

MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
OCTOBER 16, 2012 AT 6:00 P.M.
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094



NOTICE is hereby given of a meeting of the City Council of the City of Murphy, Collin County, State of Texas, to be held on October 16, 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.

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

Bret Baldwin
Mayor

ROLL CALL & CERTIFICATION OF A QUORUM

John Daugherty
Mayor Pro Tem

PUBLIC COMMENTS

Colleen Halbert
Deputy Mayor Pro Tem

PRESENTATION ITEMS

- A. Proclamation designating October 27, 2012 as the Murphy Arbor Day Celebration.
- B. Proclamation designating October 2012, as Breast Cancer Awareness Month.
- C. Proclamation designating November 15, 2012 as America Recycles Day.

Dennis Richmond
Councilmember

CONSENT AGENDA

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

Scott Bradley
Councilmember

Bernard Grant
Councilmember

Dave Brandon
Councilmember

- A. Consider and/or act upon the approval of the minutes from the Regular City Council meeting of October 2, 2012.
- B. Consider and/or act on the Final Plat for **Murphy Village Addition, Lot 2R, 4 and 5, Block A** on property zoned PD (Planned Development) District No. 09-12-823 and No. 09-12-824 for Retail and Office Uses. This property is located at the southeast quadrant of West FM 544 and Brand Road.
- C. Consider and/or act upon approval of Resolution designating investment officers of the City and approving the investment policies for the investment of municipal funds.
- D. Consider and take appropriate action, if any, on the 2013 City of Murphy Holiday Schedule.

INDIVIDUAL CONSIDERATION

- A. Consider and/or act on the application of **Forestar (USA) Real Estate Group, Inc.** requesting approval of a site plan for Emerus Emergency Hospital on property zoned PD (Planned Development) District No. 12-07-917 located at the northeast corner of FM 544 and Heritage Parkway.

James Fisher
City Manager

- B. Consider and/or act on the application of **Forestar (USA) Real Estate Group, Inc.** requesting approval of a construction plat for Emerus Emergency Hospital on property zoned PD (Planned Development) District No. 12-07-917 located at the northeast corner of FM 544 and Heritage Parkway.
- C. Consider and/or act on the application of **Gary Hadley, developer**, requesting approval of a site plan for IShine Express Car Wash on property zoned PD (Planned Development) District No. 09- 12-823 for Retail and Office Uses on property located on FM 544 between Brand Road and Murphy Road.
- D. Consider and/or act on the application of **Gary Hadley, developer**, requesting approval of a construction plat for IShine Express Car Wash on property zoned PD (Planned Development) District No. 09-12-823 for Retail and Office Uses on property located on FM 544 between Brand Road and Murphy Road.
- E. Consider and take appropriate action, if any, on funding provisions to improve the infrastructure at Central Park to accommodate the Plano Sports Authority Murphy Building.
- F. Consider and act approval of Amendments to the Code of Ethics of the City of Murphy; Approval of a Confidentiality and Non-Disclosure Agreement; Approval of Ethics Review Commission Complaint Form; and Approval of City Secretary or designee to assist with preparation, posting and delivery of agendas for the Ethics Review Commission Meetings
- G. Consider and act on the proposed Rules and Procedures of the Ethics Review Commission.
- H. Consider and act on Boards and Commissions, their descriptions and roles and appointment of an interview panel comprised of three council members.
- I. Consider and take action, if any, on the 2012 November and December City Council meeting schedule.

CITY MANAGER/STAFF REPORTS

- North Murphy Road
- October 19th, Planning and Zoning Training work shop;
- October 25th, Ground Breaking for Central Park;
- Early Voting Begins October 22nd - City Hall Community Room;
- October 27th, Murphy Fire and Rescue Open House;
- October 30th, Animal Shelter Work Session;
- November 1st, Boards, Commission and Volunteer Appreciation Dinner at 7 pm, Murphy Activity Center;
- November 2nd, Employee Appreciation and Holiday Luncheon, 11am – 2pm, Murphy Activity Center;
- November 6th, Election Day

EXECUTIVE SESSION

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

§551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation involving:

- a) George Parker and Parker Tree Services.
- b) Johnny Boles v. City of Murphy, et al., Civil Action No. 4:11-cv-682
- c) Susan Kinder-Alessio v. City of Murphy, et. al., Civil Action No. 4:12-CV-000493-RC-ALM
- d) Michael Cantrell v. City of Murphy, et. al, Cause No. 6:09-cv-225.

§ 551.074 PERSONNEL MATTERS - to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee – City Manager.

RECONVENE INTO REGULAR SESSION

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

§551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation involving:

- e) George Parker and Parker Tree Services.
- f) Johnny Boles v. City of Murphy, et al., Civil Action No. 4:11-cv-682
- g) Susan Kinder-Alessio v. City of Murphy, et. al., Civil Action No. 4:12-CV-000493-RC-ALM
- h) Michael Cantrell v. City of Murphy, et. al, Cause No. 6:09-cv-225.

§ 551.074 PERSONNEL MATTERS - to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee – City Manager.

ADJOURNMENT

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, TX 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on October 12, 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.

Kristi Gilbert, 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 kgilbert@murphytx.org

Proclamation

City of Murphy, Texas

October 16, 2012

WHEREAS, the City Council finds the importance of trees to the City of Murphy be observed; and

WHEREAS, the City Council agrees that trees can reduce the erosion of our topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, the City Council agrees that trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, the City Council agrees that trees have suffered greatly by this cycle of Texas drought; and

WHEREAS, the City Council proclaims a Murphy Arbor Day Celebration, and will urge all citizens to support efforts to protect our trees and plant new trees.

NOW, THEREFORE, I, Bret Baldwin, Mayor of the City of Murphy, Texas, do hereby proclaim **October 27, 2012 at North Hill Park** the Murphy Arbor Day Celebration, and will urge all citizens to celebrate Murphy Arbor Day and to support efforts to protect our trees and woodlands, and I urge all citizens to maintain your trees and to nourish them and protect them from this Texas drought period

in Murphy, Texas. Proclaimed this 16th day of October, 2012.

*Bret M. Baldwin, Mayor
City of Murphy*

Proclamation

City of Murphy, Texas

WHEREAS, the City of Murphy is honored to join with the American Cancer Society Relay For Life of Wylie/Sachse/Murphy on this occasion of recognizing Breast Cancer Awareness Month, which is a special month set aside to shed light on this disease and make us aware of the preventative steps to take against Breast Cancer; and,

WHEREAS, citizens are encouraged to join together with breast cancer survivors, people who are struggling with this disease, caregivers, and the community as a whole, in recognizing this disease and attending a Relay Rally to learn more about breast cancer and what services are offered in your neighborhood in relation to breast cancer; and,

WHEREAS, in 2011, over 230,480 new cases of breast cancer were diagnosed and over 39,000 passed away due to this disease, which translates into 1 in 35 women; and,

WHEREAS, the good news, is that over 57,500 case of breast cancer will be caught in the early stages; and, death rates from breast cancer have been declining since about 1990, with larger decreases in women younger than 50. These decreases are believed to be the result of earlier detection through screening and increased awareness, as well as improved treatment; and,

WHEREAS, Relay For Life is a life changing event that brings together friends, neighbors, and family to celebrate the lives of those who have battled cancer, remember loved ones lost, and empower individuals and communities to fight back against a disease that takes too much;

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

“Breast Cancer Awareness Month”

in Murphy, Texas, in official recognition of this event.
Proclaimed this 16th day of October, 2012.

*Bret M. Baldwin, Mayor
City of Murphy*

Proclamation

City of Murphy, Texas

WHEREAS, Residents of the City of Murphy generate more than XXX tons of trash annually, and this trash is buried in a landfill; and

WHEREAS, Residents of the City of Murphy are on track to recycle more than 4,500 tons in 2012 through Murphy's curbside recycling program; and

WHEREAS, Recycling saves precious energy, conserves valuable natural resources, protects the environment, reduces landfill needs and has a positive economic impact; and

WHEREAS, The City of Murphy and its residents and businesses can do more to reduce and recycle waste and are hereby challenged to increase their recycling; and

WHEREAS, The City of Murphy is initiating its Plus 5 Challenge campaign to highlight the importance of recycling and encourage its residents and businesses to increase recycling by at least 5 percent; and

WHEREAS, Waste reduction and the purchase of recycled-content products are critically important elements of an environmentally responsible waste management program; and

WHEREAS, America Recycles Day is a national promotion to help raise awareness about recycling and buying recycled products; and

WHEREAS, The City of Murphy is hosting several America Recycles Day 2012 events to celebrate the worthwhile cause of recycling and is actively promoting the Plus 5 Challenge; and

WHEREAS, Recycling is good for the future of the City of Murphy, its residents, and businesses.

NOW, THEREFORE, I, Bret Baldwin, Mayor of the City of Murphy, Texas, do hereby proclaim November 15, 2012 as **America Recycles Day** in the City of Murphy and encourage all residents and businesses to increase recycling by at least 5 percent

in Murphy, Texas. Proclaimed this 16th day of October, 2012.

Bret M. Baldwin, Mayor
City of Murphy

CITY COUNCIL MINUTES
OCTOBER 2, 2012 REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER

Mayor Baldwin called the meeting to order at 6:03 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

City Secretary, Kristi Gilbert, certified a quorum with the following Councilmembers 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

Councilmembers absent: None

4. PUBLIC COMMENTS

Greg Matocha, 151 Moonlight – Mr. Matocha expressed his concerns regarding traffic flow on Moonlight Drive. Mr. Matocha stated that, despite the residents installing signs, cut thru traffic and speeding continued. Mr. Matocha continued by stating that he felt code enforcement was not being performed in a fair manner.

Deputy Mayor Pro-Tem Halbert inquired as to the status of a traffic calming study. City Manager Fisher stated that it would be brought before Council in November.

5. PRESENTATION ITEMS

The Murphy Middle School Environmental Club gave a presentation on their efforts to Keep Murphy Beautiful with their sixth grade science teacher Tina Pilgrim.

Mayor Baldwin presented Ms. Pilgrim with the Keep Murphy Beautiful 2012 Educator Award.

6. CONSENT AGENDA

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

- A. Consider and/or act upon the approval of the minutes from the Regular City Council meeting of September 18, 2012.
- B. Consider and/or act on approval of an amended and restated Beautification Easement Agreement with Allen & Loucks Venture, L.P.

- C. Consider and/or act on the approval of an ordinance amending PD (Planned Development) District (Ordinance No. 09-02-784) for Retail Uses, including revising the development conditions, plans and specific regulations for the district, including, without limitation, permitted land uses for the district comprised of 74.33 acres, more or less, in the James Maxwell Survey, Abstract No. 582, in the City of Murphy and located at the northeast corner of East FM 544 and North Murphy Road.
- D. Consider and take appropriate action, if any, on an ordinance amending Section 9.100 of the Fee Schedule, water rates.
- E. Consider and take appropriate action, if any, on an ordinance amending Section 8.300 of the Fee Schedule, solid waste rates.

COUNCIL ACTION:

APPROVED

Deputy Mayor Pro-Tem Halbert moved to approve the consent agenda as present. Mayor Pro-Tem Daugherty seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 7 to 0.

7. INDIVIDUAL CONSIDERATION

- A. Consider and take appropriate action, if any, on a request for sewer service to 605 Kinney Drive.

Mr. Fisher advised the item had come before the City Council in 2008 as a replat and in 2009 as a construction plat. Mr. Fisher stated that both engineering reviews indicated that a utility plan was necessary for approval; however, both items went through the process without the plan. Mr. Fisher stated that sewer service needed to be extended to provide service to the property.

Deputy Mayor Pro-Tem Halbert inquired as to what the expense would have been initially, if installed correctly. Councilmember Bradley inquired as to how many properties were affected, to which Mr. Fisher replied three. Councilmember Brandon expressed concerns regarding additional properties requesting the same consideration and setting precedence. Mayor Pro-Tem Daugherty stated that he did not believe that this would be setting precedence in that the previous property was granted a waiver in association with annexing into the City.

COUNCIL ACTION:

APPROVED

Deputy Mayor Pro-Tem Halbert moved to authorize extension of sewer service to 605 Kinney Drive, to authorize the correction of the sewer system servicing 553 and 601 Kinney Drive, and direct the City Manager to prepare all necessary documents for bid solicitation and construction purposes. Mayor Pro-Tem John Daugherty seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 7 to 0.

EXECUTIVE SESSION

At 6:36p.m. the Mayor convened the City Council into closed Executive Session pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

§ 551.072 DELIBERATION REGARDING REAL PROPERTY – to deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

RECONVENE INTO REGULAR SESSION

The Mayor reconvened the City Council into open session at 7:01p.m.

COUNCIL ACTION:

NO ACTION

No action was taken as a result of the Executive Session.

- B. Consider and/or act upon the proposed Lease Agreement between the City of Murphy and PSA (Plano Sports Authority).

COUNCIL ACTION:

APPROVED

Deputy Mayor Pro-Tem Halbert moved to approve the proposed Lease Agreement between the City of Murphy and PSA (Plano Sports Authority) and authorize the City Manager to sign the contract. Mayor Pro-Tem Daugherty seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 7 to 0.

- C. Consider and/or act upon the proposed infrastructure improvements for Central Park and PSA (Plano Sports Authority).

COUNCIL ACTION:

APPROVED

Deputy Mayor Pro-Tem Halbert move to commit up to \$1.1 million infrastructure improvements for the Plano Sports Authority. Mayor Pro-Tem Daugherty seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 7 to 0.

- D. Discussion on Boards and Commissions, their descriptions and roles and also review the appointment process.

COUNCIL ACTION:

NON ACTION ITEM

Councilmember Grant stated that he would like to see the process open by the end of the week with the application deadline being the end of October. He continued to state that interviews should be conducted before Thanksgiving with appointments at the December meeting. Deputy Mayor Pro-Tem Halbert expressed concerns with meeting cancellations.

COUNCIL ACTION:

RECONSIDER –NO ACTION

Councilmember Brandon made a motion to reconsider Consent Agenda Item B (C). Mayor Pro Tem Daugherty seconded the motion. For: Unanimous. Against: None. The motion to reconsider the item carried by a vote of 7 to 0.

Councilmember Brandon expressed concerns regarding changes to the monument sign and the removal of the brick veneer.

8. CITY MANAGER/STAFF REPORTS

City Manager, James Fisher provided the Council with a report on the following:

- TML Annual Conference, November 13-16, Gaylord Texan Conference Center

- North Murphy Road
- Liberty Ridge Park Dedication – Saturday, October 6, 2012, 9:30am
- Murphy Historical Society 1st Birthday Celebration – October 11, 2012, 7:00pm, MCC

9. EXECUTIVE SESSION

At 7:28 p.m. the Mayor convened the City Council into closed Executive Session pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

§551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation involving:

- a) George Parker and Parker Tree Services.
- b) Johnny Boles v. City of Murphy, et al., Civil Action No. 4:11-cv-682
- c) Susan Kinder-Alessio v. City of Murphy, et. al., Civil Action No. 4:12-CV-000493-RC-ALM
- d) Michael Cantrell v. City of Murphy, et. al, Cause No. 6:09-cv-225.

§ 551.071. Consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act: to receive legal advice regarding planning and zoning issues regarding city development regulations, standards and conditions, city zoning regulations, contractual issues involving public improvements and related issues.

§ 551.074 PERSONNEL MATTERS - to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee – City Manager.

10. RECONVENE INTO REGULAR SESSION

The Mayor reconvened the City Council into open session at 9:09 p.m., pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

§551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation involving:

- a) George Parker and Parker Tree Services.
- b) Johnny Boles v. City of Murphy, et al., Civil Action No. 4:11-cv-682
- c) Susan Kinder-Alessio v. City of Murphy, et. al., Civil Action No. 4:12-CV-000493-RC-ALM
- d) Michael Cantrell v. City of Murphy, et. al, Cause No. 6:09-cv-225.

§ 551.071. Consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act: to receive legal advice regarding planning and zoning issues regarding city development regulations, standards and conditions, city zoning regulations, contractual issues involving public improvements and related issues.

§ 551.074 PERSONNEL MATTERS - to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee – City Manager.

COUNCIL ACTION:

No action was taken as a result of the Executive Session.

NO ACTION

11. ADJOURNMENT

With no further business, the meeting was adjourned at 9:09 p.m.

APPROVED BY:

Bret M. Baldwin, Mayor

ATTEST:

Kristi Gilbert, City Secretary

Issue

Consider and/or act on the Final Plat for **Murphy Village Addition, Lot 2R, 4 and 5, Block A** on property zoned PD (Planned Development) District No. 09-12-823 and No. 09-12-824 for Retail and Office Uses.

Staff Resource/Department

Kristen Roberts, Director of Community and Economic Development

Background

At their November 22, 2010 meeting, the Planning and Zoning Commission approved the construction plat for this property.

On January 4, 2011, the City Council approved the construction plat for this property. The construction plat allowed for the development of the assisted living facility known as Orchard Park Senior Living and associated infrastructure throughout the overall property.

Considerations

1. This project is complete and once approved, the final plat can be filed with the County.
2. Submission of the plat mylars, filing fees and other materials necessary to file the plat at the county shall be submitted to the City within 30 calendar days of the final plat approval by the City Council.
3. The various lots currently pending future development within the overall property will be re-plat prior to final approval of those developments.

Board Discussion/Action

On September 24, 2012, the Planning & Zoning Commission voted unanimously to approve this item.

Staff Recommendation

Staff recommends approval of the final plat as submitted.

Attachments

Final Plat

City Council Meeting
October 16, 2012

Issue

Consider and/or act upon approval of Resolution designating investment officers of the City and approving the investment policies for the investment of municipal funds.

Staff Resource/Department

James Fisher – City Manager
Linda Truitt – Finance Director

Key Focus Area

Finance, Investments

Summary

Approval of Resolution designating investment officers (City Manager, Finance Director and Assistant Finance Director and approving the investment policy for the city. The current investment policy was adopted by Resolution on September 20, 2011. The investment policy should be reviewed and approved annually by City Council.

Background/History

This policy determines the way financial investments are handled for the City and authorizes the City Manager, Director of Finance and Assistant Director of Finance as the designated investment officers. The City banking depository is required to adhere to those investment policies and repurchase agreement terms authorized in the policy.

Investment officers are required to attend training on public funds investing at least every two years. The City Manager, Director of Finance, and Assistant Director of Finance have attended the required training.

Financial Considerations

N/A

Action Requested

Approval of Resolution designating investment officers of the City- added Assistant Finance Director to list of Officers-and approving the investment policies for the investment of municipal funds.

Attachments

- 1) Resolution
- 2) Exhibit A – Investment Policy
- 3) Public Funds Investment Act

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, DESIGNATING INVESTMENT OFFICERS OF THE CITY; APPROVING THE INVESTMENT POLICIES FOR THE INVESTMENT OF MUNICIPAL FUNDS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council recognizes the necessity of utilizing the public funds entrusted to it by the citizens of Murphy in the most advantageous manner so as to maximize the benefit of those funds for the citizens of Murphy, Texas; and

WHEREAS, the City Council recognizes the necessity of protecting the principal of those funds and ensure the ready accessibility of such funds; and

WHEREAS, section 2256.005(b) of the Texas Government Code, as amended, requires the City to adopt a written investment policy regarding the investment of City funds which emphasizes safety of principal and liquidity; addresses investment diversification, yield, maturity, and the quality and capability of investment management; and

WHEREAS, pursuant to section 2256.005(f) of the Texas Government Code, as amended, City Council may designate by ordinance or resolution, one or more City officers or City employees as investment officer who shall be responsible for the investment of the City's funds consistent with the City's investment policy and the laws of the State of Texas; and

WHEREAS, the City Council desires to adopt regulations governing the investment of the funds entrusted to it by the citizens of Murphy, Texas.

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

Section 1. That the foregoing recitals are hereby found to be true and correct findings of the City of Murphy, Texas, and are fully incorporated into the body of this resolution.

Section 2. That the City of Murphy does appoint the Finance Director as the primary Investment Officer and the City Manager and Assistant Finance Director as secondary Investment Officers. The designated Investment Officers will attend such training and at such times as is necessary to maintain the State standard of competency for an Investment Officer.

Section 3. That the City of Murphy does hereby adopt Texas Government Code, Chapter 2256, Public Funds Investment Act, in its entirety, as the rule and guide for the investment of such public funds as are entrusted to it and are deemed suitable for investment purposes. The Investment Policy attached hereto as *Exhibit A* ("Investment Policy of the City of Murphy, Texas"), and made a part hereof for all purposes is hereby adopted as the Investment Policy of the City of Murphy, Texas, as required by Chapter 2256 of the Texas Government Code.

Section 4. If any word, section, article, phrase, paragraph, sentence, clause, or portion of this resolution or application thereto to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity which remaining portions shall remain in full force and effect.

Section 5. This resolution shall become effective from and after its passage.

DULY RESOLVED by the City Council of the City of Murphy, Texas, on this the 16th day of October, 2012.

Bret M. Baldwin, Mayor
City of Murphy

ATTEST:

Kristi Gilbert, City Secretary
City of Murphy

APPROVED AS TO FORM AND LEGALITY:

Wm. Andrew Messer, City Attorney
City of Murphy

EXHIBIT A

**INVESTMENT POLICY
OF THE
CITY OF MURPHY, TEXAS**

I. POLICY STATEMENT

The purpose of this document is to set forth specific investment policy and strategy guidelines for the City of Murphy in order to achieve the goals of safety, liquidity, yield, and public trust for all investment activity. This policy serves to satisfy the statutory requirements of the Public Funds Investment Act, Chapter 2256 of the Texas Government Code, as amended.

The receipt of a market rate of return will be secondary to the requirements for safety and liquidity. It is the intent of the City to be in complete compliance with local law and the Texas Public Funds Investment Act (the "Act"). The earnings from investment will be used in a manner that best serves the interests of the City.

II. OBJECTIVES OF INVESTMENT POLICIES

The primary objectives of the City's investment program in order of priority shall be preservation and safety of principal, liquidity, diversification and yield. Investments are to be chosen in a manner which promotes diversity by market sector, credit and maturity. All investments shall be designed and managed in a manner responsive to the public trust and consistent with State and Local law.

(a) SAFETY OF PRINCIPAL:

The foremost and primary objective of the City's investment program is the preservation and safety of capital of the overall portfolio. Each investment transaction will seek first to ensure that capital losses are avoided, whether the loss occurs from the default of a security or from erosion of market value. The objectives will be to mitigate credit risk and interest rate risk. To control credit risk, investments should be limited to the safest types of securities. Financial institutions, broker/dealers and advisers who serve as intermediaries, shall be pre-qualified by the City. The credit ratings of investment pools and individual securities will be monitored to assure compliance with this policy and state law.

To control interest rate risk, the City will structure the investment portfolio so that securities mature to meet cash requirements for ongoing operations and will monitor marketable securities daily. Should an issuer experience a single step downgrade of its credit rating by a nationally recognized credit rating agency within 90 days of the position's maturity, the Investment Officer may approve the holding of the security to maturity.

(b) LIQUIDITY:

The City's investment portfolio will remain sufficiently liquid to enable the City to meet operating requirements that might be reasonably anticipated. Liquidity will be achieved by matching investment maturities with forecasted cash flow funding requirements, by investing in securities with active secondary markets and by diversification of maturities and call dates. Furthermore, since all possible cash demands

cannot be anticipated, the portfolio, or portions thereof may be placed in money market mutual funds or local government investment pools, which offer same day liquidity for short-term funds.

(c) DIVERSIFICATION:

Diversification of the portfolio will include diversification by maturity and market sector and will include the use of a number of broker/dealers for diversification and market coverage. Competitive bidding will be used on sale and purchase.

(c) YIELD:

The City's investment portfolio will be designed with the objective of regularly meeting or exceeding the average rate of return on three month U.S. Treasury Bills. The investment program will seek to augment returns above this threshold consistent with risk constraints identified herein, cash flow characteristics of the portfolio and prudent investment principles. Investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Marketable securities shall not be sold prior to maturity with the following exceptions:

- (1) A security with declining credit may be sold early to minimize loss of principal.
- (2) A security swap that would improve the quality, yield or target duration in the portfolio.
- (3) Liquidity needs of the portfolio require that the security be sold.
- (4) If market conditions present an opportunity for the City to benefit from the sale.

Funds held for future capital projects will be invested in such a way as to try to produce enough income to offset inflationary construction cost increases. However, such funds will never be unduly exposed to market price risks that would jeopardize the assets available to accomplish their stated objective, or be invested in a manner inconsistent with applicable federal and state regulations. Yields on debt proceeds that are not exempt from federal arbitrage regulations are limited to the arbitrage yield of the debt obligation. Investment officials will seek to preserve principal and maximize the yield of these funds in the same manner as all other city funds. However, it is understood that if the yield achieved by the city is higher than the arbitrage yield, positive arbitrage income will be averaged over a five year period and netted against any negative arbitrage Income and the net amount shall be rebated to the federal government as required by current federal regulations.

(d) PUBLIC TRUST:

All participants in the investment process will seek to act responsibly as

custodians of the public trust. Investment officials will avoid any transactions that might impair public confidence in the City's ability to govern effectively. The governing body recognizes that in a diversified portfolio, occasional measured losses due to market volatility are inevitable, and must be considered within the context of the overall portfolio's investment return, provided that adequate diversification has been implemented. The Investment Officer shall adhere to the City of Murphy Code of Conduct and City Charter.

III. PRUDENT INVESTOR RULE

- (a) The standard of prudence to be applied by the investment officer shall be the "prudent investor" rule as provided in section 2256.006 of the Texas Government Code, as amended. This section states, "[i]nvestments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."
- (b) Investment officers acting in accordance with written procedures and exercising due diligence, shall not be held personally liable for a specific security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments. The City will perform a compliance audit of management controls on investments and adherence to investment policies annually. Pursuant to section 2256.006(b) of the Texas Government Code, as amended, in determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration: (1) the investment of all funds, or funds under the City's control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment; and (2) whether the investment decision was consistent with the written investment policy of the City of Murphy.
- (b) In accordance with section 2256.008 of the Texas Government Code, as amended, the Investment Officers shall attend ten (10) hours of investment training within twelve (12) months of assuming duties and ten (10) hours within every succeeding two (2) years. The investment training session shall be provided by an independent source approved by the Investment Review Committee. Training must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with the Act.

