motor-assisted scooters and neighborhood electric vehicles in the City; and

WHEREAS, the City Council finds that this amendment is in the best interests of the City of Murphy and will promote the health, safety and welfare of the citizens of the City of Murphy and the general public.

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

Section 1. Findings Incorporated.

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

Section 2. Amendments to Chapter 78, Article VII. Regarding Restrictions on the Use and Operation of Motor-Assisted Scooters and Neighborhood Electric Vehicles

Chapter 78, Article VII., of the Code of Ordinances of the City of Murphy, Texas, is hereby amended as follows:

The title of Chapter 78, Article VII., shall be amended to read as follows: “Article VII. – Motor-assisted Scooters and Neighborhood Electric Vehicles”

Section 78-261 of the Code of Ordinances is hereby amended to add, replace, or delete definitions as follows:

Sec. 78-261. – Definitions.

Licensed driver means any individual who has in his possession a valid driver’s license issued by the State of Texas, or the state of the licensed driver’s residence, for the operation of a neighborhood electric vehicle on any public streets or public highways.

Motor-assisted scooter shall have the same meaning assigned by V.T.C.A., Transportation Code § 551.351, as it exists or may be amended, and includes a self-propelled device with at least two wheels in contact with the ground during operation; a braking system capable of stopping the device under typical operating conditions; a gas or electric motor 40 cubic centimeters or less; a deck designated to allow a person to stand or sit while operating the device; the ability to be propelled by human power alone and does not include a pocket bike or a minimotorbike.

Neighborhood electric vehicles shall have the same meaning assigned by V.T.C.A., Transportation Code § 551.301, as it exists or may be amended, and means a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with Federal Motor Vehicle Safety Standard 500 (49 C.F.R. Section 571.500). This standard requires ten specific items of safety equipment.

Public way or public property means real property owned, leased or controlled by a political subdivision of the state, a governmental entity or agency, or similar entity, or any property that is publicly owned or maintained or dedicated to public use, including, but not limited to, a path, trail, sidewalk and a public park facility.

Street means the public roadways of the City of Murphy by whatever name (*e.g.*, road, alley, avenue, highway, route, boulevard, etc., that: (a) provides for no more than two lanes of vehicular traffic per direction; and/or (b) is not designated as part of either the State or Federal Highway system.

Section 78-262 of the Code of Ordinances is hereby amended in its entirety to read as follows:

Sec. 78-262. – Use, restrictions and prohibitions for motor-assisted scooters and neighborhood electric vehicles; penalty for violation.

(a) Use of motor-assisted scooters; restrictions and prohibitions on use of motor-assisted scooters.

(1) An adult may operate or ride a motor-assisted scooter on streets in the city which have a posted speed limit of 25 miles per hour or less.

(2) It is unlawful for any person to operate or ride a motor-assisted scooter on any street with a posted speed limit of more than 25 miles per hour, except that an adult may operate or ride a motor-assisted scooter to cross one or more streets at intersections where such streets have a posted speed limit of more than 25 miles per hour.

(3) It is unlawful for an adult to operate or ride a motor-assisted scooter on any public way or public property within the city, except in designated areas.

(4) It is unlawful for a child of eight (8) years or older to operate or ride a motor-assisted scooter on any street, public way or public property within the city, except in designated areas.

(5) It is unlawful for a child under eight (8) years of age to operate or ride a motor-assisted scooter on any street, public way, including, any path or trail, public park or public property within the city.

(6) It is unlawful to operate or ride on a motor-assisted scooter on any street, public way or public property within the city, including within designated areas, other than during the hours between sunrise and sunset.

(7) It is unlawful for a parent to allow or permit a child to operate or ride a motor-assisted scooter on any street, public way or public property within the city, except within designated areas.

(8) It is presumed that a parent allowed a child to operate or ride a motor-assisted scooter in a restricted or prohibited area or during prohibited hours.

(9) It is a defense to prosecution that the motor-assisted scooter was not being operated upon a street, public way or public property within the city.

(b) Use of neighborhood electric vehicles; restrictions and prohibitions on use of neighborhood electric vehicles.

(1) An adult may operate or ride a neighborhood electric vehicle on streets in the city which have a posted speed limit of 25 miles per hour or less, if the following requirements are met:

(i) the neighborhood electric vehicle must be registered with the State of Texas and have a license plate;

(ii) the adult operating the neighborhood electric vehicle must be a licensed driver;

(iii) the neighborhood electric vehicle or the operator must be covered with the required liability insurance and/or otherwise comply with the V.T.C.A., Transportation Code, chapter 601, *et seq.*; and

(iv) the neighborhood electric vehicle must be equipped with the following equipment: operational headlamps, operational tail lamps, reflectors, operational parking brakes, rearview mirror(s), slow moving vehicle emblem and any other equipment required by State law.

(2) It is unlawful for any person to operate or ride a neighborhood electric vehicle on any street with a posted speed limit of more than 25 miles per hour, except that an adult may operate or ride a neighborhood electric vehicle to cross a street at an intersection where the street has a posted speed limit of more than 25 miles per hour.

(3) It is unlawful for any person to operate or ride a neighborhood electric vehicle on any public way or public property within the city.

(4) It is unlawful for a child to operate or ride a neighborhood electric vehicle on any street, public way or public property within the city.

(5) It is unlawful for a parent to allow or permit a child to operate or ride a neighborhood electric vehicle on any street, public way or public property within the city.

(6) It is presumed that a parent allowed a child to operate or ride a neighborhood electric scooter in a restricted or prohibited area.

(7) It is a defense to prosecution that the neighborhood electric vehicle was not being operated upon a street, public way or public property within the city.

(c) Penalty.

(1) A person who violates any provision of subsection (a) or (b) of this section shall be guilty of a class C misdemeanor and upon conviction shall be fined in an amount not exceeding \$50.00 upon the first conviction and an amount not exceeding \$100.00 upon the second and each subsequent conviction.

(2) The purpose of this section is to promote safety and discourage the use of motor-assisted scooters or neighborhood electric vehicles in unsafe areas. The courts may consider deferred dispositions under the Texas Code of Criminal Procedure, as amended, whenever the circumstances warrant deferred dispositions.

Section 78-263(a)(4) of the Code of Ordinances is hereby amended to read as follows:

(4) It is a defense to prosecution that the motor assisted scooter was not being operated upon a street, public way or public property.

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. Cumulative/Repealer Clause.

This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Murphy, Texas, whether codified or uncodified, except where the provisions of this

ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict..

Section 5. Penalty Clause.

Any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to a fine in the amount provided in Section 78-262(c).

Section 6. Savings Clause.

All rights and remedies of the City of Murphy, Texas, are expressly saved as to any and all violations of the provisions of this ordinance or any other ordinance which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 7. Effective Date.

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

DULY PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this the _____ day of _____, 2012.

Bret M. Baldwin, Mayor
City of Murphy

ATTEST:

Aimee Nemer, City Secretary
City of Murphy

APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AMENDING CHAPTER 78, ARTICLE VII. OF THE CODE OF ORDINANCES OF THE CITY OF MURPHY, TEXAS, BY AMENDING RESTRICTIONS ON THE USE AND OPERATION OF MOTOR-ASSISTED SCOOTERS, NEIGHBORHOOD ELECTRIC VEHICLES, GOLF CARTS AND UTILITY VEHICLES IN THE CITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE/ REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS DATE OF PUBLICATION.

WHEREAS, the City Council has determined that restrictions on the use and operation of motor-assisted scooters, neighborhood electric vehicles, golf carts and utility vehicles on streets, highways, alleys, public ways, including paths and trails, public park, public property or sidewalk within the City of Murphy are necessary in the interest of safety; and

WHEREAS, the City Council enacted Ordinance No. 04-05-611 on May 17, 2004, which was codified at Chapter 78, Article VII., in the Code of Ordinances of the City of Murphy, Texas; and

WHEREAS, the City Council desires to amend Chapter 78, Article VII., to clarify the restrictions on the use and operation of motor-assisted scooters, neighborhood electric vehicles, golf carts and utility vehicles in the City; and

WHEREAS, the City Council finds that this amendment is in the best interests of the City of Murphy and will promote the health, safety and welfare of the citizens of the City of Murphy and the general public.

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

Section 1. Findings Incorporated.

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

Section 2. Amendments to Chapter 78, Article VII. Regarding Restrictions on the Use and Operation of Motor-Assisted Scooters and Neighborhood Electric Vehicles

Chapter 78, Article VII., of the Code of Ordinances of the City of Murphy, Texas, is hereby amended as follows:

The title of Chapter 78, Article VII., shall be amended to read as follows: “Article VII. – Motor-assisted Scooters, Neighborhood Electric Vehicles, Golf Carts and Utility Vehicles”

Section 78-261 of the Code of Ordinances is hereby amended to add, replace, or delete definitions as follows:

Sec. 78-261. – Definitions.

Golf cart shall have the meaning assigned by V.T.C.A. Transportation Code §§ 551.401 and 502.001, as it exists or may be amended, and means a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course.

Licensed driver means any individual who has in his possession a valid driver's license issued by the State of Texas, or the state of the licensed driver's residence, for the operation of a neighborhood electric vehicle or motor vehicle on any public streets or public highways.

Motor-assisted scooter shall have the same meaning assigned by V.T.C.A., Transportation Code § 551.351, as it exists or may be amended, and includes a self-propelled device with at least two wheels in contact with the ground during operation; a braking system capable of stopping the device under typical operating conditions; a gas or electric motor 40 cubic centimeters or less; a deck designated to allow a person to stand or sit while operating the device; the ability to be propelled by human power alone and does not include a pocket bike or a minimotorbike.

Neighborhood electric vehicles shall have the same meaning assigned by V.T.C.A., Transportation Code § 551.301, as it exists or may be amended, and means a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with Federal Motor Vehicle Safety Standard 500 (49 C.F.R. Section 571.500). This standard requires ten specific items of safety equipment.

Public way or public property means real property owned, leased or controlled by a political subdivision of the state, a governmental entity or agency, or similar entity, or any property that is publicly owned or maintained or dedicated to public use, including, but not limited to, a path, trail, sidewalk and a public park facility.

Street means the public roadways of the City of Murphy by whatever name (*e.g.*, road, alley, avenue, highway, route, boulevard, etc., that: (a) provides for no more than two lanes of vehicular traffic per direction; and/or (b) is not designated as part of either the State or Federal Highway system.

Utility vehicle shall have the meaning assigned by V.T.C.A. Transportation Code §551.401, as it exists or may be amended, and means a motor vehicle that is not a golf cart or lawn mower and is:

- (1) equipped with side-by-side seating for the use of the operator and passenger;
- (2) designed to propel itself with at least four tires in contact with the ground;
- (3) designed by the manufacturer for off-highway use only; and
- (4) designed by the manufacturer primarily for utility work and not for recreational purposes.

Section 78-262 of the Code of Ordinances is hereby amended in its entirety to read as follows:

Sec. 78-262. – Use, restrictions and prohibitions for motor-assisted scooters, neighborhood electric vehicles, golf carts and utility vehicles; penalty for violation.

- (a) Use of motor-assisted scooters; restrictions and prohibitions on use of motor-assisted scooters.

(1) An adult may operate or ride a motor-assisted scooter on streets in the city which have a posted speed limit of 25 miles per hour or less.

(2) It is unlawful for any person to operate or ride a motor-assisted scooter on any street with a posted speed limit of more than 25 miles per hour, except that an adult may operate or ride a motor-assisted scooter to cross one or more streets at intersections where such streets have a posted speed limit of more than 25 miles per hour.

(3) It is unlawful for an adult to operate or ride a motor-assisted scooter on any public way or public property within the city, except in designated areas.

(4) It is unlawful for a child of eight (8) years or older to operate or ride a motor-assisted scooter on any street, public way or public property within the city, except in designated areas.

(5) It is unlawful for a child under eight (8) years of age to operate or ride a motor-assisted scooter on any street, public way or public property within the city.