IV. INVESTMENT PORTFOLIO

The City of Murphy shall invest in such investments as are lawful as enumerated in Texas Government Code, Chapter 2256, Public Funds Investment Act, sections 2256.009 through 2256.016. The City reserves the right to further restrict the types of investments which can be made. No investment shall be made until it shall have a full and detailed explanation to the Council and approval given therefore by a majority vote of the Council then present. Assets

of the City of Murphy may be invested in the following instruments if deemed an authorized investment pursuant to the Public Funds Investment Act, Chapter 2256, Texas Government Code, and includes the following:

- (a) obligations of the United States of America, its agencies and instrumentalities, not to exceed two years to stated maturity, excluding mortgage-backed securities;
- (b) direct obligations of the State of Texas or its agencies and instrumentalities;
- (c) collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;
- (d) other obligations, the principal and interest of which are unconditional guaranteed or insured by, or backed by the full faith and credit of, the State of Texas or the United States or the respective agencies and instrumentalities;
- (e) obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent;
- (f) certificates of deposits issued by a state or national bank domiciled in the state or a savings and loan association domiciled in this state and is guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Insurance Fund or its successor secured by obligations that are described in A through E above, to include certificates of deposit purchased through the CDARS program with a Texas bank;
- (g) a fully collateralized signed master repurchase agreement provided the repurchase agreement approved by City Council: has a defined termination date; is secured by obligations described in A above; security's market value must be a minimum of 102% of the principal value of the repurchase agreement; requires the securities being purchased by the City to be pledged to the City, held in the City's name, and deposited at the time the investment is made with the City or with a third party selected and approved by the entity; and is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state; the safekeeping portion of the agreement shall define the City's rights to collateral in case of default, bankruptcy or closing and shall establish a perfected security interest in compliance with Federal and State regulations;
- (h) an authorized securities lending program;
- (i) an authorized banker's acceptance; financial institution serving as City depository will be required to sign a depository agreement with the City and the City's safekeeping agent;
- (j) commercial paper which has a stated maturity of 270 days or fewer from the date of its

issuance; is rated not less than A-1 or P-1 or an equivalent rating by at least: two (2) nationally recognized credit rating agencies; or one (1) nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state;

- (k) an authorized no-load money market mutual fund which is registered with and regulated by the Securities and Exchange Commission; provides the investing entity with a prospectus and other information required by the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.); has a dollar-weighted average stated maturity of 90 days or fewer; and includes in its investment objectives the maintenance of a stable net asset value of \$1 for each share;
- (l) guaranteed investment contract is an authorized investment for bond proceeds if the guaranteed investment contract: has a defined termination date; is secured by obligations described in A above, and is pledged to the City and deposited with the City or with a third party selected and approved by the City; and
- (m) an eligible investment pool if the City Council of the City of Murphy by ordinance, or resolution authorizes investment in the particular pool.

V. TERM OF INVESTMENTS

The maximum maturity of any individual security the City may invest in shall be five (5) years.

VI. MONITORING OF THE MARKET VALUE OF INVESTMENTS

The Investment Officer(s), with the help of City Council, as needed, shall determine the market value of each investment and of all collateral pledged to secure deposits of City funds at least quarterly and at a time as close as practicable to the closing of the reporting period for the investments. Such values shall be included on the investment report. The following methods shall be used:

- (a) Certificates of deposit shall be valued at their face value plus any accrued but unpaid interest;
- (b) Shares in money market mutual funds and investment pools shall be valued at par plus any accrued but unpaid interest;
- (c) Other investment securities with a remaining maturity of one year or less may be valued in any of the following ways:

- (1) the lower of two bids obtained from securities broker/dealers for such security;
 - (2) the average of the bid and asked prices for such investment security as published in *The Wall Street Journal* or *The New York Times*;
 - (3) the bid price published by any nationally recognized security pricing service; or
 - (4) the market value quoted by the seller of the security or the owner of such collateral.
- (d) Other investment securities with a remaining maturity of greater than one year shall be valued at the lower of two bids obtained from securities broker/dealers for such security, unless two bids are not available, in which case the securities may be valued in any manner provided in this section.

VII. MISCELLANEOUS PROVISIONS

For funds invested in a pooled fund group, the maximum dollar-weighted average maturity allowance is two (2) years. This average is subject to change as necessary to maintain the maximum rate of return. Any such change must be approved by a majority vote of the City Council then present prior to being made effective.

All transactions, excepting those for mutual funds or investment pool funds, shall be settled on a delivery versus payment basis.

GOVERNMENT CODE

TITLE 10. GENERAL GOVERNMENT

SUBTITLE F. STATE AND LOCAL CONTRACTS AND FUND MANAGEMENT

CHAPTER 2256. PUBLIC FUNDS INVESTMENT

SUBCHAPTER A. AUTHORIZED INVESTMENTS FOR GOVERNMENTAL ENTITIES

Sec. 2256.001. SHORT TITLE. This chapter may be cited as the Public Funds Investment Act.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.002. DEFINITIONS. In this chapter:

(1) "Bond proceeds" means the proceeds from the sale of bonds, notes, and other obligations issued by an entity, and reserves and funds maintained by an entity for debt service purposes.

(2) "Book value" means the original acquisition cost of an investment plus or minus the accrued amortization or accretion.

(3) "Funds" means public funds in the custody of a state agency or local government that:

(A) are not required by law to be deposited in the state treasury; and

(B) the investing entity has authority to invest.

(4) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(5) "Investing entity" and "entity" mean an entity subject to this chapter and described by Section 2256.003.

(6) "Investment pool" means an entity created under this code to invest public funds jointly on behalf of the

entities that participate in the pool and whose investment objectives in order of priority are:

- (A) preservation and safety of principal;
- (B) liquidity; and
- (C) yield.

(7) "Local government" means a municipality, a county, a school district, a district or authority created under Section 52(b)(1) or (2), Article III, or Section 59, Article XVI, Texas Constitution, a fresh water supply district, a hospital district, and any political subdivision, authority, public corporation, body politic, or instrumentality of the State of Texas, and any nonprofit corporation acting on behalf of any of those entities.

(8) "Market value" means the current face or par value of an investment multiplied by the net selling price of the security as quoted by a recognized market pricing source quoted on the valuation date.

(9) "Pooled fund group" means an internally created fund of an investing entity in which one or more institutional accounts of the investing entity are invested.

(10) "Qualified representative" means a person who holds a position with a business organization, who is authorized to act on behalf of the business organization, and who is one of the following:

(A) for a business organization doing business that is regulated by or registered with a securities commission, a person who is registered under the rules of the National Association of Securities Dealers;

(B) for a state or federal bank, a savings bank, or a state or federal credit union, a member of the loan committee for the bank or branch of the bank or a person authorized by corporate resolution to act on behalf of and bind the banking institution;

(C) for an investment pool, the person authorized by the elected official or board with authority to

administer the activities of the investment pool to sign the written instrument on behalf of the investment pool; or

(D) for an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or, if not subject to registration under that Act, registered with the State Securities Board, a person who is an officer or principal of the investment management firm.

(11) "School district" means a public school district.

(12) "Separately invested asset" means an account or fund of a state agency or local government that is not invested in a pooled fund group.

(13) "State agency" means an office, department, commission, board, or other agency that is part of any branch of state government, an institution of higher education, and any nonprofit corporation acting on behalf of any of those entities.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 1, eff. Sept. 1, 1999.

Sec. 2256.003. AUTHORITY TO INVEST FUNDS; ENTITIES SUBJECT TO THIS CHAPTER. (a) Each governing body of the following entities may purchase, sell, and invest its funds and funds under its control in investments authorized under this subchapter in compliance with investment policies approved by the governing body and according to the standard of care prescribed by Section 2256.006:

- (1) a local government;
- (2) a state agency;
- (3) a nonprofit corporation acting on behalf of a local government or a state agency; or
- (4) an investment pool acting on behalf of two or more local governments, state agencies, or a combination of those entities.

(b) In the exercise of its powers under Subsection (a), the governing body of an investing entity may contract with an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or with the State Securities Board to provide for the investment and management of its public funds or other funds under its control. A contract made under authority of this subsection may not be for a term longer than two years. A renewal or extension of the contract must be made by the governing body of the investing entity by order, ordinance, or resolution.

(c) This chapter does not prohibit an investing entity or investment officer from using the entity's employees or the services of a contractor of the entity to aid the investment officer in the execution of the officer's duties under this chapter.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 1454, Sec. 2, eff. Sept. 1, 1999.

Sec. 2256.004. APPLICABILITY. (a) This subchapter does not apply to:

(1) a public retirement system as defined by Section 802.001;

(2) state funds invested as authorized by Section 404.024;

(3) an institution of higher education having total endowments of at least \$95 million in book value on May 1, 1995;

(4) funds invested by the Veterans' Land Board as authorized by Chapter 161, 162, or 164, Natural Resources Code;

(5) registry funds deposited with the county or district clerk under Chapter 117, Local Government Code; or

(6) a deferred compensation plan that qualifies under either Section 401(k) or 457 of the Internal Revenue Code of 1986 (26 U.S.C. Section 1 et seq.), as amended.

(b) This subchapter does not apply to an investment donated to an investing entity for a particular purpose or under terms of use specified by the donor.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 505, Sec. 24, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1421, Sec. 2, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, Sec. 8.21, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1454, Sec. 3, eff. Sept. 1, 1999.

Sec. 2256.005. INVESTMENT POLICIES; INVESTMENT STRATEGIES; INVESTMENT OFFICER. (a) The governing body of an investing entity shall adopt by rule, order, ordinance, or resolution, as appropriate, a written investment policy regarding the investment of its funds and funds under its control.

(b) The investment policies must:

- (1) be written;
- (2) primarily emphasize safety of principal and liquidity;
- (3) address investment diversification, yield, and maturity and the quality and capability of investment management; and
- (4) include:
 - (A) a list of the types of authorized investments in which the investing entity's funds may be invested;
 - (B) the maximum allowable stated maturity of any individual investment owned by the entity;
 - (C) for pooled fund groups, the maximum dollar-weighted average maturity allowed based on the stated maturity date for the portfolio;
 - (D) methods to monitor the market price of investments acquired with public funds;

(E) a requirement for settlement of all transactions, except investment pool funds and mutual funds, on a delivery versus payment basis; and

(F) procedures to monitor rating changes in investments acquired with public funds and the liquidation of such investments consistent with the provisions of Section 2256.021.

(c) The investment policies may provide that bids for certificates of deposit be solicited:

- (1) orally;
- (2) in writing;
- (3) electronically; or
- (4) in any combination of those methods.

(d) As an integral part of an investment policy, the governing body shall adopt a separate written investment strategy for each of the funds or group of funds under its control. Each investment strategy must describe the investment objectives for the particular fund using the following priorities in order of importance:

- (1) understanding of the suitability of the investment to the financial requirements of the entity;
- (2) preservation and safety of principal;
- (3) liquidity;
- (4) marketability of the investment if the need arises to liquidate the investment before maturity;
- (5) diversification of the investment portfolio; and
- (6) yield.

(e) The governing body of an investing entity shall review its investment policy and investment strategies not less than annually. The governing body shall adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and investment strategies and that the written instrument so adopted shall record any changes made to either the investment policy or investment strategies.

(f) Each investing entity shall designate, by rule, order, ordinance, or resolution, as appropriate, one or more officers

or employees of the state agency, local government, or investment pool as investment officer to be responsible for the investment of its funds consistent with the investment policy adopted by the entity. If the governing body of an investing entity has contracted with another investing entity to invest its funds, the investment officer of the other investing entity is considered to be the investment officer of the first investing entity for purposes of this chapter. Authority granted to a person to invest an entity's funds is effective until rescinded by the investing entity, until the expiration of the officer's term or the termination of the person's employment by the investing entity, or if an investment management firm, until the expiration of the contract with the investing entity. In the administration of the duties of an investment officer, the person designated as investment officer shall exercise the judgment and care, under prevailing circumstances, that a prudent person would exercise in the management of the person's own affairs, but the governing body of the investing entity retains ultimate responsibility as fiduciaries of the assets of the entity. Unless authorized by law, a person may not deposit, withdraw, transfer, or manage in any other manner the funds of the investing entity.

(g) Subsection (f) does not apply to a state agency, local government, or investment pool for which an officer of the entity is assigned by law the function of investing its funds.

Text of subsec. (h) as amended by Acts 1997, 75th Leg., ch. 685,
Sec. 1

(h) An officer or employee of a commission created under Chapter 391, Local Government Code, is ineligible to be an investment officer for the commission under Subsection (f) if the officer or employee is an investment officer designated under Subsection (f) for another local government.

Text of subsec. (h) as amended by Acts 1997, 75th Leg., ch.
1421, Sec. 3

(h) An officer or employee of a commission created under Chapter 391, Local Government Code, is ineligible to be designated as an investment officer under Subsection (f) for any investing entity other than for that commission.

(i) An investment officer of an entity who has a personal business relationship with a business organization offering to engage in an investment transaction with the entity shall file a statement disclosing that personal business interest. An investment officer who is related within the second degree by affinity or consanguinity, as determined under Chapter 573, to an individual seeking to sell an investment to the investment officer's entity shall file a statement disclosing that relationship. A statement required under this subsection must be filed with the Texas Ethics Commission and the governing body of the entity. For purposes of this subsection, an investment officer has a personal business relationship with a business organization if:

(1) the investment officer owns 10 percent or more of the voting stock or shares of the business organization or owns \$5,000 or more of the fair market value of the business organization;

(2) funds received by the investment officer from the business organization exceed 10 percent of the investment officer's gross income for the previous year; or

(3) the investment officer has acquired from the business organization during the previous year investments with a book value of \$2,500 or more for the personal account of the investment officer.

(j) The governing body of an investing entity may specify in its investment policy that any investment authorized by this chapter is not suitable.

(k) A written copy of the investment policy shall be presented to any person offering to engage in an investment transaction with an investing entity or to an investment management firm under contract with an investing entity to invest or manage the entity's investment portfolio. For purposes of this subsection, a business organization includes investment pools and an investment management firm under contract with an investing entity to invest or manage the entity's investment portfolio. Nothing in this subsection relieves the investing entity of the responsibility for monitoring the investments made by the investing entity to determine that they are in compliance with the investment policy. The qualified representative of the business organization offering to engage in an investment transaction with an investing entity shall execute a written instrument in a form acceptable to the investing entity and the business organization substantially to the effect that the business organization has:

(1) received and reviewed the investment policy of the entity; and

(2) acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the entity and the organization that are not authorized by the entity's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the entity's entire portfolio or requires an interpretation of subjective investment standards.

(l) The investment officer of an entity may not acquire or otherwise obtain any authorized investment described in the investment policy of the investing entity from a person who has not delivered to the entity the instrument required by Subsection (k).

(m) An investing entity other than a state agency, in conjunction with its annual financial audit, shall perform a

compliance audit of management controls on investments and adherence to the entity's established investment policies.

(n) Except as provided by Subsection (o), at least once every two years a state agency shall arrange for a compliance audit of management controls on investments and adherence to the agency's established investment policies. The compliance audit shall be performed by the agency's internal auditor or by a private auditor employed in the manner provided by Section 321.020. Not later than January 1 of each even-numbered year a state agency shall report the results of the most recent audit performed under this subsection to the state auditor. Subject to a risk assessment and to the legislative audit committee's approval of including a review by the state auditor in the audit plan under Section 321.013, the state auditor may review information provided under this section. If review by the state auditor is approved by the legislative audit committee, the state auditor may, based on its review, require a state agency to also report to the state auditor other information the state auditor determines necessary to assess compliance with laws and policies applicable to state agency investments. A report under this subsection shall be prepared in a manner the state auditor prescribes.

(o) The audit requirements of Subsection (n) do not apply to assets of a state agency that are invested by the comptroller under Section 404.024.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 685, Sec. 1, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1421, Sec. 3, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 4, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 785, Sec. 41, eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. [1004](#), Sec. 1, eff. June 17, 2011.

Sec. 2256.006. STANDARD OF CARE. (a) Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. Investment of funds shall be governed by the following investment objectives, in order of priority:

- (1) preservation and safety of principal;
- (2) liquidity; and
- (3) yield.

(b) In determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

- (1) the investment of all funds, or funds under the entity's control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment; and
- (2) whether the investment decision was consistent with the written investment policy of the entity.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.007. INVESTMENT TRAINING; STATE AGENCY BOARD MEMBERS AND OFFICERS. (a) Each member of the governing board of a state agency and its investment officer shall attend at least one training session relating to the person's responsibilities under this chapter within six months after taking office or assuming duties.

(b) The Texas Higher Education Coordinating Board shall provide the training under this section.

(c) Training under this section must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with this chapter.

(d) An investment officer shall attend a training session not less than once each state fiscal biennium and may receive training from any independent source approved by the governing body of the state agency. The investment officer shall prepare a report on this subchapter and deliver the report to the governing body of the state agency not later than the 180th day after the last day of each regular session of the legislature.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 73, Sec. 1, eff. May 9, 1997; Acts 1997, 75th Leg., ch. 1421, Sec. 4, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 5, eff. Sept. 1, 1999.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. [1004](#), Sec. 2, eff. June 17, 2011.

Sec. 2256.008. INVESTMENT TRAINING; LOCAL GOVERNMENTS.

(a) Except as provided by Subsections (b) and (e), the treasurer, the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a local government shall:

(1) attend at least one training session from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government and containing at least 10 hours of instruction relating to the treasurer's or officer's responsibilities under this subchapter within 12 months after taking office or assuming duties; and

(2) except as provided by Subsections (b) and (e), attend an investment training session not less than once in a two-year period that begins on the first day of that local government's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than 10 hours of instruction relating to investment responsibilities under this subchapter from an independent source approved by the

governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government.

(b) An investing entity created under authority of Section 52(b), Article III, or Section 59, Article XVI, Texas Constitution, that has contracted with an investment management firm under Section 2256.003(b) and has fewer than five full-time employees or an investing entity that has contracted with another investing entity to invest the entity's funds may satisfy the training requirement provided by Subsection (a)(2) by having an officer of the governing body attend four hours of appropriate instruction in a two-year period that begins on the first day of that local government's fiscal year and consists of the two consecutive fiscal years after that date. The treasurer or chief financial officer of an investing entity created under authority of Section 52(b), Article III, or Section 59, Article XVI, Texas Constitution, and that has fewer than five full-time employees is not required to attend training required by this section unless the person is also the investment officer of the entity.

(c) Training under this section must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with this chapter.

(d) Not later than December 31 each year, each individual, association, business, organization, governmental entity, or other person that provides training under this section shall report to the comptroller a list of the governmental entities for which the person provided required training under this section during that calendar year. An individual's reporting requirements under this subsection are satisfied by a report of the individual's employer or the sponsoring or organizing entity of a training program or seminar.

(e) This section does not apply to a district governed by Chapter 36 or 49, Water Code.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 5, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 6, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 69, Sec. 4, eff. May 14, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. [1004](#), Sec. 3, eff. June 17, 2011.

Sec. 2256.009. AUTHORIZED INVESTMENTS: OBLIGATIONS OF, OR GUARANTEED BY GOVERNMENTAL ENTITIES. (a) Except as provided by Subsection (b), the following are authorized investments under this subchapter:

(1) obligations, including letters of credit, of the United States or its agencies and instrumentalities;

(2) direct obligations of this state or its agencies and instrumentalities;

(3) collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;

(4) other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States;

(5) obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent; and

(6) bonds issued, assumed, or guaranteed by the State of Israel.

(b) The following are not authorized investments under this section:

(1) obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal;

(2) obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;

(3) collateralized mortgage obligations that have a stated final maturity date of greater than 10 years; and

(4) collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 1454, Sec. 7, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 558, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. [1004](#), Sec. 4, eff. June 17, 2011.

Sec. 2256.010. AUTHORIZED INVESTMENTS: CERTIFICATES OF DEPOSIT AND SHARE CERTIFICATES. (a) A certificate of deposit or share certificate is an authorized investment under this subchapter if the certificate is issued by a depository institution that has its main office or a branch office in this state and is:

(1) guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor;

(2) secured by obligations that are described by Section 2256.009(a), including mortgage backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates, but excluding those mortgage backed securities of the nature described by Section 2256.009(b); or

(3) secured in any other manner and amount provided by law for deposits of the investing entity.

(b) In addition to the authority to invest funds in certificates of deposit under Subsection (a), an investment in certificates of deposit made in accordance with the following conditions is an authorized investment under this subchapter:

(1) the funds are invested by an investing entity through:

(A) a broker that has its main office or a branch office in this state and is selected from a list adopted by the investing entity as required by Section 2256.025; or

(B) a depository institution that has its main office or a branch office in this state and that is selected by the investing entity;

(2) the broker or the depository institution selected by the investing entity under Subdivision (1) arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the investing entity;

(3) the full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States; and

(4) the investing entity appoints the depository institution selected by the investing entity under Subdivision (1), an entity described by Section 2257.041(d), or a clearing broker-dealer registered with the Securities and Exchange Commission and operating pursuant to Securities and Exchange Commission Rule 15c3-3 (17 C.F.R. Section 240.15c3-3) as custodian for the investing entity with respect to the certificates of deposit issued for the account of the investing entity.

Amended by Acts 1995, 74th Leg., ch. 32, Sec. 1, eff. April 28, 1995; Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1,

1995; Acts 1997, 75th Leg., ch. 1421, Sec. 6, eff. Sept. 1, 1997.

Amended by:

Acts 2005, 79th Leg., Ch. [128](#), Sec. 1, eff. September 1, 2005.

Acts 2011, 82nd Leg., R.S., Ch. [1004](#), Sec. 5, eff. June 17, 2011.

Sec. 2256.011. AUTHORIZED INVESTMENTS: REPURCHASE AGREEMENTS. (a) A fully collateralized repurchase agreement is an authorized investment under this subchapter if the repurchase agreement:

- (1) has a defined termination date;
- (2) is secured by a combination of cash and obligations described by Section 2256.009(a)(1); and
- (3) requires the securities being purchased by the entity or cash held by the entity to be pledged to the entity, held in the entity's name, and deposited at the time the investment is made with the entity or with a third party selected and approved by the entity; and
- (4) is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state.

(b) In this section, "repurchase agreement" means a simultaneous agreement to buy, hold for a specified time, and sell back at a future date obligations described by Section 2256.009(a)(1), at a market value at the time the funds are disbursed of not less than the principal amount of the funds disbursed. The term includes a direct security repurchase agreement and a reverse security repurchase agreement.

(c) Notwithstanding any other law, the term of any reverse security repurchase agreement may not exceed 90 days after the date the reverse security repurchase agreement is delivered.

(d) Money received by an entity under the terms of a reverse security repurchase agreement shall be used to acquire

additional authorized investments, but the term of the authorized investments acquired must mature not later than the expiration date stated in the reverse security repurchase agreement.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. [1004](#), Sec. 6, eff. June 17, 2011.

Sec. 2256.0115. AUTHORIZED INVESTMENTS: SECURITIES LENDING PROGRAM. (a) A securities lending program is an authorized investment under this subchapter if it meets the conditions provided by this section.

(b) To qualify as an authorized investment under this subchapter:

(1) the value of securities loaned under the program must be not less than 100 percent collateralized, including accrued income;

(2) a loan made under the program must allow for termination at any time;

(3) a loan made under the program must be secured by:
(A) pledged securities described by Section 2256.009;

(B) pledged irrevocable letters of credit issued by a bank that is:

(i) organized and existing under the laws of the United States or any other state; and

(ii) continuously rated by at least one nationally recognized investment rating firm at not less than A or its equivalent; or

(C) cash invested in accordance with Section:

(i) 2256.009;

(ii) 2256.013;

(iii) 2256.014; or

(iv) 2256.016;

(4) the terms of a loan made under the program must require that the securities being held as collateral be:

(A) pledged to the investing entity;

(B) held in the investing entity's name; and

(C) deposited at the time the investment is made with the entity or with a third party selected by or approved by the investing entity;

(5) a loan made under the program must be placed through:

(A) a primary government securities dealer, as defined by 5 C.F.R. Section 6801.102(f), as that regulation existed on September 1, 2003; or

(B) a financial institution doing business in this state; and

(6) an agreement to lend securities that is executed under this section must have a term of one year or less.

Added by Acts 2003, 78th Leg., ch. 1227, Sec. 1, eff. Sept. 1, 2003.

Sec. 2256.012. AUTHORIZED INVESTMENTS: BANKER'S ACCEPTANCES. A bankers' acceptance is an authorized investment under this subchapter if the bankers' acceptance:

(1) has a stated maturity of 270 days or fewer from the date of its issuance;

(2) will be, in accordance with its terms, liquidated in full at maturity;

(3) is eligible for collateral for borrowing from a Federal Reserve Bank; and

(4) is accepted by a bank organized and existing under the laws of the United States or any state, if the short-term obligations of the bank, or of a bank holding company of which the bank is the largest subsidiary, are rated not less than A-1 or P-1 or an equivalent rating by at least one nationally recognized credit rating agency.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.013. AUTHORIZED INVESTMENTS: COMMERCIAL PAPER. Commercial paper is an authorized investment under this subchapter if the commercial paper:

(1) has a stated maturity of 270 days or fewer from the date of its issuance; and

(2) is rated not less than A-1 or P-1 or an equivalent rating by at least:

(A) two nationally recognized credit rating agencies; or

(B) one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.014. AUTHORIZED INVESTMENTS: MUTUAL FUNDS. (a) A no-load money market mutual fund is an authorized investment under this subchapter if the mutual fund:

(1) is registered with and regulated by the Securities and Exchange Commission;

(2) provides the investing entity with a prospectus and other information required by the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.);

(3) has a dollar-weighted average stated maturity of 90 days or fewer; and

(4) includes in its investment objectives the maintenance of a stable net asset value of \$1 for each share.

(b) In addition to a no-load money market mutual fund permitted as an authorized investment in Subsection (a), a no-

load mutual fund is an authorized investment under this subchapter if the mutual fund:

- (1) is registered with the Securities and Exchange Commission;
- (2) has an average weighted maturity of less than two years;
- (3) is invested exclusively in obligations approved by this subchapter;
- (4) is continuously rated as to investment quality by at least one nationally recognized investment rating firm of not less than AAA or its equivalent; and
- (5) conforms to the requirements set forth in Sections 2256.016(b) and (c) relating to the eligibility of investment pools to receive and invest funds of investing entities.

(c) An entity is not authorized by this section to:

- (1) invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds and reserves and other funds held for debt service, in mutual funds described in Subsection (b);
- (2) invest any portion of bond proceeds, reserves and funds held for debt service, in mutual funds described in Subsection (b); or
- (3) invest its funds or funds under its control, including bond proceeds and reserves and other funds held for debt service, in any one mutual fund described in Subsection (a) or (b) in an amount that exceeds 10 percent of the total assets of the mutual fund.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 7, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 8, eff. Sept. 1, 1999.

Sec. 2256.015. AUTHORIZED INVESTMENTS: GUARANTEED INVESTMENT CONTRACTS. (a) A guaranteed investment contract is

an authorized investment for bond proceeds under this subchapter if the guaranteed investment contract:

- (1) has a defined termination date;
- (2) is secured by obligations described by Section 2256.009(a)(1), excluding those obligations described by Section 2256.009(b), in an amount at least equal to the amount of bond proceeds invested under the contract; and
- (3) is pledged to the entity and deposited with the entity or with a third party selected and approved by the entity.

(b) Bond proceeds, other than bond proceeds representing reserves and funds maintained for debt service purposes, may not be invested under this subchapter in a guaranteed investment contract with a term of longer than five years from the date of issuance of the bonds.

(c) To be eligible as an authorized investment:

- (1) the governing body of the entity must specifically authorize guaranteed investment contracts as an eligible investment in the order, ordinance, or resolution authorizing the issuance of bonds;
- (2) the entity must receive bids from at least three separate providers with no material financial interest in the bonds from which proceeds were received;
- (3) the entity must purchase the highest yielding guaranteed investment contract for which a qualifying bid is received;
- (4) the price of the guaranteed investment contract must take into account the reasonably expected drawdown schedule for the bond proceeds to be invested; and
- (5) the provider must certify the administrative costs reasonably expected to be paid to third parties in connection with the guaranteed investment contract.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 8, eff. Sept. 1,

1997; Acts 1999, 76th Leg., ch. 1454, Sec. 9, 10, eff. Sept. 1, 1999.

Sec. 2256.016. AUTHORIZED INVESTMENTS: INVESTMENT POOLS.

(a) An entity may invest its funds and funds under its control through an eligible investment pool if the governing body of the entity by rule, order, ordinance, or resolution, as appropriate, authorizes investment in the particular pool. An investment pool shall invest the funds it receives from entities in authorized investments permitted by this subchapter. An investment pool may invest its funds in money market mutual funds to the extent permitted by and consistent with this subchapter and the investment policies and objectives adopted by the investment pool.

(b) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must furnish to the investment officer or other authorized representative of the entity an offering circular or other similar disclosure instrument that contains, at a minimum, the following information:

- (1) the types of investments in which money is allowed to be invested;
- (2) the maximum average dollar-weighted maturity allowed, based on the stated maturity date, of the pool;
- (3) the maximum stated maturity date any investment security within the portfolio has;
- (4) the objectives of the pool;
- (5) the size of the pool;
- (6) the names of the members of the advisory board of the pool and the dates their terms expire;
- (7) the custodian bank that will safekeep the pool's assets;
- (8) whether the intent of the pool is to maintain a net asset value of one dollar and the risk of market price fluctuation;

(9) whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or guarantees, and a description of the secondary source of payment;

(10) the name and address of the independent auditor of the pool;

(11) the requirements to be satisfied for an entity to deposit funds in and withdraw funds from the pool and any deadlines or other operating policies required for the entity to invest funds in and withdraw funds from the pool; and

(12) the performance history of the pool, including yield, average dollar-weighted maturities, and expense ratios.

(c) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must furnish to the investment officer or other authorized representative of the entity:

(1) investment transaction confirmations; and

(2) a monthly report that contains, at a minimum, the following information:

(A) the types and percentage breakdown of securities in which the pool is invested;

(B) the current average dollar-weighted maturity, based on the stated maturity date, of the pool;

(C) the current percentage of the pool's portfolio in investments that have stated maturities of more than one year;

(D) the book value versus the market value of the pool's portfolio, using amortized cost valuation;

(E) the size of the pool;

(F) the number of participants in the pool;

(G) the custodian bank that is safekeeping the assets of the pool;

(H) a listing of daily transaction activity of the entity participating in the pool;

(I) the yield and expense ratio of the pool, including a statement regarding how yield is calculated;

(J) the portfolio managers of the pool; and
(K) any changes or addenda to the offering circular.

(d) An entity by contract may delegate to an investment pool the authority to hold legal title as custodian of investments purchased with its local funds.

(e) In this section, "yield" shall be calculated in accordance with regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940, as promulgated from time to time by the federal Securities and Exchange Commission.

(f) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, a public funds investment pool created to function as a money market mutual fund must mark its portfolio to market daily, and, to the extent reasonably possible, stabilize at a \$1 net asset value. If the ratio of the market value of the portfolio divided by the book value of the portfolio is less than 0.995 or greater than 1.005, portfolio holdings shall be sold as necessary to maintain the ratio between 0.995 and 1.005. In addition to the requirements of its investment policy and any other forms of reporting, a public funds investment pool created to function as a money market mutual fund shall report yield to its investors in accordance with regulations of the federal Securities and Exchange Commission applicable to reporting by money market funds.

(g) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, a public funds investment pool must have an advisory board composed:

(1) equally of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for a public funds investment pool created under Chapter 791 and managed by a state agency; or

(2) of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for other investment pools.

(h) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.

(i) If the investment pool operates an Internet website, the information in a disclosure instrument or report described in Subsections (b), (c)(2), and (f) must be posted on the website.

(j) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must make available to the entity an annual audited financial statement of the investment pool in which the entity has funds invested.

(k) If an investment pool offers fee breakpoints based on fund balances invested, the investment pool in advertising investment rates must include either all levels of return based on the breakpoints provided or state the lowest possible level of return based on the smallest level of funds invested.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 9, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. [1004](#), Sec. 7, eff. June 17, 2011.

Sec. 2256.017. EXISTING INVESTMENTS. An entity is not required to liquidate investments that were authorized investments at the time of purchase.

Added by Acts 1995, 74th Leg., ch. 76, Sec. 5.46(a), eff. Sept. 1, 1995; Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1,

1995. Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 10, eff. Sept. 1, 1997.

Sec. 2256.019. RATING OF CERTAIN INVESTMENT POOLS. A public funds investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 11, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. [1004](#), Sec. 8, eff. June 17, 2011.

Sec. 2256.020. AUTHORIZED INVESTMENTS: INSTITUTIONS OF HIGHER EDUCATION. In addition to the authorized investments permitted by this subchapter, an institution of higher education may purchase, sell, and invest its funds and funds under its control in the following:

(1) cash management and fixed income funds sponsored by organizations exempt from federal income taxation under Section 501(f), Internal Revenue Code of 1986 (26 U.S.C. Section 501(f));

(2) negotiable certificates of deposit issued by a bank that has a certificate of deposit rating of at least 1 or the equivalent by a nationally recognized credit rating agency or that is associated with a holding company having a commercial paper rating of at least A-1, P-1, or the equivalent by a nationally recognized credit rating agency; and

(3) corporate bonds, debentures, or similar debt obligations rated by a nationally recognized investment rating firm in one of the two highest long-term rating categories, without regard to gradations within those categories.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.0201. AUTHORIZED INVESTMENTS; MUNICIPAL UTILITY. (a) A municipality that owns a municipal electric utility that is engaged in the distribution and sale of electric energy or natural gas to the public may enter into a hedging contract and related security and insurance agreements in relation to fuel oil, natural gas, coal, nuclear fuel, and electric energy to protect against loss due to price fluctuations. A hedging transaction must comply with the regulations of the Commodity Futures Trading Commission and the Securities and Exchange Commission. If there is a conflict between the municipal charter of the municipality and this chapter, this chapter prevails.

(b) A payment by a municipally owned electric or gas utility under a hedging contract or related agreement in relation to fuel supplies or fuel reserves is a fuel expense, and the utility may credit any amounts it receives under the contract or agreement against fuel expenses.

(c) The governing body of a municipally owned electric or gas utility or the body vested with power to manage and operate the municipally owned electric or gas utility may set policy regarding hedging transactions.

(d) In this section, "hedging" means the buying and selling of fuel oil, natural gas, coal, nuclear fuel, and electric energy futures or options or similar contracts on those commodities and related transportation costs as a protection against loss due to price fluctuation.

Added by Acts 1999, 76th Leg., ch. 405, Sec. 48, eff. Sept. 1, 1999.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. [7](#), Sec. 1, eff. April 13, 2007.

Sec. 2256.0202. AUTHORIZED INVESTMENTS: MUNICIPAL FUNDS FROM MANAGEMENT AND DEVELOPMENT OF MINERAL RIGHTS. (a) In addition to other investments authorized under this subchapter, a municipality may invest funds received by the municipality from a lease or contract for the management and development of land owned by the municipality and leased for oil, gas, or other mineral development in any investment authorized to be made by a trustee under Subtitle B, Title 9, Property Code (Texas Trust Code).

(b) Funds invested by a municipality under this section shall be segregated and accounted for separately from other funds of the municipality.

Added by Acts 2009, 81st Leg., R.S., Ch. [1371](#), Sec. 1, eff. September 1, 2009.

Sec. 2256.0203. AUTHORIZED INVESTMENTS: PORTS AND NAVIGATION DISTRICTS. (a) In this section, "district" means a navigation district organized under Section 52, Article III, or Section 59, Article XVI, Texas Constitution.

(b) In addition to the authorized investments permitted by this subchapter, a port or district may purchase, sell, and invest its funds and funds under its control in negotiable certificates of deposit issued by a bank that has a certificate of deposit rating of at least 1 or the equivalent by a nationally recognized credit rating agency or that is associated with a holding company having a commercial paper rating of at least A-1, P-1, or the equivalent by a nationally recognized credit rating agency.

Added by Acts 2011, 82nd Leg., R.S., Ch. [804](#), Sec. 1, eff. September 1, 2011.

Sec. 2256.0204. AUTHORIZED INVESTMENTS: INDEPENDENT SCHOOL DISTRICTS. (a) In this section, "corporate bond" means

a senior secured debt obligation issued by a domestic business entity and rated not lower than "AA-" or the equivalent by a nationally recognized investment rating firm. The term does not include a debt obligation that:

(1) on conversion, would result in the holder becoming a stockholder or shareholder in the entity, or any affiliate or subsidiary of the entity, that issued the debt obligation; or

(2) is an unsecured debt obligation.

(b) This section applies only to an independent school district that qualifies as an issuer as defined by Section 1371.001.

(c) In addition to authorized investments permitted by this subchapter, an independent school district subject to this section may purchase, sell, and invest its funds and funds under its control in corporate bonds that, at the time of purchase, are rated by a nationally recognized investment rating firm "AA-" or the equivalent and have a stated final maturity that is not later than the third anniversary of the date the corporate bonds were purchased.

(d) An independent school district subject to this section is not authorized by this section to:

(1) invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds, reserves, and other funds held for the payment of debt service, in corporate bonds; or

(2) invest more than 25 percent of the funds invested in corporate bonds in any one domestic business entity, including subsidiaries and affiliates of the entity.

(e) An independent school district subject to this section may purchase, sell, and invest its funds and funds under its control in corporate bonds if the governing body of the district:

(1) amends its investment policy to authorize corporate bonds as an eligible investment;

(2) adopts procedures to provide for:

(A) monitoring rating changes in corporate bonds acquired with public funds; and

(B) liquidating the investment in corporate bonds; and

(3) identifies the funds eligible to be invested in corporate bonds.

(f) The investment officer of an independent school district, acting on behalf of the district, shall sell corporate bonds in which the district has invested its funds not later than the seventh day after the date a nationally recognized investment rating firm:

(1) issues a release that places the corporate bonds or the domestic business entity that issued the corporate bonds on negative credit watch or the equivalent, if the corporate bonds are rated "AA-" or the equivalent at the time the release is issued; or

(2) changes the rating on the corporate bonds to a rating lower than "AA-" or the equivalent.

(g) Corporate bonds are not an eligible investment for a public funds investment pool.

Added by Acts 2011, 82nd Leg., R.S., Ch. [1347](#), Sec. 1, eff. June 17, 2011.

Sec. 2256.0205. AUTHORIZED INVESTMENTS; DECOMMISSIONING TRUST. (a) In this section:

(1) "Decommissioning trust" means a trust created to provide the Nuclear Regulatory Commission assurance that funds will be available for decommissioning purposes as required under 10 C.F.R. Part 50 or other similar regulation.

(2) "Funds" includes any money held in a decommissioning trust regardless of whether the money is considered to be public funds under this subchapter.

(b) In addition to other investments authorized under this subchapter, a municipality that owns a municipal electric utility that is engaged in the distribution and sale of electric

energy or natural gas to the public may invest funds held in a decommissioning trust in any investment authorized by Subtitle B, Title 9, Property Code.

Added by Acts 2005, 79th Leg., Ch. [121](#), Sec. 1, eff. September 1, 2005.

Sec. 2256.021. EFFECT OF LOSS OF REQUIRED RATING. An investment that requires a minimum rating under this subchapter does not qualify as an authorized investment during the period the investment does not have the minimum rating. An entity shall take all prudent measures that are consistent with its investment policy to liquidate an investment that does not have the minimum rating.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.022. EXPANSION OF INVESTMENT AUTHORITY. Expansion of investment authority granted by this chapter shall require a risk assessment by the state auditor or performed at the direction of the state auditor, subject to the legislative audit committee's approval of including the review in the audit plan under Section 321.013.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78th Leg., ch. 785, Sec. 42, eff. Sept. 1, 2003.

Sec. 2256.023. INTERNAL MANAGEMENT REPORTS. (a) Not less than quarterly, the investment officer shall prepare and submit to the governing body of the entity a written report of investment transactions for all funds covered by this chapter for the preceding reporting period.

(b) The report must:

(1) describe in detail the investment position of the entity on the date of the report;

(2) be prepared jointly by all investment officers of the entity;

(3) be signed by each investment officer of the entity;

(4) contain a summary statement of each pooled fund group that states the:

(A) beginning market value for the reporting period;

(B) ending market value for the period; and

(C) fully accrued interest for the reporting period;

(5) state the book value and market value of each separately invested asset at the end of the reporting period by the type of asset and fund type invested;

(6) state the maturity date of each separately invested asset that has a maturity date;

(7) state the account or fund or pooled group fund in the state agency or local government for which each individual investment was acquired; and

(8) state the compliance of the investment portfolio of the state agency or local government as it relates to:

(A) the investment strategy expressed in the agency's or local government's investment policy; and

(B) relevant provisions of this chapter.

(c) The report shall be presented not less than quarterly to the governing body and the chief executive officer of the entity within a reasonable time after the end of the period.

(d) If an entity invests in other than money market mutual funds, investment pools or accounts offered by its depository bank in the form of certificates of deposit, or money market accounts or similar accounts, the reports prepared by the investment officers under this section shall be formally reviewed at least annually by an independent auditor, and the

result of the review shall be reported to the governing body by that auditor.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 12, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. [1004](#), Sec. 9, eff. June 17, 2011.

Sec. 2256.024. SUBCHAPTER CUMULATIVE. (a) The authority granted by this subchapter is in addition to that granted by other law. Except as provided by Subsection (b), this subchapter does not:

- (1) prohibit an investment specifically authorized by other law; or
- (2) authorize an investment specifically prohibited by other law.

(b) Except with respect to those investing entities described in Subsection (c), a security described in Section 2256.009(b) is not an authorized investment for a state agency, a local government, or another investing entity, notwithstanding any other provision of this chapter or other law to the contrary.

(c) Mortgage pass-through certificates and individual mortgage loans that may constitute an investment described in Section 2256.009(b) are authorized investments with respect to the housing bond programs operated by:

- (1) the Texas Department of Housing and Community Affairs or a nonprofit corporation created to act on its behalf;
- (2) an entity created under Chapter 392, Local Government Code; or
- (3) an entity created under Chapter 394, Local Government Code.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.025. SELECTION OF AUTHORIZED BROKERS. The governing body of an entity subject to this subchapter or the designated investment committee of the entity shall, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with the entity.

Added by Acts 1997, 75th Leg., ch. 1421, Sec. 13, eff. Sept. 1, 1997.

Sec. 2256.026. STATUTORY COMPLIANCE. All investments made by entities must comply with this subchapter and all federal, state, and local statutes, rules, or regulations.

Added by Acts 1997, 75th Leg., ch. 1421, Sec. 13, eff. Sept. 1, 1997.

SUBCHAPTER B. MISCELLANEOUS PROVISIONS

Sec. 2256.051. ELECTRONIC FUNDS TRANSFER. Any local government may use electronic means to transfer or invest all funds collected or controlled by the local government.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.052. PRIVATE AUDITOR. Notwithstanding any other law, a state agency shall employ a private auditor if authorized by the legislative audit committee either on the committee's initiative or on request of the governing body of the agency.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.053. PAYMENT FOR SECURITIES PURCHASED BY STATE. The comptroller or the disbursing officer of an agency that has the power to invest assets directly may pay for authorized securities purchased from or through a member in good standing of the National Association of Securities Dealers or from or through a national or state bank on receiving an invoice from the seller of the securities showing that the securities have been purchased by the board or agency and that the amount to be paid for the securities is just, due, and unpaid. A purchase of securities may not be made at a price that exceeds the existing market value of the securities.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 8.67, eff. Sept. 1, 1997.

Sec. 2256.054. DELIVERY OF SECURITIES PURCHASED BY STATE. A security purchased under this chapter may be delivered to the comptroller, a bank, or the board or agency investing its funds. The delivery shall be made under normal and recognized practices in the securities and banking industries, including the book entry procedure of the Federal Reserve Bank.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 8.68, eff. Sept. 1, 1997.

Sec. 2256.055. DEPOSIT OF SECURITIES PURCHASED BY STATE. At the direction of the comptroller or the agency, a security purchased under this chapter may be deposited in trust with a bank or federal reserve bank or branch designated by the comptroller, whether in or outside the state. The deposit shall be held in the entity's name as evidenced by a trust receipt of the bank with which the securities are deposited.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 8.69, eff. Sept. 1, 1997.

Issue

Consider and take appropriate action, if any, on the 2013 City of Murphy Holiday Schedule.

Staff Resource / Department

James Fisher, City Manager

Stacy Buckley, Human Resources

Consideration

Section 4.03 of the Employee Handbook requires submission of the holiday schedule prior to November 1st. The proposed schedule includes 10 holidays and is as follows:

- Tuesday, January 1, 2013 – New Year’s Day
- Monday, January 21, 2013 – Martin Luther King, Jr. Day
- Friday, March 29 – Good Friday
- Monday, May 27 – Memorial Day
- Thursday, July 4 – Independence Day
- Monday, September 2 – Labor Day
- Thursday, November 28 – Thanksgiving Day
- Friday, November 29 – Friday Thanksgiving Holiday
- Tuesday, December 24 – Christmas Eve
- Wednesday, December 25 – Christmas Day

Staff Recommendation

Staff recommends approval of the 2013 holiday schedule.

City Council
October 16, 2012

Issue

Consider and/or act on the application of **Forestar (USA) Real Estate Group, Inc.** requesting approval of a site plan for Emerus Emergency Hospital on property zoned PD (Planned Development) District No. 12-07-917 located at the northeast corner of FM 544 and Heritage Parkway.

Staff Resource/Department

Kristen Roberts, Director of Community and Economic Development

Background

On July 17, 2012, the City Council approved a Specific Use Permit for a Hospital Facility on this property. The property is zoned NS (Neighborhood Services) District.

The applicant has submitted a site plan, building elevation plans and landscape plans for approval that would allow for development of an Emerus Emergency Hospital on this site.

The subject property is currently undeveloped has an area of 3.69 acres, is bordered by single family to the east, a child care facility to the north, Heritage Parkway to the west and FM 544 to the south.

Considerations

1. Windy Hills Farms HOA voted to allow Emerus to remove the white fence along the front of 544/Heritage on the northeast corner during their construction.
2. Throughout this process the applicant worked to address concerns expressed by City staff, surrounding homeowners, Planning & Zoning Commission and City Council. This included, but was not limited to: exterior materials increased landscaping, parking, height requirements.
3. After thorough staff review and submittal revisions by the applicant, all site plan, building elevation plans and landscape plan requirements have been met.

Board Discussion/Action

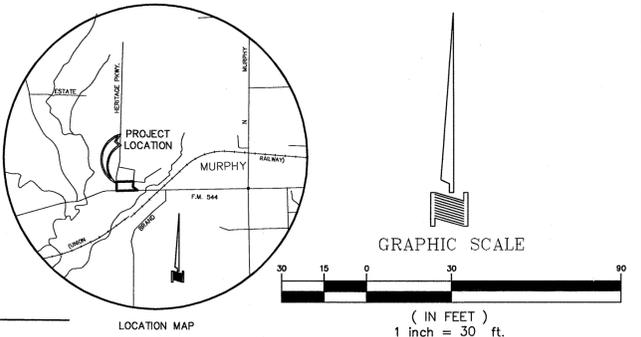
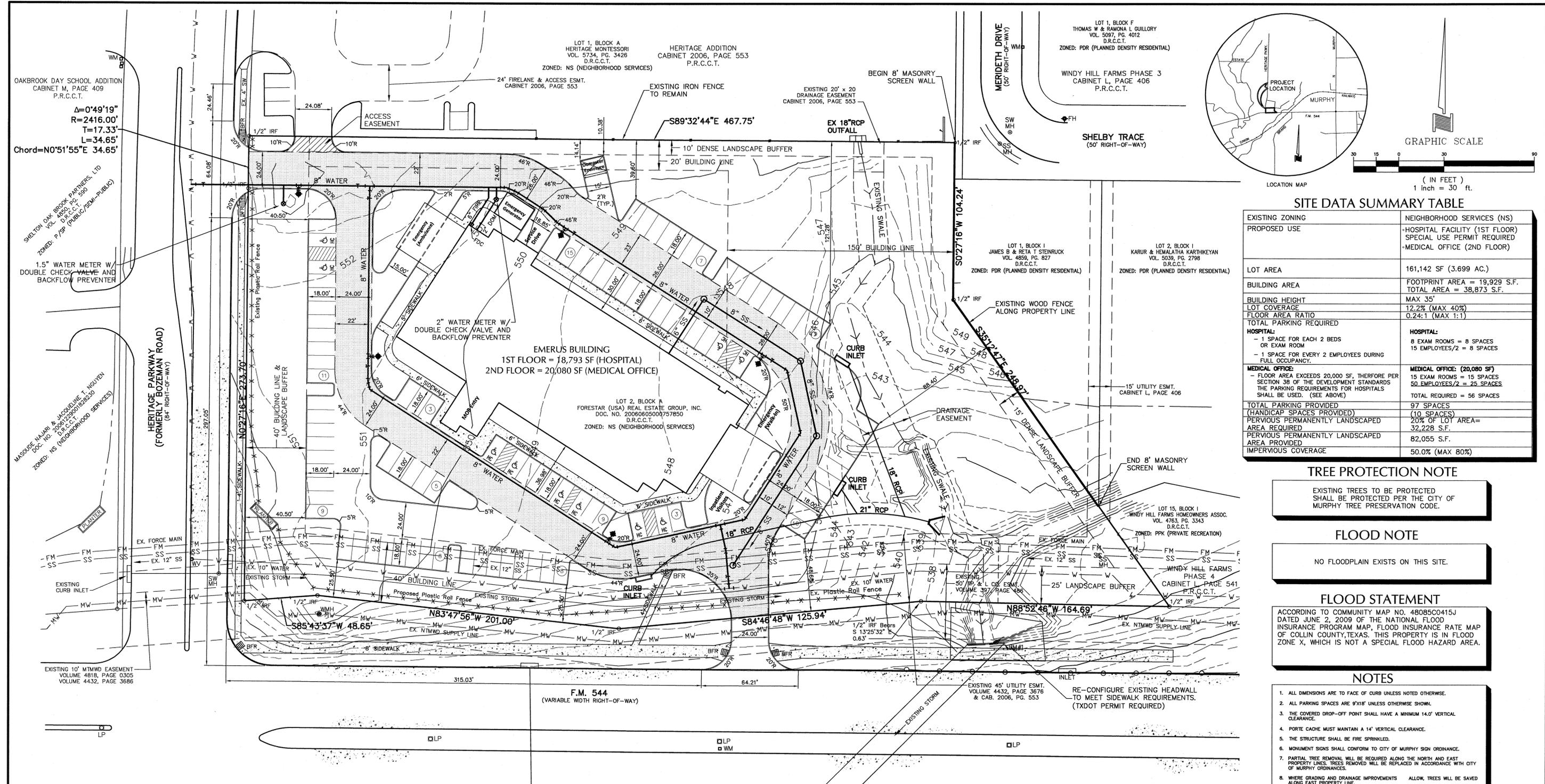
On September 24, 2012, the Planning & Zoning Commission voted unanimously to approve the site plan including building elevation plans and landscape plans for this development.

Staff Recommendation

Staff recommends approval of the proposed Site Plan including Landscape Plans and Building Elevation Plans as submitted.

Attachments

Site Plan
Landscape Plans
Building Elevation Plans



SITE DATA SUMMARY TABLE

EXISTING ZONING	NEIGHBORHOOD SERVICES (NS)
PROPOSED USE	+HOSPITAL FACILITY (1ST FLOOR) +SPECIAL USE PERMIT REQUIRED +MEDICAL OFFICE (2ND FLOOR)
LOT AREA	161,142 SF (3.699 AC.)
BUILDING AREA	FOOTPRINT AREA = 19,929 S.F. TOTAL AREA = 38,873 S.F.
BUILDING HEIGHT	MAX 35'
FLOOR AREA RATIO	12.2% (MAX 40%)
TOTAL PARKING REQUIRED	0.24:1 (MAX 1:1)
HOSPITAL:	HOSPITAL:
- 1 SPACE FOR EACH 2 BEDS OR EXAM ROOM	8 EXAM ROOMS = 8 SPACES 15 EMPLOYEES/2 = 8 SPACES
- 1 SPACE FOR EVERY 2 EMPLOYEES DURING FULL OCCUPANCY.	
MEDICAL OFFICE:	MEDICAL OFFICE: (20,080 SF)
- FLOOR AREA EXCEEDS 20,000 SF, THEREFORE PER SECTION 38 OF THE DEVELOPMENT STANDARDS THE PARKING REQUIREMENTS FOR HOSPITALS SHALL BE USED. (SEE ABOVE)	15 EXAM ROOMS = 15 SPACES 50 EMPLOYEES/2 = 25 SPACES
	TOTAL REQUIRED = 56 SPACES
TOTAL PARKING PROVIDED	97 SPACES
(HANDICAP SPACES PROVIDED)	10 SPACES
PERVIOUS PERMANENTLY LANDSCAPED AREA REQUIRED	20% OF LOT AREA = 32,228 S.F.
PERVIOUS PERMANENTLY LANDSCAPED AREA PROVIDED	82,055 S.F.
IMPERVIOUS COVERAGE	50.0% (MAX 80%)

TREE PROTECTION NOTE

EXISTING TREES TO BE PROTECTED SHALL BE PROTECTED PER THE CITY OF MURPHY TREE PRESERVATION CODE.

FLOOD NOTE

NO FLOODPLAIN EXISTS ON THIS SITE.

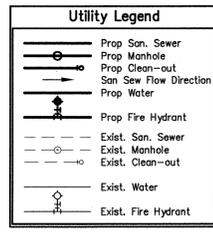
FLOOD STATEMENT

ACCORDING TO COMMUNITY MAP NO. 48085C0415J DATED JUNE 2, 2009 OF THE NATIONAL FLOOD INSURANCE PROGRAM MAP, FLOOD INSURANCE RATE MAP OF COLLIN COUNTY, TEXAS. THIS PROPERTY IS IN FLOOD ZONE X, WHICH IS NOT A SPECIAL FLOOD HAZARD AREA.