(6) It is unlawful for any person to operate or ride on a motor-assisted scooter on any street, public way or public property within the city, including within designated areas, other than during the hours between sunrise and sunset.

(7) It is unlawful for a parent to allow or permit a child to operate or ride a motor-assisted scooter on any street, public way or public property within the city, except within designated areas.

(8) It is presumed that a parent allowed a child to operate or ride a motor-assisted scooter in a restricted or prohibited area or during prohibited hours.

(9) It is a defense to prosecution that the motor-assisted scooter was not being operated upon a street, public way or public property within the city.

(b) Use of neighborhood electric vehicles; restrictions and prohibitions on use of neighborhood electric vehicles.

(1) An adult may operate or ride a neighborhood electric vehicle on streets in the city which have a posted speed limit of 25 miles per hour or less, if the following requirements are met:

(i) the neighborhood electric vehicle must be registered with the State of Texas and have a license plate;

(ii) the adult operating the neighborhood electric vehicle must be a licensed driver;

(iii) The neighborhood electric vehicle or the operator must be covered with the required liability insurance and/or otherwise comply with the V.T.C.A, Transportation Code, chapter 601, *et seq.*; and

(iv) the neighborhood electric vehicle must be equipped with the following equipment: operational headlamps, operational tail lamps, reflectors, operational parking brakes, rearview mirror(s), slow moving vehicle emblem and any other equipment prescribed by State law.

(2) It is unlawful for any person to operate or ride a neighborhood electric vehicle on any street with a posted speed limit of more than 25 miles per hour, except that an adult may operate or ride a neighborhood electric vehicle to cross a street at an intersection where the street has a posted speed limit of more than 25 miles per hour.

(3) It is unlawful for any person to operate or ride a neighborhood electric vehicle on any public way or public property within the city.

(4) It is unlawful for a child to operate or ride a neighborhood electric vehicle on any street, public way or public property within the city.

(5) It is unlawful for a parent to allow or permit a child to operate or ride a neighborhood electric vehicle on any street, public way or public property within the city.

(6) It is presumed that a parent allowed a child to operate or ride a neighborhood electric vehicle in a restricted or prohibited area.

(7) It is a defense to prosecution that the neighborhood electric vehicle was not being operated upon a street, public way or public property within the city.

(c) Use of golf carts and utility vehicles; restrictions and prohibitions on use of golf carts and utility vehicles.

(1) A person may operate or drive a golf cart or utility vehicle on streets in the city which have a posted speed limit of 25 miles per hour or less, if the following requirements are met:

(i) the minimum age of the person operating or driving a golf cart or utility vehicle unaccompanied by an adult shall be 12 years of age. A person operating or driving a golf cart or utility vehicle who is under the age of 12 must be accompanied by an adult of at least 21 years of age who is a licensed driver. The legal parent or guardian of a minor shall have the overruling authority regarding providing permission to allow the operation or driving of a golf cart or utility vehicle by a driver under the age of 16 but being at least 12 years of age who is not a licensed driver; and

(ii) the golf cart or utility vehicle must be equipped with the following equipment: operational headlamps, operational tail lamps, reflectors, operational parking brakes and rearview mirror(s).

(2) It is unlawful for any person to operate or drive a golf cart or utility vehicle on any street with a posted speed limit of more than 25 miles per hour, except that the person operating or driving the golf cart or utility vehicle may cross a street at an intersection where the street has a posted speed limit of more than 25 miles per hour.

(3) It is unlawful for any person to operate or drive a golf cart or utility vehicle on any public way or public property within the city.

(4) It is unlawful for a parent to allow or permit a child under the age of 12 to operate or drive a golf cart or utility vehicle on any street, unaccompanied by an adult of at least 21 years of age who is a licensed driver.

(5) It is unlawful for a parent to allow or permit a child to operate or drive a golf cart or utility vehicle on any public way or public property within the city.

(6) It is presumed that a parent allowed a child to operate or drive a golf cart or utility vehicle under prohibited circumstances or in a restricted or prohibited area.

(d) Penalty.

(1) A person who violates any provision of subsection (a) or (b) of this section shall be guilty of a class C misdemeanor and upon conviction shall be fined in an amount not exceeding \$50.00 upon the first conviction and an amount not exceeding \$100.00 upon the second and each subsequent conviction.

(2) The purpose of this section is to promote safety and discourage the use of motor-assisted scooters, neighborhood electric vehicles, golf carts and utility vehicles in unsafe areas. The courts may consider deferred dispositions under the Texas Code of Criminal Procedure, as amended, whenever the circumstances warrant deferred dispositions.

Section 78-263(a)(4) of the Code of Ordinances is hereby amended to read as follows:

(4) It is a defense to prosecution that the motor assisted scooter was not being operated upon a street, public way or public property.

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. Cumulative/Repealer Clause.

This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Murphy, Texas, whether codified or uncoded, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict..

Section 5. Penalty Clause.

Any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to a fine in the amount provided in Section 78-262(d).

Section 6. Savings Clause.

All rights and remedies of the City of Murphy, Texas, are expressly saved as to any and all violations of the provisions of this ordinance or any other ordinance which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 7. Effective Date.

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

DULY PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this the _____ day of _____, 2012.

Bret M. Baldwin, Mayor
City of Murphy

ATTEST:

Aimee Nemer, City Secretary
City of Murphy

APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney
City of Murphy

Issue

Consider and/or act upon Planned Development District 09-02-784, Murphy Marketplace, Planned Development District Conditions.

Staff Resource/Department

James Fisher, City Manager; Kristen Roberts, Director of Economic and Community Development

Summary

The Planned Development District governing Murphy Marketplace has not been reviewed and/or updated in approximately three years. It was also recently brought to City Staff and City Council's attention that one of the largest remaining lots in Murphy Marketplace is being marketed as a medical office park. Medical (clinic) office is a permitted use in the current PD; however, this is not in line with the City Council's economic development objectives for the City of Murphy or Murphy Marketplace.

Background

On November 4, 2006 the City Council adopted Ordinance No. 06-11-707 creating a Planned Development District for Retail Uses with conditions, also known as Murphy Marketplace, Phase 1. The Planned Development District was subsequently amended on October 20, 2008 (Ordinance No. 08-10-766). As part of that approval, the City Council directed staff to initiate public hearings to consider the appropriate zoning on all three phases of Murphy Marketplace (Phase 1 – anchored by Lowe's and Sprout's; Phase 2 – anchored by Whataburger; and Phase 3 – anchored by Racetrac). At that time, there were two, but similar, Planned Development Districts for Phase 1 and Phase 2 with Phase 3 being zoned in a Planned Development District for Retail Uses approved in 1999. Concerns arose about three different Planned Development Districts being in place, and that inconsistent development standards could lead to a non-uniform development for the remaining undeveloped property.

While there were subtle differences between the Planned Development Districts governing Murphy Marketplace, Phase 1 and Phase 2, the Planned Development District governing Phase 3 (Racetrac) was adopted in 1999 with development standards that were not equal to the development standards contained in the Planned Development Districts for Phase 1 and Phase 2. On February 16, 2009, City Council approved combining all three (3) Planned Development Districts into one **(1) Planned Development District (09-02-784)**.

Financial Considerations

N/A

Action Requested

Discuss Planned Development District 09-02-784, Murphy Marketplace, Planned Development District Conditions

Attachments

Ordinance No. 09-02-784 -PD Murphy Marketplace

ORDINANCE 09-02-784

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE AND MAP, CHAPTER 86 OF THE CITY OF MURPHY CODE OF ORDINANCES BY AMENDING AN EXISTING PLANNED DEVELOPMENT DISTRICT FOR RETAIL USES ON APPROXIMATELY 74.33 ACRES OUT OF THE JAMES MAXWELL SURVEY, ABSTRACT NO. 582, LOCATED IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE FOR ALL PURPOSES, APPROVING PLANNED DEVELOPMENT STANDARDS HERETO AS EXHIBIT "B"; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A PENALTY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Murphy and the City Council of the City of Murphy, in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of Murphy is of the opinion and finds that said changes should be granted and that the Comprehensive Zoning Ordinance should be amended;

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

Section 1. That the Comprehensive Zoning Ordinance and Map of the City of Murphy, Texas, be, and the same are hereby, amended so as to amend a Planned Development District for Retail Uses for the property described as 74.33 acres, more or less, in the James Maxwell Survey, Abstract No. 582, in the City of Murphy, Collin County, Texas, and more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes.

Section 2. That the development standards for this Planned Development District are attached hereto as Exhibit "B", and the same are hereby approved for said Planned Development District as required by Section 86-603, of the City of Murphy, Texas Code of Ordinances.

Section 3. That Chapter 86 of the City of Murphy Code of Ordinances, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 4. If any word, section, article, phrase, paragraph, sentence, clause or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect, for any reason, the validity of the remaining portions of the Comprehensive Zoning Ordinance, Chapter 86 of the City of Murphy Code of Ordinances, and the remaining portions shall remain in full force and effect.

Section 5. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, in the municipal court of the City of Murphy, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

Section 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

PASSED, APPROVED AND ADOPTED this the 16th day of February 2009.

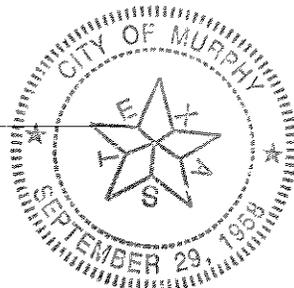


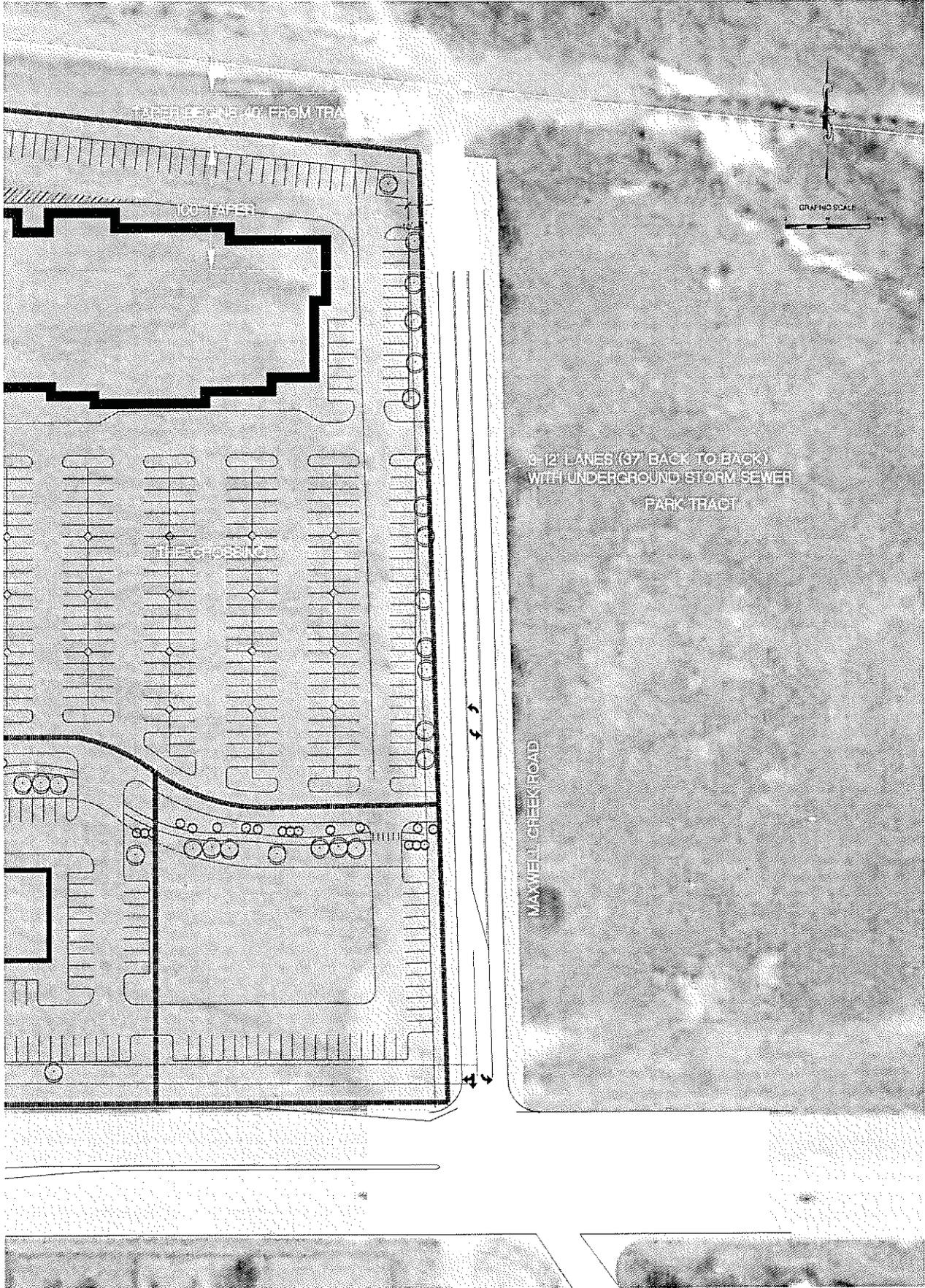
Bret M. Baldwin, Mayor
City of Murphy

ATTEST:



Aimee Nemer, City Secretary
City of Murphy





PROJECT NO.	2008-028
DATE	02/20/08
SCALE	AS SHOWN
PROJECT NAME	MAXWELL CREEK ROAD
CLIENT	MAXWELL CREEK ROAD
DESIGNED BY	C.S. ADAMS
CHECKED BY	C.S. ADAMS
DATE	02/20/08

MAXWELL CREEK ROAD
EXHIBIT



Adams
ENGINEERING

700 E. Inver Ar, Box 306, Garland, Texas 75040 (972) 266-6066

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REVISIONS	DATE	BY

EXHIBIT B

ZONING FILE NO. 2009-01

FM 544

Between North Murphy Road (FM 2551) and Maxwell Creek

PLANNED DEVELOPMENT CONDITIONS

- I. **Statement of Intent:** The intent of this Planned Development District is to provide high quality mixed-use, primarily retail, development that is consistent with the Comprehensive Plan and that is beneficial and complementary to the City of Murphy in terms of visual identity.
- II. **Statement of Purpose:** The purpose of this Planned Development District is to ensure that any development that occurs within the area designated by this Planned Development encourage a mixed-use application including, but not limited to the following.
 - Restaurants;
 - Upscale retail shops and boutiques;
- III. **Statement of Effect:** This Planned Development shall not affect any regulation found in the City of Murphy Code of Ordinances, Ordinance No. 06-12-708, as amended, except as specifically provided herein.
- IV. **General Regulations:** The following regulations of the Code of Ordinances shall be included by reference and shall apply for each of the specified areas of the concept plan listed below, except as otherwise specified by this ordinance.
 - A. Article III, Division 12 – Office (O)
 - B. Article III, Division 14 – Retail (R)
- V. **Development Plans:**
 - A. Concept Plan: Development shall be in general conformance with the approved concept plan set forth in Exhibit C; however, in the event of conflict between the concept plan and the conditions, the conditions shall prevail. A concept plan shall be required and approved in accordance with Article II, Division 5 of the Code of Ordinances (public hearing) for any area not governed by an approved concept plan.
 - B. Landscape Plan: Development shall be in general conformance with the approved landscape plan set forth in Exhibit D; however, in the event of conflict between the landscape plan and the conditions, the conditions shall prevail.
 - C. Exterior Elevation Plan: Development shall be in general conformance with the approved exterior elevations as set forth in Exhibit E; however, in the event of conflict between the exterior elevations and the conditions, the conditions shall prevail.
 - D. Signage Plan: Development shall be in general conformance with the approved signage plan as set forth in Exhibit F; however, in the event of conflict between the signage plan and the conditions, the conditions shall prevail.

EXHIBIT B

- E. Amenities: Development shall be in general conformance with the approved amenities plan as set forth in Exhibit G; however, in the event of conflict between the amenities plan and the conditions; the conditions shall prevail.
- F. Maxwell Creek Road Exhibit: Maxwell Creek Road shall be upgraded in general conformance with the exhibit as set forth in Exhibit H and in accordance with the City of Murphy construction requirements. However, in the event of conflict between the exhibits, the conditions, and/or the generally accepted construction standards, the standards and conditions (in this order) shall prevail.
- G. Concept Plan, Landscape Plan, Exterior Elevation Plan, Amenities Plan and Signage Plan approval shall be for a period of one year from the date of City Council action on the plan. If within that one-year period a site plan has been submitted for a portion of the development, then the Concept Plan shall be deemed to have no expiration date. Site plans shall be valid for a period of one year from the date of City Council action on the plan.
- H. Site Plan – A Site Plan shall be submitted in accordance with the requirements set forth in Article 11, Division 7 of the Code of Ordinances. The Site Plan may be for all or any part of the land within the Planned Development District.

VI. Specific Regulations:

- A. Permitted Uses. The following uses shall be permitted.
 - 1. Amusement Services (Indoor)
 - 2. Antique Shop (household items only)
 - 3. Art Dealer/Gallery
 - 4. Artist Studio
 - 5. Automobile Driving School (SUP)
 - 6. Bakery (Retail)
 - 7. Bank/Credit Union (limited to one)
 - 8. Barber/Beauty Shop
 - 9. Barber/Beauty Shop College (SUP)
 - 10. Bed and Breakfast Inn
 - 11. Book Store
 - 12. Cafeteria
 - 13. Church/Place of Worship
 - 14. Civic Club
 - 15. Clinic (Medical)
 - 16. Community Center (Municipal)
 - 17. Computer Sales
 - 18. Confectionary Store (Retail)
 - 19. Department Store
 - 20. Dinner Theater
 - 21. Electronics - Retail
 - 22. Extended Stay Hotels/Motels
 - 23. Financial Services (Advice/Invest)
 - 24. Florist
 - 25. Furniture Sales (Indoor)
 - 26. Governmental Building (Municipal, State or Federal)

EXHIBIT B

27. Hardware Store
28. Health Club (Indoors)
29. Hotel/Motel
30. Insurance Agency Offices
31. Laundry/Dry Cleaning (Drop Off/Pickup Only)
32. Library (Public)
33. Motion Picture Theater
34. Museum (Indoor)
35. Needlework Shop
36. Non-Profit Activities by Church
37. Offices (as allowed in Office zoning districts)
38. Park and/or Playground (Public)
39. Pet Shop/Supplies
40. Pharmacy (SUP)
41. Photo Studio
42. Photocopying/Duplicating
43. Public Garage/Parking Structure
44. Real Estate Offices
45. Restaurant
46. Restaurant (Drive-In) (SUP)
47. Retail Store
48. Retail Store (Drive-In) (SUP)
49. Savings and Loan (in-line only)
50. School, K through 12 (Public)
51. School, Vocational (SUP)
52. Shoe Repair
53. Skating Rink (Ice) (SUP)
54. Tailor Shop
55. Theater (Live Drama)
56. Travel Agency

B. Area and Yard Regulations:

1. Setbacks From Property Lines Adjacent To Streets:
 - a. Building Setbacks - No building of any kind and no part thereof shall be placed within the following setback lines:
 - i. Minimum 50 feet from FM 544.
 - ii. Minimum 50 feet from North Maxwell Creek Road right-of-way.
 - b. Landscape Setbacks
 - i. Minimum 15 feet from FM 544.
 - ii. Minimum 15 feet from Maxwell Creek Road right-of-way.
2. Setbacks From Property Lines Not Adjacent To Streets:
 - a. Building Setbacks – No building of any kind and no part thereof shall be placed within the following setback lines:

- i. Minimum 15 feet from rear and side lines of the overall 13.8-acre tract or 0 feet with landscaping, except where buildings on adjacent lots abut each other. In the case of abutting buildings, the building setback shall be 0 feet.
 - ii. Minimum 50 feet abutting residential districts for single story buildings not exceeding an average of 35 feet in height. However, any proposed theaters shall have an average maximum height of 45 feet. All pad sites along FM 544 shall have a maximum average height of 25 feet.
 - iii. Maximum 50 feet along the DART right-of-way along the north side of the property.
 3. There is no maximum building size as long as fire standards and other site requirements, such as parking and landscaping, etc. are met.
- C. Parking, Driveways & Sidewalks:
 1. Parking areas shall not be permitted within any landscape buffer strip.
 2. Parking shall not be permitted in front of the building except that parking may be provided in front of the building at a ratio not greater than 15 percent. Retail and restaurant uses are exempt from this requirement.
 3. Fire lanes, driveway, loading areas and access easements shall be paved in accordance with the minimum design standards of the City of Murphy codes and ordinances.
 4. The number of required parking spaces shall be dependent upon the use and shall meet the requirements of the City of Murphy Code of Ordinances. All pads (in-line or stand-alone with a footprint larger than 19,000 square feet shall be considered commercial in zoning and provide parking at a rate of 1 space for every 250 square feet. All pads smaller than 19,000 square feet shall be considered retail or restaurant and shall park according to the Code of Ordinances. Parking for any proposed theater shall be provided at a ratio of 1 space for every 5 seats.
 5. No required parking space may be occupied by signs, cart corrals, merchandise, or display items at any time.
 6. Sidewalks along FM 544 and North Maxwell Creek Road shall be a minimum of 8 feet in width.
- D. Loading and Unloading
 1. Truck loading berths and apron space shall not be located on the street side of any building, however, and exceptions can be addressed during site plan approval. In those instances where 3 or more sides of the building face dedicated streets, the loading berth shall be screened from view.
 2. Truck loading berths and apron space shall not be located within any required setback or landscape buffer strip.

- E. Minimum Exterior Construction Standards, Building Materials and Design – Exterior Construction and Design Requirements shall be architecturally compatible with the approved elevation plans for Murphy Marketplace as shown in Exhibit E, except as provided below.
1. Color schemes shall reflect a certain quality and expression consistent with the architectural character and design of the structure. Accent colors may be used to identify architectural features or highlight details. The use of primary or garish colors shall not be predominately used on the exterior facade of any structure.
 2. Stand fans, skylights, cooling towers, communication towers, satellite dishes, vents, and any other structures or equipment, whether located on the roof or elsewhere, shall be architecturally compatible or effectively shielded from view from any public or private dedicated street by an architecturally sound method.
 3. Each commercial building, complex of buildings, or separate commercial business enterprises shall have a trash bin on the premises adequate to handle the trash and waste items generated, manufactured, or acquired thereon by such commercial activities. The sorting, handling, moving, storing, removing and disposing of all waste materials must be housed or screened from view.
 4. Building roofs shall be so designed and constructed to prevent water ponding and to shed water in a reasonable amount of time. Built-up roofs and roof-top items which include equipment, piping, flashing, and other items shall be maintained for continuity of the roof appearance.
 5. Roof top equipment, piping, flashing, and other items on the roof shall be screened by a perimeter parapet wall so as not to be visible from roadways.
 6. In all cases, mechanical equipment on roofs and outcroppings should be clad by a like building material or painted with a color scheme similar to the principal structure walls or roof.
- F. Landscape Standards. Landscaping shall be compatible with the approved landscape plan as shown in Exhibit D and comply with the standards set forth in Article VII, Division 3 of the Code of Ordinances, except as provided below.
1. All landscaping shall use a unified design for the entire Tract. Landscaping shall be required on all developments within the Planned Development District and shall be complete prior to the issuance of any certificate of occupancy or final building inspection for the development. An automatic underground irrigation system shall be installed and maintained for all required landscaping and shall be in place and operable at time of planting.
 2. A landscape buffer shall be provided fifteen (15) feet in depth adjacent to the right-of-way of FM 544, fifteen (15) in depth adjacent to North Maxwell Creek Road and ten (10) feet in depth adjacent to all other roads (includes public streets and private access drives) as measured from the

back of curb of the public or private street to the back of curb of any site paving. No parking may be placed within any landscape buffer. Pedestrian easements may be located within a landscape buffer. The width of the sidewalk may be included in the calculation of the buffer depth for fifteen (15) foot buffers, but may not be included in the calculation of the buffer depth for ten (10) foot buffers.