- NOTES**
- ALL DIMENSIONS ARE TO FACE OF CURB UNLESS NOTED OTHERWISE.
 - ALL PARKING SPACES ARE 9'x18' UNLESS OTHERWISE SHOWN.
 - THE COVERED DROP-OFF POINT SHALL HAVE A MINIMUM 14.0' VERTICAL CLEARANCE.
 - PORTE CACHE MUST MAINTAIN A 14" VERTICAL CLEARANCE.
 - THE STRUCTURE SHALL BE FIRE SPRINKLED.
 - MONUMENT SIGNS SHALL CONFORM TO CITY OF MURPHY SIGN ORDINANCE.
 - PARTIAL TREE REMOVAL WILL BE REQUIRED ALONG THE NORTH AND EAST PROPERTY LINES. TREES REMOVED WILL BE REPLACED IN ACCORDANCE WITH CITY OF MURPHY ORDINANCES.
 - WHERE GRADING AND DRAINAGE IMPROVEMENTS ALLOW, TREES WILL BE SAVED ALONG EAST PROPERTY LINE.
 - NO MEDIAN OPENINGS PROPOSED ALONG F.M. 544 OR HERITAGE PKWY. ALL TRAFFIC MOVEMENT IN AND OUT OF THIS FACILITY WILL BE RIGHT IN & RIGHT OUT ONLY.
 - FIRE LANES SHALL MAINTAIN A 14' VERTICAL CLEARANCE AT ALL TIMES.
 - FIRE LANES MUST BE INSTALLED AND STRIPED BEFORE VERTICAL CONSTRUCTION CAN BEGIN AND FIRE LANES MUST BE MAINTAINED AT ALL TIMES.
 - AN AUTOMATIC SPRINKLER SYSTEM IS REQUIRED OR THIS STRUCTURE AND MUST BE DESIGNED, INSTALLED & MAINTAINED PER NFPA 13. PLANS ARE REQUIRED TO BE SUBMITTED DIRECTLY TO THE MURPHY FIRE MARSHAL OFFICE FOR REVIEW. A PERMIT WILL BE PROVIDED AFTER APPROVAL OF SUCH PLANS AND BEFORE SYSTEM INSTALLATION MAY BEGIN.
 - THE UNDERGROUND WATER SUPPLY PLANS FOR THE SPRINKLER SYSTEM IS REQUIRED TO BE DESIGNED, INSTALLED & MAINTAINED PER NFPA 24 AND SUBMITTED DIRECTLY TO MURPHY FIRE MARSHAL OFFICE FOR REVIEW. A PERMIT WILL BE PROVIDED AFTER APPROVAL OF SUCH PLANS AND BEFORE SYSTEM INSTALLATION MAY BEGIN.

3.699 ACRES ~ 161,142 S.F.
SITE PLAN
EMERUS EMERGENCY HOSPITAL
 LOT 2, BLOCK A, HERITAGE ADDITION
 AN ADDITION TO THE CITY OF MURPHY
 MARY SCOTT SURVEY, ABSTRACT NO. 859
 GEORGE H. PEGUES SURVEY, ABSTRACT NO. 699
 COLLIN COUNTY, TEXAS
 AUGUST 15, 2012 SCALE: 1"=30'

- LEGEND**
- [Symbol] = FIRELANE, PUBLIC ACCESS, DRAINAGE & UTILITY EASEMENT
 - [Symbol] = ACCESS EASEMENT
 - SSE = SANITARY SEWER EASEMENT
 - DE = DRAINAGE EASEMENT
 - WE = WATER EASEMENT
 - UE = UTILITY EASEMENT
 - HC = HANDICAP PARKING SPACE
 - [Symbol] = TELEPHONE PEDESTAL
 - [Symbol] = LIGHT POLE
 - [Symbol] = POWER POLE
 - [Symbol] = 10' CURB INLET
 - [Symbol] = GRATE INLET
 - [Symbol] = WYE INLET
 - [Symbol] = OUTLET STRUCTURE
 - [Symbol] = FLOW DIRECTION



OWNER
 FORESTAR (USA) REAL ESTATE GROUP, INC.
 14755 PRESTON ROAD, SUITE 710
 DALLAS, TEXAS 75254
 TEL: 972-702-8699
 FAX: 972-702-8372
 CONTACT: CHRISTI BROWNLOW

DEVELOPER
 EMERUS HOLDINGS, INC.
 10077 GROGANS MILL ROAD
 SUITE 100
 THE WOODLANDS, TEXAS 77380
 CONTACT: DUDLEY CARPENTER

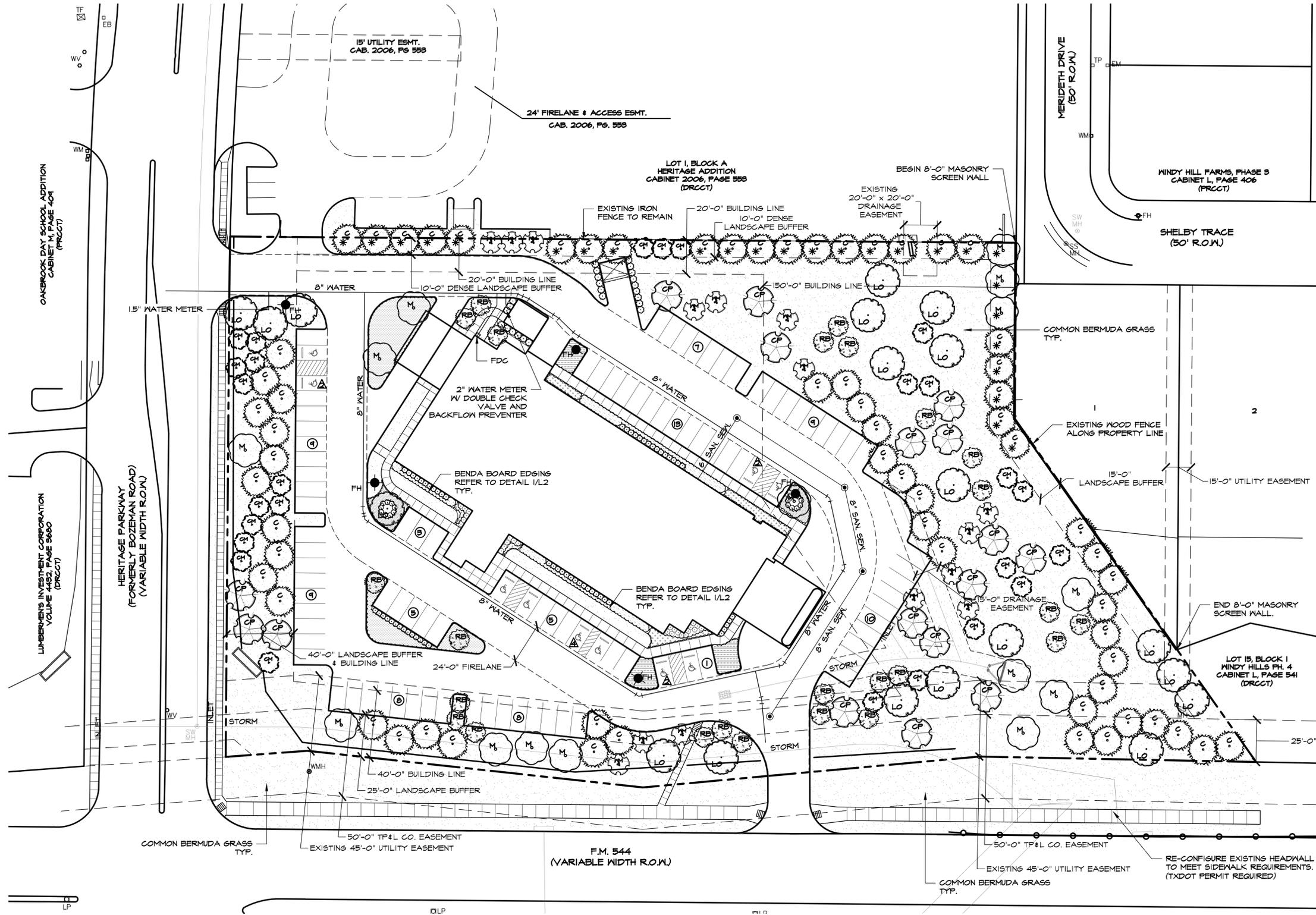
ARCHITECT
 PhioWilke PARTNERSHIP
 11275 S. HOUSTON PARKWAY W.
 SUITE 200
 HOUSTON, TEXAS 77031
 TEL: 832-554-1130
 CONTACT: DAVID BALDACCHINO

LANDSCAPE ARCHITECT
 STUDIO 13 DESIGN GROUP
 519 BENNETT LANE
 SUITE 203
 LEWISVILLE, TEXAS 75057
 TEL: 469-635-1900
 CONTACT: LEONARD REEVES, RLA ASLA

ENGINEER/SURVEYOR
 DOWDEY, ANDERSON & ASSOCIATES, INC.
 5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694
 STATE REGISTRATION NUMBER: F-399
 CONTACT: BRENT L. MURPHREE, P.E.
 bmurphree@daa-civil.com

Plotted by: Audrey Plot Date: 9/7/2012 8:57 AM

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LANDSCAPE LEGEND

- LIVE OAK / QUERCUS VIRGINIANA (3\"/>

STUDIO 13 DESIGN GROUP

Studio 13 Design Group, P.L.L.C.
519 Bennett Lane, Suite 203
Lewisville, Texas 75057
469-635-1900

September 7, 2012

NORTH

1" = 30' - 0"

Bar is one inch on original drawing. If not one inch on this sheet, adjust scale as necessary.

LANDSCAPE AND SCREENING

Landscape Plan

Emerus Emergency Hospital

City of Murphy, Collin County, Texas

PLAN REVIEW REVISIONS	BY	DATE

Philo Wilke

Partnership

11275 S. Sam Houston Parkway W.
Suite 200
Houston, Texas 77031
(832) 554-1130
www.pwarch.com

EMERUS

ADVANCED EMERGENCY CARE

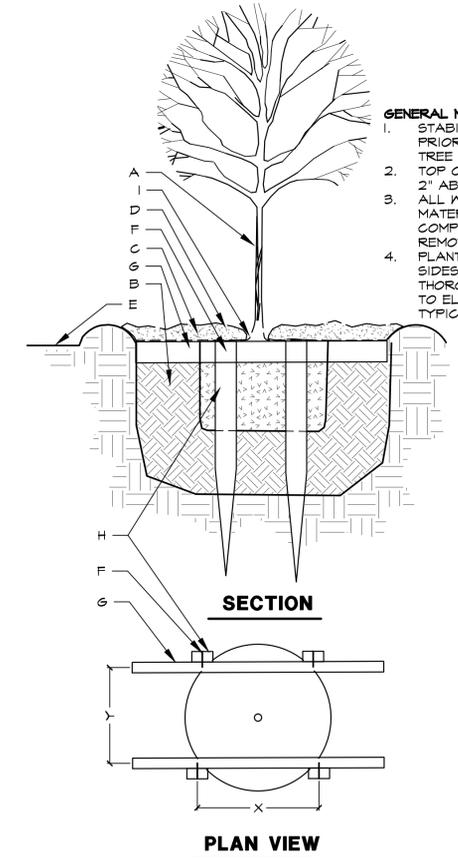
#	0
PROJECT	PWP001
SHEET	L1 of 2

LANDSCAPE NOTES:

- A TREE PERMIT IS REQUIRED FOR ALL REMOVAL OF ALL TREES, PROTECTED AND UNPROTECTED.
- PLANT MATERIAL SHALL BE MEASURED AND SIZED ACCORDING TO THE LATEST EDITION OF THE TEXAS NURSERY & LANDSCAPE ASSOCIATION (TNLA) SPECIFICATIONS, GRADES AND STANDARDS.
- ALL PLANT SUBSTITUTIONS ARE SUBJECT TO CITY APPROVAL AND MUST BE SPECIFIED ON THE APPROVED LANDSCAPE PLAN.
- GROUND COVERS USED IN LIEU OF TURF GRASS MUST PROVIDE COMPLETE COVERAGE WITHIN ONE (1) YEAR OF PLANTING AND MAINTAIN ADEQUATE COVERAGE AS APPROVED BY THE CITY OF MURPHY.
- TREES MUST BE PLANTED FOUR FEET (4') OR GREATER FROM CURBS, SIDEWALKS, UTILITY LINES, SCREENING WALLS AND/OR OTHER STRUCTURES. THE CITY OF MURPHY HAS FINAL APPROVAL FOR ALL TREE PLACEMENTS.
- TREE PITS SHALL HAVE ROUGHENED SIDES AND BE TWO TO THREE TIMES WIDER THAN THE ROOT BALL OF THE TREE IN ORDER TO FACILITATE HEALTHY ROOT GROWTH.
- TREE PITS SHALL BE TESTED FOR WATER PERCOLATION. IF WATER DOES NOT DRAIN OUT OF TREE PIT WITH IN A 24-HOUR PERIOD, THE CONTRACTOR SHALL PROVIDE BERMING, OR DEVISE DRAINAGE PRACTICES, AND CONTACT THE CITY LANDSCAPE ARCHITECT PRIOR TO PLANTING.
- TREES SHALL NOT BE PLANTED DEEPER THAN THE BASE OF THE "TRUNK FLARE".
- THE TREE PIT SHALL BE BACKFILLED WITH NATIVE TOPSOIL FREE OF ROCK AND OTHER DEBRIS.
- BURLAP, TWINE AND WIRE BASKETS SHALL BE LOOSELY AND PULLED BACK FROM THE TRUNK OF TREE AS MUCH AS POSSIBLE.
- TREES SHALL NOT BE WATERED TO EXCESS THAT RESULTS IN SOIL SATURATION. IF SOIL BECOMES SATURATED, THE WATERING SCHEDULE SHALL BE ADJUSTED TO ALLOW FOR DRAINAGE AND ABSORPTION OF THE EXCESS WATER.
- A 3"-4" LAYER OF MULCH SHALL BE PROVIDED AROUND THE BASE OF THE PLANTED TREE. THE MULCH SHALL BE PULLED BACK 1-2" FROM THE TRUNK OF THE TREE.
- NO PERSON(S) OR ENTITY MAY USE IMPROPER OR MALICIOUS MAINTENANCE OR PRUNING TECHNIQUES WHICH WOULD LIKELY LEAD TO THE DEATH OF THE TREE. IMPROPER OR MALICIOUS TECHNIQUES INCLUDE, BUT ARE NOT LIMITED TO, TOPPING OR OTHER UNSYMMETRICAL TRIMMING OF TREES, TRIMMING TREES WITH A BACKHOE, OR USE OF FIRE OR POISON TO CAUSE THE DEATH OF A TREE.
- TOPSOIL SHALL BE A MINIMUM OF 8 INCHES IN DEPTH IN PLANTING AREAS. SOIL SHALL BE FREE OF STONES, ROOTS, AND CLODS AND ANY OTHER FOREIGN MATERIAL THAT IS NOT BENEFICIAL FOR PLANT GROWTH.
- ALL PLANT BEDS SHALL BE TOP-DRESSED WITH A MINIMUM OF 2 INCHES OF PINE STRAW MULCH.
- TREES OVERHANGING WALKS AND PARKING SHALL HAVE A MINIMUM CLEAR TRUNK HEIGHT OF 7 FEET. TREES OVERHANGING PUBLIC STREET PAVEMENT DRIVE AISLES AND FIRE LANES SHALL HAVE A MINIMUM CLEAR TRUNK HEIGHT OF 14 FEET.
- A VISIBILITY TRIANGLE MUST BE PROVIDED AT ALL INTERSECTIONS. SHRUBS ARE NOT TO EXCEED 30 INCHES IN HEIGHT. TREES SHALL HAVE A MINIMUM CLEAR TRUNK HEIGHT OF 4 FEET.
- TREES PLANTED ON A SLOPE SHALL HAVE THE SOIL STAIN AT THE AVERAGE GRADE OF SLOPE.
- NO SHRUBS SHALL BE PERMITTED WITHIN AREAS LESS THAN 3 FEET IN WIDTH. ALL BEDS LESS THAN 3 FEET IN WIDTH SHALL BE GRASS, GROUND COVER OR SOME TYPE OF FIXED PAVING.
- THE OWNER, TENANT, AND/OR THEIR AGENTS, IF ANY, SHALL BE JOINTLY AND SEVERALLY RESPONSIBLE FOR THE MAINTENANCE, ESTABLISHMENT, AND PERMANENCE OF PLANT MATERIAL. ALL LANDSCAPING SHALL BE MAINTAINED IN A NEAT AND ORDERLY MANNER AT ALL TIMES. THIS SHALL INCLUDE, BUT NOT LIMITED TO, MOWING, EDGING, PRUNING, FERTILIZING, WATERING, AND OTHER ACTIVITIES NECESSARY FOR THE MAINTENANCE OF LANDSCAPED AREAS.
- ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY AND GROWING CONDITION AS IS APPROPRIATE FOR THE SEASON OF THE YEAR. PLANT MATERIAL THAT IS DAMAGED, DESTROYED, OR REMOVED SHALL BE REPLACED WITH PLANT MATERIAL OF SIMILAR SIZE AND VARIETY WITHIN 30 DAYS UNLESS OTHERWISE APPROVED IN WRITING BY THE CITY OF MURPHY.
- LANDSCAPE AND OPEN AREAS SHALL BE KEPT FREE OF TRASH, LITTER AND WEEDS.
- AN AUTOMATIC IRRIGATION SYSTEM SHALL BE PROVIDED TO IRRIGATE ALL LANDSCAPE AREAS. OVERSPRAY ON STREETS AND WALKS IS PROHIBITED. A PERMIT FROM THE BUILDING INSPECTION DEPARTMENT IS REQUIRED FOR EACH IRRIGATION SYSTEM.
- NO PLANT MATERIAL SHALL BE ALLOWED TO ENCROACH ON RIGHT-OF-WAY, SIDEWALKS OR EASEMENTS TO THE EXTENT THAT THE VISION OR ROUTE OF TRAVEL FOR VEHICULAR, PEDESTRIAN, OR BICYCLE TRAFFIC IS IMPEDED.
- NO PLANTING AREAS SHALL EXCEED 3:1 SLOPE, 3' HORIZONTAL TO 1' VERTICAL.
- EARTHEN BERMS SHALL NOT INCLUDE CONSTRUCTION DEBRIS. CONTRACTOR MUST CORRECT SLIPPAGE OR DAMAGE TO THE SMOOTH FINISH GRADE OF THE BERM PRIOR TO ACCEPTANCE.
- ALL WALKWAYS SHALL MEET A.D.A. AND T.A.S. REQUIREMENTS.
- FINAL INSPECTION AND APPROVAL OF SCREENING WALLS, IRRIGATION AND LANDSCAPE IS SUBJECT TO ALL PUBLIC UTILITIES, INCLUDING BUT NOT LIMITED TO MANHOLES, VALVES, WATER METERS, CLEANOUTS AND OTHER AFFURTENANCES, TO BE ACCESSIBLE, ADJUSTED TO GRADE AND TO THE CITY OF MURPHY'S PUBLIC WORKS DEPARTMENT STANDARDS.
- PRIOR TO CALLING FOR A LANDSCAPE INSPECTION, CONTRACTOR IS RESPONSIBLE FOR MARKING ALL MANHOLES, VALVES, WATER METERS, CLEANOUTS AND OTHER UTILITY AFFURTENANCES WITH FLAGGING FOR FIELD VERIFICATION BY THE PUBLIC WORKS DEPARTMENT.

PLANT LIST

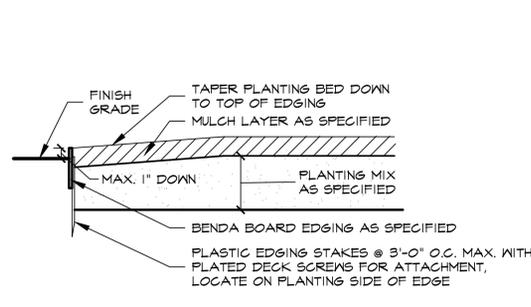
SYMBOL	COMMON/BOTANICAL NAME	SIZE	SPACING	QUANTITY	REMARKS
M	CADDY MAPLE / ACER SACCHARUM 'CADDY'	4" CALIPER	AS SHOWN	3	8' MINIMUM SPREAD; MINIMUM 12' HEIGHT; FULL ROUNDED HEAD 7' MINIMUM BRANCHING HEIGHT; NURSERY GROWN.
C	CEDAR ELM / ULMUS CRASSIFOLIA	4" CALIPER	AS SHOWN	23	8' MINIMUM SPREAD; MINIMUM 12' HEIGHT; FULL ROUNDED HEAD 7' MINIMUM BRANCHING HEIGHT; NURSERY GROWN.
LO	LIVE OAK / QUERCUS VIRGINIANA	3" CALIPER	AS SHOWN	19	6' MINIMUM SPREAD; MINIMUM 7' HEIGHT; FULL ROUNDED HEAD 6' MINIMUM BRANCHING HEIGHT; NURSERY GROWN.
M	CADDY MAPLE / ACER SACCHARUM 'CADDY'	3" CALIPER	AS SHOWN	12	6' MINIMUM SPREAD; MINIMUM 7' HEIGHT; FULL ROUNDED HEAD 6' MINIMUM BRANCHING HEIGHT; NURSERY GROWN.
CP	CHINESE PISTACHIO / PISTACHIA CHINESIS	3" CALIPER	AS SHOWN	17	6' MINIMUM SPREAD; MINIMUM 7' HEIGHT; FULL ROUNDED HEAD 6' MINIMUM BRANCHING HEIGHT; NURSERY GROWN.
C	CEDAR ELM / ULMUS CRASSIFOLIA	3" CALIPER	AS SHOWN	42	6' MINIMUM SPREAD; MINIMUM 7' HEIGHT; FULL ROUNDED HEAD 6' MINIMUM BRANCHING HEIGHT; NURSERY GROWN.
WM	MAX MYRTLE / MYRTICA CERIFER	2" CALIPER	AS SHOWN	18	5' MINIMUM SPREAD; MINIMUM 6' HEIGHT; 2" MIN. CAL.; FULL HEAD NURSERY GROWN.
RB	FOREST PANSY REDBUD / CERCIS CANADENSIS 'FOREST PANSY'	2" CALIPER	AS SHOWN	25	5' MINIMUM SPREAD; MINIMUM 6' HEIGHT; 2" MIN. CAL.; FULL HEAD NURSERY GROWN.
CM	NATCHEZ GRAPEMYRTLE / LAGERSTROEMIA x 'NATCHEZ'	2" CALIPER	AS SHOWN	26	5' MINIMUM SPREAD; MINIMUM 6' HEIGHT; 2" MIN. CAL.; FULL HEAD NURSERY GROWN.
	NELLIE R. STEVENS' / ILEX 'NELLIE R STEVENS'	7 GALLON	AS SHOWN	24	FULL PLANTS
	DWARF BURFORD HOLLY / ILEX CORNUTA 'DWARF BURFORD'	7 GALLON	AS SHOWN	60	FULL PLANTS
	KNOCKOUT ROSE / ROSA SPP.	3 GALLON	AS SHOWN	25	FULL PLANTS
	BLACK KNIGHT BUTTERFLY BUSH / BUDDLEJA DAVIDI 'BLACK KNIGHT'	3 GALLON	AS SHOWN	18	FULL PLANTS
	LIRIOPE / LIRIOPE MUSCARI	1 GALLON	12" O.C.	451	FULL PLANTS
	MEXICAN FEATHER GRASS / STIPA TENNUISSIMA	1 GALLON	18" O.C.	1,061	FULL PLANTS
	LITTLE BLUESTEM GRASS / SCHIZACHYRIUM SCOPARIUM	1 GALLON	12" O.C.	837	FULL PLANTS
	BAR HARBOR JUNIPER / JUNIPERUS HORIZONTALIS 'BAR HARBOR'	3 GALLON	36" O.C.	65	FULL PLANTS
	JAPANESE YEW 'EMERALD SPREADER' / TAXUS CUSPIDATA 'MONLOO'	3 GALLON	36" O.C.	55	FULL PLANTS
	COMMON BERMUDA GRASS	HYDROMULCH	SQUARE FEET	47,085	MINIMUM 100% COVERAGE @ 70% DENSITY



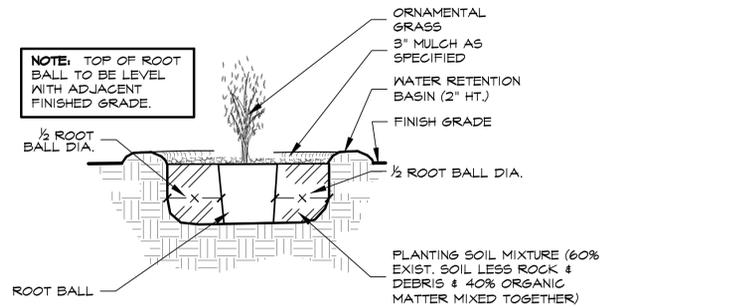
- GENERAL NOTES:**
- STABILIZE SOIL BELOW ROOT BALL PRIOR TO PLANTING TO PREVENT TREE FROM SETTLING.
 - TOP OF ROOTBALL SHALL BE 1" TO 2" ABOVE FINISHED GRADE.
 - ALL WIRE ROPE AND SYNTHETIC MATERIALS SHALL BE REMOVED COMPLETELY FROM ROOTBALL AND REMOVE TOP 1/3 OF BURLAP.
 - PLANTING PITS SHALL BE SQUARE, SIDES OF PITS SHALL BE THOROUGHLY SCARIFIED/ROUGHENED TO ELIMINATE FLARED AS SHOWN IN TYPICAL DETAIL.