3. A landscape buffer shall be provided for an average of fifteen (15) feet in depth adjacent to the Southern Pacific/DART Railroad right-of-way.
4. Parking Lots:
 - a. A minimum percentage of the parking area shall be landscaped according to the following requirements. Such landscaping shall be distributed within the parking area, occurring within medians, islands, or peninsulas. All such landscape areas shall be protected by concrete curbing or other acceptable devices which prohibit vehicular access to landscaped areas. Bumper overhang shall not be included as part of required landscaping. A permeable area no less than four (4) feet by four (4) feet shall be provided surrounding each tree located in a surface parking area.
 1. A total of five (5) percent of the interior of the entire parking lot regardless of location, shall be landscaped. One large tree or three (3) ornamental trees from the Plant List, shall be provided for each twelve (12) parking spaces, and planted within the five (5) percent area. Trees shall be distributed so that bays of parking spaces shall not exceed eighteen (18) spaces in length.

G. Screening. Screening shall comply with the standards set forth in Article VII, Division 5 of the Code of Ordinances, except as provided below.

1. All screening at the rear of the property will be a live screen where required. Plant materials shall conform to the standards of the approved plant list in Section 50 and the current edition of the "American Standard for Nursery Stock" (as amended), published by the American Association of Nurserymen. Bald Cypress trees are excluded from the approved list. The existing railroad berm will also serve as a natural screen between the nonresidential and residential districts.
2. All truck docks/loading areas for anchor stores with a footprint greater than 100,000 square feet shall be screened from view through the use of 12-foot all masonry walls (which are the same colors and materials as main building). All other screening of the rear of the site shall be living screens (eight foot height and at least 75 percent capacity within four years of planting unless such areas are screened from public views by a building).
3. Outside seasonal displays shall be permitted with the Planned Development District.

H. Site Lighting. Lighting shall comply with the standards set forth in Article VII, Division 9 of the Code of Ordinances, except as provided below.

EXHIBIT B

1. Lighting should be provided for vehicular, pedestrian, signage, architectural and site features.
 2. Site lighting fixtures used along entrance driveways and parking areas shall be uniform and a consistent design within the development. Lighting standards for illuminating these areas shall be no taller than 40 feet high. However, the height of all light standards shall be subject to review of the lighting plan during the Site Plan review.
 3. The pattern of light pooling from each fixture shall be carefully considered to provide smooth, even lighting of driveways and parking, while eliminating light intrusion into adjacent property outside of the planned development district. Parking areas shall have a minimum of 3-foot candles initial and a minimum average of 2-foot candle on a maintained basis. Light sources shall be metal halide, mercury vapor or of similar color. Yellow/orange source lights are prohibited from use. Incandescent source lighting should be considered for pedestrian areas and near buildings.
 4. Pedestrian walkways, courts, gardens and entrance areas shall be illuminated to enhance the pedestrian qualities of the development. Low level fixtures should complement the architectural design and focus on quality landscape lighting that will enhance the development.
 5. General illumination shall commence one half hour before sunset and last until the Building Site is closed for the evening. Parking structures and pedestrian walkways shall be illuminated during all hours of darkness and when poor weather conditions warrant.
- I. Signage and Graphics: On-site signage will be in accordance with the Signage Criteria package provided and included as Exhibit F. Signage shall comply with the standards set forth in Article VII, Division 11 of the Code of Ordinances, except as provided below or within the Signage Criteria package (Exhibit F).
1. General
 - a. Monument signs - One (1) monument sign shall be allowed on each lot and shall be limited to a maximum area of 50 square feet.
 2. Anchor Signs
 - a. Anchor signs will only be allowed for tenants with a total building footprint of 10,000 square feet or above.
 - b. Anchor signs shall be internally illuminated aluminum channel letters with 1/8" Plexiglass front. The maximum letter height shall be 5'6".
 - c. All anchor signs shall be illuminated until 10:00 pm regardless of store hours.
 - d. Ancillary signs shall not exceed the size of the primary signs. The length of the sign shall not exceed 80% of the tenant width or the width of the architectural element.
 3. Retail Signage

EXHIBIT B

- a. Retail signage requirements will apply to tenants with a total building footprint of 9,999 square feet or less.
 - b. Retail signs shall be individually backlit aluminum channel letters over 1/8" aluminum "outline" panel to be offset 2".
 - c. Typefaces, logos, and colors are subject to the landlord's approval and subject to the City of Murphy requirements.
 - d. The length of the retail sign shall not exceed 80% of the tenant width or the width of the architectural element.
 - e. The letter height shall range between a minimum of 1' to a maximum of 2'-6".
 - f. For corner tenants and freestanding buildings, secondary signage shall not exceed the size of the primary signage.
4. Monument Signs
- a. Multi-tenant monument signs shall identify multiple tenants or uses within a given area. Single-tenant monument signs shall identify a single tenant and one shall be allowed on each lot. Locations of the monuments signs are as shown within the Signage Criteria package.
 - b. Multi-tenant monument signs shall be a maximum of 10 feet tall. Single-tenant monument signs shall be a maximum of 7 feet tall.
 - c. All monument signs shall be double-sided, internally illuminated Plexiglas sign panels contained within a masonry structure. Monument signage may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit. Light fixtures should be screened from view in front of the sign.
 - d. Monument signs shall be located at a set back distance of not less than eight (8) feet from the right-of-way line of any adjacent street and incorporated within the landscaping area or buffer.
 - e. Multi-tenant monument signs: The maximum structure area for the multi-tenant monument sign shall be 184 square feet. The maximum signage area will be 94 square feet. Signage shall be similar to detail shown within the Signage Criteria package.
 - f. Single-tenant monument signs: The maximum structure area for the single-tenant monument sign shall be 80 square feet. The maximum signage area will be 25 square feet. Signage shall be similar to detail shown within the Signage Criteria package.
 - g. Construction of monument signs shall include a base of material compatible with the material used for buildings.
5. Temporary Marketing Signage
- a. One (1) quality temporary marketing signs shall be permitted on the development on FM 544. These signs shall be allowed for a term of twelve (12) months from the date of installation. Temporary marketing

signs may be permitted for a longer period of time upon approval by the City.

- b. The maximum signage area will be 64 square feet. The maximum height shall be 8 feet. Signage shall be similar to detail shown within the Signage Criteria package.
- c. All other temporary signage not specifically referred to in the Signage Criteria package or in this section shall comply with the City of Murphy standards.
- d. Construction of temporary signs are not required to be constructed of the material used for buildings.

J. Open Space

1. Development within the 13.8 acre tract should make a positive impact to the City by providing defined public spaces and activity centers so that varied activities are encouraged within these areas. This can be accomplished through the incorporation of open spaces that become public amenities and that provide interest within the Tract at the pedestrian level.
2. Outdoor Seating. Any establishment serving food for consumption on-premises is encouraged to provide an outdoor seating area and shall be approved with the site plan. The outdoor seating area may be included as a portion of the 5% open space requirement as stated in (b.) below.
3. An additional 5% of open space is required in addition to the landscape, setback, and parking lot island requirements. The additional 5% may be located adjacent to the required setbacks or landscaping at the ROW and property lines or in front or in some cases to the side of the structure. The additional open space percentage may not include the building footprint or vehicular parking lot. This area and associated amenities shall be approved on the site plan. At least one of the following amenities shall be located within the additional 5% open space area and count towards the required percentage.
 - a. Water feature, such as a fountain or detention pond with constant water level.
 - b. Plaza or courtyard with art sculpture piece.
 - c. Outdoor patio or gazebo with seating area.
 - d. Other areas for pedestrian congregation, as may be approved on the site plan.
4. Outside seasonal displays shall be permitted with the Planned Development District.

VII. **Special Regulations:**

Maxwell Creek Road: As a part of this development, the existing asphalt Maxwell Creek Road shall be upgraded to a concrete curb and gutter street. Public right-of-way

with a width of 60 feet shall be dedicated by plat and centered on the existing roadbed in accordance to the City of Murphy Thoroughfare Plan. As shown in Exhibit H, Maxwell Creek Road will be widened to a three-lane undivided roadway with the middle lane serving as a turn lane. The proposed roadway will then taper from three lanes to two lanes prior to the existing railroad tracks along the north side of the site. The developer is only responsible for half of the roadway construction costs; however, it is understood that the cost of the eastern half of the roadway would overburden the property east of Maxwell Creek Road. Therefore, roadway construction costs will be shared between the developer of the site and the City of Murphy as detailed/negotiated under separate cover.

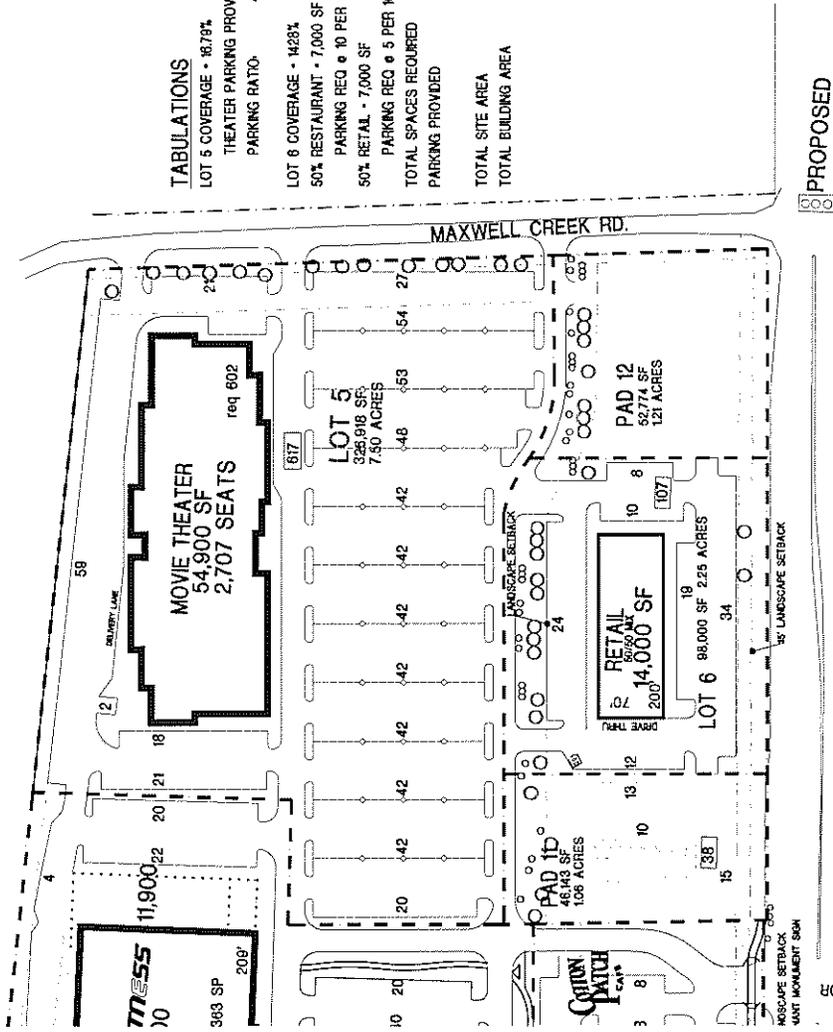
Traffic Impact Analysis Recommendations: As recommended by the TIA dated September 2007, the following traffic control measures shall be instituted: a traffic signal shall be installed at FM 544 and North Maxwell Creek Road, a shared thru and right turn lane and dedicated left turn lane southbound on Maxwell Creek Road at FM 544 and dedicated left and right turn lanes for the driveways leading to Maxwell Creek Road from the subject property shall be installed.

Utility/Power Lines: New utility distribution and service lines for individual business establishments, buildings, signs and for any other site development features shall be placed underground.

Pedestrian Streetscape: Pedestrian spaces throughout the Planned Development District shall be treated with amenities that are selected based upon their ability to unify the streetscape and shall be established on the overall concept plan for each Tract. These features shall include, but are not limited to, benches, trash receptacles, bicycle racks, lighting poles, etc.

Cross-Access Requirement: A joint access (i.e. – ingress, egress) easement shall be required to minimize the number of driveway openings along FM 544. The location(s) of access easement(s) shall be shown on the site plan and shall comply with the Texas Department of Transportation (TxDOT) Access Management Standards.

Building Placement/Orientation: Buildings shall be placed in a manner that is conducive to a pedestrian-oriented atmosphere, wherever possible. Any building within 200 feet of FM 544 shall either face such right-of-way or shall have a façade facing such right-of-way that is in keeping with the character of the building's main façade.



TABLATIONS

LOT 5 COVERAGE - 16.78%
 THEATER PARKING PROVIDED, 817 SPACES
 PARKING RATIO, 4.38 SEATS/PKG SPACE

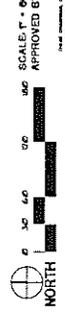
LOT 6 COVERAGE - 14.28%
 50% RESTAURANT - 7,000 SF
 PARKING REQ @ 10 PER 1000 SF, 70 SPACES

50% RETAIL - 7,000 SF
 PARKING REQ @ 5 PER 1000 SF, 35 SPACES
 TOTAL SPACES REQUIRED, 105 SPACES
 PARKING PROVIDED, 107 SPACES

TOTAL SITE AREA, 12.02 ACRES
 TOTAL BUILDING AREA, 88,800 SF

PROPOSED

SP-046
 SCALE: 1" = 60'
 JOB: 27036, ISSUE DATE: 07/16/07
 APPROVED BY: _____ DATE: _____
 PREPARED BY: _____ DATE: _____
 THIS PLAN IS TO BE USED ONLY FOR THE PROJECT AND SITE SHOWN.



THE CROSSING AT MURPHY MARKETPLACE
 MURPHY, TEXAS
 A JOINT DEVELOPMENT BY:
LANGFORD & CHAMPION PARTNERS

O'BRIEN & ASSOCIATES, INC.
 ARCHITECTURE ■ INTERIORS ■ PLANNING
 510 HARVEST HILL ROAD ■ SUITE 88 ■ DALLAS, TEXAS 75250 ■ (972) 756-8900 ■ FAX 972-756-6228

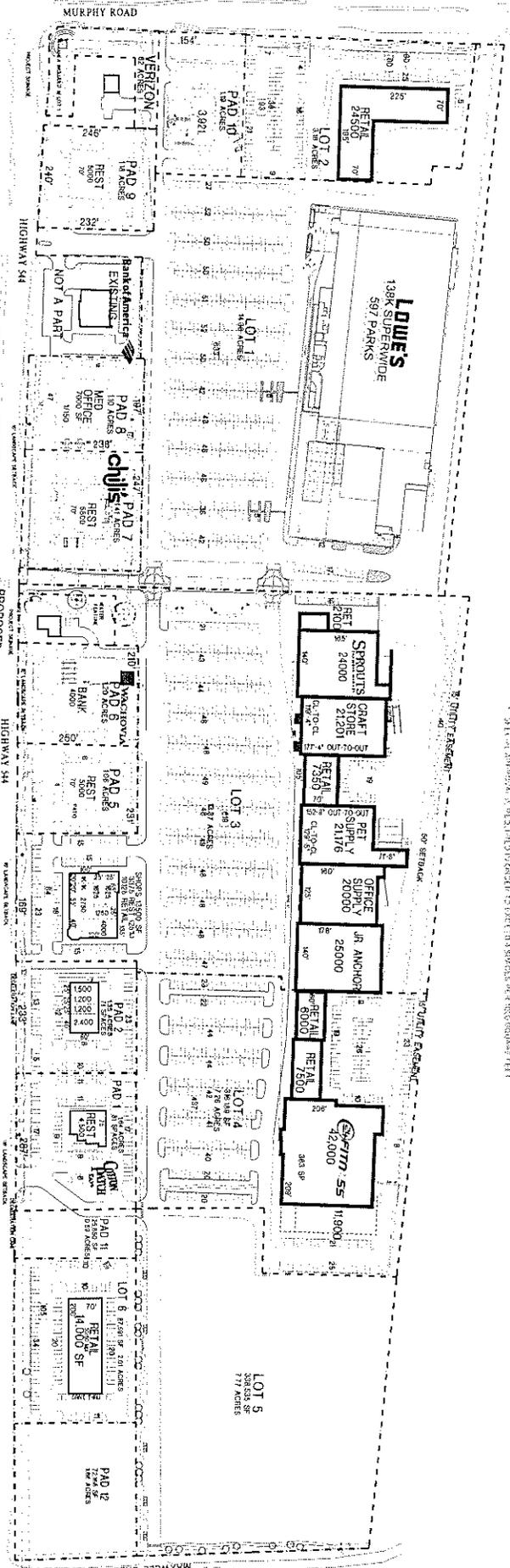


EXHIBIT A

Legal Description

Being all of Murphy Marketplace West Addition, Murphy Marketplace East Addition, The Crossing at Murphy Marketplace Addition and Racetrac Addition, City of Murphy, Collin County, Texas.

The remainder being a 11.44 acre tract of land situated in the James Maxwell Survey, Abstract No. 582, City of Murphy, Collin County, Texas and containing 74.33 acres of land.



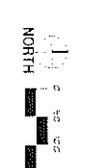
TABLATIONS

DESCRIPTION	NET AREA(S)	ACRES	BUILD AREA(S)	CONCRETE FINISHING	MEQ	EXTRA	TOTAL SF
LOT 1							
HOOD IMPROVEMENT	625,005	14.36	134,000	22.07%	1,400	345	288
LOT 2							
MULTITENANT	131,728	3.16	24,500	20.36%	153	0	633
RESTAURANT			18,375		92		
MEQ (25%)			6,125		1,100	61	533
LOT 3							
JR ANCHORS	61,100	14.03	124,350	20.38%	1,200	476	
MULTITENANT			28,350		110		
MEQ (25%)			7,038		73		
LOT 4							
FITNESS CLUB	316,189	7.28	67,000	21.47%	415	0	643
MULTITENANT			54,400		74		
MEQ (25%)			13,500		1,250		
TOTAL	1,800,528	40.81	234,400	13.03%	1,700	20	817
NET AREA		40.81					
TOTAL							



O'BRIEN & ASSOCIATES, INC.
 ARCHITECTURE • INTERIORS • PLANNING

MURPHY, TEXAS



SCALE: 1" = 100' • JOB# 2808 • ISSUE DATE: 05/17/07
 APPROVED BY: [Signature]

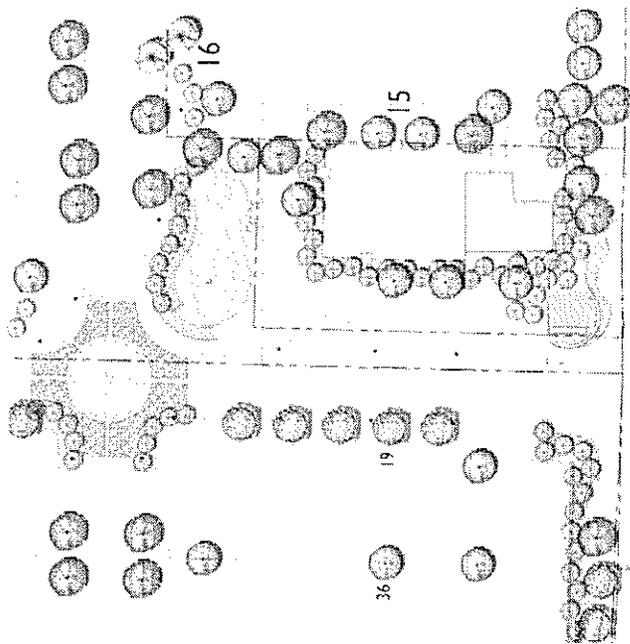
SP-041



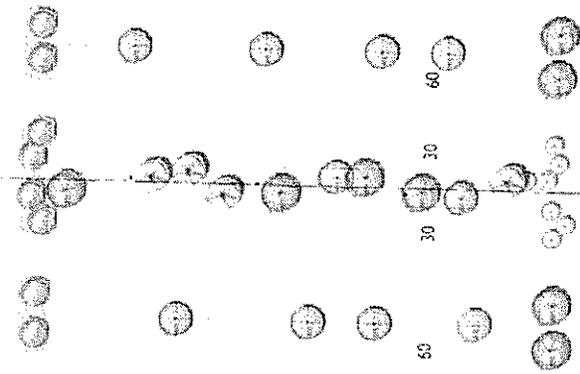
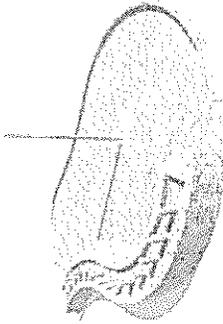
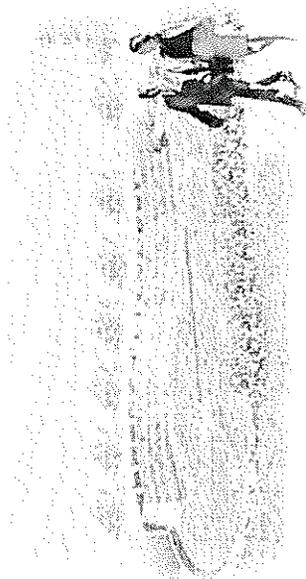
Marktplaace
 A DEVELOPMENT BY:
 LANGFORD PROPERTY COMPANY

THE CROSSING AT MURPHY MARKETPLACE
 A JOINT DEVELOPMENT BY:
 LANGFORD PROPERTY COMPANY
 & CHAMPION PARTNERS

PRC



- PLANT LEGEND**
- TREE
 - SHRUB
 - FLOWERING SHRUB
 - FLOWERING TREE
 - PALM
 - WATER FEATURE
 - LIGHT FIXTURE
 - BENCH
 - SIGN
 - UTILITY POLE
 - FIRE HYDRANT
 - MANHOLE
 - STORM DRAIN
 - SEWER LINE
 - WATER LINE
 - GAS LINE
 - ELECTRIC LINE
 - TELEPHONE LINE
 - CABLE TV LINE
 - FIRE ALARM LINE
 - SECURITY ALARM LINE
 - FIRE ALARM CONTROL PANEL
 - SECURITY ALARM CONTROL PANEL
 - FIRE ALARM BELL
 - SECURITY ALARM BELL
 - FIRE ALARM BELL BOX
 - SECURITY ALARM BELL BOX
 - FIRE ALARM BELL BOX COVER
 - SECURITY ALARM BELL BOX COVER
 - FIRE ALARM BELL BOX MOUNTING
 - SECURITY ALARM BELL BOX MOUNTING
 - FIRE ALARM BELL BOX MOUNTING COVER
 - SECURITY ALARM BELL BOX MOUNTING COVER



NORTH

CLP-2
 SCALE: 1" = 30'
 DATE: 11/15/2011
 DRAWN BY: J. LANGFORD

MURPHY MARKETPLACE
 MURPHY, TEXAS
 LANGFORD

O'BRIEN & ASSOCIATES, INC.
 ARCHITECTURE • INTERIORS • PLANNING
 1000 W. 15TH STREET, SUITE 1000, DALLAS, TEXAS 75202
 TEL: 214.750.1000 FAX: 214.750.1001
 WWW.OBRIENANDASSOCIATES.COM