- CONSTRUCTION NOTES:**
- TREE
 - LOOSEN NATIVE BACKFILL (NO SOIL AMENDMENTS IN CONTRACT)
 - WATER RETENTION BASIN
 - 3" DEPTH MULCH AS SPECIFIED
 - FINISH GRADE
 - 2 1/2 DRYWALL SCREW (UNFINISHED)
 - 2" X 2" X 4" CROSS MEMBER (UNTREATED LUMBER). **NOTE:** CROSS MEMBERS TO BE ORIENTED PARALLEL TO NORTH / SOUTH BEARING AND SHALL BE PROPORTIONAL IN LENGTH TO ROOT BALL (4' MIN).
 - 2" X 2" X 4" STAKE WITH 18" MIN. TAPER (UNTREATED LUMBER)
 - REMOVE TOP 1/3 OF BURLAP SURROUNDING ROOTBALL AFTER INSTALLATION TO PREVENT "NICKING" OF MOISTURE X DIMENSION EQUAL TO "Y" Y DIMENSION EQUAL TO "X"

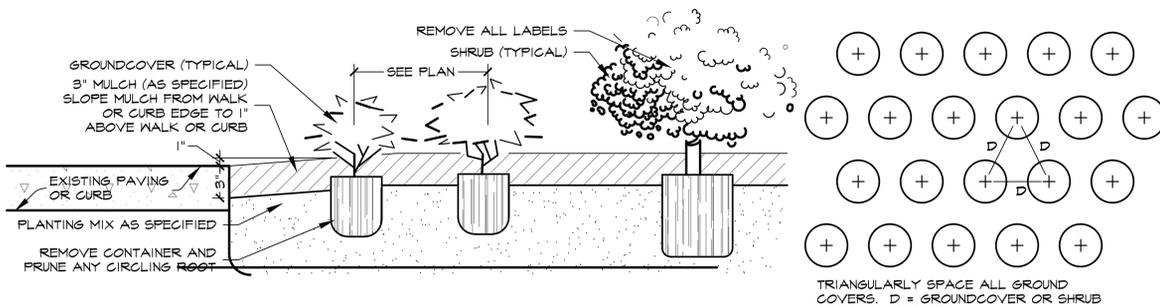
4 TREE PLANTING
NOT TO SCALE



1 TYPICAL BED EDGING DETAIL
NOT TO SCALE



2 POCKET PLANTING ORNAMENTAL GRASS DETAIL
NOT TO SCALE



3 SHRUB AND GROUND COVER PLANTING DETAIL
NOT TO SCALE

STUDIO 13 DESIGN GROUP
Studio 13 Design Group, P.L.L.C.
519 Bennett Lane, Suite 203
Lewisville, Texas 75057
469-635-1900

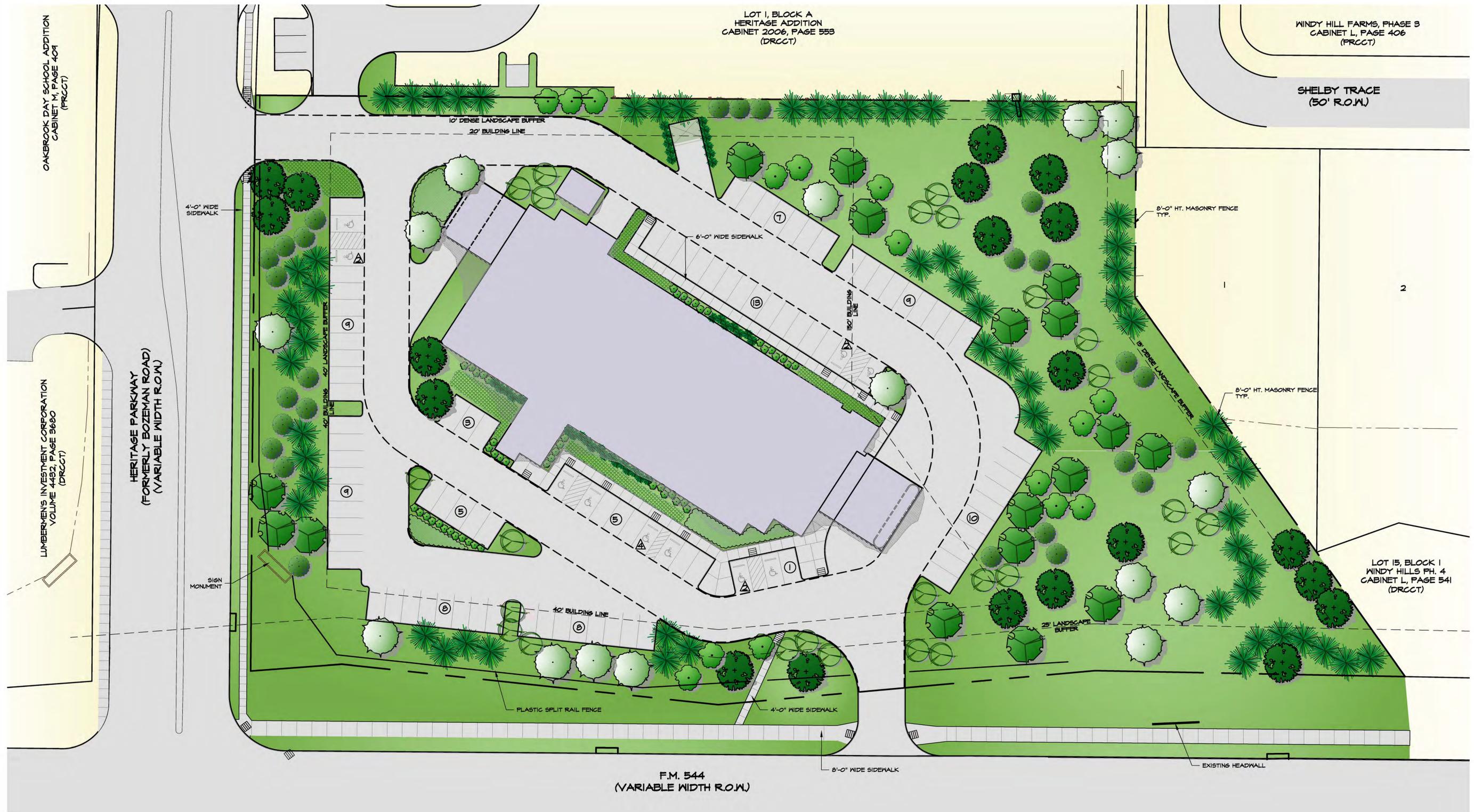
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LANDSCAPE AND SCREENING
Landscape Details
Emerus Emergency Hospital
City of Murphy, Collin County, Texas

PLAN REVIEW REVISIONS	DATE	BY

PROJECT: **PWP001**
SHEET: **L2 of 2**

Drawing: S:\Projects\PM001\DWG\PM001-LS.dwg Saved By: Audrey Sove Time: 9/7/2012 8:41 AM Plotted by: Audrey Plot Date: 9/7/2012 8:57 AM



Emerus Emergency Hospital



DOWDEY, ANDERSON & ASSOCIATES, INC.





Emerus Emergency Hospital

Murphy, Texas

Issue

Consider and/or act on the application of **Forestar (USA) Real Estate Group, Inc.** requesting approval of a construction plat for Emerus Emergency Hospital on property zoned PD (Planned Development) District No. 12-07-917 located at the northeast corner of FM 544 and Heritage Parkway.

Staff Resource/Department

Kristen Roberts, Director of Community and Economic Development

Background

The proposed Construction Plat would allow for the development process of an Emerus Emergency Hospital on this site to move forward. On July 17, 2012, the City Council approved a Specific Use Permit for a Hospital Facility on this property. The property is zoned NS (Neighborhood Services) District.

Considerations

1. After thorough staff review and submittal revisions by the applicant, all construction plat requirements have been met.

Board Discussion/Action

On September 24, 2012, the Planning & Zoning Commission voted unanimously to approve this item.

Staff Recommendation

Staff recommends approval of the proposed Construction Plat as submitted.

Attachments

Construction Plat

OWNER'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF COLLIN §

WHEREAS, FORESTAR (USA) REAL ESTATE GROUP, INC., is the owner of a tract of land situated in the MARY SCOTT SURVEY, ABSTRACT No. 859 and the GEORGE H. PEGUES SURVEY, ABSTRACT No. 699, in the City of Murphy, Collin County, Texas, and being all of Lot 2, Block A, of Heritage Addition, an addition to the City of Murphy, Collin County, Texas, according to the Plat thereof recorded in Cabinet 2006, Page 553, Deed Records, Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found with a red plastic cap stamped "WAI" at the intersection of the northerly Right-of-Way line of Farm to Market Highway 544, variable width right-of-way, and the easterly right-of-way line of Heritage Parkway, 84' right-of-way;

THENCE departing said northerly right-of-way line of Farm to Market Highway 544 and along said easterly right-of-way line of Heritage Parkway as follows:

North 00 deg 27 min 16 sec East, a distance of 273.70 feet to a 1/2-inch iron rod with a red plastic cap stamped "WAI" found for corner, said point being the beginning of a curve to the right having a radius of 2,416.00 feet, having a central angle of 00 deg 49 min 19 sec, a chord bearing of North 00 deg 51 min 55 sec East, and a chord length of 34.65 feet;

Along said curve to the right, an arc distance of 34.65 feet to a 1/2-inch iron rod with a red plastic cap stamped "WAI" found for corner, said point being the southwest corner of Lot 1, Block A, of said Heritage Addition;

THENCE South 89 deg 32 min 44 sec East, departing said easterly line of Heritage Parkway, along the North line of said Lot 2 and the South line of said Lot 1, a distance of 487.75 feet to a 1/2-inch iron rod with red plastic cap stamped "WAI" found for corner in the westerly line of Windy Hill Farms, Phase 3, an addition to the City of Murphy, Collin County, Texas, according to the Plat thereof recorded in Cabinet L, Page 406, Plat Records, Collin County, Texas;

THENCE South 00 deg 27 min 16 sec West, along the East line of said Lot 1, a distance of 104.24 feet to a 1/2-inch iron rod found for corner;

THENCE South 35 deg 12 min 47 sec East, continuing along the East line of said Lot 1, a distance of 248.97 feet to a 1/2-inch iron rod found with a red plastic cap stamped "WAI" found for corner in the northerly right-of-way line of said Farm to Market Highway 544, said point being Southwesterly corner of Lot 15, Block 1, of Windy Hill, Phase 4, an addition to the City of Murphy, Collin County, Texas, according to the Plat thereof recorded in Cabinet L, Page 541, Deed Records, Collin County, Texas;

THENCE along said northerly right-of-way line of Farm to Market Highway 544 and the South line of said Lot 2, the following courses and distances:

North 88 deg 52 min 46 sec West, a distance of 164.69 feet to a point for corner from which a 1/2-inch iron rod found bears South 13 deg 25 min 32 sec East, 0.63 feet;

South 84 deg 46 min 48 sec West, a distance of 125.94 feet to a 1/2-inch iron rod with red plastic cap stamped "WAI" found for corner;

North 83 deg 47 min 56 sec West, a distance of 201.00 feet to a 1/2-inch iron rod with a red plastic cap stamped "WAI" found for corner;

THENCE South 85 deg 43 min 37 sec West, continuing along said northerly right-of-way line of Farm to Market Highway 544 and the South line of said Lot 2, a distance of 48.65 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 3.699 acres or 161,142 square feet of land, more or less

DEDICATION STATEMENT

STATE OF TEXAS §
COUNTY OF COLLIN §

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS;

That FORESTAR (USA) REAL ESTATE GROUP, INC., acting herein by and through its duly-authorized officers, do hereby adopt this plat designating the herein above-described property as EMERUS EMERGENCY HOSPITAL, an addition to the City of Murphy, Texas, and do hereby dedicate, in fee simple, to the public use forever, the streets, alleys, and public use areas shown hereon and do hereby dedicate the easements shown on the plat for the purposes indicated to the public use forever, said dedications being free and clear of all liens and encumbrances, except as shown herein. No buildings, fences, trees, shrubs, or other improvements shall be constructed or placed upon, over, or across the easements on said plat. Utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to a particular utility or utilities, said use by public utilities being subordinate to the public's and City of Carrollton's use thereof. The City of Carrollton and any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system on any of these easements and the City of Carrollton or any public utility shall at all times have the right of ingress and egress to and from any upon any of said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective system without the necessity of any time of procuring the permission of anyone. FORESTAR (USA) REAL ESTATE GROUP, INC. does hereby bind themselves, their successor and assigns to forever warrant and defend, all and singular, the above-described streets, alleys, easements and rights unto the public, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Murphy.

WITNESS MY HAND THIS _____ DAY OF _____, 2012.

FORESTAR (USA) REAL ESTATE GROUP, INC.

By: _____ By: _____

Name: _____ Name: _____

Title: _____ Title: _____
Lienholder

NOTARY CERTIFICATE

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared _____ of FORESTAR (USA) REAL ESTATE GROUP, INC., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2012.

Notary Signature

NOTARY CERTIFICATE

STATE OF _____ §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared _____ of _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2012.

Notary Signature

SURVEYOR CERTIFICATE

STATE OF TEXAS

I, SEAN PATTON, a Registered Public Surveyor, hereby certify that I have prepared this plat from an actual on-the-ground survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the platting rules and regulations of the City of Carrollton, Texas.

Sean Patton
Registered Professional Land Surveyor
No. 5660

NOTARY CERTIFICATE

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared Sean Patton, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 2012.

Notary Signature

NOTARY STAMP:

CITY SIGNATURE BLOCK

On the ____ day of _____, 2012, this plat was duly approved by the Planning and Zoning Commission of the City of Murphy.

Signed: _____ Attest: _____
Chairman City Secretary
Planning and Zoning Commission

Signed: _____
Planning Department

ACCESS EASEMENTS

THE UNDERSIGNED DOES COVENANT AND AGREE THAT THE ACCESS EASEMENTS MAY BE UTILIZED BY ANY PERSON OR THE GENERAL PUBLIC FOR INGRESS AND EGRESS TO OTHER REAL PROPERTY, AND FOR THE PURPOSE OF GENERAL PUBLIC VEHICULAR AND PEDESTRIAN USE AND ACCESS, AND FOR FIRE DEPARTMENT AND EMERGENCY USE IN, ALONG, UPON AND ACROSS SAID PREMISES, WITH THE RIGHT AND PRIVILEGE AT ALL TIMES TO THE CITY OF MURPHY, ITS AGENTS, EMPLOYEES, WORKMEN AND REPRESENTATIVES HAVING INGRESS, EGRESS IN, ALONG, UPON AND ACROSS SAID PREMISES.

FIRE LANES

THAT THE UNDERSIGNED DOES HERBY COVENANT AND AGREE THAT HE (THEY) SHALL CONSTRUCT UPON THE FIRE LANE EASEMENTS, AS DEDICATED AND SHOWN HEREON, A HARD SURFACE IN ACCORDANCE WITH THE CITY OF MURPHY'S PAVING STANDARDS FOR FIRE LANES, AND THAT HE (THEY) SHALL MAINTAIN THE SAME IN A STATE OF GOOD REPAIR AT ALL TIMES AND KEEP THE SAME FREE AND CLEAR OF ANY STRUCTURES, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR OBSTRUCTION, INCLUDING BUT NOT LIMITED TO THE PARKING OF MOTOR VEHICLES, TRAILERS, BOATS OR OTHER IMPEDIMENTS TO THE ACCESSIBILITY OF FIRE APPARATUS. THE MAINTENANCE OF PAVING ON THE FIRE LANE EASEMENTS IN THE RESPONSIBILITY OF THE OWNER AND THE OWNER SHALL POST AND MAINTAIN APPROPRIATE SIGNS IN CONSPICUOUS PLACES ALONG EACH FIRE LANE, STATING "FIRE LANE, NO PARKING OR STANDING." THE LOCAL LAW ENFORCEMENT AGENCY(S) IS HEREBY AUTHORIZED TO ENFORCE PARKING REGULATIONS WITHIN THE FIRE LANES AND TO CAUSE SUCH FIRE LANES AND UTILITY EASEMENTS TO BE MAINTAINED FREE AND UNOBSTRUCTED AT ALL TIMES FOR FIRE DEPARTMENTS AND EMERGENCY USE.

1 LOT
3.699 ACRES ~ 161,142 S.F.
CONSTRUCTION PLAT
EMERUS EMERGENCY HOSPITAL
AN ADDITION TO THE CITY OF MURPHY
MARY SCOTT SURVEY, ABSTRACT NO. 859
GEORGE H. PEGUES SURVEY, ABSTRACT NO. 699
COLLIN COUNTY, TEXAS
AUGUST 15, 2012 SCALE: 1" = 30'
OWNER
FORESTAR (USA) REAL ESTATE GROUP, INC.
14755 PRESTON ROAD, SUITE 710
DALLAS, TEXAS 75254



ENGINEER
DOWDEY, ANDERSON & ASSOCIATES, INC.
5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694
STATE REGISTRATION NUMBER: F-399

Issue

Consider and/or act on the application of **Gary Hadley, developer**, requesting approval of a site plan for IShine Express Car Wash on property zoned PD (Planned Development) District No. 09-12-823 for Retail and Office Uses on property located on FM 544 between Brand Road and Murphy Road.

Staff Resource/Department

Kristen Roberts, Director of Community and Economic Development

Background

The applicant has submitted a site plan, building elevation plans and landscape plans for approval that would allow for development of an IShine Express Car Wash on this site.

The subject property is currently undeveloped and is bordered by Orchard Park Assisted Living to the southeast, Brand Road to the west, FM 544 to the north and retail to the east.

The applicant is proposing to build an IShine Express Car Wash on the subject property. The property is currently zoned PD (Planned Development) District No. 09-12-823 for Retail and Office Uses. The PD (Planned Development) District was subsequently amended in 2003 to allow Private School as a permitted use. The PD (Planned Development) District was additionally amended in 2011 to allow an assisted living facility as a permitted use.

Considerations

1. The PD (Planned Development) District No. 09-12-823 allows for a Car Wash (Full Service).
 - a. The Zoning Ordinance does not define full service versus express car wash and individual interpretation varies.
 - i. The only definition in the Zoning Ordinance for reference is: *Auto laundry or car wash* means a structure used to wash motorcycles, automobiles and light load vehicles.
 - b. The Land Use Chart references Full Service Car Wash (Detail Shop) as stated in the Permitted Uses of the Planned Development District.
 - c. Approximately 60% of IShine revenue is from detailing and in addition to the other full service related options the car wash offers, staff interprets this business to fit within this use category - Full Service Car Wash (Detail Shop).
2. After thorough staff review and submittal revisions by the applicant, the proposed site plan has met required standards.
 - a. The applicant worked with staff to create a building layout least impacting FM544 frontage visual.

- b. Due to site and traffic flow restraints, the proposed layout of the building is most applicable.
 - c. With that in mind, the applicant enhanced the frontage landscaping as detailed below.
3. After thorough staff review and submittal revisions by the applicant, the proposed landscape plan has met requirement standards. Staff requested that the applicant increase the density of their landscaping and that it be strong and sustainable in addition to complimenting the overall development of Murphy Village.
 - a. The landscape architect added materials including 4 trees along north perimeter, 3 trees and 2 shrubs groupings on the east perimeter, and 3 trees south & west of the building.
 - b. Planning & Zoning suggested a landscaping maturity table be included with the plan. The applicant has submitted to staff to include with the landscape plans for reference.
4. After thorough staff review and submittal revisions by the applicant, the proposed building elevation plan has met requirement standards.

Board Discussion/Action

On September 24, 2012, the Planning & Zoning Commission voted to approve the site plan, including landscape plans and building elevations by a vote of 5-1 after discussion regarding the layout of the site plan with the vacuum apparatus facing FM544.

Staff Recommendation

Staff recommends approval of the proposed Site Plan, including Landscape Plans and Building Elevation Plans as submitted.

Attachments

Site Plan

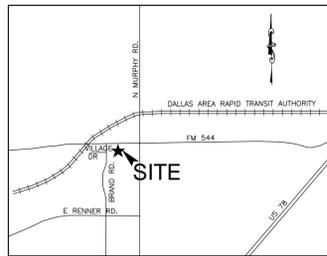
Landscape Plans

Landscape Plan showing maturity table

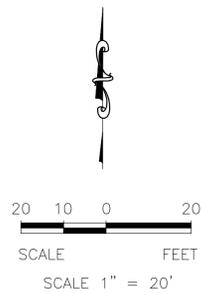
Building Elevation Plans

Murphy Village Planned Development District Ordinance Conditions for reference

Land Use Chart (Transportation and Automotive Uses section) for reference

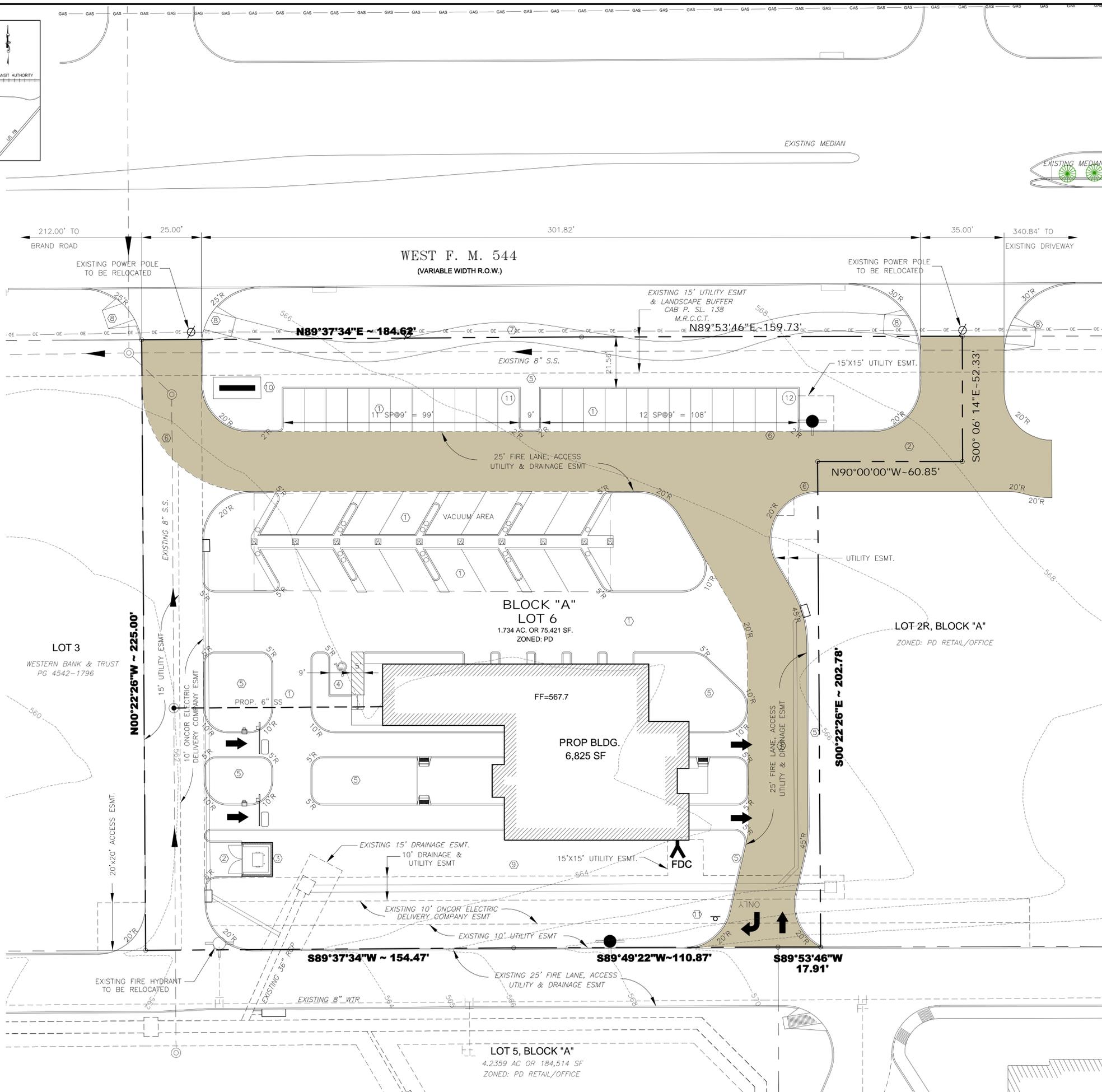


LOCATION MAP
NTS



LEGENDS:

- EXISTING MH
- PROP MH
- EXISTING FIRE HYDRANT
- PROP. FIRE HYDRANT
- PARKING COUNT
- PROP. FDC



SITE SUMMARY

ZONING	PD-RETAIL/OFFICE
LAND AREA	1.734 S.F. OR 75,421 AC.
BUILDING INFORMATION	
AREA	6,825 SF.
STORY	1
MAX. HEIGHT	26'-2" FT
LOT COVERAGE	9.04%

PARKING ANALYSIS

PARKING SPACES REQUIRED	
1 SP PER BAY	2 SP
PARKING SPACES PROVIDED	
STANDARD PARKING	23 SP
HANDICAPPED PARKING	1 SP
TOTAL PARKING	24 SP

CONSTRUCTION LEGEND & NOTES

- ① 6" - 3,600 PSI. REINFORCE CONCRETE PAVEMENT.
- ② 8" - 3,600 PSI. REINFORCE CONCRETE PAVEMENT.
- ③ CONSTRUCT A SINGLE TRASH ENCL. ON 10" P.C.C. PAD WITH BLOCK WALL TO MATCH BUILDING PER CITY STD.
- ④ PAINT HANDICAP SYMBOL-WHITE ON BLUE BACKGROUND.
- ⑤ LANDSCAPE AREA WITH IRRIGATION SYSTEM. (SEE LANDSCAPE PLAN FOR DETAILS)
- ⑥ PAINT 4" WIDE SOLID STRIPE(RED) WITH "NO PARKING FIRE LANE"(WHITE).
- ⑦ CONSTRUCT 8' SIDEWALK PER CITY STD.
- ⑧ CONSTRUCT P.C.C. RAMP - MAX. SLOPE 8.33% (2% CROSSSLOPE) PER ADA STD. AND TAS STD.
- ⑨ INSTALL FDC PER CITY STANDARD
- ⑩ INSTALL MONUMENT SIGN (BY OTHER, SEPARATE PERMIT)
- ⑪ INSTALL RIGHT TURN ONLY SIGN

NOTES:

1. NO EXISTING TREE ON SITE
2. ACCORDING TO F.E.M.A. FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 48085C0415J DATE JUNE 2, 2009. THIS PROPERTY LIES IN ZONE X. THIS PROPERTY DOES NOT APPEAR TO LIE WITHIN A 100-YEAR FLOOD PLAIN.

BENCH MARK #1

PK nail found in concrete pavement about 4 foot south of north median nose of Brand Road at intersection with Village Drive.