SIMR
 1000 W. 15TH STREET, SUITE 1000, DALLAS, TEXAS 75202
 TEL: 214.750.1000 FAX: 214.750.1001
 WWW.SIMR.COM

DATE	12/15/2011
PROJECT	LOT 5, BLOCK A, MURPHY MARKETPLACE WEST
CLIENT	ADAMS ENGINEERING
SCALE	AS SHOWN
DRAWN BY	ADAMS ENGINEERING
CHECKED BY	ADAMS ENGINEERING
APPROVED BY	ADAMS ENGINEERING
DATE	12/15/2011

ADAMS ENGINEERING
 2000 W. 10TH STREET, SUITE 100
 FORT WORTH, TEXAS 76102
 (817) 335-1100
 www.adamseng.com



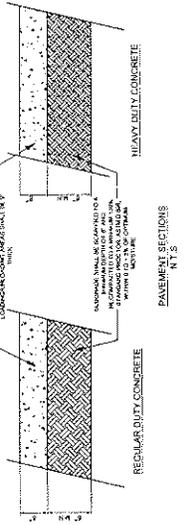
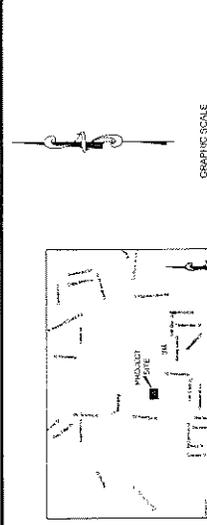
SITE PLAN

RESTAURANT BUILDING - WEST

LOT 5, BLK A, MURPHY MARKETPLACE - WEST

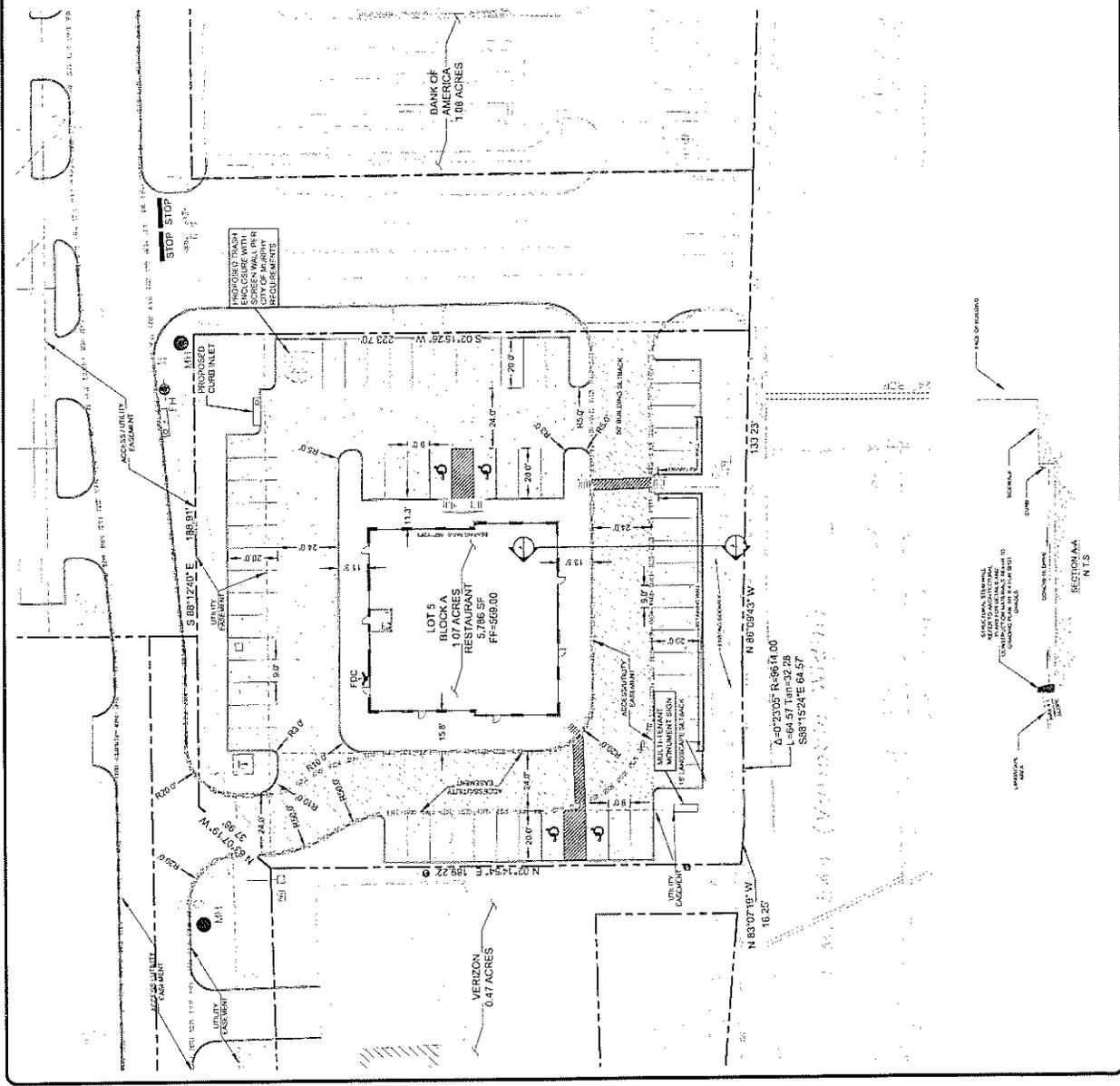


PROJECT NO.	2008006
DATE	06/20/08
SCALE	AS SHOWN
BY	JAMES W. MAXWELL
CHECKED BY	JAMES W. MAXWELL
APPROVED BY	JAMES W. MAXWELL
DATE	JUNE 2008



SITE DATA	
SITE AREA - TOTAL	1.07 ACRES
LOT 5 - BLOCK A	1.07 ACRES
RESTAURANT BUILDING	12,000 SQ. FT.
PARKING SPACES	120 SPACES
STREET LIGHTS	12 LIGHTS
UTILITIES	AS SHOWN
ADJACENT PROPERTIES	AS SHOWN
ADJACENT STREETS	AS SHOWN
ADJACENT UTILITIES	AS SHOWN
ADJACENT ZONING	AS SHOWN
ADJACENT EASEMENTS	AS SHOWN
ADJACENT ENCROACHMENTS	AS SHOWN
ADJACENT DISTURBANCES	AS SHOWN
ADJACENT OBSTRUCTIONS	AS SHOWN
ADJACENT INTERFERENCES	AS SHOWN
ADJACENT VIOLATIONS	AS SHOWN
ADJACENT DEFICIENCIES	AS SHOWN
ADJACENT DEFECTS	AS SHOWN
ADJACENT DAMAGES	AS SHOWN
ADJACENT DEFECTIONS	AS SHOWN
ADJACENT DEFICIENCIES	AS SHOWN
ADJACENT DEFECTS	AS SHOWN
ADJACENT DAMAGES	AS SHOWN
ADJACENT DEFECTIONS	AS SHOWN

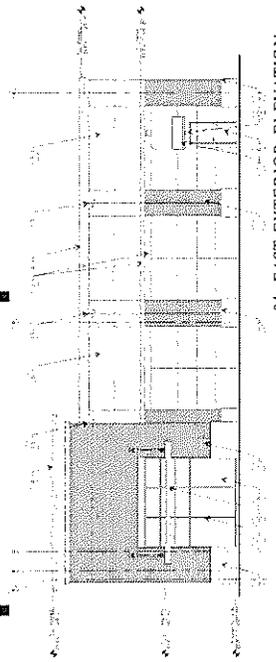
SITE PLAN
 LOT 5, BLOCK A
 MURPHY MARKETPLACE
 WEST ADDITION
 27.783 ACRES
 JAMES W. MAXWELL SURVEY, ABSTRACT NO. 582
 IN THE COUNTY OF TARRANT COUNTY, TEXAS
 JUNE 2008



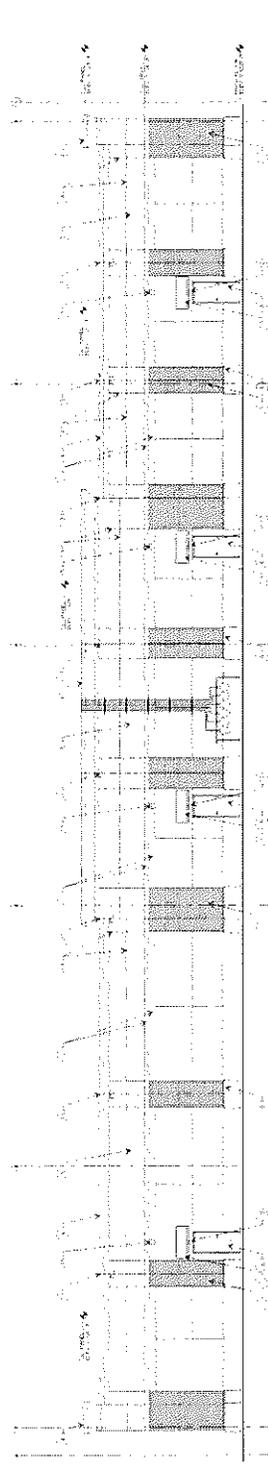
KEY NOTES

1. MATERIALS TO BE USED SHALL BE AS SHOWN ON THESE ELEVATIONS.
2. FINISHES TO BE USED SHALL BE AS SHOWN ON THESE ELEVATIONS.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
6. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
7. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
8. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
9. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
10. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.

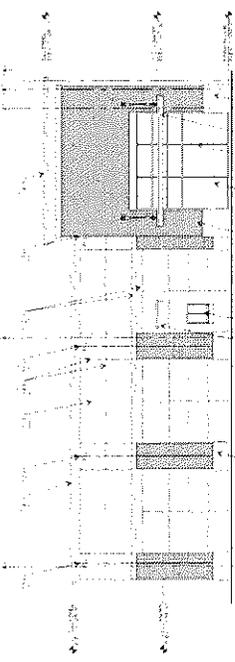
ITEM	DESCRIPTION	QTY	UNIT
101	CONCRETE	101.00	CU YD
102	REINFORCING BARS	102.00	LB
103	FORMWORK	103.00	SQ YD
104	PAINT	104.00	SQ YD
105	GLASS	105.00	SQ FT
106	STEEL	106.00	LB
107	BRICK	107.00	SQ YD
108	CEMENT	108.00	SQ YD
109	ROOFING	109.00	SQ YD
110	MECHANICAL	110.00	SQ YD
111	ELECTRICAL	111.00	SQ YD
112	PLUMBING	112.00	SQ YD
113	LANDSCAPE	113.00	SQ YD
114	ASPHALT	114.00	SQ YD
115	CONCRETE	115.00	CU YD
116	REINFORCING BARS	116.00	LB
117	FORMWORK	117.00	SQ YD
118	PAINT	118.00	SQ YD
119	GLASS	119.00	SQ FT
120	STEEL	120.00	LB
121	BRICK	121.00	SQ YD
122	CEMENT	122.00	SQ YD
123	ROOFING	123.00	SQ YD
124	MECHANICAL	124.00	SQ YD
125	ELECTRICAL	125.00	SQ YD
126	PLUMBING	126.00	SQ YD
127	LANDSCAPE	127.00	SQ YD
128	ASPHALT	128.00	SQ YD
129	CONCRETE	129.00	CU YD
130	REINFORCING BARS	130.00	LB
131	FORMWORK	131.00	SQ YD
132	PAINT	132.00	SQ YD
133	GLASS	133.00	SQ FT
134	STEEL	134.00	LB
135	BRICK	135.00	SQ YD
136	CEMENT	136.00	SQ YD
137	ROOFING	137.00	SQ YD
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139	ELECTRICAL	139.00	SQ YD
140	PLUMBING	140.00	SQ YD
141	LANDSCAPE	141.00	SQ YD
142	ASPHALT	142.00	SQ YD
143	CONCRETE	143.00	CU YD
144	REINFORCING BARS	144.00	LB
145	FORMWORK	145.00	SQ YD
146	PAINT	146.00	SQ YD
147	GLASS	147.00	SQ FT
148	STEEL	148.00	LB
149	BRICK	149.00	SQ YD
150	CEMENT	150.00	SQ YD