ELEVATION IN FEET 557.72



PSA ENGINEERING
F-6974

SITE PLAN

LOT 6, BLOCK A
MURPHY VILLAGE ADDITION
CITY OF MURPHY, COLLIN COUNTY, TEXAS

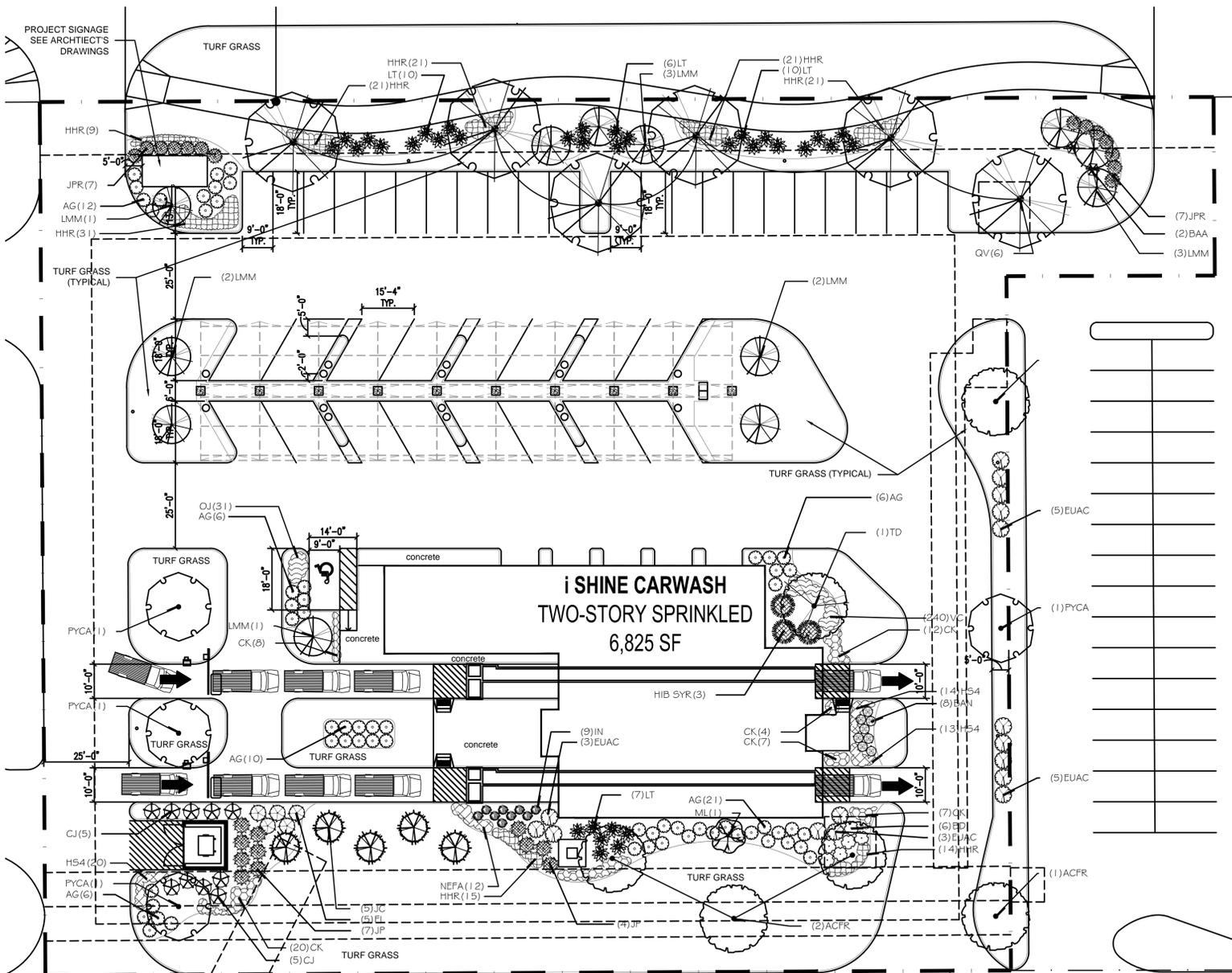
I SHINE CAR WASH

PSA ENGINEERING

17819 DAVENPORT ROAD, SUITE 215 DALLAS, TX 75252 PH (972) 248-9651, FAX (972) 248-9681
T.B.P.E. REGISTRATION # F-6974, T.B.P.L.S. FIRM REGISTRATION # 100433

DESIGN	DRAWN	DATE	SCALE	CHECK	FILE	NO.
PSA	PSA	09/17/12	AS SHOWN	PSS	21219.ICM	C-1

1 | LANDSCAPE PLAN



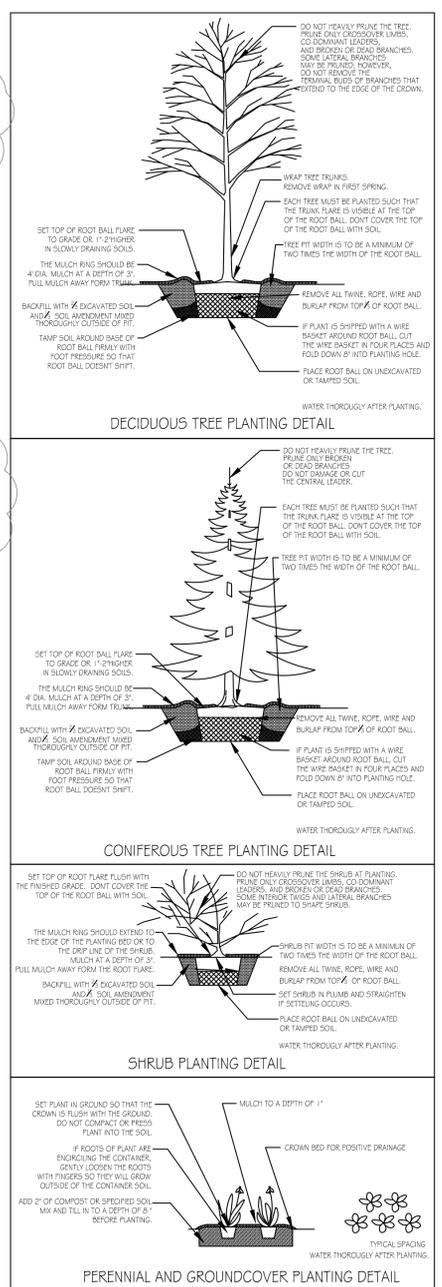
2 | PLANT LIST

TREES	Quantity	Botanical	Common	Size	Typical Mature Size
ACFR	5	Acer freemanii 'Jeffersred' TM	Autumn Blaze Maple	3"BB	ht 50', wd 35'
JC	5	Juniperus virginiana 'Canaertii'	Canaert Juniper	30 gal/8'	ht 25', wd 15'
LMM	12	Lagerstroemia x 'Muskegoe'	Crope Myrtle light lavender	30 gal/10'	ht 25', wd 15'
ML	1	Magnolia grandiflora 'Little Gem'	Dwarf Southern Magnolia	10BB	ht 10', wd 8'
PYCA	4	Pyrus calleryana 'Aristocrat' TM	Aristocrat Flowering Pear	3"BB	ht 35', wd 25'
QV	6	Quercus virginiana	Southern Live Oak	3"BB	ht 50', wd 75'
TD	1	Taxodium distichum	Bald Cypress	3"BB	ht 65', wd 30'
SHRUBS	Quantity	Botanical	Common	Size	Typical Mature Size
AG	61	Abutilon grandiflora	Glossy Abelia	24" @ 5 gal	ht 6', wd 5'
BAN	8	Berberis thunbergii 'Aropurpurea Nana'	Dwarf Redleaf Japanese Barberry	24" @ 5 gal	ht 2', wd 3'
BAA	2	Berberis thunbergii 'Aropurpurea'	Red Leaf Japanese Barberry	24" @ 5 gal	ht 5', wd 4'
BD	6	Buddleja davidii	Butterfly Bush	24" @ 5 gal	ht 5', wd 3'
CJ	10	Chaenomeles japonica	Japanese Flowering Quince	30" @ 5 gal	ht 5', wd 6'
EUAC	16	Eucynymus alatus 'Compactus'	Compact Burning Bush	36" @ 7 gal	ht 4', wd 5'
FI	5	Forsythia x intermedia	Border Forsythia	40" @ 7 gal	ht 8', wd 10'
HIB SYR	3	Hibiscus syriacus	Rose of Sharon	42" @ 7 gal	ht 10', wd 8'
IN	9	Ilex vomitoria 'Nana'	Dwarf Yaupon	24" @ 5 gal	ht 2', wd 3'
JPR	14	Juniperus chinensis 'Pfitzeriana'	Pfitzer Juniper	30" @ 5 gal	ht 2', wd 5'
JP	11	Juniperus chinensis 'Pfitzeriana'	Pfitzer Juniper	30" @ 5 gal	ht 2', wd 5'
LT	33	Ligustrum japonicum 'Texanum'	Wax Leaf Privet	30" @ 5 gal	ht 6', wd 6'
PERENNIALS	Quantity	Botanical	Common	Size	Typical Mature Size
HHR	142	Hemerocallis x 'Happy Returns'	Happy Returns Daylily	1 gal @ 24" oc	ht 15", wd 24"
NEFA	12	Nepeta x faassenii 'Walkers Low'	Walkers Low Catmint	1 gal @ 24" oc	ht 18", wd 18"
GROUNDCOVERS	Quantity	Botanical	Common	Size	Typical Mature Size
VC	216	Vinca minor	Common Periwinkle	flat @ 8" oc	ht 6", wd 10"
ORNAMENTAL GRASSES	Quantity	Botanical	Common	Size	Typical Mature Size
CK	76	Calamagrostis x acutiflora 'Karl Foerster'	Feather Reed Grass	1 gal @ 24" oc	ht 5', wd 3'
HS4	47	Helictotrichon sempervirens	Blue Oat Grass	1 gal @ 18" oc	ht 3', wd 2'
OJ	28	Ophiopogon japonicus	Mondo Grass	1 gal @ 15" oc	ht 9", wd 1"
MISCELLANEOUS (quantities TBD by Landscape Contractor)	Quantity	Material	Notes		
SF	TBD	Fine Grade, Turf Grass Seed Mix, and Straw Blanket			
SF	TBD	Bed Preparation/Planting Mix (1/3 Topsoil, 1/3 Mushroom Compost, 1/3 Peat Moss)			
CY	TBD	Shredded Hardwood Bark Mulch			

Topsoil & Rough Grade by General Contractor (Fine Grade only by Landscape Contractor)

3 | GENERAL NOTES

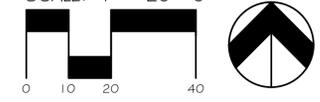
- GENERAL NOTES**
- Species and sizes of plants listed in the plant list are subject to availability at time of installation. If substitutions are necessary, the landscape contractor shall submit all requests to the owner for approval.
 - All underground utilities are to be located prior to digging. If utilities or other obstructions are discovered to conflict with grading or plant placement, notify the landscape architect so that adjustments can be made.
 - Backfill trees and shrubs with amended topsoil mixed thoroughly outside of the planting pit. Mulch trees and shrubs with 3" hardwood mulch and pull mulch away from the base.
 - Perennial and groundcover beds are to be amended with 2" planting mix and filled in to a depth of 8". Perennials and groundcovers are to be top dressed with 1" mulch.
 - Provide positive drainage flow. Do not obstruct the natural or engineered drainage flow patterns. Notify the landscape architect or owner of any drainage concerns.
 - The landscape contractor shall take all precautions to protect existing plants, lawn, and paved areas to remain. Any damage to these areas shall be repaired or replaced by the landscape contractor. Damaged lawn areas are to be re-graded and restored with sod or seed & blanket.
 - All bed edges are to be well shaped 'spade out' edges, 3" deep, formed in lines or curves as shown on the drawings.
 - Apply a pre-emergent for grassy and broadleaf weeds to all shrub beds and tree rings. Do not apply pre-emergent to beds of groundcovers or annuals.
 - The General Contractor is to provide finished grade to a tenth of a foot with sufficient quality top soil. Topsoil to be 4" min. in all lawn areas. The landscape contractor is to provide fine grade only.
 - Bid to include an automatic irrigation system. See Irrigation Plan prepared by Grass Act, Inc. Plans to be reviewed and approved by General Contractor and Owner.
 - This Plan is subject to review by Owner, Engineer, Architect & City.
 - All quantity lists are supplied as a convenience. It shall be the responsibility of the Contractor to verify all quantities. The plans shall take precedence over the lists. Seed & Blanket, Sod, Compost/Bed Preparation and Mulch Quantities shall be determined by the Contractor based on the planting details noted on this sheet.
 - All plant material shall be guaranteed for one (1) year from the date of acceptance.
 - See Architectural & Engineering Plans for all information on Site Work, Building Construction, Utilities and Grading.
 - Turfgrass Seeding shall be Bermuda Grass (or equal approved by the City & Owner). Seeding rates to be per the local seed supplier.



4 | PLANTING DETAILS

- Maintenance Notes:**
- Plants should be left to grow to their natural sizes. Plants should be pruned as needed for general health and care and to keep branches off of buildings, signage, utilities, etc.
 - Planting beds shall be kept free of weeds and trash. Mulch should be added as needed over time.
 - Irrigation system shall be periodically tested and reviewed to ensure proper coverage.
 - Turf management program typical of the area should be proposed to owner for approval and shall then be followed to keep the property in good condition.

SCALE: 1" = 20' - 0"



iShine Car Wash
Lot 2.3, FM 544/ Brand Rd Pad Site
SEC of FM 544 and Brand Rd.
Murphy, TX 75094

DEVELOPER



Stone Development Group, Inc.
410 Domenic Ct
Franklin Park, IL 60131 t 847.350.6192

ARCHITECT



NORR Illinois Inc.
325 N. LaSalle St. | Suite 700 | Chicago, IL 60654
t 312.424.2400 | f 312.424.2424 | www.norr.com

OWNER

Service Franchising, Inc.
P.O. Box 2818 | Sugar Land, TX 77487-2818
t 855-322-1111

PLANNER/SURVEYOR/CIVIL ENGINEER

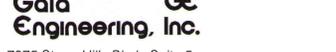
PSA Engineering
17819 Davenport | Suite 215 | Dallas, TX 75252
t 972.248.9651

STRUCTURAL ENGINEER



600 Congress Avenue | Suite 1210
Austin, TX 78701
512.472.9797 | www.dci-engineers.com

MEP ENGINEER



7975 Stage Hills Blvd., Suite 5
Memphis, TN 38133
901.384.8400

LANDSCAPE ARCHITECT



5126 Walnut Avenue
Downers Grove, IL 60515
t 630.759.8100 | f 630.759.8155

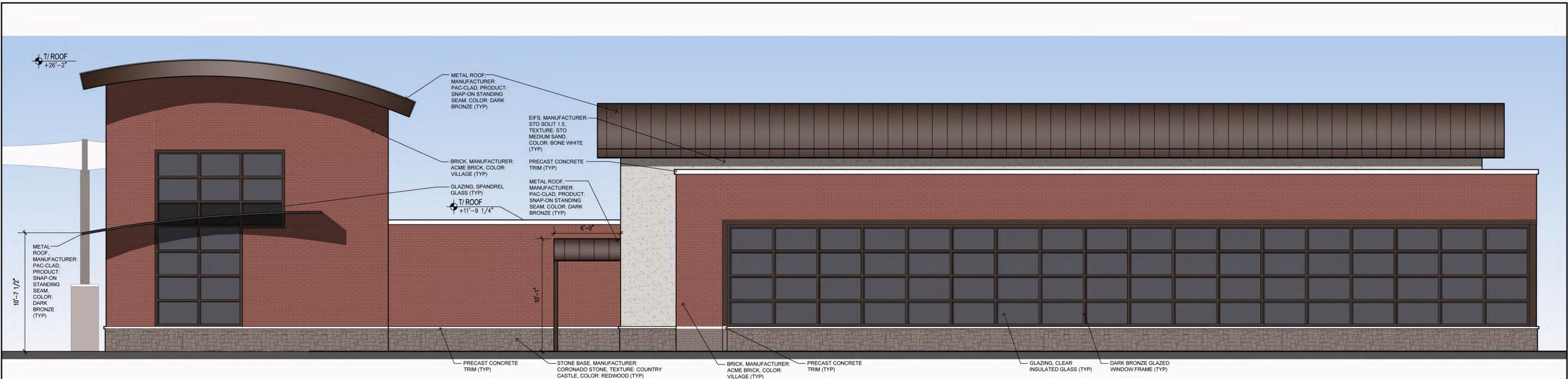
REVISIONS / SUBMITTALS		
NO.	DATE	ISSUE
4	09.26.12	PLANT LIST REVISIONS
3	09.06.12	PLANNING / ZONING SUBMITTAL 3
2	08.14.12	PLANNING / ZONING SUBMITTAL 2
1	06.25.12	PLANNING / ZONING SUBMITTAL 1

SHEET TITLE

LANDSCAPE PLAN

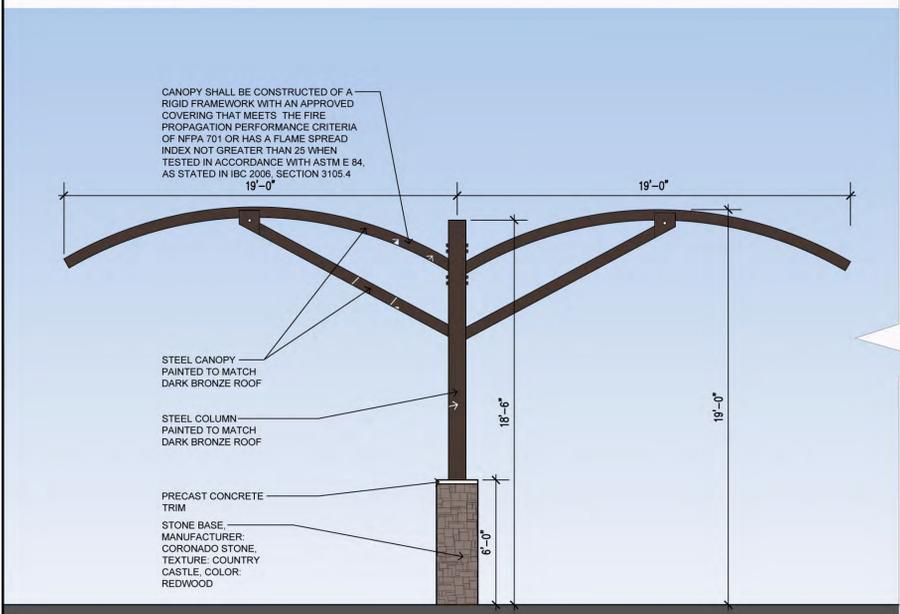
PROFESSIONAL STAMP SHEET NUMBER

L100
PAGE NUMBER



SOUTH ELEVATION BUILDING MATERIALS:
 SQUARE FOOTAGE & % OF BRICK = 910 SF & 34%
 SQUARE FOOTAGE & % OF STONE = 255 SF & 10%
 SQUARE FOOTAGE & % OF METAL = 475 SF & 17%
 SQUARE FOOTAGE & % OF EIFS = 180 SF & 7%
 SQUARE FOOTAGE & % OF PRECAST = 105 SF & 4%
 SQUARE FOOTAGE & % OF GLAZING = 750 SF & 28%
 TOTAL SURFACE AREA OF ELEVATION = 2675 SF

South Elevation



WEST ELEVATION BUILDING MATERIALS:
 SQUARE FOOTAGE & % OF BRICK = 500 SF & 29%
 SQUARE FOOTAGE & % OF STONE = 100 SF & 6%
 SQUARE FOOTAGE & % OF METAL = 400 SF & 25%
 SQUARE FOOTAGE & % OF EIFS = 190 SF & 11%
 SQUARE FOOTAGE & % OF PRECAST = 115 SF & 6%
 SQUARE FOOTAGE & % OF GLAZING = 410 SF & 23%
 TOTAL SURFACE AREA OF ELEVATION = 1730 SF

West/Front Elevation

- GENERAL NOTES:**
1. THIS FACADE PLAN IS FOR CONCEPTUAL PURPOSES ONLY. ALL BUILDING PLANS REQUIRE REVIEW AND APPROVAL OF THE BUILDING INSPECTION DEPARTMENT.
 2. ALL MECHANICAL UNITS SHALL BE SCREENED FROM PUBLIC VIEW.
 3. WHEN PERMITTED, EXPOSED UTILITY BOXES AND CONDUITS SHALL BE PAINTED TO MATCH THE BUILDING.
 4. ALL SIGNAGE AREA AND LOCATIONS ARE SUBJECT TO APPROVAL BY THE BUILDING INSPECTION DEPARTMENT.
 5. ROOF ACCESS SHALL BE PROVIDED INTERNALLY, UNLESS OTHERWISE PERMITTED BY THE BUILDING OFFICIAL.



NORR ARCHITECTS PLANNERS
 Architect:
 NORR Illinois Inc.
 325 N. LA SALLE #700
 CHICAGO, IL 60654
 312.424.2400

STONE DEVELOPMENT GROUP, INC.
 Developer:
 Stone Development Group
 1066 Marty Drive
 Hudson, WI 54016
 715.381.8447

Owner:
 Service Franchising, Inc.
 P.O. Box 2818
 Sugar Land, TX 77487-2818
 855.322.1111

Planner/Surveyor/Civil:
 PSA Engineering
 17819 Davenport Rd., Ste. 215
 Dallas, TX 75252
 972.248.9651

Revised Building Elevations

iShine Car Wash, Murphy, TX
 Block "A", Lot 6, 1.734 AC. or 75,522 SF, Zoned:PD
 Murphy Village Addition

Scale: 1/4"=1'-0"
2012.09.06



NORTH ELEVATION BUILDING MATERIALS:
 SQUARE FOOTAGE & % OF BRICK = 1220 SF & 45%
 SQUARE FOOTAGE & % OF STONE = 145 SF & 6%
 SQUARE FOOTAGE & % OF METAL = 520 SF & 34%
 SQUARE FOOTAGE & % OF PRECAST = 70 SF & 3%
 SQUARE FOOTAGE & % OF GLAZING = 320 SF & 12%
 TOTAL SURFACE AREA OF ELEVATION = 2675 SF

North Elevation



EAST ELEVATION BUILDING MATERIALS:
 SQUARE FOOTAGE & % OF BRICK = 780 SF & 45%
 SQUARE FOOTAGE & % OF STONE = 480 SF & 28%
 SQUARE FOOTAGE & % OF METAL = 195 SF & 11%
 SQUARE FOOTAGE & % OF EIFS = 170 SF & 10%
 SQUARE FOOTAGE & % OF PRECAST = 25 SF & 1%
 SQUARE FOOTAGE & % OF GLAZING = 70 SF & 5%
 TOTAL SURFACE AREA OF ELEVATION = 1730 SF

East Elevation

- GENERAL NOTES:**
1. THIS FACADE PLAN IS FOR CONCEPTUAL PURPOSES ONLY. ALL BUILDING PLANS REQUIRE REVIEW AND APPROVAL OF THE BUILDING INSPECTION DEPARTMENT.
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NORR ARCHITECTS PLANNERS
 Architect:
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 CHICAGO, IL 60654
 312.424.2400

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 Developer:
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Planner/Surveyor/Civil:
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Revised Building Elevations

iShine Car Wash, Murphy, TX
 Block "A", Lot 6, 1.734 AC. or 75,522 SF, Zoned:PD
 Murphy Village Addition

Scale: 1/8"=1'-0"
2012.09.06

ORDINANCE NO. 09-12-823

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 CHANGING THE ZONING CLASSIFICATION ON APPROXIMATELY 25.33 ACRES OUT OF THE JAMES MAXWELL SURVEY, ABSTRACT NO. 580, 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, FROM PD (PLANNED DEVELOPMENT) DISTRICT FOR MIXED USE RETAIL, COMMERCIAL, AND OFFICE USES TO PD (PLANNED DEVELOPMENT) DISTRICT FOR RETAIL AND OFFICE USES WITH CONDITIONS HERETO DESCRIBED 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 change the zoning classification from PD (Planned Development) District for Mixed Use Retail, Commercial and Office Uses to PD (Planned Development) District for Retail and Office Uses with conditions for the property described as 25.33 acres, more or less, in the James Maxwell Survey, Abstract No. 580, 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 7th day of December, 2009.

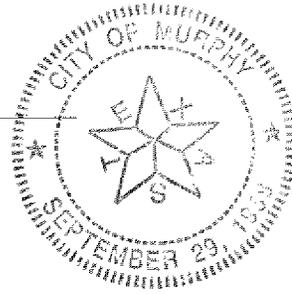


Bret M. Baldwin, Mayor
City of Murphy

ATTEST:



Aimee Nemer, City Secretary
City of Murphy



METES AND BOUNDS DESCRIPTION
for
LOT 2, BLOCK A
A 12.488 Acres Tract of Land
MURPHY VILLAGE ADDITION
James W. Maxwell Survey, Abstract No. 580
City of Murphy
Collin County, Texas

WHEREAS McBRINEY -544 JOINT VENTURE, is the owner of a tract situated in the James Maxwell Survey, Abstract No. 580, in the City of Murphy, Collin County, Texas, being Lot 2, Block A of MURPHY VILLAGE ADDITION an addition to the City of Murphy, Collin, County, Texas, according to the deed thereof recorded in volume 2644, page 123 of the Map Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a ½" iron rod found in the northwesterly corner of Lot 4R, Block D, MURPHY VILLAGE ADDITION an addition to the City of Murphy, Collin, County, Texas, according to the plat thereof recorded in Cabinet B, Slide 442 of the Map Records of Collin County, Texas, same being the northeasterly corner of beforementioned Lot 2, Block A;

THENCE South 00 degree 49 minute 20 second West, a distance of 632.85 feet to a ½ iron rod found for a corner;

THENCE North 89 degree 10 minute 40 second West, a distance of 998.50 feet to a ½ iron rod found for a corner;

THENCE continuing along the centerline of curve to the right having a central angle of 23 degree 16 minute 21 second, a radius of 905.00 feet, and a tangent of 186.37 feet, on a chord bearing and distance of North 12 degree 17 minute 47 second East 365.07 feet, along the East Right-of-way line of Brand Road, a distance of 367.60 feet to a ½" iron rod found for a corner;

THENCE North 00 degree 39 minute 36 second East, along East line of Brand Road, a distance of 20.00 feet to a ½" iron rod found for a corner;

THENCE South 89 degree 20 minute 24 second East, a distance of 200.00 feet to a ½" iron rod found for a corner;

THENCE North 00 degree 39 minute 36 second East, a distance of 255.00 feet to a ½" iron rod found for a corner;

THENCE South 89 degree 20 minute 24 second East, along F.M. Highway 544 Road, a distance of 184.62 feet to a ½" iron rod found for a corner;

THENCE South 89 degree 04 minute 12 second East, along Southerly line of F.M. Highway 544 Road, a distance of 542.04 feet to the **POINT OF BEGINNING** and containing 12.488 acres or 543,959 square feet of land more or less.