04 EAST EXTERIOR ELEVATION

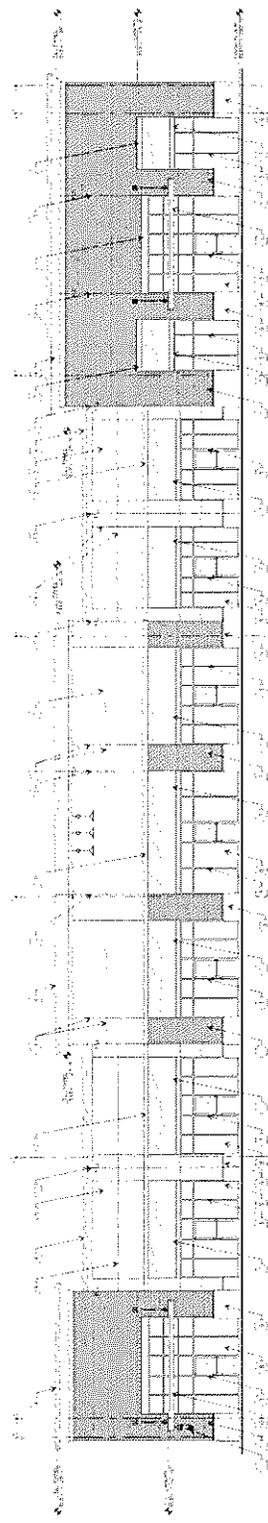


03 SOUTH EXTERIOR ELEVATION



02 WEST EXTERIOR ELEVATION

ITEM	DESCRIPTION	QTY	UNIT
101	CONCRETE	101.00	CU YD
102	REINFORCING BARS	102.00	LB
103	FORMWORK	103.00	SQ YD
104	PAINT	104.00	SQ YD
105	GLASS	105.00	SQ FT
106	STEEL	106.00	LB
107	BRICK	107.00	SQ YD
108	CEMENT	108.00	SQ YD
109	ROOFING	109.00	SQ YD
110	MECHANICAL	110.00	SQ YD
111	ELECTRICAL	111.00	SQ YD
112	PLUMBING	112.00	SQ YD
113	LANDSCAPE	113.00	SQ YD
114	ASPHALT	114.00	SQ YD
115	CONCRETE	115.00	CU YD
116	REINFORCING BARS	116.00	LB
117	FORMWORK	117.00	SQ YD
118	PAINT	118.00	SQ YD
119	GLASS	119.00	SQ FT
120	STEEL	120.00	LB
121	BRICK	121.00	SQ YD
122	CEMENT	122.00	SQ YD
123	ROOFING	123.00	SQ YD
124	MECHANICAL	124.00	SQ YD
125	ELECTRICAL	125.00	SQ YD
126	PLUMBING	126.00	SQ YD
127	LANDSCAPE	127.00	SQ YD
128	ASPHALT	128.00	SQ YD
129	CONCRETE	129.00	CU YD
130	REINFORCING BARS	130.00	LB
131	FORMWORK	131.00	SQ YD
132	PAINT	132.00	SQ YD
133	GLASS	133.00	SQ FT
134	STEEL	134.00	LB
135	BRICK	135.00	SQ YD
136	CEMENT	136.00	SQ YD
137	ROOFING	137.00	SQ YD
138	MECHANICAL	138.00	SQ YD
139	ELECTRICAL	139.00	SQ YD
140	PLUMBING	140.00	SQ YD
141	LANDSCAPE	141.00	SQ YD
142	ASPHALT	142.00	SQ YD
143	CONCRETE	143.00	CU YD
144	REINFORCING BARS	144.00	LB
145	FORMWORK	145.00	SQ YD
146	PAINT	146.00	SQ YD
147	GLASS	147.00	SQ FT
148	STEEL	148.00	LB
149	BRICK	149.00	SQ YD
150	CEMENT	150.00	SQ YD



01 NORTH EXTERIOR ELEVATION

O'BRIEN & ASSOCIATES
ARCHITECTURE
INTERIORS

105 HARVEST HILL ROAD
SUITE 100
DALLAS, TEXAS 75218
TEL: 214-441-1111
FAX: 214-441-1111

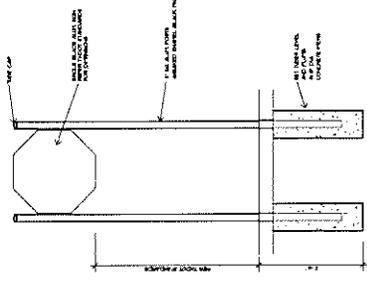
THE CROSSING AT MURPHY MARKETPLACE
A DEVELOPMENT OF
LANGFORD PROPERTY COMPANY

ISSUE LOG

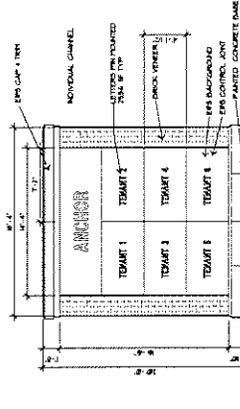
NO.	DESCRIPTION	DATE
1	ISSUE FOR PERMITTING	10/15/11
2	ISSUE FOR CONSTRUCTION	11/15/11
3	ISSUE FOR OCCUPANCY	12/15/11

A5.1
RUDOLPH EXTERIOR ELEVATIONS

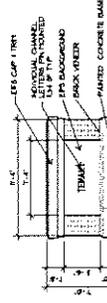
DATE: 10/15/11
DRAWN BY: J. SMITH
CHECKED BY: M. JONES
SCALE: 1/8" = 1'-0"



01 STOP SIGN DETAIL
MURPHY MARKETPLACE
03/20/07
SCALE NOT TO SCALE



DOUBLE-SIDED SIGN
MULTI-TENANT MOMUMENT SIGN ELEV.
18333 TOTAL SQ. FT.
9317 SIGNAGE SQ. FT.



DOUBLE-SIDED SIGN
SINGLE-TENANT MOMUMENT SIGN ELEV.
18333 TOTAL SQ. FT.
2561 SIGNAGE SQ. FT.

SIGNAGE EXHIBIT

SP-046



NORTH

SCALE: 1" = 8' • JOB# 27035 • ISSUE DATE: 07/18/07
APPROVED BY: _____ DATE: _____

THE CROSSING AT MURPHY MARKETPLACE
MURPHY, TEXAS

A JOINT DEVELOPMENT BY:
LANGFORD & CHAMPION PARTNERS

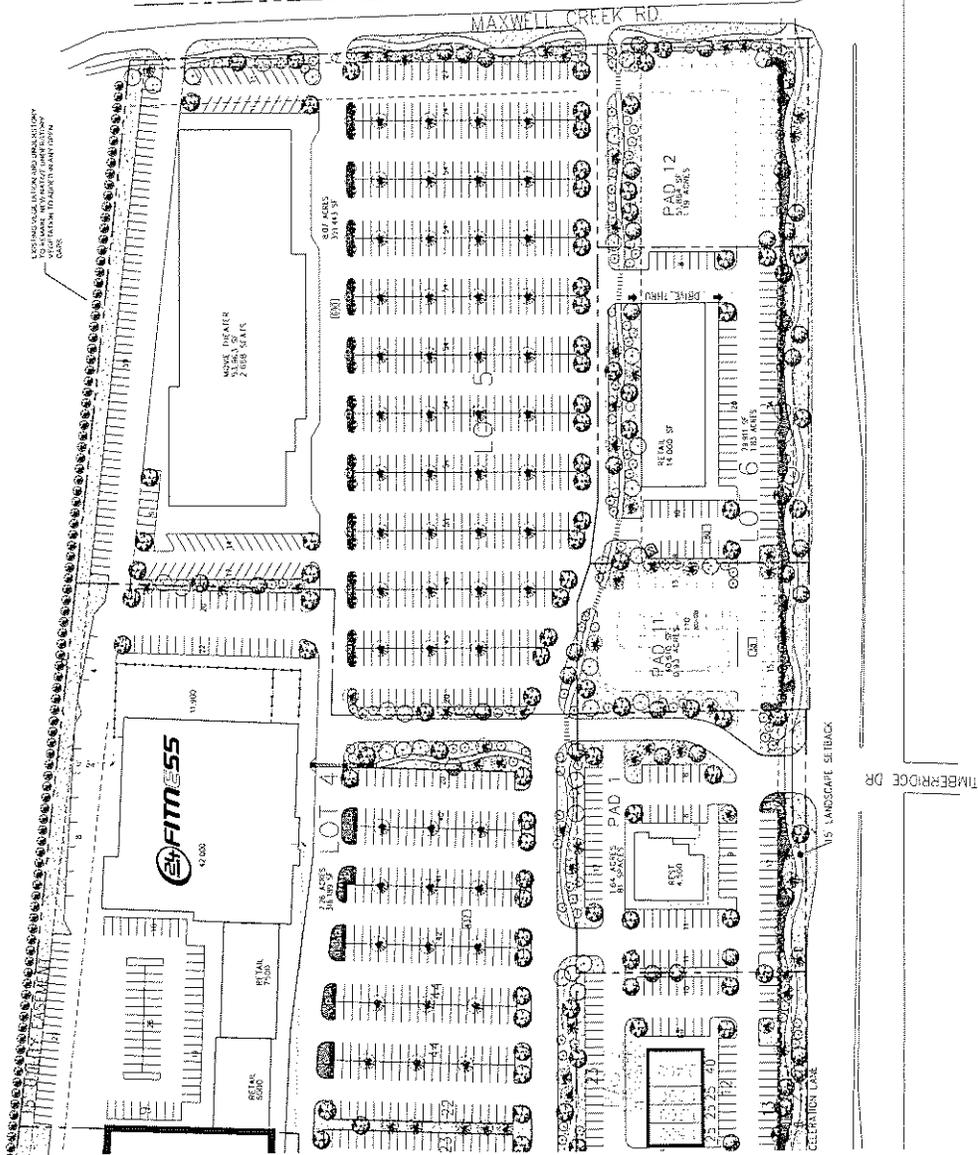
O'BRIEN & ASSOCIATES, INC.