METES AND BOUNDS DESCRIPTION
for
Block "B"
A 9.046 Acers Tract of Land
MURPHY VILLAGE ADDITION
James W. Maxwell Survey, Abstract No. 580
City of Murphy
Collin County, Texas

WHEREAS McBRINEY -544 JOINT VENTURE, is the owner of a tract situated in the James Maxwell Survey, Abstract No. 580, in the City of Murphy, Collin County, Texas, being Lot 1-6, Block B of MURPHY VILLAGE ADDITION an addition to the City of Murphy, Collin County, Texas, according to the deed thereof recorded in volume 2003, page 207 of the Map Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at the ½" iron rod found at the corner of the southeast corner of this tract, and also being northeast of a Woodlands of Plano Tract also being in the south line of Brand Road 110 feet right-of-way (R.O.W);

THENCE North 89 degree 10 minute 40 second West with said city Limit line of Plano and Murphy, Texas as described in City of Plano Ordinance Number 73-4-1, recorded in Volume 861, Page 537, Deed Records of Collin County, Texas, for a distant of 903.88 feet to iron found for a corner;

THENCE along the curve to the left having a central angle of 02 degree 14 minute 28 second, a radius of 5,679.97 feet, and a tangent distant of 99.74 feet, a chord bearing of North 49 degree 14 minute 02 second East and a chord distance of 199.45 feet, for a curve length of 199.46 feet to ½" iron rod found for a corner of the said DART tract;

THENCE North 48 degree 14 minute 43 second East, along the northeast line of said DART tract, for a distant of 747.88 feet to ½" iron rod found for a corner;

THENCE South 89 degree 20 minute 24 second East, along the southeast line of F.M. 544 Road, for a distant of 294.32 feet to ½" iron rod found for a corner of the said Brand Road;

THENCE North 00 degree 39 minute 36 second West, along the southwest line of said Brand Road for a distant of 275.00 feet to ½" iron rod found for a corner;

THENCE along the curve to the right having a central angle of 00 degree 09 minute 53 second, a radius of 795.00 feet, and a tangent distant of 14.90 feet, a chord bearing of South 01 degree 45 minute 02 second W and a chord distance of 30.03 feet, for a curve length of 30.04 feet to ½" iron rod set for a corner;

THENCE along the curve to the right having a central angle of 24 degree 31 minute 46 second, a radius of 795.00 feet, and a tangent distant of 172.84 feet, a chord bearing of South 15 degree 05 minute 52 second West and a chord distance of 337.76 feet, for a curve length of 340.36 feet to the **POINTOF BEGINNING** and containing 394,037 or 9.046 acres;

METES AND BOUNDS DESCRIPTION
for
Block "C"
A 3.799 Acres Tract of Land
MURPHY VILLAGE ADDITION
James W. Maxwell Survey, Abstract No. 580
City of Murphy
Collin County, Texas

WHEREAS McBRINEY -544 JOINT VENTURE, is the owner of a tract situated in the James Maxwell Survey, Abstract No. 580, in the City of Murphy, Collin County, Texas, being Lot 1, Block C of MURPHY VILLAGE ADDITION an addition to the City of Murphy, Collin County, Texas, according to the deed thereof recorded in volume 2644, page 123 of the Map Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a highway monument find for a corner at the intersection of the east line of a 100-foot right-of-way dedicated to Dallas Area Rapid Transit by deed recorded in Volume 3424, Page 126, Deed Records of Collin County, Texas with the south line of F.M. 544 (variable width right-of-way);

THENCE South 48 degree 14 minute 43 second West for a distance of 613.63 feet to a ½" iron found for a corner;

THENCE continuing along the centerline of curve to the right having a central angle of 2 degree 18 minute 41 second, a radius of 5,679.97 feet, and a tangent of 114.58 feet, on a chord bearing and distance of of South 49 degree 24 minute 03 second West 229.11 feet, along the East Right-of-way line of Brand Road, a distance of 229.13 feet to a ½" iron rod found for a corner;

THENCE North 03 degree 04 minute 40 second E for a distance of 545.45 feet to a ½" iron found for a corner;

THENCE North 88 degree 45 minute 22 second East, along Southerly line of F.M. Highway 544 Road, a distance of 602.59 feet to the **POINT OF BEGINNING** and containing 3.799 acres or 165,468 square feet of land more or less.

EXHIBIT B

ZONING FILE NO. 2009-10

FM 544 and Brand Road

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;
 - Assisted Living;
 - Medical Facilities;
 - Service Businesses
- 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:** All regulations of the R (Retail) District set forth in Article III, Division 14 of the Code of Ordinances are included by reference and shall apply, except as otherwise specified by this ordinance.
- 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.
 - B. Site Plan: A site plan shall be submitted in accordance with the requirements set forth in Article II, Division 5 of the City of Murphy 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) (SUP)
 2. Antique Shop (household items only)
 3. Art Dealer/Gallery
 4. Artist Studio
 5. Assisted Living
 - a. Senior Living (SUP)
 - b. Assisted Living (SUP)
 - c. Nursing Convalescent Home (SUP)
 6. Automobile Driving School (SUP)

EXHIBIT B

7. Automotive Repair (Major) (SUP)
8. Automotive Repair (Minor)
9. Bakery (Retail)
10. Bank/Credit Union (SUP) (allowed by right at the SE corner of FM 544 and Brand Road)
11. Barber/Beauty Shop
12. Barber/Beauty Shop College (SUP)
13. Bed and Breakfast Inn (SUP)
14. Book Store
15. Cafeteria
16. Car Wash (Full Service)
17. Child Care Center, Kindergarten or Pre-School
18. Church/Place of Worship
19. Clinic (Medical)
20. Computer Sales
21. Confectionary Store (Retail)
22. Convenience Store with Gasoline (SUP)
23. Department Store
24. Dinner Theater
25. Electronics - Retail
26. Financial Services (Advice/Invest)
27. Florist
28. Furniture Sales (Indoor)
29. Governmental Building (Municipal, State or Federal)
30. Grocery Store (SUP)
31. Hardware Store
32. Health Club (SUP)
33. Hospital (Acute Care)
34. Hospital (Chronic Care)
35. Full Service Hotel/Motel (SUP)
36. Limited Service Hotel/Motel (SUP)
37. Insurance Agency Offices
38. Landscape Nursery
39. Laundry/Dry Cleaning (Drop Off/Pickup Only)
40. Motion Picture Theater
41. Needlework Shop
42. Offices (as allowed in Office zoning districts)
43. Park and/or Playground (Public)
44. Pet Shop/Supplies
45. Pharmacy (SUP) (allowed by right at the SE corner of FM 544 and Brand Road)
46. Photo Studio
47. Photocopying/Duplicating
48. Real Estate Offices
49. Restaurant
50. Restaurant (Drive-In) (SUP)
51. Retail Store
52. Retail Store (Drive-In) (SUP)
53. School, K through 12 (Public)

EXHIBIT B

- 54. Shoe Repair
- 55. Skating Rink (Ice) (SUP)
- 56. Tailor Shop
- 57. Theater (Live Drama)
- 58. Theater (Movie)
- 59. Tire Dealership
- 60. Travel Agency
- 61. Veterinarian Hospital

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 40 feet from FM 544, Brand Road and Village Drive.
 - ii. Minimum 15 feet from all other roadways/access roads.
 - b. Landscape Setbacks
 - i. Minimum 25 feet from FM 544 and Brand Road.
 - ii. Minimum 10 feet from all other roadways/access roads.
- 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 10 feet from rear and side lines 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 45 feet in height. All pad sites along FM 544 shall have a maximum average height of 30 feet.
 - iii. Maximum 50 feet along the KCS/DART right-of-way along the west property line.
- 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. 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.
- 3. The number of required parking spaces shall be dependent upon the use and shall meet the requirements of the City of Murphy Code of

EXHIBIT B

Ordinances. No required parking space may be occupied by signs, cart corrals, merchandise, or display items at any time.

4. Sidewalks along FM 544 shall be a minimum of 8 feet in width. Sidewalks along Brand Road and Village Drive shall be 6 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 and comply with the following.

1. All structures, including all building elevations, shall be constructed utilizing a unified design that is substantially consistent with or contains architectural design elements including but not limited to the following.
 - a. Canopies and awnings.
 - b. Outdoor patios.
 - c. Display windows/decorative windows.
 - d. Architectural details (such as decorative tile or brick work) integrated into the building façade.
 - e. Integrated planters or wing walls that incorporate landscape and/or sitting areas
 - f. Articulated cornice line.
 - g. Peaked roof form.
 - h. Accent materials (minimum 15% of exterior facade)
 - i. Other architectural features as approved with the site plan.
2. At least two masonry materials shall be used in addition to glass on any single building. The following masonry materials shall be allowed.
 - a. Brick
 - b. Cast Stone
 - c. Decorative concrete tilt wall
 - d. EIFS and Stucco (limited to no more than 12% total)
 - e. Stone
 - f. Wrought Iron (for decorative overhangs)

EXHIBIT B

3. 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.
 4. 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.
 5. 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.
 6. 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.
 7. 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.
 8. 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 and comply with the standards set forth in 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 25 feet in depth adjacent to the right-of-way of FM 544, 25 in depth adjacent to Brand 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 25 foot buffers, but may not be included in the calculation of the buffer depth for ten (10) foot buffers.

EXHIBIT B

3. A landscape buffer shall be provided for an average of 15 25 feet in depth adjacent to the KCS/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 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 the Code of Ordinances, except as provided below.
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.

EXHIBIT B

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: Signage shall comply with the standards set forth in the Code of Ordinances, except as provided below.
1. General
 - a. Single Tenant Monument signs - One (1) monument sign shall be allowed on each pad site and shall be limited to a maximum sign area of 50 square feet and a maximum structure area of 80 square feet.
 - b. Multi Tenant Monument signs - One (1) multi tenant monument sign shall be allowed in Block C as shown on the concept plan and shall be limited to a maximum sign area of 100 square feet and a maximum structure area of 200 square feet.
 - c. Pylon signs – Two (2) pylon signs shall be permitted in Block A and one (1) pylon sign shall be permitted in Block B. Each pylon sign shall be limited to a maximum sign area of 350 square feet and a maximum structure area of 600 square feet.
 2. Single Tenant Monument Signs
 - a. Monument signs shall identify individual tenants or uses within a pad site. Monument signs shall be a maximum of seven (7) feet tall.
 - b. All single tenant monument signs shall be double-sided, internally illuminated Plexiglas sign panels contained within a masonry structure. Single tenant 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.

EXHIBIT B

- c. Monument signs shall be located at a setback 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.
 - d. Construction of monument signs shall include a base of material compatible with the material used for buildings.
 - 3. Multi Tenant Monument Sign
 - a. The multi tenant monument sign shall identify individual tenants or uses within the Planned Development District. The multi tenant monument sign shall be a maximum of ten (10) feet tall.
 - b. All multi tenant monument signs shall be double-sided, internally illuminated Plexiglas sign panels contained within a masonry structure. Multi tenant 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.
 - c. Monument signs shall be located at a setback 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.
 - d. Construction of monument signs shall include a base of material compatible with the material used for buildings.
 - 4. Pylon Signs
 - a. Pylon signs shall be constructed at a height not to exceed twenty-five (35) feet.
 - b. The base of a pylon sign shall be located at a setback distance of not less than eight (8) feet from the right-of-way line of any adjacent street and may be incorporated within the landscaping area or buffer.
 - c. All pylon signs shall be double-sided, internally illuminated Plexiglas sign panels contained within a masonry structure. Pylon signs 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. Construction of pylon signs shall include a base of material compatible with the material used for buildings.
 - 5. Temporary Marketing Signage
 - a. Four (4) quality temporary marketing signs shall be permitted for the proposed development. These signs shall for a term of twelve (12) months from the date of installation.
 - b. The maximum signage area will be 96 square feet. The maximum height shall be 10 8 feet.

EXHIBIT B

- 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. Temporary signs are not required to be constructed of the material used for buildings.

J. Open Space

- 1. The proposed development 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:**

- 1. Traffic Impact Analysis: A Traffic Impact Analysis (TIA) shall be performed prior to site plan approval for any portion of the subject property.
- 2. 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.
- 3. 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

EXHIBIT B

concept plan for each Tract. These features shall include, but are not limited to, benches, trash receptacles, bicycle racks, lighting poles, etc.

4. 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.
5. 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.

EXHIBIT B

Transportation and Automotive Uses Section only

APPENDIX A-3. - USE REGULATIONS

[Section 86-662](#). Use charts.

Legend

P — The land use is permitted by right in the zoning district indicated.

— The land use is prohibited in the zoning district indicated.

S — The land use may be approved as a conditional use/Specific Use Permit (SUP) in the zoning district indicated.

Types of Land Uses	Residential Zoning Districts											Nonresidential Zoning Districts				
	AG	SF-E	SF-20	SF-15	SF-11	SF-9 (PD only)	SF-PH (PD only)	2F (PD only)	SFA (PD only)	MF-12	MH	O	NS	R	LC	BP
Transportation and Automotive Uses																
Auto Body Repair															P	P
Auto Financing and Leasing														S	P	P
Auto Glass Repair/Tinting														S	P	P
Auto Interior Shop/Upholstery														S	P	P
Auto Muffler Shop														S	P	P
Auto Paint Shop															P	P
Auto Repair (General)														S	P	P
Auto Repair as an Accessory Use to Retail Sales														S	P	P
Auto Tire Repair/Sales (Indoor)														S	P	P
Auto Wrecker Service															P	P
Car Wash (Self Service)													S	S	P	P

Automated)																		
Full Service Car Wash (Detail Shop)													S	S	P	P		
Limousine/Taxi Service															P	P		
Public Garage/Parking Structure															P	P	P	
Quick Lube/Oil Change/Minor Inspection													P	S	P	P		
Tire Sales (Outdoors)															S	P	P	
Automotive Gasoline or Motor Fuel Service Station															P	P		
Auto Rental															S	P	P	

City Council Meeting
October 16, 2012

Issue

Consider and/or act on the application of **Gary Hadley, developer**, requesting approval of a construction plat for IShine Express Car Wash on property zoned PD (Planned Development) District No. 09-12-823 for Retail and Office Uses on property located on FM 544 between Brand Road and Murphy Road.

Staff Resource/Department

Kristen Roberts, Director of Community and Economic Development

Background

The proposed Construction Plat would allow for the development process of IShine Express Car Wash on this site to move forward.

Considerations

1. After thorough staff review and submittal revisions by the applicant, all construction plat requirements have been met.

Board Discussion/Action

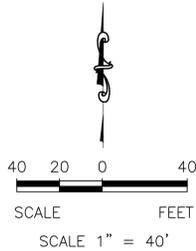
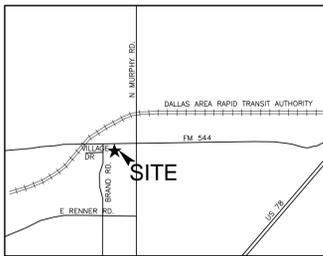
On September 24, 2012, the Planning & Zoning Commission voted unanimously to approve the construction plat.

Staff Recommendation

Staff recommends approval of the proposed Construction Plat as submitted.

Attachments

Construction Plat



LIGHT INDUSTRIAL
 JOSH M. TURNER
 5.443 ACRES
 VOL. 4154, PAGE 2488

RETAIL
 ALBERT C. TAFELSKI
 4.9462 ACRES
 VOL. 96, PAGE 88975

LIGHT INDUSTRIAL
 RIO DINERO LTD
 4.6771 ACRES
 VOL. 96, PAGE 70254

WEST F. M. 544
 (VARIABLE WIDTH R.O.W.)

POINT OF BEGINNING

BRAND ROAD
 (110' R.O.W.)

JAMES MAXWELL SURVEY
ABSTRACT NO. 580

LOT 3
 ZONED: PD-R/LC
 WESTERN BANK & TRUST
 DOC#2001-0069379

BLOCK "A"
LOT 6
 1.7314 AC. OR 75,421 SF.
 ZONED: PD

BLOCK "A"
LOT 2R

BLOCK "A"
LOT 4
 ZONED: SUP

STATE OF TEXAS,
 COUNTY OF COLLIN,

LEGEND

IRS IRON ROD SET (WITH PSA CAP)
 IRF IRON ROD FOUND
 ESMT EASEMENT

BEING a tract of land situated in the J. Maxwell Survey, Abstract No. 580, City of Murphy, Collin County, Texas, and being part of Lot 2R called 4.252 acre tract described in a deed to McBirney-544 Joint Venture, Deed records of Collin County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at the 1/2 inch iron found at the corner of the Northwest corner of this tract, and also being northeast of Lot 3, Western Bank and Trust recorded in Document number 2001-0069379 Deed recorded of Collin County, Texas

THENCE N 89°37'34" E, along the south R.O.W. of F.M. 544 (variable width R.O.W.), a distance of 184.62 feet to a 1/2 inch iron found;

THENCE N 89°53'46" E, along the south R.O.W. of F.M. 544 (variable width R.O.W.), a distance of 159.73 feet to a 5/8 inch iron set;

THENCE S 00°06'14" E, a distance of 52.33 feet to a 5/8 inch iron set with yellow PSA cap for a corner;

THENCE N 90°00'00" W, a distance of 60.85 feet to a 5/8 inch iron set;

THENCE S 00°22'26" E, a distance of 202.78 feet to a 5/8 inch iron set;

THENCE S 89°53'46" W, a distance of 17.91 feet to a 5/8 inch iron found;

THENCE S 89°49'22" W, a distance of 110.87 feet to a 5/8 inch iron found;

THENCE S 89°37'34" W, a distance of 154.47 feet to a 1/2 inch iron found;

THENCE N 00°22'26" W, a distance of 255.00 feet to POINT OF BEGINNING and containing 75,421 square feet or 1.7314 acres of land, more or less.

KNOW ALL MEN BY THESE PRESENTS:

That I, Pansak Sribhen, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as "set" were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Murphy.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That _____, acting herein by and through his duly authorized officers, does hereby adopt this plat designating the herein above described property as Lot 6, Block A of MURPHY VILLAGE Addition, an addition to the City of Murphy, Texas, and does hereby dedicate, in a fee simple, to the public use forever, the streets, rights-of-way and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City Council of the City of Murphy. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Murphy's use thereof. The City of Murphy and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Murphy and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

Pansak Sribhen
 Registered Professional Land Surveyor No. 3576

CITY APPROVAL OF CONSTRUCTION PLAT

Approved for preparation of final plat following construction of all public improvements (or appropriate sureties thereof) necessary for the subdivision shown on this plat

RECOMMENDED BY: Planning and Zoning Commission
 City of Murphy, Texas

Signature of Chairperson _____ Date of Recommendation _____

APPROVED BY: City Mayor
 City of Murphy, Texas

Signature of Mayor _____ Date of Approval _____

ATTEST: _____

City Secretary _____ Date _____

STATE OF TEXAS

COUNTY OF COLLIN

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Pansak Sribhen, Registered Public Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given upon my hand and seal of office, this _____ day of _____, 20__.

Notary Public in and for the State of Texas

My Commission Expire on _____

NOTES:

1. Basis of Bearings:
 All bearings are on the Texas State Plane Coordinate System NAD 83 (1993ad) derived from the monuments as found along the South Right Of Way of F.M. 544 on North line Murphy Village Addition.
 The monuments for reference:

- 1/2" IRF on northwest corner of Lot 3, Block A, Western Bank & Trust Doc. number 2001-0069379, M.R.C.C.T.
- "X" cut found on northeast corner Lot 2, Block A, McBirney-544 Joint Venture, Murphy Village Addition, Doc. number 2003-0207485, M.R.C.C.T.
- 1/2" IRF on northeast corner Lot 1, Block B, McBirney-544 Joint Venture, Murphy Village Addition, Doc. number 2003-0207485, M.R.C.C.T.

2. Selling a portion of this addition by metes and bounds is a violation of City ordinance and State-law, and is subject to fines and withholding of utilities and building permits.

3. Subject property is shown on the National Flood Insurance Program Flood Insurance Rate Map for Collin County, Texas, Map No. 48085C0415J, Panel 415 of 600, effective date: June 2, 2009. All of the subject property is not shown to be located in the flood plain area.

FIRE LANES:

"That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface in accordance with the City of Murphy's paving standards for fire lanes, and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats or other impediments to the accessibility of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking or Standing." The local law enforcement agency(s) is hereby authorized to enforce parking regulations within the fire lanes, and to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for fire department and emergency use."

ACCESS EASEMENTS:

"The undersigned does hereby covenant and agree that the access easement may be utilized by any person or the general public for ingress to other real property, and for the purpose of general public vehicular and pedestrian use and access, and for fire department and emergency use in, along, upon and across said premises, with the right and privilege at all times of the City of Murphy, its agents, employees, workmen and representatives having ingress, egress, and regress in, along, upon and across said premises."

LINE TABLE		
LINE	LENGTH	BEARING
L1	17.50'	N89°53'46"E
L2	17.50'	N89°53'46"E

CURVE TABLE						
CURVE	DELTA	RADIUS	T	L	CH	CHD
C1	90°06'14"	20.00	20.04	31.45	N44°56'53"E	28.31
C2	89°59'59"	20.00	20.00	31.42	S45°06'14"E	28.28
C3	16°30'38"	44.00	6.38	12.68	N81°51'15"W	12.64
C4	16°24'04"	20.00	2.88	5.73	N81°47'58"W	5.71
C5	89°37'34"	20.00	19.87	31.29	S45°11'13"E	28.19
C6	89°37'34"	45.00	44.71	70.39	S45°11'13"E	63.43
C7	120°22'26"	20.00	34.90	42.02	S29°48'47"W	34.71
C8	59°37'34"	20.00	11.46	20.81	S60°11'13"E	19.89
C9	30°00'00"	45.00	12.06	23.56	S15°22'26"E	23.29
C10	30°00'00"	25.00	6.70	13.09	S15°22'26"E	12.94
C11	24°41'09"	45.00	9.85	19.39	S11°58'08"W	19.24
C12	30°00'00"	20.00	5.36	10.47	S14°37'34"W	10.35
C13	87°43'32"	20.00	19.22	30.62	S19°33'03"E	27.72
C14	47°12'29"	20.00	8.77	16.53	S53°18'18"W	16.06

CONSTRUCTION PLAT
MURPHY VILLAGE ADDITION
LOT 6, BLOCK "A"
1.7314 ACRES TRACT

BEING A REPAT OF BLOCK A, LOT 2R- MURPHY VILLAGE ADDITION
 AN ADDITION TO THE CITY OF MURPHY, TEXAS
 AS RECORDED IN DOCUMENT NUMBER 2001-00069379
 OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS

SITUATED IN THE
JAMES MAXWELL SURVEY, ABSTRACT NO. 580
CITY OF MURPHY, COLLIN COUNTY, TEXAS

SEPTEMBER 17, 2012
 VOL. _____, PAGE _____

PREPARED BY:



OWNER:
 MCBIRNEY-544 JOINT VENTURE
 6801 GAYLORD PKWY
 SUITE 200
 FRISCO, TX 75034
 (214) 618-9900

17819 DAVENPORT ROAD, SUITE 215
 DALLAS, TEXAS 75252
 (972) 248-9651 FAX (972) 248-9681
 TX T.B.P.E. REGISTRATION # F-006974
 T.B.P.L.S. FIRM REGISTRATION # 100433

SCALE: 1" = 40'

Issue

Consider and take appropriate action, if any, on funding provisions to improve the infrastructure at Central Park to accommodate the Plano Sports Authority Murphy Building.

Staff Resource / Department

James Fisher, City Manager
Kim Lenoir, Director of Parks and Public Works
Linda Truitt, Finance Director

Background

The Murphy Municipal Development District authorized \$1.1 million from its funds to pay for the necessary infrastructure improvements at Central Park for PSA-Murphy. The City Council endorsed this action at its October 2nd meeting and asked staff for the financial status of the 2008 Bond Program to consider as a possible funding source. Staff has updated the 2008 Bond sheet to reflect the current status of projects.

Financial Considerations

The 2008 Bond sheet is attached for your review and consideration.

Staff Recommendation

PSA is not scheduled to begin construction on their facility until January 2013. The City will begin major construction in November 2012. The MDD has allocated \$1.1 million for this project however, all of this will not be needed immediately. I believe if we set aside \$600,000 of MDD funds initially for the project, it should be sufficient for the first quarter of 2013. This allows more time to better evaluate all of our funding options.

Attachments

- 1) 2008 Bond Summary Spreadsheet

**City of Murphy
2008 Bonds
As of October 9, 2012**

Projects	Actual Amounts	Encumbrances Amounts	Total Actual & Encumbrances	Bonds Amounts	Other Funds	Total Funds	Balance
Aviary	446,993.82		446,993.82	325,740.00	121,254.00	1 446,994.00	0.18
Bunny Run (Timbers)	345,339.93	19,214.29	364,554.22	747,552.09	600,000.00	2 1,347,552.09	982,997.87
Brentwood	140,369.37		140,369.37	140,369.37		140,369.37	-
Gables (N. Hill)	629,875.08		629,875.08	629,875.08		629,875.08	-
Liberty Ridge	871,824.83		871,824.83	884,855.35		884,855.35	13,030.52
Skyline	423,639.11		423,639.11	423,639.11		423,639.11	-
Murphy Central	367,079.30	4,566,412.19	4,933,491.49	947,969.00	4,231,834.92	3 5,179,803.92	246,312.43
	3,225,121.44	4,585,626.48	7,810,747.92	4,100,000.00	4,953,088.92	9,053,088.92	1,242,341.00
Community Center	3,351,383.89	14,972.38	3,366,356.27	2,500,000.00	750,000.00	4 3,250,000.00	(116,356.27)
	3,351,383.89	14,972.38	3,366,356.27	2,500,000.00	750,000.00	3,250,000.00	(116,356.27)
N Murphy Road	977,761.82		977,761.82	1,500,000.00		1,500,000.00	522,238.18
Streetscape	1,302,720.97		1,302,720.97	1,500,000.00		1,500,000.00	197,279.03
Street Rehab	808,840.55		808,840.55	1,500,000.00	(227,545.00)	5 1,272,455.00	463,614.45
McMillen	171,447.42		171,447.42	1,500,000.00	(1,295,011.00)	6 204,989.00	33,541.58
McCreary	300,589.21	1,782,398.06	2,082,987.27		1,886,011.00	7 1,886,011.00	(196,976.27)
	3,561,359.97	1,782,398.06	5,343,758.03	6,000,000.00	363,455.00	6,363,455.00	1,019,696.97
Trails	33,135.75		33,135.75	1,900,000.00	(915,254.00)	8 984,746.00	951,610.25
Land Acquisition	675,083.08	839,627.00	1,514,710.08	1,500,000.00	14,710.08	9 1,514,710.08	-
	10,846,084.13	7,222,623.92	18,068,708.05	16,000,000.00	5,166,000.00	10 21,166,000.00	3,097,291.95

1 - Funds transferred from Trail funds for Aviary, Brentwood, Gables and Skyline -Approved by Council 3/20/12

2 - Funds transferred from Trail funds - Approved by Council 3/20/12

3 - \$1.5 from 4B Tax Notes; \$500K from TPWD; \$400K from Collin County; \$194K from Trails - Approved by Council 3/20/12, less \$14,710 for land acquisition, \$227,545 from Street Bonds and \$1.1M from MDD

4 - \$750K from TPWD

5 - Funds transferred to Central Park for streets

6 - Transfer funds to McCreary

7 - Transfer \$1,295,011 from McMillen and \$591K from Collin County - additional funds from Wylie for a portion of the drainage improvements, amount TBD

8 - Transfer \$121,254 to Aviary, Brentwood, Gables and Skyline; \$600K to Timbers; \$194K to Central Park

9 - Transfer \$14,710 from Central Park for land acquisition

10 - Total additional funds for projects from various sources as described above

City Council
October 16, 2012

Issue

Consider and act approval of Amendments to the Code of Ethics of the City of Murphy; Approval of a Confidentiality and Non-Disclosure Agreement; Approval of Ethics Review Commission Complaint Form; and Approval of City Secretary or designee to assist with preparation, posting and delivery of agendas for the Ethics Review Commission Meetings

Background

The Ethics Review Commission was established in 2012 and held several meetings in order to appoint its officers, review, consider and discuss the Code of Ethics of the City of Murphy and the Commission's duties and responsibilities in this regard, and to discuss, prepare and adopt its proposed Rules and Procedures for submission to the City Council for consideration and action. On July 19, 2012, the Commission approved its proposed Rules and Procedures and also approved certain recommendations, requests and notifications to be presented to the City Council.

Staff Recommendation

City Attorney recommends approval of all items submitted for approval.

Attachments

Recommendations, Requests and Notifications including:

- a. Proposed Amendments to the Code of Ethics of the City of Murphy;
- b. Proposed Confidentiality and Non-Disclosure Agreement;
- c. Proposed Ethics Review Commission Complaint Form

Ben Wyse, Assistant City Attorney

Submitted By

A. Pursuant to the City of Murphy Code, Chapter 2 – Administration, Article IX – Code of Ethics, Section 2-513 (a)(4)(f), the Ethics Review Commission requests the City Council to consider the following recommendations that were approved by the Commission at its meeting held on Thursday, July 19, 2012:

1. Amend Article IX Code of Ethics, Section 2-513, to require all employees and City officials to answer any inquiries of the Ethics Review Commission.
2. Amend Article IX Code of Ethics, Section 2-501 Definitions, to include the Municipal Development District in the definition of “City Official.”
3. Amend Article IX Code of Ethics, Section 2-518, to require all City employees and City officials to receive a copy of the Code of Ethics and to sign for their receipt of their copy. [Not just to make it available.]
4. Approve the Confidentiality and Non-Disclosure Agreement approved by the Ethics Review Commission on July 19, 2012.
5. Approve the Ethics Review Commission Ethics Complaint form.

B. Pursuant to City of Murphy Code, Chapter 2 – Administration, Article IX – Code of Ethics, Section 2-513, the Ethics Review Commission requests the following administrative support from the City:

1. City Secretary or designee to receive requests for agenda items outside of an open meeting and to prepare, post, and deliver the agendas for the meetings of the Ethics Review Commission meeting (in order to avoid potential violations of the Open Meetings Act by members of the Commission).

C. Pursuant to City of Murphy Code, Chapter 2 – Administration, Article IX – Code of Ethics, Section 2-513, the Ethics Review Commission advises the City Council of the resignation of Chairperson Gena Misouria effective at the end of the Commission meeting on July 19, 2012; Chairperson Misouria’s term would have continued through December 31, 2013.

CONFIDENTIALITY AND NON-DISCLOSURE AGREEMENT

Date: ___/___/___

1. I, _____, a duly elected or appointed Member of the Ethics Review Commission of the City of Murphy, Texas, hereby request as part of my duties as a Member of the Ethics Review Commission to review the following documents or information which is held and maintained by the City of Murphy, Texas: _____ (hereafter “Confidential Information”) for the purpose of _____.
2. I understand the Confidential Information may be considered Sensitive Security Information under applicable federal regulations; considered confidential and protected from disclosure under the Texas Public Information Act; considered confidential and protected from disclosure under the Federal Freedom of Information Act; considered by the City to contain information that is vital to the security and safe operation of the City of Murphy, whether these documents are otherwise classified by any other entity or law as containing such information; and may contain information that is highly personal or financially sensitive.
3. I solemnly agree to the following with respect to the Confidential Information that is provided by the City to me:
 - A. I will safeguard the Confidential Information to prevent disclosure of it;
 - B. I will not release to or discuss the Confidential Information with any person, company, or entity for any reason;
 - C. I will not permit inspection of the Confidential Information by any person, company, or entity for any reason;
 - D. I will not release the Confidential Information pursuant to a request under the Texas Public Information Act or the Freedom of Information Act; and
 - E. I will promptly notify the City Secretary if any request, oral or written, is made for the Confidential Information by any unauthorized person.
4. I understand the City may seek appropriate remedies for any violation of this Agreement.

I hereby affirm and agree to the matters set forth above.

Member of the Ethics Review Commission:

Witnessed:

Signature

Signature

Print Name

Print Name

Title

ETHICS COMPLAINT

Instructions:

1. This form is the only form acceptable for filing an ethics complaint against a member of the City Council or an employee or official of the City of Murphy. **ALL OTHER FORMS WILL BE REJECTED.**
2. This complaint affidavit must be fully completed before being filed.*
3. This complaint affidavit must be signed and sworn to under oath by you.
4. You may attach additional pages if so noted.
5. Any alterations to this form or failure to follow these instructions will void this complaint.
6. Do not write in area reserved for the Ethics Review Commission.

AFFIDAVIT

STATE OF TEXAS §
 §
COUNTY OF _____ §

Before me, the undersigned authority in and for the State of Texas, on this day personally appeared _____, who, after being by me duly sworn, deposed and said:

My name is _____. I am _____ years of age and my date of birth is _____.

I have made the above statement consisting of ____ page(s), which is based on my personal knowledge, and it is true and correct.

Signature

BEFORE ME, the undersigned authority, this day personally appeared _____
_____ and by oath stated that the facts herein stated are true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME before me on this _____ day of _____,
20____.

Notary Public in and for the State of Texas

My commission expires: _____

City Council
October 16, 2012

Issue

Consider and act on the proposed Rules and Procedures of the Ethics Review Commission.

Background

The Ethics Review Commission was established in 2012 and held several meetings in order to appoint its officers, review, consider and discuss the Code of Ethics of the City of Murphy and the Commission's duties and responsibilities in this regard, and to discuss, prepare and adopt its proposed Rules and Procedures for submission to the City Council for consideration and action. On July 19, 2012, the Commission approved its proposed Rules and Procedures and also approved certain recommendations, requests and notifications to be presented to the City Council.

Staff Recommendation

City Attorney recommends approval of the item submitted for approval.

Attachments

Proposed Rules and Procedures of the Ethics Review Commission.

Ben Wyse, Assistant City Attorney

Submitted By

SECTION 1. INTRODUCTION

(a) The Ethics Review Commission (the “Commission”) is an advisory body of the City of Murphy, Texas, having jurisdiction over ethics complaints as described in Chapter 2, Article IX of the Code of Ordinances of the City of Murphy, Texas. The Commission is responsible for its own development, discipline, and performance of its duties and responsibilities. The development of this policy is designed to ensure effective and efficient application of these rules and procedures.

(b) This policy addresses Commission relations among Commission members, and with city employees and officials. By adopting this policy, we, as members of the Commission, acknowledge our responsibility to each other, to City staff and to the public. This policy will be reviewed as necessary.

SECTION 2. MISSION

(a) The Commission will provide for the fair and equal resolution of all ethics complaints brought forth for its review.

(b) In order to ensure proper resolution of all matters brought before the Commission, members of the Commission will display behavior that demonstrates independent and impartial review of all matters addressed by them, and be duly responsible to the citizens of the City of Murphy and to each other.

SECTION 3. INFORMATION

(a) The Complaint Process will be followed as outlined in Article IX, Section 2-514, as amended.

(b) All Commission members shall have access to the same information with which to make decisions. When one Commission member has an information request, the response may be shared with all members of the Commission so that each member may be equally informed.

(c) All correspondence or communications shall be copied to the City Attorney.

SECTION 4. ROLES

(a) The Chairperson shall preside at meetings of the Commission, and shall be recognized as head of the Ethics Review Commission for all purposes. The Chairperson

may participate in the discussion of all matters coming before the Commission. The Chairperson shall be entitled to vote as a member thereof unless prohibited by law, and shall have no power of veto.

(b) The Commission shall elect from among the Commission members a Vice Chairperson who shall act as Presiding Officer during the absence or disability of the Chairperson.

(c) The Chairperson shall preserve order and decorum and shall require Commission members engaged in debate to limit discussion to the question under consideration.

(d) The Chairperson is the spokesperson for the Commission on all official positions taken unless absent, at which time the Vice Chairperson or other designee will assume the role.

(e) The Chairperson will encourage all Commission members to fully participate in Commission discussion before an item is brought to vote.

(f) The Chairperson may appoint a subcommittee made up of Commission members and staff as deemed necessary by the Commission to recommend direction to the full Commission.

(g) The Chairperson or designee shall act as the appointed liaison to the City Council.

SECTION 5. MEETINGS

(a) **Annual Meeting** – The Commission shall meet at least once a year as outlined in Article IX, Section 2-513 (subsection 3) as amended.

(b) **Special Meetings** – Special Meetings may be held on any day of the week to consider items that require action prior to the annual meeting and may be called upon at the request of the Chairperson, Vice Chairperson or City Manager. Special meetings will be open to the public in accordance with the Texas Open Meetings Act.

(c) **Work sessions** – Work sessions shall be held as needed and used to allow the Commission to discuss procedures. Work sessions will be open to the public in accordance with the Texas Open Meetings Act.

(d) **Executive Sessions** – The Commission may meet in executive session in compliance with the Texas Open Meetings Act. All final actions, decisions or votes on any matter deliberated in an executive session shall be made in open session for which proper notice has been provided. All discussions in executive session shall remain confidential. Executive sessions are not open to the public in accordance with the Texas Open Meetings Act.

(e) **Each member shall sign a nondisclosure agreement.**

(f) **Attendance** - Commission members are expected to attend all meetings and stay in attendance during each meeting. No member shall leave a meeting without advising the Presiding Officer.

(g) The Commission may create a subcommittee of two as necessary.

(h) **Punctuality and Recess** – Members of the Commission are expected to arrive at meetings at or before the scheduled time for the meeting to begin and shall advise the Chairperson or Secretary if there is an expectation that the Commission member will be tardy or may need to leave the meeting before it is adjourned. At the beginning of each meeting, the Presiding Officer shall announce those members that are absent and shall announce the arrival time of any member arriving after the beginning of any meeting. The Presiding Officer may at any time, upon his or her own motion, or upon the request of a Commission member, declare a recess of the meeting. *The time period of the recess shall be strictly followed.*

(i) **Conflict of Interest** – A Commission member prevented from voting due to a conflict of interest shall leave the room during the debate, shall not vote on the matter, and shall otherwise comply with the state law and the Charter and ordinances concerning conflicts of interest. Any Commission member filing a conflict of interest affidavit on an Executive Session item shall not thereafter confer with staff, or Commission members regarding that matter. The City attorney may provide assistance in determining whether or not a conflict of interest exists.

(j) **Process of Ethics Hearing:**

1. An initial meeting will be held to discuss the filed complaint.
2. A majority vote will be required for the Commission to continue its investigation of the complaint; otherwise, the matter will be closed.
3. The Chairperson or authorized designee shall send notice of the initial review and its outcome to both the complainant and the complaine within a reasonable amount of time.
4. The Commission will exercise its powers as outlined in Article IX, Section 2-513 to investigate, request and gather evidence as necessary to determine if a violation has occurred.
5. If the Commission determines that there are reasonable grounds to believe that a violation of Article IX has occurred, it shall schedule a final hearing. Otherwise, the complaint may be dismissed.
6. Sanctions may be imposed in accordance with Article IX, Section 2-517 as amended, by majority vote of the Commission.

(k) **Conduct of Meetings and Work Sessions**

- 1) During Commission meetings and work sessions, Commission members shall assist in preserving order and decorum and shall neither by conversation or

otherwise delay or interrupt the proceedings nor refuse to obey the rules of the Commission.

2) A Commission member shall confine discussion to the question under debate, avoid the discussion of personalities and the use of inappropriate language, and refrain from personal attacks or from publicly criticizing a citizen, a City Councilmember, a member of any board, commission or committee of the City, an individual employee, or an operational issue. Criticism is differentiated from questioning facts or the opinion of staff.

3) When there is more than one speaker during a final hearing who is called to address the matter, Commission Members shall delay their comments until after all speakers on the subject have been heard.

4) The Chairperson shall state all questions submitted for a vote and announce the result.

(1) **Citizens and Visitors**

(1) Everyone attending a meeting will refrain from private conversations and turn mobile phones to silent or vibrate while the Commission is in session.

(2) Citizens and visitors attending Commission meetings, work sessions and hearings shall observe the same rules of propriety, decorum and good conduct applicable to members of the Commission. Any person making personal, impertinent, disruptive, profane or defamatory remarks or who becomes boisterous while addressing the Commission or while attending the meeting, work session or hearing, shall be removed from the room if so directed by the Presiding Officer. Such person shall be barred from further audience before the Commission during that session. If the Presiding Officer fails to act, any member of the Commission may move to require enforcement of the rules, and the affirmative vote of a majority of the Commission shall require the Presiding Officer to act.

(4) Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the Presiding Officer, who may direct the removal of offenders from the room. In case the Presiding Officer shall fail to act, any member of the Commission may move to require enforcement of the rules and the affirmative vote of a majority of the Commission shall require the Presiding Officer to act.

(5) No placards, banners, or signs will be permitted in the Commission meeting room or in any other room in which the Commission is meeting. Exhibits, displays and visual aids used in connection with presentations, however, are permitted. Video presentations requested by a citizen or visitor as visual aids will not be broadcast over any city public access cable channel.

(m) **Agenda**

(1) The Chairperson and/or alternatively Vice Chairperson shall set the agenda. Any Commission member may request an item be placed on a future agenda at a meeting.

(2) Agenda item requests made outside of an open meeting shall be submitted to the City Secretary.

(n) **Motions**

(1) The Commission may discuss an agenda item prior to a motion being made. This allows a motion to be crafted that will incorporate the issues discussed.

(2) A motion made and seconded will be considered the main motion. Any Commission member may make a motion to amend a motion. The amendment must receive a second before it may be discussed and must be voted on prior to voting on the main motion.

(3) A motion may be withdrawn or modified by its mover without asking permission until the motion is voted upon. If the mover modified the motion, the Commission member who seconded the motion may withdraw the second.

(4) A motion to reconsider any action of the Commission must be made no later than prior to the conclusion of the next regularly scheduled meeting of the Commission. Such a motion may only be made by a Commission member who voted with the prevailing side. The motion to reconsider may be seconded by any member. No question shall be twice reconsidered except by unanimous vote of the Commission.

(i) If a motion to reconsider is made at the same meeting at which the matter was acted upon, the motion may be heard and voted upon and the original action on the matter is set aside. Deliberation may then resume on the matter at that same meeting.

(ii) If a motion to reconsider is made at the next meeting after the matter was acted upon, with the exception of any final determination of the Commission, the motion to reconsider may be heard and voted upon and the original action on the matter is not set aside. Deliberation may not resume on the matter, but it shall be placed on the next available agenda for deliberation.

(o) **Suspension of Rules** – Any provision of these rules not governed by the City Charter, City Code, State or Federal law may be temporarily suspended by a majority vote of the members of the Commission present. The vote on any such suspension shall be taken by yeas and nays and entered upon the record.

(p) **Amendment of Rules** – These rules may be amended or new rules adopted, by a majority vote of the members of the Commission and approved by the Commission.

(q) **Failure to Comply** - A failure to comply with these rules does not invalidate any otherwise lawful act of the Commission.

(r) **Tabling** – An item under consideration may be tabled until a later point in the same meeting.

(s) **Postponement** – An item may be postponed until a future meeting, a specific future date, or until a specific outside action occurs. Items may also be postponed indefinitely, which means the item is dead and cannot be brought back before the Commission unless there is a change.

(t) **Retention Policy** - The retention policy of the Commission shall be the same as that of the City.

SECTION 6. PUBLIC CONTACT / MEDIA RELATIONS

(a) All reporters may receive an agenda in advance and will be furnished supporting materials needed for clarification if requested.

(b) The Commission shall refer all media inquires to the City Manager or his or her designee as the City's official representative to the media.

Issue

Consider and/or act on Boards and Commissions, their descriptions and roles and appoint an interview panel comprised of three council members.

Considerations

1. In an effort to simplify descriptions of the boards and commissions and to provide better understanding for our volunteers, the City has provided a draft of the descriptions of these boards and commissions.
2. City Council establishes an Interview Panel comprised of three council members who interview new applicants as well as current board members who were seeking reappointment. The panel then makes recommendations to the full Council.

Staff Recommendation

Council discussion and staff direction is requested on Boards and Commissions, their descriptions and roles and on the appointment process.

Attachments

Draft - Boards and Commissions Descriptions and Roles

James Fisher, City Manager

Submitted By

City of Murphy Boards, Commissions, and Committees

Board	Animal Shelter Advisory Committee
Established	Established by Ordinance No. 09-02-786 on February 16, 2009
Duties/Description	The Animal Shelter Advisory Committee shall discuss ideas that will help ensure that the animal shelter is in compliance with the state department of health rules pertaining to animal shelters and make recommendations, for the betterment of the community, concerning operations, policies, procedures, new programs, and the improvement of existing programs.
Composition/Terms	The Animal Shelter Advisory Committee is composed of one licensed veterinarian, one municipal official, one person whose duties include the daily operation of the animal shelter and is employed by the City as an Animal Control Officer, one representative from an animal welfare organization, and two resident citizens of Murphy. Committee members shall be appointed for two-year staggered terms except that two members are initially appointed for a three-year term. The City Council shall fill any and all vacancies on the committee excluding the Animal Control Officer. The City Council shall also appoint a chairperson for a one year term.
Meeting Schedule	The Animal Shelter Advisory Committee shall meet at a minimum of three times per year as needed at a date and time TBD in the City Council Workroom Murphy City Hall, 206 N. Murphy Road.
Staff	The staff liaison is Kim Parker, Support Services Manager. The staff liaison shall facilitate the meetings, provide the committee with necessary information to make informed recommendations, and advise the committee on operations, policies, procedures, and programs related to the Animal Shelter. The staff liaison shall work with the chair to set the meeting agenda.
Contact	Kim Parker, T: 972-468-4235, E: kparker@murphytx.org
Board	Board of Adjustment
Established	Established by City Charter, Article IX, Section 9.05
Duties/Description	The Board of Adjustment meets to consider applications for variances to zoning ordinance regulations, and makes decisions on appeals, special exceptions and requests for variances that are in the best interest of the general public.
Composition/Terms	The Board of Adjustment shall consist of seven Murphy resident citizens and qualified voters appointed by the City Council to staggered two-year terms. Up to four additional alternate members may be appointed by City Council to serve in the absence of one or more of the regular board members.
Meeting Schedule	The Board of Adjustment shall meet as needed at a date and time TBD in the City Council Chambers, Murphy City Hall, 206 N. Murphy Road.
Staff	The staff liaisons are David Gensler, Code Compliance, and Kristen Roberts, Director of Economics and Community Development. The staff liaisons shall facilitate the meetings, communicate with the requestor, provide the board with necessary information to make informed decisions, and advise the board on current regulations and procedures related to the Comprehensive Zoning Ordinance. The staff liaisons shall work with the chair to set the meeting agenda.
Contact	David Gensler, T: 972-468-4064, E: dgensler@murphytx.org; Kristen Roberts, T: 972-468-4006, F: 972-468-4094, E: kroberts@murphytx.org
Board	Building and Fire Code Appeal Board
Established	Established by Ordinance No. 06-05-690 on May 1, 2006
Duties/Description	The Building and Fire Code Appeal Board hears appeals of orders, decisions or determinations made by the Building Official or Fire Official relative to the application and interpretation of various building and fire codes.
Composition/Terms	The Building and Fire Code Appeal Board shall consist of five members appointed by the City Council to staggered two-year terms. It is recommended that the Board consist of individuals from the following professions/disciplines and all members shall be qualified City voters: 1) Registered design professional with architectural experience or a builder or superintendent of building construction; 2) registered design professional with structural engineering experience or a builder or superintendent of building construction; 3) registered design professional with mechanical and plumbing engineering experience or a mechanical/plumbing contractor; 4) registered design professional with electrical engineering experience or an electrical contractor; and 5) registered design professional with fire protection engineering experience or a fire protection contractor or state Fire Commission certified fire personnel.
Meeting Schedule	The Building and Fire Code Appeal Board shall meet on the forth Thursday as needed and scheduled in accordance with requests for appeals at a time TBD in the City Council Chambers, Murphy City Hall, 206 N. Murphy Road.
Staff	The staff liaisons are Perry Elliott, Administrative Captain, and Mark Lee, Fire Chief. The staff liaisons shall serve as ex-officio members but shall have no vote on any matter before the board. The staff liaisons shall facilitate the meetings, communicate with the requestor, provide the board with necessary information to make informed decisions, and advise the board on current regulations and procedures related to building and fire codes. The staff liaisons shall work with the chair to set the meeting agenda.
Contact	Perry Elliott, T: 972-468-4312, E: pelliott@murphytx.org; Mark Lee, T: 972-468-4303, F: 972-468-4322, E: mlee@murphytx.org
Board	Ethics Review Commission
Established	Established by Ordinance No. 10-11-863 on November 15, 2010
Duties/Description	The Ethics Review Commission seeks to uphold and enforce high ethical standards. The Commission serves as an advisory board to City Council, making appropriate recommendations concerning standard operating procedures and guidelines as described in the Code of Ethics (Ord. No. 10-11-863) involving City Officials and City Employees.
Composition/Terms	The Ethics Review Commission is to be composed of five members, each serving a two year term and appointed by the City Council. Two Commissioners shall be selected to serve an initial one year term and three Commissioners shall be selected to serve an initial two year term. Thereafter, all members' terms shall be two years.
Meeting Schedule	The Ethics Review Commission shall meet a minimum of once a year as needed. The date of the annual meeting shall be in September as set by the Commission at a time TBD in the City Council Chambers, Murphy City Hall, 206 N. Murphy Road.
Staff	The staff liaison is Andy Messer, City Attorney. The staff liaisons shall facilitate the meetings, communicate with the requestor, provide the board with necessary information to make informed decisions, and advise the board on current regulations and procedures related to building and fire codes. The staff liaison shall work with the chair to set the meeting agenda.
Contact	Andy Messer, T: 972-424-7200, E: amesser@mcblawfirm.net

City of Murphy Boards, Commissions, and Committees

Board	Murphy Community Development Corporation
Established	Established by a Special Election held on May 3, 2003
Duties/Description	The Murphy Community Development Corporation makes recommendations and approves the allocation of funding for specific types of projects that promote community enhancements such as parks, related open space improvements, and community development that benefit and enhance the City.
Composition/Terms	The Murphy Community Development Corporation shall consist of seven qualified City voters appointed by the City Council for a staggered two-year term.
Meeting Schedule	The Murphy Community Development Corporation meets as needed.
Staff	The staff liaison is Kristen Roberts, Director of Community Development. The staff liaison will facilitate the meetings, communicate with applicants, provide the board with necessary information to make informed decisions, and advise the board on current regulations and procedures related to community development. The staff liaison shall work with the chair to set the meeting agenda.
Contact	Kristen Roberts, T: 972-468-4006, F: 972-468-4094, E: kroberts@murphytx.org
Board	Murphy Municipal Development District Corporation
Established	Established by a Special Election held November 8, 2011
Duties/Description	This board has a wide area of jurisdiction, including Economic Development, Community and Development, Planning and Zoning and other related departments. The Municipal Development District acts as a separate political entity that reports to the City Council. It is through the Board's discretion that projects are planned and funded using a portion of the City's sales tax. This Board established a budget every year that must be approved by City council.
Composition/Terms	This board shall consist of five qualified city voters appointed by the City Council for two-year staggered terms with no term limits.
Meeting Schedule	This board shall meet as needed at a date and time TBD in the City Council Chambers, Murphy City Hall, 206 N. Murphy Road.
Staff	The staff liaison is James Fisher, City Manager. The staff liaison shall facilitate the meetings, provide the committee with necessary information to make informed recommendations, and advise the committee on operations, policies, procedures, and programs related to economic development. The staff liaison shall work with the chair to set the meeting agenda.
Contact	James Fisher, T: 972-468-4007, F: 972-468-4008, E: jfisher@murphytx.org
Board	Parks and Recreation Board
Established	Established by Ordinance No. 07-12-744 on December 17, 2007
Duties/Description	The Parks and Recreation Board shall act in an advisory capacity to City staff and City Council in all matters pertaining to parks and recreation services of the City. The members shall acquaint themselves, study, and review the parks and recreation services of the City. They shall advise the staff and City Council from time to time as to the present and future maintenance, operation, planning, acquisition, development, and use of policies for City park and recreation services.
Composition/Terms	The Parks and Recreation Board shall consist of seven qualified City voters appointed by the City Council for a staggered two-year term.
Meeting Schedule	The Parks and Recreation Board shall meet on the second Monday of each month at 6:30 p.m. in the City Council Chambers, Murphy City Hall, 206 N. Murphy Road.
Staff	The staff liaison is Kim Lenoir, Director of Parks & Public Works. The staff liaison will facilitate the meetings, provide the board with necessary information to make informed recommendations, and advise the board on operations, policies, procedures, and programs related to parks and recreation. The staff liaison will work with the chair to set the meeting agenda.
Contact	Kim Lenoir, T: 972-468-4068, F: 972-468-4168; E: klenoir@murphytx.org
Board	Planning and Zoning Commission
Established	Established by City Charter, Article IX, Section 9.01
Duties/Description	The Planning and Zoning Commission shall act as an advisory board to the City Council, making recommendations pertaining to planning and zoning as well as the Comprehensive Plan. The Commission is responsible for reviewing plats, site plans, landscape plans, and zoning requests and to make recommendations to City Council for their final approval.
Composition/Terms	The Planning and Zoning Commission shall consist of seven qualified City voters appointed by the City Council for a staggered two-year term.
Meeting Schedule	The Planning and Zoning Commission shall meet the fourth Monday of each month at 6:00 p.m. in the City Council Chambers, Murphy City Hall, 206 N. Murphy Road.
Staff	The staff liaison is Kristen Roberts, Director of Community Development. The staff liaison will facilitate the meetings, communicate with applicants, provide the board with necessary information to make informed decisions, and advise the board on current regulations and procedures related to the Comprehensive Zoning Ordinance, Comprehensive Plan, and other development issues. The staff liaison will work with the chair to set the meeting agenda.
Contact	Kristen Roberts, T: 972-468-4006, F: 972-468-4094, E: kroberts@murphytx.org

Issue

Consider and take action, if any, on the 2012 November and December City Council meeting schedule.

Staff Resource / Department

James Fisher, City Manager

Consideration

Section 3.09 of the Murphy City Charter requires the City Council to meet at least once per month. Traditionally, the City Council holds its regular meetings on the 1st and 3rd Tuesdays of the month. In November 2012, the first meeting is on November 6th, which is also Election Day. This is a very busy time here at City Hall. Even though the voting machines will be in the Community Room, it may be challenging to hold the City Council meeting the Council Chambers. Also, the second meeting of the month falls on the 20th. This is the week of Thanksgiving. Plano ISD is out that Wednesday thru Friday and Wylie ISD is out all that week.

The December meetings are on the 4th and 18th. The City has traditionally only had one meeting this month. Plano ISD and Wylie ISD do not let out for the Christmas break until December 21st.

Staff Recommendation

I think it would be best to move the November meetings currently on the 6th and 20th to only one on November 13th. The December meetings could be left as scheduled.