ARCHITECTURE • INTERIORS • PLANNING
630 HARVEST AVE. ROAD • SUITE 604 • DALLAS, TEXAS 75206 • 972 784-9700 • FAX 972 784-4870



www.obrien.com





- PLANT LEGEND**
- ALLEE OAK 7" W
 - DOY OAK 4" W
 - ORNAMENTAL PINE/DOY OAK 6" W
 - SPRAWLING DOY OAK 4" W
 - 12 CALDWELL GUMMATALE 5" W
 - PEARL EXCESSIVE 8" W
 - SHAWBERRY 5" W
 - DOY OAK 4" W
 - EASTERN RED CEDAR 5" W
 - 3" DOY OAK 4" W
 - PLANTING GRID
 - LAWN BERMUDA GRASS



smt
 SMITHSONIAN ARCHITECTURE, INC.
 1000 W. 14TH ST., SUITE 100
 DENVER, CO 80202
 TEL: 303.733.1000
 FAX: 303.733.1001

CLP-1
 SCALE: 1"=60'
 APPROVED BY: _____ DATE: _____
 JOB#: 20001 • ISSUE DATE: 07/16/07

THE CROSSING AT MURPHY MARKETPLACE
 A JOINT DEVELOPMENT BY:
LANGFORD PROPERTY COMPANY
 & **CHAMPION PARTNERS**

O'BRIEN & ASSOCIATES, INC.
 ARCHITECTURE ■ INTERIORS ■ PLANNING
 8411 W. CENTRAL EXPRESSWAY, SUITE 100, DENVER, CO 80231
 TEL: 303.755.1000 FAX: 303.755.1001

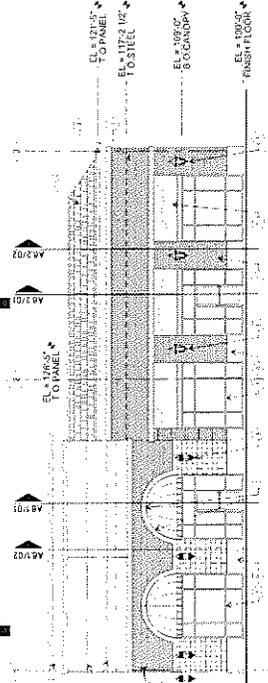


BUILDING MATERIALS - EAST

- 1. ALUMINUM WINDOW FRAMES
- 2. EPDM GLAZING GASKET
- 3. 1/2" X 1/2" X 1/8" ANGLE
- 4. 1/2" X 1/2" X 1/8" ANGLE
- 5. 1/2" X 1/2" X 1/8" ANGLE
- 6. 1/2" X 1/2" X 1/8" ANGLE
- 7. 1/2" X 1/2" X 1/8" ANGLE
- 8. 1/2" X 1/2" X 1/8" ANGLE
- 9. 1/2" X 1/2" X 1/8" ANGLE
- 10. 1/2" X 1/2" X 1/8" ANGLE

KEY NOTES

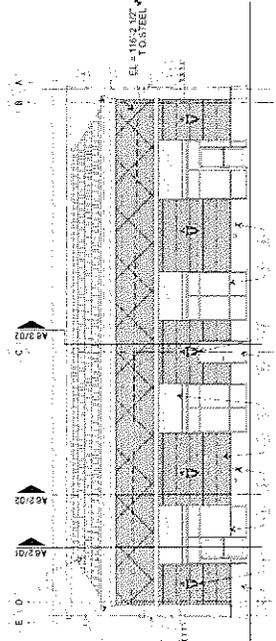
- 1. ALL WALLS SHALL BE CONCRETE
- 2. ALL WALLS SHALL BE FINISHED WITH PLASTER
- 3. ALL WALLS SHALL BE FINISHED WITH PAINT
- 4. ALL WALLS SHALL BE FINISHED WITH TILE
- 5. ALL WALLS SHALL BE FINISHED WITH STUCCO
- 6. ALL WALLS SHALL BE FINISHED WITH BRICK
- 7. ALL WALLS SHALL BE FINISHED WITH BLOCK
- 8. ALL WALLS SHALL BE FINISHED WITH CMU
- 9. ALL WALLS SHALL BE FINISHED WITH CMU
- 10. ALL WALLS SHALL BE FINISHED WITH CMU



04 EAST EXTERIOR ELEVATION

BUILDING MATERIALS - NORTH

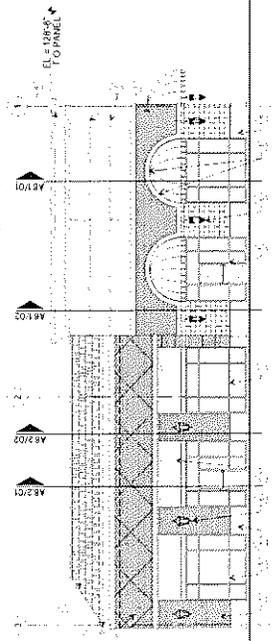
- 1. ALUMINUM WINDOW FRAMES
- 2. EPDM GLAZING GASKET
- 3. 1/2" X 1/2" X 1/8" ANGLE
- 4. 1/2" X 1/2" X 1/8" ANGLE
- 5. 1/2" X 1/2" X 1/8" ANGLE
- 6. 1/2" X 1/2" X 1/8" ANGLE
- 7. 1/2" X 1/2" X 1/8" ANGLE
- 8. 1/2" X 1/2" X 1/8" ANGLE
- 9. 1/2" X 1/2" X 1/8" ANGLE
- 10. 1/2" X 1/2" X 1/8" ANGLE



03 NORTH EXTERIOR ELEVATION

BUILDING MATERIALS - WEST

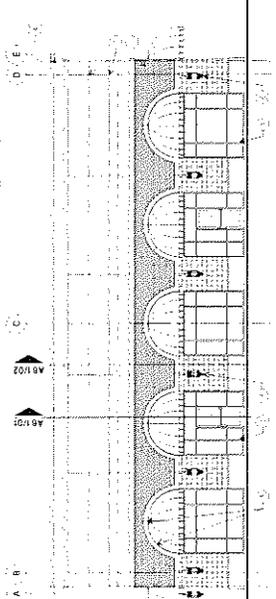
- 1. ALUMINUM WINDOW FRAMES
- 2. EPDM GLAZING GASKET
- 3. 1/2" X 1/2" X 1/8" ANGLE
- 4. 1/2" X 1/2" X 1/8" ANGLE
- 5. 1/2" X 1/2" X 1/8" ANGLE
- 6. 1/2" X 1/2" X 1/8" ANGLE
- 7. 1/2" X 1/2" X 1/8" ANGLE
- 8. 1/2" X 1/2" X 1/8" ANGLE
- 9. 1/2" X 1/2" X 1/8" ANGLE
- 10. 1/2" X 1/2" X 1/8" ANGLE



02 WEST EXTERIOR ELEVATION

BUILDING MATERIALS - SOUTH

- 1. ALUMINUM WINDOW FRAMES
- 2. EPDM GLAZING GASKET
- 3. 1/2" X 1/2" X 1/8" ANGLE
- 4. 1/2" X 1/2" X 1/8" ANGLE
- 5. 1/2" X 1/2" X 1/8" ANGLE
- 6. 1/2" X 1/2" X 1/8" ANGLE
- 7. 1/2" X 1/2" X 1/8" ANGLE
- 8. 1/2" X 1/2" X 1/8" ANGLE
- 9. 1/2" X 1/2" X 1/8" ANGLE
- 10. 1/2" X 1/2" X 1/8" ANGLE



01 SOUTH EXTERIOR ELEVATION

O'BRIEN & ASSOCIATES
ARCHITECTURE
INTERIORS

510 HARVEST HILL ROAD
SUITE 104
DALLAS, TEXAS 75258
FAX 754-8411
WWW.OBRIENARCH.COM

MURPHY MARKETPLACE
HIGHWAY 544
MURPHY, TEXAS
A DEVELOPMENT OF
LANGFORD PROPERTY COMPANY

NO.	DESCRIPTION	DATE
1	ISSUE FOR PERMIT	10/15/18
2	ISSUE FOR PERMIT	10/15/18
3	ISSUE FOR PERMIT	10/15/18
4	ISSUE FOR PERMIT	10/15/18
5	ISSUE FOR PERMIT	10/15/18

REGISTERED PROFESSIONAL ENGINEER
REGISTRATION NO. 104

DATE: 10/15/18
JOB NO.: 18000
SCALE: 1/4" = 1'-0"

SHEET NO. A51
ALSO SEE EXTERIOR ELEVATIONS



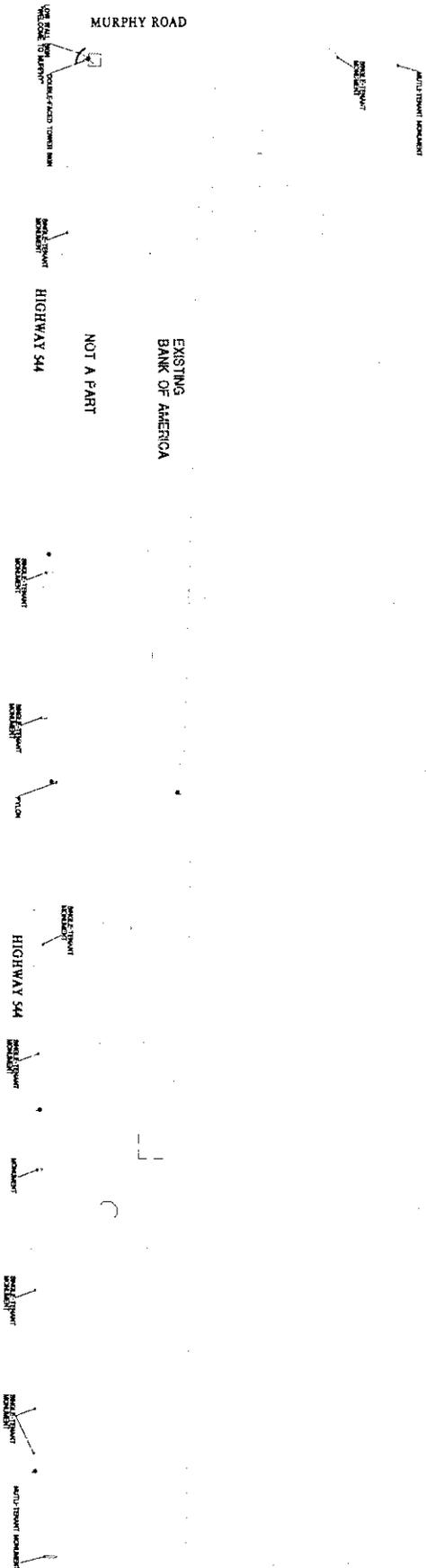
O'BRIEN & ASSOCIATES, INC.
 ARCHITECTURE • INTERIORS • PLANNING
 610 MAIN ST. • FALGOUT • SUITE 200 • DALLAS, TEXAS 75202 • (214) 778-0100 • FAX (214) 778-4228

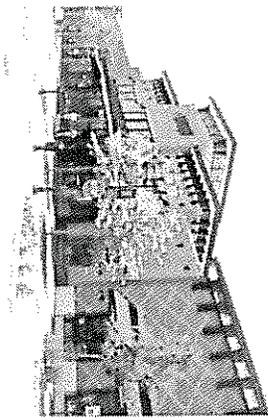
MURPHY MARKETPLACE
 MURPHY, TEXAS
LANGFORD



SCALE: 1" = 80'
 APPROVED BY: [Signature]
 DATE: 04/20/07
 JOB#: 20001 • ISSUE DATE: 04/20/07

SIGNAGE EXHIBIT

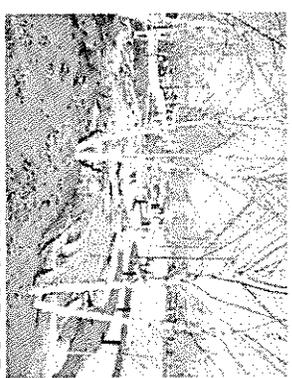




01 SIDEWALK LANDSCAPE



02 WATER FEATURE



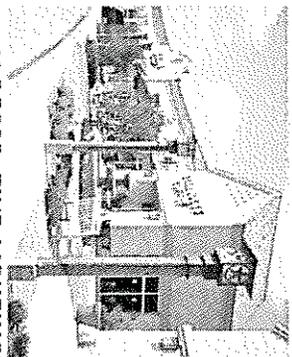
03 LANDSCAPE AREA



04 MEANDERING SIDEWALK



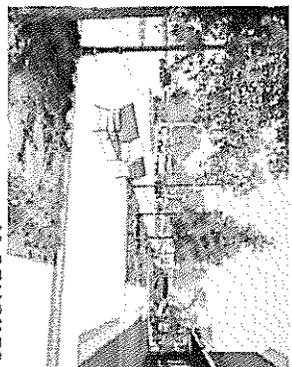
05 OUTDOOR DINING



06 DECORATIVE LIGHTING



07 SIDEWALK PAVERS



08 BENCHES

DISCLAIMER: THESE IMAGES ARE REPRESENTATIVE EXAMPLES OF SITE FEATURES THAT MAY BE INCORPORATED INTO THIS PROJECT.



OBRIEN & ASSOCIATES, INC.
ARCHITECTURE • INTERIORS • PLANNING
500 MARKET • 1401 MONROE • SUITE 1000 • DALLAS, TEXAS 75201 • 214.782.0100 • FAX: 214.782.7800

MURPHY MARKETPLACE
MURPHY, TEXAS
LANGFORD

SITE AMENITIES
SCALE: 1/8" = 1'-0"
DATE: 08/24/06
DRAWN BY: JLD